



forumZFD

# Dealing with shrinking spaces in civil society

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Digitale Thementage

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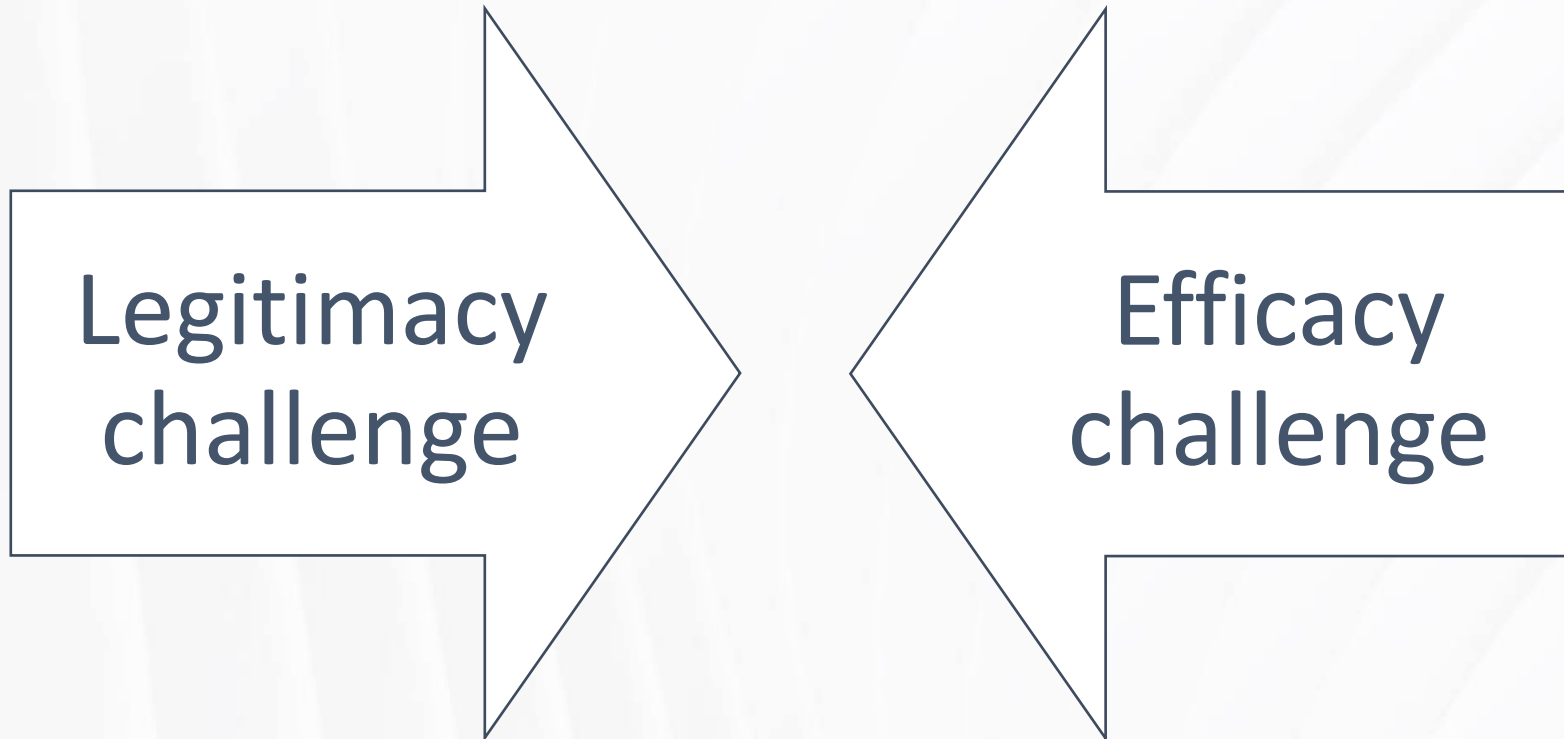
# What is “shrinking spaces”?

