Challenging the
Closing Space
for **Civil Society**

A practical starting
point for funders

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European Funders for Social Change and Human Rights

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INTERNATIONAL **HUMAN RIGHTS FUNDERS** GROUP

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INTERNATIONAL **HUMAN RIGHTS FUNDERS** GROUP

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A practical starting point for funders

The aim of this report is to give funders and members of civil society a practical starting point for thinking about possible approaches for working together to contest the closing space for civil society. Many already have or are planning initiatives in this field. This report shares the perspectives of numerous donors, civil society representatives, and experts engaged with this issue and offers ways of aligning work moving forward. The report also offers links to resources on specific aspects of closing space. We encourage you to join the Ariadne, International Human Rights Funders Group and the European Foundation Centre online community, where funders, NGO leaders and other actors who support an open and tolerant civil society share strategies and resources in real time. This is password-protected on the Ariadne portal: if you are a funder or a member of civil society, please e-mail info@ariadne-network.eu to join.

This resource is based on a two-day workshop on *Challenging the Closing Space for Civil Society,* organised by Ariadne, IHRFG and EFC, which took place in Berlin in June 2015. The aim of the event was to get funders, civil society actors and government representatives thinking together about how to challenge the disabling environment for cross-border funding. Over 80 people participated.

We wanted to go beyond the increasingly arduous efforts to design work-arounds to cope with this baleful trend on a grant-by-grant basis, and instead explore how we could use advocacy and policy levers to change the terms of the debate.

It was also way of starting the task of creating better links and understanding between funders and civil society on the one hand, and governments and international institutions on the other. And, lastly, we wanted to come up with a plan to guide future actions and strategies, including an initial assessment of the best lever for each major region.

Gerry Salole
EFC Executive Director

Mona Chun
IHRFG Director

Jo Andrews
Ariadne Director

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Background

Drawn from the background document written for the workshop by **Poonam Joshi, Fund for Global Human Rights.**

For most attending the Berlin Workshop, this was an important staging post on a longer journey. In all three networks hosting the workshop there has been discussion around this trend for several years, but during that time we have seen it spread rapidly to impact authoritarian and democratic societies alike in many different ways.

Since January 2012, more than 100 laws have been proposed or enacted by governments aimed at restricting the registration, operation, and funding of non-governmental organisations (NGOs), in a context where the majority of human rights activists globally have little support from funders in their own countries. While such legislation usually applies to all non-profit organisations (including development and humanitarian charities), the smear attacks accompanying legislative change largely target the human rights sector. The vilification of activists as foreign agents working at the behest of their foreign donors erodes public support, leaving activists even more vulnerable to attack.

In the short term, this phenomenon of closing space disrupts, and in some cases paralyses, the day-to-day work of rights advocates. Activists are forced to divert limited time and resources towards navigating restrictions and responding to administrative and judicial harassment. In the long term, the phenomenon threatens to weaken irreversibly the infrastructure of human rights movements, which in turn could endanger hard-won progress on human rights globally.

While the nature of restrictions varies, common elements of restrictive laws include: increased powers for governments to decide which NGOs can register; increased scrutiny of NGOs' activities and sources of funding; and in some cases, a requirement for government approval for those seeking cross-border funding.

Laws are often vague, allowing governments to disrupt or block the registration, operation or funding of NGOs on the grounds of "national security," "economic interests," "sovereignty" and "morals and values," and leaving NGOs with limited recourse against these decisions. This allows governments to use the laws in a politically motivated way to stifle or silence specific groups.

In particular, restrictive laws have been used to:

- Target organisations that are critical of the state and undertake advocacy, litigation and mobilisation to hold governments to account on their human rights obligations;

- Target activists who scrutinise public policies and, especially, counter-terrorism policies;

- Harass business and human rights activists that challenge the economic interests of states and corporations;

- In some cases, target organisations who work on contested and marginalised issues, including women's rights, LGBTI rights, migrants' rights and the environment.

Funders also face challenges in maintaining their support for public benefit work in countries like Algeria, China, Colombia, Ethiopia, Russia, Hungary, Syria, India, Venezuela, Zimbabwe and Egypt and anticipate problems in other countries where similar laws are being proposed, such as Pakistan, Bangladesh, Cambodia and Uganda. Funders grapple with how to continue supporting organisations that are denied permission to receive specific grants or to receive foreign funds in general. In some cases, the media has publicised the foreign sources of funding for targeted human rights organisations, leaving funders' programmes and staff vulnerable. Donors have also seen grantees painted as foreign agents in orchestrated defamation campaigns by governments and media. This has particularly been the case for grantees who receive bilateral funding (i.e. from a single state donor).

The closing space phenomenon, strikingly, is not limited to autocratic states, such as Russia and Egypt, but has spread to democracies including India, Canada, Hungary, Mexico and the UK. Civil society experts have noted a contagion effect, where repressive laws introduced in one country are copied by neighbours, leading to a regional shrinking of civil society space.

