



2015

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**STATE  
OF CIVIL  
SOCIETY  
REPORT**



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*CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS strives to promote marginalised voices, especially from the Global South, and has members in countries throughout the world.*

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Once again, this year's State of Civil Society Report makes for bittersweet reading. The following pages are full of glimpses into the amazing work being done by our colleagues in civil society to address some of the most urgent global issues. From humanitarian response to long-term peacebuilding, civil society is often at the frontline of the world's challenges. But the pages are also full of worries, especially when it comes to the political space in which civil society operates and vital resourcing for its activities.

When I talk to CIVICUS members about their concerns, civic space and resource base almost always feature, regardless of where they come from (we have members in 165 countries) or how big they are (from the biggest international NGOs to the smallest community organisation). This year's report is aimed not just at mapping the nature of the challenges in these two areas but also acts as a guide for our members – and others – to come up with their own responses. You will see that we have made actionable recommendations after each section.

## DEFENDING OUR SPACE

The scale of the threats to civic space should not be underestimated. CIVICUS' analysis suggests that, in 2014, there were serious threats to civic freedoms in at least 96 countries around the world. If you take these countries' populations into account, this means that 67 years after the Universal Declaration of Human Rights guaranteed our freedoms of expression, peaceful assembly and association, 6 out of 7 humans live in countries where these freedoms were under threat. And even the most mature democracies are not exempt. In the United States, there were heavy-handed responses to protest, environmental groups in Australia and Canada have come under attack from their governments, and, as I write, friends in Indian civil society are trying to resist a cynical raft of measures to shut them up and shut them down.

For me, these developments suggest a renewed period of contestation about the acceptable bounds of civil society, the latest manifestation of the battle to protect citizens against state power. It would be foolish to see this phenomenon as somehow about the 'West versus the rest' or indeed that civic space can be saved or funded from outside. Instead, every polity needs to arrive at its own settlement about the role of and acceptable limits on civil society. And all of us who believe in a healthy, independent civil society have a responsibility to make our case again and again, whether it is in stressing the universal principles around civic freedoms or rolling up our sleeves to win hearts and minds in the political debate. It is our space; we need to reclaim it.

As the global civil society alliance, CIVICUS is busy working on a series of measures to defend our space. On the research front, we are developing new tools – notably the Civic Space Monitor and Civic Pulse – that will generate new, real-time information on trends affecting civil society. We hope that these will



MESSAGE FROM  
THE CIVICUS  
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be ready to go live when next year's State of Civil Society Report is published. On the international front, we are working within a number of mechanisms – from the Community of Democracies to the Global Partnership for Effective Development Cooperation – to make sure that global commitments to protect the enabling environment for civil society are adhered to. CIVICUS is also involved in the design of a series of new regional hubs aimed at supporting civil society. Finally, and perhaps most importantly, we are working with our own members to build solidarity across civil society. Only by standing together – regardless of whether we are service deliverers or change-seekers – can we be effective in the contestation for civic space.

## LESS MONEY, MORE PROBLEMS

This year's thematic essays make for required, albeit sometimes depressing reading, for anyone interested in the future of civil society. You will not find a fundraising toolkit with all the answers, rather, taken together, these essays paint a strategic and provocative picture of the challenges *and* opportunities around resources. If you're pressed for time, have a look at the CIVICUS essay and then dig deeper into the guest essays.

As for me, I drew one scary conclusion: those of us who work in change-seeking civil society organisations, especially in the Global South, are facing a triple whammy.

First, many of our donors are suffering from 'logframitis'. They want us to package the long-term and systemic change we are passionate about into neat little fundable projects that fit their programme and timelines. They work through complex chains of 'fundermediaries' who channel ever-smaller chunks of money with ever-larger relative reporting requirements. Many in civil society are good at playing this game but many of the most innovative, most ambitious initiatives rarely involve project proposals.

Secondly, in many countries civil society is caught between measures that make it more difficult to access foreign funding and the fact that domestic funders are not yet able or willing to support change-seeking activities. And the situation is most acute in countries that have apparently 'graduated' into middle income status and have therefore fallen off donors' priority lists.

Thirdly, despite all the promises about 'funding the front line' and investing in the capacity of Southern civil society, very little resource actually reaches those who need it most and, arguably, could spend it best. Out of the \$166 billion spent on official development assistance (ODA or aid) by OECD-DAC countries in 2013, only 13%, or \$21 billion, went to civil society. Although current data is hard to obtain, the latest estimate from 2011 suggests that Southern-based NGOs get only around 1% of all aid directly. The rest of civil society's allocation goes to Northern organisations that pass on an unknown share of their funding to CSOs based in developing countries. The picture is even bleaker when it comes to humanitarian activities, where the proportion of funds that go to local civil society organisations has actually fallen from 0.4% in 2012 to 0.2% in 2014. Private funders are generally better but I would argue that they are nowhere near where they should be in terms of funding the frontline.

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## GO BRAVE

What is also striking in this year's report are the links between civic space and resourcing trends. It is not surprising that domestic civil society does not have the capacity to defend itself against attacks on civic space if donors have systematically underinvested in local organisations. In my experience, the situation is particularly woeful when it comes to support for civil society platforms, the 'scaffolding' that helps strengthen civil society's collective voice when it is threatened.

At CIVICUS, we will work with donors where we can to encourage them to be braver; to curb the excesses of what one of our contributors calls the 'tyranny of donors'. One practical way we will do this is to add a new category for 'brave philanthropy' to our Nelson Mandela - Graça Machel Innovation Awards. From next year, our members will be able to nominate examples of donors who have been prepared to take risks to support civil society, particularly in the Global South. We will then take the nominees to a vote and announce the winners at our next International Civil Society Week, to be held in Bogota, Colombia in April 2016.

The onus is also on civil society to change some of its behaviours, from weaning ourselves off grant/contract funding, to exploring new ways of raising resources, to designing activities that do not need financial support. We also need to be braver when it comes to speaking out when others in civil society are targeted. Many of us have been too busy filling out forms that we have failed to notice that the science of delivery is killing the art of social transformation. Ultimately, we also need to be brave enough to go beyond our log frames and work plans, to engage in the politics of social transformation and protecting our space.

Throughout this report you will see examples of civil society challenging political and economic elites, of people making their own politics. I hope you are inspired to think about how we in civil society can work together to protect our civic space and create a more sustainable resource base.



**Dr Dhananjayan Sriskandarajah**

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- 1 Baobab, *Civil Society Aid Trends 2015*, Baobab Briefing No. 3, January 2015, <http://bit.ly/1FtGLRF>
  - 2 OECD, *Aid for CSOs*, October 2013, <http://bit.ly/1MacM59>
  - 3 [http://www.globalhumanitarianassistance.org/wp-content/uploads/2015/06/GHA-Report-2015\\_Online.pdf](http://www.globalhumanitarianassistance.org/wp-content/uploads/2015/06/GHA-Report-2015_Online.pdf)

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**THE YEAR  
IN  
REVIEW**



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# INTRODUCTION

It has been another year of hard work and high achievement for civil society. The story of the year since the 2014 State of Civil Society Report was published has partly been one of a continuing series of attacks on civil society in the many countries where, when civil society asks difficult questions about power, the powerful seek to silence it. But it has also been a story of impressive and sustained civil society response, in a world that has become more turbulent and contested.

As we show below, civil society faces challenges - of lack of space, under-resourcing and limited access to decision-makers. Civil society also needs continually to prove its connection with and relevance to citizens, and it needs to demonstrate its ability to stay ahead of trends and innovate. When civil society groups do not do these, they fail. But so often, we see civil society leading the response to crisis, taking on difficult issues, contributing to change, and winning arguments for social justice.

This year in review section of the 2015 CIVICUS State of Civil Society Report is complemented by our report's special thematic section on the resourcing for civil society, and the 27 guest contributions, from civil society activists and experts, on the resourcing theme. This year in review looks back at the twelve months since the last report was published, from June 2014 to May 2015. It seeks to identify the major stories around the world where civil society has made an impact, and where civil society has been challenged, and to draw learning from these about what needs to happen next to better enable civil society to promote positive change. It is necessarily a selective overview, and a snapshot of a volatile and changing world, but we think that, combined, the stories below tell us something compelling about the power of civil society to address the multiple challenges of today, ranging from political crises to humanitarian emergencies.

Together, these stories tell us that only civil society, in its broadest sense, is taking a stance against the concentration of power in the hands of a tiny, global, super-rich elite, and against the attempts of many political leaders and corporate interests to undermine human rights and the value of people's participation. Civil society, in the examples we offer below, is trying to give voice to the marginalised, grow democratic space, hold decision-makers to account and reinvent governance, from local to global level. But because civil society challenges powerful interests it often comes under attack and, in some contexts, rather than play an expansive role, civil society must instead focus on combating existential threats – and needs your help to do so.

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This review is a product of the rich and diverse global civil society that CIVICUS exists to serve. In compiling this review we have drawn from the invaluable insights of the members and stakeholders of the CIVICUS alliance, which have been shared with us over the last year, and carried out a range of special interviews with civil society activists and experts involved in the major issues of the day. We thank them all for their contributions.

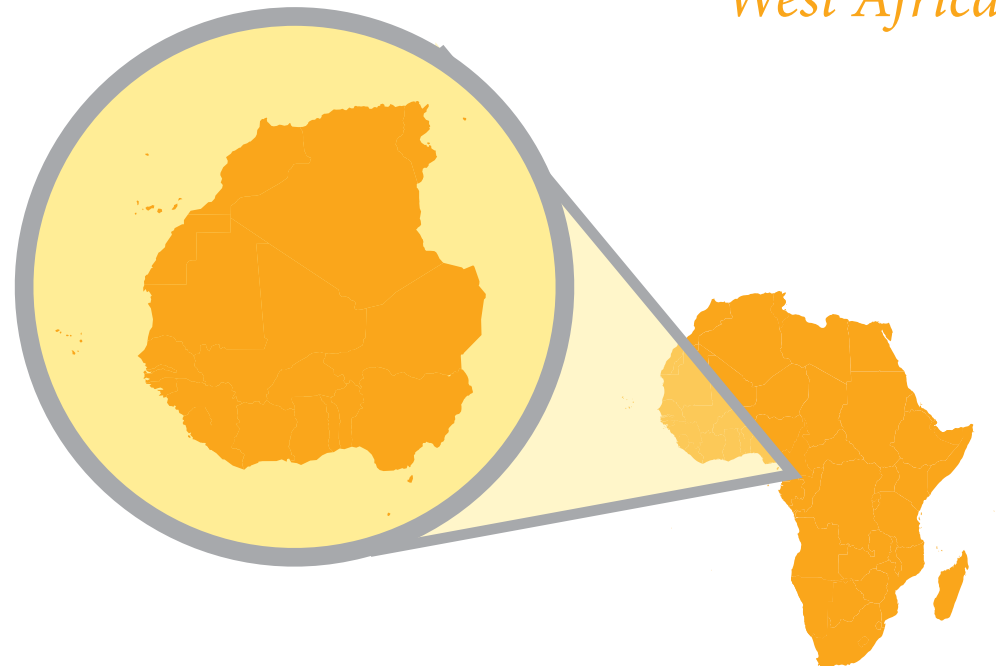
# 1 CIVIL SOCIETY RESPONDING TO EMERGENCY

One way that civil society demonstrates the difference it makes is by responding to emergencies and humanitarian crises. As explored in depth in the 2011 State of Civil Society Report, civil society is often the first responder, being more nimble than governments and intergovernmental bodies, and more trusted by communities than other agencies. At the same time, the need to respond to emergency can bring challenges of prioritisation and coordination, particularly between local and international CSOs.

## CIVIL SOCIETY IN THE FRONTLINE: RESPONDING TO EBOLA IN WEST AFRICA

These issues were brought to the fore in the world's biggest public health crisis in years, as Ebola struck Guinea, and then spread to Liberia and Sierra Leone in 2014, costing over 11,000 people their lives.<sup>1</sup> Ebola was a health problem that exposed, and became, a development problem: countries with limited resources and strained health services were simply unable to deal with an epidemic heaped on top of existing challenges. Ebola exposed major failings in governance, and demonstrated the value of civil society response, along with the challenges it faces when doing so.

As the contribution to our report from Sharon Ekambaram of Médecins Sans Frontières (MSF) makes clear, the Ebola crisis was largely avoidable. It was something that was allowed to happen because of institutional failures and structural weaknesses in health systems:



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'The toll of a tragedy', The Economist, 10 May 2015, <http://econ.st/1RaGxqQ>.

*The inefficient and slow response from the international health and aid system, led by the World Health Organisation (WHO), which saw a months-long global coalition of inaction, provided ample opportunity for the virus to spread wildly, amid a dearth of leadership and the urgent action that was required.*

*The International Monetary Fund (IMF) programmes that bankrolled redevelopment placed priority on debt and interest payments, rather than social welfare and health spending. These conditionalities attached to IMF and World Bank loans forced Guinea, Liberia and Sierra Leone to cap the number of health workers they employed and what they could be paid.*

Only in August 2014 did WHO declare the outbreak an international public health crisis, six months after it had started and civil society had responded in Guinea. MSF locates Ebola failures within a broader pattern of a failing intergovernmental system, noting that the lessons from the last large-scale public health crisis, Haiti's 2010 cholera outbreak, were simply not learned. Funding cuts in international health institutions also eroded ability to predict and plan for response, suggesting similar challenges for future epidemics.<sup>2</sup> This is consistent with our analysis in the 2014 State of Civil Society Report, which found that global institutions are insufficiently able to address contemporary challenges. Also noteworthy was the limited response of regional institutions, such as the African Union (AU), while poor governance at the national level further hindered effective early response: the government of Sierra Leone was accused of initially denying the existence of the outbreak and withholding information.<sup>3</sup> Put simply, if the international system worked more effectively, and if governments were more open and democratic, fewer people would have died.

In the face of this inaction, civil society did its best to step up to the challenge. Civil society personnel found themselves unable to turn away, voluntarily risking their lives to fight a disease that put first responders at strong risk of contagion.

Moriah Yeakula, a member of Citizens Organized for the Promotion of Transparency and Accountability, a Liberian CSO, best summarised the need to respond that those in civil society felt:<sup>4</sup>

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<sup>2</sup> Global Health Technologies Coalition, 'Ebola Was the Wake-Up Call for Global Health... Are We in Danger of Hitting the Snooze Button?'; 23 March 2015, <http://bit.ly/1CVEm37>.

<sup>3</sup> AIDS Accountability International, 'African Civil Society Response to Ebola', <http://bit.ly/1Bu96pn>; Médecins Sans Frontières (MSF), *Pushed to the Limit and Beyond: A year into the largest ever Ebola outbreak*, 2015, <http://bit.ly/1G6xqny>.

<sup>4</sup> Quotation taken from: Kelly Ann Krawczyk, *Community and Citizen Engagement: Liberian Civil Society Advances the Battle to End Ebola*, <http://bit.ly/1POeSOP>.

*Government is clearly overwhelmed. We cannot sit and wait for the international community. We don't know when they will arrive, and at the end of the day this is our problem... Civil society can step in and do what government cannot because... people trust civil society more... Grassroots organisations have better insight into the wants and needs of communities.*

Civil society's response was recognised when TIME magazine named 'the Ebola fighter' as its 2014 Person of the Year, commenting:<sup>5</sup>

*Governments weren't equipped to respond; the World Health Organisation was in denial and snarled in red tape... But the people in the field, the special forces of Doctors Without Borders/ Médecins Sans Frontières, the Christian medical-relief workers of Samaritan's Purse and many others from all over the world fought side by side with local doctors and nurses, ambulance drivers and burial teams.*

It's sobering to compare the committed, responsible work of civil society in West Africa with the hysterical over-reaction seen in some global northern countries, where a handful of cases provoked an ill-informed media frenzy. At the height of the hysteria, parents in the US pulled children out of school because a staff member had travelled to Zambia, while in Spain #VamosAMorirTodos (we're all going to die) trended on Twitter after a nurse contracted Ebola.<sup>6</sup> This suggests that much development education work still needs to be done amongst global north publics.

The problem was that the Ebola outbreak was an overwhelming challenge, far exceeding the capacity of civil society alone. If there is an assumption that civil society's emergency response capacity will pick up the pieces, this suggests complacency and expediency, rather than a systemic approach. The rapid response capability of organisations such as MSF, International Red Cross/Red Crescent and Samaritan's Purse, while formidable, may be taken for granted; a shift in emphasis by other international CSOs, away from humanitarian response and into policy and advocacy work, while having strong logic behind it in terms of how lasting change can be achieved, has also been noted as a factor.<sup>7</sup>

Civil society also faced the obstacle of an initial lack of government willingness to cooperate, fuelled by government distrust in civil society. For example, in Liberia, CSOs were not originally included in the national

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5 'Person of the Year: The Ebola Fighters', TIME, 10 December 2014, <http://ti.me/1yxi0oC>.

6 'The Ebola Hysteria', The New York Times, 29 October 2014, <http://nyti.ms/1tGqG8S>; 'The Quiet End to the U.S. Ebola Panic', The Atlantic, 11 November 2014, <http://theatlantic.com/1Fc6lnA>; 'Panic: the dangerous epidemic sweeping an Ebola-fearing US', The Guardian, <http://bit.ly/1FCgh2Y>; TIME, 10 December 2014 op. cit.

7 MSF, *Ebola: Pushed to the limit and beyond – MSF report*, 23 March 2015, <http://bit.ly/1B78hCf>.

Ebola taskforce set up by President Ellen Johnson Sirleaf, even though civil society was doing crucial community engagement work.<sup>8</sup> The need to build trust cost precious time.

A further challenge was that of accountability over resources: many governments committed resources, but there was little transparency over where money went and, as in the case of Gaza, discussed below, there were time lags between resource commitments and resource flows, suggesting that the global aid machinery cannot work quickly enough.<sup>9</sup> There were additionally some difficulties in coordinating between different CSOs, but also examples of good practice. For example, in the West Point district of Monrovia, Liberia, local CSO More Than Me led the formation of a multi-sector community response group that brought together local and international CSOs and medical centres, and worked alongside government health officials. Their outreach was judged so successful that the government asked them to expand to other areas.<sup>10</sup>

The example of More Than Me reminds us that, although much of the initial rapid response to Ebola came from international civil society, sparking questions of ownership and sustainability, effective local civil society plays a crucial role in successful response. For youth-led development agency Restless Development, the leadership of local volunteers who understood their communities was crucial for breakthrough in Sierra Leone, as Jamie Bedson relates:

*Restless Development responded by drawing on the agency's decade-long Volunteer Peer Educator (VPE) programme, designed to support large-scale social mobilisation activities. The VPE programme places young Sierra Leonean volunteers in rural communities, across all districts, for eight months every year. With 2,000-plus ex-volunteers providing the primary cohort, Restless Development designed a series of trainings and support structures for large-scale social mobilisation. Social mobilisation focused on supporting communities to recognise and act on the risks of Ebola transmission themselves, in two-way communication, rather than the one-way message-focused communication that dominated the initial months of response.*

*Some communities were resistant to the work of volunteer social mobilisers and did not trust the Ebola response overall; this was especially the case if they had yet to experience Ebola and did not consider themselves at risk. Overcoming community resistance was dependent on discussion with community leaders, working with communities to make the role of social mobilisers clear and following through, with the objective of ensuring programmes were community-led.*

8 Prince Kreplah, *Civil society engagement can help win the fight against Ebola*, Devex, 9 September 2014, <http://bit.ly/1Vz9U1>.

9 TIME, *What Ebola Taught the World One Year Later*, 24 March 2015, <http://ti.me/1Ktk0Rm>.

10 Krawczyk, op. cit.

*Civil society also faced the obstacle of an initial lack of government willingness to cooperate, fuelled by government distrust in civil society.*

*There were also barriers in getting buy-in from leading actors, such as UN agencies, on what effective social mobilisation looks like. There was resistance to moving from the more visible signs, megaphones and t-shirts approach, focused on health messaging, to deep community engagement. Continued advocacy at all levels - national, district and towards individuals and in coordination meetings - played a fundamental role in shifting understandings of what constitutes best practice social mobilisation.*

International CSOs that were able to respond strongly tended to be those that were able to use resources flexibly, in order to act rapidly. Restless Development found that flexible use of resources was critical for response:

*Restless Development was able to work within existing programming, led by volunteers in rural communities, to focus on Ebola social mobilisation. This meant utilising existing donor resources through consultation with partners. This also demonstrated early on the applicability of Restless Development programming to the wider Ebola response.*

At the time of writing, the Ebola outbreak was showing signs of dramatic slowdown. Concern must now shift to rebuilding damaged health systems, and strengthening the preparedness of other countries for the next outbreak. If the 11,000-plus lives lost are to count for something, the lessons of this crisis need to be learned and institutionalised, so that the next time Ebola, or another fast-moving epidemic, spreads across borders, response can be better and faster. It should be clear that the provision of a more enabling environment for civil society, and stronger working relationships between governments and civil society, are essential pieces of learning that must shape future capability for rapid response.

## CIVIL SOCIETY RESPONDING TO CONFLICT

As well as the Ebola crisis, civil society has, in the last year, been called on to respond to a range of conflicts, including in Syria, Yemen, Ukraine, Gaza, Central African Republic and South Sudan, and in turn has been affected by those conflicts. A record number of people, 33.3m, are now displaced by conflict and violence, with UNHCR, the UN Refugee Agency, reporting that 5.5m people were newly displaced in the first half of 2014 alone.<sup>11</sup> The only conclusion that it is possible to draw is that there is an on-going failure of governance at international and national levels, which is driving people from their homes.

<sup>11</sup> International Displacement Monitoring Centre, 'A record 33.3 million displaced by conflict and violence worldwide, with Nigeria in the top 5 countries most affected', 14 May 2014, <http://bit.ly/1KqOdAy>; UNHCR, 'War stokes further growth in forced displacement in first half 2014', 7 January 2015, <http://bit.ly/1wOepSZ>.

*International CSOs that were able to respond strongly tended to be those that were able to use resources flexibly, in order to act rapidly.*

*...the provision of a more enabling environment for civil society, and stronger working relationships between governments and civil society, are essential pieces of learning that must shape future capability for rapid response.*

A civil society interviewee, who asked to remain anonymous, noted an increasing sophistication in civil society's response to conflicts:<sup>12</sup>

*Civil society has become more adept than ever at responding to conflict. Almost nowhere is it the case now that policy makers are unaware of conflict. Civil society has also become much more global in its responses. Whereas it was previously heavily focused on Western policy-makers, it's now common for civil society to target South Africa, India or any other country to seek their effective response on conflicts around the world. Each country's foreign policy on conflict is now being more heavily scrutinised by CSOs, not just their own domestic human rights response.*

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**12** Interview with an experienced worker in advocacy for people affected by conflict, who asked to remain anonymous. We are indebted to this interviewee's overall inputs in shaping this section on conflicts.



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*Syria*


## SYRIA: THE CRISIS OF A GENERATION

One of the most difficult environments for civil society now is Syria, where the civil war that started in 2011, when the government violently cracked down on a popular uprising, continues to bring scenes of everyday brutality. The rapid advance of Islamic State (ISIL) forces across Syria and Iraq in 2014, to the point where ISIL is estimated to control around a third of Syrian territory at the time of writing, has introduced a new note of barbarity into an already desperate situation. Some 6.5m people are now internally displaced in Syria, giving Syria the world's largest displaced population:<sup>13</sup> this should make clear that Syria, a huge regional and global failure, presents the worst crisis of recent times.

The role of non-state actors such as ISIL in conflicts is a trend that has been noted since the late 1990s,<sup>14</sup> but perhaps one of the new aspects of groupings such as ISIL, and Nigeria's Boko Haram, is their enthusiastic and

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13 International Displacement Monitoring Centre op. cit.

14 See, for example, Mary Kaldor, *New wars and old wars: Organized violence in a global era*, 1999 (Cambridge: Polity).

professional embrace of social media as a bedrock of their method, in which spectacular acts of terrorism are performed and broadcast. Actions are designed to play to sensationalist news and social media agendas, and even mimic popular internet memes, games and Hollywood films, such that they gain power from public revulsion. The grisly execution video has become sadly commonplace.<sup>15</sup> Later in this report, we discuss how civil society has used social media, in imaginative and creative ways, to encourage change, but it is sobering to note that regressive forces can make social media work for them too.

A trend that Syria seems to conform to is that combatants in conflicts are becoming less respectful of international human rights and humanitarian laws and norms, with medical staff and aid workers seemingly now seen as legitimate targets by some: ISIL has carried out several executions of aid workers and journalists.<sup>16</sup> This is an assault on civil society, and has had the impact of forcing some CSOs to halt or limit operations in Syria or Iraq.<sup>17</sup>

At the same time, it needs to be noted that, beyond the ISIL-dominated headlines, the Syrian crisis remains principally one where a state is at war with its people, and where rival states, Iran and Saudi Arabia, are backing different sides in a fight for regional superiority. Far more people have died at the hands of government forces than any other party: in December 2014 alone, of the 1,851 people estimated as killed in Syria, state forces were responsible for around three quarters of these.<sup>18</sup> Syria's government is also misapplying anti-terrorism laws to silence human rights defenders (HRDs).<sup>19</sup>

In these conditions, the very existence of civil society is threatened, at precisely the point where it is most needed to defend life and rights. We asked Mansour Omary, of the Syria Center for Media and Freedom of Expression, to assess the current state and needs of civil society in Syria:

*The situation for civil society in Syria now can be divided into four, depending on the ruling power in each area.*

### ***Assad forces controlled areas: 30% of Syria***

*The Assad regime has not allowed free or independent civil society activities or organisations in*

15 DEMOS, *The performance of terrorism*, <http://bit.ly/1FegnKo>; 'Inside the ISIS Social Media Campaign', Newsweek, 6 March 2015, <http://bit.ly/1zXj4gN>; 'How Isis is spreading its message online', BBC Monitoring, 19 June 2014, <http://bbc.in/1lExJuq>.

16 'Red Cross workers deliberately targeted in Syria', DW, 17 September 2013, <http://bit.ly/1HNwSEj>; 'Kayla Mueller And The Impossibly Dangerous Job Of Providing Aid To Syria', Think Progress, 12 February 2015, <http://bit.ly/1eD8oRC>.

17 'As risks multiply, NGOs reassess security in Middle East', Reuters, 24 September 2014, <http://reut.rs/1J3NurG>.

18 'In Syria's Civilian Death Toll, The Islamic State Group, Or ISIS, Is A Far Smaller Threat Than Bashar Assad', International Business Times, 7 January 2015, <http://bit.ly/1d0QTtr>; 'Brutal Acts By ISIS Eclipse Reports Of Violence By Syria's Assad Regime', NPR, 10 March 2015, <http://n.pr/1LLx1Xc>.

19 CIVICUS, 'Syria: Free Prominent Rights Defenders', 5 September 2014, <http://bit.ly/1AzxP09>.

*A trend that Syria seems to conform to is that combatants in conflicts are becoming less respectful of international human rights and humanitarian laws and norms, with medical staff and aid workers seemingly now seen as legitimate targets by some.*

decades, and has interfered in every activity, no matter how small. There is a total absence of basic rights, including freedom of expression, opinion and media, and no one is allowed to express concerns or criticisms about the regime. Even organisations such as the union of students or union of journalists are under the control of the regime. The Assad regime is fighting with a hand of iron every attempt to conduct free or independent activity, unless it is monitored by and with the participation of the government. There is no sense of national belonging, and in place of this there is obligatory allegiance to the governing regime, and also some sectarian belonging, which is not helping people to believe in their society or homeland.

**ISIL controlled areas: 30%**

Simply, ISIL has ended every aspect of civil society independent action by blocking freedom of media, finance and association, and restricting any activity to its governing establishments.

**Kurdish-controlled areas: 10%**

Kurdish-controlled areas are relatively free of the war zone, although Kurdish forces are fighting ISIL in adjacent areas. In Kurdish-controlled areas there is more safety and there are more chances for civil society activities and action. In these areas civil society is developing and is very active. There are many organisations, and civil society activities are directed towards all parts of society, including children, women and older people, and including all ethnic groups. Kurdish ruling powers are allowing freedom of civil activities and associations, and have opened the doors widely for international funds and support for civil society promotion. Some organisations are trying to become independent from funders, but others depend totally on international funding and support. Although civil society is prospering in these areas, it's still at the beginning, and needs to gain more experience and have more freedom in some fields: the Kurdish ruling powers restrict some activities relating to criticism of some of its actions. For example, the ruling powers are recruiting children to fight, and no activities are allowed that raise awareness of this human rights violation.

**Areas controlled by the Free Syrian Army (FSA) and local councils of the opposition: 30%**

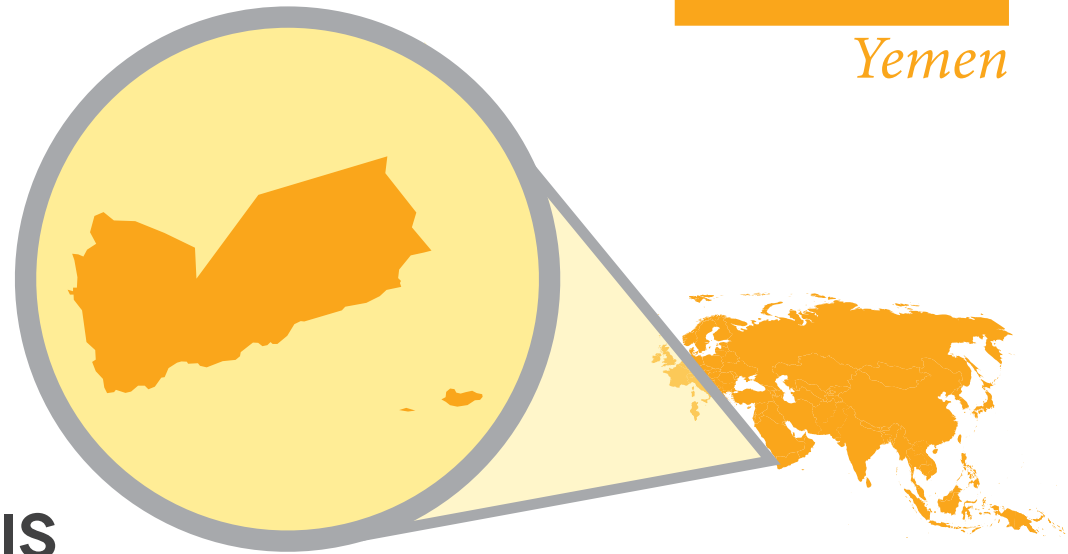
Opposition-controlled territories offer open areas for civil society activities and association, and civil society is playing a fundamental role in substituting for a functional government: civil society groups and organisations are doing the jobs and providing the services that would normally be done by the government, as there are no strong or agreed upon governing bodies. Those who are governing those areas are not interfering with civil society, being more engaged in war than

*ISIL has ended every aspect of civil society independent action by blocking freedom of media, finance and association, and restricting any activity to its governing establishments.*

*organising society, except for a few incidents of interfering in some cases, but interference is not systematic or vast. Much of civil society activities in the opposition-controlled and Kurdish areas are directed at mitigating the impact of war and Syria's catastrophic situation, including promoting the care of children and seeking to alleviate the impact of war on them.*

We also asked Mansour what needs to be done to support Syrian civil society:

*It is obvious that the first need of Syrian civil society, if it is to prosper, is the ending of the war and adoption of a democratic government, but civil society's immediate need is to have more international interest and organised support. There is total neglect in its coverage of civil society in Syria. The media publishes news of war, military actions and other horrible events in Syria, and is not shedding light on civil society activities in Syria. Foreign support is also needed for training, organising, and establishing a stronger base for civil society.*



## YEMEN: A GROWING CRISIS

At the time of writing, a further humanitarian crisis is unfolding in Yemen, where conflict has built since the 2011 people's uprising. In January 2015 President Abd Rabbuh Mansur Hadi was forced into exile in Saudi Arabia; at the time of writing, the capital Sana'a is occupied by insurgent Houthi forces and battle rages for control of the city of Aden. In a three-sided conflict, Al-Qaeda in the Arab Peninsular also hold significant territory. While a nascent Yemeni social media campaign demands #KefayaWar (enough war), a particular challenge is that this conflict comes in a country with a weakened civil society, and where the population is already very poor, with huge development challenges.<sup>20</sup> The UN has warned of an approaching humanitarian crisis and is trying to promote a negotiated political solution, but Oxfam has described Yemen as a 'forgotten crisis', where two-thirds of the population will need help, and spiralling food and fuel prices suggest looming food and drinking water crises.<sup>21</sup>

As the conflict worsened, aid agencies were forced to scale back their work. Many aid workers left, while insecurity, port blockades and the reluctance of transport companies to help bring in supplies, make it hard for those remaining in Yemen to reach communities that need help.<sup>22</sup> Illustrative of the dangers faced by

<sup>20</sup> 'Yemen's home grown anti-war movement', BBC Trending, 13 April 2015, <http://bbc.in/1X3bgB>; 'Four reasons the crisis in Yemen is so dire', IRIN, 10 April 2015, <http://bit.ly/1DqUTO2>.

<sup>21</sup> 'Civilians in Yemen 'wilfully abandoned to misery,' says Ban, urging immediate political solution to crisis', UN News Centre, 9 April 2015, <http://bit.ly/1EEaLbI>; Oxfam, 'Yemen is on the brink of humanitarian disaster with millions of lives at risk', 23 January 2015, <http://bit.ly/1dz4AAT>; Oxfam, 'Prices rocket as Oxfam warns of a major food and fuel crisis in Yemen: Oxfam gives cash to 4,000 families affected by the war', 8 April 2015, <http://bit.ly/1yk8uGy>.

<sup>22</sup> 'Fighting in Yemen is creating a humanitarian crisis', The Washington Post, 6 April 2015, <http://wapo.st/1CYGlyg>; 'Yemen's humanitarian crisis worsens as aid delayed', Al Jazeera, 7 April 2015, <http://bit.ly/1ac2kx1>; 'Yemen slides deeper into humanitarian crisis amid Saudi-led airstrikes', LA Times, 8 April 2015, <http://lat.ms/1FhUpqn>.

humanitarian workers in Yemen was the killing, in an attempted rescue mission, of kidnapped South African teacher, Pierre Korkie, and American photographer, Luke Somers, in December 2014.<sup>23</sup>

As in Syria, conflict in Yemen is driven by the regional power battle between the Iranian and Saudi Arabian governments, which back the Houthis and the Yemeni government respectively; they are using Yemen as a proxy battleground to fight a battle for regional supremacy, demonstrating frequent and unpunished breaches of international human rights laws. This suggests that the international community, and allies of the states involved, need to pressure the leaders of Iran and Saudi Arabia to resolve the crisis responsibly, and push combatants to commit to ensuring the safety of aid workers who are playing an essential humanitarian role. Further, the many wealthy states that surround Yemen need to step up to commit increased aid to their beleaguered neighbour. Governments in the region, and the international community, need to show the world that another Syria is not inevitable, and demonstrate that they take international law seriously.

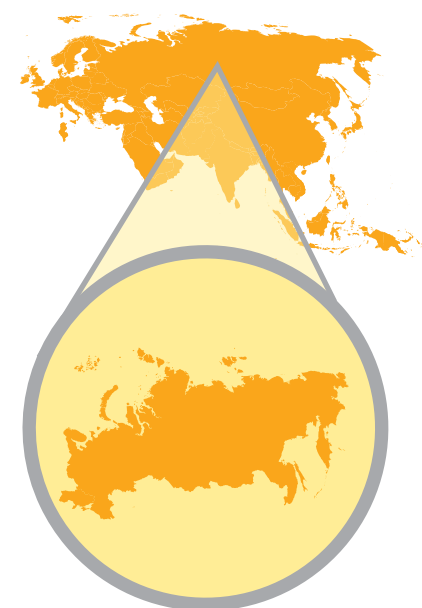
## UKRAINE AND RUSSIA: CIVIL SOCIETY CAUGHT IN THE MIDDLE

The 2014 State of Civil Society Report documented the self-organising Euromaidan protests, which resulted in the ousting of President Victor Yanukovich in February 2014, followed by Russia's annexation of the Crimea in March 2014. Since then, conflict between Russia and Ukraine, around the question of whether Ukraine pivots east or west, has become entrenched, particularly in eastern Ukraine, where Russian forces and pro-Russian rebels are concentrated.<sup>24</sup>

The shooting down in July 2014 of Malaysian Airlines Flight MH17 over eastern Ukraine, with the loss of all on board, brought to renewed global attention the deadly reality of the conflict. The difficulties investigators faced in accessing the site to identify and recover the dead, and continuing attempts by the Russian government to blame Ukrainian forces, demonstrate how polarised and contested the situation is. After a year of conflict, eastern Ukraine now presents a humanitarian crisis. By April 2015 it was estimated that 6,000 people had been killed and a million people displaced, with many more facing shelter, food and healthcare emergencies.<sup>25</sup> A ceasefire that was agreed in March 2015 remains fragile, and at the time of writing there are fears of further

*...the international community, and allies of the states involved, need to pressure the leaders of Iran and Saudi Arabia to resolve the crisis responsibly.*

## UKRAINE & RUSSIA



23 'Obama sends condolences to family of murdered Korkie', Mail & Guardian, 6 December 2014, <http://bit.ly/1LLxb00>.

24 'Russo-Ukrainian War Now a Reality', Huffington Post, 29 August 2014, <http://huff.to/1AzAgQv>.

25 'Ukraine death toll hits 6,000 amid ongoing fighting – UN', UN News Centre, 2 March 2015, <http://bit.ly/1PSuSPj>.

escalation.<sup>26</sup> The scale of the humanitarian crisis threatens to overwhelm the best attempts of local and international civil society to respond, as noted by Vanoo Noupech of UNHRC:

*The response by civil society has been extraordinarily good for the last year, but there is also already a certain fatigue, especially because of the general economic situation, so that is quite worrying.*

Loïc Jaeger of MSF highlighted the overwhelming and unexpected nature of the crisis:<sup>27</sup>

*...whatever humanitarian organisations might do here, it will remain a drop in the ocean. It's not a refugee camp of 30,000 people that we can handle as humanitarian organisations. We are talking about three million people... The main aid providers so far have been local organisations, which are doing a great job, but they don't have the capacity to scale up to big volumes. They used to collect clothes for the people of Africa before the war, and they now collect food and clothes for displaced people in their area... We are not talking about people who have been living in a conflict environment for 20 years.*

In this contested context, key freedoms, including the freedom of expression, are under challenge from both sides, as pro-Russian and pro-Ukrainian forces fight a propaganda war.<sup>28</sup> In eastern Ukraine, news outlets and journalists have faced a series of attacks, pro-Russian forces have detained Ukrainian journalists, and media workers have been killed in the crossfire of conflict. Ukrainian authorities have in turn detained Russian journalists and barred them from entry.<sup>29</sup> There are targeted attacks on and censorship of ethnic minorities in Russian-occupied Crimea, where Russia has extended its domestic policy of repressing civil society and the media.<sup>30</sup>

At the same time, the crisis has created opportunities for civil society to demonstrate its ability to respond: partly because the government realised it needed to access the legitimacy enjoyed by civil society in the wake of Euromaidan, and partly in recognition of its own limited capacity, the temporary cabinet that governed Ukraine from February to October 2014 delegated a role to civil society groups in crucial areas, such as organising self-defence, policing and developing election monitoring capacity; some 750,000 Ukrainian citizens

*...the crisis has created opportunities for civil society to demonstrate its ability to respond: partly because the government realised it needed to access the legitimacy enjoyed by civil society in the wake of Euromaidan, and partly in recognition of its own limited capacity.*

26 'Russia Expected to Escalate War in Ukraine Soon', World Affairs, 2 April 2015, <http://bit.ly/1bTlitl>.

27 Both quotations taken from: 'Fragile truce brings limited respite to war-weary people of eastern Ukraine', The Guardian, 25 March 2015, <http://bit.ly/1BIWHh7>.

28 'Ukraine's media war: Battle of the memes', The Economist, 12 March 2015, <http://econ.st/1L2U1Va>.

29 Committee to Protect Journalists, 'Ukraine: Press in Ukraine face attacks and raids', <http://bit.ly/1QfknjU>.

30 Human Rights Watch (HRW), 'Rights in Retreat', 17 November 2014, <http://bit.ly/1SGDRSJ>; 'In Crimea, it's a crime to talk about returning to Ukraine rule', Kyiv Post, 5 March 2015, <http://bit.ly/1G1IH9C>.

were estimated to be active in volunteering in late 2014 (although there can also be a troubling aspect of this, with the formation of volunteer militia units, some of which have alleged connections to extremism.)<sup>31</sup>

To some extent, this cooperation has challenged the anti-civil society views customarily held by Ukraine's political and economic elites.<sup>32</sup> In more recent times, however, the relationship between government and civil society has somewhat soured, as it has become harder to assert the freedoms the Euromaidan movement demanded in a context where a government sees itself as fighting a war: in October 2014, for example, representatives of the new Cabinet rejected an invitation by civil society groups to discuss human rights abuses in Ukraine.<sup>33</sup>

Despite this, CSOs continue to try to establish democratic reform dialogue with the government, and a delegation of Ukrainian human rights activists took their struggle to the UN General Assembly in October 2014.<sup>34</sup> The self-organising spirit of the Euromaidan movement has also continued, for example in May 2014, when Euromaidan SOS, a volunteer-led initiative, was formed to try to track down the many people who went missing in protests.<sup>35</sup>

In Russia too, people still mobilise against the actions of their government: in September 2014, over 20,000 people marched in Moscow to protest against Russia's involvement in eastern Ukraine, and tens of thousands marched in March 2015, some carrying Ukrainian flags, following the assassination of opposition activist Boris Nemtsov, who opposed the conflict with Ukraine and sought to expose the extent of Russia's military involvement.<sup>36</sup>

However, many in Ukraine still feel that the potential of Euromaidan is yet to be realised. As one participant, Halyna Trofanyuk, put it:

31 Mykhailo Minakov, *Changing Civil Society After Maidan: Report at the Danyliw Seminar, Ottawa, October 30, 2014*, <http://bit.ly/1GFGqzx>; 'Ukraine Doesn't Have a Warlord Problem', *Foreign Policy*, 26 March 2015, <http://atfp.co/1E3n4xX>.

32 Mykhailo Minakov op. cit.

33 Association of Ukrainian Human Rights Monitors on Law Enforcement (Association UMPDL), 'News bulletin', October-December 2014, <http://bit.ly/1RpOnMB>.

34 Association UMPDL, 'Human Rights Day – the sad results', 10 December 2014, <http://bit.ly/1EEb5Ya>; Association UMPDL, 'Member of the Association UMPDL became a delegate from Ukraine to the UN General Assembly in New York', 26 October 2014, <http://bit.ly/1d0WWy6>.

35 'In Kyiv, Anguish and Uncertainty Over Maidan's Missing', *Radio Free Europe*, 19 March 2014, <http://bit.ly/1SDBf86>; Euromaidan SOS, <http://bit.ly/1FkgKEI>.

36 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, *2014: The Year in Assembly and Association Rights*, January 2015; <http://bit.ly/1LLxp87>; 'Boris Nemtsov murder: Tens of thousands march in Moscow', *BBC*, 1 March 2015, <http://bbc.in/1K3dNPZ>; Carnegie Endowment for International Peace, 'Eastern Europe's Civil Society After Nemtsov's Murder', 2 March 2015, <http://ceip.org/1HNCZ8I>.



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*There could be another Maidan if the politicians don't understand the chaos they are creating... People are getting ready for the worst, and they have become disillusioned even with the Maidan.*

Against this, it may be the case that, as discussed in previous State of Civil Society Reports in relation to the great civic mobilisations of this decade, part of Euromaidan's impact will ultimately be in the way it developed people's activism skills and confidence, as Nazariy Boyarskyy, a human rights activist, suggests:<sup>37</sup>

*You can see it in the eyes of the volunteers who come in to help, beginning with the talented lawyers who work for us for free to help detainees and going all the way to the wonderful woman who comes to us to make us lunch... You can feel from these examples that people are ready not just to sympathise, but to pitch in. And that is the most vivid impression of the last year for me.*

In contrast to that activist spirit, Russia's continuing unilateral occupation of the Crimea, in the face of an international outcry, and the entrenched conflict in eastern Ukraine, demonstrate again the impotence of the current international system. Not least it shows the inability of EU countries to intervene decisively, and perhaps its unwillingness to pay the economic price of detaching Ukraine from Russia, given the rise of anti-European politics in many EU countries, as discussed further below. In the face of this, civil society will remain crucial in voluntarily responding to crisis and pressuring the two governments for an outcome in which human rights are respected. Civil society needs more support to be able to play these roles.

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*...many in Ukraine still feel that the potential of Euro-maidan is yet to be realised.*

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37 Both quotations taken from: 'Ukraine's Maidan protests – one year on', The Guardian, 21 November 2014, <http://bit.ly/11rs1Fo>.



## GAZA

## GAZA: INTERNATIONAL CHALLENGES, LOCAL RESPONSE

In July 2014, the state of Israel launched a new offensive against the people of Gaza. In seven weeks of fighting, over 2,100 Gaza citizens were killed, mostly civilians, and 70 Israelis, mostly soldiers, while around a third of Gaza's population was displaced.<sup>38</sup> Although the Israeli offensive has paused, it leaves huge challenges. First of all, it demonstrates the inability of the international community to resolve the crisis and hold the protagonists to account for the possible commission of war crimes. The intergovernmental response has been stymied by continuing deadlock at the UN Security Council (UNSC), while the UN Human Rights Council's (UNHRC) enquiry into the Gaza war has run into difficulties: in February 2015 William Schabas, head of the enquiry, had to resign after receiving personal attacks for previous work involving Palestine, and Israel's government denied the enquiry access to Israel and the West Bank.<sup>39</sup> These demonstrate the difficulty of making multilateral

*In seven weeks of fighting, over 2,100 Gaza citizens were killed, mostly civilians, and 70 Israelis, mostly soldiers, while around a third of Gaza's population was displaced.*

38 Humanitarian Response: 'Gaza Strip: Humanitarian Dashboard', November 2014, <http://bit.ly/1JWqMBO>.

39 CIVICUS, 'Gaza represents a failure of global governance: international community must insist on accountability for war crimes', 3 September 2014, <http://>

headway in an environment where a state acts with impunity, and raises the fear that there will not be proper accountability for crimes committed during this latest aggression.