- Wave of new and old forms of repression
- Criticism of the term:
  - Implying new development
  - Overgeneralizing
  - Putting civil society in crisis mode

# Shrinking spaces globally

- 3 major global trends:
  - Securitization
  - Concentration of corporate power
  - Democratic decline

# How does it affect civil society actors?



# Legitimacy Challenge



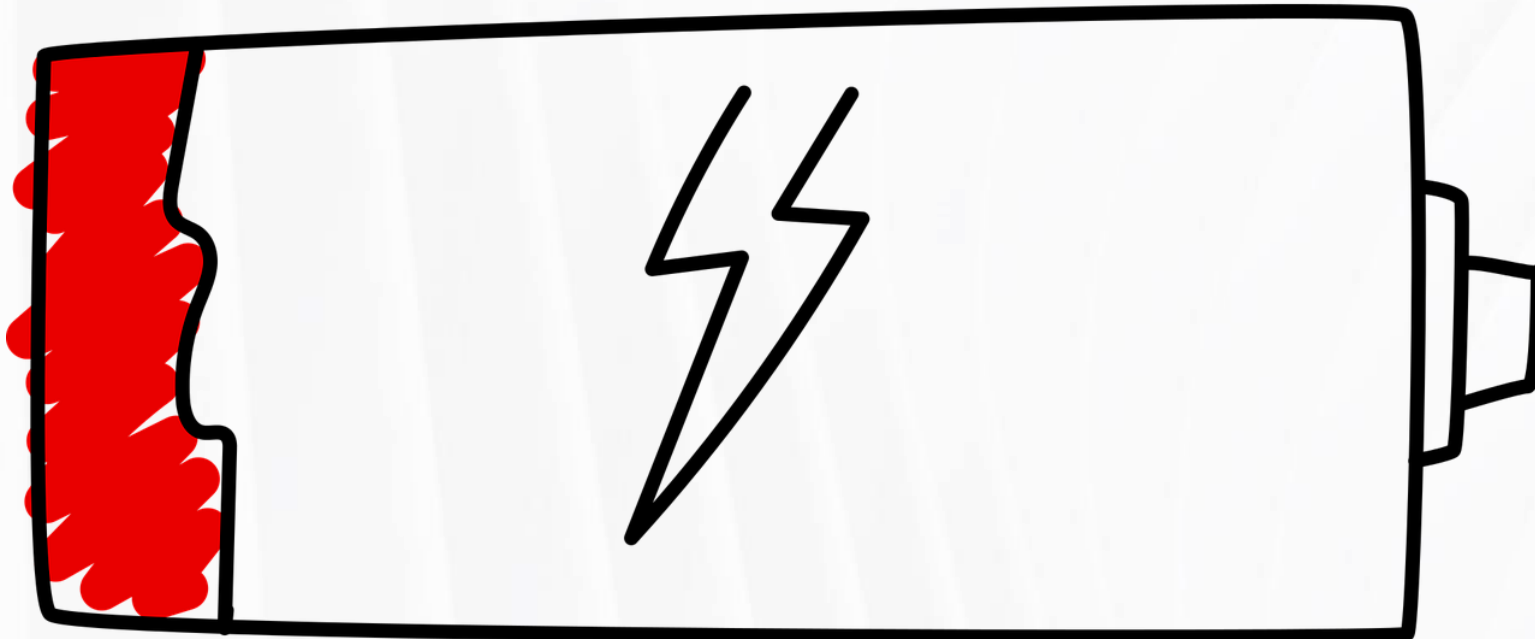
*Shrinking spaces can be understood as a political struggle over the role of civil society. It is a gradual tightening of the standards of behavior applied to determine who/what qualifies as legitimate civil society.*

# Legitimacy Challenge



*Often this redrawing of the boundaries of legitimate civil society happens under the banners of social cohesion, public interest, or national security.*

# Efficacy Challenge



*Shrinking spaces further lead to a limited efficacy of civil society organizations. Dealing with the different aspects of it, such as work-intensive registration requirements, reacting to and preparing for harassment and intimidation, usually drains resources that would otherwise be used for project implementation.*

# Shrinking spaces contextualized

forumZFD research project:

## Holding the space for civil society

Addressing Shrinking Spaces in the Philippines and Kosovo



# Factors of shrinking spaces

## Regulatory Attacks

- Overly restrictive, intrusive registration requirements
- Barriers to access (international) funding
- Surveillance, targeted audits, administrative cases filed

1

2

3

## Discourses/Excluding Narratives

- Delegitimization & defamation of civil society actors
- Silencing/exclusion of critical actors from discursive spaces, consultation bodies