Drivers behind Closing Space

These are often hard to discern as governments cloak restrictions in justifications around "national sovereignty and interest" and "national security". Drivers include the global loss of democratic momentum, the rising power of political systems and leaders opposed to universal values, and the fear of many power-holders of the capacity of independent civil society to challenge and hold to account entrenched regimes, especially following recent revolutions in the former Soviet Union and the Middle East and North Africa.

The heightened international focus on counter-terrorism has also contributed heavily to the restrictions. More than 140 governments have passed counter-terrorism legislation since September 11, 2001, often in response to U.S. pressure, UN Security Council resolutions, and the counter-terrorism guidelines developed by the Financial Action Task Force (FATF), an international body established in 1989 to combat global money laundering, and after the 9/11 attacks, terrorist financing. Mandatory compliance with FATF standards has led to a tightening of control over the funds civil society can receive. One of the FATF recommendations (Recommendation 8) singles out the NGO sector as being particularly vulnerable to abuse for financing terrorism and recommends that governments take steps to prevent this. This has been used extensively to close down space for civil society.

The push for economic growth has also been identified by funders and activists as an emerging driver. The Indian and Canadian governments, as two examples, have introduced repressive laws and engaged in smear campaigns targeting resource and labour rights activists opposing aspects of their development policies, including foreign investment and large infrastructure projects.

Agreements around "host country ownership" and "aid effectiveness" have been used by aid recipient governments such as Ethiopia and Egypt to justify increased control over aid monies and, in turn, constraints on international funding for civil society.

The inconsistent approach of democracies and multi-lateral institutions to governments that undermine the enabling environment for civil society has in turn emboldened those seeking ways to control or stifle civil society. Economic, political and security interests have often been allowed to trump concerns about rule of law, human rights, and civil society, and opportunities to use economic or political leverage to halt the introduction of restrictions, for example in Ethiopia and Azerbaijan, have been squandered.

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Overview

> "There is tremendous diversity to this problem. This should push us harder to think about the sources, which are multiple and to not view it as a straightforward trend. We need to go inside the reality of each place where this is happening - and look at local elements, nationalism and cultural challenges."
>
> **Thomas Carothers,**
> **Carnegie Endowment for International Peace**

Overview of the problem:

Drawn from an interview at the workshop with **Thomas Carothers, Carnegie Endowment for International Peace,** *author of two reports and a number of articles on this topic.*

Closing space for civil society is not a short-term phenomenon but instead a much larger tectonic movement, with two large trends that have come together to drive it; namely, a shift in power and relations between "the West and the Rest", and the recognition of the power of civil society, which has generated fear in some power holders.

The counter-terrorism agenda continues to clash with civil society and generate a sense of fear. Anti-migration sentiment is feeding into the same space.

> "There are now many powers in the world and many conversations questioning Western values and their attempts to advance change."
>
> **Thomas Carothers,**
> **Carnegie Endowment for International Peace**

It is frustrating to work with governments who on the one hand say they accept the issue is serious, but on the other are creating new obstacles. How do we get across the need for a joint response?

It is important to get governments to see that democracy, the economy and security are not countervailing interests and that trying to increase security by squeezing civil society actually sows the seeds of anger, radicalisation and long-term instability.

In some countries it really is the "foreignness" of support that is aggravating issues; if this is relieved it will improve things., Other countries simply don't want any civil society activity, however locally led it may be. Funders and civil society leaders need to distinguish if this is about foreignness or values.

Together we should focus on drawing in the development and humanitarian communities. The issue of shrinking space has intensified uneasiness with the more traditional actors feeling that the push for democracy and human rights jeopardises their work. We need to help them understand that shrinking space harms them too.

This is long-term work. We will not see abrupt shifts in the short term; we need to dig in for years of work and not expect sharp shifts in either direction.

Guidelines for funders

- Don't give up or back away.

- Create wider sector networks – don't go it alone.

- Take the multi-lateral level seriously - the UN, the EU and others matter.

- Use emergency funds, smart adaptions, and new technologies.

- Tie this to other policy levers such as trade agreements.

- Advocate for understanding that a healthy civil society is a bulwark against extremism and violence.

- Multiple strategies are needed.

Responses to this Environment

> "What works to counter closing space? We don't have much hard evidence, apart from a few cases such as Kenya, Cambodia and Israel. The common factor in these cases was that they had a locally led response, often by a coalition, supported by diplomatic efforts at international level. Timing and speed were key."
>
> **Thomas Carothers, Carnegie Endowment for International Peace**

The **Donor Working Group on Cross-Border Philanthropy** was established in March 2014 to enable human rights donors to develop a strategic response to this problem. The working group is co-hosted by Ariadne, the International Human Rights Funders Group, and the European Foundation Centre. It is password-protected and hosted on the Ariadne portal. Any funder who is a member of these organisations is welcome to join (please e-mail info@ariadne-network.eu). The group has com-missioned research, organised briefings and engaged in one-to-one conversations with peers aimed at mobilising a growing pool of donors to harness their grant-making, expertise and voice to push back against the closing space. In October 2014, the Donor Working Group on Cross-Border Philanthropy hosted a meeting to consider the effectiveness of existing strategies and identify where new strategies and approaches may be needed. The group agreed on seven "levers" or areas of intervention that could lead to concrete improvements in the enabling space for civil society on the ground. These "levers" are:

Lever 1

Economic interests: drawing on existing work by business and human rights activists to strengthen and identify strategies and tools to hold corporations who benefit from the closing space to account, engage with corporations as potential allies, and make the business case for civil society;

Lever 2

Countering the impact of counter-terrorism policies on civil society, including strengthening existing approaches by NGOs to challenge the negative impacts of the Financial Action Task Force and addressing the banking sector's role in access to financial services for NGO actors;

Lever 3

Sustainable Development Goals and other international development agreements and processes, ensuring that key actors across the development, humanitarian and human rights fields jointly pursue indicators and commitments to enable and defend civil society space;

Lever 4

Developing approaches to bridge **international norm-setting** with domestic legal reform initiatives;

Lever 5

Strengthening and diversifying **counter-narratives** around civil society's value;

Lever 6

Advocacy to strengthen the **diplomatic response** to civil society pushback, including addressing the "capture" of regional mechanisms such as the Council of Europe by repressive states;

Lever 7

Strengthening the **long-term security and resilience** of human rights defenders and NGOs, for example, by investing in data protection, legal protection, accounting/auditing and governance, but also by exploring how to foster the survival and resilience of movements.

At the Berlin workshop, each lever was further developed and discussed in groups led by a moderator and supported by an expert in the field. A major part of the discussion was the role funders play.

Economic Interests

> "There are no final victories or defeats, only battles that are won and lost along the way – but to win them you have to build a coalition and businesses need to be part of that. Seek to integrate them."
>
> **Phil Bloomer,**
> **Business and Human Rights**
> **Resource Centre**

This was recognised as one of the most powerful and under-utilized levers. Private funders have a strong role to play as a bridge between civil society and business, as business and industry have historically been the source of much of the wealth on which foundations are based.

This sector is also important because of the enormous flow of funds and the almost universal desire to nurture and encourage business. It was recognised that the business community has been successful in ways in which civil society has not been (for more, see the report on Business and Civil Society of the UN Special Rapporteur, Maina Kiai). Businesses are free to move funds and act as they wish, sometimes beyond the law, because economic activity is perceived as a universal good, whereas as civil society, which underpins a healthy and resilient society, is treated with suspicion at every corner.

What sort of business allies can we target?

Companies fall on a spectrum between a sense of impunity and concern for civic space and between silence and voice. But they are unlikely to speak out unless there is an impact on their profits. Four typologies were identified:

Venal Lobbyist

– often business associations that have a limited brief to promote the interests of their members and not wider society.

Dark Lords

– those prepared to collaborate with states and pay large sums of money to dispossess people of their land and repress human rights defenders – often resource extraction companies.

Good Shouters

– high-brand companies with a name to protect, such as Virgin, H&M, Adidas and Tiffany and Co.

Nice Silent Types

– low-brand, much lower-profile companies, such as Carillion and Marshalls.

What do we need to do?

🔹 Promote and support the good shouters.

🔹 Encourage the silent types to speak up.

🔹 Stymie the Dark Lords.

The vision in using this lever is to promote a safe and enabling environment, free from restriction and attack, and to help shape the public narrative to recognise the value of supporting human rights and civil society. The hoped-for outcomes are that:

🔹 Governments support enabling legislation.

🔹 Companies speak out and refrain from collusion, repression and criminalisation.

What strategies can we use?

Research: Under what conditions and why do businesses speak out?

Smart Communications: We need to be better at speaking to businesses and economics ministries.

Empower grassroots organisations: The groups on the frontline are the most creative; they need a knowledge-hub of tools and guidance.

Respond to attacks: We need to document attacks and respond quickly and forcefully.

Engage Investors and Companies: Identify investors that can put pressure on companies and individuals within who are persuaders.

Engage Governments and Multi-laterals: Campaign for new clauses in trade treaties and aid agreements.

Practical Action for Funders

- Invest endowments with a pro-civil society lens.

- Reframe the debate around long-term value, not short-term profit.

- Help set some realistic actionable targets for companies.

- Don't speak in sweeping intellectual terms.

- Support rewards for baby steps.

- Engage with corporate foundations within our own networks.

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Countering the Impact of Counter-terrorism Policies

> "We need to address the zero-risk approach of security services and governments to civil society — it is not a standard they hold themselves to."
>
> **Doug Rutzen,
> International Center for Not for
> Profit Law**

There was recognition that this is one of the most difficult and sensitive areas for civil society to deal with, especially in current circumstances, where there is a real and justified fear of terrorism.