Reconstruction is made more difficult by the longstanding Israeli economic blockade, which also caused major problems with the import of essential humanitarian supplies during the bombardment.<sup>40</sup> Further, the official intergovernmental response reveals an all too common contrast between the making of high profile commitments and the painfully slow flow of real resources: while in October 2014 over US\$5bn was committed to the Gaza Reconstruction Mechanism at a headline-grabbing intergovernmental conference in Cairo, Egypt, as of February 2015, only 5% of the promised funds had been delivered which, if sustained, would mean that reconstruction would take decades.<sup>41</sup> A lack of transparency about the detail of commitments makes it hard to exercise accountability over those commitments, but there is suspicion that at least some pledges were repackagings of existing commitments. There is a repeat pattern, in the wake of emergencies, of high level intergovernmental pledging events failing to result in delivery of resources.

During the offensive, both international and local civil society was crucial in responding to the devastation. We asked Najla Shawa, an aid worker in Gaza, to describe the impact of the bombardment, and civil society's response:

*Hearing everyday about neighbours, relatives or friends being injured or even killed made me feel that this time was like none before. I work for an international charity, so I worked every day from home, helping collect information about those displaced. I was in touch with non-governmental organisations (NGOs) and many ad hoc community initiatives, where people did so much work while not holding any kind of position or being part of any organisation. New small networks started to form. A relative, a friend, a building guard, many, have worked without recognition: giving people water, distributing food, getting in touch with aid organisations. It was amazing, day and night. People, ordinary people, were very active. Hundreds of displaced people were hosted by families for many days. There was a lot of quick civil society action. There were also many small Islamic NGOs that worked silently, without working much through government institutions. Local NGOs were supported by bigger international NGOs, and were spread across affected areas. The government was very weak, and depended on aid agencies.*

[bit.ly/1nyl36d](http://bit.ly/1nyl36d); 'Former Head of Inquiry Into Gaza War Says He Faced Pressure and Threats', The New York Times, 11 February 2015, <http://nyti.ms/1FPFnMO>.

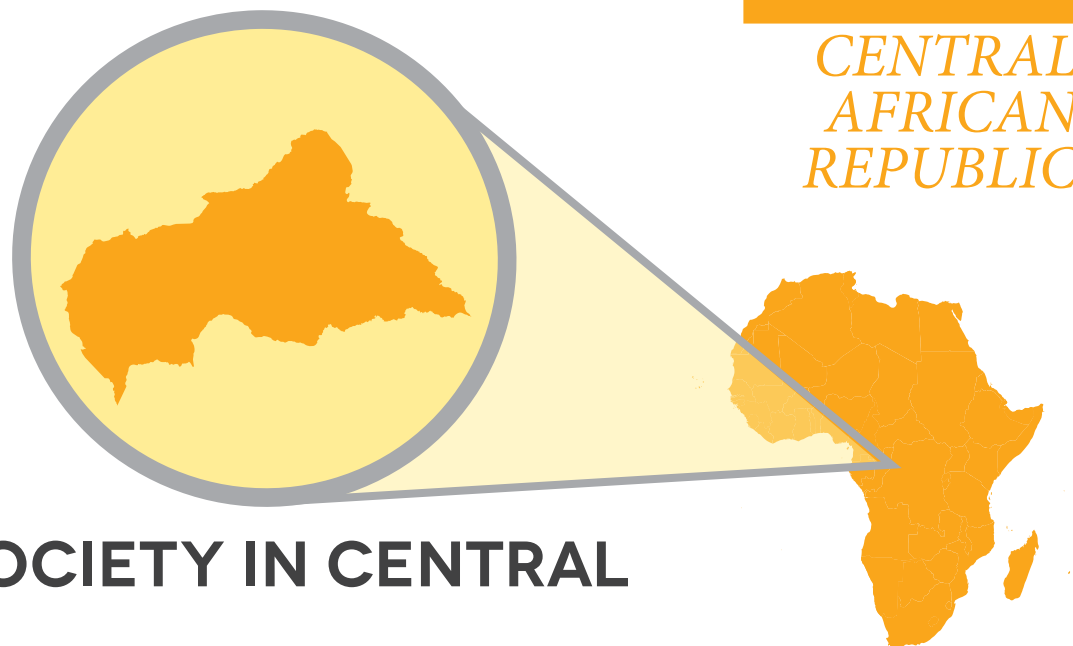
40 ICCO, 'Humanitarian aid in Gaza is impossible', 2014, <http://bit.ly/1eyMaA8>; Oxfam, 'Gaza Update: Three months on, vital reconstruction has barely begun as winter arrives', <http://bit.ly/13eOBI7>.

41 'Only five percent of pledged aid reaches Gaza', IRIN, 16 February 2015, <http://bit.ly/17LGwI7>; Oxfam, December 2014 op. cit.

*...as of February 2015, only 5% of the promised funds had been delivered which, if sustained, would mean that reconstruction would take decades.*

When asked about what support international civil society can give to local civil society and communities, Najla adds:

*Now, it should be clear that the support needed is mainly political. The Israeli blockade is the problem. The economy is dead. More support for strong civil society that should stand up against the harmful policies, and agreements such as the Gaza Reconstruction Mechanism, are a top priority. Psychological support to affected children is also a big need.*



## CIVIL WAR AND CIVIL SOCIETY IN CENTRAL AFRICA

The past year has seen sustained conflict in both the Central African Republic (CAR) and South Sudan. Conflict forced almost a million people to flee their homes in CAR and displaced 1.5m in South Sudan.<sup>42</sup> Civil society has proved a vocal advocate for peace, demanding more inclusive political dialogue and mobilising community-led efforts to respond to crisis. Civil society's efforts remind us that lasting peace is only possible with the participation of civil society: stability requires inclusivity, which means that peace-building cannot be left only to political or military parties.<sup>43</sup>

<sup>42</sup> Data from UN Office for the Coordination of Humanitarian Affairs (OCHA), Central African Republic, <http://www.unocha.org/car> and South Sudan, <http://www.unocha.org/south-sudan>.

<sup>43</sup> David Kode, *Conflict Resolution in the Central African Republic: What Role for Civil Society*, 2014, the African Centre for the Constructive Resolution of Disputes (ACCORD), <http://bit.ly/1HxKvlq>; ACCORD, 'Central African civil society urges the UN to put CAR as a top priority', <http://bit.ly/1LLdFRn>.

Sectarian violence erupted in CAR in December 2012, after a loose coalition of Islamic rebel forces, known collectively as Seleka, accused the predominantly Christian government of contravening peace agreements. After staging a coup in March 2013, aided by mercenary forces from Chad and Sudan, Seleka rebels sought revenge for decades of marginalisation. The result was a continuous cycle of reprisal violence between Seleka forces and the Christian militia, known as anti-balaka.<sup>44</sup> A new Head of State of Transition, Catherine Samba-Panza, was appointed in January 2014, but this did little to contain the chaos. In 2015 alone, after an upsurge of violence, tens of thousands of civilians were forced to flee to escape the militia on both sides.<sup>45</sup>

In this difficult situation, civil society groups and religious networks are working together to rebuild trust amongst communities, and laying the groundwork for reconciliation from the grassroots.

In 2014, after churches sheltered thousands of Muslims from revenge attacks,<sup>46</sup> an inter-faith forum was formed, comprising the head of the CAR's Islamic community, Imam Omar Kobine Layama, and leader of the Evangelic Alliance, Nicolas Grekoyame Gbangou. The forum has organised regular prayer meetings and gatherings to discuss peace and reconciliation, and the organisers have appealed for funds to create inter-faith schools, hospitals and a national radio station to preach peace, in an effort to bring divided communities back together. In June, the forum launched an inter-religious campaign for social cohesion. The campaign has held debates, sporting and cultural events, and organised visits to internally displaced persons (IDP) camps and reconciliation training for 400 religious leaders.<sup>47</sup>

Sport has played a huge role in civil society's outreach. In December 2014, residents of the Muslim district of PK5, where a series of sectarian attacks had been carried out, played a football match with the predominantly Christian neighbourhood of Fatima. In the same month, a reconciliation camp, dubbed 'It's Enough', culminated in former Seleka fighters facing off against an anti-balaka squad, in the capital Bangui's Municipal Stadium. In a bid to support the government's efforts to achieve national reconciliation and restore peace, the Bangui Peace Marathon, organised by CSO Point d'Appui and the CAR Athletics Federation, included young people from both sides, alongside government officials, politicians and athletes.<sup>48</sup>

Civil society in CAR has also been vocal on the international stage, urging intervention from regional and multilateral actors, and highlighting human rights abuses by both sides. Meanwhile, international CSOs were

*In this difficult situation, civil society groups and religious networks are working together to rebuild trust amongst communities, and laying the groundwork for reconciliation from the grassroots.*

44 'Crisis in the Central African Republic, Parallax World, 20 March 2014, <http://bit.ly/1JYZBFI>.

45 'Central African Republic profile – Timeline', BBC, 22 May 2015, <http://bbc.in/1t9Xl3u>.

46 'War-torn churches shelter Muslims in Central African Republic', The Washington Post, 20 February 2014, <http://wapo.st/1edT99G>.

47 'Central African Republic clerics lobby for peace', IRIN, 31 January 2014, <http://bit.ly/1J8gYEQ>; 'Striving for peace in CAR', IRIN, 7 January 2015, <http://bit.ly/1wTTwzq>.

48 'CAR holds semi-marathon Sunday in Bangui to foster peace', StarAfrica, 8 December 2014, <http://oran.ge/1GFMD8r>.

active in alerting policy-makers, at early stages, to atrocities, helping to convince France and then the UN to commit peacekeeping troops, resulting in a decline in casualties.<sup>49</sup>

In neighbouring South Sudan, which won independence from Sudan in 2011, violence broke out in the capital Juba in December 2013 and has since spread nationwide, reflecting deep fissures within the ruling party, the Sudan People's Liberation Movement (SPLM). Competition for power amongst the ruling elite exacerbated longstanding tensions between the two largest ethnic groups, the Dinka and Nuer. Following a series of political manoeuvres instigated by Salva Kiir, the country's Dinka President, to exclude the Nuer Vice President, Riak Machar, from power, Dinka and Nuer soldiers within the armed forces collided. Both leaders were quick to manipulate ethnic tensions for political gain, leading to widespread ethnically targeted killings. After more than a year of peace negotiations between the government and rebel factions, mediated by regional parties, at the time of writing a deal appears no closer, and an escalation of fighting is feared.<sup>50</sup>

Shortly after the start of the crisis, civil society came together on the Citizens for Peace and Justice platform. The forum has actively sought representation for civil society in the peace negotiations, successfully lobbying the South Sudanese presidency and the Intergovernmental Authority on Development (IGAD), the regional body mediating the negotiations, to acknowledge that civil society needs to be included.<sup>51</sup>

Though their role in the peace discussions taking place in Addis Ababa, Ethiopia, has been limited and in some instances controversial, with the opposition rejecting the IGAD civil society nomination process after they failed to secure a seat for CSOs from opposition-held areas, civil society has continued to demonstrate its solidarity with the peace efforts.<sup>52</sup> Lobbying efforts have persuaded negotiators to incorporate the need for a national reconciliation commission, including CSO representation, into the peace agenda.

However, after almost 18 months, faith in the ability of IGAD talks to find a solution to the crisis is fading. As an alternative, citizens and community leaders are turning to local, community-led attempts to build peace from the ground. Emeritus Bishop Paride Taban leads the Kuron Peace Village peace-building project, which was conceived as a model community bringing together people of different ethnicities and backgrounds. Through the Peace Village, different pastoralist groups, who share a long history of enmity have been encouraged to find means of peaceful co-existence.<sup>53</sup> Despite the continuing conflict in the rest of South Sudan, Eastern Equatoria

49 International Coalition for the Responsibility to Protect, 'Civil Society and UN Officials Urge Security Council to Authorize a United Nations Peacekeeping Operation in Central African Republic', March 2014, <http://bit.ly/1BqzmRj>; Interview with an experienced worker in advocacy for people affected by conflicts.

50 'South Sudan: Failure to Launch?', Parallax World, 9 January 2014, <http://bit.ly/1GJuoFv>.

51 'S. Sudan civil societies push for inclusion in peace talks', Sudan Tribune, 16 March 2014, <http://bit.ly/1fCXqEv>; 'Government Welcomes Civil Society Participation In Peace Talks', Gurtong, 21 February 2014, <http://bit.ly/1LLfUV4>; Citizens for Peace and Justice Facebook page, <http://on.fb.me/1SGEmfs>.

52 'S. Sudan stakeholders nominate representatives for peace talks', Sudan Tribune, 9 June 2014, <http://bit.ly/1AzHJ1Q>.

53 Kuron Village information, available at <http://www.kuronvillage.net>, <http://bit.ly/1G7kIFV>.

*CSOs were active in alerting policy-makers, at early stages, to atrocities, helping to convince France and then the UN to commit peacekeeping troops, resulting in a decline in casualties.*

*Lobbying efforts have persuaded negotiators to incorporate the need for a national reconciliation commission, including CSO representation, into the peace agenda.*

state has remained notably stable, which can in no small part be attributed to the efforts of Bishop Paride and the Peace Village.

There are also national efforts at community-led reconciliation. Frustrated at the lack of progress in negotiations, a National Peace Conference of South Sudan Tribes convened in February 2015 on the theme 'Peace Now! South Sudan Tribes Unite Against War'. Participants were drawn from each of South Sudan's 65 ethnic groups, and included religious and community leaders, traditional chiefs and government officials. Among the resolutions signed by the participants was a call for international sanctions against parties or individuals who refuse to sign or respect a negotiated peace deal.<sup>54</sup>

The examples of CAR and South Sudan are showing that civil society actors can play a critical role in inter-community peace processes. This is particularly true in instances where internationally led political initiatives are failing to address local needs and interests. Grassroots projects can help build bridges between opposing communities and close gaps between local, national and international bodies, but in order to achieve these aims a diversity of civil society initiatives must be recognised as a necessary component of sustainable peace, and adequately supported.

## CIVIL SOCIETY RESPONDING TO AND PREVENTING DISASTER

During the time this report was being prepared, Vanuatu's infrastructure was devastated by Cyclone Pam in March 2015, and over 8,000 lost their lives after a powerful earthquake struck Nepal in April 2015.

Civil society was quick to act: over 100 CSOs were reported as responding in Vanuatu, and over 200 international CSOs were said to be delivering emergency aid in Nepal.<sup>55</sup> But debate quickly moved to questions of the coordination of civil society, and international CSOs' lack of contextual understanding; Vanuatu's government criticised CSOs for lack of coordination, with each other and the government, and accused CSOs of being overly concerned with visibility, while issues of international CSOs not understanding local context were raised in both Nepal and Vanuatu.<sup>56</sup> Nepali CSOs called for an inclusive response, in which the government's

54 'S. Sudan tribes declare support for federalism, call for end to conflict', Sudan Tribune, 22 February 2015, <http://bit.ly/1AChCyE>; 'South Sudan's 64 tribes propose rotational presidency', The New Nation, 3 March 2015, <http://bit.ly/1FPGBrm>.

55 'Cyclone Pam: disaster response teams travelling to Vanuatu as dozens feared dead', The Guardian, 15 March 2015, <http://bit.ly/1HxMHCC>; 'Tropical cyclone Pam: Australia sends humanitarian aid to Vanuatu', The Guardian, 15 March 2015, <http://bit.ly/1PPwn0B>; 'The Predictable Disaster in Nepal', Huffington Post, 6 May 2015, <http://huff.to/1J84ETi>.

56 'Red Cross responds to criticism from Vanuatu government over NGO response to Cyclone Pam', ABC News Radio, 20 March 2015, <http://ab.co/1JWu7jq>;

*The examples of CAR and South Sudan are showing that civil society actors can play a critical role in inter-community peace processes.*

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responses did not limit human rights, while the government was also accused of blocking the flow of aid, consistent with a pattern in which disasters expose governance and accountability deficits.<sup>57</sup>

These questions are ones commonly raised in the aftermath of humanitarian response; international civil society undoubtedly has an important role to play in Nepal and Vanuatu, but needs to be able to address these criticisms and demonstrate that they are building local civil society capacity, using resources responsibly and helping to improve on the governance and accountability issues that disasters reveal.

In Serbia, which experienced severe floods in May 2014, domestic civil society's response was seen in a generally positive light. Floods led to 51 deaths and around 32,000 evacuations, in an event described by Serbia's Prime Minister as their "worst natural disaster in history."<sup>58</sup> Serbian civil society network, Civic Initiatives, in their input to this report, describe the domestic civil society response:

*Civil society showed its potential, including in volunteering resources, and its capacity for fast and efficient response, strategic thinking in the field and partnership with the state. In some cases, local authorities delegated part of their operations to local CSOs, due to their own inability for efficient delivery and their lack of coordination with national authorities. CSO activities were particularly significant for the most vulnerable groups, such as Roma people, children and mothers with small children, and people with disabilities. More than 200 local and national CSOs were engaged in activities of support in flooded areas. CSO flood responses can be divided into three main areas: urgent efforts to help citizens; coordination, including support to the work of local CSOs, and participation by Serbian civil society in international humanitarian meetings; and helping institutions to help, by advocating for changes on national and international levels.*

The Serbian experience corresponds to a pattern noted in the 2011 State of Civil Society Report, in which effective civil society response to emergency helps lead to the opening of more opportunities for civil society: Civic Initiatives has noted new opportunities for CSOs to have a consultative voice in the time since the floods.

In the Philippines, meanwhile, civil society is starting to realise its responsibility to help reduce vulnerability to natural disasters, as our contribution from CODE-NGO indicates:

<sup>57</sup> Agencies 'holding up' Vanuatu response, Otago Daily Times, <http://bit.ly/1EzkkZz>; 'Cyclone Pam: Vanuatu slams aid agencies', stuff.co.nz, 19 March 2015, <http://bit.ly/1Go2prL>; Development Policy Centre, 'After the storm, the deluge', 24 March 2015, <http://bit.ly/1FEI0ji>; Huffington Post, 6 May 2015 op. cit.

<sup>58</sup> The International Movement Against All Forms of Discrimination and Racism, 'Nepali civil society organizations demand the Government for inclusive disaster responses', 4 May 2015, <http://bit.ly/1FccPZi>; 'Nepal government criticised for blocking earthquake aid to remote areas', The Guardian, 2 May 2015, <http://bit.ly/1J45wtU>.

<sup>58</sup> Reliefweb, 'Balkans: Floods – May 2014', <http://bit.ly/1lyw3yO>; 'Prime minister calls Serbia floods 'worst natural disaster' in country's history', Euronews, 16 May 2014, <http://ab.co/1JWu7jq>.

*The Serbian experience corresponds to a pattern noted in the 2011 State of Civil Society Report, in which effective civil society response to emergency helps lead to the opening of more opportunities for civil society.*



*A major challenge faced by CSOs in the Philippines has to do with the impact of climate change and natural disasters, which increasingly present socio-economic and environmental risks to the Philippines. The World Disaster Report 2013 ranked the Philippines as the third highest risk country in terms of exposure to natural calamities, next only to Tonga and Vanuatu. Typhoons hitting the country in the past 10 years have become more frequent and drastic, bringing damage that we have never seen before. Since the impacts of these events adversely undermine any development intervention being implemented in the areas affected by the calamities, it has become a necessity for development CSOs in the country to mainstream disaster risk reduction and management (DRRM) and climate change adaptation (CCA) in our interventions. It is also important that we reinforce our advocacy towards influencing our government at national and local levels to fully implement our DRRM Law and ensure citizen participation in our local government units' crafting of local DRRM plans and budgets.*

*...civil society, from local to international levels, is often the first responder in situations of emergency, including public health emergencies, natural disasters and human induced humanitarian crises, including those caused by conflict.*

## CONCLUSION: CIVIL SOCIETY AND EMERGENCY RESPONSE

The above has offered just a few examples of the ways in which civil society, from local to international levels, is often the first responder in situations of emergency, including public health emergencies, natural disasters and human induced humanitarian crises, including those caused by conflict. International civil society can be effective in rapidly mobilising flexible resources, including from public donations, while local civil society often has crucial trust and understanding of context. When they work together they can be particularly effective. In comparison, governmental bodies are often unable to offer a similarly strong response. This may be because governments are implicated in conflicts, or poor governance has exacerbated the emergency, while intergovernmental agencies are stymied by bureaucracy and deadlocked international politics that play out at the multilateral level. However, sometimes, despite its best efforts, civil society is overwhelmed by the scale of the crisis too. This is when closer collaboration between all parties is most needed.

## FIVE KEY POINTS FOR FUTURE ACTION:

- Civil society response to emergency works best when it builds upon existing and deep track records of engagement with local communities.
- A history of disabling conditions for civil society is a huge barrier against effective civil society response to crisis; long term work needs to be done to improve the conditions for civil society, including in the follow-up to emergencies, to develop future emergency response capacities.
- Civil society often finds itself caught between different parties in conflict, and more must be done to assert and adhere to a norm that all sides in a conflict should respect civil society's political neutrality and independence, and uphold their right to deliver essential humanitarian services and report on human rights violations, where they encounter them.
- Issues of coordination and cooperation, including between local and international CSOs, are inevitable; relations need to be built on mutual respect, while mechanisms need to be put in place to anticipate and resolve any conflicts that may arise.
- Flexibility in the use of resources is crucial and so needs to be built in, but at the same time, issues of transparency and accountability in the use of resources, which are likely to arise, need to be anticipated.

# 2 STANDING UP FOR OURSELVES: CIVIL SOCIETY MOBILISING

*Civil society mobilisation happens whenever people come together to seek change and call decision-makers to account, whether on the streets or online.*

As CIVICUS has consistently maintained, civil society is much more than a collection of organisations. Civil society mobilisation happens whenever people come together to seek change and call decision-makers to account, whether on the streets or online. In the past few State of Civil Society Reports, we have observed that people are rejecting models of governance that they see as failed, and the established forms of political participation that they see as irrelevant to their lives. The patterns of protest that erupted in 2011, when people demanded that broken models of governance and politics change in many Middle East and North African (MENA) countries, and in Europe and the US, have persisted, and spread to different contexts.

In some countries, such as Greece and Spain, the momentum of anti-austerity protests has translated into new forms of electoral politics that have challenged established parties: Syriza in Greece capitalised on a support base galvanised by the protests since 2011 to win control of government in 2015, and in Spain the anti-austerity Podemos ('we can') party, which explicitly takes inspiration from 2011's Indignados movement, made gains in the May 2015 municipal elections, including taking the mayoralty of Barcelona.<sup>59</sup>

Meanwhile, fresh protests have come in Brazil, where we reported how people took to the streets in 2013 and 2014 in the 2014 State of Civil Society Report. In March 2015, hundreds of thousands of people marched in cities all over the country, against President Dilma Rouseff, following a corruption scandal at Petrobras, the state-owned oil company.<sup>60</sup> Those who marched in Brazil were, however, very different to those who did so in previous years: this was an older, wealthier crowd, and some expressed support for reactionary politics and the return of military rule, causing some pro-government supporters to dismiss the marches as a coup attempt, although President Dilma recognised people's right to protest.<sup>61</sup> But what this did have in common

59 'Spanish politics: Restless and resentful', The Economist, 3 January 2015, <http://econ.st/1HNWwIU>; 'Spain's 'Yes we can'', DW, 8 April 2015, <http://bit.ly/1Ayukrj>; 'Left Coalition Wins Barcelona, Spain's Main Parties Lose Ground', Telesur, 24 May 2015, <http://bit.ly/1SDI75x>.

60 'Big protests in Brazil demand President Rouseff's impeachment', BBC, 16 March 2015, <http://bbc.in/1CkmTnD>.

61 'Brazil's Right Wing's Undermining of Democracy', Telesur, 14 March 2015, <http://bit.ly/1BlxS74>; 'Update: Brazil's Right Wing March for Impeachment of President', Telesur 15 March 2015, <http://bit.ly/1ckl3pO>; 'Damage control: Brazil's government reacts to protests', BBC, 16 March 2015, <http://bbc.in/1Feh1rw>.

with previous protests is that it too suggested a withdrawal from conventional politics and a loss of trust in established politicians, creating a legitimacy crisis for political elites.

One thing we might conclude from the past few years is that it is hard to predict where mass mobilisations might break out next. A year ago, Burkina Faso and Hong Kong did not stand out as potential protest hotspots. What does seem to be holding true, however, is the pattern of how protests spread, as characterised in the 2014 State of Civil Society Report: protests tend to mushroom from an initial focus on small, local issues into addressing larger, national level issues, often connected with frustration about lack of voice and visible corruption; they generally involve young, often well-educated people; they are usually marked by a high degree of self-organisation and a lack of hierarchical structure, with heavy use of social media; they tend to look to previous protests as sources of inspiration; and they often flare up more intensely when initial protest is met with heavy handed security force response.

## HONG KONG: “PAIN IS TEMPORARY. WE ARE FIGHTING FOR A PERMANENT DEMOCRACY”<sup>62</sup>

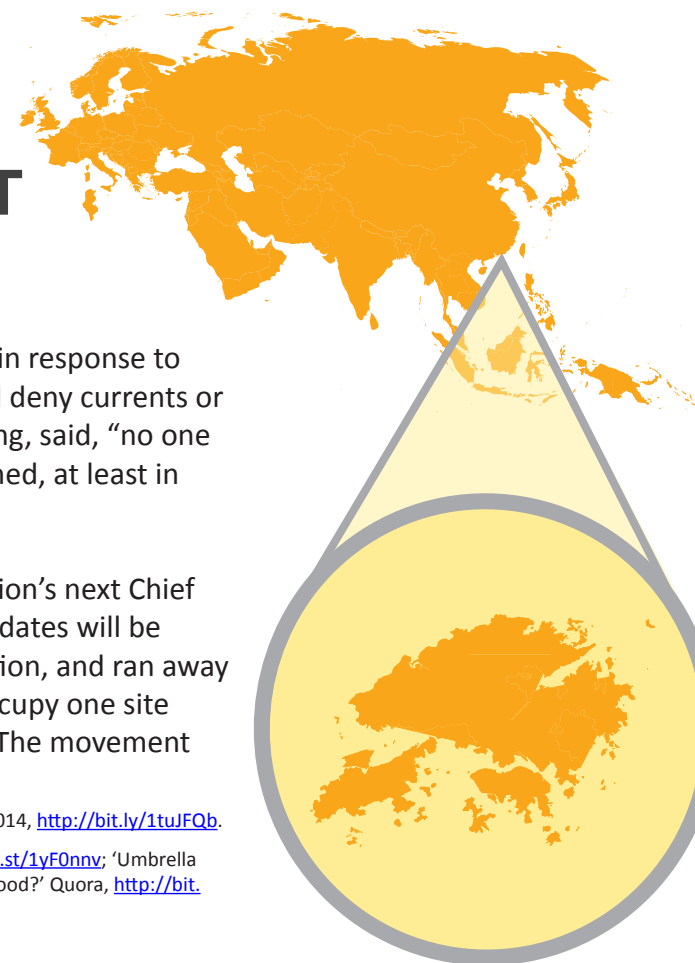
Many of the above characteristics could be seen in Hong Kong in 2014, even though, partly in response to accusations of being foreign led, protest leaders were keen to focus on domestic issues, and deny currents or inspiration or learning from elsewhere. For example, one of the protest leaders, Joshua Wong, said, “no one has inspired me,” although others were prepared to acknowledge that much had been learned, at least in terms of tactics, from the Occupy movement and previous protests in Taiwan.<sup>63</sup>

In Hong Kong, a key protest demand was that the election of the Special Administrative Region’s next Chief Executive in 2017 be held under universal franchise. Currently China’s proposal is that candidates will be selected and vetted by a nominating committee. Protests quickly outgrew their initial intention, and ran away from the organisers. What started out as Occupy Central with Love and Peace – a plan to occupy one site – burst its banks and spilled into three sites, under the banner of the Umbrella Movement. The movement

<sup>62</sup> Quotation taken from: ‘Hong Kong police drive out pro-democracy protestors in violent clashes’, The Guardian, 1 December 2014, <http://bit.ly/1tuJFQb>.

<sup>63</sup> ‘Hong Kong’s students want you to stop calling their protest a ‘revolution’, The Washington Post, 4 October 2014, <http://wapo.st/1yF0nny>; ‘Umbrella Movement and Hong Kong Protests (Fall 2014): How do the Umbrella Hong Kong protesters address the logistical problems of supplying food?’ Quora, <http://bit.ly/1FceZrU>.

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gained early public support, with some initial heavy handed policing, including the use of tear gas and pepper spray, fuelling further participation in protest.<sup>64</sup>

Umbrellas became the visual symbol of the movement, starting out as practical protection against tear gas, and then finding form in sculptures and other protest art. As in previous protests, online means were used to plan protest and communication messages, including high use of the HKGolden forum. This helped protests to spread: at their peak, an estimated 100,000 people were taking part.<sup>65</sup>

Another characteristic of the Hong Kong protests, which they share with other recent movements, is that demands and responses were multiple and complex, and resist easy analysis. Underneath the umbrella, there was considerable diversity, in both tactics and goals. The movement remained loose, encompassing different students' groups, such as the Scholarism movement, formed in 2012 to resist state attempts to make education more 'patriotic', but also reaching across other movements and opposition parties. The tactics were mostly non-violent, civil disobedience tactics, but not entirely: the Civic Passion group did not adhere to these principles when they carried out forced entry to the Legislative Council Complex, while police violence produced some violent protestor reactions in December 2014. An element of xenophobic, anti-mainland Chinese sentiment among some protestors must also be acknowledged.<sup>66</sup>

Ultimately, the protests can be seen as having petered out. Heavy handed initial police tactics became more careful, as the state seemed keen not to have a Tiananmen Square moment, and to some extent protest became a war of attrition. Protestors acknowledged feeling fatigued, and given persistent disruption to daily life, initially supportive public opinion swung towards wanting the protests to end, although this should not be conflated with public opposition to democracy.<sup>67</sup>

Given this, the question arises again of how protest success is defined. Protests may not achieve all their aims, but this does not mean they are wholly unsuccessful. As in previous cases, including Ukraine, as noted above, part of the value of protests is in connecting previously disconnected people and increasing their awareness of and commitment to action. Protests act as schools of active citizenship, as an anonymous Hong Kong civil society activist we interviewed attests:

64 'Here's what's next for Hong Kong's embattled democracy movement', Global Post, 5 December 2014, <http://bit.ly/1LLxSr6>; Brookings, 'Hong Kong: Examining the Impact of the "Umbrella Movement"', 3 December 2014, <http://brook.gs/1GFTQf8>.

65 'Occupy Central leaders surrender to Hong Kong police', 3 December 2014, <http://bit.ly/1PPALNi>.

66 'Tracing the history of Hong Kong's umbrella movement' ABC RN, 28 October 2014, <http://ab.co/1wKm4ky>. The Guardian, 1 December 2014 op. cit.

67 'Hong Kong's Summer of Love and the Umbrella Generation', The Huffington Post, 3 December 2014, <http://huff.to/1FPKGfi>; 'Hong Kong protests have produced no real winners', The Guardian, 1 December 2014, <http://bit.ly/1BqIANF>.

*Another characteristic of the Hong Kong protests, which they share with other recent movements, is that demands and responses were multiple and complex, and resist easy analysis. Underneath the umbrella, there was considerable diversity, in both tactics and goals.*

*Protests may not achieve all their aims, but this does not mean they are wholly unsuccessful.*

*The protests cannot be described as a success with regard to their demands, but one major impact is that they have awakened a certain part of civil society, the younger generation in particular, that used to be passive and indifferent to social and political issues.*

Most protestors did not belong to any organised group, becoming involved as individuals, and many were young: research published by the *Ming Pao* newspaper found that over three quarters of protestors were aged between 18 and 39, and 37% were under 24. Further, many were new to any kind of protest movement.<sup>68</sup> A further encouraging aspect is the strong role women played in the protests, including in organising protest and being on the frontline. Stereotypes of women as submissive and oriented towards good careers or good marriages were challenged.<sup>69</sup> We have perhaps seen the birth of the ‘umbrella generation’ who have been brought out of relatively affluent individual isolation into collective action, while previously disparate opposition groups may have identified common ground.<sup>70</sup> A generation has identified a fundamental point of disagreement, on which their rulers evidently do not want to give ground. A protest march, with umbrellas prominent, of around 10,000 people in February 2015 showed that the commitment to seek change has not gone away.<sup>71</sup>

Another key impact of the Hong Kong protests could be that they have focused global attention on an issue that was receiving little notice. A second interviewee, also anonymous, draws attention to the value of internationalising the issue:

*The international community must stand in solidarity with the people of Hong Kong and put pressure on the government to listen to the voices of its people. Civil society groups around the world should continue campaigns calling on the Chinese government to respect the autonomy of Hong Kong and to stop interfering in its political processes. The people of Hong Kong have a right to decide on how their leaders are elected. International civil society should also amplify the voices of local civil society groups in Hong Kong and report on the restrictions imposed on freedom of expression and assembly, and raise human rights concerns in gatherings of civil society groups and meetings with governments and United Nations representatives.*

68 CIVICUS, ‘Hong Kong Activists Calls on Government to “Listen to the Voices of its People”’, 8 October 2014, <http://bit.ly/1QclWz7>.

69 ‘The Umbrella Movement marks a coming of age for Hong Kong’s “princess” generation, Quartz, 14 November 2014, <http://bit.ly/1x4NHDR>.

70 The Huffington Post, 3 December 2014 op. cit.; ‘We’ll be back, vow defiant Hong Kong democrats as main protest is broken up’, The Guardian, 11 December 2014, <http://bit.ly/1LLy2P4>.

71 ‘Hong Kong democracy protestors return to the streets’, The Guardian, 1 February 2015, <http://bit.ly/1HFbtx9>.

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## BURKINA FASO

# CITIZENS SPARK TRANSITION IN BURKINA FASO

In October 2014, Burkina Faso saw a ‘Lwili Revolution’ (named after a local bird), when widespread protests broke out, stirred by a controversial bill to extend President Blaise Compaoré’s 27 years in office. On 30 October, protestors stormed Parliament, demanding the President’s resignation. Within days, Compaoré had stepped down and the military had suspended the constitution. These dramatic events left commentators asking if the ‘Arab Spring’ had finally swept across the Sahara.<sup>72</sup>

It’s important to note, however, that Sub-Saharan Africa has never been a protest-free zone, and these were not the first protests in Burkina Faso’s recent history: 2011 saw demonstrations over the death of a student while in police custody, which quickly developed into protests against rising food prices and unemployment. Discontent was subdued only when Compaoré dismissed his government and replaced top military leaders. More broadly, over 90 ‘popular uprisings’ have been recorded in over 40 African countries since 2005.<sup>73</sup>

As in so many African countries, despite a decade of largely positive economic growth, citizens have seen precious little trickledown effect. Many saw the move by Compaoré to extend his tenure as an effort to protect

<sup>72</sup> ‘The Fiery Fall of Burkina Faso’s ‘Beautiful Blaise’’, Foreign Policy, 5 November 2014, <http://atfp.co/1LLy49z>.

<sup>73</sup> ‘Student’s death triggers Burkina Faso unrest’, Financial Times, 18 April 2011, <http://on.ft.com/1PPDKic>; ‘Burkina Faso’s uprising part of an ongoing wave of African protests’, The Washington Post, 2 November 2014, <http://wapo.st/10Lx57Z>.

*As in so many African countries, despite a decade of largely positive economic growth, citizens have seen precious little trickledown effect.*

the corrupt business interests of his inner circle. With 60% of the population aged under 25 and facing poor employment and income prospects, popular resentment towards political elites finally boiled over.<sup>74</sup>

International complacency and calculations of self-interest had also played a part in maintaining elite power. This is also the case when it comes to Ethiopia, discussed in the next section. Burkina Faso and Compaoré were viewed by many international partners as bastions of stability in a volatile West Africa. Compaoré garnered a reputation as a regional peace-maker, through his mediation in various West African crises, including in Côte d'Ivoire, Mali and Togo, although Compaoré's alleged involvement in conflicts led others to draw parallels with the French notion of a '*pompier pyromane*', a pyromaniac fireman gaining credit for extinguishing fires he helped start.<sup>75</sup>

The government of France, a long-standing friend of the government, was forced by the ferocity of the protests in October 2014 to recognise Compaoré's defeat, ushering the deposed leader into exile in Côte d'Ivoire.<sup>76</sup> But with the intervention of the military, what started as a popular uprising began to resemble a military coup, as Lieutenant Colonel Zida proclaimed himself head of state. Demands by citizens for political and economic reforms seemed to have ended with Burkinabe citizens swapping one dictatorship for another.

The people, however, would not be denied, and on 3 November 2014 thousands gathered in the same revolutionary square where they had protested against Compaoré, La Place de La Nation, to call for the military to hand power to a civilian government. These popular demonstrations, alongside pressure from the AU, prompted the army to announce the creation of a unity government, with the promise that it would operate for one year, to be followed by a general election in November 2015.<sup>77</sup> The interim cabinet draws from civil society, different political parties and the military. Former Ambassador to the UN, Michel Kafando, a civilian leader with no clear political affiliations, was appointed interim transitional President.<sup>78</sup>

But February 2015 brought further protests, over the unresolved issue of the army's role in politics. Mass protests sparked again in the capital Ouagadougou, against the influence of the Regiment of Presidential Security (RSP), following calls by the RSP to remove the transitional Prime Minister, Isaac Zida.<sup>79</sup> Seen as

*With 60% of the population aged under 25 and facing poor employment and income prospects, popular resentment towards political elites finally boiled over.*

74 Afrobarometer, *Policy Brief No. 1: After a Decade of Growth in Africa, Little Change in Poverty at the Grassroots*, October 2013, <http://bit.ly/1KrljQN>; 'Power struggle in Burkina Faso after Blaise Compaoré resigns as president', *The Guardian*, 1 November 2014, <http://bit.ly/1wNcPwp>.

75 Institute for Security Studies, 'West Africa after Compaoré', 12 December 2014, <http://bit.ly/1wGYFRN>; Foreign Policy 5 November 2014 op. cit.

76 'France helped Compaoré flee Burkina Faso unrest, Hollande says', *France 24*, 4 November 2014, <http://f24.my/10o9dX7>.

77 'African Union gives Burkina Faso two weeks to end military rule', *France 24*, 3 November 2014, <http://f24.my/1Qcoai9>; 'Army promises unity government as thousands protest in Burkina Faso', *France 24*, 3 November 2014, <http://f24.my/1d19Zj7>.

78 'Transitional government appointed in Burkina Faso', *France 24*, 24 November 2014, <http://f24.my/1ckMvos>; 'Burkina Faso declares Michel Kafando interim president', *BBC*, 17 November 2014, <http://bbc.in/1uGXbUS>.

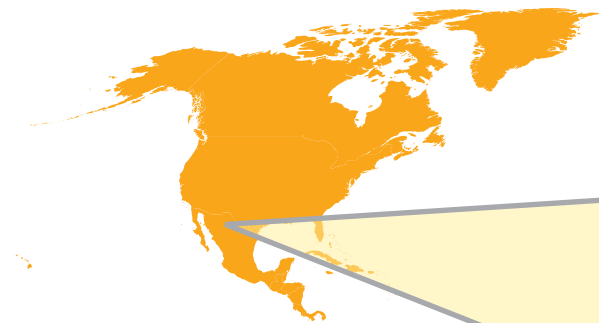
79 'Protestors demand scrapping of Burkina Faso presidential guard', *Reuters*, 7 February 2015, <http://reut.rs/1KrnCmN>.



a hangover from the Compaoré regime, the RSP was also accused of using lethal force against the largely peaceful protests of 2014, when at least 24 people were killed and 600 injured after security forces opened fire without warning.<sup>80</sup> The attempt by the RSP to remove Zida raised concerns that security forces were planning a further coup. After several days of protests, the people won out once more, as the guard pledged not to interfere further in the transition. This does not appear to have placated protestors, with civil society continuing to call for the RSP's dissolution.<sup>81</sup>

The transitional government remains precisely that – transitional – and civil society must play a critical role if Burkina Faso is to be brought to democratic transition and military takeover averted. Civil society now needs to be supported to play this role.

## MEXICO: FROM THE 43 TO 4 MILLION



*MEXICO*

Something stirred in Mexico in 2014 that seemed new. Mexico's US-backed 'war on drugs' has for years come at a heavy price in human lives. The US has long given financial support to try to combat drug trafficking across the border, and under the Mérida Initiative, which has run since 2008, the US government provides resources for anti-drug law enforcement and some related human rights work, to an estimated tune of US\$3bn since 2008. Successive Mexican governments have ramped up the rhetoric about getting tough on drug trafficking. The result has been an egregious and sustained assault on human rights: it is estimated that 100,000 people have been killed in the drug war, and a further 25,000 'disappeared'; under current President Peña Nieto, between December 2012 and June 2014 alone, 57,899 died in drugs-related violence.<sup>82</sup> And yet

<sup>80</sup> Amnesty International, 'Burkina Faso: Military shooting of protestors must be investigated', 14 January 2015, <http://bit.ly/1PPEAIC>.

<sup>81</sup> Reliefweb, 'The changing of the guard: Burkibabé civil society says no to coup by stealth', 25 February 2015, <http://bit.ly/1ez5eyn>; 'Thousands protest Burkina Faso's presidential guard', France 24, 8 February 2015, <http://f24.my/1AvyY9p>.

<sup>82</sup> Drug Policy Alliance, 'Bill Clinton Apologizes to Mexico for the Drug War, Now It's President Obama's Turn to End It', 12 February 2015, <http://bit.ly/1Fcl1ZA>; #USTired2, 'Drug War, Militarization, Violence and Human Rights Violations under the Peña Nieto Government', <http://bit.ly/1FEQx5A>.

the war on drugs has had no discernible impact on the circulation of drugs in the US: the US State Department acknowledges that 90% of cocaine in America still comes through Mexico and Central America.<sup>83</sup>

In 2013, the US State Department acknowledged concerns about human rights abuses, and impunity, by government and military officials.<sup>84</sup> These concerns were loudly echoed in March 2015 by the UN Special Rapporteur on Torture:<sup>85</sup>

*Torture and ill treatment during detention are generalized in Mexico, and occur in a context of impunity.*

Mexico's war on drugs impacts most adversely on its poorest communities,<sup>86</sup> and activists, human rights defenders and journalists put themselves at risk of death or 'disappearance' when they come into contact with the webs of corruption that link local politicians and security forces with organised crime gangs.

Despite its 2013 expression of concern, the US government has continued to back Mexico's approach. Although some Mérida Initiative funding is supposed to be linked to human rights performance, support has not been reduced and in 2014 the US gave Mexico a positive human rights assessment. In any case, Mexico's government has pushed back against human rights concerns as an incursion on sovereignty.<sup>87</sup>

So perhaps when 43 students from a teacher training college 'disappeared' en route to a protest in the city of Iguala in Guerrero state on 26 September 2014, it could have just presented one more distressing statistic to add to the tally. To this day, what happened to the 43 is not known: the version of events that the state presented, that the 43 were killed and their remains found, is disputed, but it seems clear that, after being arrested by police they were handed over to members of the Guerreros Unidos drug gang, highlighting the collusion that exists at the local level between police and organised crime, and the connections of both with the local mayor, since removed from office, against whom the 43 intended to protest.<sup>88</sup>

83 US Department of State, *2013 International Narcotics Control Strategy Report (INCSR) – Honduras through Mexico*, 5 March 2013, <http://1.usa.gov/1c96kPc>.

84 #USTired2, op. cit.

85 UNIFEED, 'Geneva / HRC Torture 2', 11 March 2015, <http://bit.ly/1EzrST>.

86 'Britain's welcome for Mexican president is worrying', *The Guardian*, 25 January 2015, <http://bit.ly/1EhU8aX>.

87 HRW, 'Mexico/US: Obama Should Press Peña Nieto on Justice', 5 January 2015, <http://bit.ly/1DACKVm>; 'Obama meets Mexican counterpart amid calls to act tough on human rights abuses', *The Guardian*, 6 January 2015, <http://bit.ly/1FERjja>; 'Obama backs Mexican government amid calls to suspend military aid', *The Guardian*, 7 January 2015, <http://bit.ly/1qdafx>.

88 'What has happened to the missing Mexican students, and why does it matter?', *The Telegraph*, 4 March 2015, <http://bit.ly/1FPP0Lu>.