## Attacks on individual activists

- Physical attacks, killings, enforced disappearances
- Verbal attacks, hate speech, intimidation
- Legal attacks: SLAPPs, criminalization
- Unlawful detentions

# Shrinking spaces contextualized

## Tightening standards of legitimacy

- Participation in nation-building project
- Support to law and order narrative

## Pre-existing conflict lines enabling violence

- Ethnic divisions & ethno-nationalist narratives
- Internal armed conflicts, counter-insurgency & “War on Drugs”

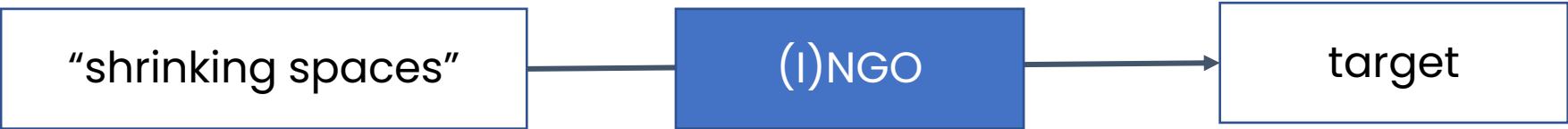
## Factors specific to evolution of civil society

- NGOization of civic space
- Diminishing regard for liberal democratic values

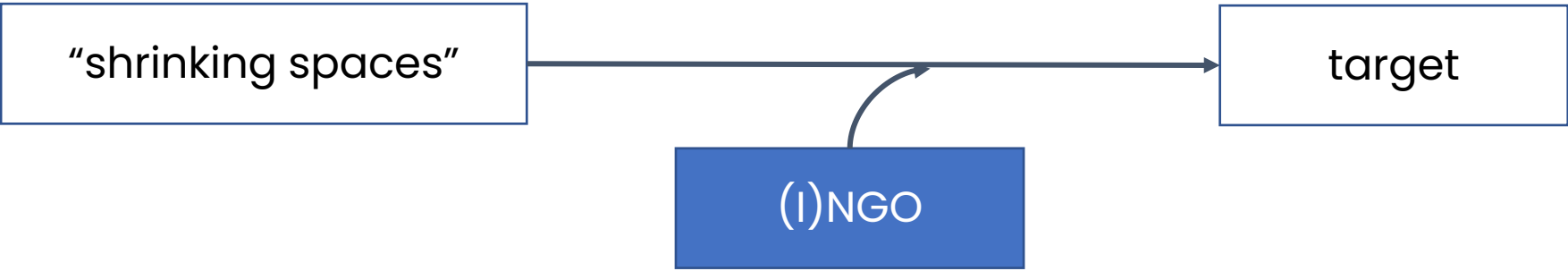
Targets



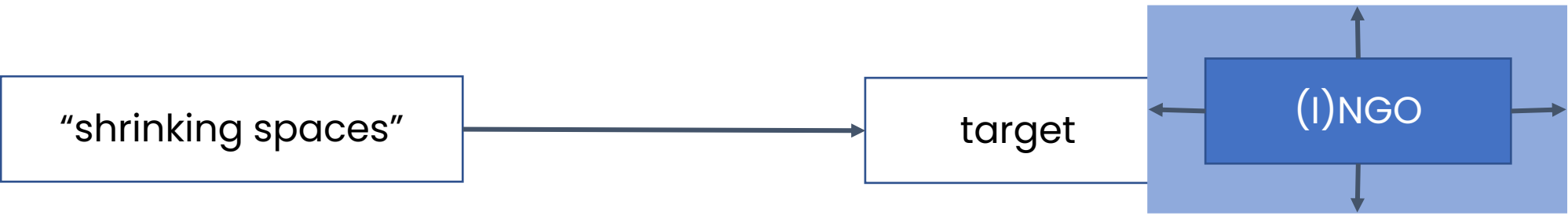
Conduit



Contributor



Benefactor



# Working in/on Shrinking Spaces

	Level of analysis	Measures	Example responses
Analysis of contextual factors & dynamics	Security threats, reputational threats	Protection measures	<ul style="list-style-type: none"><li>• Referral network</li><li>• Digital security</li><li>• Safe venues</li></ul>
	Unintended effects of programming/work with partners	Adaptations along do-no-harm principles	<ul style="list-style-type: none"><li>• Adjustment of external communication</li><li>• Partner selection</li></ul>
	Root/driving factors	Long-term measures to reverse shrinking spaces trends	<ul style="list-style-type: none"><li>• Alliance-building within civil society actors</li><li>• Narrative shift</li></ul>