There was also an understanding that, post 9/11, civil society and NGOs have been framed by governments, "as aiding and abetting terrorist organisations". The Financial Action Task Force (FATF) currently composed of 36 Member countries aims to crack down on terrorist financing, it states, in its Recommendation 8, that "non-profit organisations are particularly vulnerable" for terrorist financing abuse, even though evidence suggests only very rare cases of abuse of the NPO sector. There is hence no need to single out the NPO sector to be particularly vulnerable.

FATF as a task force does not follow clear transparency and accountability standards, it is not a legislator but has at its disposal the power to down-grade a country as non-compliant to the FATF standards with negative implications on the countries financial ratings etc. There is not much public awareness of FATF, one participant described it as "working in the dark". It is tied to a security perspective and has only over the past years started to acknowledge that countries have used the FATF recommendations as a tool to close down civil society. This has led to what one another participant called "the structured abuse of the NGO sector".

There have been concerted efforts, particularly by the Civil Society Platform on FATF, with some success. These tasks were identified as next steps:

a Try to influence the policy drafting to take civil society concerns into account.

b Educate and train FATF officials about the value and the needs of the civil society sector.

c Change the narrative around civil society for decision-makers. Get them to see a healthy civil society as a counter-terrorism measure and to learn how to measure this.

d Engage more with national governments – they claim that they "simply don't hear concerns from domestic civil society actors about counter-terrorism measures and it is, therefore, just an elite concern".

e Funders should be aware when their own countries are up for FATF review, as the government might be forced to comply even if they saw no need.

f We need to advocate for a risk-based approach – if the laws in place adequately address the risk, there is no need for further laws. If there is a risk, there should be appropriate and proportionate laws, not catch-all, over-broad legislation.

g Work should be done with regional institutions, with evaluations at regional level.

h Rules on NGO participation are needed for transparency and accountability. Both funders and civil society will need to push for this.

Practical Action for Funders

- Recognise this as one of the most sensitive areas.

- Promote an alternative narrative – less fear.

- Change the frame – healthy civil society is a protector, – not the enemy.

- Support simple language – not just for geeks.

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Development and Sustainable Development Goals (SDGs)

> "Once we start to recognise that the protection of civic space is a universal concept, which isn't about charity or aid, we can use the SDG framework to develop some shared strategies."
>
> **Danny Sriskandarajah, Civicus**

The Sustainable Development Goals are different from the Millennium Development Goals and other targets, as their purpose is to create a universal agenda for sustainable development as opposed to a set of standards for poverty alleviation or for the delivery of aid as a North to South flow.

Why should we be concerned with the SDGs as human rights and social change funders?

- There is a lot of money for overseas development, and it's an important moment to shape the vision to achieve a wider set of goals.

- There is an overlap in values between the two communities – civic space is the place where rights are contested and where the conditions are built to support locally-driven development.

- Bilateral and multi-lateral agencies are desperate for private funders' money and support, this gives us leverage.

- Leverage of public development funding to push for the human rights agenda – see EU policy in this regard.

Goals 16 and 17 are the vital ones for us to focus on.

Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective accountable and inclusive institutions at all levels.

Goal 17: Strengthen the means of implementation and revitalise the global partnership for sustainable development. This goal includes two relevant sub clauses: 1: encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnership and 2: Mobilise additional financial resources for developing countries from multiple sources (this means private funders!).

Until now, those working in the development and humanitarian sectors have tended to see those working in the fields of human rights and social change fields as "problematic" in terms of being targeted by shrinking space measures. They believed that as long as they stayed as far away as possible from these fields, their work would not be obstructed.

This is no longer the case, as several of the big international NGOs (INGOs) dealing with refugees, the environment or more general mainstream development issues, have been attacked, with the consequence that there is greater willingness across all sectors and fields of interest to talk.

Practical Action for Funders

- Start to build common networks and links with environment, development and humanitarian funders' networks and large organisations.

- Create a community of practice to enable that to happen.

- Explain and disseminate goals 16 and 17 much more widely.

- Support efforts to measure and evaluate a country's progress on these two articles.

- Engage with initiatives, such as the SDG Philanthropy Platform, aimed at enabling donors of all kinds to engage strategically with SDG implementation.

- Think about where your own organisation has points of leverage and develop individual strategies, rather than adjusting to fit existing conversations.

- Engage in conversation with public donors and other actors, such as business.

International Norm-setting

> "The investment that goes into people remembering an activist's name and story is huge. Too much of what has been written is not written to be remembered. To remember, we need context – stories and faces – as well as opportunities for action."
>
> **Gerald Knaus,**
> **European Stability Initiative**

This session focused on the danger of international and regional institutions that have been set up to protect and promote human rights becoming hijacked and captured by authoritarian governments – and what could be done to prevent this. It took as a case study the failure of the Council of Europe and the European Union to contest human rights violations in Azerbaijan, including torture and the jailing of political prisoners.

Case Study: Azerbaijan

- Azerbaijan has made a concerted effort to co-opt the Council of Europe and remains a member, despite frequently imprisoning journalists and human rights advocates. One reason is that there is often a lack of interest in the minutiae of proceedings by democratic members and a lot of interest from autocratic members. No country representative has spoken out against Azerbaijan's actions. The Commissioner for Human Rights has raised the issue, but no one has acted in response.