*Mexico's war on drugs impacts most adversely on its poorest communities, and activists, human rights defenders and journalists put themselves at risk of death or 'disappearance' when they come into contact with the webs of corruption that link local politicians and security forces with organised crime gangs.*

But for many, the disappearance of the 43 proved a tipping point. Mass protests were held across Mexico in November and December 2014, with December protests provoking police violence.<sup>89</sup>

As with other mass protest events, social media offered a vital arena for dissent. When, in December 2014, the Attorney General, Jesús Murillo Karam, who has since resigned from office, ended a press conference about the 43 with the expression “Ya me canse” (I am tired) he inadvertently started a meme: #Yamecanse became the main protest Twitter hashtag, trending over a sustained period of time and being mentioned over four million times. Murillo had inadvertently echoed the thoughts of millions of Mexican citizens, tired of everyday corruption and violence. The spread of the hashtag, while viral, was no accident. A group of activists set up the <http://yamecanse.mx> website, used the hashtag to call for protests, and ensured that it kept trending. When the Yamecanse hashtag stopped trending, they started another hashtag, #Yemecanse2, which also went viral. The activist group brought together the expertise of professionals from broadcast media and advertising, and shot videos in English as well as Spanish to reach an international audience. The group saw themselves as involved in a cyber battle with the government that called for constant effort, as the government tried to promote alternate hashtags to push Yamecanse down, suggesting a model of how a civic movement can form around skills that give them an online advantage in promoting action.<sup>90</sup> Online dissent was backed by offline protest: protest caravans took the message from town to town, and were frequently flagged down by people who wanted to express their support.<sup>91</sup>

The action went international, spreading to the large Mexican diaspora in the US, where protests were held during the President’s January 2015 visit, calling for the end of the Mérida Initiative.<sup>92</sup> The march of thousands in Mexico and the US on the four month anniversary of the ‘disappearances’ suggests that momentum has been sustained.<sup>93</sup> On the President’s visit to the UK in March 2015, Amnesty International staged a protest, as did UK-based groups of Mexican citizens, including the London branch of the Yo Soy 132 social movement, established in 2012 and inspired by Occupy and the Spanish 15-M movement.<sup>94</sup>

In common with other movements, the focus of protests grew, encompassing the larger underpinning issues of corruption and state failure in the provision of key public goods, such as education and healthcare: the

- 89 ‘Mexico missing students: Capital sees mass protests’, BBC, 21 November 2014, <http://bbc.in/1FERQ4I>; ‘Mexico missing students: Thousands march in protest’, BBC, 2 December 2014, <http://bbc.in/1J4nix6>; ‘Mexico missing students: Protestors clash with police’, 15 December 2014, <http://bbc.in/1zYj4ku>.
- 90 ‘I am tired’: the politics of Mexico’s #Yamecanse hashtag’, BBC Trending, 9 November 2014, <http://bbc.in/1vzhAHe>.
- 91 ‘Mexico missing students: Travels on the protest caravan’, BBC, 20 November 2014, <http://bbc.in/1BqSCy7>.
- 92 ‘43 Cities Stage Symbolic Protest Demanding U.S. Stop Funding Mexican Drug War’, The Huffington Post, 3 December 2014, <http://huff.to/1BqSYoD>; HRW, 5 January 2015 op. cit.
- 93 ‘Mexico marks four months since 43 Ayotzinapa students disappeared’, Al Jazeera, 26 January 2015. <http://alj.am/1FcmxL9>.
- 94 Amnesty International, ‘Mexico state visit to UK: ‘Stop torture piñata’ stunt at Mexican embassy – Mon 2 March’, 26 February 2015, <http://bit.ly/1BqTaEk>; ‘UK Must Confront Mexico on Torture, Activists Say’, Newsweek, 3 March 2015, <http://bit.ly/1AvCTD2>.

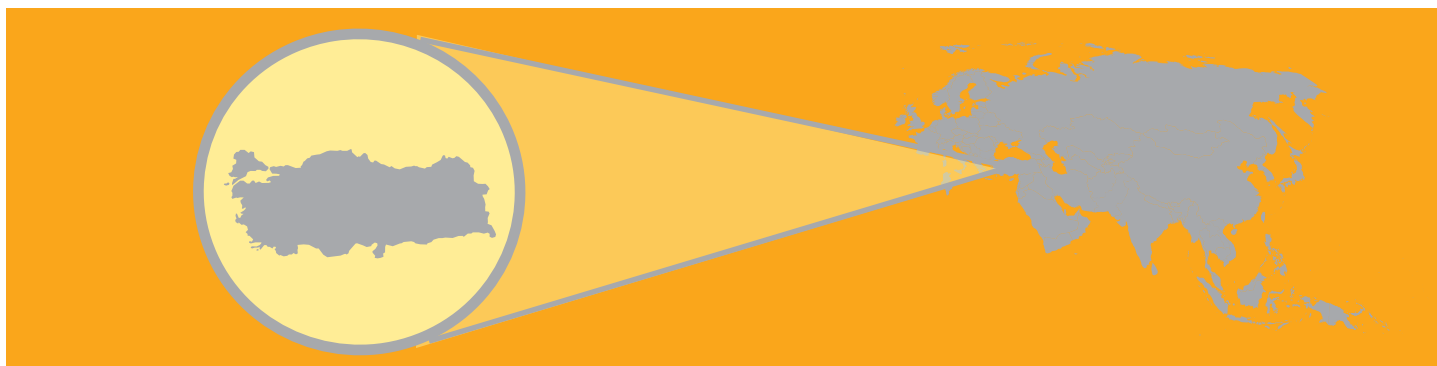
*#Yamecanse became the main protest Twitter hashtag, trending over a sustained period of time and being mentioned over four million times.*

*Online dissent was backed by offline protest: protest caravans took the message from town to town, and were frequently flagged down by people who wanted to express their support.*

'disappearance' of the 43 became a symbol of a broader vacuum at the heart of the state. Protests had a huge impact on the President's popularity, but there was also strong resistance to attempts by opposition politicians to co-opt protest momentum to their own ends.<sup>95</sup> In Guerrero state, the protests led to calls for popular local government, as an alternative to a government seen to have failed to fulfil its part of the fundamental social contract, of guaranteeing the safety of citizens; this was followed by the direct occupation of a number of town halls, with some local mayors forced to vacate their offices. These actions should not be idealised: in a number of places, militias formed to defend local populations, and while some of these placed emphasis on local self-organising and building resilience against organised crime, others were more akin to vigilante groups, with links to drug gangs.<sup>96</sup> But the fact that a number of local protest groups are seeking to prevent National Congress elections taking place in July 2015 suggests an attempt to make a decisive break with failed politics. Local alternatives may be closer to the essence of democracy than a politics centred around the performative function of elections, in which elites compete to secure personal and lucrative shares of resources.

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## SO, WHAT HAPPENED NEXT IN TURKEY?



## TURKEY

Turkey saw one of the recent high watermarks of civic action in 2013, discussed in the 2014 State of Civil Society Report, as a campaign to defend a rare public green space in central Istanbul turned into a much wider show of defiance against an increasingly autocratic government. As discussed in the next section, Turkey's government responded by making it harder to demonstrate in public, giving police new powers and closing down large swathes of the internet. But this does not mean that the momentum of protest has dissipated. The Third Sector Foundation (TUSEV) suggests that Turkey is following the pattern noted above, of people moving from high profile protests to sustained, alternative engagement:

<sup>95</sup> 'Are the missing students protests turning into a Mexican spring?', The Week, 19 December 2014, <http://bit.ly/1JWHu3g>.

<sup>96</sup> 'Mexican firebrands call for self-rule: 'It's time for the people to take power'', The Guardian, 16 January 2015, <http://bit.ly/14IOFKW>.

*The Gezi Protests of 2013 were arguably the largest wave of protests in recent Turkish history. After Gezi, new forms of mobilisations have emerged to counterbalance and challenge power. Local neighbourhood assemblies were established throughout Turkey following the Gezi protests, solidifying the resistance in neighbourhoods and providing living examples of face-to-face direct democracy. Citizens encountered new modes of activism to raise their voices over their concerns and put pressure on decision-makers, outside of the formal modes of civic participation.*

*In the presidential and local elections held after the Gezi protests, citizens have made demands that elections be more accountable and transparent. Oy ve Ötesi Girişimi (the Vote and Beyond Initiative) was formed, and regardless of political affiliations and ideological backgrounds, volunteers of this initiative mobilised via social networks. After receiving training, these volunteers acted as independent election observers. They have relied on personal networks and used the power of technology and communications to do so. During the local elections held in March 2014, over 26,000 volunteers took part and covered almost 95% of the votes cast. The Vote and Beyond Initiative has now registered as an association, and for the 2015 Turkish General Election, they aim to reach 120,000 volunteers in 45 cities throughout Turkey to observe 62% of the total vote.*

Hakan Atam, of the Helsinki Citizens Assembly, adds:

*During the 2013 protests a large number of young people in Turkey have shown that they will not tolerate the repressive policies of the conservative government and they will defend their rights and secular way of life, even though the government wants to impose its conservative policies... It has shown that there is still a social dynamic against repression, which was seen as defeated and lost after the 1980 coup d'état. One face of the 2013 protests is hope that protests have created.*

The response to the murder of Özgecan Aslan in 2015, discussed in the section on gender activism below, further demonstrates that the potential for civic mobilisation in Turkey remains strong.

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# A CIVIC RESPONSE TO BLACK MARGINALISATION IN THE US

Large scale protests are not confined to the global south. The US saw an apparent epidemic of deaths of young black men at the hands of the police in 2014 and 2015, provoking outrage among many, and exposing deep-rooted inequalities, lack of accountability and impunity. Outrage was seen on the streets and, following the new established trajectory of modern protest movements, protests grew from one location to many, and matured from a focus on immediate issues to raising more profound questions about the nature of American society and democracy.

The present wave of outrage was sparked by the deaths of Eric Garner, killed when held in a chokehold by five police officers in New York in July 2014, and of Michael Brown, shot dead by police in Ferguson in August 2014.<sup>97</sup> This disturbing trend continues to the present day, with the police shooting in the back of Walter Scott in North Charleston fortuitously caught on camera in April 2015, and later that month, the death in custody of Freddie Gray in Baltimore, sparking riots.<sup>98</sup> That these were not the only examples in the period covered by this report suggests a sustained, disturbing pattern of human rights abuses: campaigning group We, the Protestors' interactive map highlights that over 300 black people were killed by police in the US in 2014.<sup>99</sup>

The response, as in Baltimore, and initially in Ferguson, has sometimes been violent, on both sides. We see time and again around the world that the mishandling of protest situations by security forces only serves to heighten tensions and recruit protest supporters. So it proved in Ferguson, where police responses included apparent arbitrary arrests, the crass destruction of an impromptu memorial and violent handling of initial protests, including police violence against journalists.<sup>100</sup> The imposition of a local state of emergency, with nightly curfews, extended pre-trial detention, and deployment of military reserve forces, was disturbingly similar to the reaction to protest seen in Thailand in 2014, falling short of the example we might expect a democratic superpower to set.<sup>101</sup>

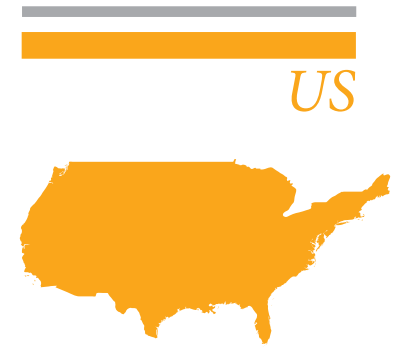
97 'Eric Garner and the NYPD's History of Deadly Chokeholds', The Atlantic, 4 December 2014, <http://theatlntc/1RqhShn>; 'Why Did Michael Brown Die In Ferguson?', The New Yorker, 11 August 2014, <http://nvr.kr/XdOgxd>.

98 'The Shockingly Familiar Killing of Walter Scott', The Atlantic, 8 April 2015, <http://theatlntc/1ckRohg>; 'Baltimore riots: Looting, fires engulf city after Freddie Gray's funeral', CNN, 28 April 2015, <http://cnn.it/1J8w2AF>.

99 Mapping Police Violence, 'The National Police Violence Map', <http://mappingpoliceviolence.org>

100 CIVICUS, 'CIVICUS Condemns Crackdown on Peaceful Protests in Missouri, USA, 14 August 2014, <http://bit.ly/1Fco04d>; 'Ferguson Police Use Tear Gas On Al Jazeera America Team', Huffington Post, 14 August 2014, <http://huff.to/1qaf9J5>; 'Police to Al Jazeera journalist near Ferguson: 'I'll bust your head'', Al Jazeera, 19 August 2014, <http://alj.am/1lfig6A>.

101 CIVICUS, 'CIVICUS Condemns Judicial Harassment of Baltimore Protestors', 30 April 2015, <http://bit.ly/1EUrlee>.



*The US saw an apparent epidemic of deaths of young black men at the hands of the police in 2014 and 2015, provoking outrage among many, and exposing deep-rooted inequalities, lack of accountability and impunity.*

Civil society, in various forms, has been active in the US in seeking to prevent protests turning violent, and to try to channel the outrage into participation oriented towards meaningful change.

It's notable that international civil society, more used to responding to human rights abuses in the global south, was part of the reaction in the US. Human Rights Watch documented the use of excessive force, while Amnesty International brought human rights observers to Ferguson, gave training in non-violent protest and reminded justice officials of their human rights obligations.<sup>102</sup>

At the same time, that response by large scale CSOs may have highlighted an initial absence of local level civil society. It has been argued that the case of Ferguson in particular revealed a profound dysfunction, with the city essentially organised as an economic operation in which white-dominated justice officials extract excessive fines from black citizens, but where the black community was not strongly organised in response, with a lack of local civic leadership and institutions.<sup>103</sup> This can be argued to have left a leadership vacuum, filled partly by opportunists and well-meaning but not always well-informed celebrities, which does not offer a good basis for either nuanced discussion or reasoned response.<sup>104</sup> It perhaps says something about how marginalised a community is, if it is initially incapable of mounting its own response without external help.

However, as protest continued, and spread to multiple sites across the US, action was sustained mostly by informal, grassroots groups, who worked hard to keep protest mostly peaceful. Some of these were long-established, such as the Organization for Black Struggle, founded in 1980, but many were set up in response to recent events, particularly following the acquittal of George Zimmerman in 2013 for shooting dead Trayvon Martin in Florida, such as Black Lives Matter and the Dream Defenders, and after the Michael Brown killing, such as Hands Up United and We, the Protestors. These are now in the process of consolidating as campaigning groups.<sup>105</sup> Interestingly, Hands Up United have made connections that are not normally brought out, with their leader locating them within a broader movement of oppressed and marginalised people, including LGBTI people and people living in poverty.<sup>106</sup> There have also been collaborations between community groups and faith groups, for example, on the Hands Up Sabbath campaign, which brought people of different faiths together in protest and solidarity.<sup>107</sup> These groups and collaborations built towards an organised weekend of

102 HRW, 'US: Respect Rights of Ferguson Protestors', 19 November 2014, <http://bit.ly/1yr0zly>; Amnesty International, *On the Streets of America: Human Rights Abuses in Ferguson*, 2014, <http://bit.ly/1wtRZlC>.

103 'A City Where Policing, Discrimination and Raising Revenue Went Hand in Hand', The New York Times, 4 March 2015, <http://nyti.ms/1Gn8Kaf>; 'After Ferguson: No, the US is Not 'Congenitally Racist'', Spiked, 28 November 2014, <http://bit.ly/1KAJMW0>; 'Ferguson shows failure at every level', CNN, 28 November 2014, <http://cnn.it/1HOfX4z>.

104 Spiked, 28 November 2014 op. cit.

105 'Eric Garner: Why #ICantBreathe is trending', BBC, 4 December 2014, <http://bbc.in/1QcxskZ>.

106 'Why do you march? Young protestors explain what drives them – Part 2', PBS Newshour, 8 December 2014, <http://to.pbs.org/1GbZdhy>.

107 Gamaliel, *Hands Up Sabbath: A Toolkit Remembering Ferguson*, <http://bit.ly/1BqWTSc>.

*Civil society, in various forms, has been active in the US in seeking to prevent protests turning violent, and to try to channel the outrage into participation oriented towards meaningful change.*

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resistance in October 2014. What was significant here is that the potential for violence was largely averted: what had started as a violent reaction became a deeper, peaceful, organised protest.<sup>108</sup>

As for protest tactics, as might be expected, social media was important, with the use of the #blacklivesmatter and #icantbreathe hashtags, this latter relating to Eric Gardner's death.<sup>109</sup> Offline tactics included public 'die ins', in which participants pretend to fall to the ground dead, a visibly striking, low budget tactic first used during Vietnam War protests, along with the adoption of the slogan 'Hands up, don't shoot', in the wake of Michael Brown's shooting, and tactics borrowed from the classic non-violent disobedience of the civil rights protests of the 1960s, such as when 100 different religious leaders linked arms and marched in step until arrested.<sup>110</sup>

A further intriguing aspect of the civic response was how social media enabled the making of unexpected connections of international solidarity. Palestinians used Twitter to show support with protestors, and shared practical advice, such as how to deal with tear gas, using the hashtag #palestine2ferguson. This support was reciprocated, with Ferguson protestors visiting Palestine in early 2015, making explicit connections between oppression in very different contexts.<sup>111</sup> People also turned to the international arena for redress: Trayvon Martin's mother testified to the UN Committee on the Elimination of Racial Discrimination in August 2014, and Michael Brown's parents to the UN Committee Against Torture in November 2014. A delegation from Ferguson also took a report on human rights violations to the UNHRC that same month.<sup>112</sup>

This emphasis on social media and low budget, easy to imitate protests does not mean that grassroots organising worked without resources: it seems that the support of the Gamaliel Foundation, an institution supported by global philanthropist George Soros, played a critical role in developing community organising capacity. Even though it has been operating for almost 30 years to build participation and accountability capacities, its support became controversial when seized upon by right-wing commentators, who accused

*Offline tactics included public 'die ins', in which participants pretend to fall to the ground dead, a visibly striking, low budget tactic first used during Vietnam War protests, along with the adoption of the slogan 'Hands up, don't shoot'.*

108 "We say no more': Protestors kick off 4 days of 'resistance' over Ferguson case', CNN, 10 October 2014, <http://cnn.it/1J8yv3>; 'Thousands to gather in Ferguson for 'weekend of resistance'', The Guardian, 10 October 2014, <http://bit.ly/1xznJGF>.

109 'Protestors use hands-up gesture defiantly after Michael Brown shooting', LA Times, 12 August 2014, <http://lat.ms/1pqTRdM>.

110 'The Power of Die-in Protests', Political Violence @ a Glance, 24 March 2015, <http://bit.ly/1C7g2uD>; 'Protests in US over chokehold death case', Al Jazeera, 4 December 2014, <http://bit.ly/15PvVu8>; 'Clergy among dozens arrested on final day of 'Ferguson October' protests', The Guardian, 14 October 2014, <http://bit.ly/1HOdjZI>.

111 'Palestinians share tear gas advice with Ferguson protestors', Al Jazeera, 14 August 2014, <http://bit.ly/1J74rQL>; 'Palestinians tweet tear gas advice to protestors in Ferguson', The Telegraph, 15 August 2014, <http://bit.ly/1pz1v5A>; 'Twitter-savvy Palestinians express solidarity with Ferguson protestors', HAARETZ, 27 November 2014, <http://bit.ly/1KrDndk>; 'The Fascinating Story of How the Ferguson-Palestine Solidarity Movement Came Together', AlterNet, 18 February 2015, <http://bit.ly/1J7Lpro>.

112 'Sybrina Fulton and Ron Davis Discuss Policing and Race at UN Review in Switzerland', The Root, 19 August 2014, <http://bit.ly/1n5JiIA>; 'Michael Brown's Parents Advocate For Human Rights To U.N. Committee Against Torture', The Huffington Post, 11 November 2014, <http://huff.to/1LLyJYL>; #FergusonToGeneva website, <http://fergusontogeneva.org>.

*This emphasis on social media and low budget, easy to imitate protests does not mean that grassroots organising worked without resources.*



Soros of funding people to foment riots.<sup>113</sup> This is consistent with a pattern discussed in the next section of this report, where attempts are made to delegitimise sources of funding to attack civil society movements.

Looking forward, support for grassroots organising will remain important in building capacity to renegotiate power relations in cities where majority communities feel marginalised. International solidarity and support can play a role in helping to develop that local civic capacity, in the US, just as elsewhere.

## A YEAR ON FROM #BRINGBACKOURGIRLS

As noted earlier, Boko Haram, Nigeria's jihadist network, have built their reputation by carrying out spectacular human rights abuses, feeding on the resulting media coverage.<sup>114</sup> On 14 April 2014, Boko Haram committed one of the most outrageous of their recent series of high profile crimes, kidnapping at least 300 schoolgirls in north east Nigeria. This sparked widespread, international outrage, expressed through the #BringBackOurGirls hashtag, which became one of the top trending hashtags of 2014, used in over five million tweets, with the support of major figures such as Michelle Obama, Hillary Clinton and Nobel laureate Malala Yousafzai, and globally known celebrities.<sup>115</sup>

But the #BringBackOurGirls campaign, a year on, seems a failure: while some kidnapped girls have escaped, no coherent rescue operation appears to have been mounted, and there is a lack of clear information about the conditions in which the girls are being held. Not only have the girls not come back, but worse, Boko Haram continued its war on human rights, with an estimated 2,000 women and girls kidnapped between the start of 2014 and April 2015.<sup>116</sup> Also problematic is the thought that, if media coverage is a key part of how Boko Haram projects itself as a threat, its leadership may have been delighted with the international infamy they gained.

Apart from the marking of the one year anniversary, social media's gadfly attention moved on elsewhere, and it's hard to resist the conclusion that we can overestimate social media's power: that superficial 'clickitivism', while giving the retweeter a sense of fulfilment, may not lead to sustained engagement, a more educated public and real change, something we discuss further below.

113 'George Soros funds Ferguson protests, hopes to spur civil action', The Washington Times, 14 January 2015, <http://bit.ly/156OZUj>; 'Billionaire George Soros funded Ferguson riots', Communities Digital News, 30 January 2015, <http://bit.ly/1KALYh5>.

114 See also Chatham House, *Nigeria's Interminable Insurgency? Addressing the Boko Haram Crisis*, September 2014, <http://bit.ly/1pDsEGf>.

115 'Nigeria's Stolen Girls', The New Yorker, 29 April 2014, <http://nyr.kr/1eztErE>; 'What happened to #BringBackOurGirls?', BBC, 24 September 2014, <http://bbc.in/Y2fxCf>; 'Abducted Nigerian girls still missing, a distracted world must remember', LA Times, 7 January 2015, <http://lat.ms/1s8pGvr>.

116 'Report: Boko Haram Has Abducted More Than 2,000 Since Start of '14', PBS, 14 April 2015, <http://to.pbs.org/1PVIHa>; 'Remember #BringBackOurGirls? This Is What Has Happened In The 12 Months Since', The Huffington Post, 14 April 2015, <http://huff.to/1EzOhc7>; '#BringBackOurGirls, one year on: 'We should all feel shame'', CNN, 14 April 2015, <http://cnn.it/1H3pxy7>.

*On 14 April 2014, Boko Haram committed one of the most outrageous of their recent series of high profile crimes, kidnapping at least 300 schoolgirls in north east Nigeria.*

*...the #BringBack-OurGirls campaign, a year on, seems a failure: while some kidnapped girls have escaped, no coherent rescue operation appears to have been mounted, and there is a lack of clear information about the conditions in which the girls are being held.*

The campaign also posed some disturbing questions about how people think about global politics: why should it be assumed that an external intervention would be the best way to solve the problem? Couldn't a campaign rather have focused on the question of how international support could better enable Nigerian civil society to strengthen its ability to act on the problem? And if presidents and prime ministers hold up Bring Back Our Girls signs on social media, what does it say about the superficial nature of their response, and their lack of power or inclination to do something more meaningful?

However, while internationally these criticisms hold some validity, the agency of civil society in Nigeria, where the Bring Back Our Girls campaign started, was something that was easy to overlook from the outside. Long after the international spotlight faded, Nigerian grassroots activists have kept going, protesting about the issue day after day.<sup>117</sup> The Voice and Accountability Platform organised a series of town hall meetings to promote non-violence, and Nigerian civil society worked from the grassroots to the international level: in November 2014, four civil society groups combined to petition the UN Security Council to impose sanctions on states that do not do enough to stop financing to Boko Haram.<sup>118</sup> Women who have experienced sexual violence have become more able to speak out, and women have been shown to be capable leaders of campaigns, across ethnic or religious divides.<sup>119</sup>

The campaign in Nigeria has fuelled public anger about deep-rooted issues of government corruption and ineffectiveness. The inadequacy of Nigeria's military response, and the way this has enabled Boko Haram to grow, which is linked to corruption, became a scandal in Nigeria.<sup>120</sup> Notwithstanding a badly backfired attempt to hijack the hashtag in a campaign to get President Goodluck Jonathan re-elected, (proving once again that political elites often clumsily fail when they try to co-opt social media campaigns), the issues exposed in the wake of the kidnapping were thought by many to be a factor in the President's defeat in the March 2015 elections.<sup>121</sup> Meanwhile, campaigners faced a range of physical and verbal attacks from government sources, which itself suggests that they rattled the government.<sup>122</sup>

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117 'Boko Haram: Oby Ezekwesili says Nigerian Army has violated Human Rights', Daily Post, 28 April 2015, <http://bit.ly/1Br4TCO>; 'Did the #bringbackourgirls campaign make a difference in Nigeria?', The Guardian, 14 April 2015, <http://bit.ly/1PlxKf3>.

118 Insight on Conflict, 'The rise of Boko Haram and the response of civil society', 12 February 2015, <http://bit.ly/1J8GFDN>; 'Civil society groups ask UN to sanction Boko Haram sponsors', Vanguard, 19 November 2014, <http://bit.ly/1FPV3Qi>.

119 '#Bringbackourgirls hasn't brought back Chibok's girls, but it has changed Nigeria's politics', The Guardian, 14 April 2015, <http://bit.ly/1as79SQ>.

120 'Parents Of Chibok Girls Describe Pain of Abduction, Slam Federal Government', Sahara Reporters, 15 April 2015, <http://bit.ly/1dzDDwT>; Insight on Conflict, 12 February 2015 op. cit.

121 'Nigeria's faltering response emboldens Boko Haram', Al Jazeera, 31 January 2015, <http://alj.am/1SDZX8m>; 'How Goodluck Jonathan lost the Nigerian election', The Guardian, 1 April 2015, <http://bit.ly/1xyxsBw>.

122 'The campaigners who won't forget the schoolgirls kidnapped by Boko Haram', The Guardian, 17 December 2014, <http://bit.ly/1Hy6VTQ>.

Boko Haram now seems to be in retreat, with the military campaign having been stepped up with regional support; around 700 of the 2,000 kidnapped women and girls are, at time of writing, thought to have been freed.<sup>123</sup> While social media did not manage to bring the girls back, it still should be understood that a military solution alone cannot end the corruption that enabled Boko Haram to thrive, or the poverty and sense of marginalisation that serves as a recruiting sergeant for the network.

As a result of the movement, Nigeria's civil society campaigners, including women campaigners, have developed skills, profile and confidence in calling their government to account, and expose the failings of government. International focus should be on sustaining this to win the peace, rather than on either enjoying the feel good moment of the next campaign, or lamenting the lack of impact of a hashtag.

## THE ICE BUCKET CHALLENGE: THE COMPLEXITIES OF ONLINE SUCCESS AND CELEBRITY SUPPORT

The ice bucket challenge was another social media-based campaign that commanded widespread attention in the past year. As is not unusual with such campaigns, its origins are somewhat obscure, but it started in the US, and went viral in July 2014, when Pete Frates, a college baseball player diagnosed with the condition called amyotrophic lateral sclerosis (ALS) in the US and motor neurone disease (MND) in the UK, poured ice water over his head and challenged others in his social network to do so. The campaign quickly became huge, gaining widespread celebrity support.<sup>124</sup>

We asked Niel Bowerman, of the Centre for Effective Altruism, to explain what enabled the ice bucket challenge to grow so quickly, and whether it was part of a trend:

*One of the reasons why it worked well is that it used 'growth hacker' techniques: each person who took part would then recruit the next three people to take part. This was done in a way that was very visible and social, so that everyone on social media would know that someone had been challenged,*

<sup>123</sup> 'Nigeria launches 'final onslaught' against Boko Haram', Al Jazeera, 17 March 2015, <http://bit.ly/1wXsuhw>; 'Boko Haram Hostages Are Finally Being Freed', Think Progress, 5 May 2015, <http://bit.ly/1G2AqLV>; 'Nigeria's Boko Haram in disarray, say freed captives', The National, 5 May 2015, <http://bit.ly/1HOsqFd>.

<sup>124</sup> 'How the Ice-Bucket Challenge Got Its Start', Wall Street Journal, 14 August 2014, <http://on.wsj.com/1Fiz000>; 'Tom Ford, Rihanna, Victoria Beckham, and More Do the Ice Bucket Challenge', Elle, 26 August 2014, <http://bit.ly/1Breh9u>; 'Watch Kim K do the Ice Bucket Challenge – it's great', Glamour, 9 September 2014, <http://bit.ly/1G2KEm1>.

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*One of the reasons why it worked well is that it used 'growth hacker' techniques: each person who took part would then recruit the next three people to take part.*

*and they would appear weak if they were not to take part. It used social pressure to get people to take part in it.*

*You can use social media, and viral marketing techniques, to get huge amplifiers on the impact that your campaigning and fundraising can have. This is something we've had the technology to do for quite a long time, but only recently have we learned how to do it really well. We will probably see more of this happening in the future.*

*...the campaign raised questions, around three issues: fundraising, online activism and the role of celebrity support in civil society.*

Support soared through August, and by September 2014 the challenge had reached a staggering 60m social media accounts, over 3.7m ice bucket videos had been shared on Instagram, and in the US over three million people had donated to ALS causes: between the end of July and the end of August, US\$98.2m was donated to the US ALS foundation, while in one week in August, the UK MND Association received over US\$4m, more than ten times the amount it would normally expect in that period. Smaller amounts were raised in Australia and Hong Kong.<sup>125</sup>

On the face of it, and relevant to the theme of this report's other components, on civil society resourcing, the campaign might seem to offer a model of an efficient, low cost approach to fundraising for CSOs. The ALS Association didn't even initiate the campaign, and needed do little to encourage it.<sup>126</sup> A further positive aspect was the campaign's ability to reach young people, who we might not normally expect to mobilise for this particular cause: young people embraced it, donated, and made it go viral by recruiting friends.

However, the campaign raised questions, around three issues: fundraising, online activism and the role of celebrity support in civil society.

One early controversy was around ownership. The ALS Association caught a social media backlash when it attempted to trademark the phrase 'ice bucket challenge', before being forced to back down; they were seen as trying to control the trend, and the funding coming in response to it.<sup>127</sup> The lesson here is that, when a trend goes viral, a loss of control must be conceded. This does not mean that others own a trend; rather, that nobody does. In the UK, cancer charity Macmillan was accused of trying to hijack the trend for its own fundraising, bringing to social media gaze the sometimes ugly reality of fundraising competition between causes: it may be that Macmillan tried to capitalise on the challenge because they felt they had missed an opportunity to benefit

125 'How much has the ice bucket challenge achieved?', BBC, 2 September 2014, <http://bbc.in/1rKcfkT>; 'Ice bucket challenge fails to dampen the spirits of British charity', The Observer, 30 August 2014, <http://bit.ly/1rGBxU>.

126 'The Real Ice Bucket Challenge', TIME, 28 August 2014, <http://ti.me/1oqQxKP>.

127 'ALS Association withdraws controversial applications to trademark 'ice bucket challenge'', The Washington Post, 30 August 2014, <http://wapo.st/1AVzTe>.

from the preceding no make-up selfie trend, which started in a similar way and was capitalised upon by Cancer Research UK.<sup>128</sup>

There were also some puzzling aspects to how the challenge was constructed. Initially, it looked like a forfeit: people could either donate, or experience discomfort. While in practice people did both, there may be something troubling in the notion that donating to a cause might be a way of avoiding personal discomfort, rather than a means of demonstrating commitment to its ideas. There was no thematic link between the challenge and the cause: there is no obvious connection between the activity and the debilitating symptoms of ALS, and indeed, the challenge could be seen as insulting, given the years of struggle people diagnosed with ALS endure, and the inability of people in the advanced stages of ALS to perform the task themselves.<sup>129</sup>

Related to this, with many countries experiencing water poverty, some found the challenge's waste of water distasteful, and a handful of public figures refused to join on this basis. WaterAid even experienced some upturn in donations as a consequence.<sup>130</sup> This connects with another critique: that campaigns such as this derive their momentum from the global north, mostly involving global north citizens and celebrities acting in ways that people in other contexts might find insensitive.

The viral nature of the ice bucket challenge, and other such campaigns, meant there was no clear link between the fundraising ask and the use of resources: it was not clear what the money would be used for. This prompts the question of whether there might be challenges in expending large, unbudgeted funding promptly, efficiently and on outputs that those who donated see as legitimate: in the past, failures to do so have caused backlash against CSOs.<sup>131</sup>

There's a still more difficult issue here, which is the question of whether the money raised from this campaign, and others like it, came as an addition to money that people might have donated to causes, or whether it drew from the overall amount of resources people might have given, a practice referred to as 'funding cannibalism'.<sup>132</sup> This raises the question of whether people were making sound and well-informed choices: in an ideal world, people would weigh up the different potential causes that are closest to their concerns, and make decisions on the basis of where their giving was likely to have the greatest impact. In reality, the causes that have the most need, where funding can make the most difference, and where there are efficient CSOs best able

128 'Cold war: charity defends itself against ice-bucket challenge criticism', Third Force News, 26 August 2014, <http://bit.ly/1Hyd6qN>.

129 'Before you copy the ice bucket', Hilborn, 10 September 2014, <http://bit.ly/1GGs95T>; 'We Need To Do Better Than the Ice Bucket Challenge', TIME, 13 August 2014, <http://ti.me/1pAmBB5>.

130 BBC, 2 September 2014 op. cit.; The Observer, 30 August 2014, op. cit.

131 'Here's What's Happening With the Ice Bucket Challenge Money', TIME, 4 November 2014, <http://ti.me/1FiB6O5>.

132 'The cold, hard truth about the ice bucket challenge', Quartz, 14 August 2014, <http://bit.ly/1GGt9a0>.

*...campaigns such as this derive their momentum from the global north, mostly involving global north citizens and celebrities acting in ways that people in other contexts might find insensitive.*

*...the causes that have the most need, where funding can make the most difference, and where there are efficient CSOs best able to absorb funding and spend it effectively, are not necessarily the causes that attract the most attention or offer the most fun campaigns.*

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The need, according to Niel Bowerman, is to enable people to make better informed decisions about how they give. While the ice bucket challenge did not look like this, there is some hope for the future:

*These are debilitating diseases that heavily affect people's quality of life, and which are unfortunately incredibly expensive to tackle. Within public health there's a metric, the 'quality adjusted life year', which measures length and quality of life, and is used throughout public health to compare different interventions and different decisions, to compare where we can best improve people's length and quality of life for a given amount of money. The most effective treatment for ALS is very expensive.*

*Let's compare this to other things we could do with this money. In the ice bucket challenge, people raised over US\$100m. For example, we could spend this money on bed nets to tackle malaria. This would be at least 100 times cheaper per year of additional healthy life. If we were to allocate resources within civil society to maximise impact on people's quality and length of life, we would be funding things like malaria nets. If as a donor you have money to spend, you could have much more impact here.*

*The viral nature of this campaign meant that giving is not on the basis of where it's going to have the most impact, but instead on the basis of which viral campaign has taken off on social media. Viral means should not dictate our giving. Instead we should be using evidence-based sources of analyses. There is a rapidly growing body of evidence of where giving can have the most impact. We are likely to see a trend towards more evidence-based giving in the future. As our techniques and ability to analyse a growing body of evidence improve, we are able to say much more about what is working, and this can inform our giving.*

The success of such campaigns may create additional pressure within other CSOs to imitate these hits and invent the next viral fundraiser.<sup>133</sup> But an uncomfortable truth is that it is hard to predict what will go viral, and what will fail; we are still in the early days of understanding these trends, and can only really do so in hindsight. Attempts to mimic the ice bucket challenge mostly failed. There is also a potential danger of 'channel fatigue': that people will grow bored with donating by this method, causing future campaigns to fail.

133 'Viral campaigns like Ice Bucket Challenge hurts other charities', The Guardian, 14 April 2015, <http://bit.ly/1PKUBXr>. We're also grateful to insights from our interview with Neil Bowerman, conducted in March 2015, in shaping this section.

Turning to the online nature of such campaigns, and also those, covered elsewhere in this report, that have heavy social media presence, CIVICUS has long argued that online activism is a valid form of people's participation that should be taken seriously. With a wide range of online participation platforms, it has never been easier to express support for a cause. Online activism matters partly because the numbers are so big: 40m people have an Avaaz account.<sup>134</sup> It also matters because online activism enables young people, in particular, to forge alternate ways of connecting, including internationally. Past State of Civil Society Reports have noted that young people in particular, in many contexts, are rejecting conventional forms and arenas of participation, as reflected in declining rates of participation in most elections, and indeed, disengagement from formal CSOs. In its most optimistic assessment, online activism could offer the potential to build a global cadre of committed, active citizens through alternate means.

There are indeed examples of online campaigns achieving impact. Global platform Change.org claims that 6,000 victories have been achieved through its user-generated campaign platform.<sup>135</sup>

At the same time, there is a need to acknowledge the criticism, renewed in the light of the #BringBackOurGirls and the ice bucket challenge, that much online activism can be shallow; it may not necessarily lead to long term or committed engagement. Social media and civil society fit together well because people want to connect and share, but this can be seen as most likely to lead to change when learning and political commitment is built into sharing. Otherwise, participation may be fleeting, and the danger is that donating money and acting to advance change become conflated, perpetuating the idea that civil society is about charity rather than advancing change. If people feel they have 'done something', they may even be less likely to take further action.

A further critique that can be advanced is that online campaigns essentially promote a free market approach to activism: there are many campaigns, and they must compete through hard-selling,<sup>136</sup> which can lead towards simplification to suit a marketplace in which the most sellable issues succeed. When the edges are smoothed on complex issues, the risk is that issues may become reduced to simple endorsement or donation asks, without leaving people who endorse or donate having learned more and developing potential for action. When they concern countries of the global south, they may reproduce patronising notions that global south countries are to be helped as the passive recipients of global north support.

Many of these difficulties can be seen with the ice bucket challenge: there was no public education or advocacy ask embedded in the message.<sup>137</sup> All people were asked to do was carry out the stunt, donate, and publicise

134 Open Democracy, 'Beyond clicktivism', 17 November 2014, <http://bit.ly/1ezKmae>.

135 Open Democracy, 17 November 2014 op. cit.

136 Micah White, 'Clicktivism: the pollution of activism with the logic of Silicon Valley', <http://bit.ly/1HWPaQA>.

137 Hilborn, 10 September 2014 op. cit.

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it. This meant that the campaign was not oriented towards change, apart from a change in charity revenues. Ultimately the ice bucket challenge could be seen as 2014's version of the Kony 2012 campaign, which also generated huge publicity and caused those who participated to feel virtuous, but which didn't lead to change, and ultimately harmed the CSO involved.<sup>138</sup>

It can also be argued that the metrics of judging the success of online activism are too narrow, relying heavily on indicators such as numbers of hits, follows and forwards. These indicators, of themselves, tell us little about whether real social change is being advanced.<sup>139</sup> There is also a challenge that many campaigns are reactive, with the petition as the default response, as this suggests being event-driven. While civil society's ability to mobilise rapidly in response to emerging challenges is one of its great strengths, we should not lose sight of the need to be strategic, and the importance of civil society defining its own agendas, rather than only reacting to the agendas of others.

Perhaps it is better to see much of online activism as an indicator of potential: it suggests that there is a willing audience who have taken a positive first step, some of whom could be reached and worked with to have their activism capacity further developed so that they can be enabled to take pathways to deeper participation. This also suggests that CSOs running campaigns need to campaign across the spectrum: to employ a joined-up mixture of outreach methods that combine online and offline approaches. Progress in educating citizens about social justice issues could be established as an indicator of success in online campaigning, as well as the number of clicks and amount of dollars raised.

Connected to viral, online campaigns is what seems to be a rise in celebrity involvement in civil society causes. In many countries, we live in cultures that fascinate over celebrities, and celebrities now have unmediated access to huge audiences on social media to reproduce their fame. Given this, it's not hard to see why civil society causes might seek celebrity endorsement. If all causes compete for visibility and resources, then celebrity support offers a shortcut to audiences. There is also evidence that, while celebrity support may not have much impact on fundraising, it can bring other impacts, such as reassuring a CSO's existing supporters that their cause is important, and opening doors to corporate and political leaders that a CSO alone can't access, because leaders like to associate with celebrity glamour.<sup>140</sup>

Among many celebrities prominently involved with civil society in the last year were George Clooney, who in May 2014 announced the expansion of the Satellite Sentinel initiative, which he co-founded, from monitoring

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138 'The 'Kony 2012' Effect: Recovering From A Viral Sensation', NPR, 14 June 2014, <http://n.pr/1qyxuRb>.

139 Micah White op. cit.

140 'Celebrity Advocacy Has Its Limits', The New York Times, 26 August 2014, <http://nyti.ms/1JX0QVU>; 'Who celebrity advocates are really targeting. And it's not you.', IRIN, 13 February 2015, <http://bit.ly/17t5QSM>.



conflict build up in Sudan and South Sudan, to also investigating funding flows around human rights abuses; Angelina Jolie, who worked with the UK government and others, including civil society groups, to hold a global summit on sexual violence in conflict, and open a new centre on sexual violence, in June 2014; and Emma Watson, who launched the HeForShe campaign, which seeks to get men and boys to commit to gender equality, in a speech at the UN in September 2014.<sup>141</sup> There was also huge celebrity involvement in the climate change march, discussed further below, #BringBackOurGirls and the ice bucket challenge.

While examples offered above suggest a substantive commitment among those named, stretching further than a reflex re-tweet, in general, there is a need to probe whether celebrities always have a deep and a nuanced understanding of the causes they endorse; otherwise the danger is that celebrity support plays to the issues identified above: of potentially reinforcing stereotypes about the global south, simplifying causes to make them more sellable, or being framed around charity rather than social justice.<sup>142</sup> For example, Bob Geldof's latest revival, in 2014, of the Band Aid charity tune to raise funds to fight Ebola, involving the usual panoply of UK music stars, drew criticism for being patronising and perpetuating global north stereotypes of Africa as somewhere that can only be saved by external, charitable intervention.<sup>143</sup> Perhaps partly in response to this, it seems we are now seeing a move towards campaigns working more with national-level celebrities who come from and therefore resonate better in different global south countries.<sup>144</sup>

As we concluded in the 2014 State of Civil Society report, one of the key problems with global governance is that an insufficient diversity of opinion is able to obtain access and influence, and there is insufficient accountability about who has influence in global governance processes. Given this, the opening of UN and other global platforms to Hollywood stars, as well as billionaire philanthropists, can be read as a symptom of, rather than an adequate response to, dysfunctional global governance. Of course, such concerns may overestimate the power of glamour: the public may lack a strong understanding of causes celebrities support, wanting escapism rather than deep engagement. This then leads back to the question, hard to answer, of what impact is generated by celebrity engagement in civil society causes.

A further practical challenge, for CSOs seeking to enlist celebrities to a cause, is the potential for backlash against a celebrity to cut across a message. George Clooney, for example, won praise for his committed and

141 Satellite Sentinel Project, 'George Clooney Announces Expansion of Satellite Sentinel Project, 21 May 2014, <http://bit.ly/RUnWVo>; UK Government, 'Global Summit to End Sexual Violence in Conflict', June 2014, <http://bit.ly/1c7csaM>; 'Emma Watson's He For She UN Speech On Gender Inequality, Conscious Magazine, 2014, <http://bit.ly/1KCB3n4>.

142 'Transnational Celebrity Activism in Global Politics: Changing the World? A Review by Susan Froetschel', YaleGlobal Online, 2011, <http://bit.ly/1SEaVL2>; New York Times, 26 April 2014 op. cit.

143 "We got this, Bob Geldof, so back off", Al Jazeera, 18 November 2014, <http://bit.ly/1wP58o2>; 'Band Aid 30 backlash: Celebrity charity model losing lustre, CBC News, 20 November 2014, <http://bit.ly/1vsntf4>; 'Ebola Survivor Calls Band Aid 30 Song 'Cringeworthy'', TIME, 9 December 2014, <http://ti.me/1FFbqxl>.

144 IRIN, 13 February 2015, op. cit.

*...there is a need to probe whether celebrities always have a deep and a nuanced understanding of the causes they endorse.*

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sustained involvement in raising awareness about Sudan's atrocities in Darfur, and his support for South Sudan's independence, but he then became a scapegoat for criticism in the US when people associated him with South Sudan's descent into civil war.<sup>145</sup> Celebrity-led fundraising also risks disrepute when less of the money raised goes to causes than the public might expect. Some CSOs have caught criticism when exposed as paying celebrities for endorsement, which, in the public mind, sends the wrong messages about the voluntary nature of civil society.<sup>146</sup> This can be seen as a consequence of the competition between causes, and the premium placed on celebrity involvement to give a cause an edge.

What seems clear here is that celebrity support can help civil society. Given that civil society starts at a disadvantage, in terms of access to power and resources, compared to governments and the private sector, celebrities can offer a short-cut, but they need to be well integrated, and well-informed. Celebrity support is no magic bullet, and is unlikely to compensate for a lack of strategy, or a poorly designed message that fails to connect with the public.

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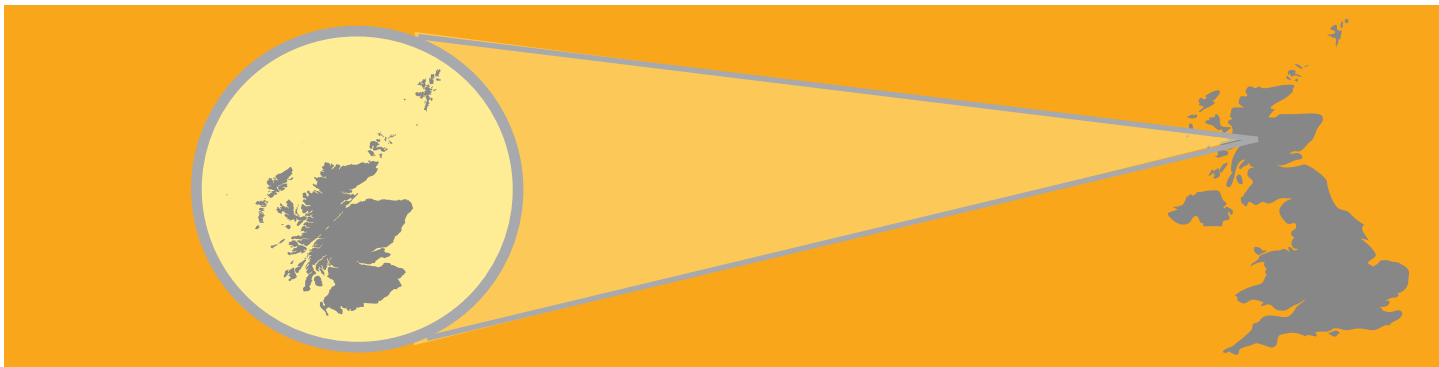
145 'Confronting George Clooney's Critics on South Sudan', The Daily Beast, 7 October 2014, <http://bit.ly/1cl9Y9c>.