# Civil society counter-strategies

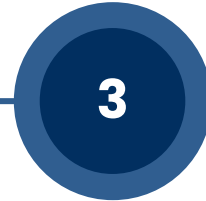
## Protection & Mitigation

- Security assessment & protocols
- Toolbox to respond to attacks



## Relegitimization

- Invest in public profile, reputation across fields, broad networks
- Invoke alternative forms of legitimacy: procedural, instrumental



## Reclaiming/renegotiating spaces

- Advocate for changes in legal framework
- Challenge public narratives underlying delegitimization

# Organizations/Initiatives

**CIVICUS:** Civil society monitor, action labs

**Funders' Initiative for Civil Society:** focus on funders, Rethinking Civic Space report, think tank

**Civic Futures:** co-founded by FICS and FGHR, working with grassroots

**International Civil Society Center:** Anticipating Futures for Civil Society

# Additional Literature

- Anat Shenker-Osorio. (2021). Winning Progressive Victories in the Time of Right Wing Populism with Anat Shenker-Osorio. <https://www.youtube.com/watch?v=d9QJSJPGp8E>
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- Gomez, K. & Coombes, T. (Eds.) (2019). *Be The Narrative: How changing the narrative could revolutionize what it means to do human rights*.
- International Service for Human Rights. (2015). *How to Create and Maintain the Space for Civil Society: What Works?*. Submission to the Office of the High Commissioner on Human Rights. ISHR.
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- Transnational Institute. (2017). *On "Shrinking Space": A Framing Paper*. Amsterdam: TNI.
- Verband Entwicklungspolitik und Humanitäre Hilfe. (2018). *Positionspapier: Demokratie braucht eine starke Zivilgesellschaft*.

# Digital Theme Days 2023

## Minutes – Shrinking Spaces in Civil Society

The event took place as part of the first **Digital Theme Days 2023**. The Digital Theme Days provide an opportunity for all active stakeholders in the funding system of projects of importance to development under the responsibility of private German executing agencies to exchange ideas and network on current and relevant topics.

Topic:	<b>Shrinking Spaces in Civil Society</b>
Date and Time:	<b>November 21, 2023, from 09:00 AM to 12:00 PM</b>
Workshop Location:	Online
Speakers:	Lena Muhs, Research and Communications Manager for forumZFD Philippines
Participants:	33 individuals (representatives from private German and local executing agencies, employees from the German Federal Ministry for Economic Cooperation and Development and bengo)

### 1. Objective

In this workshop, led by Lena Muhs, Research and Communications Manager at forumZFD, participants received an introduction on the concept of shrinking spaces, discussed related challenges, and engaged in an exploration of the latest findings from the research project "Holding the Space for Civil Society: Addressing Shrinking Spaces in the Philippines and Kosovo." The session began with an overview of definitions, critiques, global trends, and challenges faced by civil society actors, including legitimacy pressures due to state repression and constrained effectiveness resulting from the allocation of valuable resources to countermeasures. Through small group discussions, attendees shared their experiences with specific challenges in diverse countries, facilitating an analysis of the roles of Non-Governmental Organizations/ International Non-Governmental Organizations (NGOs/INGOs) and the presentation of strategies to navigate shrinking spaces.

### 2. Agenda

1. Welcome, Introduction, and Program Overview
2. Content Input on the Trends of Shrinking Spaces for Civil Society by forumZFD
3. Open Discussion and Questions
4. Breakout Groups and Presentation in Plenum
5. Content Input Part II on Shrinking Spaces Contextualized and Countermeasures by forumZFD

### 3. Presentations and Discussion

#### 3.1 Presentation by forumZFD (Lena Muhs) and Discussions

The PowerPoint presentation is attached.

#### Additional Notes:

- "Shrinking spaces" term coined in response to new development in 2010s (e.g. foreign agent laws, philanthropic protectionism), now used as generic term for restrictions placed on space for action of civil society.



- Some criticism of the term:
  - Term "shrinking space" coined for a new development, but civic spaces have always contested; rather describes novel forms of mutually reinforcing repressions.
  - Civic spaces not uniformly shrinking; impact on civil society actors varies based on profile, resources, gender, and other criteria.
  - Need to celebrate civil society's contributions; term may overly emphasize negative aspects.