- The European Union remains the largest foreign donor to the Azerbaijani government and civil society, despite Azerbaijan's many human rights violations. "The European Union's continued funding to Azerbaijan is proof to the government of the country that shaming strategies by human rights organisations are irrelevant and that no-one cares about the political prisoners."

- The European Union says that it is favouring quiet diplomacy, but this is yielding limited results.

Practical Action for Funders

- Support research into what makes institutions vulnerable to hijacking.

- Seek out strategies that personalise narratives.

- Support work to tie bilateral and multilateral loans and grants to releasing prisoners.

- Prioritise monitoring international and regional institutions.

- Understand which regional institutions can make binding rulings.

- Help raise the alarm quickly when things go wrong.

- Recognise that the politics of shame is not effective.

Counter-narratives

> "Exposing the facts isn't the solution. We spend so much time on facts and documentation and reporting, and people don't care!"
>
> **Workshop participant**

A good deal of time at the workshop was spent on this lever, looking at it from different aspects. In the survey of those in the room (see heat map), this came up as the strategy most were already working on, or thought would be effective for them to engage with.

Participants emphasised the need to understand the context in which civil society is being curtailed and felt it was essential to understand the **deep drivers** of political, economic and social power, including shadow power. Attacks were never based on one element but always multi-pronged. They universally stigmatise civil society actors, who are often characterised as terrorists, living off others, obstacles to growth and security, or anti-religious, rather than as community leaders. Women in particular are often framed as prostitutes and bad mothers. Common justifications for legislating against civil society are protecting national security, sovereignty, or religious and political ideology.

These are powerful drivers that lead to a negative discourse and then action to silence human rights defenders and other members of civil society and break their links with the outside world. The measures tend to have broad societal support at this stage and include crackdowns on political dissent, manipulation and abuse of laws to punish civil society, police crackdown on protest, media monopolization and impunity for criminal attacks including the killing of human rights defenders.

Countering prevailing narratives:

What this is:
alternative strategies and discourses to strengthen respect for – and understanding of – the value of civil society.

What this is not:
positive labels better communicated – it is much more than that.

The overarching lessons from this session were that:

a We need grassroots and community-level support for this work – too often human rights and marginalised populations exist in another realm and get successfully "othered" by governments.

b We must think about successful narratives and frames – even if you dislike them. How do governments succeed in isolating and legislating against civil society? How does the climate change movement confront the deniers?

c While it is helpful to let less controversial NGOs be the public face of civil society, we must be sure not to feed into "good" vs. "bad" NGO classifications (such as health or humanitarian groups vs. human rights or environmental watchdog organisations)

d A successful response is **sustained, multi-pronged, cross-sectoral and understands that local context really matters.**

e We will never match the scale of resources invested in anti-human rights campaigns. Our counter-narratives need to be community-driven to be effective.

Three Case Studies

Kenya:

Context:

Restrictive new laws were proposed against civil society, with the justification focusing on ***counter-terrorism*** and the need to protect Kenyans.

What's Effective About This Narrative?

The vilification of human rights defenders gained traction as Kenya is a post-conflict society and people are fearful of renewed violence.

Kenyan politics are ethnic in nature, making the messaging effective in invoking ethnic loyalties.
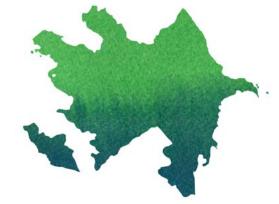
Progress in Contesting This:

Civil Society worked together, without hostility, to create enabling, rather than restrictive, legislation.

They were well organised and managed to obtain international support.

"Good NGOs" (i.e. the least controversial) took leadership in getting the new laws passed. The most targeted organisations weren't front of stage.

Buy-in from citizens and communities was demonstrated through petitions.

Azerbaijan

Context:

Stigmatisation of civil society is codified in law, and international bodies have given their implicit blessing to these moves.

What's Effective About This Narrative?

Local NGOs don't have a real base of grassroots support and have become over-professionalised, responding to international donors.

The ''foreign agents'' label works well because of weak links between NGOs and local communities. NGOs are mainly funded from abroad.

European politicians appear indifferent; as a result citizens see their leaders respected abroad.

Progress In Contesting This

Changing the narrative is a long term project.

Civil society has had some tactical wins, but only small battles in a longer-term struggle.

Myanmar:

Context:

Myanmar has a new constitution, but there are still restrictive laws and limits that have prevented it from being implemented in full.

The Government has labeled human rights groups as "anti-development, enemies of the state and anti-religion".

What's Effective About This Narrative?

Human rights has been framed as anti-religion.

Population control bills, religious conversion bills, polygamy laws and forced marriage are argued to have protected the security of women.

Many politicians are too afraid to speak out.

Progress in Contesting this:

Human rights education to empower community.

LGBT, disabled and minority activists are seen as the "problem populations". Bringing these groups in mainstream human rights movement is important.