146 'Celebrity Charities: Good For Image, But What About Good Works?', Forbes, 30 June 2010, <http://onforb.es/1FQ1NgU>; 'Eva Longoria, Two "Philanthrocapitalists" and the Dangers of Hollywood Charity: THR Investigates', The Hollywood Reporter, 4 February 2015, <http://bit.ly/1za2tWm>; 'Barnado's criticised for £3,000 payment to Made in Chelsea star', Third Sector, 16 February 2015, <http://bit.ly/1zHpikF>.

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## SCOTLAND



## SCOTTISH CIVIL SOCIETY GETS OUT THE VOTE

The story of the large-scale civic mobilisations of the past year is not merely one of protest or social media activity. One place where democratic politics were firmly embraced by an active civil society was Scotland, where on 18 September 2014, voters, including newly enfranchised 16 to 17 year-olds, went to the ballot box for a historic referendum on Scottish independence. Voter turnout of 84.5%, in a referendum that produced a vote of 55.3% against Scottish independence, set a record for any UK election since 1918, when the franchise was first extended to women.<sup>147</sup>

Part of the referendum's significance was that the huge upsurge in political engagement was particularly prominent amongst young people, a generation frequently believed to be politically apathetic. The youngest category of voters, aged 16–24, had a confirmed turnout rate of 68%, remarkably high compared to recent UK elections.<sup>148</sup> Young people not only voted, but were active in political debate. In a 2014 survey conducted by the Economic and Social Research Council, over 70% of 14 to 17 year-olds reported that they had discussed the referendum with friends, classmates and family, and 64% had followed the debate on social media.<sup>149</sup> Billy Hayes, General Secretary of the Communications Workers Union, commented:

<sup>147</sup> 'Scottish Independence Voter Turnout Breaks UK Records', International Business Times, 19 September 2014, <http://bit.ly/1tx0M6Z>.

<sup>148</sup> Intergenerational Foundation, 'How did young people vote in the Scottish referendum?', 4 October 2014, <http://bit.ly/1tCyTpE>; 'General election turnout 1945-2015, UK Political Info, <http://bit.ly/1y2RqnN>.

<sup>149</sup> Applied Quantitative Methods Network, *Briefing: Results from the 2014 survey on 14-17 year old persons living in Scotland on the Scottish independence referendum*, <http://bit.ly/SrJDMs>.

*What the Scottish Referendum has shown is that young people are more than willing to get involved in political debate if what they are voting on means something to them, and we must seize this opportunity for engagement.*

This high level of engagement, particularly amongst a group conventionally seen as politically disengaged, suggests that, while traditional, party-based politics may be being rejected, people want to engage with issues that they care about, and not just around issues of identity, but on social justice, which was the ground the Scottish nationalist cause claimed.<sup>150</sup> The Scottish referendum can be located in a trend where groups that feel peripheral and marginalised are seeking greater autonomy, including the Catalan independence movement, Somaliland's self-determination campaign and the Quebec sovereignty movement. In a more globalised world, a quest for local identity and self-determination can be seen as a response to globalisation's transfer of democracy away from citizens to transnational elites, and to be making use of the communication opportunities globalisation creates.

It is not surprising that civil society groups were heavily involved in the Scottish referendum debate, given that one of civil society's roles is to help amplify the voices of the otherwise marginalised. The success of the 'Yes' campaign, in developing momentum, if not in winning a vote that was always unlikely, was down to the participation of a broad spectrum of grassroots campaigners, including people knocking on doors after work; the organising of a Radical Independence Conference to demand a new social contract; and the Third Sector for Yes campaign, a vocal participant in the debate, which united many civil society personnel in the belief that, although independence represented an unknown quantity, it also presented an opportunity to construct a more socially just Scotland.<sup>151</sup> Across Scotland, citizens have demonstrated that they do not merely have a place in the political arena: they want to help shape that arena.

The votes have been cast, but the energy of a freshly motivated population has been sustained. After two years of grassroots campaigning, an unprecedented 97% registration of eligible voters,<sup>152</sup> and an upsurge in youth activism, a lapse into political apathy seems unlikely, as a surge in the vote for the Scottish nationalist cause in the subsequent UK election of May 2015 suggests. Civil society is helping to sustain this civic energy and to take forward concerns raised by the referendum debate. Following the referendum, the Smith Commission was established to develop plans to realise commitments on further devolution of powers to Scotland. Many CSOs came together to develop common inputs from this, and hundreds of inputs came from CSOs.<sup>153</sup> Further,

150 Georgia Gould, *Wasted: How Misunderstanding Young Britain Threatens Our Future*, 2015 (London: Little, Brown)

151 Waging Nonviolence, 'The Radical Independence Conference's promise of "another Scotland"', 27 November 2013, <http://bit.ly/1Aw4kwj>; Waging Nonviolence, 'Grassroots campaigning turns Scottish independence vote into a cliffhanger', 18 September 2014, <http://bit.ly/1HOGYEK>; 'Scottish independence could make space for charities' principles', The Guardian, <http://bit.ly/1ATapgt>.

152 '97% of eligible Scots registered to vote in independence referendum', The Scotsman, 11 September 2014, <http://bit.ly/1AAfYWS>.

153 Scottish Council for Voluntary Organisations' response to Affinity Group of National Associations (AGNA) questionnaire.

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many political activism and civil society groups continue to capitalise on the dynamism engendered by the referendum, including So Say Scotland, a democracy project, which has redoubled its efforts to make Scotland ‘a global hub for democratic innovation’; the artists for ‘Yes’ group, National Collective, which have continued “the Yes campaign’s legacy of a politically engaged electorate, regardless of the result” of the referendum; and Common Weal, a movement with a political and economic vision of a better Scotland, which gained over 1,000 members following the vote.<sup>154</sup> The Scottish referendum shows that civil society groups can play a healthy role in growing and underpinning democracy, when they are enabled to do so.

## CIVIL SOCIETY AND ELECTIONS: UPDATES FROM MALAWI AND SRI LANKA

In the very different context of Malawi, the positive roles civil society can play in elections was also seen, as described in our interview with the Centre for Human Rights and Rehabilitation (CHRR):

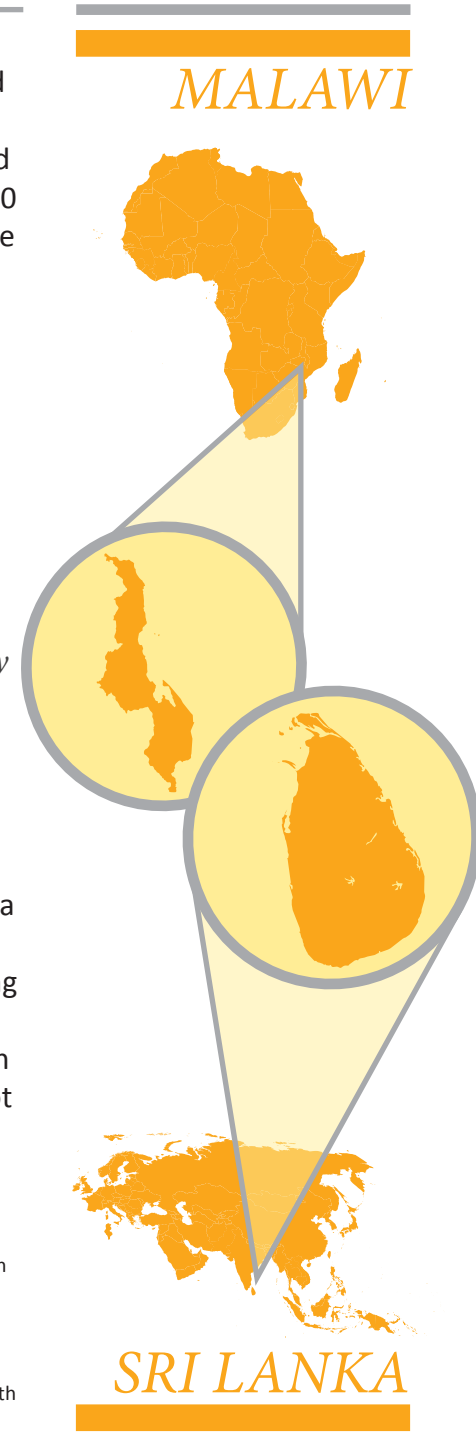
*Though operating on limited funding, CSOs managed to conduct voter and civic education in many parts of the country. The Malawi Electoral Support Network, an umbrella of CSOs with a stake in elections, played a remarkable role during the vote counting through setting up a parallel vote tabulation mechanism that sampled a number of polling centres across the country to ascertain the credibility of results.*

Similarly, Sri Lanka saw a potentially landmark election in January 2015, in which President Mahinda Rajapaksa was voted out after ten years in office. Rajapaksa led the brutal conclusion of the long-running conflict in northern Sri Lanka, in which government forces killed tens of thousands of civilians in the final months, leading to accusations of war crimes and the setting up of a UNHRC enquiry.<sup>155</sup> Under Rajapaksa, conditions for civil society grew gradually worse. To give just two examples from many, in June 2014, a government spokesperson issued threats against anyone intending to give evidence to the enquiry, while in July 2014, CSOs were told not to hold press conferences, issue press releases or help train journalists.<sup>156</sup>

<sup>154</sup> So Say Scotland, ‘A Scotland where Everyone has A Say’, <http://www.sosayscotland.org/story>; National Collective, <http://nationalcollective.com>; Common Weal, <http://www.allofusfirst.org>.

<sup>155</sup> ‘Who is Mahinda Rajapaksa? Hero or war criminal? Sri Lankan leader stands accused’, The Independent, 14 November 2013, <http://ind.pn/1GGFniY>; UN Human Rights Council, ‘OHCHR Investigation on Sri Lanka’, <http://bit.ly/1BUQ110>.

<sup>156</sup> CIVICUS, ‘Sri Lanka: Worrying Developments for Civil Society’, 31 July 2014, <http://bit.ly/1d110zG>; CIVICUS, ‘Submission on Sri Lanka to the Commonwealth Ministerial Action Group (CMAG)’, September 2014, <http://bit.ly/1JX81NR>.



Despite this pressure, civil society groups were active, in educating voters and observing the election.<sup>157</sup> CSOs that engaged ahead of the election, and coordinated their approaches, included the Campaign for Free and Fair Elections, the Centre for Monitoring Election Violence and People's Action for Free and Fair Elections, supported by a regional network, the Asian Network for Free Elections.<sup>158</sup>

The Centre for Monitoring Election Violence ran a social media campaign, #IVotedSL, which included clear information on how to vote, produced infographics and podcasts in different languages, and ran an election day violence map, providing real-time information on election-related incidents.<sup>159</sup> On election day, hundreds of people replaced their social media avatars with #IVotedSL images and posted pictures of their ink-stained fingers to prove they had voted. Meanwhile People's Action for Free and Fair Elections produced locally disaggregated reports on election violence, while the Campaign for Free and Fair Elections tracked abuse of state resources in the election. One strong piece of evidence that voter education was successful was a decline in the number of rejected ballots.<sup>160</sup>

Civil society also played a vital role in observing the election, a contribution recognised by the Commonwealth observer group.<sup>161</sup> On election day, the Centre for Monitoring Election Violence deployed 4,500 field monitors, risking intimidation and violence, while for the first time, People's Action for Free and Fair Elections was allowed to observe vote counting.<sup>162</sup>

A key piece of learning from the Sri Lankan elections is that civil society's efforts built on years of preparation: the Centre for Monitoring Election Violence has worked on elections since 1997. It is still too early to say, of course, whether the new presidency will make good on promises to improve the space for civil society, given that the new President only split away from President Rajapaksa shortly before the election, and a Rajapaksa comeback cannot yet be ruled out.<sup>163</sup> But what the example of the Sri Lankan election shows us is that resilient, committed and expert civil society engagement can make a difference; it now falls on Sri Lankan civil society to continue to exercise vigilance over the new regime, and to seize what opportunities arise.

*A key piece of learning from the Sri Lankan elections is that civil society's efforts built on years of preparation.*

157 Global Network of Domestic Election Monitors (GNDEM), 'CaFFE, CMEV and PAFFREL Mobilize for Milestone Sri Lanka Election, 30 January 2015, <http://bit.ly/1RqL3Rh>.

158 GNDEM, 'Sri Lanka: Monitors Urge Gov't Action Against Post-Election Violence', 26 January 2015, <http://bit.ly/1AAhKY1>.

159 Centre for Monitoring Election Violence (CMEV), 'Presidential Election 2015: Election Day Violence', on Google Maps, <http://bit.ly/1Aw79xN>.

160 GNDEM, 30 January 2015 op. cit.

161 Commonwealth Secretariat, 'Sri Lanka Presidential Election 2015 Interim Statement', 10 January 2015, <http://bit.ly/1Ksl7k6>.

162 CMEV, 'Presidential Election 2015. Statement at the Conclusion of Polling', 8 January 2015, <http://bit.ly/1FcNtun>.

163 CIVICUS, 'Sri Lanka: Put Civil Society at the Heart of the New Presidential Agenda', 27 January 2015, <http://bit.ly/1J9253A>; 'Maithripala Sirisena Sworn In As Sri Lanka's New President After Stunning Election Upset', 9 January 2015, <http://huff.to/1eA0gS2>; 'Sri Lanka's Mahinda Rajapaksa Hopes for Comeback', The Diplomat, 24 February 2015, <http://bit.ly/1FFjApD>.

# THE DARK SIDE OF IDENTITY POLITICS: A RISE OF THE FAR RIGHT?

In many European countries, and in contrast to the progressive experience of the debate on Scotland's future, identity-based politics is coalescing around far right positions. In Europe, dissatisfaction with established political arrangements is expressing itself partly in growing antipathy to the European Union (EU), and to immigration and Islam. The May 2014 European Parliament elections saw the EU rocked by a 'Eurosceptic Earthquake', with the far right Danish People's Party (DFP) gaining the greatest number of votes, France's far-right National Front claiming victory with 24 seats, and Eurosceptic party UK Independence Party (UKIP) placing first in the UK. Neo-Nazi affiliated parties, including the National Democratic Party of Germany (NPD) and Greece's Golden Dawn (XA) entered the European Parliament.<sup>164</sup>

At its peak, Germany's far right Pegida (Patriotic Europeans Against the Islamisation of the West) movement commanded the headlines, with large numbers of people taking part in weekly demonstrations. Following the Charlie Hebdo attacks, discussed further below, an estimated 25,000 people marched in Dresden in January 2015.<sup>165</sup> Pegida, which started as a Facebook page in October 2014, quickly transitioned into a formal organisation, registered in December 2014.<sup>166</sup> Part of what was disturbing about the rise of Pegida is that it offered a more respectable and mainstream face for previously isolated far-right groups, for which Pegida acted as a coalition, and it is notable that alongside the public protests came a sharp rise in violent attacks against hostels for asylum seekers.<sup>167</sup> A danger when the far-right rises is that mainstream parties can take more extreme positions to shore up their vote, as France's UMP has been accused of doing in response to continuing support for the once marginal National Front,<sup>168</sup> risking the normalisation of regressive discourse.

There is, however, a danger of over-stating the impact of Pegida. While it spread from its Dresden base to be reproduced in other German cities and further afield, these iterations were always smaller than those in Dresden.<sup>169</sup> There are several instances, in Germany, Norway and Sweden, of Pegida protests being vastly outnumbered by protests opposed to them, while an attempted protest in response to terrorist shootings

<sup>164</sup> 'Eurosceptic 'earthquake' rocks EU elections', BBC, 26 May 2014, <http://bbc.in/SDmdoe>; 'The far right in the 2014 elections: Of earthquakes, cartels and designer fascists', The Washington Post, 30 May 2014, <http://wapo.st/1jBFKlt>.

<sup>165</sup> 'Record turnout at Dresden PEGIDA rally sees more than 25,000 march', DW, 12 January 2015, <http://bit.ly/1RqOLdy>.

<sup>166</sup> German companies, organizations and businesses index, <http://bit.ly/1PQfqmQ>.

<sup>167</sup> 'The End of Tolerance? Anti-Muslim Movement Rattles Germany', Spiegel Online International, 21 December 2014, <http://bit.ly/1sZIs9f>; 'Prying into Pegida: Where Did Germany's Islamophobes Come From?', Spiegel Online International, 12 January 2015, <http://bit.ly/1ybdkWh>.

<sup>168</sup> 'Front National set for large gains in French local elections', The Guardian, 29 March 2015, <http://bit.ly/1PQfW4p>.

<sup>169</sup> 'Estimated 15,000 join 'pinstriped Nazis' on march in Dresden', The Guardian, 15 December 2014, <http://bit.ly/1BOMTWN>.

*In many European countries, and in contrast to the progressive experience of the debate on Scotland's future, identity-based politics is coalescing around far right positions.*

*A danger when the far-right rises is that mainstream parties can take more extreme positions to shore up their vote.*

in Copenhagen, Denmark in February 2015 attracted only around 50 people, in contrast to thousands who marched to mourn the victims and support free speech.<sup>170</sup> With the loss of its leadership, Pegida appears to be following a trajectory familiar to far-right organisations, of fragmentation: February 2015 saw a marked decline in protest participation in Dresden, with only around 2,000 attending, and only 500 participating in the rally of a splinter group.<sup>171</sup>

Notwithstanding this, such movements seem to be tapping into a growing corner of public concern about immigration and Islam. In 2014, a poll found that 34% of Germans shared Pegida's view that Germany is becoming increasingly Islamic, and a 2015 poll stated that 57% of non-Muslim Germans see Islam as a threat.<sup>172</sup> Views expressed by Pegida supporters and protestors that they feel unrepresented by mainstream politics and the mainstream media, with their highest stated motivation being dissatisfaction with the current political system,<sup>173</sup> connect with those expressed by followers of more progressive causes.

While progressive nationalism in Scotland differs from the Islamophobic backlash in Germany, they seem to share some common impulses: people, even if misguided, are responding to globalisation when they see themselves as on the wrong side of it, and rejecting established political elites, perceiving that formal political competition among traditional parties masks a fundamental agreement on the large issues. Islamophobic backlash can also be seen as fallout from the failure of the international system over Iraq and Syria, and the corresponding burgeoning of conservative political Islam in those countries, which has produced an increase in the numbers of people from Iraq and Syria seeking asylum, particularly in Germany.<sup>174</sup> The European politics of austerity, which have seen the poorest people pay disproportionately for the mistakes of financial elites, which have instead received state support, have also stoked feelings of marginalisation: if people see their states as unilaterally renegotiating the social contract, for example, by reducing the social safety net, they will make their own alternatives, or look for alternatives beyond the mainstream. Civil society needs to offer a response to these politics of failure.

*The European politics of austerity, which have seen the poorest people pay disproportionately for the mistakes of financial elites, which have instead received state support, have also stoked feelings of marginalisation.*

170 'Anti-racists swamp first Pegida rally in Sweden', The Local, 10 February 2015, <http://bit.ly/1ARX9ha>; 'Pegida sees 'complete failure' in Norway', The Local, 10 February 2015, <http://bit.ly/1Bry9cG>; 'German anti-Islam protests: Biggest Pegida march ever in Dresden as rest of Germany shows disgust with lights-out', The Independent, 5 January 2015, <http://ind.pn/1wRHihz>; 'Copenhagen shootings: thousands march in solidarity with victims – pictures', International Business Times, <http://bit.ly/1Ksqb87>.

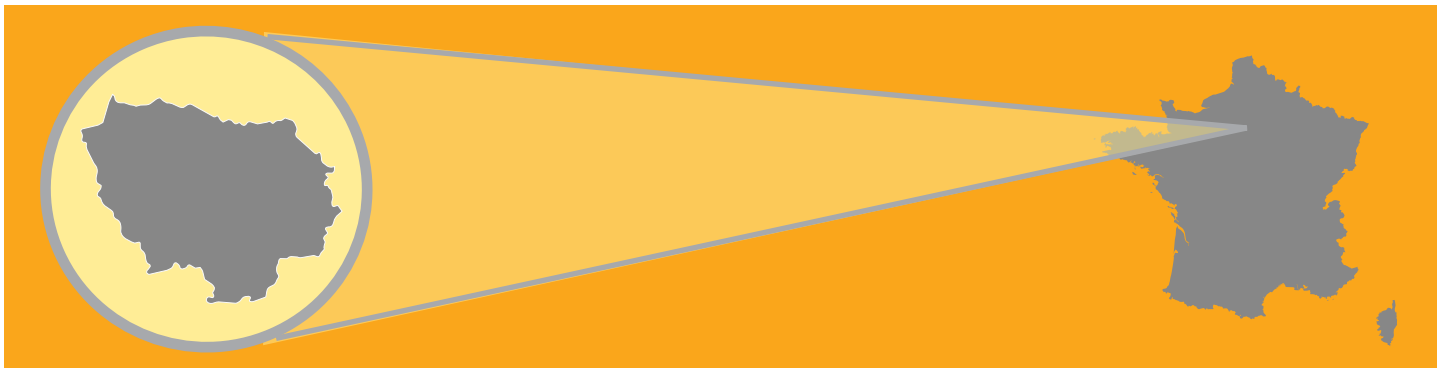
171 'German anti-islam group PEGIDA loses second leader in a week', Reuters, 28 January 2015, <http://reut.rs/1FFpirN>; 'Pegida Anti-Islam March In Germany Only Draws 2,000 Hopefully Signalling Their Demise', The Huffington Post, 11 February 2015, <http://huff.to/1FQbhZl>.

172 'The End of Tolerance? Anti-Muslim Movement Rattles Germany', Spiegel Online International, 21 December 2014, <http://bit.ly/1sZls9f>.

173 'Politisch heimatlos', Frankfurter Allgemeine, 17 December 2014, <http://bit.ly/1AwdjOH>; 'Wort im Mund umdrehen', Der Tagesspiegel, 18 December 2014, <http://bit.ly/1J5bcE2>.

174 The Independent, 5 January op. cit.





## MILLIONS MARCH AFTER PARIS ATTACKS

The response in France to the Charlie Hebdo shootings also shed light on these evolving complexities, not least around freedom of speech. The terrorist attacks on the French satirical magazine left 12 people dead, and resulted in an extraordinary show of public strength as millions took to the streets across Europe and further afield, and the solidarity hashtag #JeSuisCharlie topped Twitter, becoming one of the most widely used in history.<sup>175</sup> Public demonstrations came to a head on 11 January 2015, when over three million people marched in different locations in France, including an estimated 1.6m in Paris.<sup>176</sup> The print run for the following edition of the magazine was an unprecedented seven million, as people queued to buy it to demonstrate solidarity.<sup>177</sup>

This public show of defiance for terrorism, and mourning of its victims, seems to have become a generalised response to terrorist attacks, seen in Copenhagen in February 2015, as discussed above, and in Tunis, Tunisia, in March 2015, when thousands turned out following a terrorist attack on a museum.<sup>178</sup> These demonstrations have also consciously imitated and localised the Je Suis Charlie slogans.

But across the world, responses pointed to a troubling global faultline: while many Islamic organisations condemned the attacks, the publication of the magazine's next issue, with a cartoon cover of the prophet Mohammed, saw people across a wide arc of West African and MENA states protest against the magazine. Five people died in protests in Niger.<sup>179</sup> In the global north meanwhile, the far-right insisted on a redundant debate about whether mainstream media were prepared to republish cartoons many find offensive, and predictably,

*...while many Islamic organisations condemned the attacks, the publication of the magazine's next issue, with a cartoon cover of the prophet Mohammed, saw people across a wide arc of West African and MENA states protest against the magazine.*

175 'Paris Charlie Hebdo attack: Je Suis Charlie hashtag one of the most popular in Twitter history', The Telegraph, 9 January 2015, <http://bit.ly/1xU6nHs>.

176 'Paris attacks: Millions rally for unity in France', BBC, 11 January 2015, <http://bbc.in/1C2Uo9L>.

177 'Charlie Hebdo now printing 7 million copies', CNN Money, 17 January 2015, <http://cnnmon.ie/1BrBGYv>.

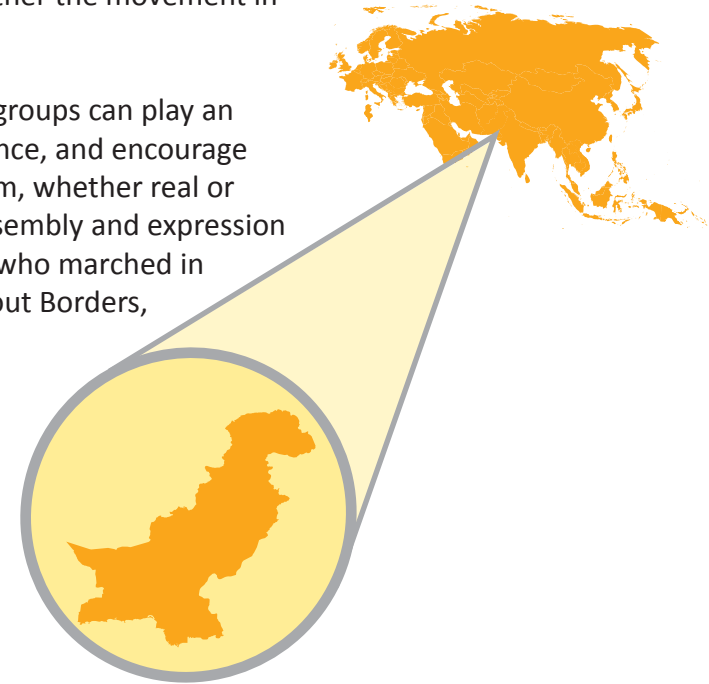
178 'Tunis Bardo Museum attack: Thousands join protest march', BBC, 29 March 2015, <http://bbc.in/1D5WRDz>.

179 'Five killed in second day of Charlie Hebdo protests in Niger', Reuters, 17 January 2015, <http://reut.rs/1BITKAH>.

attacks on Islamic soft targets ensued.<sup>180</sup> Others were uncomfortably caught between condemning the attacks and deploring the target of the magazine's satire, finding themselves unable to say 'Je Suis Charlie', sparking a continuing debate about whether there is a 'right to offend', regardless of target, and whether the movement in response to the attacks was inclusive or divisive.<sup>181</sup>

It is in difficult and polarised times, when nuances become crowded out, that civil society groups can play an essential role of building and maintaining spaces for encounter and dialogue about difference, and encourage respect for difference. But the irony is of course that the response to the threat of terrorism, whether real or exaggerated, often entails restricting the essential civil society freedoms of association, assembly and expression that need to be upheld for civil society to play its full role. That some of the world leaders who marched in solidarity in Paris also repress the media at home was an irony not lost on Reporters Without Borders, amongst others.<sup>182</sup>

## RECLAIMING SPACE: CIVIC RESPONSE TO TERRORISM IN PAKISTAN



Both these trends – a positive civic response to terrorism that brings civil society together, and a state response to terrorism that disables rights, can be observed in recent events in Pakistan. In December 2014, the Taliban attacked a school in Peshawar, the capital of Khyber Pakhtunkhwa, leaving an estimated 145 people dead, 132 of them children.<sup>183</sup> The Taliban claimed that the attack, on an army school (which educates civilian children as well as the children of army members) was in retaliation for military attacks, including drone attacks, on their network.<sup>184</sup>

180 'Dozens of Hate Attacks Target French Muslims', OnIslam, 13 January 2015, <http://bit.ly/1HypWoX>.

181 Open Democracy, 'On Charlie Hebdo, freedom of speech, terrorism, and the value of lives, 8 January 2015, <http://bit.ly/1xWM3VQ>; Open Democracy, 'No, we're not all Charlie Hebdo, nor should we be', 9 January 2015, <http://bit.ly/1140tGy>; Open Democracy, 'Charlie Hebdo and the Right to Offend', 21 January 2015, <http://bit.ly/1JXhggQ>; 'What Je Suis Charlie Has Become', The Atlantic, 30 January 2015, <http://theatlantic.com/1BzCIRE>.

182 Reporters Without Borders, 'RWB Condemns Presence of "Predators" in Paris March, Calls for Solidarity with "All Charlies"', 11 January 2015, <http://bit.ly/1w8zYY3>.

183 'Children massacred in Pakistan school attack', Al Jazeera, 17 December 2014, <http://bit.ly/1A2WS8W>.

184 Global Voices, 'In Between Images of the Peshawar Attack, a Thought About Pakistan's Army Public Schools', <http://bit.ly/1wzFh2l>.

Ahead of the attack, it was already clear that Pakistan's civil society was caught between hard-nosed government and intolerant fundamentalists, as Mohammed Ismail of the Pakistan NGOs Forum told us in August 2014:<sup>185</sup>

*Islamic fundamentalists are threatening civic space as they continuously attack human rights defenders (HRDs). Many HRDs relocated to Islamabad from Peshawar as they feared their lives were under threat. Nobel award-winning women's rights activist Malala Yousafzai was not acknowledged by the Pakistani government; CSOs from various political backgrounds gathered and paid their tributes to her. Malala was subject to a smear campaign in the social and electronic media, where she was accused of being a 'Jewish spy' and a 'Western agent' attempting to destroy Pakistan and Islam. There is no doubt that the civic space for CSOs and HRDs is shrinking... The right wing policies of Prime Minister Sharif's government and his favourable stand towards Islamic fundamentalists are encouraging him to take actions that oppress civil society in Pakistan. Imran Khan [a former cricketer and divisive political figure] is also providing space for religious extremists and the Taliban in the Province of Khyber Pakhtunkhwa, where his party is in power.*

Pakistan's citizens and civil society are, unfortunately, no strangers to extremist attacks that seek to make political capital out of soft civilian targets. CSO staff, particularly female staff, are often the target of threats and attacks from extremists and militants.<sup>186</sup> But even people apparently hardened to violence were shocked by the December attacks. Widespread public revulsion spread quickly through social media.<sup>187</sup> In the words of Qamar Naseem, of women's organisation Blue Veins:

*People called it the 9/11 of Pakistan. This incident is one of the defining moments in the history of Pakistan, where the Pakistani government, civil society, militants and Islamist apologists have to define where they stand, and have to shift their policies and look back at attitudes, behaviours and actions. Civil society was the first to come out and condemn the attack, hold demonstrations, and ask government to take responsibility for their failure to protect innocent children. Civil society across Pakistan have reinforced their demand for government action to bring these people to court and bring them to justice, and asked government to put an end to fundamentalism within government,*

<sup>185</sup> Full interview available at: CIVICUS, 'Nawaz Sharif Must Provide Support to CSOs Instead of Disabling the Environment they Operate in: an Interview with Professor Mohammed Ismail', 11 August 2014, <http://bit.ly/1AAqAVM>.

<sup>186</sup> From the Pakistan AGNA questionnaire response.

<sup>187</sup> 'Liberals rally to 'reclaim' Pakistan after Peshawar school massacre', The Times of India, 17 January 2015, <http://bit.ly/1HOZH3d>.

*Pakistan's citizens and civil society are, unfortunately, no strangers to extremist attacks that seek to make political capital out of soft civilian targets.*

*and make efforts to deradicalise this society once again. Civil society has started campaigns on non-violence.*

One such campaign was the Reclaim your Mosques movement, which saw people travel from across Pakistan to stage demonstrations and sit ins outside the Red Mosque, a large, state-supported mosque in Pakistan's capital, Islamabad, where a prominent imam, Maulana Abdul Aziz, was seen as an apologist for extremism and had refused to condemn the attack, while the government was seen as weak for not taking action against him.<sup>188</sup> The movement grew, with demonstrations spreading to other cities, and people making public and social media statements condemning the attack and calling on the government to exercise zero tolerance for extremists. Aziz eventually apologised and condemned the attack, while the government issued a warrant for his arrest.<sup>189</sup> Protests continued in February 2015, including in response to the slow progress of official investigations, and the Peshawar Bar Association demanded a judicial probe.<sup>190</sup>

The attacks, and the response to them, provoked a period of self-questioning within civil society, but also helped to galvanise shared civil society action, amongst a civil society that is often divided, according to Qamar Naseem:

*Civil society was always active, but the impact of these attacks on civil society was double edged: civil society realised their failures in promoting inclusion. We cannot only blame government, but civil society's failures as well. Civil society has failed to play its watchdog role. Our activities and initiatives did not affect government policy as they should have. These attacks have united civil society. There needs to be more working in collaboration. All civil society actors, as well as CSOs, have a role, and there should be more platforms where people come together.*

However, the governmental response to the Peshawar attacks sought to limit civil society space, at precisely the moment when civil society could best play a role in fostering pluralism and demonstrating civic alternatives to terrorism, given that many in civil society had long called for action on extremism.<sup>191</sup> The formulation of a

<sup>188</sup> 'Reclaim Your Mosques', The Nation, 20 December 2014, <http://bit.ly/1clu6lc>; 'Following warrants: 'Reclaim your mosque' activists press for Aziz's arrest', The Express Tribune, 27 December 2014, <http://bit.ly/1FQg7pP>; Global Voices, 'From #ReclaimYourMosques to #ReclaimPakistan, Pakistanis Call for an End to Extremism', 31 December 2014, <http://bit.ly/1PQmi3M>.

<sup>189</sup> 'Rendering apology: Maulana Aziz bows to society's pressure', The Express Tribune, 21 December 2014, <http://bit.ly/1zMxxir>.

<sup>190</sup> 'Parents protest at Army Public School in Peshawar against 'sluggish investigation'', The Express Tribune, 7 February 2015, <http://bit.ly/1KB9llk>; 'Parents protest slow probe into Peshawar school attack', The Hindu, 9 February 2015, <http://bit.ly/1EArj4v>; 'Peshawar Bar demands judicial probe into APS attack', The News, 25 February 2015, <http://bit.ly/1Qd4GKi>.

<sup>191</sup> CIVICUS: Anti-Terrorism Measures in Pakistan: Authorities Urged to See Civil Society as Partners not Opponents, 20 January 2015, <http://bit.ly/1LMZNGU>.

*Civil society has failed to play its watchdog role. Our activities and initiatives did not affect government policy as they should have. These attacks have united civil society.*

national plan of action in the wake of the attacks included plans to monitor and restrict funding to CSOs. The situation is undoubtedly complex in Pakistan, which has a large number of faith-based CSOs, some of which conceal extremist identifications behind a mask of humanitarian work, and where religious schools, some of which inculcate extremism, register under the same regulations as CSOs. But the perverse fact that non-extremist CSOs are the most transparent and visible parts of civil society counts against them, as it makes it easier for the state to regulate them and interfere. In December 2014, the state government of Khyber Pakhtunkhwa deregistered 3,000 out of 4,000 registered CSOs without providing any reasons why. Many CSOs know that they are under observation.<sup>192</sup>

The Pakistan NGO Forum also draws attention to a related danger to the funding of CSOs, a common challenge that will be returned to in the next section:

*The government has started to introduce new laws to take control over CSOs' funding. The main target will be rights-based and advocacy organisations. Some CSOs' foreign currency accounts have already been closed down by the State Bank.*

In the wake of the attacks, CSOs are ready to work with the government to eliminate extremism. But they also need to know that the government is serious about doing this, which implies that the government needs to work with civil society's forces of moderation. As Qamar concludes:

*Civil society has to be partnering with others – nationally, internationally and locally. Our role is not only to criticise government; civil society has to work in a strategic manner. We should be telling government that it is our government, it is our country. I love my country more than a paid soldier.*

## CONCLUSION: CIVIC MOBILISATION

As the above shows, people are mobilising in the most unexpected places. Protest is not a luxury: in many places around the world, people are rejecting established politics and modes of participation in which they are denied real voice and power. People are far from apathetic; rather they are looking for, and forging, new ways of mobilising, and causes to rally behind that are being ignored by political elites. Citizens are reaching tipping points, and once the tipping point has passed, protest is going viral. But the viral nature of many protests does not mean that these are out of control. In the above examples, violence is rare, and far more common is for citizens and civil society groups to take responsibility to limit violence, self-police and develop demands.

*Protest is not a luxury: in many places around the world, people are rejecting established politics and modes of participation in which they are denied real voice and power.*

192 Text in this paragraph draws from an interview with Qamar Naseem, conducted in March 2015.

Online activism is an essential and growing part of how people are mobilising to seek change, but it still needs to be understood better, and seen as the start of a participation journey that leads to change, rather than an end in itself. At the same time, even when progressive movements fall short of their aims, the impact on developing the future participation and activism capacities of citizens and civil society groups is important and should not be underestimated. Most people are engaging in ways that are instinctively inclusive, and embrace principles of solidarity and collective action. But the methods and tools available for mobilisation may equally be taken up by regressive forces that seek to undermine human rights, in the many societies where inequality is increasing and communities are polarising: the purpose of mobilisation, and who is mobilising, are more important than the method.

## FIVE KEY POINTS FOR FUTURE ACTION:

- We need to come up with new and better indicators for predicting and anticipating civic action tipping points, so mobilisations can be supported and tap into available learning earlier. As part of this, we need to research, understand and document better the breakdowns in the social contract, and the failures in governance, that lead to people mobilising.
- The connections between online and offline activism need to be better understood and more strongly connected, so that people can be encouraged to deepen their participation. Better connections are also needed between new civic mobilisations and existing CSOs.
- We need new metrics for assessing the impact of mass civic action, and be better at capturing and sharing the learning from success stories.
- Civil society has a crucial role to play in encouraging tolerance, reducing prejudice and winning the argument against regressive voices, but it can only do so fully if the conditions for civil society are made more enabling.
- Resourcing support for mass civic action needs to be carefully handled, to avoid the accusation that protest is something being fomented from abroad.

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# 3 CIVIL SOCIETY UNDER PRESSURE

## WORSENING RELATIONS BETWEEN GOVERNMENTS AND CSOS

Pakistan is, alas, not the only country in which civil society finds its ability to respond to the major challenges of the day constrained by government suspicion of its activities. We believe that in many countries relations between the state and civil society are getting worse. As part of our research for this report, we carried out an annual survey of members of the Affinity Group of National Associations (AGNA), a peer-learning network of national-level CSO networks convened by CIVICUS. It is striking that of the 22 responses received, only in one country – Poland – is the relationship between civil society and government assessed to have improved in the last year, with a new law on association currently before parliament that CSOs worked with the Office of the President to develop. It is hoped that the law will make it easier to establish and register CSOs, and reduce government interference over CSOs.

Much more common, unfortunately, are reports of worsening relationships between government and CSOs.

Argentina, for example, has become politically more polarised as the presidency is in conflict with other arms of the state. Corruption allegations have surrounded the highest levels of government, while the suspicious death in January 2015 of Alberto Nisman, a prosecutor who accused the President Cristina Fernández de Kirchner of a cover-up, sparked protests of 400,000 people in the capital, Buenos Aires.<sup>193</sup> In this context, and with elections approaching in October 2015, it is sadly predictable that the government has become less tolerant of civil society's right to ask difficult questions. The Argentinian Network for International Cooperation (RACI) reports:

*There are tensions from state agencies, especially at the national level, towards some CSOs that present different ideas and criticism of government actions. The year has seen the closure of some CSOs, as a means by the state to silence some critics, as well as certain speeches aimed at discrediting*

*We believe that in many countries relations between the state and civil society are getting worse.*

193 'Who Killed the Argentine Prosecutor? 400,000 March for Justice in Buenos Aires as Controversy Grows', Democracy Now!, 19 February 2015, <http://bit.ly/1FkbGjp>; 'Argentine politics: Silent, but seething', The Economist, 21 February 2015, <http://econ.st/1zTf9Bi>.

*civil society. This situation is generating mistrust by society towards CSOs, something that didn't exist in the period immediately before, where CSO-state relations were more fluid.*

An enduring paradox of civil society repression is that, while elections are supposed to be an occasion where democracy is asserted, they often become moments when nervous governments strengthen their grips on civil society. In Nicaragua, approaching elections are seen by civil society as less an opportunity to celebrate democracy than a driver of state pressure, as noted by Kepa Nicaragua, who point to:

*...a hostile context, where spaces for citizen participation have been reduced, and for CSOs, the ability to exist as autonomous organisations with capacity to fulfil their role is getting more difficult than ever. General elections will be held in 2016, and therefore political hazards might increase. The main challenge is to keep alive autonomous CSOs.*

In Jordan, there is a sense that the legal environment for civil society is tightening, a familiar indicator of worsening relations, in the view of Partners-Jordan:

*We cannot speak about the challenges for civil society in Jordan without mentioning the legal processes. The registration procedures and regulations and forms of registration are becoming harder and complicated. The procedures to get approvals for funding have changed recently. Approval to receive funding now needs to go to multiple ministries, including the Ministry of Planning, and then the Prime Ministry, a process which can take three or four months. Governmental employees responsible for registration, approving funds or following up on the work of CSOs lack knowledge of the laws, and experience in working with CSOs, and the laws are also broad and vague. Government employees judge according to what they think and feel and decisions are not based on clear procedures, which makes processes not clear for CSOs.*

In India, where beneath official rhetoric about the role of CSOs as partners in development, lies an often testy and difficult civil society-state relationship, particular attention is also being paid to the funding that CSOs receive. This is consistent with a broader international trend where states seek to interfere with the receipt of funding to limit the independence and functioning of CSOs, or use the receipt of foreign funding to paint CSOs as agents of foreign powers. Voluntary Action Network India (VANI) relates that:

*There have been systematic attacks on civil society through threats, notices and selective leaks to the media. The Reserve Bank of India has recently sent 'secret circulars' to banks asking them not to process inflows of certain organisations unless the donations have the 'prior approval' of the home*

*An enduring paradox of civil society repression is that, while elections are supposed to be an occasion where democracy is asserted, they often become moments when nervous governments strengthen their grips on civil society.*

*In India, beneath official rhetoric about the role of CSOs as partners in development, lies an often testy and difficult civil society-state relationship.*



ministry. A leaked Intelligence Bureau report to the Ministry of Home Affairs revealed the targeting of some CSOs for receiving foreign funds and being blamed for undertaking anti-national activities. The report stated that civil society has stalled the gross domestic growth of India by 2-3%. This was not just a blow to some organisations, but to civil society as a whole, as it showed that the state apparatus can use its machinery out of resentment towards genuine rights-based work. Further, this secret report was selectively leaked to the media, which blew the issue out of proportion by negatively tarnishing the image of civil society. Such unnecessary attacks on civil society take away from the crucial role we play in national development, curbs civic participation in India, and violates our freedom of expression.

*Bolivia demonstrates a different challenge: that in an environment of limited funding, CSOs that receive state funding risk being instrumentalised by the state.*

Bolivia demonstrates a different challenge: that in an environment of limited funding, CSOs that receive state funding risk being instrumentalised by the state, as UNITAS describe:

*The largest challenge for Bolivian civil society is to keep, or perhaps retrieve, a level of independence from state agencies, as there is a high level of co-optation of civil society by the government. Civil society needs to reaffirm the liberty of expression and freedom of association, and articulate bigger and better channels for citizen participation.*

The above themes are ones that recur in the case studies below of countries where civil society is facing particularly heavy attack. But it doesn't have to be this way. Uruguay has attracted widespread praise for its implementation of progressive social policies, and the grounded approach to governing of its President, until February 2015, José Mujica.<sup>194</sup> We asked Anabel Cruz and Analía Bettoni of the Communication and Development Institute (ICD) whether this progressive approach to social policy had also improved the conditions for civil society:

*We can say that, in general, the relationships of CSOs with the central and local governments in Uruguay are free of tensions, and CSOs work in an enabling environment in terms of freedom of association, assembly and expression. People are free to form their own organisations according to common interests, and there are no limitations to peaceful assembly. Different organisations have of course different degrees of relationship with the state: while trade unions have traditionally strong influence, other smaller CSOs may not have the same capacity of exerting pressure.*

194 'Jose Mujica: The world's 'poorest' president', BBC, 15 November 2012, <http://bbc.in/1mZL7uG>.

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*The national government has been in the hands of the Broad Front Party since 2005. Since then, a series of reforms have been implemented in the economic and social field, including the establishment of new mechanisms for relationships with and participation of civil society. Participation in the planning and execution of public policies has taken on new forms and responsibilities, and organisations have been convened to integrate new mechanisms for consultation, or to execute social policies traditionally in state hands.*

This is not to say, however, that some challenges do not remain:

*Although there have been important steps forward, many difficulties are also acknowledged by CSOs in terms of getting a real voice, influencing public policies, presenting proposals and being heard in decision making processes.*

*At local level, we can find cases of genuine collaboration between CSOs and local governments, while in some cases, disagreements between CSOs and the national government have been present in recent years, such as legislation to legalise abortion, for which women's groups have been striving for 25 years. The disagreement saw the veto of a law approved by Parliament by Tabaré Vázquez during his first term and the approval of a more conservative law during the presidency of José Mujica.*

The example of Uruguay, while not perfect, shows that positive relations between government and civil society can be built and strengthened over time in countries of the global south, even when there is disagreement on critical social issues. Progressive governments respect and enable the fundamental civil society rights of assembly, association and expression. Other countries have much to learn from the Uruguayan model, and more must be done to document and share this progressive practice in the global south.

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## CIVIL SOCIETY IN POLARISED CONTEXTS: SPOTLIGHT ON BANGLADESH

In politically polarised contexts, civil society often finds itself torn between two political camps, accused of disloyalty by both, and struggling to maintain and assert its independence and party political neutrality. Previously we've reported on this situation in Venezuela, where democracy suffered a further setback in March 2015, when the President was given the power to rule by decree for a period.<sup>195</sup>

In Malawi, colleagues at CHRR discussed earlier civil society's constructive role in recent elections, but they also note how polarised, highly contested elections have impacted on civil society:

*Tripartite elections emerged as the key issue in 2014/15 on the part of Malawian CSOs. The much-disputed results revealed the divisions of Malawian civil society along political lines. While some CSOs described elections as free, fair and credible, others punched holes in them due to their associated irregularities, and went on to demand a presidential vote recount. There was no common ground on which CSOs could stand as regards the poll results.*

Another context where civil society must work in conditions of political polarisation currently is Bangladesh, which saw renewed political violence in early 2015, including the murder of three bloggers who challenged religious conservatism: Avijit Roy in February 2015, Washiqur Rahman in March 2015 and Ananta Bijoy Das in May 2015.<sup>196</sup>

Adilur Rahman Khan, of Bangladeshi human rights organisation Odhikar, reports on the difficult situation civil society faces:

*In politically polarised contexts, civil society often finds itself torn between two political camps, accused of disloyalty by both, and struggling to maintain and assert its independence and party political neutrality.*

195 'Venezuelan Assembly gives initial approval for expanded presidential powers', Al Jazeera, 12 March 2015, <http://alj.am/1JaUamo>.