Three major global trends:

- Securitization: Increasingly restrictive security measures, especially counterterrorism measures, leading to legislative action restricting civil society actors.
- Concentration of corporate power: attacks on civil society originating from corporate actors, private corporations replacing civil society in public-private partnerships, blurring lines for checks and balances.
- Democratic decline: Rise of far-right populism, polarization, declining regard for multilateralism and human rights system, civil society viewed as a threat.

Impact on Civil Society Actors:

- Legitimacy challenge: shrinking spaces understood as political struggle over legitimacy/standards of behavior for civil society, exclusion of civil society actors on increasingly arbitrary grounds, limit of specific types of political activities.
- Efficacy challenge: Limited resources; every restriction, barrier takes time and energy away from goals.

Factors of Shrinking Spaces:

- Regulatory attacks.
- Attacks on individual activists.
- Discourses/excluding narratives (e.g., being labeled as "traitors").

### 3.2 Breakout Groups

The results of the group work are attached.

Group 1:

- Regulatory attacks causing problems; e.g., registration, financial regulations leading to closures.
- Individual attacks on social media rising; targeting members, activists, and families.
- Negative narratives, legal attacks, tax issues affecting organizations speaking against the government.

Group 2:

- Regulatory attacks having the most significant impact; prolonged work due to processes like registrations.
- Legal uncertainties, hate speech, and death threats experienced; balancing donor expectations and cultural norms crucial.

Group 3:

- Nicaragua closing offices; approximately 3000 Civil Society Organizations (CSO) closed.
- Ethiopia defaming organizations; fear leading to operation shutdown.
- Various challenges faced by organizations in different countries.

### 3.3 Presentation Part II: Shrinking Spaces Contextualized

Research findings from the Philippines and Kosovo show specific contextual nuances of shrinking spaces e.g. which narratives are used to delegitimize civil society actors (ethnonationalist/nation-building in Kosovo, law and order narrative/securitization in the Philippines). Pre-existing conflicts provide pretext for violence



against civil society actors and create chilling effect/hesitation to engage in civil society. Ways in which civil society developed adds to limitations i.e. NGOization of civic space in Kosovo, diminishing regard for liberal democratic values in the Philippines.

Role of INGOs: How do they interact with repression, narratives and trends?:

- INGOs as direct targets: usually less impacted than local CSOs, vulnerable as foreign entity.
- INGOs as tool of surveillance; monitoring requirements for INGOs meant to target local organizations
- INGOs as contributors to repression e.g. overly risk-averse behavior, not partnering with delegitimized local organizations confirms their delegitimization, contributes to repression unintentionally.
- Can also be a benefactor of freed up spaces when other organizations face harsher repression

Counter-strategies identified in the research:

- Protection and mitigation strategies not only prevent/reduce harm, but also helps to overcome paralyzing effects of shrinking spaces, spend resources more strategically;
- Relegitimization: maintain visibility, highlight different aspects of legitimacy e.g. procedural legitimacy or transparency, instrumental legitimacy or responding to needs, verifiability of facts, legality etc.
- Reclaiming spaces: reverse limiting legislation and pass enabling one, shift the narratives that underly delegitimization, build broader public support and political consciousness to counteract normalization of attacks against civil society.

Strategies and Takeaways as discussed by participants:

- Consider continuation intentionally; dropping out worsens situations for local partners.
- Losing money is a threat, but risks must be weighed against project use.
- Professionalize with bureaucratic burdens; anticipate barriers and increase staff for higher requirements.
- Alliance building with active connections to the government; be cautious about drawing attention.
- Consider alternative topics if openly working against an issue faces repression.
- Build strong relationships with local and national authorities.
- International name/connection can act as a shield for local organizations.

German Strategy:

- Look for customized solutions for each country, organization, and case.
- German embassy can offer solutions, e.g., in transferring money.
- Mitigation and counter-strategies work; pragmatic solutions can be found.
- Options and possibilities to support partners discussed more among German policymakers.
- Digital Theme Days format should be continued.