Breaking distrust and suspicion amongst different human right groups is key.

Practical Action for Funders

- Be prepared to speak up for your grantees.

- Be ready and organised with a plan of action before attacks come.

- Provide general support to develop indigenous voices.

- Fund the creation of stronger alliances across sectors and between silos to link responses beyond "problem populations".

- Develop and invest in security protocols to protect communication with grantees.

- Think about alternative communications strategies such as film, music, comedy, or street art.

- Fund alternative messengers – is there someone better placed to defend civil society?

- Commission and distribute research on why civil society is important to the health of nations.

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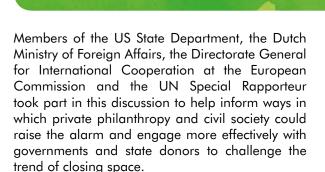## What should funders NOT do?

- Invest only in legal discourse – this might work, but only until the next legal attack.

- Bring your agenda as a donor, instead of allowing groups to drive their own agendas.

- Work only in poor countries. Often middle-income countries have greater resources to repress civil society.

- Create an elite leadership that speaks your language but has no local connections.

Lever 6

Diplomatic Response

> "We are in a crisis and we are not treating it as crisis. We are treating it as though we are back in the happy days of the 90's."
>
> **Maina Kiai, UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association**

Members of the US State Department, the Dutch Ministry of Foreign Affairs, the Directorate General for International Cooperation at the European Commission and the UN Special Rapporteur took part in this discussion to help inform ways in which private philanthropy and civil society could raise the alarm and engage more effectively with governments and state donors to challenge the trend of closing space.

All speakers said that their governments took the space for civil society seriously. There were several initiatives that they had helped to develop such as Lifeline – Embattled CSO Assistance Fund, which is supported by 17 governments and 2 foundations and offers emergency assistance, the proposed Civil Society Innovation Initiative, the European Instrument for Democracy and Human Rights Assistance Fund for human rights defenders and the work of the Community of Democracies on civic space. They recognised that, although there had been a lot of positive rhetoric, there had been less action and there was a lot more that could be done. They also admitted that there were difficulties with one part of government encouraging civil society and another part – for example, those responsible for counter-terrorism – working to shut it down. Do funders have a role here in pointing out the discrepancies?

Participants pointed out that a lot of what governments have offered has been emergency funding, but civil society's ideas of resilience are not about evacuation, rescue or short-term support, but instead about multi-year core funding for recruiting skilled staff, not volunteers – that is what creates resilience.

"Long term" for states and governments tends to be three to four years. They can commit on strategy for longer than that, but it is beyond their powers to commit funds for longer than that. Civil society needs to recognise that this will always be a limitation on public authorities. But apart from money, state leaders can offer political and moral support by speaking up and posing for photos with leading civil society members.

The panel also felt there was an opportunity for civil society actors and private donors to advocate with more evidence about the benefits of civil society. The connection has to be made that this is not just a matter of human rights but is linked with stability and security, because without a vibrant civil society countries will never have lasting peace.

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How States Can Help Private Funders and Civil Society:

- Move beyond emergency funding into multi-year funding.

- Strengthen local actors with core funding.

- Ensure state leaders raise their voices and provide "more than money" support.

- Provide a list of what help can be accessed where.

- Support the creation of better narratives.

- Keep communications open with funders and civil society.

How Private Funders Can Help States:

- Take risks that governments can't.

- Work directly with southern NGOs, rather than through northern NGOs - governments find this hard to do.

- Remember that by nature governments are cautious creatures – they want good relations with other governments.

- Don't push governments into a corner from which they can't retreat – work with them instead.

- Help governments make connections.

- Keep communications open.

- Prompt them to consider the use of conditions on human rights – especially in shared or pooled funds.

Developing Resilience

> "Bringing people together is important – the feeling of not being alone in that situation is fundamental."
>
> **Workshop participant**

The workshop divided discussion on this lever into two parts, short-term and long-term resilience. Short-term work is important, but there was a clear feeling that the longer-term investment over time would deliver most in terms of creating a robust and secure civil society.

Short-term funder strategies

- Agree in advance on an emergency assistance plan for NGOs and human rights defenders under attack.
- Simplify procedures in an emergency.
- Support local civil society to write applications if they don't have the language skills.
- Fund legal costs (not a long-term strategy).
- Fund counseling and psychological support.
- Use links with governments and media to assist.
- Relocate human rights defenders within the region if possible.
- Don't duplicate policies and actions – collaborate with others.

Long-term funder strategies

- Provide core funding over long periods.
- Respect grantees' need for low visibility.
- Trust grantees to work out their own strategies.
- Train grantees on security and help them with risk assessments – are they realistic?
- Be flexible about what kinds of legal entities are funded.
- Continue funding those who move into exile and support them to stay in touch.
- Change funding methodology – can funders support *fluid* movements?
- Pay attention to security protocols when communicating with grantees.
- Help connect grantees.

What Approach for What Context?