196 'Third Bangladeshi blogger hacked to death', Al Jazeera, 12 May 2015, <http://bit.ly/1JFH7HY>.

*Bangladesh's recent political confrontation has two ingredients, both of which have their origins in the recent past.*

*Firstly, on 30 June 2011, the present Awami League-led grand alliance government, holding an absolute majority in Parliament, passed the 15th Amendment Bill to the Constitution of the People's Republic of Bangladesh, without any referendum or public consultation, and ignoring protests from various sectors of society, including the main opposition grouping and other political parties. Before the 15th Amendment, a Judgment passed by a majority of the Judges of the Appellate Division of the Supreme Court had concluded that the next two general elections could be held under a caretaker government, something that had been a normal political procedure in Bangladesh, but this is no longer possible after the passing of the 15th Amendment.*

*Secondly, flawed 10th Parliamentary Elections were held on 5 January 2014. These elections were rejected by most registered political parties, including the main opposition Bangladesh Nationalist Party (BNP) and its alliance, the Left Democratic Alliance and others. The opposition alliance called for boycotting and resistance of these elections. As a result of the boycott, 153 candidates from the ruling alliance were elected uncontested, out of 300 constituencies, even before elections were held. This is unprecedented in a democratic electoral system.*

*Given this high level of political polarisation, Odhikar and other civil society groups, which are struggling to survive by keeping their independent position, are repeatedly urging the government and the (out of parliament) main opposition alliance to reach a negotiated settlement, including an agreement to hold fresh elections under a neutral government. Civil society groups are also organising roundtable meetings and press conferences, monitoring human rights violations committed by both sides, and demanding that they stop violence and state repression, including extrajudicial killings, custodial torture and enforced disappearance.*

*CSOs that work on civil and political rights and monitor human rights violations by the state are facing pressure from the Prime Minister's Office through the NGO Affairs Bureau (NGOAB). The government is also concerned about CSOs that work with human rights defenders and the families of victims of violence, and is creating obstacles for CSOs that address workers' rights and the condition of workers in the ready-made garments sector. For example, the NGOAB has stopped giving*

*clearance to Odhikar to operate our EU funded project on the Optional Protocol to the Convention Against Torture, and has stopped those of our activities that are funded by the Embassy of the Kingdom of Netherlands and the Finnish NGO Foundation for Human Rights. When the responsible persons at the government level call civil society a ‘cancer’ and ‘traitor’, and move to curtail our capacity to criticise the government in power, it becomes very difficult to continue to operate ‘legally’ and ‘openly’.*

The restriction of the receipt of civil society funding is an increasingly common tactic used by governments to limit the voice and role of civil society, as discussed further below.

## CIVIL SOCIETY UNDER ATTACK, BUT FIGHTING BACK

In some countries, we believe we are seeing a full-on assault on fundamental civil society rights. In 2014, CIVICUS documented significant restrictions of civil society rights in at least 96 different countries. Past State of Civil Society Reports have analysed that there are particular regional clusters where the attack is most severe: broadly, MENA, Sub-Saharan Africa, post-Communist states in Central Asia and Eastern Europe, and South East Asia.

The report of Maini Kiai, UN Special Rapporteur on the rights of freedom of peaceful assembly and of association, published in January 2015,<sup>197</sup> gives a comprehensive breakdown of challenges faced in the exercise of fundamental civil society rights in 2014. Particularly worrying is the Special Rapporteur’s conclusion that the world is seeing a “democratic recession”, indicating an increasing gap between governments that deny democracy and publics that continue to demand and expect it. This suggests that repressive governments are trying to normalise a climate of debate where the rights of assembly and association are seen as dangerous, and something that needs to be reined in.

While attacks on civil society are nothing new, we believe we are now seeing a conscious, mutually-reinforcing attempt by repressive states to create and propagate repressive norms about people’s participation, in which the notion that human rights are a barrier to stability and development is being made more acceptable. We believe an arc of repressive states is sharing tactics and inspiration to support each other. Notable here is the comment from Hungary’s Prime Minister Viktor Orban, in July 2014, that Hungary seeks to become an “illiberal

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197 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, January 2014 op. cit.

state”, citing approvingly the examples of China, Russia and Turkey.<sup>198</sup> President Orbán has practised what he preaches, by borrowing the Russian approach of demonising as foreign agents CSOs that receive funding from abroad, with the government raiding the offices of CSOs receiving funding from Norway in September 2014, as part of a wider crackdown on civil society.<sup>199</sup>

What attacks on civil society tell us as a whole is that civil society, in too many countries, is still only at best something that is tolerated, provided it stays within narrow confines, where it delivers services and adds value to government activities. The argument about the full roles and rights of civil society has yet to be won. We also believe that, in many cases, there are strategic political and economic reasons why other, ostensibly more liberal states, are tolerating abuses in these countries: some of the states below are seen as regionally strategic by powerful states, and some of them provide oil and other important resources.

The methods of attack on civil society vary, but a typical typology of civil society repression includes:

- *the introduction or more intensive application of laws that limit freedoms of assembly, association and expression, including anti-terrorism laws, which can assert a chilling effect even in draft form;*
- *the tightening of registration requirements, which consume civil society energy and resources in compliance, and which proscribe some activities, or give governments powers to make some types of CSOs illegal;*
- *controls on the receipt of funding for CSOs, most usually funding from foreign sources, and related rhetoric that paints CSOs receiving such funding as agents of foreign powers; and*
- *verbal and physical attacks by politicians and other powerful figures that can escalate to detention, imprisonment and assassination.*

Below we offer nine short case studies – on Azerbaijan, Bahrain, Cambodia, Egypt, Ethiopia, Kenya, Sudan, Turkey and Thailand - where members of the CIVICUS alliance have reported on or experienced attacks and constraints in the past year. We believe it is demonstrable that the conditions for civil society have worsened in these countries, and that the main agency that is worsening conditions, in these cases, is the state.

At the same time, there is a need to note that central governments are not the only aggressors. Attacks come from a range of sources, and it is important to disaggregate these. As the example of Mexico, above, suggests, local politics can be as deadly for civil society as national politics, and often it is from the shadowy nexus between unaccountable and corrupt politics, security forces and businesses and organised crime, that threat

<sup>198</sup> ‘Orbán Says He Seeks to End Liberal Democracy in Hungary’, Bloomberg Business, 28 July 2014, <http://bloom.bg/1G5I2DZ>.

<sup>199</sup> CIVICUS, ‘Global Civil Society Alliance Condemns NGO Crack-down in Hungary and Calls on New European Commission to Act’, 9 September 2014, <http://bit.ly/1JaV567>; Amnesty International, ‘Hungary: Authorities must end unprecedented crackdown on NGOs’, 2 February 2015, <http://bit.ly/1G7ng77>.

comes. Civil society activists most often come under threat when they challenge interests that need access to land and resources, such as energy companies, extractive industries, large scale agriculture and property development, and illicit concerns such as drug trafficking. For these interests, local populations and the exercise of their rights is a problem, and so CSOs and activists that try to defend those rights are a threat to be tackled. The CSOs, activists and journalists most at risk are those that challenge these interests, expose corruption and raise difficult questions.

Activists for land rights, for example, often come under attack because they confront commercial interests. Recent killings of land rights activists have been reported in Honduras, Indonesia, Peru, the Philippines and Thailand,<sup>200</sup> to name but a few. Overall, Global Witness reports that 116 land rights activists were killed in 2014, 87 of them in Latin America, with Brazil accounting for the most killings.<sup>201</sup> In some countries, the attack comes from extremist religious groups, as the examples given earlier of Iraq, Pakistan and Syria suggest, and women HRDS and LGBTI activists come under particular threat, as discussed further below.

## AZERBAIJAN: CONDITIONS WORSEN AHEAD OF ELECTIONS

In Azerbaijan, where the presidency was passed from father to son in dynastic fashion over a decade ago, and where the economy depends heavily on oil export, little dissent is tolerated. Although parliamentary elections are padded by pseudo-opposition parties and nominally independent candidates loyal to the ruling elite, Azerbaijan seems to be conforming to the pattern where repression increases ahead of elections, due in November 2015.<sup>202</sup>

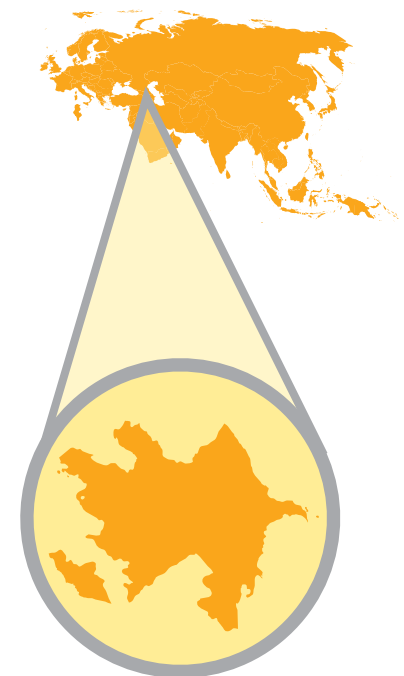
Azerbaijan also corresponds with the trend of governments targeting the financing of civil society as a way of cutting off the viability of CSOs that raise difficult issues: since May 2014, the government has frozen the bank accounts of at least 50 CSOs, and in many cases those of their staff members as well. In early 2015, the NGO Law was amended, and now systematically impedes the access of CSOs to domestic and foreign funding; CSOs must now apply to the government to licence foreign donors or approve any funded project. The aim of this

**200** Amnesty International, 'Attacks Continue against Honduran Rights Activists', 20 November 2014, <http://bit.ly/1J77o4V>; Rights and Resources Initiative, 'RRI Condemns the Murder of Indra Pelani, Land Rights Activist Beaten to Death by Guards Contracted to Asia Pulp and Paper (APP)', 4 March 2015, <http://bit.ly/1SFRQrP>; Global Witness, 'Peru's Deadly Environment', 17 November 2014, <http://bit.ly/1d2W24f>; CIVICUS, 'Allegations of Corporate Complicity in Attacks on Activists in Philippines', 10 December 2014, <http://bit.ly/1JaWqda>; GRAIN, 'Thailand: Farmers and rights groups decry land activist killing', 16 February 2015, <http://bit.ly/1Btd5Co>.

**201** Global Witness, 'How Many More?', 20 April 2015, <http://bit.ly/1yK1seH>.

**202** This section draws from 'Joint letter re: Addressing the human rights situation in Azerbaijan at the 28<sup>th</sup> Session of the UN Human Rights Council', signed by CIVICUS and other international CSOs, 23 February 2015, available at CIVICUS, <http://bit.ly/1wjJZbG>.

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is to make the funding of any work critical of the government impossible. Several international CSOs with long track records of working in Azerbaijan have been forced to leave or suspend operations.

As in other repressive states, laws around treason, tax evasion and violence are also being misused to arrest and imprison civil society activists. The past year has seen numerous spurious arrests and detentions, including the arrest of nine members of the youth activist group, NIDA Civic Movement, in October 2014. Founding member of the movement, Turgut Gambar, tells us:

*The latest crackdown, which began in 2013, and has dramatically escalated in recent months, has been unprecedented in its magnitude and scope. Scores of people from different politically and socially active groups, including youth activists, political party leaders and members, CSO leaders, religious activists, journalists and bloggers, have been subject to imprisonment and harassment. In addition to the escalating persecution of activists, the authorities have adopted a number of restrictive laws to regulate the activities of NGOs.*

Azerbaijan is also a country where civil society activists face repercussions when they try to claim their rights in international arenas: some activists have been detained and imprisoned in apparent retaliation for taking appeals to the Council of Europe and European Court of Human Rights.

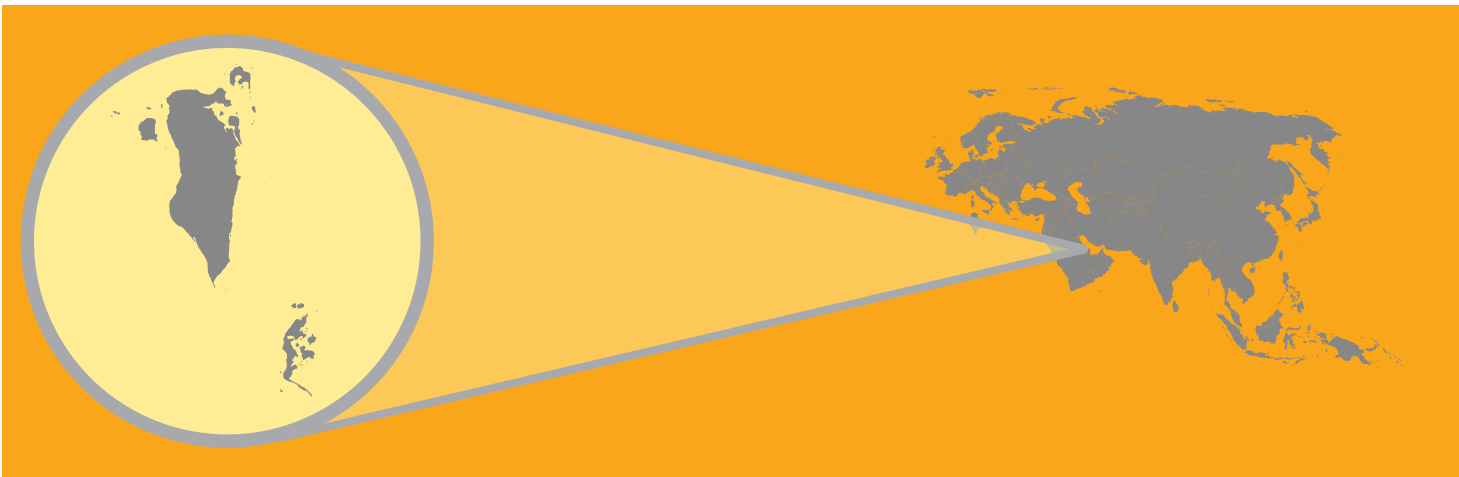
Turgut Gambar suggests the motivations behind the state's crackdown, and gives us hope that the young people of Azerbaijan will overcome repression:

*The authorities do not want young people to be active; they feel it threatens their current monopolisation of power and politics... The government understands that people in the country are frustrated due to ubiquitous corruption, high levels of unemployment, poor quality of social services, constant violation of human rights and generally low living standards. They also see that around the world, including in the former Soviet Union, people are taking to the streets to protest against corruption and authoritarianism and oust dictatorships in their countries. The government of Azerbaijan thinks instilling fear in the people will help to keep them in power. But they should understand that only by addressing the grievances of the people can it help to reduce growing popular dissatisfaction in the country.*

*As in other repressive states, laws around treason, tax evasion and violence are also being misused to arrest and imprison civil society activists.*



## BAHRAIN



## BAHRAIN: THE CRACKDOWN CONTINUES

The crackdown on civil society continues in Bahrain, where activists have been jailed, and abused while in prison.<sup>203</sup> Bahrain occupies a strategic position in the Middle East for the US and its allies, and its ruling minority enjoys the support of Saudi Arabia's monarchy, and by extension, the reluctance of global north powers to criticise. However, notable recently was some evidence of US-Bahrain friction in 2014, with US Congressman James McGovern refused access to Bahrain, and an apparent move by Bahrain to cultivate closer ties with Russia as an alternative, indicative of the danger posed by an emerging network of repressive states.<sup>204</sup>

While the government established the Bahrain Independent Commission of Inquiry (BICI) in 2011, in response to the suppressed people's uprisings of that year, there has been no action in 2014 or 2015 on its findings of torture and mistreatment of people in detention, and as of August 2014, we estimated that at least 13 people who had been noted by BICI as suffering mistreatment remained in jail. Nabeel Rajab, President of the Bahrain Centre for Human Rights, is one person amongst many who has experienced persistent repression and harassment. After completing a two year sentence in May 2014, during which he experienced mistreatment, Nabeel was handed another six month sentence in January 2015 for insulting public institutions on Twitter. As a result of these draconian acts, Bahrain's prisons are now dangerously overcrowded.<sup>205</sup>

203 This section draws from: CIVICUS, 'Bahrain: Free Nabeel Rajab Immediately and Unconditionally', 10 October 2014, <http://bit.ly/1cmLtlv>; 'Joint letter to King Hamad of Bahrain', signed by CIVICUS and other international CSOs, 25 August 2014, available at CIVICUS, <http://bit.ly/1M5btUh>; CIVICUS, '16 NGOs Urge International Community to Pressure Bahrain to Drop Charges Against Nabeel Rajab', 20 January 2015, <http://bit.ly/1AvvWBd>.

204 'US congressman refused access to Bahrain', The Hill, 23 August 2014, <http://bit.ly/1LPEfsM>.

205 Bahrain Center for Human Rights, 'Bahrain: Bahrain's Prisons At Their Breaking Point', 23 March 2015, <http://bit.ly/1PRWWIU>.

*In politically polarised contexts, civil society often finds itself torn between two political camps, accused of disloyalty by both, and struggling to maintain and assert its independence and party political neutrality.*

Bahrain is now finding new ways to repress citizens, moving from direct attacks to more subtle forms, including by tightening the legal framework to give a veneer of legality to its acts. For example, a new law has been introduced imposing a seven year sentence for the crime of publicly insulting the king, and in February 2015 the government revoked the citizenship of 72 people, including blogger Ali Abdulemam, who lives under political asylum in the UK.<sup>206</sup>

Under such circumstances, how could any election be free and fair? But Bahrain, in common with many autocratic states, continues to perform the rituals, if not the substance, of democracy. With the king holding executive powers, parliament has no real say, and a career in politics is more associated with seeking a lucrative lifestyle than pursuing change, while citizenship requirements mean that the large migrant populations that prop up Bahrain's economy are denied the franchise.<sup>207</sup> Elections remain important to the government to project an international image of normality, but those held in November 2014 instead revealed the rulers' paranoia. The main opposition coalition, Al Wefaq, boycotted the elections, and prominent civil society activists encouraged voters to boycott. Very few candidates from political societies, which take the place of political parties in Bahrain, were elected: most of those elected were independents, perhaps reflecting public discontent with the failure of political societies to provide alternatives, as well as the impact of the Al Wefaq boycott.<sup>208</sup> The response of the government has been to suppress even the once-tolerated Al Wefaq: its leader, Sheikh Ali Salman, who was arrested in July 2014 after meeting the US Secretary of State, John Kerry, was arrested again in December 2014 as a result of making political speeches, and at time of writing is on trial.<sup>209</sup>

The long term challenge for Bahraini society is that sectarian divisions, between the Sunni minority from which the ruling elite is drawn, and the country's Shia majority, marginalised as a result of the rulers' divide and rule approach, are only likely to worsen, given the resentment that is being stored up against the ruling minority, and the lack of open platforms to negotiate differences.

But if external political pressure on Bahrain remains weak, perhaps the alternative from those outside the country would be to target the businesses that continue to work with Bahrain: there is already evidence that financial businesses are switching to other locations in the region, while government debt has increased and its credit rating been downgraded.<sup>210</sup> Greater economic pressure could hasten political change.

<sup>206</sup> 'Bahrain's elections are just a red herring', Al Bawaba News, 24 November 2014; Index on Censorship, 'Bahrain revokes citizenship of 72 critical voices', 3 February 2015, <http://bit.ly/1KrvjrP>; Global Voices, 'Ali Abdulemam: 'I Have Not Lost My Identity. I Am Bahraini'', 20 February 2015, <http://bit.ly/1dBerGj>.

<sup>207</sup> Al Bawaba News, 24 November 2014 op. cit.

<sup>208</sup> 'Bahrain opposition groups announce elections boycott', BBC, 11 October 2014, <http://bbc.in/1eC1Naj>; Citizens for Bahrain, 'Bahrain elections – what happened to the political societies?', 27 November 2014, <http://bit.ly/1ECKRFe>.

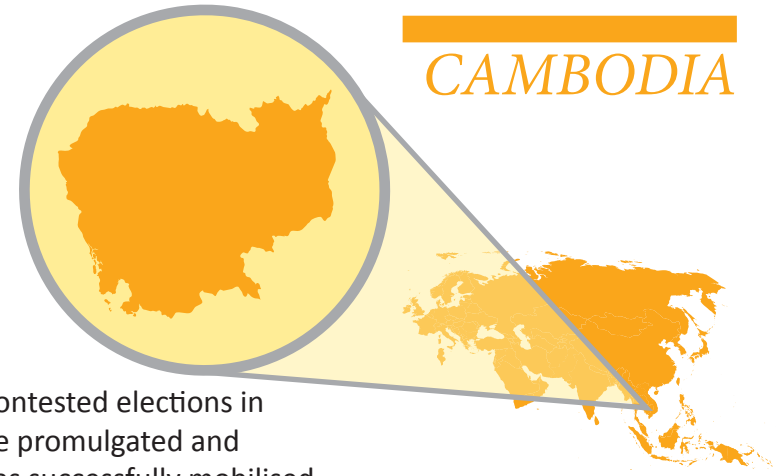
<sup>209</sup> 'Bahrain arrests opposition leader over U.S. diplomat meeting', Al Bawaba News, 10 July 2014, <http://bit.ly/1ABxBWz>; Bahrain Center for Human Rights, 'Bahrain: The Beginning of the End for Bahrain's Tolerated Opposition', 26 February 2015, <http://bit.ly/1PRXEzB>.

<sup>210</sup> Bahrain Center for Human Rights, 26 February 2015 op. cit.

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# CAMBODIA: LIFE AFTER THE INTERNATIONAL SPOTLIGHT MOVES ON



The situation for Cambodian civil society has worsened since the government won contested elections in June 2013. In 2014, three draft laws affecting the independence of the judiciary were promulgated and rapidly approved, with little transparency. Further, while in past years, civil society has successfully mobilised, domestically and internationally, to delay a repressive draft Law on Associations and Non-Governmental Organisations, it is expected that a new draft will soon be reintroduced.<sup>211</sup>

In June 2014, in a move that underlined the weakness of the international governance regime, Cambodia rejected key recommendations of the UNHRC's Universal Periodic Review (UPR) process, including those on media freedom, pre-trial detention and investigation of excessive violence against protestors.

Chak Sopheap, Executive Director of the Cambodian Center for Human Rights, draws attention to threats that emanate from connections between the private sector and key government figures:

*The overall environment for civil society in Cambodia remains critical, especially for grassroots organisations that work in the provinces. Throughout Cambodia, CSO representatives, human rights defenders and other activists continue to be threatened and harassed by local authorities and private security guards as a result of their work. Judicial harassment, including through the misuse of criminal charges, as well as the abuse of provisional detention, also remains a serious concern and a challenge for independent civil society in Cambodia. The situation is aggravated by the high level of corruption and collusion between the authorities and influential private actors. Secrecy and lack of transparency continue to characterise the law-making process in Cambodia.*

*The situation for Cambodian civil society has worsened since the government won contested elections in June 2013.*

<sup>211</sup> This section draws from: CIVICUS, 'CCHR and CIVICUS Condemn the Cambodian Government's Rejection of Key Recommendations During its 2<sup>nd</sup> Universal Periodic Review', 2 July 2014, <http://bit.ly/1FdSS4a>; CIVICUS, 'Cambodia: Human Rights Situations Remains Critical – CIVICUS Interview with Chak Sopheap (CCHR)', 23 January 2015, <http://bit.ly/1GJvTDI>.

There is also a sense that, with other countries in the region experiencing difficult conditions or transition, such as Myanmar and Thailand, the international spotlight has moved on from Cambodia:

*Due to the improvements registered in the country over the last few years and the worsening situation in other countries in the region, international attention on Cambodia is slowly fading.*

International civil society needs to respond to the situation in Cambodia by bringing the spotlight back onto the country, and being on high alert to mobilise in the face of any attempts at reintroduction of the restrictive draft law.

## EGYPT: TAHRIR SQUARE HOPES CRUSHED

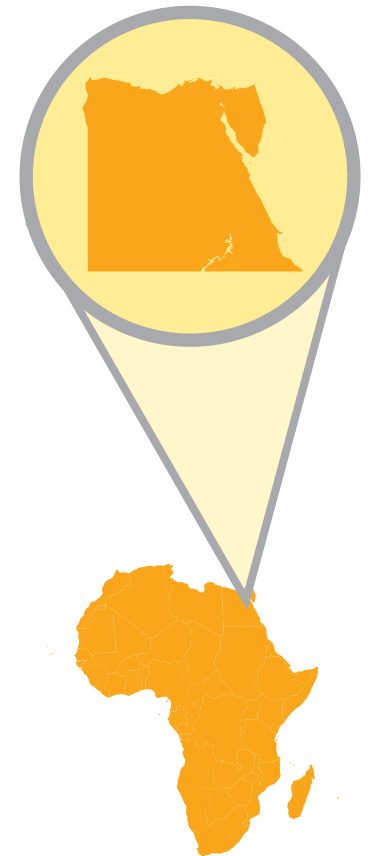
The last year in Egypt has seen one dismal experience for civil society follow another, as the heady days of Tahrir Square are now a distant and hollow memory.<sup>212</sup> The public and state backlash against the brief period of Muslim Brotherhood government that followed the toppling of former President Mubarak has led to a heavily polarised environment. Undoubtedly there is some public support for strong government, translated as military government, but in this climate, the risk is that opposing voices are demonised and protestors seen as disruptive of stability.

In polarised circumstances, it is particularly important that the law is applied impartially, but in Egypt, laws and trials are clearly being used to stifle dissent. The last year offers a litany of people active since the 2011 uprising who are now jailed, including, to name a few of many, women's human rights defender Maheinous El-Massry, jailed for two years in May 2014, prominent blogger and Tahrir Square activist Alaa Abd El Fattah, sentenced to five years in February 2015, and youth activist Ahmed Douma, handed a life sentence for anti-military protests, also in February 2015, along with 200 others tried in absentia.<sup>213</sup> This is indicative of another troubling trend, of mass trials and speedy verdicts.

**212** This section draws from: CIVICUS, 'CIVICUS Interview with Amal Elmohandes, Director of the Women Human Rights Defenders Program at Nazra for Feminist Studies', 18 June 2014, <http://bit.ly/1d2ZmMI>; 'Joint Letter to Permanent Representatives of members and observers of the UN Human Rights Council re: Universal Periodic Review of Egypt, signed by CIVICUS and other international CSOs, 22 October 2014, available at CIVICUS, <http://bit.ly/1JYsyS0>; CIVICUS, 'Call on Egyptian Government to End All Human Rights Violations – CIVICUS Interview with Hussein Magdy', 19 February 2015, <http://bit.ly/1Rtx6C7>.

**213** Nazra for Feminist Studies, 'Confirmation of the Verdict against Mahienour El-Massry: A New Episode in the Series of Incarcerating Women Human Rights Defenders (WHRDs)... The Verdict Must be Renounced and the Law Needs to be Revised', 21 May 2014, <http://bit.ly/1pfdseC>; 'Prominent Egyptian Youth Activist Gets Life In Prison', Voice of America, 4 February 2015, <http://bit.ly/1cmNDbc>; 'As Egypt Sentences More Activists, Rights Groups Speak Out', Voice of America, 26 February 2015, <http://bit.ly/1FdTGWG>.

EGYPT



There is currently a game of cat and mouse between government and CSOs regarding the laws that regulate civil society activity. The government gave all CSOs until 10 November 2014 to register under a repressive associations law. In response, many registered as not-for-profit companies or law firms, covered by different legislation, only for even more restrictive legislation to be proposed, along with new limitations on the receipt of foreign funding. The proposed new law would make peaceful association in the name of human rights essentially impossible in Egypt, giving the state the power to close down CSOs, choke off their funding and jail their leaders. That this law was proposed even as Egypt was being reviewed by the UNHRC's UPR process indicates the government's contempt for external opinion.

Hussein Magdy of the Egyptian Commission for Rights and Freedoms describes the situation:

*Currently the overall operating environment for civil society in Egypt is dire. The current regime exercises full control over political liberties enjoyed in the public sphere and orchestrates an intensified crackdown on CSOs and HRDs. The authorities have institutionalised arbitrary restrictions on civil society operations by proposing legal provisions that contradict Egypt's international human rights obligations. In the past months there have also been a considerable number of cases where authorities have threatened to close down CSOs. They have also issued harsh prison sentences and pecuniary fines on HRDs for their peaceful advocacy activities. In its current state, it is fair to say that Egyptian civil society is going through a severe human rights crisis.*

*Egyptian civil society feels that the Egyptian government is at war with freedom of assembly, despite its national and international human rights obligations. Any form of public assembly critical of the government is violently dispersed, sometimes at the expense of mass murders and severe injuries to protestors. Security officials responsible for the death of peaceful protestors continue to enjoy impunity, which only further reinforces police brutality. The case of Shaimaa el-Sabagh, who was shot in the back on 24 January 2015 while holding flowers in her hand during a peaceful protest commemorating the 2011 Revolution, is symptomatic of the police's relentless attacks on citizens merely exercising their freedom of association.*

Another disturbing aspect of the post-2011 experience of Egypt has been that, regardless of who is in government, a consistent theme has been the targeting of women HRDs (WHRDs) and women who are active in public space: the election of President Sisi in June 2014 was marked by a spate of gang rapes. In the words of Amal Elmohandes, of Nazra for Feminist Studies:

*Currently the overall operating environment for civil society in Egypt is dire. The current regime exercises full control over political liberties enjoyed in the public sphere and orchestrates an intensified crackdown on CSOs and HRDs.*

*Violations targeting WHRDs and women in the public space have been systematic and uniform throughout the different governments in the past three and a half years.*

There has also been a sharp rise in state surveillance, as Amal goes on to tell us:

*The government and the security sector in particular have been involved in surveillance of activities and behaviour of citizens at least from 2008. New plans will involve more sophisticated methods to monitor the online activities of citizens, and conversations and messages exchanged on mobile phones. These tactics will be extended to target dissenters and those who criticise the actions of the authorities. Such actions by the government will inevitably lead to self-censorship in certain cases and will usher a significant and widespread assault on freedom of expression and on the privacy of citizens.*

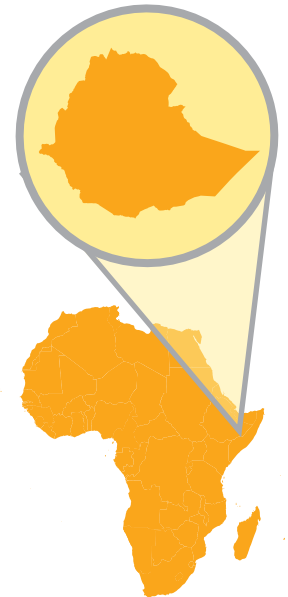
It is hard to find many causes for optimism about the state of civil society in Egypt. Those in jail and those silenced need international support and greater exposure of the conditions under which the heroes of Tahrir Square now languish.

## ETHIOPIA: BLOGGERS AND JOURNALISTS IN THE FIRING LINE

Ethiopia remains a highly repressive state, where civil society activity that would be regarded as legitimate elsewhere is criminalised, the government conflates criticism with terrorism, and where journalists and bloggers are a particular target: at the time of writing, at least 17 journalists and bloggers are known to be imprisoned,<sup>214</sup> and another 20 are said to have fled the country. To give a handful of examples from many, in October 2014, Temesgen Desalegn, journalist and former editor-in-chief of *Feteh* magazine was sentenced to three years in prison, while three other magazine owners were handed sentences of over three years in absentia, and in August 2014 the government accused six weekly newspapers of crimes against the state.

<sup>214</sup> This section draws from: CIVICUS, 'Oral Statement by CIVICUS, Human Rights Situation in Africa, to the African Commission on Human and People's Rights', 28 April 2014, <http://bit.ly/1LNenOR>; CIVICUS, '41 African and International CSOs Call on the Ethiopian Prime Minister to Release Detained Journalists and Zone 9 Bloggers', 28 July 2014, <http://bit.ly/1dBgYQP>; CIVICUS, 'Ethiopia: Crackdown on Dissent Intensifies as Journalists Convicted', 31 October 2014, <http://bit.ly/1KsQHjy>; CIVICUS, "'Push for the Repeal of the CSO Proclamation" – CIVICUS Interview with Solryana Gebremichael (EHRP)', 12 February 2015, <http://bit.ly/19vt4bH>.

ETHIOPIA



In the words of Hassan Shire of the East and Horn of African Human Rights Defenders Project:

*In Ethiopia over the last five years we have seen the wholesale disappearance of the human rights community, with countless human rights defenders forced into exile due to heavy-handed and manifestly unlawful state tactics aimed at undermining their work. Throughout 2014, the risks facing journalists and independent human rights voices have reached unprecedented new heights.*

It seems that, consistent with the pattern described above, the conditions for civil society became still worse ahead of the ritual of the May 2015 elections. Soleyana Gebremichael, of the Ethiopia Human Rights Project, comments:

*In the run up to national elections, the increasing trend of arbitrary arrest and detention, politically motivated prosecutions, and intimidation of independent voices within civil society is deeply concerning. Similar trends were notable in the run up to the 2010 national election, in which the ruling party won 99.6% of parliamentary seats.*

Among those currently experiencing the reality of state repression are the Zone9 collective, a group of young bloggers to which Soleyana belongs. At the time of writing, six Zone9 bloggers are facing trial on terrorism charges, along with three independent journalists. Soleyana faces trial in absentia. Some charges carry the death penalty. The group have faced repeated delays in legal proceedings, including long delays in knowing what they were charged with, and have complained about mistreatment while in detention, including torture, sleep deprivation and withholding of food, while family visits have been limited.<sup>215</sup> As part of the justification for the charges they face, the public prosecutor pointed to the collective's involvement in digital security training organised by international human rights groups, demonstrating once again the dangers of civil society being seen as 'foreign agents' in highly repressive contexts.

As with several other countries covered in this report, part of the challenge for civil society in Ethiopia is the relative lack of interest in promoting change of external powers, who see Ethiopia as a stable state in a region where instability, linked to conflict and Islamist terrorism, is a concern. Ethiopia, along with some other African countries such as Rwanda, also shows the limitations of current approaches to development: they achieve strong progress on some development indicators, but largely through a state-led development approach that emphasises economic development, in imitation of the China model.<sup>216</sup> Such models are suspicious of the

215 Ethiopia Human Rights Project (EHRP), 'Court Grants the Police More Days to Further Investigate Ethiopian Journalists, Bloggers', 17 May 2014, <http://bit.ly/1LPRj1j>; EHRP, 'Third Adjourment for Bloggers, Journalists; Still No Evidence', 3 June 2014, <http://bit.ly/1cmOCrW>; EHRP, 'Facts and Documents on Case of Zone9 Bloggers and Journalists', 26 February 2015, <http://bit.ly/1FH4Eye>.

216 'Ethiopia and Kenya: Doing it my way', The Economist, 2 March 2013, <http://econ.st/1LNfpKF>.

*At the time of writing, six Zone9 bloggers are facing trial on terrorism charges, along with three independent journalists.*

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independence of civil society. As in other states, the restriction of civil society's access to foreign funding, through the application of the 2009 Charities and Societies Proclamation Act, is an indicator of repression.<sup>217</sup> Such states may promise democracy later, and the argument that democracy can be delayed until everyone has enough to eat may seem seductive, but the experience of China's model suggests that democracy is something that repressive rulers endlessly seek to defer.

Soleyana Gebremichael draws attention to the shortcomings of the state-led development model:

*In Ethiopia, which has only one opposition party member in parliament, virtually no independent media and civil society and a highly politicised judiciary, there is very little accountability for the vast sums of money entrusted to the federal government to support democratic and economic development. The maintenance of the status quo in Ethiopia through the provision of huge amounts of donor aid without adequate and effective support for democratic consolidation is a waste of the taxpayers' money.*

Ethiopia's government, like Egypt's, has shown itself to be contemptuous of the international human rights system: it has refused to accept key recommendations of the UPR process, on revising its anti-terrorism measures and on releasing imprisoned activists and journalists. If pressure is to be more successfully exerted, then outside donors need to be pressured to take a new approach to development, including under the forthcoming Sustainable Development Goals (SDGs), that puts human rights and citizen-led accountability at the centre, and powerful governments need to be pressured by their domestic civil society to develop more nuanced understanding of what constitutes stability.

*Ethiopia's government, like Egypt's, has shown itself to be contemptuous of the international human rights system.*

217 'In Ethiopia, Protecting Yourself Online Is a Crime', The Huffington Post, 22 July 2015, <http://huff.to/1FH4TSZ>.



## KENYA: INTERNATIONAL EXPOSURE DRIVES NATIONAL CRACKDOWN

The conditions for civil society in Kenya have worsened appreciably since the present government was formed in April 2013.<sup>218</sup>

The suspension of 510 CSOs, many of them working on rights-based issues, by the NGO Coordination Board in December 2014 was in violation of Kenya's constitution, and rightly brought national and international condemnation. The subsequent reinstatement of 179 CSOs, in January 2015, can be seen to result from this scrutiny and pressure, but it remains the case that the attempt contributes towards fostering a climate of insecurity and fear among CSOs.

The Security Laws (Amendment) Act, seeking to amend 22 other pieces of legislation, and extending state powers over public demonstrations and the publication and dissemination of information, was hurriedly passed in December 2014, in the face of opposition and civil society protests, only for parts of it to be ruled as unconstitutional by Kenya's High Court. This act was preceded by attempts, documented in the 2014 State of Civil Society Report, to limit CSOs to receiving no more than 15% of their funding from foreign sources, establish a central body through which foreign funding would have to pass, and extend state powers over CSO registration and regulation. Attempts were made to introduce these through three series of amendments in 2013 and 2014, with a strong local and international civil society campaign against them, but the fear remains that attempts will be made to introduce such laws again, given the government's track record. Here, the danger is that, even when they fail to pass into law, these attempts exert a chilling effect and encourage a climate of

<sup>218</sup> This section draws from CIVICUS and National Coalition of Human Rights Defenders 'Attacks on Civil Society Undermining Democracy and Development in Kenya', March 2015, <http://bit.ly/1ak4Sty>.

self-censorship, as could also be said of attempts to pass laws to limit media freedom, halted by the High Court in January 2014.

As well as these restrictions emanating from the state, the environment for civil society activists and HRDs seems to be growing more dangerous. Activists are being threatened as they go about their work, and attempts to protest are being disrupted. For example, in September 2014, chair of the Law and Social Development Trust, Wendy Wanja Mutega, was threatened and warned to stop working with an environmental rights groups by unidentified people, while in January 2015 two activists, Irungu Houghton and Bouz Waruku, were arrested and charged with incitement as they staged an 'occupy playground' demonstration to advocate for the rights of schoolchildren. Protestors who attempted to march to parliament in December 2014 were dispersed by security forces, and eight protestors detained on charges of unlawful assembly and incitement to violence.

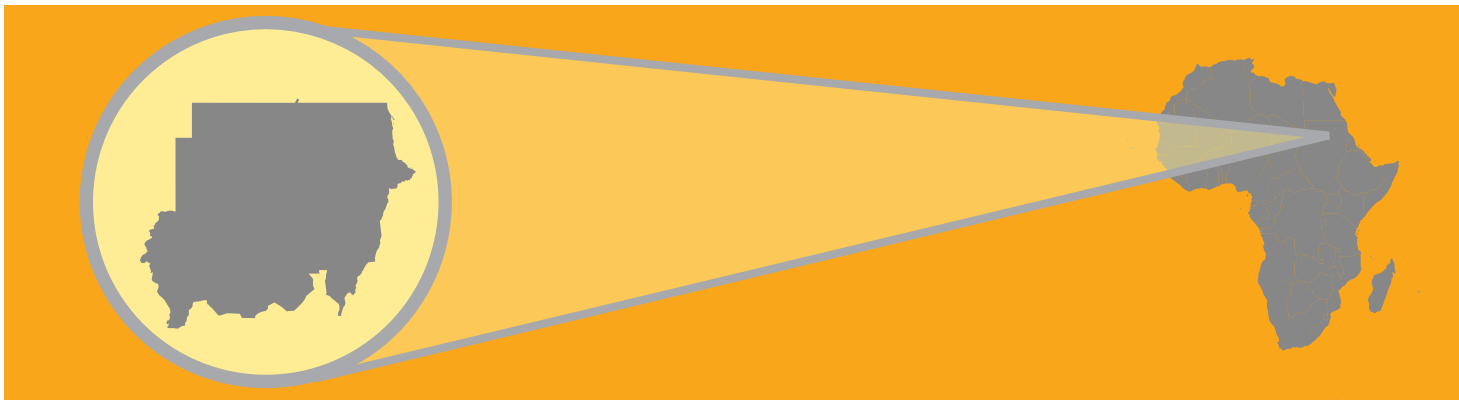
The difficulties faced by potential witnesses in the International Criminal Court's (ICC) now aborted proceedings against President Uhuru Kenyatta are discussed in the next section. Sensitivities about these proceedings being brought against the people in power would seem to be one driver of the government's increasingly negative attitudes towards civil society and the media.

Another influence is concern about al-Shabaab terrorism, emanating from extremist Islamist networks founded in neighbouring Somalia. These concerns naturally run high in Kenya, which has experienced shocking acts of terrorism, such as the attack on the Westgate Shopping Mall in September 2013 that left at least 67 people dead, the murder of 36 quarry workers in northern Kenya in December 2014, and the killing of 147 students at a university in Garissa in April 2015.<sup>219</sup> But again, the point must be made that civil society can be a priceless ally of the government in responding to such attacks, yet civil society's response to terrorism is made harder in climates of repression and restriction. Civil society can play a role in bringing communities together at times of heightened risk of ethnic or religious division, and indeed was quick to react to the April 2015 attack, calling a night vigil to show solidarity, while the power of a free media was demonstrated by an open-source social media initiative that set out to tell the stories of every person killed in the attack.<sup>220</sup> To a government sensitive about its international standing and concerned about terrorism, the argument that civil society can help address these needs to be made more strongly.

219 'Kenya marks anniversary of deadly Westgate mall attack', BBC, 21 September 2014, <http://bbc.in/1wFqp5n>; 'Al-Shabab massacres non-Muslims at Kenya quarry', BBC, 2 December 2014, <http://bbc.in/1vjyuri>; 'Kenya attack: 147 dead in Garissa University assault', BBC, 3 April 2015, <http://bbc.in/1DrBXQW>.

220 '#147notjustanumber is the hashtag that gives life to each person slain in the Kenya attack', Quartz, 6 April 2015, <http://bit.ly/1FRovoN>; email communication from Action2015/Kenya, April 2015.

*Another influence is concern about al-Shabaab terrorism, emanating from extremist Islamist networks founded in neighbouring Somalia.*




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## SUDAN

# SUDAN: SPACE SHRINKS AHEAD OF ELECTIONS, AS ARTISTS FIGHT BACK

Sudan and South Sudan split in 2011, following an entrenched civil war which left key territorial issues unresolved in the South Kordofan and Blue Nile regions that border the two states, while conflict in the Darfur region has been going on for 10 years, with the situation appearing to be deteriorating again at the time of writing. Sudan's highly centralised, single-party state, led by President Omar al-Bashir since a 1989 military coup, has faced civil society pressure to answer to its abysmal human rights record but, at the same time, outside powers, such as the AU, are weak. Not for the first time, there is a sense that outside powers prefer autocratic relative stability to the potential instability they fear could result from a change of government.<sup>221</sup>

In response to pressure, in January 2014, al-Bashir called for a national dialogue process, but progress was minimal, and in January 2015 almost all opposition parties withdrew from the dialogue.<sup>222</sup> Most opposition parties also boycotted the April 2015 elections, and some key opposition leaders were arrested, further demonstrating the government's unwillingness to have genuine national dialogue ahead of elections. To no one's great surprise in such circumstances, al-Bashir claimed around 94% of the vote in April 2015.<sup>223</sup>

In the run up to the election, in January 2015, the constitution was amended to give al-Bashir and the National Intelligence and Security Service (NISS) new powers, which were quickly demonstrated in February 2015, when

221 International Crisis Group, *Sudan: The Prospects for "National Dialogue"*, 11 March 2015, <http://bit.ly/1EHiRRC>.

222 'Sudan opposition to boycott national dialogue', Al Jazeera, 21 January 2015, <http://bit.ly/1CAIRhH>.

223 'Sudan's political opposition unites under new call for democracy', The Guardian, 11 December 2014, <http://bit.ly/1J7mg3g>; 'Sudan elections – what elections?', Al Jazeera, 29 March 2015, <http://bit.ly/1AxRs9o>; 'More of the same': Bashir sweeps Sudan election', Al Jazeera, 27 April 2015, <http://bit.ly/1BtoiTA>.

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*Sudan's highly centralised, single-party state, led by President Omar al-Bashir since a 1989 military coup, has faced civil society pressure to answer to its abysmal human rights record.*

restrictions were increased on print media, encroaching further on already severely limited space for freedom of expression.<sup>224</sup> On 16 February alone, NISS forces seized an entire print run of 14 newspapers in an effort to prevent the dissemination of news deemed critical of the ruling National Congress Party (NCP). Previous months had seen journalists detained for reporting an opposition leader's speech and newspaper staff beaten in an armed raid on their offices: all told, in 2015 alone, Amnesty International estimates that at least 21 journalists have faced state interrogation.<sup>225</sup> This is despite Sudan's government having agreed in 2011 to accept UNHRC UPR recommendations on freedom of association, assembly and expression.