## 4. Appendix: Results of Small Group Work

### Group 1

Regulatory Attacks	Attacks on individual activists	Discourses, excluding narratives
<ul style="list-style-type: none"> <li>• In Afghanistan, most of the international NGOs are being sanctioned from working in the country, especially in the field of education and women's rights.</li> <li>• Visas not granted for project staff</li> <li>• No money can be transferred to Moskau, so the organization has to die and the contracts of the personal will fade out</li> <li>• Lengthy approval procedures for project activities; gov asks for participant lists</li> <li>• money transfers take a long time and banks significantly reduce the amount of USD coming into the country</li> <li>• India: lengthy and more comprehensive NGO registration process, more intrusive audit</li> <li>• Closing of many civil society organizations in Nicaragua</li> </ul>	<ul style="list-style-type: none"> <li>• hate speech in social media</li> <li>• Permanent state of surveillance for activists</li> <li>• Arresting and torturing human rights activists by the current power in Afghanistan</li> <li>• Attacks on families of activists</li> </ul>	<ul style="list-style-type: none"> <li>• engaging for women rights goes against/threatens the traditional values of society</li> </ul>



<b>Regulatory Attacks</b>	<b>Attacks on individual activists</b>	<b>Discourses, excluding narratives</b>
<ul style="list-style-type: none"> <li>• Burundi experience: NGOs had to re-register with all documents. Many organizations did not succeed.</li> <li>• Asia: China is giving more money; governments prefer China as partner to other (western) donors, which attach uneasy requirements for the funding.</li> <li>• Legal uncertainty by vague legal texts</li> <li>• Cambodia: Waiting for a memorandum of understanding from the government for almost a year as a prerequisite for operating</li> <li>• Afghanistan is facing many restrictions. Governments and public authorities can limit civil society organizations' operations by shrinking them.</li> <li>• Tunisia: regime is copying repressive regulation from other regions</li> <li>• Vietnam: re-registration every 3 years for every international organization, beside complex registration and reporting procedures for each project and actives</li> <li>• India: difficulty of getting money into the country, licenses not renewed or delayed</li> <li>• Burundian Central Bank prohibits local NGOs from holding accounts in foreign currencies in commercial banks</li> <li>• India: Licenses are delayed, stopped, attract by legal measures</li> <li>• Myanmar: delays in receiving registration - not allowed to implement during a long time</li> <li>• Indonesia: certain geographical areas are restricted for NGOs based on values of the organization (e.g. christian values)</li> <li>• Uganda: Monitoring requirements by regulators</li> </ul>	<ul style="list-style-type: none"> <li>• Joint lawsuit with local partner in line with new German due diligence law might have led to death threats for local union activists in Ecuador</li> <li>• Vietnam: Regular convictions for alleged tax evasion</li> <li>• government threatens to cut support for certain projects</li> <li>• Tunisia: activists/NGOs are targeted in the digital space (hate speech online via e.g. Facebook etc.)</li> <li>• Uganda: Marginalized staff and security threats. Competition from private corporations</li> </ul>	<ul style="list-style-type: none"> <li>• The (presumed) connection between corruption and civil society leads to closing of organizations</li> <li>• Cultural norms prohibit the original concepts proposed by local organizations</li> </ul>



Regulatory Attacks	Attacks on individual activists	Discourses, excluding narratives
<ul style="list-style-type: none"> <li>India: FCRA (foreign contribution regulation act), all NGOs must be registered and can only receive funds in certified accounts</li> <li>Tanzania: resettlements by the government. The partner has become an enemy of the state by fighting for the rights of the resettled</li> <li>Ethiopia: even working with a faith-based organization causes the government to monitor closely</li> </ul>	<ul style="list-style-type: none"> <li>Ethiopia: 2.5 years ago a partner has been strongly defamed by the government. Partner was afraid even emails were being monitored. Contact was thus terminated.</li> <li>Russia: contact with partner has been terminated. The partner has been declared an enemy of the state as a result of being in contact with INGOs</li> <li>Honduras: massive threats and attacks to humanitarian personnel. Most crimes remain unsolved. Comitted by non-state-actors.</li> </ul>	<ul style="list-style-type: none"> <li>Rwanda: proposals are being written with care by partners</li> <li>Rwanda: certain formulations/ wordings are considered "unpatriotic"</li> <li>Nicaragua: since 2018, above 3,000 NGOs have been closed down</li> <li>Nicaragua: Government closed down partner and confiscated all project documents</li> </ul>