In the next phase of the workshop, knowledge of the different levers was integrated into different political and geographic contexts, with participants thinking about the context of each region, the levers that would work best in each area and what success would look like. What follows is a snap-shot or a starting point presented as a comparative chart.

Region	Which drivers are important in this region	Local attributes of Closing Space	Which strategies show promise?	How to develop them?	What would success look like?
Former Soviet Union	"Foreign Agents", national sovereignty arguments, defending national 'morals and values'	Fear of 'Western' political values, lack of grassroots support for civil society groups	Economic interests. Developing Resilience	Find and fund NGOs strongly rooted in local community. Think flexibly about what sort of orgs to fund, consider crowd funding	Keeping civil society alive in some countries, and some NGOs in all countries
Europe	Discourse of fear of terrorists and migrants. National interest agenda, govts. hiding behind EU or FATF	Criminalisation of NGOs and activists, high compliance costs, banks risk averse	Counter-terrorism Policies. Changing the Narrative. International Norm-setting	Win back the public, develop counter-narratives, bridge divides between silos. Hold EU and CofE to account.	European institutions active in defence of CS, more public support for CS, better broad networks
Middle East and North Africa	Fear of terrorism and instability, shifted from fear of democracy	Human rights defenders going into exile, young people defeated and depressed	Developing Resilience	Focus on less threatening areas - such as domestic workers, training to stay secure,funding exiles	Just being able to operate and remain active in the region
Sub-Saharan Africa	Fear of losing political power, terrorism, failure of rule of law, corruption, the rise of trade diplomacy	Framing CS as a 'Western agenda', regional copying of harrasment and admin laws, no implementation of good laws	Changing the Narrative (why can govt's receive foreign funding but not CS?) Engaging with SDGS	Governments rely on Western funding too. Building good reputation of CS groups, ensuring they aren't divided into good and bad	Successful region-wide defence of civil society, well communicated learning
South Asia (inc India)	Spike in nationalism, fear of foreign funding, human rights are "an impediment to growth"	Extensive discrimination on grounds of gender, sexuality, ethnicity. Selective use of colonial laws to 'chill' CS space.	Economic Interests. Changing the Narrative (democratic freedoms)	Critique by business of negative impact of foreign funding bans. Local donors speaking out. Link human rights to privacy and surveillance	A large number of educated middle classes say that CS has value and should not be obstructed.
The Americas	Fragile democracies in Latin America, fear of terrorism in USA, business arguments in Canada	50 year history of strong civil society in LA. Links between govt. and corporate interests, esp. food production and mining. Land-grabs from indigenous communities	Implementing norms through regional institutions. Economic Interests	Shaming corporates through publicity, work with women's labour orgs. Legal compliance for Canadian Mining Companies?	A better set of regional networks able to support each other and hold corporates and govts. to account

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Analysis

During the workshop all 85 participants were asked to submit the answers to two questions: Which lever/s are of most interest to you? In which region/s does your organisation work? We have used the data to create a detailed heat map showing who works where. This is available as a separate document to members of Ariadne, IHRFG and EFC. Below we include an overall analysis of the survey with observations.

What do funders' responses tell us?

Developing counter-narratives around civil society's value is the lever of most interest, followed closely by strengthening the long-term security and resilience of human rights defenders and NGOs. Of the seven levers, these two focus on – and often work directly with – civil society itself, rather than the donor governments, political systems, or multilateral institutions at the heart of the other five levers. This makes sense, as private funders are likely to be more familiar working alongside grantees to build capacity and communicate value than working directly with international systems to shift policy.

While the counter-narratives lever was most popular, there is a lack of evidence in this area, indicating that the work is in its early stages and funders may still be seeking projects to support. The enthusiasm around this lever points to the need for funders and other actors to gather expertise and best practices in this field as they move forward.
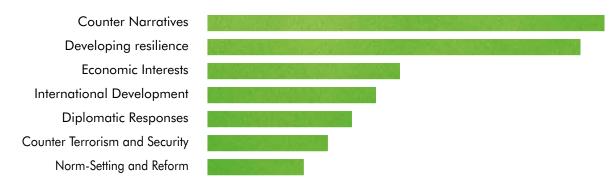
Engaging with economic interests, the third-most popular lever, is new ground for many. Private funders can be a natural bridge into the corporate world – will they commit resources to develop this work?

Along with economic interests, the popularity of the international development lever shows that funders may see opportunities to make a case around less controversial fields, such as the business sector and Sustainable Development Goals, in which foreign funding and NGOs come under less scrutiny from – or are even encouraged by – governments.
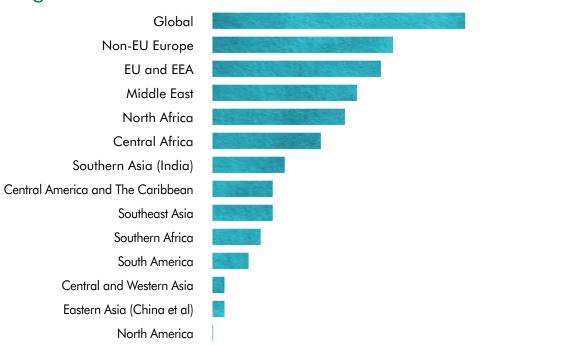
The least utilized levers, bridging international norm-setting with domestic legal reform and countering the impact of counter-terrorism policies, both fall at the tricky intersection of government relations and advocacy, areas in which many funders are unfamiliar, feel uncomfortable engaging publicly, or have legal concerns about donor advocacy

Geographic priorities appear to centre around Europe (both Eastern and Western), followed by the Middle East, North Africa and Central Africa. This is likely to reflect the focus of those in the room, rather than the philanthropic field as a whole.