In these conditions civil society is finding itself squeezed, as Abdel-Rahman El-Mahdi, of the Confederation of Sudanese Civil Society Organisations (CSCSOs), explains:

*Over the last 12 months, relations between civil society and the Sudanese government have worsened. This is reflected in the increasing number of closures of CSOs, the arrest and harassment of civil society leaders, and a negative portrayal of CSOs in the media by leading members of the ruling NCP. The current conditions for civil society in Sudan can be characterised as extremely restrictive, with a high level of personal risk for individuals working within civil society. The degradation and shrinkage of space for civil society is unprecedented. CSOs in Sudan are facing increased closures and their leaders subjected to harassment and oftentimes detention by security forces.*

*Dr Amin Mekki Medani, a well-known human rights defender and President of CSCSOs, was arrested in December 2014 following his return for a meeting in Addis Ababa held under the auspices of the African Union High-Level Implementation panel. Dr Amin continues to be held in detention. In January 2015, three CSOs, the Sudanese Writers Union, Mahmoud Mohamed Taha Center and the National Civic Forum, had their licenses revoked and were informed by national security agents to cease their activities. All three were members of CSCSOs. Restrictive and unconstitutional articles in the 2006 Voluntary and Humanitarian Works Act are increasingly being enforced, curtailing and obstructing the work of independent CSOs that may be perceived as a threat to government and its policies and priorities. This law has become a tool for exercising control over and obstructing the activities of CSOs, especially those that are deemed a threat or non-aligned with government and its policies. The most notorious articles within this law relate to incorporation and registration, receipt of foreign funding, dissolution and control of assets.*

224 'Sudan: 'Clamp-Down On Civil Society As Polls Approach' – Sudan Hrs Monitor', All Africa, 10 February 2015, <http://bit.ly/1ABC0xu>; Amnesty International, 'Sudan: Entrenched Repression – Freedom of expression and association under attack', 1 April 2015, <http://bit.ly/1AxRXjD>.

225 Committee to Protect Journalists (CPJ), 'Sudanese journalist held without charge', 13 June 2014, <http://bit.ly/1FkenkI>; CPJ, 'Armed men raid Sudanese newspaper, beat editor', 22 July 2014, <http://bit.ly/1BtoVMP>; CPJ, 'Sudan security agents confiscate print runs of 14 newspapers', 18 February 2015, <http://bit.ly/1AxSpOR>; Amnesty International, 1 April 2015 op. cit.

*CSOs in Sudan are facing increased closures and their leaders subjected to harassment and oftentimes detention by security forces.*

*This has come as a backlash to increasing recognition by prominent parties, national and international, of civil society as a principal stakeholder in the future of Sudan and the importance of its inclusion in future consultations regarding a comprehensive solution to the problems facing Sudan. As elections neared, CSOs that called for a delay of elections found themselves persecuted by national intelligence. The government is also aware that the national dialogue, which has been derailed, might still come into play over the coming period. CSOs should have a role to play in shaping how an inclusive national dialogue process may be structured as well as voicing the issues and priorities of their constituents, if any meaningful dialogue is to be realised.*

*...al-Bashir's cultural crackdown is nothing new: in the early 1990s the regime shut down Khartoum's libraries and destroyed books.*

The attack on cultural spaces and platforms described by Abdel-Rahman comes in response to a fresh wave of civic dissent, in which Sudan's artists and writers were at the forefront. But al-Bashir's cultural crackdown is nothing new: in the early 1990s the regime shut down Khartoum's libraries and destroyed books. It was not until the 2005 Comprehensive Peace Agreement with South Sudan that the Sudanese Writers Union was able to regain its legal status; now it finds itself targeted again, alongside the monthly used book sale and gathering, Mafroosh, which has been credited with reviving Sudan's literary scene.<sup>226</sup> Mamoun Eltlib, a prominent Sudanese writer, who restarted and managed the Union and spearheaded Mafroosh, has led the effort to nurture cultural, discursive space. Eltlib also founded the arts and culture collective Work Culture Group and is an active political critic and commentator, who has in the past paid personally for his work, having experienced a year's detention.<sup>227</sup>

Among other examples, the 2014 Toronto International Film Festival showed the film *Beats of the Antonov*. Antonovs are the Russian-made planes used by the Sudanese government to bomb rebel held areas. Hajooj Kuka, the Sudanese filmmaker, presents the perspectives of those affected by war as they navigate the conflict and reaffirm their existence through dance, music and storytelling.<sup>228</sup> Meanwhile, with their collaborative campaign *Art vs. War*, Nabta Culture Centre and the National Group for Cultural Policies have tried to raise awareness of the devastating cost of conflict.<sup>229</sup> Their campaign compares government expenditure on arts and war, juxtaposing images of soldiers, camouflage and Antonovs with art supplies and musical instruments. Beginning on social media, the campaign has grown to posters and t-shirts, and works in refugee camps to encourage cultural exchanges between people from the centre, and from conflict-affected border regions.

226 'Against the Writers Union Shutdown, Read Stories and Poems from Sudan', Arabic Literature (in English), 9 February 2015, <http://bit.ly/1C9Uiel>; 'Long live the struggle of the Sudanese Writers Union', Sudan Tribune, 16 February 2015, <http://bit.ly/1LNiOjr>.

227 'Where are the libraries?' The literary radical fighting Sudan's crackdowns', The Guardian, 12 February 2015, <http://bit.ly/1CZhgL8>.

228 'Beats of the Antonov' Tells the Story of the People of the Blue Nile and Nuba Mountains in Sudan', Indiewire, 29 July 2014, <http://bit.ly/1KsTLdM>.

229 'Sudanese arts centre stands up against war', Africa Review, 28 August 2014, <http://bit.ly/1QeHU4u>.

The government's recent assault on cultural centres is, in a perverse way, a recognition that cultural activism could be the spark that ignites social movements in Sudan. Activist groups, such as Sudan Change Now and Girifna, have campaigned against the three civil wars Sudan has experienced, but these campaigns have never gained real traction or attracted the popular support necessary for impact. With cultural activists battling to open space for dialogue and engendering a culture of political engagement, young people in particular may be able to find innovative ways to express political discontent.

It needs to be understood that the government's campaign against Sudanese civil society reflects not strength, but the ruling party's fragility and defensiveness toward independent voices. Given this, Abdel-Rahman suggests what the outside world could do to nurture Sudanese civil society:

*The international community must take vigorous political and diplomatic measures to support CSOs that come under threat, and get around government restrictions designed to isolate national organisations from the international community. Opportunities need to be provided to young civil society leaders and activists to participate in capacity building and training opportunities organised outside the country, to provide the space and time to reflect and exchange information and experience.*

*The government's recent assault on cultural centres is, in a perverse way, a recognition that cultural activism could be the spark that ignites social movements in Sudan.*

## THAILAND

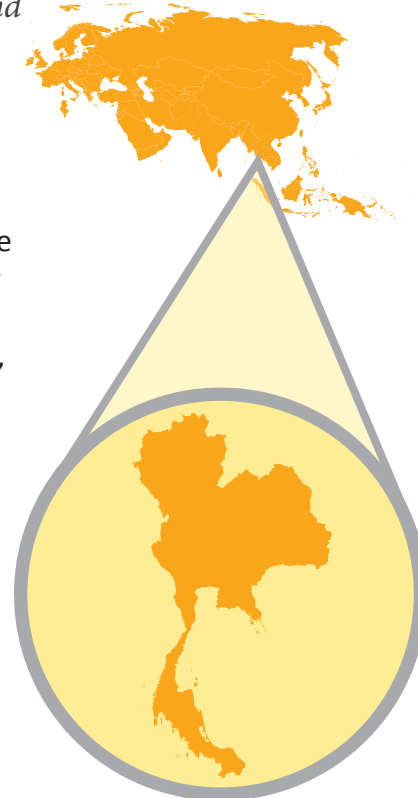
# THAILAND: IN THE SHADOW OF THE JUNTA

In the 2014 State of Civil Society Report, we reported on protests then under way in Thailand. One year on, the situation for civil society has worsened.<sup>230</sup> In May 2014 the introduction of martial law was quickly followed by a military coup, the 11<sup>th</sup> such coup in the past 80 years.<sup>231</sup> Immediately after the coup, the military junta, the National Peace and Order Maintaining Council (NOMC), suspended the constitution, imposed a nightly curfew, banned political gatherings of over five people and imposed strict media controls. The army moved in to clear protest sites and detained protest leaders. Under martial law, which applied until April 2015, the military was allowed to hold people without charge for a week, and more crimes were brought under the jurisdiction of military courts. Over 400 protestors, activists, journalists and academics were questioned in army bases, and many of those detained were only released once they agreed to cease activity.<sup>232</sup> The replacement for martial

230 This section draws from CIVICUS, 'CIVICUS Brief – Thailand: End Crackdown on Civil Society and Restore Democratic Freedoms', 20 August 2014, <http://bit.ly/1JbgwUR>.

231 'Thailand coup: Army seizes control of government to restore 'peace'', ABC News, 22 May 2014, <http://ab.co/1FdX6sx>.

232 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, January 2014 op. cit.



law, introduced from April 2015 is, if anything, even more draconian and continues to give broad powers to the military.<sup>233</sup>

In the aftermath of the coup, the junta also warned that calling for protest on social media would bring sedition charges, and military panels were established to monitor media, including social media. By July 2014, all critical reporting and commentary was banned; in August 2014, two people were arrested merely for acting in a play deemed critical of the government. Since the coup, the number of convictions being brought under the ‘lèse majesté’ law, in which criticism of the monarchy is banned, had also substantially increased.<sup>234</sup>

In the face of the crackdown, people have continued to try to find new and imaginative ways to express themselves, for example, by borrowing the three finger salute of rebellion from the Hunger Games film series, or by holding public readings of George Orwell’s *1984*, but in turn these harmless acts have been criminalised and made subject to the judgement of military courts. So sensitive is the climate about potential criticism that in November 2014 a cinema chain pulled screenings of the latest Hunger Games instalment, fearing it would catalyse protest. Students have continued to try to stage protests, but they report seeing little hope at present.<sup>235</sup>

The protests that preceded the coup, between two distinct camps, demonstrated that Thai society is polarised and, as in Egypt, there is undoubtedly a part of society that sees strong government as being synonymous with military government. This polarisation makes it hard for civil society to hold onto positions of neutrality in order to claim their rights. As Chalida Tajaroensuk, of the People’s Empowerment Foundation, told us:

*Civil society is polarised, between support for the military government and those not supporting military government. It is difficult to bridge, because of the different political opinion, different analyses and different strategies.*

But ultimately no one, apart from those who want to avoid being held to account, benefits when civil society’s independent voice is repressed, and civil society is unable to play its proper accountability role over those who hold power. Chalida confirms that military rule is greatly restricting the conditions for civil society, with little space for freedom of expression, assembly or association and scant respect for human rights, with rulers drafting complex mechanisms and systems to protect their power and strengthen their ability to control society.

233 ‘Thailand’s New Law Could Be Worse than Martial Law’, *The Diplomat*, 5 April 2015, <http://bit.ly/1Btt8QG>.

234 CPJ, ‘Thai junta expands media controls’, 21 July 2014, <http://bit.ly/1FHdhly>; HRW, ‘Thailand: Theater Activists Jailed for Insulting Monarchy’, 20 August 2014, <http://bit.ly/1w8FSyd>; HRW, *World Report 2015: Thailand*, <http://bit.ly/1d35jcD>.

235 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, January 2014 op. cit.; HRW, *World Report 2015* op. cit.; ‘Thai students the ‘last group standing’ in protesting army coup’, *Reuters*, 16 February 2015, <http://reut.rs/1FHdV2A>.

*In the face of the crackdown, people have continued to try to find new and imaginative ways to express themselves, for example, by borrowing the three finger salute of rebellion from the Hunger Games film series.*

Typically, Thailand's military government has experienced little international pressure to allow civil society to play a proper role. The regional intergovernmental organisation, the Association of South East Asian Nations (ASEAN), has clung to antique notions of non-interference and said nothing about the military crackdown; worse, it even insulted those who are in detention and gave the military a chance to claim false legitimacy by holding a media forum in Thailand's capital, Bangkok, in March 2015.<sup>236</sup> While the government of France has condemned the coup, and the US has scaled back its support, China has played its customary regressive role in continuing to support Thailand's military government.<sup>237</sup>

International civil society needs to help Thailand's civil society to bring their issues to international attention, and Thai CSOs need to work together, including in regional and UN level platforms, to build unity and rise above polarised national politics. As Chalida concludes:

*There is no choice for us but try to continue our work, and look for something that we can do.*

## TURKEY: PRESSURE FOLLOWS PROTEST

Following the 2013 protests, discussed in the previous section and in the 2014 State of Civil Society report, Turkey's government is trying to make it harder for dissent to break out again. We asked Hakan Ataman what has changed in the conditions for Turkish civil society since the protests:

*The government's response to the protest has had negative implications for CSOs. The government uses subtle ways to inhibit the activities of CSOs that documented widespread human rights violations during the Gezi protests and delivered health services and legal aid to victims and survivors. For example, the Social Security Institution imposed an administrative fine on the Human Rights Foundation of Turkey after the foundation's efforts to provide medical help to wounded Gezi protestors in 2013. Recently, the government adopted a new security package which almost abolishes the right to peaceful protest, among other drastic measures.*

*The widespread human rights violations during the 2013 protests demonstrated that Turkey has not complied with its responsibilities under international human rights law. It showed that the rule of law and democracy is under threat.*

<sup>236</sup> 'Muted response to Thai coup hints at other nations' limited options', The Conversation, 27 May 2014, <http://bit.ly/1JYyr1D>; 'Thailand's Coup – Will ASEAN Answer?', The Diplomat, 30 May 2014, <http://bit.ly/1ABH53O>; ASEAN, "'Reporting ASEAN' Media Forum to Tell the ASEAN Story", 16 February 2015, <http://bit.ly/1HzXZgD>.

<sup>237</sup> HRW, *World Report 2015* op. cit.

*Thailand's military government has experienced little international pressure to allow civil society to play a proper role.*

## TURKEY





TUSEV concurs with this analysis:

*Throughout 2014/2015, arbitrary implementations of the legal framework regarding the freedom of association, and irregularities between legislation and implementation, have been observed. The vague clauses in legislation, such as ‘general morality’, ‘Turkish family structure’ and ‘public order’ create inconsistent and arbitrary interpretation and implementation by different state institutions, and even within the same institution. Some state institutions continue to request court cases for the closure of LGBTI CSOs, basing their legal thesis on the clause of ‘general morality’.*

*Although there is no such limitation or restriction in the relevant laws or regulations, the Department of Associations, via administrative orders, or legal opinions issued by the Ministry, restricts freedom of association in some cases. In June 2013, shortly after the Gezi Park Protests, the Department of Associations issued an administrative order to its provincial offices that associations that want to use certain words such as ‘platform’ or ‘council’ in their names will not be accepted.*

*Freedom of assembly remains one of the most problematic areas. Throughout 2014/2015, severe measures were taken to restrict freedom of assembly in Turkey, especially when assemblies could turn into anti-government demonstrations. During 2014, thousands of people were on the streets demanding the then Prime Minister Erdogan resign because of a corruption probe that includes three ministers, their sons and high-profile businessmen. In Istanbul and Ankara, police used tear gas, water cannon and plastic bullets to disperse demonstrations.*

*On 13 May 2014, 301 miners died in an accident in Soma. Immediately after the accident, protests started to take place all over Turkey, including in Soma. Across Turkey, extreme measures were taken by the police to prevent protests turning into anti-government demonstrations. Turkish police fired water cannon and tear gas to prevent thousands of protesters from defying the ban and reaching Istanbul’s central Taksim Square, the focal point of the 2013 protests. Public transport was halted in Istanbul and Ankara, and 25,000 police officers poured into Istanbul ahead of 31 May 2014, the anniversary of the Gezi Park events. On the anniversary, police officers used water cannon and tear gas against demonstrators, again preventing them from reaching Taksim Square, and shutting off Gezi Park. According to the Progressive Lawyers Association, 126 demonstrators were detained. During the same period, the government introduced new proposals to further restrict freedom of assembly and give extra powers to the police.*

*Throughout 2014/2015, severe measures were taken to restrict freedom of assembly in Turkey, especially when assemblies could turn into anti-government demonstrations.*

*Internet censorship by the government is also common and has increased in the last couple of years. On 10 September 2014, extraordinary authority was granted to the Telecommunications Communication Presidency, extended its TİB to ban websites and remove web content if there are instances of violation of privacy and, if deemed necessary for matters of ‘national security, the restoration of public order and the prevention of crimes’, without a prior court order. The government continues blocking web content and applications, and prohibits access to websites with opposing views. According to Engelli Web’s database on blocked websites, over 67,683 websites were blocked as of March 2015. On 20 March 2014, Twitter was banned throughout Turkey, and a week later YouTube was also banned without a court decision. The reasoning of court decisions to block websites and relevant rulings are not easily accessible. Such non-transparent procedures bring further challenges for those who seek to appeal against decisions.*

The response to the killing of Özgecan Aslan, discussed in the section on gender activism below, suggests, however, that people’s protests can still break through these restrictions when there is sufficient public anger focused on a particular issue. The challenge is to identify those moments of potential to break through, and to work to connect and support those who become active at such moments, and to continue to demand positive change and essential freedoms.

## ATTACKS ON THE MEDIA COINCIDE WITH ATTACKS ON CIVIL SOCIETY

People who work in CSOs are not the sole focus of attacks from autocratic governments, corrupt politicians, venal security forces and ruthless business interests. Wherever CSO activists are being attacked, you can be sure that journalists are too. Of course, to some extent, any distinction is arbitrary: many civil society activists are targeted for blogging and using social and traditional media in their work. The worst 10 countries in the Committee to Protect Journalists’ (CPJ) 2014 Global Impunity Index,<sup>238</sup> based on the number of unsolved murders of journalists proportionate to population, are Iraq, Somalia, the Philippines, Sri Lanka, Syria, Afghanistan, Mexico, Colombia, Pakistan and Russia: these are countries where it is dangerous for civil society to ask difficult questions of those who hold power. Impunity occurs in the same countries year after year, telling us that media repression is entrenched and systemic. CPJ research also shows that more journalists were in

*People who work in CSOs are not the sole focus of attacks from autocratic governments, corrupt politicians, venal security forces and ruthless business interests. Wherever CSO activists are being attacked, you can be sure that journalists are too.*

238 CPJ, ‘Getting Away With Murder’, 16 April 2014, <http://bit.ly/1peMXd2>.

jail in 2014 than in 2013, with China, Iran, Eritrea, Ethiopia and Vietnam having the highest number of jailed journalists.<sup>239</sup>

An analysis of the previous year's CPJ reporting of incidents against journalists reveals several common themes, similar to the ways attacks are made on civil society activists, as noted above. These include:

- the frequent misuse of laws, such as incitement, spreading false information, terrorism, defamation and encouraging protests, often applying either archaic laws, such as criminal as opposed to civil, defamation laws, or new laws introduced under the rubric of fighting terrorism;
- crackdowns coming ahead of elections, and during debates about potential changes to presidential term limits to allow presidents to run again, or on the president's health, both of which are sensitive issues in countries with autocratic presidents;
- journalists being caught between radical Islamist groups and state agencies using anti-Islamist rhetoric.

The subjects that journalists who are attacked, harassed or imprisoned commonly cover include: corruption; connections between politicians, officials, police, organised crime and businesses; economic interests; national security; public protests; and radical Islam.

Further, CPJ analysis confirms the need to focus not only on the central sources of power; CPJ finds that 96% of murdered journalists, in their past year of analysis, are local reporters, typically covering corruption, conflict and politics: it is when media workers unsettle local lucrative power bases and webs of corruption that they risk murder.

The response this suggests is that there need to be more closely coordinated working, joint campaigning and mutual support between CSO workers, individual activists, HRDs and media practitioners, both traditional and local, and stronger international connections. These are not easy to achieve in practice, but such connections will not come about without conscious effort, and resourcing to support them.

## THE BATTLE FOR THE INTERNET

In past State of Civil Society Reports we have alerted that the internet is now a key frontier in the battle for the freedom of expression, and one that requires committed, sustained civil society engagement. States that highly restrict the internet are those where conditions are worse for civil society as a whole: Freedom House's 2014

*The subjects that journalists who are attacked, harassed or imprisoned commonly cover include: corruption; connections between politicians, officials, police, organised crime and businesses; economic interests; national security; public protests; and radical Islam.*

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239 CPJ, '2014 prison census: 221 journalists jailed worldwide', 1 December 2014, <https://cpj.org/imprisoned/2014.php>.

Freedom on the Net report<sup>240</sup> tells us that internet restriction is worst in China, Iran and Syria, and has recently declined most in Russia, Turkey and Ukraine. These are, sadly, states that are not new to State of Civil Society Reports.

On the whole, Freedom House reports that internet freedom has undergone a further decline, but something is changing: governments are now being more blatant about imposing repressive laws, in a trend that connects with the notion of democratic recession, discussed earlier, where repressive leaders are trying to normalise the rollback of fundamental rights. Freedom House also draws attention to a particular trend of increasing harassment of people who defend women's and LGBTI rights online, and attacks on the cyber security of civil society activists.

Malaysia, for example, is a country we featured in the 2014 State of Civil Society Report, where a long tradition of state repression is meeting an enthusiastic government commitment to new technology.<sup>241</sup> This means that the state now strongly polices social media, which once offered a relatively free space for discussion, compared to the offline world. Malaysia's Inspector General of Police now uses Twitter to warn critical voices to be quiet and threaten them with arrest. Zunar, a well-known cartoonist, was detained in February 2015 for posting critical cartoons on Twitter.<sup>242</sup> Oddly, this patrolling of social media combines with an increase in the application of archaic laws of sedition.

Along with visible crackdowns, repressive governments are taking a leaf out of China's book by hiring armies of paid trolls whose job is to argue in support of the government, and shout down opposing voices: Russia, for example, enlisted these to complement its war with Ukraine, and Israel uses trolls to counter criticism of its violations of Palestinian human rights.<sup>243</sup> Elsewhere, while one of the big internet news stories of the year, the mass leaking of Sony Pictures data, has given rise to conspiracy theories about North Korean involvement that are hard to prove, there can be little dispute that Bahrain's repressive government is up to dirty tricks: the government is using fake identities, phishing links, malware and spyware to try to unearth the identities of activists who need to stay anonymous to avoid detention.<sup>244</sup> Hackers linked to the state have employed similar tricks against exiled Ethiopian activists.<sup>245</sup>

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240 Freedom House, *Tightening the Net: Governments Expand Online Control: 2014 Freedom on the Net Report*, <http://bit.ly/1zooC5C>.

241 Eldis, 'E-Governance and Service Delivery Innovations in Malaysia: An Overview', 15 March 2013, <http://bit.ly/1PS4I4A>.

242 'Malaysian Police Use Twitter in Crackdown on Dissent', The New York Times, 11 February 2015, <http://nyti.ms/1Afaq3R>; 'What is Malaysia's top cop doing on Twitter?', BBC Monitoring, 6 April 2015, <http://bbc.in/1GgS98g>; 'Malaysia cartoonist charged with sedition over tweets', Al Jazeera, 3 April 2015, <http://bit.ly/1J7zwFk>.

243 Global Voices, 'China Beefs Up '50 Cent' Army of Paid Internet Propagandists', 16 October 2013, <http://bit.ly/1Btyj3e>; 'Salutin' Putin: inside a Russian troll house', The Guardian, 2 April 2015, <http://bit.ly/1r2oEi>; 'Israeli students to get \$2,000 to spread state propaganda on Facebook', The Electronic Intifada, 1 April 2012, <http://bit.ly/1mJEyvj>.

244 Bahrain Watch, 'The IP Spy Files: How Bahrain's Government Silences Anonymous Online Dissent', <http://bit.ly/1JbpMZ5>.

245 'Hacking Team Reloaded? US-Based Ethiopian Journalists Again Targeted with Spyware', The Citizen Lab, 9 March 2015, <http://bit.ly/1C20vPQ>.

What this tells us is that governments see the internet as a key site of contestation for human rights. They are not the only ones. Shadowy hacktivist groups have continued to use the power of embarrassment against unaccountable decision-makers by leaking things we were never meant to see. Sometimes hackers' intentions are noble, but sometimes they're murkier. In Russia, Anonymous International, also known as Shaltai Boltai, hack into state sources to expose state control and freedom of expression restrictions, for example, by leaking the pre-prepared news scripts the government disseminates to TV stations, but their stance is complicated by the fact that they also do paid data-gathering work.<sup>246</sup>

Reactionary terrorist groups are another part of the landscape: in the most high profile recent case, in April 2015, the French TV network TV5Monde was taken off air by hackers claiming connection to ISIL.<sup>247</sup> A further camp in the battle for the internet are the private sector owners of internet infrastructure and gateways: in the US, for example, a handful of large companies have a stranglehold on the speed and flow of information on the internet, and being a small group, are always potentially vulnerable to government pressure.<sup>248</sup> The question of who owns the internet explicitly connects to the question of who gets to restrict it, and also who gets to invade our privacy, which chills freedom of expression.

The light that American whistle-blower Edward Snowden shed on the extraordinarily wide range of the US National Security Agency's (NSA) invasion of privacy, and its previously secret sharing of data with like-minded governments, has given civil society a rallying point. The revelation, in 2015, that South Korean intelligence agencies had asked their South African counterparts for confidential information on Greenpeace International's Director prior to a G20 Summit in Seoul offered an example of why civil society needs to take these issues seriously.<sup>249</sup>

Civil society campaigns used the first anniversary of Snowden's revelations, June 2014, to call for internet governance to be freed from heavy US influence, be internationalised, and made accountable.<sup>250</sup> The Fight for the Future organisation led the launch of the Reset the Net campaign to encourage people to adopt encryption methods to reclaim their internet privacy. It should be noted, however, that the campaign also drew criticism for targeting government surveillance but saying nothing about the private sector's harvesting of data, something

246 Global Voices, 'Anonymous International' Leaks Kremlin's Instructions to Russian TV, 28 March 2014, <http://bit.ly/1dBrwiN>; 'Meet Anonymous International, the hackers taking on the Kremlin', The Guardian, 7 April 2015, <http://bit.ly/1c5aNTQ>.

247 'French TV station TV5 Monde taken off-air by pro-ISIS hack', Computing, 9 April 2015, <http://bit.ly/1HA4pMC>.

248 'So, who owns the Internet?', Harvard Gazette, 7 January 2014, <http://bit.ly/1aHvRbw>.

249 'Spy Cables: Greenpeace among intelligence targets', Al Jazeera, 24 February 2015, <http://bit.ly/1LAu6z4>.

250 'US Government Cedes Control of the Internet', Forbes, 15 March 2015, <http://onforb.es/1gmneEY>.

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made problematic by data behemoth Google's role in backing the campaign.<sup>251</sup> Broad-based alliances need to be built, but in a highly contested arena, decisions about who you choose to work with are political.

Another active civil society coalition is the Global Network Initiative, which brings together globally-oriented CSOs, such as the Center for Democracy and Technology, the Committee to Protect Journalists, Human Rights Watch and the World Press Freedom Committee, along with companies that are members of the Reform Government Surveillance coalition. They are campaigning for internet surveillance reform in the US, on the basis that the US government's disproportionate role in internet governance means that it sets precedents that others imitate.<sup>252</sup> Meanwhile, the Electronic Frontier Foundation has led the development of the Manila Principles, established through an open, collaborative process, which seek to provide a framework where internet intermediaries (access providers, social networks and search engines) can be protected from undue government interference, a key building block for internet freedom of expression.<sup>253</sup>

There are rare examples of governments taking a more progressive approach to the internet, notably Brazil, where in April 2014 a new law, the Civil Rights Framework for the Internet, was passed. The law, long advocated for by civil society and internet freedom activists, introduces new protections for online freedom of expression and neutrality of the internet.<sup>254</sup> Its importance may reach beyond Brazil, offering an example of good practice for other countries.

There will always need to be some regulation on how we use the internet, not least because of the platform it offers to terrorist forces such as ISIL and Boko Haram, and far-right groups such as Pegida, as discussed earlier. But it is now clearly established that international public opinion wants a freer internet: Amnesty International's #UnfollowMe campaign polled 15,000 people in 13 countries in 2015 and found that 71% were opposed to the NSA monitoring their internet use, and almost two thirds want the big internet companies to do more to secure their communications against government access.<sup>255</sup>

There are some recent examples of successful in-country civil society activism: in Argentina, activists defeated a government attempt to monitor social networking sites for potentially disruptive activity, while in Ecuador, the Internet Libre collective lobbied to defeat an amendment to the penal code that would have forced internet

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251 Reset the Net, 'Edward Snowden's statement in support of Reset the Net', 4 June 2014, <http://bit.ly/1cmYYI8>; 'Reset the Net wants to end NSA snooping, is fine with Google snooping', Pando Daily, 6 June 2014, <http://bit.ly/1Kt0yE7>.

252 Global Network Initiative, 'GNI Joins Diverse Coalition to Call for Significant Surveillance Reforms', 25 March 2015, <http://bit.ly/1Ay1Mho>.

253 EFF, 'Manila Principles on Intermediary Liability', 2015 <http://bit.ly/1HWonnC>; EFF, *The Manila Principles on Intermediary Liability Background Paper, Version 0.99*, 22 March 2015, <http://bit.ly/1FRw7aU>.

254 'Brazil: Learn More About The Brazilian Civil Rights Framework For The Internet (Law No. 12965 Of April 23, 2014)', Mondaq, 10 July 2014, <http://bit.ly/1cmZoOR>.

255 Amnesty International, 'Global opposition to USA big brother mass surveillance', 18 March 2015, <http://bit.ly/1AEhQbN>.

access providers to store user data for six months.<sup>256</sup> And citizens are fighting back by using national and international legal infrastructure, where these are strong: in one current case, Austrian lawyer and activist Max Schrem is taking Facebook to the EU Court of Justice over the storage and usage of users' data.<sup>257</sup> The court has already made its mark: in 2014, it ruled that a 2006 EU directive that users' data could be retained for two years was illegal.<sup>258</sup> In a further example, in April 2015, Amnesty International, Liberty and Privacy International announced that they are taking the UK government to the European Court of Human Rights to challenge their widespread surveillance practices, as revealed by Snowden's leaks.<sup>259</sup> Ahead of this, in February 2015, a special UK court ruled that UK security services acted illegally in concealing how they use NSA data.<sup>260</sup>

A further piece of potentially valuable international infrastructure came into being in March 2015, when the UNHRC appointed a special rapporteur on the right to privacy.<sup>261</sup> It will be important for civil society to engage with and support this new office.

Attention is now focussing on how internet freedom connects to the Sustainable Development Goals (SDGs), not least because there is a growing focus on the key role that open data could play in helping to realise, monitor and exert proper accountability over the SDGs. Some are pushing for the idea that internet freedom as a human right should be recognised in the SDGs.<sup>262</sup>

The internet should be something that helps us realise our rights and progress as a society, rather than something that makes us less secure, and the powerful less accountable. To help realise this, civil society needs to engage in consistent, sustained and committed ways as part of their mainstream practice. Alliances need to be built, private sector partners need to be chosen with care, and engagement needs to be made on multiple fronts – with governments, the internet business and intergovernmental platforms – on multiple issues – including privacy, self-expression and protection from attack – and using multiple levers, such as legal means, the new special rapporteur and the SDGs dialogue. The battle for the internet will continue. Civil society influence could be decisive.

256 Freedom House, 2014 op. cit.

257 'Facebook data row reaches top Euro court', BBC, 24 March 2015, <http://bbc.in/1Oyla0a>.

258 'ECJ declares data collection rules illegal', The Parliament Magazine, 9 April 2014, <http://bit.ly/1LNu34F>.

259 Amnesty International, 'Amnesty International takes UK to European Court over mass surveillance', 10 April 2015, <http://bit.ly/1Kt1msC>.

260 'In historic ruling, UK surveillance secrecy declared unlawful', The Intercept, 6 February 2015, <http://bit.ly/1D6g0V0>.

261 EFF, 'UN Human Rights Council Appoints Special Rapporteur on the Right to Privacy', 26 March 2015, <http://bit.ly/1CeLQhk>.

262 Internet Society, 'An Open Internet Is Critical for UN Sustainable Development Goals', 27 April 2015, <http://bit.ly/1DWNHET>.

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# WOMEN FIGHTING BACK

Today's most repressive forces, such as ISIL and Boko Haram, are not the first groups in history to target women, but they are doing so with particular brutality, using rape, enslavement, forced marriage and murder as weapons of war.<sup>263</sup> They are reminding us once again that forces that attack human rights usually reserve particular ferocity for women. Around the world, as in the example of Egypt cited earlier, civil society activists are being attacked on the basis of their gender, and, as discussed further below, sexual identity. Meanwhile, another way in which internet freedom of expression is being limited is by online attacks on women's rights activists and prominent women: a recent study found that women, particularly young women, receive more extreme threats, and higher levels of online sexual harassment, than men.<sup>264</sup>

Phumzile Mlambo-Ngcuka, Executive Director of UN Women, has drawn attention to the purpose of this wave of violence, which is to penalise and humiliate women, and deter them from being active. Activists also point to the inadequacy of the international system when it comes to protecting women, with the various instruments that governments have signed, and bodies such as the UNHRC, having insufficient power in practice to constrain attacks on women.<sup>265</sup>

But it is not a one way street. In response to ISIL attacks on women, grassroots activists are offering aid and counselling, and helping women to tell their stories.<sup>266</sup> Women and men are fighting back in huge numbers.

In just one example of many recent attacks on women, in February 2015, Turkish student Özgecan Aslan was beaten to death for resisting a rape attempt. This is not the first such instance in Turkey; the murder of women by men has increased by around 45% over the last two years.<sup>267</sup> Finally, patience snapped. Tens of thousands of people took to the streets in the following days to protest, and 5,000 people attended Özgecan's funeral, where women defied the imam's request to step back for the funeral prayer. Protestors wore black in mourning, and the hashtag #sendeanlat (you too explain), where women shared their experiences of being assaulted, became the third highest trending Twitter topic worldwide. Men showed solidarity, rejecting the notion that male identity should be based on subjugating women, by wearing miniskirts in protest marches, a visible protest

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263 HRW, 'Iraq: ISIS Escapees Describe Systematic Rape', 15 April 2015, <http://bit.ly/1ytOJEY>; 'For ISIS, rape is a calculated strategy', HAARETZ, 19 December 2014, <http://bit.ly/1HWrbB8>.

264 Pew Research Center, 'Online Harassment', 22 October 2014, <http://pewrsr.ch/1rfpg7V>; 'Why Women Aren't Welcome on the Internet', Pacific Standard, 6 January 2014, <http://bit.ly/1DyRnPe>.

265 'Women's human rights defenders under threat – podcast transcript', The Guardian, 10 April 2015, <http://bit.ly/1IQleDX>.

266 'What will it take to stop Isis using rape as a weapon of war?' The Guardian, 17 February 2015, <http://bit.ly/1AheWVW>.

267 'Will #OzgecanAslan change Turkey?', Al Jazeera, 16 February 2015, <http://bit.ly/1B2wyPb>.



symbol borrowed from other contexts.<sup>268</sup> This was important: as the HeForShe campaign, mentioned earlier, makes clear, attempts to challenge gender inequality are much stronger when they have male support. The protests drew parallels with earlier mass anti-rape mobilisations, such as those seen in India in recent years.<sup>269</sup> As in India, the response to Özgecan's death exposed deep rooted problems in society, and shed further light on faultlines between the political establishment and many citizens, and on President Erdogan's increasingly dictatorial rule, given that in November 2014 he stated that women were not the equals of men, and initially criticised the protestors.<sup>270</sup>

The protests against Özgecan's murder can be located within a broader, citizen-led response to resist violence against women. One Billion Rising, for example, is a global citizens' campaign to demand justice for people who experience gender violence, and challenge impunity. In February 2015, the campaign entered its fourth year, with events taking place in over 200 countries. It seeks to build broad solidarity through community-based events, and crucially, can point to ground-level success stories in different countries, such as training rickshaw drivers in gender sensitivity in India, designating harassment-free construction zones in Peru and preventing coercion into sex work in the Philippines.<sup>271</sup>

Although progress may seem difficult, given the scale and breadth of attacks against women, ground is being gained. Recent years have seen a concerted push to raise awareness of and stamp out female genital mutilation (FGM), with civil society active. In the UK, *The Guardian* newspaper launched a new, global campaign against FGM in 2014, showing the potential for responsible media groups to be part of, and work with, civil society, as further demonstrated by a focus on the training of African journalists to improve reporting on FGM issues. A particular aim, as reflected in the theme of the 2015 UN International Day of Zero Tolerance for FGM, which aimed to mobilise health workers, was to inform and empower health workers not to practise FGM.<sup>272</sup> A UK student, Fahma Mohamed, started a campaign to get more information about FGM into schools, attracting 230,000 supporters on Change.org, including Ban Ki-moon and Malala Yousafzai, which resulted in the UK's education minister writing to all teachers about FGM awareness.<sup>273</sup> This campaign has now been taken up in

*...the HeForShe campaign makes clear, attempts to challenge gender inequality are much stronger when they have male support.*

268 'Brutal killing of Özgecan Aslan forces Turkey to face up to rampant violence against women', Today's Zaman, 21 February 2015, <http://bit.ly/1eCGm90>; 'Özgecan Aslan's rape, murder sparks Turkish Twitter protest', news.com.au, 18 February 2015, <http://bit.ly/1FRAbLc>; 'Turkish Men In Miniskirts Defend Women's Rights After Murder Of Student Ozgecan Aslan', The Huffington Post, 23 February 2015, <http://huff.to/1EDyZt1>.

269 'Analysis: Can India's anti-rape moment change a culture?', CBC News, 4 January 2013, <http://bit.ly/1G6CeKs>.

270 'On Erdogan and Muslim Mothers', Al Jazeera, 28 November 2014, <http://bit.ly/1FRAmn5>; 'Turkish women post selfies wearing black as US condemns Ozgecan Aslan murder', The Telegraph, 17 February 2015, <http://bit.ly/1JYHy2u>.

271 One Billion Rising, 'One Billion Rising Global Coordinators – Reports from 2015', <http://bit.ly/1LNCYTy>; 'One Billion Rising: how can public dancing end violence against women?', The Guardian, 13 February 2015, <http://bit.ly/1KCmuji>.

272 'UN calls for FGM zero tolerance after a year in which the world woke up', The Guardian, 7 February 2015, <http://bit.ly/1DlqGQ1>; UN, 'International Day of Zero Tolerance for Female Genital Mutilation', 6 February 2015, <http://bit.ly/1GJeyuv>.

273 'Anti-FGM activist Fahma Mohamed wins young campaigner award', The Guardian, 13 October 2014, <http://bit.ly/1HWxJQk>.

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the US, while in Spain health workers have committed to stepping up their scrutiny and reporting of FGM.<sup>274</sup> In December 2014, the UN General Assembly adopted a new resolution to intensify efforts to eliminate FGM, giving civil society another lever to exert advocacy.<sup>275</sup> FGM is far from beaten, but the committed action of civil society, particularly when diverse civil society works together, is showing that seemingly intractable problems of gender inequality can be tackled.

## TWO DIVERGING WORLDS FOR LGBTI RIGHTS?

We are seeing diverging trends in the realisation of LGBTI rights, and the concern must be that the world is dividing into two on this issue, with a global north where LGBTI people are largely becoming more able to realise their rights, and a global south where LGBTI people are experiencing increased repression. While this crude schematic doesn't capture nuances on either side - for example, several Latin American countries are ahead of the curve in recognising same-sex marriage - the concern must be that two quite different worlds are emerging for LGBTI people. We need to resist the notion that rights are something only to be enjoyed in some parts of the world, and are somehow not appropriate in Africa, Asia, the Caribbean and the Pacific.

On the positive side, same sex marriage, which has become a key indicator for progress in the achievement of LGBTI rights, continues to grow in legal standing. In 2014/ 2015 same-sex marriage was legalised in Luxembourg and most of the UK, and is expected to become legal in Slovenia in 2015. In May 2015, Ireland became the first country in the world to approve equal marriage through specific popular vote, when 62% of voters approved a referendum on the issue.<sup>276</sup> Same-sex marriage is now legal in 17 countries, and debates on legalisation of same-sex marriage and civil unions are at an advanced stage across a range of countries. In the US, where same-sex marriage is now legal in most states, there has been a series of legal battles, in which states cross between banning same-sex marriage and allowing it, according to court decisions, but the direction of travel is towards wider legalisation, while US President Barack Obama signalled further progress in realising rights in July 2014 when he passed an order banning LGBTI workplace discrimination.<sup>277</sup>

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274 'Spain asks parents to sign declaration to protect daughters from FGM', The Guardian, 13 January 2015, <http://bit.ly/1KIEIDL>; The Guardian, 6 February 2015 op. cit.

275 UN, 'Adopting 68 Texts Recommended by Third Committee, General Assembly Sends Strong Message towards Ending Impunity, Renewing Efforts to Protect Human Rights', 18 December 2014, <http://bit.ly/1ABWMrP>.

276 Referendum Ireland results page, <http://bit.ly/1d3Oa2l>.

277 'US: Obama will sign executive order banning LGBT workplace discrimination Monday', Pink News, 18 July 2014, <http://bit.ly/1HX08Wm>.

The legalisation of same-sex marriage represents a remarkable shift in politics and public attitudes since the Netherlands became the first country to do so in 2001. Without sustained LGBTI activism, including through regular LGBTI pride rallies, the recruitment of high-profile supporters and willingness to engage in legal battle, such progress could not have been made.

We're also increasingly seeing, in global north countries, the economic power of the LGBTI community being exerted politically, for example, in the high profile boycott of a hotel chain owned by the Sultan of Brunei, after the Sultan introduced the punishment of stoning for homosexuality.<sup>278</sup> In addition, a number of high-level politicians and heads of global businesses have recently come out,<sup>279</sup> trends that once would have been unimaginable in the alpha-male world of top-level business and politics. Together, these trends suggest that, in some countries, LGBTI status is becoming normalised.

Globally, including at UN level, there is also a sense that institutions are becoming more aware of, and responsive towards, LGBTI rights, as evidenced by the passing of a UNHRC resolution condemning violence and discrimination on the basis of sexual identity and gender identity, in September 2014. Significantly, showing the potential leadership role of Latin American states, Brazil, Chile, Colombia and Uruguay were among the states that sponsored the resolution.<sup>280</sup> The UN's Free & Equal campaign, which seeks to promote public understanding of LGBTI rights, claims to have reached over 1bn people with its positive messages in a year.<sup>281</sup> At a regional level, the African Commission on Human and People's Rights passed a resolution in May 2014 against violence and discrimination, including in anti-gay laws, against LGBTI people.<sup>282</sup>

This does not mean, of course, that LGBTI people in these countries are free from inequality and attacks. Brazil, for example, where same-sex marriage is legal, also has the world's highest LGBTI murder rate, while in Spain, one of the most LGBTI tolerant countries, 40% of reported hate crimes are committed against LGBTI people.<sup>283</sup> At the same time, the reactionary forces that are on the march, from ISIL to the European far right, target LGBTI

*The legalisation of same-sex marriage represents a remarkable shift in politics and public attitudes since the Netherlands became the first country to do so in 2001.*

278 'Hotel cancellations over Brunei 'stone the gays law' reach \$1.5 million', Pink News, 9 May 2014, <http://bit.ly/1iz3S5e>.

279 'Xavier Bettel Is Luxembourg's First Gay Prime Minister', The Huffington Post, 4 December 2013, <http://huff.to/1LO9rJC>; 'Latvia and gay rights: A minister comes out', The Economist, 12 November 2014, <http://econ.st/1eDoril>; 'Leo Varadkar, Irish Cabinet Minister, Comes Out As Gay', The Huffington Post, 19 January 2015, <http://huff.to/1G7HYnf>; 'Apple's CEO Tim Cook has these 7 openly gay leaders to thank', Fortune, 30 October 2014, <http://bit.ly/1LO9QeR>; 'Out at Work: Top 50 LGBT Executives', <http://bit.ly/1LO9QeR>.

280 International Service for Human Rights (ISHR), 'Top UN human rights body condemns violence and discrimination based on sexual orientation and gender identity', 26 September 2014, <http://bit.ly/1HSecTT>; HRW, 'UN: Landmark Resolution on Anti-Gay Bias', 26 September 2014, <http://bit.ly/1u5GXEO>; 'Things are getting better for LGBTI people', Gay Star News, 13 February 2015, <http://bit.ly/1PSGfa2>.

281 Office of the UN High Commissioner for Human Rights (OHCHR), 'United Nations Free & Equal: One Billion Rising', YouTube video, 8 September 2014, <http://bit.ly/1KCH7fx>.

282 ISHR, 'African Commission adopts landmark resolution on LGBT rights', 22 May 2014, <http://bit.ly/1jwDREf>.

283 'Brazil has the highest LGBT murder rate in the world', FourTwoNine, 11 March 2013, <http://bit.ly/1BupJRH>; 'Spain: Anti-LGBT incidents make up 40% of overall hate crimes', Pink News, 12 May 2014, <http://bit.ly/1FlIFov>.

people.<sup>284</sup> It may be a case that LGBTI rights are becoming more visible, and that among some, this makes LGBTI rights more controversial and contested: each step forward creates a backlash. For example, France made same-sex marriage legal in 2013, but then saw a 78% rise in attacks on LGBTI people.<sup>285</sup>

We're still far away from the full realisation of LGBTI rights. There is not one country in the world where LGBTI people have entirely equal rights. Five countries - Iran, Mauritania, Saudi Arabia, Sudan and Yemen - apply the death penalty for homosexual acts, and over 2.7bn people live in countries where their sexuality is criminalised.<sup>286</sup>

In countries that do not respect LGBTI rights, the same tactics that are used to stymie CSOs are applied to LGBTI activist groups. These include legal and regulatory measures. Until a landmark ruling in Kenya's High Court in 2015, for example, LGBTI groups were not allowed to register as CSOs.<sup>287</sup> LGBTI groups also receive heavy police attention: in Uganda in 2014, a US-funded HIV project was raided and threatened with closure for being accused of 'training homosexuals', an act that also shows the regressive impact of LGBTI intolerance on HIV prevention. In follow up, the government said it would introduce new laws to prevent CSOs from 'promoting homosexuality'.<sup>288</sup>

Repressive governments are writing anti-gay prejudice into law, as the governments of Uganda and Nigeria did in early 2014.<sup>289</sup> Uganda's anti-gay law was overturned by its Constitutional Court in August 2014, but moves are afoot to restore it.<sup>290</sup> Russia's law, against spreading 'homosexual propaganda', combined with its law against civil society receipt of foreign funding, have already had an impact: the LGBTI CSO Coming Out has been fined for receiving Dutch and Norwegian funding, and the Side by Side LGBTI film festival fined under the propaganda law. In January 2015, Elena Kilmova, founder of the Children-404 CSO, which provides LGBTI advice to minors, was found guilty under the propaganda law, although this was later overturned on appeal, while in March 2015,

*Five countries - Iran, Mauritania, Saudi Arabia, Sudan and Yemen - apply the death penalty for homosexual acts, and over 2.7bn people live in countries where their sexuality is criminalised.*

284 HRW, 'The Double Threat for Gay Men in Syria', 28 April 2014, <http://bit.ly/1nGRGm1>; 'Another man accused of being gay has been stoned to death by ISIS', Pink News, 13 April 2015, <http://bit.ly/1GJGLp>; 'Spain: Gay couple hospitalised after 'Neo-Nazi' attack', Pink News, 15 December 2014, <http://bit.ly/1AyHzYP>.

285 'Gay rights around the world: the best and worst countries for equality', The Guardian, 30 July 2013, <http://bit.ly/1LOcP7I>; 'France: Watchdog reports 789 percent rise in anti-gay attacks', Pink News, 13 May 2014, <http://bit.ly/1LOcSQy>.

286 'More than 27 billion people live in countries where being gay is a crime', The Guardian, 16 May 2014, <http://bit.ly/1szQhMg>.

287 'Court rules that Kenyan government can't block gay rights groups', Pink News, 24 April 2015, <http://bit.ly/1JZdK5F>.

288 'Ugandan police raid US-funded project accused of 'training homosexuals'', Pink News, 4 April 2014; <http://bit.ly/1h1OZrP>; 'Uganda proposes new law to tackle NGOs promoting 'very bad homosexuality'', Pink News, 28 April 2014, <http://bit.ly/1LOe2eA>; 'Everything you need to know about Africa's anti-gay crackdown', The Week, 30 March 2014, <http://bit.ly/1ACB0UW>.

289 The Week, 30 March 2014 op. cit.

290 'Uganda: MPs to alter parliamentary regulations to allow vote on new anti-gay law', Pink News, 7 August 2014, <http://bit.ly/1FRWJSJ>.

the LGBTI CSO Maximum was found guilty and fined for not accepting the ‘foreign agent’ label for receiving funding.<sup>291</sup> Other trials are in progress.

As we have documented previously, one of the worst things about regressive laws is that other countries imitate them: Kyrgyzstan is introducing an anti-gay law essentially copied from Russia’s in 2013, and actively promoted by Russian anti-gay groups, while a law passed in The Gambia in November 2014 that introduces life sentences for homosexuality has sections apparently copied from Uganda’s law.<sup>292</sup> There are also fears that another copy of Russia’s law will be introduced in Belarus.<sup>293</sup> A draft anti-gay bill has been introduced in Chad, and in Indonesia’s Aceh province, a new law penalises gay sex with 100 lashes.<sup>294</sup>

One of the impacts of such laws is that they help to normalise a climate in which LGBTI people are attacked.<sup>295</sup> Amnesty International found that increased violence and discrimination followed the introduction of Uganda’s anti-gay law, and Human Rights Watch found the same in Russia. LGBTI activists and groups are sadly no strangers to violence: an LGBTI CSO in Kyrgyzstan experienced an arson attack in April 2015, while violence against LGBTI people increased in Liberia in response to Ebola, highlighting the connection between misinformation and stigma.<sup>296</sup> Human Rights Watch documented 56 cases of violence based on sexual identity over a mere five weeks in Jamaica, while Transgender Europe reported that 226 trans people were killed in the last year.<sup>297</sup> The use of the internet and social media to play dirty tricks against activists, as noted above, is also being applied to this sphere: in March 2015 Egyptian police used fake dating profiles to lure transsexual people to arrest, something the Electronic Frontier Foundation report as being practised against LGBTI people across a number of MENA countries.<sup>298</sup>

291 ‘The Crackdown on NGOs in Russia’, Radio Free Europe, <http://bit.ly/1GJlbvB>; ‘Russian LGBT Network, Elena Klimova is Found Guilty of “Propaganda of Homosexuality Among Minors”. Is it Illegal to Help LGBT Minors Now?’, <http://bit.ly/1FImwIB>; Russian LGBT Network, ‘Elena Klimova was Found Not Guilty Again’, <http://bit.ly/1JZf88k>; Russian LGBT Network, ‘Murmansk LGBT Organization Maximum has been Fined 300 000 Rubles for Refusing to Accept the “Foreign Agent” Label’, <http://bit.ly/1EEJHcx>.

292 Open Society Foundation, ‘Kyrgyzstan’s New Anti-Gay Law Is Even Worse Than Russia’s’, 17 December 2014, <http://osf.to/1zCxlUb>; ‘Moscow anti-gay conference plans spread of ‘gay propaganda’ laws across the world’, Pink News, 14 September 2014, <http://bit.ly/1YLz7Uz>; ‘Gambian president signs bill to punish gays with life imprisonment’, Pink News, 21 November 2014, <http://bit.ly/1uUOCWZ>.

293 ‘Concerns raised that Belarus may enact anti-gay law similar to Russia’s’, Pink News, 27 July 2014, <http://bit.ly/1AyRf5L>.

294 Amnesty International, ‘Chad: Proposed anti-gay law will fuel homophobia’, 23 September 2014, <http://bit.ly/1Rvw8p8>; ‘100 Lashes: New Law Reveals Indonesia’s Split Personality on LGBT Rights’, Advocate.com, 5 October 2014, <http://bit.ly/1vIASx4>.

295 The Week, 30 March 2014 op. cit.

296 ‘Arson attack on Kyrgyzstan LGBT Centre’, Pink News, 10 April 2015, <http://bit.ly/1HXm83e>; ‘Liberian gay groups ‘under attack’ over Ebola outbreak’, Pink News, 24 October 2014, <http://bit.ly/1HAUs1q>.

297 HRW, ‘Jamaica: Unchecked Homophobic Violence’, 21 October 2014, <http://bit.ly/1ra1BhN>; Transgender Europe, ‘Transgender Europe’s Trans Murder Monitoring project reveals 226 killings of trans people in the last 12 months’, 30 October 2014, <http://bit.ly/1OSaxpu>.

298 ‘Egypt arrests seven trans people for ‘debauchery’ using fake dating profiles’, Pink News, 6 March 2015, <http://bit.ly/1G8bMJF>; ‘Egypt: Grindr warns user ‘police may be posing as LGBT’ after six men sentenced’, Pink News, 26 September 2014, <http://bit.ly/1FSbbAP>; EFF, ‘LGBTQ Communities in the Arab World Face Unique Digital Threats’, 23 April 2014, <http://bit.ly/1s4Vv3l>.

*As we have documented previously, one of the worst things about regressive laws is that other countries imitate them.*

In response to such anti-gay laws and rhetoric, debate has grown about linking aid from global north countries to LGBTI rights in global south countries: in April 2014 the President of the European Parliament suggested that EU aid should not go to countries that imprison people on the basis of their sexuality, while in December 2014 the US government ended The Gambia's preferential trading status over its anti-gay law.<sup>299</sup> Aid conditionalities are, however, a blunt instrument. The challenge is that they play to a global south critique of LGBTI rights as being neo-colonial impositions, and risk a closer turn towards donors from countries that turn a blind eye to repression, such as China.<sup>300</sup> Russia's government, for example, reportedly banned a number of US donors for supporting LGBTI projects.<sup>301</sup> At the same time, anti-gay campaigners in the global south appear to have no qualms about receiving financial support from global north reactionary groups, particularly US far-right Christian groups.<sup>302</sup>

Nor is the intergovernmental environment as supportive as it could be: there was anger about reports that Russia's government had banned trans people from driving, but this turned out to be based on an outdated list of WHO mental disorders, which includes trans-sexuality, highlighting the need to update the global architecture to drive more progressive norms.<sup>303</sup>

The civil society response must be to resist absolutely the notion that LGBTI rights are for the global north but not the global south, and to reject claims that global north countries are attempting to impose rights that global south citizens don't want. Governments that repress LGBTI rights are governments that suppress civil society and human rights in general. LGBTI repression is a key indicator of a wider disabling environment for civil society and civic participation. For example, another new law being proposed in Uganda would give the government new powers to approve and close down CSOs that are not deemed to be in the public interest; this would cover groups working on LGBTI issues, but also those that seek to hold the government to account over other issues.<sup>304</sup> The governments that voted against the 2014 UNHRC resolution - Algeria, Botswana, Cote d'Ivoire, Ethiopia, Gabon, Indonesia, Kenya, Kuwait, Maldives, Morocco, Pakistan, Russia, Saudi Arabia and United Arab Emirates - are mostly ones with a difficult relationship with civil society.<sup>305</sup>

299 'European Parliament President: Cut aid from African countries with anti-gay laws', Pink News, 1 April 2014, <http://bit.ly/1J8QSBv>; 'US: Gambia stripped of special trade status over anti-gay law', Pink News, 24 December 2014; <http://bit.ly/1JU6WWn>.

300 'Loudly championing LGBT rights could spark a backlash, International Development minister warns', Pink News, 6 March 2015, <http://bit.ly/1BuH5xZ>; 'Robert Mugabe: I prefer Chinese aid, because they don't want Africa to 'embrace homosexuality'', Pink News, 31 August 2014, <http://bit.ly/1ACPAVA>; 'Ugandan ethics minister: 'The whites are spreading pornography and homosexuality'', Pink News, 23 May 2014, <http://bit.ly/1d49Zip>.

301 'Russia: Putin bans pro-gay American donors from entering Russia', Pink News, 3 May 2014, <http://bit.ly/1d4a4m7>.

302 Southern Poverty Law Center, 'SPLC Report: U.S. groups working to keep criminal statutes barring LGBT sex in Belize and other Caribbean countries', 26 July 2013, <http://bit.ly/1GJUOXN>; The Week, 30 March 2014 op. cit.; 'US: Human Rights Campaign fires back at anti-gay group who branded them 'imperialists'', Pink News, 5 October 2014, <http://bit.ly/1Fk9my>.

303 'Russia NOT banning trans people from driving', Pink News, 14 January 2015, <http://bit.ly/1FSblme>.

304 'Proposed law in Uganda could be used to shut down all pro-gay charities', Pink News, 21 April 2015, <http://bit.ly/1KtFJso>.

305 African Men for Sexual Health & Rights, 'THE UNHRC VOTES YES! FOR SOGI: African Civil Society Celebrates The Continued Recognition Of Sexual Orientation

*...anti-gay campaigners in the global south appear to have no qualms about receiving financial support from global north reactionary groups, particularly US far-right Christian groups.*

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In response, civil society needs to be inclusive, and CSOs working on other issues need to make common cause with LGBTI activists. This hasn't always been the case: global south LGBTI CSOs often find themselves marginalised within civil society, while some international CSOs compromise on LGBTI rights: a decision by Christian international CSOs World Vision in March 2014 to reverse its ban on hiring gay staff lasted only two days before being withdrawn, after supporters threatened to stop donations.<sup>306</sup>

There is a need to share and promote positive examples of civic action from the global south, to tackle the notion that LGBTI rights are only a global north concern. There are inspiring examples, and these need to be documented and promoted to drive up norms of good practice. For example, in South Africa, the only African country with same-sex marriage, Africa's first out black gay MP was elected in May 2015; in January 2015, for the first time in India, an out transgender person was elected as a mayor; and over 120 LGBTI CSOs came together in Taiwan in October 2014 to demand same-sex marriage.<sup>307</sup> Indeed, there are several civil society mobilisations to demand LGBTI rights in the global south: there are gay pride events, there are attempts to change laws and there are victories, such as the Lesbians, Gays and Bisexuals of Botswana CSO successfully appealing to the High Court to overturn a ban on their registration in November 2014.<sup>308</sup>

International connections of solidarity from global north to global south are valuable, but activists in the global north need to be careful not to play up to the notion that the global north is seeking to impose LGBTI rights. The emphasis must be on helping to enable spaces where LGBTI people in the global south can develop their voices, take on negative discourse and claim their rights. Deeper cultural engagement is needed to understand the potential local levers for change.<sup>309</sup> Finally, given the impressive legal progress made in Argentina, Brazil, Uruguay and some states of Mexico, civil society and public figures from these countries in particular could play a crucial role in reaching out to global southern publics.

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And Gender Identity At The United Nations Human Rights Council, 30 September 2014, <http://bit.ly/1KhuKlE>.

306 'World Vision, recovering from gay policy shift, tries to shore up its evangelical base', Religious New Service, 26 June 2014, <http://bit.ly/1FkIE45>.

307 'Africa elects its first openly gay black MP', Pink News, 22 May 2014, <http://bit.ly/1PT0aWq>; 'Meet India's first ever out transgender mayor', Pink News, 5 January 2015, <http://bit.ly/1BuJTul>; 'Taiwan: Thousands campaign for same-sex marriage outside parliament gates', Pink News, 6 October 2014, <http://bit.ly/1BuJXuk>.

308 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, January 2014 op. cit.

309 ODI, 'Can aid donors help support LGBT rights in developing countries?', 7 July 2014, <http://bit.ly/1jiQnxj>.

## CONCLUSION: CIVIL SOCIETY SPACE

Despite some hard-won success stories, including by gender, LGBTI and internet rights activists, civil society conditions are deteriorating in too many countries. The shrinkage of civic space is no longer something that can be dismissed as a coincidence, or the province of a small group of aberrant states. A fight is on to reverse civic freedoms and human rights that we once believed were firmly established. Regressive norms are being propagated, and hard won democratic rights are being contested and rolled back. Governments are not the only regressive force here: much of the risk to activists comes from sub-national forces, and comes when corruption brings together the interests of people working in politics, government and business. We always need to enquire into, and understand, the drivers of crackdowns on civil society, which are rarely ideological in origin, and more often to do with competition for resources, and a concern by elites to hold onto economic and political power.

We need to defend and argue for civil society to play all of its legitimate roles, including that of acting as a watchdog on power, improving transparency and protecting the rights of the marginalised, and demonstrate the added value that comes when civil society is enabled to do so. But while exposing abuses, civil society must be careful not to propagate a narrative of disempowerment, in which governments and global corporations are presented as all powerful and civil society can only ever be vulnerable to their whims. It is important in civil society to recognise and celebrate our own power, as CIVICUS' annual Global Day of Citizen Action exists to do.<sup>310</sup> The previous section, on civic mobilisation, tells us that opportunities come to expand civic space, and must be seized.

Among response strategies identified is the formation of broad-based alliances between different civil society groups and activists. Many of our alliance members, who work in very difficult conditions, emphasise the value of international solidarity in their struggles, in knowing that they are not alone and that people in different countries are committed to supporting them. Further, while the intergovernmental sphere is dysfunctional, as we concluded in the 2014 State of Civil Society Report, and while working internationally can bring risks, as in the case of Azerbaijan, we believe that international arenas still offer some value for defending civil society, and need to be embraced and strengthened. This includes global forums such as the UN Human Rights Council and regional ones such as the Council of Europe. These offer opportunities for concerted international action between different civil society groups and more supportive governments, and should be embraced as

*It is important in civil society to recognise and celebrate our own power, as CIVICUS' annual Global Day of Citizen Action exists to do.*

310 Be The Change: Global Day of Citizen Action website, <http://www.civicus.org/bethechange>.



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key arenas, not only for defending the rights of CSOs in challenging contexts, but also for strengthening and promoting international norms about the proper role and status of civil society.

## FIVE KEY POINTS FOR FUTURE ACTION:

- International solidarity is critical for civil society when it is under attack, but needs to be exercised in ways that do not play to divides between global south and global north. Wherever possible, we should enable affected parties to speak for themselves in global forums.
- Progressive norms that lead to a more enabling environment for civil society need to be propagated, which implies documenting and sharing good practice where it exists, and campaigning to strengthen the role of international institutions and legal instruments to more strongly protect civil society rights.
- Research needs to shed more light on corrupt connections, which often occur at sub-national levels, between politicians, public officials, security forces, organised crime and businesses.
- Horizontal coalitions need to be formed and strengthened between CSOs of different kinds, and human rights defenders, journalists and internet freedom activists, to defend civil society freedoms.
- Resourcing needs to support both the rapid response of CSOs and activists to threats and attacks, and the longer term development of a more enabling environment for civil society.

*International solidarity is critical for civil society when it is under attack, but needs to be exercised in ways that do not play to divides between global south and global north.*

# 3 CIVIL SOCIETY AT THE GLOBAL LEVEL: BROKEN GOVERNANCE, CIVIC SOLUTIONS

The above sections have focused largely on national level contexts where civil society has been active, or where the conditions for civil society have been affected. As part of this, international connections have been shown to be an important part of how civil society works and is supported. But there is, of course, also a need to assess the work of civil society on transnational issues, including the large, cross-border challenges of our time, and how civil society is engaging with, and trying to change, the institutions of global governance.

These issues are covered in more depth in the 2014 State of Civil Society Report, which looked at global governance challenges as its special theme. Our 2014 report laid out the challenges that make global governance dysfunctional: states with poor domestic governance, including those that repress civil society at home, export their democratic deficits when they convene at international tables, where national level political calculus usually prevails. A global governance system that has built up over time is now outdated and not fit for purpose, being characterised by gaps and inconsistencies. Big business has globalised, and uses its international basis to minimise its social obligations, while intractable problems, such as climate change, do not respect borders, but intergovernmental institutions do not reflect this. The most important bodies, such as the UN Security Council, reproduce the post-war power standings of a small group of influential countries, and are blocked because they have become forums for the rehearsal of entrenched differences between blocs of states. An international system that reflects and reproduces structural inequalities clearly cannot adequately address rising citizens' concerns about inequality and the increasing concentration of wealth and resources in the hands of a tiny, transnational elite.<sup>311</sup>

Further, civil society is under-represented and marginalised in the web of global governance institutions, which are far more welcoming of large, transnational corporations, but in ways that are not transparent. The

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*...civil society is under-represented and marginalised in the web of global governance institutions, which are far more welcoming of large, transnational corporations, but in ways that are not transparent.*

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311 'World's Richest One Percent Undermine Fight Against Economic Inequalities', Inter Press Service (IPS), 19 March 2015, <http://bit.ly/1GtZyxu>.

international order can only become functional if it is reformed systematically, in ways that reach out to and include a wide range of civil society. But as the following example suggests, this is not to say that civil society should simply give up on engagement with global governance.

## THE ARMS TRADE TREATY: A CHILD OF CIVIL SOCIETY

Reform can only come, we suggest, if civil society self-organises, engages constructively and pushes for change. The Arms Trade Treaty, which entered into force in December 2014 after receiving 50 ratifications, stands as a recent example of how civil society can engage to make a difference. The treaty introduces, for the first time, regulations and approval processes for international arms sales, with annual reporting to a treaty secretariat. It is intended to prevent arms exports to states where they are likely to be used in situations that seriously affect human rights.

Part of its significance is that the idea of the treaty came from civil society in the 1990s. Government officials have confirmed that civil society advocacy played a huge role in helping to bring the treaty about and move the debate relatively quickly, in international terms, from a position where it had almost no support to one where it exists as a new piece of international law: in 2003, only three states publicly supported controls on the arms trade, but just a decade later in 2013, states voted overwhelmingly for it.<sup>312</sup>

As with the Rome Treaty to establish the International Criminal Court (see below) and the Ottawa Mine Ban Treaty, from which the movement drew confidence and inspiration, civil society applied a multi-faceted advocacy strategy.<sup>313</sup> CSOs formed a broad coalition, the global Control Arms alliance, led by Amnesty International, Oxfam and the International Action Network on Small Arms. Control Arms coalesced international and national civil society from global south and north. The coalition brought in expert lawyers to help prepare credible drafts, and worked with sympathetic governments to establish regional champions to create a snowball effect, gradually growing a progressive group of governments and preventing the formation of regional opposing blocs. Advocacy was underpinned by dynamic and increasingly sophisticated power mapping to track governments' changing positions on the treaty, and identify potential levers of influence.<sup>314</sup> Control Arms also brought international public pressure to bear, including by presenting a million citizens'

312 'UN passes historic arms trade treaty by huge majority', BBC, 2 April 2013, <http://bbc.in/1J7WXOH>; 'Arms Trade Treaty Gains Momentum with 50<sup>th</sup> Ratification', IPS, 28 September 2014, <http://bit.ly/1AybBfv>; UN Institute for Disarmament Research (UNIDIR), *Civil society and the drive towards an Arms Trade Treaty: a background paper by Daniel Mack and Brian Wood*, <http://bit.ly/1JYJtdG>; Oxfam, *Power and Change: The Arms Trade Treaty*, 16 January 2015, <http://bit.ly/1G6KJoV>.

313 International Campaign to Ban Landmines, 'Treaty in Detail: Frequently Asked Questions', <http://bit.ly/1FkfSPY>; Oxfam, 16 January 2015 op. cit.

314 Oxfam, 16 January 2015 op. cit.

*The Arms Trade Treaty, which entered into force in December 2014 after receiving 50 ratifications, stands as a recent example of how civil society can engage to make a difference.*

petition to the UN Secretary-General in 2006, and holding shadow ‘People’s Consultations’ across a wide range of countries to mirror UN diplomatic processes, combined with high profile advocacy by Nobel laureates, celebrities and internationally respected leaders.<sup>315</sup>

The process of drafting and approving the treaty, once it reached the UN, took seven years, calling for continuous campaigning, the development of expertise and a research base, and national level advocacy work to help develop and influence the positions of delegations negotiating the treaty: by the end of the process, at least 15 civil society personnel involved in the campaign had been brought into government delegations.<sup>316</sup>

The treaty is not without its critics: undoubtedly civil society did not get everything it wanted, and some criticised the treaty for being excessively watered down to achieve broad buy-in, while the lack of ratification by China, Russia and the USA means it does not apply to some heavy hitters.<sup>317</sup> The Campaign Against the Arms Trade have complained that the treaty confers a legitimising fig leaf on arms sales, and notes the involvement of arms companies in national delegations.<sup>318</sup> However, the treaty’s supporters assert that it introduces humanitarian and human rights discourse into an arena traditionally seen as the preserve of a self-interested security establishment, and that, as with the landmines treaty, it may stimulate a stigmatising effect against arms sales to repressive regimes. The treaty also implies that arms manufacturers now have some responsibility for how their products are used, and gives civil society a lever to shed more light on often murky deals.<sup>319</sup>

The treaty can be seen as an effective civil society response to a transnational problem in a globalised world. It certainly provides an opportunity for further civil society advocacy, and the challenge now for civil society is to stay engaged beyond the initial euphoria of agreement. Rapid progress to pass the minimum ratifications target suggests that some political will and momentum exist, but focus now needs to shift to advocating for ratification by those states that have not yet done so, an important issue, given that over half of the UN’s member states make and sell arms.<sup>320</sup> Civil society also now needs to make sure that the treaty’s reporting provisions are used effectively to hold governments and manufacturers to account.

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315 Control Arms, ‘The Story So Far’, <http://bit.ly/1FkfSPY>; UNIDIR op. cit.

316 Reaching Critical Will, ‘Arms Trade Treaty’, <http://bit.ly/1HAgYYv>; Oxfam, 16 January 2015 op. cit.

317 ‘Arms Trade Treaty’s fine intentions may founder on the realities of global conflict’, The Guardian, 23 December 2014, <http://bit.ly/1Bcs5qC>.

318 ‘Arms trade treaty is just a fig leaf’, New Internationalist, 30 January 2015, <http://bit.ly/1wHN6UJ>.

319 IPS, 28 September 2014 op. cit.; The Guardian, 23 December 2014 op. cit.

320 Amnesty International, ‘Q&A: Global Arms Trade Treaty enters into force’, 22 December 2014, <http://bit.ly/1Kt9QAb>; IPS, 28 September 2014 op. cit.

# AFRICA VS. THE INTERNATIONAL CRIMINAL COURT? A NEW CHALLENGE TO GLOBAL GOVERNANCE

In comparison, another key piece of progressive global governance architecture, the International Criminal Court (ICC), found itself under assault from a large group of African states in the past two years. Civil society was instrumental in bringing the ICC about, and now civil society has been called upon to defend it from criticisms emanating from the global south.

The Rome Statute establishing the ICC, to try cases of genocide, war crimes and crimes against humanity, was adopted in July 1998, after years of lobbying, involving over 200 CSOs and a coalition of 60 states known as the ‘Like Minded Governments’ (LMG). As with the Arms Trade Treaty, the successful campaign served as a case study in how partnership between civil society and states could overcome powerful resistance. Many African states were actively supportive of the creation of the ICC, with 15 of the LMG being African, while it was also notable that the supportive coalition cut across the blocs that usually dominate international negotiations, preventing the discussions from degenerating into a global north vs. global south debate, and suggesting a new way of working globally.<sup>321</sup>

The reality of the ICC’s working has, however, become fiercely contested, with the debate increasingly taking global north vs. south lines. The Court has found itself criticised for its overwhelming focus on African countries, and been accused of failing to investigate adequately serious cases elsewhere, although these failures may have more to do with the divisive and blocked politics of the UNSC, which has the power of ICC referral.<sup>322</sup>

Anger has focussed on proceedings against two incumbent heads of state, President Kenyatta of Kenya and President al-Bashir of Sudan. The indictment of Kenyatta, along with his deputy, was a particular catalyst, risking the accusation that the Court has been drawn into domestic politics, compromising its neutrality.<sup>323</sup> At an AU summit in July 2014, African heads of state were urged to “speak with one voice” against the indictment

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<sup>321</sup> Chatham House, *Africa and the International Criminal Court*, July 2013, <http://bit.ly/1JbPdto>; William Schabas, *An Introduction to the International Criminal Court*, 2011, 4<sup>th</sup> edition (Cambridge: Polity Press); HRW, *World Report 1999 – Introduction*, <http://bit.ly/1dBE1uK>.

<sup>322</sup> ‘International justice: Nice idea, now make it work’, *The Economist*, 6 December 2014, <http://econ.st/1LQUPbj>; ‘Netanyahu’s wishful thinking: A world without the International Criminal Court’, *sott.net*, 17 January 2015, <http://bit.ly/1d3nnDs>.

<sup>323</sup> Brookings, ‘Can the International Criminal Court Play Fair in Africa?’, 17 October 2013, <http://brook.gs/1d3nuid>; Chatham House, July 2013 op. cit.

of sitting leaders, and concerns were expressed that ICC proceedings risk instability.<sup>324</sup> Ahead of this, at an extraordinary AU summit convened solely to focus on the ICC, in October 2013 - something that can only be called with the support of two thirds of members, indicating widespread agreement - African leaders agreed to call on the ICC to defer the Kenyan and Sudanese proceedings, and grant immunity for serving heads of state; to do so would entail a rewriting of the Rome Statute and dilute its novel stance against impunity, given that it removes the immunity international law normally extends to state leaders.<sup>325</sup> Not for the first time, it seems that autocratic leaders are trying to revert to narrow notions of state sovereignty, implying freedom for presidents to act without interference, rather than notions of popular, democratic sovereignty.<sup>326</sup>

While it is true that the ICC has overwhelmingly focused on African situations, it is also the case that Africa has a large number of ICC members (63% of African states have ratified), compared to a low level of ratification in Asia.<sup>327</sup> It can also be noted that three African countries (CAR, DRC and Uganda) voluntarily referred their situations to the Court, in an unanticipated development; the motivation, at least in the case of Uganda, seems to have been to instrumentalise the court as a weapon against the internal enemies of President Yoweri Museveni.<sup>328</sup>

The workings of the Kenya process were characterised by the withdrawal of witnesses amidst allegations of intimidation, and in December 2014, all charges against Kenyatta were dropped, after a key prosecution witness refused to testify, while another admitted to lying. The prosecutor directly accused Kenya's government of intimidating and harassing witnesses.<sup>329</sup> The end of the investigation demonstrated the Court's difficulties in bringing high-ranking officials to justice; some have argued that powerful states were not unhappy about this, given changing political calculus about the renewed importance of the Kenyan government as an anti-terrorist partner in the light of the Westgate shopping mall attacks.<sup>330</sup> Only a few weeks after withdrawing the case against Kenyatta, the Chief Prosecutor also formally suspended the Court's investigation into war crimes in Darfur, blaming the UNSC for not more vigorously trying to overcome the Sudanese government's refusal to cooperate.<sup>331</sup>

324 'African Union urges united stand against ICC', Al Jazeera, 1 February 2014, <http://bit.ly/1bTnRop>.

325 Institute for Strategic Studies, 'The AU's ICC Summit: A case for elite solidarity for self preservation?', 15 October 2013, <http://bit.ly/1d3n00p>.

326 Royal African Society, *Courting Conflict? Justice, Peace and the ICC in Africa*, March 2008, <http://bit.ly/1cnax2f>.

327 VU University Amsterdam, 'International Criminal Court not biased against Africa', 19 February 2015, <http://bit.ly/1Ktc9mK>.

328 Schabas, 2011 op. cit.; Chatham House, July 2013 op. cit.; Adam Branch, *Displacing Human Rights: War and Intervention in Northern Uganda*, 2011 (Oxford: Oxford University Press).

329 'ICC withdraws charges against Kenyatta', Al Jazeera, 5 December 2014, <http://bit.ly/1rWo8Fa>.

330 'Africa Chooses to Stay Inside the Law on Kenya', All Africa, 14 October 2013, <http://bit.ly/1GJIAzf>; 'In a tangle: Kenya and the International Court', The Economist, 19 October 2013, <http://econ.st/1dBF4Lb>; 'ICC drops murder and rape charges against Kenyan president', The Guardian, 5 December 2014, <http://bit.ly/1COjnCa>.

331 'In protest at inaction, ICC prosecutor stops investigating Darfur genocide', Al Jazeera, 12 December 2014, <http://alj.am/1HWEKQX>.

*While it is true that the ICC has overwhelmingly focused on African situations, it is also the case that Africa has a large number of ICC members (63% of African states have ratified), compared to a low level of ratification in Asia.*

John Ryle, of the Rift Valley Institute, a CSO focused on Eastern and Central Africa, summarised the challenge:<sup>332</sup>

*The ICC has unfortunately become a toxic brand in much of Africa. The vulnerability of the ICC to this backlash has been a blow for African civil society activists who seek justice and accountability from their leaders.*

Civil society, however, fought against this negative campaign, and vitally, given the need to negate any notion that this was a global north vs. south argument. Global southern civil society was active in the response. Ahead of the AU's October 2013 summit, 163 African CSOs based in 36 African countries called on their governments to support the ICC, while over 850,000 people from all around the world signed an Avaaz petition.<sup>333</sup>

At the 13<sup>th</sup> Assembly of States Parties to the Rome Statute, held in December 2014, African and international CSOs, including the Coalition for the ICC, the International Federation for Human Rights and Human Rights Watch, presented a more positive portrait of Africa's relationship with the ICC. Esther Waweru of the Kenya Human Rights Commission said:<sup>334</sup>

*While a few vocal African governments are intent on portraying the ICC as anti-African and trying to undermine the court, the real picture is quite different. Just ask the president of the Central African Republic, who expressed deep gratitude to the ICC for assisting her country in the wake of serious crimes there, and the many other African countries that took the floor in support of the ICC.*

Notably in December 2014, African governments reaffirmed their support for the ICC, a position they presumably must have felt more comfortable with, given the dropped and stalled Kenyan and Sudanese proceedings, although they repeated their call for an immunity clause to be introduced.<sup>335</sup>

Plans have also been announced to develop a regional African alternative, by effectively relaunching the largely powerless African Court for Human and Peoples' Rights, but the AU-led process for drafting this is much less inclusive of civil society than the ICC process was, and there are many concerns about how this might be resourced, and whether it would reinforce narrow notions of sovereignty, with immunity already written into its protocol.<sup>336</sup> Calls for the AU to become more active in this sphere, may, however, have led to a watershed. In

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332 Quotation taken from 'Has Kenya Destroyed the ICC?' Foreign Policy, 15 July 2014, <http://atfp.co/1JYNJ6A>.

333 HRW, 'Letter to Foreign Ministers on Support for the ICC in Advance of Extraordinary AU Summit, 4 October 2013, <http://bit.ly/1HWF9mG>.

334 HRW, 'ICC: African Countries Support Court', 17 December 2014, <http://bit.ly/1wjoFB7>.

335 HRW, 17 December 2014 op. cit.

336 Chatham House, July 2013 op. cit.; HRW, 'Joint Letter to the Justice Ministers and Attorneys General of the African States Parties to the International Criminal

September 2014, the AU's Peace and Security Council established a Commission of Inquiry into human rights abuses and violations by all parties in the South Sudan conflict. African and international civil society now need to push strongly for real engagement with this regional initiative in order to make it meaningful, and to be involved fully in shaping the potential new regional mechanisms of international justice.<sup>337</sup>

## CIVIL SOCIETY ACTION AGAINST THE TRANSATLANTIC TRADE TREATY

Compared to some other major stories of the last year, trade negotiations can seem complex and arcane. They are rarely exposed to democratic oversight. But the free trade agreement currently being negotiated between the EU and the US, the Transatlantic Trade and Investment Partnership (TTIP), has attracted a growing civil society mobilisation. Supporters of the proposed arrangement assert that the deal will promote economic growth on both sides of the Atlantic, but the negotiations have generated a number of concerns, including that standards will be levelled down (with high EU consumer standards downgraded to harmonise with lower US standards), that EU public services will be more open to privatisation, and that the trade deal may make it harder for the EU to support developing countries to realise the coming SDGs.<sup>338</sup> There are also significant process-related concerns, about the secrecy and lack of public input into the negotiations, compared to corporate input, and a particular worry about the power the TTIP might grant for corporations to take legal action against governments, which could inhibit corporate regulation. Motivated by these concerns, the civil society response arguably offers an emerging model for how multinational civil society coalitions, linking different types of civil society groups, can be built to encourage public engagement on complex issues. John Hilary, of War on Want, explains:

*TTIP is set to affect almost all aspects of our lives, so there are many reasons driving civil society groups to oppose it. The threat to food safety and environmental regulations is one key factor alarming European citizens.*

*TTIP is set to affect almost all aspects of our lives, so there are many reasons driving civil society groups to oppose it. The threat to food safety and environmental regulations is one key factor alarming European citizens, including the danger that TTIP will fatally undermine EU restrictions on genetically modified ingredients entering our food. The new power that TTIP will grant multinational corporations to sue governments for loss of profits under an 'investor-state dispute settlement' (ISDS) mechanism is an outrage, and one of the reasons why politicians themselves are now recognising that TTIP is an affront to democracy.*

Court Regarding the Proposed Expansion of the Jurisdiction of the African Court of Justice and Human Rights', 3 May 2012, <http://bit.ly/1FRGxaA>; HRW, 17 December 2014 op. cit.

337 'Accountability in South Sudan – the African Union Steps Up', The Huffington Post, 25 April 2014, <http://huff.to/1AyiEEV>.

338 'Could the TTIP deal undo development gains?', The Guardian, 24 March 2015, <http://bit.ly/1IUzug>.



*Our first victory has been getting people to hear about a secret trade deal like TTIP, and to take an interest in it: we managed to secure over one million signatures on our self-organised European Citizens' Initiative against TTIP within the record time of just two months. The second victory has been to turn that interest into political pressure, as parliamentarians now tell us that their mailbags and email inboxes are overflowing with constituents' queries on TTIP. We have forced the European Commission to back down on several of its claims for TTIP, and we have also made them open up more access for parliamentarians to the negotiating documents than previously. As a result of our pressure, negotiations on the ISDS chapter of TTIP were frozen throughout 2014 while the European Commission conducted a public consultation on its future. We are winning the argument, but we still have to win the political battle against a system that is deeply anti-democratic and resistant to change.*

*There are now national platforms coordinating actions against TTIP in almost every single one of the EU member states, linking up trade unions with environmental, health, digital rights and other campaign groups in unprecedented coalitions. We are also coordinating with our sister organisations in the USA, which is important in showing that this is a common struggle for people on both sides of the Atlantic. The coordination is built on existing relationships that we have developed over the past 15 years working on trade and investment issues, and it is working really well.*

We also asked John how the movement is being resourced:

*Some national platforms are better resourced than others, and a lot of the most important work is being done at a grassroots level with no resources other than the passion and commitment of activists. At the same time, there are a number of political foundations and trust funders that have provided vital resources to spread the word out into parts of civil society that would otherwise have remained untouched. Importantly, also, a network of trusts and foundations has been created to look over all the work being done on TTIP and to identify areas that are in danger of falling behind due to lack of funds. These funders have been actively linked in to the movement, consulting regularly as to what civil society needs in order to keep the campaign progressing. It's been a remarkable example of what can be achieved by integrating all aspects of our work from the beginning, and a powerful model that we can build on for the future.*

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In times when, as discussed above, far right and anti-European politics are winning increased support in many EU member countries, it may be no easy task to mobilise people in support of EU standards. But that mobilisation can be seen. For example, despite an EU public consultation system that was not easy to navigate, almost 150,000 responded, with 97% of them opposing the inclusion of an ISDS mechanism, while hundreds of protest events were organised across Europe on an international day of action on 18 April 2015.<sup>339</sup> The campaign is tapping into rising concern in Europe, particularly in countries where people were hit hard by the consequences of the 2008 global banking crisis, about excessive transnational corporate power, and anger about large-scale corporate tax avoidance.

Further, the campaign has made links that are not always easy to forge, between advocacy CSOs and trade unions, and between online social media platforms and traditional protest methods such as public demonstrations and letter writing. After one such demonstration, Guy Taylor, of Global Justice Now, commented:

*It's unheard of to see so many people travelling to Brussels to lobby their MEPs [Members of European Parliament] like this, and that's testament to just how hugely controversial and unpopular TTIP has become.*

At the time of writing the TTIP remains under negotiation, and so the ultimate impact of the civil society campaign remains to be seen, but it can be observed to have scored some notable successes along the way. Some commentators have said that the reputation of the TTIP is now damaged, while Greece's Syriza government has said it will not approve TTIP.<sup>340</sup> The TTIP has declined in popularity with citizens of Germany, Europe's biggest economic power, with more people opposed to it than supportive of it as of February 2015, while EU negotiators have felt the need to reassure critics that they are negotiating additional safeguards to meet public concerns.<sup>341</sup> Civil society might just be changing the game here.

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339 Stop TTIP, 'ISDS Consultation Backfires Painfully', 14 January 2015, <http://bit.ly/1HWGAKZ>; Stop TTIP, 'Global Day of Action... and Inspiration!', 27 April 2015, <http://bit.ly/1cnd4t6>.

340 'Syriza Official Vows to Kill EU-US Trade Deal as 'Gift to All European People'', Common Dreams, 2 February 2015, <http://bit.ly/1DxDC2N>; 'Guardian Live: What is TTIP and how does it affect us?', The Guardian, 18 February 2015, <http://bit.ly/1d3sH9S>.

341 'Malmström: Germany's TTIP debate 'more heated'', EurActiv, 24 February 2015, <http://bit.ly/1D6o4BJ>; 'TTIP under pressure from protestors as Brussels promises extra safeguards', The Guardian, 19 February 2015, <http://bit.ly/1Bfq7s1>.

# A GLOBAL RESPONSE TO CLIMATE CHANGE, A LOCAL RESPONSE TO FRACKING

21 September 2014 saw another global day of action, this time against climate change, with civic action at its most visible in New York when, ahead of UN climate talks, over 400,000 people joined the People's Climate March, making it the largest climate protest in history. The march brought together climate change scientists, international figures such as Al Gore and Ban Ki-moon (in an unusually political act for a UN Secretary-General), trade unions, people with a long history in the climate change movement and people engaged on climate change for the first time.<sup>342</sup> The intention of the march was to increase political pressure on governments, as May Boeve of 350.org made clear:<sup>343</sup>

*Today, civil society acted at a scale that outdid even our own wildest expectations... Tomorrow, we expect our political leaders to do the same.*

The New York march further highlighted the potential unlocked when different CSOs, citizens, and online campaigning platforms work together, with Avaaz, 350.org and Greenpeace amongst those cooperating. Further, around 1,500 CSOs were involved in global mobilisation, with the New York marches paralleled by an estimated 2,646 events in 162 countries. In London, UK, 40,000 people are estimated to have marched, and 30,000 in Melbourne, Australia. Over two million people signed a petition, and there were over 630,000 posts on social media about the marches.<sup>344</sup>

The challenge for such large-scale demonstrations, once the thrill of protest is over, is of course to demonstrate that engagement can be maintained and made meaningful. 2014's climate change summit, COP20, held in Lima, Peru, was judged by many in civil society as yet another failure in a dismal series stretching back for two decades, with divisions persisting between wealthy and impoverished nations, preventing the action required to tackle this transnational threat.<sup>345</sup> COP20 was accompanied by a now familiar panoply of civil society side events, prompting the usual civil society frustration about lack of real voice, and prompting again the question of whether it is a good use of civil society's scarce resources to participate in formal consultative events that

<sup>342</sup> 'Taking a Call for Climate Change to the Streets', The New York Times, 21 September 2014, <http://nyti.ms/1qkVZzy>.

<sup>343</sup> 'Hundreds of Thousands Converge on New York to Demand Climate-Change Action', TIME, 21 September 2014, <http://ti.me/1rfEyWi>.

<sup>344</sup> People's Climate March, 'More than 2500 Global Events, Join Hundreds of Thousands Marching in New York to Demand Action on Climate Change, 21 September 2014, <http://bit.ly/1q6UMf0>; The New York Times, 21 September 2014 op. cit.

<sup>345</sup> Women and Gender Constituency, 'Women at COP 20 Blast Failure for Real Action in Lima', 14 December 2014, <http://bit.ly/1suNeed>; 'At the Lima Climate Talks, It Was Groundhog Day All Over Again', Foreign Policy in Focus, <http://bit.ly/14bq2Hj>; 'More reactions to COP20 and Lima's "Roadmap to global burning"', 2 January 2015, <http://bit.ly/1FedDgd>.

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have a largely ceremonial status: this is the classic dilemma of whether it is better to be inside the conference room or outside on the streets, a question that ran through 2014's State of Civil Society Report.

Our response to this dilemma was that civil society needs to try to do both, but to connect them: to take the legitimacy of the streets into the conference rooms, and to try to enlarge and enhance the available space, while maintaining the right to take confrontational positions and being careful not to legitimise ceremonial space. Civil society needs to engage permanently, and to build alliances with governments that are now experiencing the worst impacts of climate change.

The growing anti-fracking movement, meanwhile, is offering a potential model of how such connections might be made, by linking local environmental actions and national and international level policy debates.

Hydraulic fracturing, known as fracking, is a new method of extracting previously inaccessible gas and oil from shale rock. It offers countries with extensive shale gas reserves the tantalising prospect of reducing reliance on oil and gas imports, something which could even have a human rights pay-off, in reducing the political leverage of repressive high oil exporting states. However, environmental impacts can be profound: fracking requires huge amounts of water, which means making difficult decisions about water usage, and there are concerns about the process causing groundwater pollution and increased risk of earthquakes.<sup>346</sup>

Fracking is under way, or exploration of potential fracking has begun, in a range of countries, and in most of these it is being met with civil society opposition: community and national level civil society initiatives have sparked across such a variety of countries that the anti-fracking movement can now be seen as a global campaign built from strong local presences.<sup>347</sup>

In Bolivia, for example, the 2013 announcement by state-owned oil and gas company YPFB that it intended to investigate fracking sparked particular outrage, given that this clashes with Bolivia's environmental protectionist 'rights to mother earth' law, for which the government was internationally praised when it was introduced in 2010.<sup>348</sup> In response, a collective, the Anti-Fracking Movement in Bolivia formed, and Fundacion Solon issued a Declaration Against Fracking in Bolivia.<sup>349</sup> In the UK, the village of Balcombe became an unlikely hotspot of political contestation in 2013 and 2014, when an Occupy-style camp was established, culminating in the

*...fracking requires huge amounts of water, which means making difficult decisions about water usage, and there are concerns about the process causing groundwater pollution and increased risk of earthquakes.*

<sup>346</sup> 'What is fracking and why is it controversial?', BBC, 27 June 2013, <http://bbc.in/1bsDjgR>; 'For The First Time, Scientists Prove Fracking Caused An Earthquake Strong Enough To Be Felt By Humans', Think Progress, 6 January 2015, <http://bit.ly/1ACODTg>.

<sup>347</sup> 'Anti-fracking movement goals global, climate change mafia warns, LINKS, 10 February 2013, <http://links.org.au/node/3224>.

<sup>348</sup> 'Bolivia's Mother Earth Law Hard to Implement', IPS, 19 May 2014, <http://bit.ly/RtoOuM>.

<sup>349</sup> 'Is Bolivia going to frack 'Mother Earth'?', The Guardian, 24 February 2015, <http://bit.ly/1wlpD1Q>.

cessation of test drilling.<sup>350</sup> In South Africa, which faces an energy crisis, frackers are eyeing the Karoo, a largely unspoilt vast tract of land.<sup>351</sup> Concern focuses on the environmental impact, particularly given the water demand, in a particularly dry part of a country with scarce water, as well as the poor accountability record of extractive industries in South Africa.<sup>352</sup>

The civil society coalition that has formed in response in South Africa is broad-ranging, encompassing faith-based and business groups.<sup>353</sup> Similarly, in the US, a broad national coalition has been built, encompassing large CSOs such as Greenpeace, social media campaigns such as 350.org, and faith-based groups, farmers' unions and some business groups.<sup>354</sup> The campaign against fracking is also gaining global profile: an annual international day of protest, the Global Frackdown, has grown in scale since it began in 2012, and over 200 partner CSOs came together to organise more than 300 events in the 2014 edition.<sup>355</sup>

These campaigns have achieved some remarkable successes: fracking has been banned in Bulgaria and France, moratoriums imposed in Germany and the Netherlands, regulations tightened in Australia and the UK, and some local, state and province level bans introduced in Canada and the US.<sup>356</sup> It is unlikely these would have happened without civil society campaigning making fracking an issue of national concern. Civil society has also pushed beyond a narrow environmental envelope, by raising connections with concerns about corporate governance and the lack of accountability and transparency in relationships between governments and the extractive industry. Indeed, the anti-fracking movement has been paid a unique private sector compliment: the gas industry has described it as sophisticated and “highly effective.”<sup>357</sup>

This is not to understate the challenges the movement faces. The city of Longmont in Colorado, US, serves as one case study of how hard it is for civic action to be sustained in the face of huge corporations. Fracking companies have brought wave after wave of legal actions, with the backing of state officials, to challenge a

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350 ‘Anti-fracking campaigners occupy Cuadrilla’s Balcombe drill site’, Drill or Drop?, 19 January 2014, <http://bit.ly/1FRJUye>; ‘No fracking at Balcombe, says energy company Cuadrilla’, The Independent, 24 January 2014, <http://ind.pn/1GJrhx7>;

351 ‘Energy crisis saps power from SA economy: experts’, Times Live, 18 February 2014, <http://bit.ly/1LNW4Je>; ‘Shale gas in South Africa: Fracking the Karoo’, The Economist, 18 October 2012, <http://econ.st/1Fkgzc9>.