The low level of engagement in other regions, such as South America, Central and Western Asia, Eastern Asia and North America, again reflects the participant pool, many of whom do not fund in North America. That said, the lack of interest is noteworthy given increased restrictions in Canada, for example, especially on NGOs that try to hold its mining companies to account.

Levers

Lever	
Counter Narratives	████████████████████
Developing resilience	██████████████████
Economic Interests	█████████
International Development	████████
Diplomatic Responses	███████
Counter Terrorism and Security	██████
Norm-Setting and Reform	█████

Regions

Region	
Global	████████████
Non-EU Europe	██████████
EU and EEA	█████████
Middle East	████████
North Africa	███████
Central Africa	██████
Southern Asia (India)	█████
Central America and The Caribbean	████
Southeast Asia	████
Southern Africa	███
South America	███
Central and Western Asia	█
Eastern Asia (China et al)	█
North America	▏

What next?

Main developments to come out of the workshop:

Funders Initiative for Civil Society:

As a result of the workshop, a number of funders have committed funds to set up a new initiative to take forward the work to develop a coherent and strategic response to this trend. An analysis of needs led to the conclusion that it would not work to pool funding, but would be more effective to create a project to help private funders align their efforts in this field, to provide information to civil society organisations about the different forms of support available, to begin to build cross-sector networks with humanitarian, environmental and development funders and to start work on creating better channels of communication with state actors and international institutions. FICS will be an initiative shared between Ariadne – European Funders for Social Change and Human Rights, The European Foundation Centre and the International Human Rights Funders Group housed at Global Dialogue. It is the first time the three networks have collaborated in this way - an indication of the global importance of this issue.

Ariadne Portal Communities:

There are two online portal communities that enable members to maintain regular contact amongst a large group of donors and civil society actors globally. These are password protected and housed on the Ariadne portal.

Any organisation that works to protect civil society can join the first community: *Dealing with the Disabling Environment,* which is moderated jointly by funders, civil society actors and network staff.

Any funding member of the Ariadne, the European Foundation Centre or IHRFG can join the second community: *Donor Working Group on Cross Border Philanthropy.*

Please e-mail info@ariadne-network.eu to join either community.

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Danny Sriskandarajah – Civicus

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Gerald Knaus – European Stability Initiative

James Savage – Amnesty International

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Institutional representatives

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The Funders' Networks

Ariadne

Jo Andrews – Director

Emilie Dromzée – Programme Director

Lori Stanciu – Events and Communications Manager

Sarah Pugh – Grants Officer Global Dialogue

IHRFG

Mona Chun – Executive Director

Christen Dobson – Programme Director Research and Policy

Sarah Tansey – Programme Coordinator, Member Engagement

EFC

Sevdalina Rukanova – Senior Officer

Hanna Surmatz – Legal Counsel

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Further resources

Thomas Carothers, Carnegie Endowment for International Peace: Closing Space: Democracy and Human Rights Support Under Fire

Thomas Carothers, Carnegie Endowment for International Peace: The Closing Space Challenge: How are Funders Responding? November 2015

Douglas Rutzen, ICNL: Aid Barriers and the Rise of Philanthropic Protectionism

April 2013 report of the UN Special Rapporteur on Freedoms of Peaceful Assembly and Association: Civil Society's Right to Funding and Resources (A/HRC/23/39)

Comparing States' Treatment of Business and Associations – Special Rapporteur's Report to the UN General Assembly – October 2015.

The online platform created by the Human Security Collective, Charity and Security Network, European Foundation Centre for Not for Profit Law and European has a number of useful resources including a guide to how the Financial Action Taskforce (FATF) works and all the submissions to date from the civil society coalition to FATF.

Donor Working Group on Cross-Border Philanthropy: Closing Space for Civil Society and Cross-Border Philanthropy (via the Ariadne portal)

June 2015 thematic report of the UN Special Rapporteur on Freedoms of Peaceful Assembly and Association Assembly and Association rights in the context of natural resource exploitation (A/HRC/29/25)

http://www.economist.com/news/internation-al/21616969-more-and-more-autocrats-are-stifling-criticism-bar-ring-non-governmental-organisations

The Global War Against NGOs, Washington Post December 2015.

Dealing with the Disabling Environment for HR Funding - Community for Civil Society activists and donors (via the Ariadne Portal)