352 South African Government, ‘Water affairs’, <http://bit.ly/1Jc1rCi>; ‘Fracking could devastate South Africa’s water supply: WWF’, Times Live, 18 June 2014, <http://bit.ly/1FkgDsv>; Treasure Karoo Action Group website, <http://www.treasurethekaroo.co.za>.

353 Friends of the Earth International, ‘South Africa – Fracking: another chip at our democracy’, 10 February 2014, <http://bit.ly/1cnh7G1>.

354 Americans Against Fracking, ‘Coalition Members’, <http://bit.ly/1HWLDSy>.

355 ‘Global Frackdown: October 11, 2014’, The Action Network, <http://bit.ly/1Bh5FBH>; ‘The Global Frackdown 2014: A Recap’, Food & Water Watch, 15 October 2014, <http://bit.ly/1FkgDsv>.

356 ‘List of Bans Worldwide’, Keep Tap Water Safe, 10 April 2015, <http://bit.ly/1dhVvWC>; ‘Worldwide: Countries Approach Fracking With Interest And Caution’, Mondaq, 6 January 2014, <http://bit.ly/1GJtjh0>.

357 ‘Gas Industry Report Calls Anti-Fracking Movement a “Highly Effective Campaign”’, Yes! Magazine, 26 March 2013, <http://bit.ly/1dgkTIZ>; Control Risks, *The Global Anti-Fracking Movement: What it Wants, How it Operates and What’s Next*, 2012, <http://bit.ly/1LRik4w>.

2013 vote by residents to ban fracking. Businesses are seeking to use vastly superior resources to wage a war of attrition: fracking companies have spent 10 times the resources of the anti-fracking campaigning group to try to overcome the ban.<sup>358</sup> In Longmont, and in cities and villages all over the world, battles will have to be fought time and again, local to global alliances will have to be maintained and tested, and civil society will have to continue to make up for the immense disparity in resources with imagination, expertise and passion.

## LOOKING FORWARD: THE POST-2015 DEVELOPMENT GOALS: WHAT ROLE FOR CIVIL SOCIETY?

2015 will see another great test of multilateralism, with the agreement of the new, post-2015 development goals, the successor to the MDGs. At the time of writing, negotiations have recommenced on the 17 proposed SDGs drawn up by a UN working group in July 2014, and on the targets and indicators for these.<sup>359</sup> There also remains in play the question of precisely how SDG negotiations will relate to the on-going global discussions on financing for development, with the Third International Conference on Financing for Development being held in Ethiopia in June 2015.<sup>360</sup>

The MDGs were a relatively unambitious set of goals, and yet delivery still fell short of targets in many countries. Further, civil society had little input into the setting up of the MDGs, and the MDGs did not give a clear mandate to civil society, which meant that civil society had to try to insert themselves into MDG processes owned by governments, donors and international agencies, rather than be in them as a right. Civil society's role as a source of innovation and original thinking, as well as an effective agent of delivery, was thus inadequately recognised. The lack of civil society involvement in the MDGs was a key factor in the often acknowledged lack of public awareness about or sense of ownership of the MDGs, which can be identified as a factor in the MDGs falling short of their targets.<sup>361</sup>

358 Our Longmont website, <http://ourlongmont.org>; 'Heavyweight Response to Local Fracking Bans', The New York Times, 3 January 2015, <http://nyti.ms/1DqGYVS>.

359 'Open Working Group proposal for Sustainable Development Goals', Sustainable Development Knowledge Platform, <http://bit.ly/1EYw6i7>.

360 Social Watch, 'Post-2015 and FFD3: Debates Begin, Political Lines Emerge', 9 February 2015, <http://bit.ly/1zUOD2N>; International Centre for Trade and Sustainable Development, 'UN Post-2015 Talks Focus on Draft Sustainable Development Goals, 2 April 2015, <http://bit.ly/1EEhoeh>.

361 Commonwealth Foundation and UN Millennium Campaign, *Ideas for a new development agenda*, 2013, <http://bit.ly/WLk3W7>; OHCHR, Open Working Group on Sustainable Development Goals (OWG) (2013), *Statistical note for the issue brief on: Human Rights, including the Right to Development*, 2013, <http://bit.ly/1KtMrDe>.

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Civil society's lack of mandate in the MDGs further made it hard for CSOs to fulfil their vital role of exercising accountability, including over how decisions to commit development resources were made, and how efficiently resources were used.<sup>362</sup> Rather, the MDGs marked a turn back towards top-down, target-driven approaches to development, an approach that privileged relationships between global northern donor states and southern recipient governments, which unwittingly may have fed off civil society repression discussed in the previous section: some states that performed strongly on MDG indicators, such as Ethiopia and Rwanda, did so while reducing the space for civil society. In such contexts, CSOs can come to be seen by governments as competitors for external resources that were highly linked to the MDGs, and civil society rights as inconvenient obstacles that get in the way of the efficient delivery of externally funded development projects. The notion that development is about the enabling of human possibility, for which the fundamental civil society rights of assembly, association and expression are essential, seems to have receded. We have to recapture this in the SDGs.

So far, the experience of civil society in being consulted about the SDGs seems more positive,<sup>363</sup> and the UN Secretary-General's Synthesis Report on the Post-2015 Agenda, published in December 2014,<sup>364</sup> calls for an enabling environment for civil society, but at the time of writing, the finalisation of the SDGs remains in play and uncertain, as attention turns to targets and indicators.<sup>365</sup>

Key civil society campaigns to make the SDGs more expansive and inclusive include the Beyond 2015 coalition and the Global Call to Action Against Poverty. These are seeking to make the SDGs participatory, inclusive and responsive to the voices of those directly affected by poverty and injustice.<sup>366</sup>

In January 2015, a new global campaign, Action/2015, was launched with a focus on encouraging citizen and community action towards influencing the SDGs, and also climate change negotiations.<sup>367</sup> Action/2015 connects large, international civil society networks with grassroots movements. It has the backing of government representatives and entertainment stars, and combines online and offline campaigning tools.

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362 'Advocating for Civil Society Space in 2015', The Huffington Post, 18 February 2015, <http://huff.to/1zUugKV>; 'Civil society: only the clampdown is transparent', The Guardian, 12 September 2010, <http://bit.ly/1LO2dVW>.

363 'Civil Society Freedoms Merit Role in Post-2015 Development Agenda', IPS, 25 November 2014, <http://bit.ly/1xSnQiH>; 'Opinion – Measurement Matters – Civic Space and the Post-2015 Framework', IPS, 23 March 2015, <http://bit.ly/1dCf1ng>.

364 UN, *The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet. Synthesis Report of the Secretary-General On the Post-2015 Agenda*, 4 December 2014, <http://bit.ly/1yKR1Wb>.

365 *Targets in the proposed SDGs framework*, Sustainable Development Knowledge Platform, <http://bit.ly/1G5SAkt>.

366 Beyond 2015 website, <http://www.beyond2015.org>; Global Call to Action Against Poverty website, <http://bit.ly/1eDeSAb>.

367 Action/2015 website, <http://www.action2015.org>

Civil society initiatives such as Action/2015 are placing special emphasis on reaching out to young people and helping them to voice their concerns about what they want from the SDGs. Most of the world's young people live in countries of the global south,<sup>368</sup> and the current young generation is the one that will grow into adulthood over the 15 years to be covered by the SDGs; they will be the generation that the SDGs either serve - by helping them to develop sustainable livelihoods, access healthcare, safely raise families, and enabling them to associate, assemble and express themselves without hindrance - or fail.

What is striking is that, when young people are encouraged to say what they want the SDGs to achieve, they do not limit themselves to asking for basic needs and essential services. For example, in a 24 hour tweetathon organised in 24 countries, from Fiji to the USA, in October 2014, what stood out was how often concerns about governance and participation occurred, including issues of internet governance and government transparency, and a desire for channels of genuine dialogue with governments, alongside an interest in issues of education, employment and inequality.<sup>369</sup> Young people, when consulted about their development futures, have consistently identified better governance as a key priority.<sup>370</sup> In the UN's 'My World' survey, in which approximately 7.4m people identified their key priorities for the SDGs, over 5.7m of participants, more than three quarters, were aged 30 or under, demonstrating the massive interest of young people in having a say on their development futures.<sup>371</sup> It can therefore be said that one test of whether the SDGs are good enough is that enough of the huge cohort of young people who took part in the My World survey feel that the SDGs adequately speak to their needs.

For UN Volunteers (UNV), one of the UN agencies with the strongest relationship with civil society, the SDGs also ought to take account of volunteering as a resource, and understand that volunteering is an essential part of civil society. UNV tell us:

*Governments cannot do it alone. In country after country it has been demonstrated that volunteers, as social mobilisers and community health providers, have been a key success factor in immunisation campaigns. In recent years, more governments have supported volunteering schemes to address poverty, education, climate change, disaster risk reduction, social integration and other national priorities, including most recently responding to the Ebola outbreak. However, much more can be done to recognise, research and integrate volunteerism so that it can reach its full potential to support implementation of the SDGs.*

368 UN Population Fund, UNFPA, '10 things you didn't know about the world's population', 13 April 2015, <http://bit.ly/1O7k0qA>.

369 '#YouthEngage: insights from a global 24-hour tweetathon', The Guardian, 28 October 2014, <http://bit.ly/ZYz4nY>.

370 Overseas Development Institute, *Partners for Change: Young people and governance in a post 2015 world*, 2014, <http://bit.ly/1KtnGTc>.

371 My World data, <http://data.myworld2015.org>.

*What is striking is that, when young people are encouraged to say what they want the SDGs to achieve, they do not limit themselves to asking for basic needs and essential services.*



UNV also suggests that SDG indicators have to measure the contribution of volunteering, or an inaccurate picture will be given of development progress, and civil society's contribution to it:

*Volunteering measures can indicate progress in the SDGs. One proposed SDG indicator to be developed is on decent work. International Labour Organisation (ILO) statistics already incorporate volunteer work as one type of work. There is an existing methodology in the ILO Manual on Measuring Volunteer Work which can measure both economic value and decent work. A number of existing social well-being indicators also measure volunteering, including Gallup, OECD and the Bhutan Happiness Index, although it should be noted they all do this in different ways... Volunteering studies have reported large participation numbers and significant economic value (e.g. volunteering is estimated at 0.6% of GDP in the Philippines). However, measuring volunteering also should address its social value and its contributions to well-being and social cohesion.*

*Perhaps, similar to gender equality, there should be a cross-cutting theme of civic engagement or participation running across all the goals and targets. Volunteering would be a relevant indicator which can be disaggregated. This would enable research on the interrelationship between citizen participation and progress on specific SDGs and targets.*

Kate Donald, of the Center for Economic and Social Rights, is one of many people in civil society who are working to try to make the SDGs more expansive and more strongly linked to human rights, including through the Post-2015 Human Rights Caucus, of which CIVICUS is an active member. We asked her what her hopes and fears are for the SDGs, how civil society could influence the SDGs, and what impact the SDGs might have on civil society:

*My best hope is that we end up with a post-2015 agenda that in practice is able to move us closer towards realising human rights - civil, political, cultural, economic, social - for all, and tackling rampant inequalities. A crucial part of this will be in ensuring there is real accountability for progress, and lack of progress, towards these commitments; that people will have a voice and a platform to make states and the private sector answerable and responsible.*

*After all this investment of time and energy and resources, the biggest fear is that we end up with nothing, or with a re-tread of the MDGs, which could happen if states fail to agree over financing, or the fragile consensus falls apart on another unforeseen bump in the road. A close second worse*

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*outcome would be an agenda that is pretty on paper but remains only at the level of window-dressing and rhetoric, without any meaningful action from states to implement it.*

*To get to the best outcome, civil society voices need to be accepted not just as 'stakeholders' to be consulted occasionally, but as rights-holders and representatives of rights-holders, and people with experience and technical expertise that can be immensely valuable. For example, in the debate around indicators to measure progress towards the goals, the expertise of civil society was initially almost completely overlooked, in favour of an exclusive focus on national statistical offices. This is very short-sighted. For many years, civil society groups have been involved in monitoring and tracking a vast array of issues relevant to the post-2015 agenda - from illicit financial flows to civic space to women's unpaid care work - and have developed innovative and participatory methodologies for doing so. The knowledge and expertise out there in civil society is vast, and it should be used.*

*If the MDGs are a good weather vane, then the SDGs will have a very big effect on the distribution of resources for sustainable development and human rights work, for better or worse. This is another, more instrumental, reason why a holistic agenda with strong financing commitments from rich countries is important: the issues we need to tackle are multiple and interlinked, and require sustained engagement. We are past the point where a narrow focus on, for example, extreme poverty, or getting girls into school, is acceptable. The evidence is now clear that no matter how many billions of dollars you pour into these narrow goals, you can't end poverty without tackling inequality and environmental sustainability at the same time, and you can't end pervasive gender inequality just by getting more girls into school. A diverse and well-resourced civil society is an absolute prerequisite to effective and empowering progress towards the goals.*

While there remains broad agreement that it is useful to have development goals, because they focus efforts and create lobbying and advocacy opportunities,<sup>372</sup> for CIVICUS, the coming SDGs must make a positive contribution to reversing negative trends in the conditions for civil society of the kind outlined earlier, which means that the measurement of civic space and whether it is expanding or contracting must be included in the indicators against which the success of the SDGs is judged. It also means that the precarious resourcing position of many CSOs, discussed in other sections of this report, needs to be addressed. In addition, it will be important that the SDGs have a strong focus on the issue of rising inequality in so many of our societies.<sup>373</sup>

372 'Governments are now negotiating Sustainable Development Goals', The Daily Star, 2 April 2015, <http://bit.ly/1d3JABg>.

373 IPS, 19 March 2015 op. cit.

*...civil society voices need to be accepted not just as 'stakeholders' to be consulted occasionally, but as rights-holders and representatives of rights-holders, and people with experience and technical expertise that can be immensely valuable.*

*...the coming SDGs must make a positive contribution to reversing negative trends in the conditions for civil society.*

For CIVICUS, key tests for the SDGs, and the intergovernmental system that is producing them, will be how much involvement civil society has in the authorship process, and visible influence in the final agreement; how much the agreement accords a proper role for civil society, beyond a role in the implementation of the SDGs, in ways that connect development to human rights, which implies enabling fundamental civil society rights; and finally, how the resourcing decisions made to realise the SDGs impact positively on civil society. Civil society, including the campaigns mentioned above, need to engage constructively in the remaining months, applying the mixes of public campaigning and expert advocacy suggested in the examples given earlier in this section; and once the SDGs are agreed, civil society needs to push hard for its accountability role, alongside its delivery role, over the coming years.

## CONCLUSION: REIMAGINING GLOBAL GOVERNANCE

A year on since our focus on global governance in the 2014 State of Civil Society Report, much work still needs to be done to address the dysfunction of international governance institutions. Civil society consistently and quietly engages in global forums, and much of that engagement comes with little influence and yields scant reward. But as the example of the Arms Trade Treaty shows, civil society is able, through constructive, permanent engagement, to play a role in establishing progressive additions to the global architecture, and developing progressive norms.

There is a need to ensure that civil society, when it engages internationally, does not lose its grounding in the reality of citizens' concerns. In August 2014, CIVICUS' Secretary General, alongwith several like-minded civil society leaders, wrote an open letter to activists, urging civil society to take a back to basics approach. The letter argued that too many in organised civil society have become too institutionalised and professionalised, and thereby co-opted into systems and networks in which civil society is being outwitted and outmanoeuvred.<sup>374</sup> It urged the need to put the voice and actions of people back at the heart of our work, with primary accountability being not to donors, but to all those struggling for social justice.

The global anti-fracking movement, and the movement against the TTIP, offer potential models for how the concerns of communities can be made global, and global matters can be made to resonate with citizens. They show how global elite interests can be challenged. Now the SDGs need to demonstrate that they

<sup>374</sup> Danny Sriskandarajah, Secretary General of CIVICUS, 'Opinion: Put People Power Back at Centre of Citizen Action, IPS, 7 October 2014, <http://bit.ly/1d3Oa2l>.

*Civil society need to engage constructively in the remaining months, applying the mixes of public campaigning and expert advocacy; and once the SDGs are agreed, civil society needs to push hard for its accountability role, alongside its delivery role, over the coming years.*

*...too many in organised civil society have become too institutionalised and professionalised, and thereby co-opted into systems and networks in which civil society is being outwitted and outmanoeuvred.*

understand and help enable civil society's proper role, not just in delivering development, but in contributing to development decisions and exercising accountability over those decisions.

## **FIVE KEY POINTS FOR FUTURE ACTION:**

- Civil society needs to ensure it makes strong connections between ground-level issues and global governance concerns.
- Alliances need to be built and maintained between CSOs, supportive governments and sympathetic intergovernmental officials.
- A broader range of civil society voices needs to be brought into engaging with global level decision-making.
- Global coalitions need to be built that cut across existing power blocs and regional blocs, and that bridge divides between the global north and global south.
- Civil society, while continuing to engage constructively with global governance institutions, also needs to keep their fundamental reform on the agenda.

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# CONCLUSION

As the above has demonstrated, the civil society canvas is vast. The civil society universe encompasses an incredible diversity of forms, working on a huge array of issues. This means that the civil society universe is messy, occasionally incoherent, even contradictory. But we believe that civil society's vital contribution is being proved at all levels, in many different countries, on all kinds of issues. It is needed more than ever before. Governance is broken: conventional national politics is failing people, and international governance is demonstrably not fit for purpose. A tiny elite control most of the world's wealth, and they have intimately woven themselves into the fabric of governance, rigging the rules in their favour, exacerbating global inequality.

Civil society is showing itself to be the alternative to this, offering a source of solutions and innovation. Yet civil society is constrained, by political restrictions, attacks and a lack of financial resources. Further, civil society has its own problems. Formal CSOs are also not always good at connecting with citizens. Looser citizens' movements are sometimes superficial, and hard to sustain. Divides persist between large CSOs and small ones, and CSOs in the global south and global north. But a world without civil society, and its imaginative creativity and commitment, cannot be contemplated.

In the year that will pass between the publication of this report, and the publication of the 2016 State of Civil Society Report, billions of people will participate, and billions will benefit from the platform civil society offers to raise people's voices, and the services civil society provides. Civil society will keep responding to crises, mobilisations will break out in unexpected places and civil society groups and activists will continue to fight back against restrictions and attack. International solidarity, coalition building and support to develop the capacity of civil society will be the key responses needed to support civil society.

## FIVE KEY POINTS FOR FUTURE ACTION:

- The diversity and ecology of civil society is an important principle in its own right: a range of responses, by different organisational forms, at different levels, need to be supported.
- Connections that link civil society in the global north and the global south need to be supported, but these need to be forged in ways that enable equality, and the full contribution of both to be realised.
- More research and documentation is needed on working models of civil society cooperation that are potentially replicable.

- Civil society needs to develop its analysis of, and capacity to respond to issues of global elite power and control of resources by the global super-rich.
- There is a need for a new campaign that emphasises the overall value and contribution of civil society, and the importance of civil society rights being realised, that capitalises on and brings together the energy and imagination of campaigns on individual issues, involves high profile figures, and makes a point about the impact that civil society can achieve.

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# CIVICUS ESSAY

# ABOUT THIS ESSAY

This thematic overview of the 2015 CIVICUS State of Civil Society Report, on civil society resourcing, draws from 27 guest contributions commissioned by CIVICUS for the report. Guest inputs discuss a range of funding issues encountered by civil society organisations (CSOs) and activists, including with official development assistance (ODA) and other forms of support from governments, philanthropy, corporate social responsibility (CSR) and non-financial resources. This overview draws further from inputs contributed by members of the CIVICUS alliance, including responses from 22 CSO networks in our survey of members of the Affinity Group of National Associations (AGNA), and interviews with civil society activists and experts. This overview is therefore inspired by a wide range of voices, including donors, philanthropic funders, large and small CSOs in every global region, volunteering agencies and think tanks, providing fresh insight into current civil society resourcing issues. Except when stated otherwise, views presented here come from these inputs.

While our report's Year in Review section assesses the conditions for a wide range of civil society, in this overview our focus is mostly on CSOs that have a strong element of engaging in advocacy, seeking policy change, exercising accountability over power holders or defending and realising human rights. For shorthand, we call these here change-seeking CSOs. This is not to deny the importance of other civil society forms, and we recognise that many CSOs offer both change-seeking and service delivery work, but we believe the change-seeking work of CSOs is being hindered by a particular set of urgent resourcing challenges.



# INCREASING RESTRICTIONS ON RECEIVING FUNDING

Our report's Year in Review section demonstrates that civil society is often the first responder to major challenges, as exemplified in responses to the 2014/2015 Ebola crisis. Civil society is also the arena in which people who are denied justice and voice come together to demand rights, seek change and develop solutions to pressing challenges, such as climate change and rising inequality. In our 2014 State of Civil Society Report, we concluded that global governance institutions have failed, and are unable to address these challenges, meaning that civil society is needed more than ever before.

If civil society is important, then we must accept that it needs to be supported and resourced. But instead of that support, in many contexts we are seeing civil society, and change-seeking CSOs in particular, being attacked and restricted, by governments, and political, business and criminal interests. Part of that restriction is exerted through attempts to limit CSO resourcing. Change-seeking CSOs face a renewed assault on their ability to receive funding, particularly when it comes from foreign sources.

Douglas Rutzen, of the International Center for Not-for-Profit Law (ICNL), offers a typology of the different ways in which the receipt of international funding is being restricted, as part of a sustained decline in the key civil society rights of free association, assembly and expression. The restrictions on international funding he identifies are <sup>1</sup>:

1. Requiring government approval to receive international funding
2. Introducing 'foreign agents' legislation to stigmatise CSOs that receive international funding
3. Limiting the amount of international funding that CSOs can receive
4. Stipulating that international funding must be channelled through government-controlled bodies
5. Restricting activities that can be supported from international funding
6. Preventing CSOs from receiving funding from particular donors
7. Applying broad anti-terrorism and anti-money laundering measures to restrict international funding
8. Taxing international funding

9. Imposing high reporting requirements for international funding
10. Using other laws, including treason and defamation laws, to criminalise CSOs and CSO personnel who receive international funding.

Our alliance offers many examples along these lines. The Pakistan NGO Forum reports that laws are being introduced to control CSO funding, with change-seeking CSOs the prime target. Some CSOs have had foreign currency accounts shut down by the State Bank. Partners-Jordan relates that changes in procedures to approve funds have made it harder and slower for CSOs to obtain funding, while a proposed new law would not allow CSOs to receive funding from more than two donors per year. In Argentina, the Argentine Network for International Cooperation (RACI) notes that CSOs are having to employ complex financial engineering methods to get around increasing restrictions on the use of foreign currency, in conditions where the resourcing of civil society has become more contested. In Bangladesh, the government withdrew clearance from human rights CSO Odhikar to run an EU-supported project on torture, and prevented Dutch and Finnish supported activities. Odhikar has observed CSOs moving into less controversial work areas, in order to assure continued funding.

In the highly repressive context of Sudan, the Confederation of Sudanese Civil Society Organisations (CSCSOs) reports a high level of state interference with CSO funding: funding and fundraising plans must be approved in advance by government commissions, and ministerial approval is required to receive foreign funding. Alleged breaches of strict regulations are selectively penalised: CSOs that seek to hold the government to account have found themselves shut down, with their assets seized. Under new regulations, any procurement for a project must be cleared in advance, and any assets procured be handed to the government following the end of a project, which prevents CSOs from developing capacity.

Alan Fowler, Emeritus Professor at the International Institute of Social Studies, points to a further problem with such restrictions: even when they don't prevent CSOs from receiving funding, they increase transaction costs and overheads, which diverts civil society time, money and energy away from core activity.

Together, these measures amount to a wave of restriction; further, all the above examples come from contexts of political and economic contestation, which suggests a general rule: when political or economic pressure on governments intensifies, governments are likely to increase restrictions on civil society's access to funding. Restrictions impact on change-seeking CSO activity in the global south in particular because, as we examine further below, they struggle to resource this work domestically.

Given the focus of the 2014 State of Civil Society Report, on dysfunctional global governance, it is disturbing to note that repressive governments draw succour from intergovernmental measures to

*When political or economic pressure on governments intensifies, governments are likely to increase restrictions on civil society's access to funding.*

prevent financing flows for terrorism. As Kay Guinane of the Charity and Security Network establishes, international anti-money laundering measures have unintentional consequences on civil society, but repressive governments are also misapplying these measures:

*Authoritarian countries have abused the Financial Action Task Force (FATF) process to infringe on the rights of civil society, including its autonomy and ability to receive international support. Some governments have exceeded what is necessary or reasonable in their eagerness to get a compliant rating in the FATF assessment process.*

Repercussions for CSOs also come from the application of anti-terrorism measures to the private sector: Kay Guinane suggests that, in result, some banks are closing or refusing to set up accounts for CSOs:

*Banks have begun 'derisking' by dropping low profit customers such as CSOs. As a result, charities and grant-makers that need to conduct international financial transactions for their operations have experienced increasing difficulty getting access to financial services.*

Nora Lester Murad, in her case study from Palestine, notes that anti-money laundering measures are making it harder to transfer resources into conflict areas, while in the UK and USA, civil society observes that pressure on money transfer services to Somalia is inhibiting the flow of diaspora giving.<sup>2</sup>

New government restrictions are more than accidental. In many cases, the language of anti-terrorism and anti-money laundering is only camouflage: in their joint contribution, Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and Maria Leissner, Secretary General of the Community of Democracies, make clear that restrictions do not stand up to scrutiny as anti-terrorism measures; the real reason is the assertion of government control:

*It's political. Restrictions might be cloaked in terms of national security and good governance, but few pass muster under close scrutiny. They tend instead to be signs of a ruling government's weakness - an attempt to assert control, reduce public criticism, consolidate power or hoard the benefits of economic development.*

Vitalice Meja, of the Reality of Aid Africa (RoA Africa), similarly suggests that the international debate about the effectiveness, transparency and accountability of resourcing for development is being misapplied by some governments to justify restrictions on CSO funding:

*In many cases, the language of anti-terrorism and anti-money laundering is only camouflage.*

*Of late, governments in Africa have paid considerable interest to CSO funding. Issues of CSO transparency and accountability are often bundled around this to hide the true intentions of governments. When governments raise this issue, their main objective is usually to curtail resource flows to CSOs through legal and regulatory requirements.*

Governments may see CSOs as competitors for resources, and this has been heightened during the past 15 years of the Millennium Development Goals (MDGs). As discussed in our 2014 report, the MDGs have made development resourcing more top-down and state-driven, and the concept of national ownership of development has been conflated with state ownership of development. Given this, governments may see ODA going to CSOs as resources that should belong to the state.

Maina Kiai and Maria Leissner expose hypocrisy about foreign funding: many governments, while trying to block civil society funding, and describing CSOs that receive foreign funding as agents of foreign powers, actively solicit funding, when it comes in the form of foreign investment for businesses, and provide enabling environments for that investment. The difference is that foreign business funding often benefits business concerns connected to political elites and offers opportunities for elite enrichment, while funding flows for CSOs help to challenge those elite interests.

Maina Kiai and Maria Leissner further note that governments, when they restrict civil society, apply classic divide and rule tactics, playing to an enduring distinction, as noted in our 2011 report, Bridging the Gaps, between service-oriented CSOs and change-seeking CSOs: governments tend to have higher tolerance levels for CSOs that deliver services, because these supplement or substitute for activities that governments lead on, whereas change-seeking CSOs ask difficult questions and expose government shortcomings. The examples given above, from our alliance, mostly concern change-seeking CSOs. A divided civil society, where connections are weak between service-oriented and change-seeking CSOs, makes a divide and rule approach easier, as Maina Kiai and Maria Leissner observe:

*Financial controls correlate with perceived threat. A CSO that unquestioningly works to supplement a country's healthcare system seems to provide a direct benefit to the ruling government: it is thus less likely to face restrictions on funding. A CSO working to expose corruption, impunity or election fraud, despite the immense public good it does, is not seen as slavishly supporting the ruling elite. It is more likely to see its funding sources attacked... It remains rare to see a service delivery CSO stand up to a government that bullies a civil society cousin in the advocacy field. There's a prevailing attitude of 'everyone for themselves'.*

*As authoritarian tendencies take root, and once change-seeking CSOs are subdued, service-oriented CSOs that fail to deliver sufficient elite advantages also become targeted.*

Such a lack of solidarity is short-sighted: we have observed that, as authoritarian tendencies take root, and once change-seeking CSOs are subdued, service-oriented CSOs that fail to deliver sufficient elite advantages also become targeted.

Maina Kiai and Maria Leissner locate the pattern of government limitation of funding within a broader landscape of civil society restriction. Governments that restrict foreign funding are likely to be those that also restrict domestic funding, and limit civil society in other ways, through excessive registration and reporting requirements, restrictions on media freedom, verbal and physical attacks on activists and the criminalisation of legitimate civil society activity. As with other restrictions, there is also an international culture of imitation at work, with governments borrowing laws and regulations from other countries to apply in their own.

This fresh wave of restriction is something that should not only concern civil society; it should also trouble donors that provide ODA, as it poses fundamental questions about our expectations of what ODA should do, and how development should work. To concede that governments can restrict funding to change-seeking CSOs is to accept that development is essentially about delivering services, for priorities defined by elites, rather than about enabling citizens to realise their rights and be involved in making decisions that affect their lives

Adam Pickering of the Charities Aid Foundation (CAF) indicates that CSOs may, inadvertently, play to this problem, when they justify their role in narrow, instrumental terms:

*To some extent, CSOs could be seen as partially culpable for this, as often we justify the freedoms and financial advantages afforded to CSOs on the basis of the services we provide, rather than based on the rights and freedoms within civil society.*

The argument for civil society needs to be made in intrinsic, rather than instrumental terms. Civil society needs to ensure that donors understand the value of civil society as an amplifier of people's voices, and an enabler of civic potential.

However, a problem, noted by Adam Pickering and Ambika Satkunanathan, of the Neelan Tiruchelvam Trust in Sri Lanka, is that official donors may react to government restrictions in contested contracts by backtracking into supporting less controversial work. Such moves may be well-intentioned: many donors would like to support advocacy, because they want to invest in lasting change beyond that achieved by service provision, but could see change-seeking as a waste of resources in highly restricted environments. A retreat into supporting safer work, as a way of sustaining civil society in difficult periods, can be a valid strategy, but it will not challenge government restrictions.

*The argument for civil society needs to be made in intrinsic, rather than instrumental terms. Civil society needs to ensure that donors understand the value of civil society as an amplifier of people's voices, and an enabler of civic potential.*

## HOW CAN WE RESPOND TO RESTRICTION?

On the positive side, awareness of state restrictions on civil society resourcing has grown, and international efforts have increased to shed light on regressive practices and mobilise solidarity. Maina Kiai has placed the issue on the international agenda, and Helena Monteiro, of Worldwide Initiatives for Grantmaker Support (WINGS), relates that philanthropy organisations are convening to work on restriction. Further, increasing acknowledgement, among donors and civil society supporters, of the need to improve the enabling environment for civil society encompasses the issue of resourcing constraints. Still, there remains a need for more acknowledgment that the fundamental freedoms civil society requires - the right to associate, the right to assemble and the right to free expression - cannot be exercised without the resources to support them, and that any civil society group has a right to receive resources from any source as a key part of this.<sup>3</sup> Donors need to assert the role of ODA in building civic capacity, as well as delivering services.

More coalition building is needed, to enable stronger connections of solidarity and support, including between service-oriented and change-seeking CSOs, to make it harder for repressive states to pick off individual CSOs or types. Coalitions need to work internationally to develop norms, as well as nationally to challenge restrictions.

There is also a need to work internationally and nationally to interrogate and take on anti-money laundering and anti-terrorism measures, and the debate about national ownership of development. Legitimate concerns and measures need to be separated from those that are spurious. CSOs can do this from a position of strength when they demonstrate they hold to the highest standards of accountability and transparency, are not connected to extremist or criminal forces, and are autonomous from their donors, including foreign donors. This implies CSOs being able to show they are mobilising to respond to citizens' needs, rather than organising around funding opportunities.

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# FUNDING FROM THE STATE

## WHERE IS AID GOING, AND WHAT ARE THE PROBLEMS?

In inputs to this report, the most commonly cited source of support is from the state. In the global north, this means support from domestic governments, and in the global south this can entail both domestic and external government support, with foreign state support generally coming from ODA. We discuss in later sections some other key sources of support for CSOs, and it is important to note that many civil society forms survive without external support, but the reality is that change-seeking CSOs in the global south have relied strongly on ODA.

Overall, based on Organisation for Economic Cooperation and Development (OECD) reporting, ODA to CSOs seems to be holding steady. From 2009 to 2013, the most recent year for which data is available at the time of writing, ODA to CSOs from members of the OECD's Development Assistance Committee (DAC), which are mostly global north states that are long-standing ODA providers, rose in real terms. However, with ODA rising as a whole, ODA to CSOs has plateaued in proportionate terms, levelling at around 13% of total ODA. This is dwarfed by ODA to states, which made up 55% of the total in 2013, and multilateral bodies, which received 18%.<sup>4</sup>

As has long been the case, underneath the headline figures lies wide variance in civil society support: France, consistently an under-funder of civil society, put only 1% of its 2013 ODA into CSOs, compared to the Netherlands, where the proportion was 30%. In the 2013 figures, the largest state donors to CSOs were Norway and the Netherlands, along with the multilateral Global Fund to Fight AIDS, Tuberculosis and Malaria, while the largest recent growth in support to CSOs was seen from the Global Fund and the UK.

It should however be noted that almost all the ODA that goes to CSOs is classed as aid through CSOs - funds that CSOs are asked to channel to programmes and projects that fit donor priorities - as opposed to aid to CSOs - funds that have the intent of strengthening CSOs and allow CSOs to define their own priorities. Recent growth has been in aid through rather than aid to CSOs, with aid to CSOs having undergone a slight decline. This suggests a clue as to how many official donors perceive CSOs: as a pipeline and a contractor, rather than as something of value in its own right.

Beyond the headlines, Vitalice Meja of RoA Africa sets out a range of frustrations CSOs experience in working with donors that are as familiar as they are perennial. CSOs criticise donors for: applying rigid, inappropriate policies that are not well-informed about realities on the ground; poor and late communication; unexpected reduction of funding and delays in payments; and demands that unused funds be returned to donors or deducted from future payments, which does not encourage efficiency or promote sustainability. Concerns about lengthy and cumbersome approval processes are common, as Partners-Jordan observes:

*Donors require so many documents and details when writing proposals and submitting ideas, and the process of applying and getting approval is really long.*

Domestic state funders attract similar criticisms. For example, the Voluntary Action Network of India (VANI) notes that:

*Availing funds from government is a herculean task for civil society, as it involves procedural delays.*

Complaints about poor official donor practices are not new, but the fact that they are recurring suggests little progress has been made in addressing them. They also add weight to the critique that donors see CSOs as delivery mechanisms, to be contracted and monitored accordingly, rather than as equal partners: equals would be treated with more respect.

## STATE SUPPORT: FALLING AND NARROWING

Beyond these perennial criticisms, our past reports have documented how the economic crisis, which struck much of the world from 2008 onwards, caused profound political repercussions, prompted unilateral renegotiations of the state's social contract with citizens, and brought an enduring wave of civic action in response. It has also impacted on state support for civil society.

It is striking that in our annual survey of AGNA members, many of which have received domestic and foreign state funding, only in three contexts is the resourcing position for civil society felt to have improved in the last year. In most, it is assessed to have worsened. Even in cases where the resourcing situation is seen as having improved, there are concerns that this only applies to CSOs that are close to governments or qualify for funding streams wholly defined by governments and donors, issues that are returned to below.

For example, in the UK, national civil society bodies for both England and Scotland, the National Council for Voluntary Organisations (NCVO) and the Scottish Council for Voluntary Organisations (SCVO) assess that the funding position for civil society has worsened, due to cutbacks in state funding in response to economic

*CSOs criticise donors for: applying rigid, inappropriate policies that are not well-informed about realities on the ground; poor and late communication; unexpected reduction of funding and delays in payments.*



downturn, although those same cutbacks are simultaneously increasing social need and therefore public demand for CSO action. Cowan Coventry and Clare Moberly of INTRAC note that some governments particularly hit by the economic crisis, such as Ireland and Spain, have reduced their ODA, something of concern, since Ireland was known for giving a particularly high proportion of ODA to CSOs, and both have reduced their funding for CSOs.

It's possible that the impact of the economic crisis on civil society funding may pass, but Adam Pickering of CAF reports a more challenging scenario, in which ODA to two thirds of Sub-Saharan African (SSA) countries is expected to decline. This is not just problematic from the point of view of those countries' development prospects: as this report's Year in Review section indicates, many SSA governments are aggressively restricting change-seeking CSOs, suggesting that CSOs could be doubly squeezed.

It seems clear that a structural change is underway, in which official donors are targeting fewer countries. ODA seems to be focusing more on fragile countries, or countries experiencing humanitarian crisis, such as Syria. In 2013, Myanmar was the country that received the most ODA from DAC members, but its recent history means it has little institutionalised civil society, meaning that almost all aid went to its government. This would also be the case with Vietnam, which is in the top 10 countries for receipt of ODA but has little tolerance for independent civil society. Some of the current prioritisation of ODA therefore does not benefit civil society.

Many donors are withdrawing from countries that have achieved Middle Income Country (MIC) status, once per capita gross national income (GNI) passes a certain threshold.<sup>5</sup> For example, The West African Civil Society Institute (WACSI) reports that in Ghana, where most CSOs remain dependent on donor funding, less funding is going into civil society, following the World Bank classifying Ghana as a lower middle income country.

Jose Antonio Alonso, Jonathan Glennie and Andy Sumner, in their joint contribution, caution against donor withdrawal from countries, simply because they have passed what is an arbitrary average income threshold, which may say little about the reality in which citizens live; our previous reports have documented the economic inequality that is often experienced amidst high national economic growth. Chalida Tajaroensuk, of People's Empowerment in Thailand, for example, notes that CSO funding is declining because Thailand now has MIC status, but there is still much poverty, and a growing gap between rich and poor.

There is also evidence that tighter donor targeting has seen ODA to least developed countries (LDCs) decline in recent years. Suggestions are that this could stem from donor concerns about corruption and state capacity to spend money wisely.<sup>6</sup> This could, in theory, open up potential to support CSOs as alternate channels, and as a means of increasing accountability; similarly, as Vitalice Meja indicates, there is no reason in itself why a reduction of donor commitments in MICs should lessen funding to CSOs: donors could decide to withdraw major support to governments, but support CSOs as suitable recipients for smaller amounts of funding. Jose

*Many donors are withdrawing from countries that have achieved Middle Income Country (MIC) status, once per capita gross national income (GNI) passes a certain threshold.*

Antonio Alonso et al suggest that in MICs, an appropriate response for donors would be to support CSOs working on issues of inequality and the resulting social tensions:

*As the development problem gradually shifts from absolute lack of resources to their poor distribution, the advocacy and accountability roles of civil society, broadly understood, become even more important.*

There seems little evidence, however, that donors are thinking along such lines. Rather, they are narrowing their rosters of priority countries, and failing to take a nuanced approach that sees the possibilities of a range of funding possibilities and partners.

The implications for CSO of this narrowing of focus are already being seen, in a shrinking of CSO capacities in affected countries: Vitalice Meja observes SSA CSOs having to reduce staffing, with working in CSOs becoming more casual and less predictable. WACSI similarly suggests that the resourcing situation is worsening in West Africa, particularly for CSOs working on rights issues, imperilling the sustainability of many CSOs and resulting in cutbacks and staff attrition. Kepa Nicaragua reports that lack of resources, caused by the withdrawal of foreign donors, has seen many CSOs close, while others have reduced the scope of their work. In Serbia, Civic Initiatives sees declining funding from foreign donors impacting on CSOs' physical resources, which means increasing reliance on old technology. In the very different context of New Zealand, shrinking domestic state funding is causing staff wages to fall back relative to other spheres, with more roles becoming part time. In Scotland, SCVO reports that increased workload amid declining funding is driving people away from working in CSOs.

Looking at shrinking funding from a donor perspective, Darren Walker of the Ford Foundation poses the difficult question of whether donors are ducking the issue, unable to countenance cutting some CSOs adrift and focusing on supporting a smaller number, for which larger amounts could make a real difference; instead, donors may be drip-feeding CSOs just enough to keep going, without ever providing enough to achieve real change.

## HOW DOES THIS IMPACT ON CHANGE-SEEKING CIVIL SOCIETY?

Earlier, it was observed that change-seeking CSOs face greater restrictions on receiving funding than service-oriented CSOs. It also seems clear, from the inputs received, that it is harder in general to obtain resources for change-seeking activities than service-oriented activities.

*It also seems clear, from the inputs received, that it is harder in general to obtain resources for change-seeking activities than service-oriented activities.*

To offer one example, the Communication and Development Institute (ICD) reports this to be the case in Uruguay, from which ODA has largely been withdrawn. ICD suggests that current funding patterns are having the effect of freezing CSO roles, because each funding line only supports a particular role, with most funding available for service provision. What this overlooks is that, while a distinction between change-seeking and service-oriented CSO activity, as applied in this overview, is an analytically useful one, connections between these two strands have potential to bring mutual gains that are often lacking, while the trajectory many CSOs have taken in history has been to start in service-oriented work and then build on this to seek more profound change.

Adriano Campolina and Ben Phillips of ActionAid bring out the politics of the situation, suggesting that CSOs are being supported to do just enough to ameliorate poverty, and the worst excesses of inequality, but no more; they are not supported to help citizens develop their power to challenge existing power structures:

*It is about the politics of an ideal in which CSOs respond to the results of poverty, but not tackle the causes, and work to help the poor cope, but not to strengthen poor people's power.*

Rasigan Maharajh argues this is no mistake: development cooperation has always largely concerned itself with maintaining the fundamental arrangements of the political system; CSOs that seek change need to question whether, by working with donors, they are complicit in denying change:

*CSOs need to move from being part of the juggernaut, or mere gadflies on it, to becoming agents of deep change.*

It doesn't have to be this way, and some brave donors are opting to invest in change more. The Dutch government, which provides more of its ODA to civil society than any other DAC member,<sup>7</sup> recently announced its intent to target ODA towards lobbying and advocacy from 2016. We asked Cornelius Hacking, of the Dutch Ministry of Foreign Affairs, to explain the thinking behind this, how they intend to measure change, and how they feel about supporting potentially controversial work. His answer suggests an unusually tolerant and confident attitude towards criticism, and a willingness to experiment with understanding impact:

*We felt that, worldwide, there is no lack of funds for programmes in the area of service delivery, but a big shortage of funds when it comes to the more sensitive activities of lobbying and advocacy, or for building capacities that allow civil society to lobby and advocate.*

*Since the results of lobbying and advocacy will be difficult to measure concretely, we will have to rely on qualitative data, or information from change processes; it is a challenge when it comes, for instance, to financial reporting.*

*Development cooperation has always largely concerned itself with maintaining the fundamental arrangements of the political system; CSOs that seek change need to question whether, by working with donors, they are complicit in denying change.*

*We are very much aware of the risks of more support to lobbying and advocacy by local and national CSOs. From previous programmes, we know for instance that there were campaigns by Dutch CSOs targeting Dutch companies, articles critical of government support appearing in the Dutch press, and regularly questions asked in parliament about government support to CSOs critical of Dutch government policies or Dutch companies working abroad. We are currently talking with our embassies and other departments to prepare ourselves for these criticisms. But Minister Ploumen (Minister for Foreign Trade and Development Cooperation) has literally said that she likes being challenged, and she is indeed willing to ‘finance her own opposition’.*

It will be essential to track and document learning from the Dutch experience, in order to encourage more brave choices by donors.

## WHAT DRIVES THIS: DOMESTIC PRESSURE, PRIVATE INFLUENCE

As yet, the Dutch move is a rarity; many official donors are becoming more cautious. To understand why, we need to examine the domestic political contexts within which donors work. Contributions from Adriano Campolina and Ben Phillips of ActionAid, and from Jose Antonio Alonso et al, draw attention to the domestic political calculations that influence ODA decisions. In times when many global north governments are reducing public spending, foreign development funding can be hard to defend. The case for ODA is therefore likely to be made in narrow terms: that it helps combat extremism, benefits countries or regions in which the donor government has strategic foreign policy or trade interests, or delivers spin-offs at home. A recoupling of aid and trade agendas can be seen in the absorption of previously autonomous state aid departments into foreign affairs and trade ministries, as seen in Australia, Canada and New Zealand. The changes tell us that many donors are becoming more timid and conservative.

Fraser Reilly-King of the Canadian Council for International Cooperation and Brian Tomlinson of AidWatch Canada offer an example. Canadian ODA has been cut back since 2012, but is also being more closely attached to strategic interests. Canada’s 2013 Global Markets Action Plan established 20 key countries for the advancement of Canadian trade markets, and explicitly states that development programming will be leveraged to promote trade interests; the policy was expanded to 25 countries in 2014, on the basis of commercial opportunities rather than development need. Fraser Reilly-King and Brian Tomlinson locate this within a larger trend where the state is linking development closely to the private sector:

*A recoupling of aid and trade agendas can be seen in the absorption of previously autonomous state aid departments into foreign affairs and trade ministries, as seen in Australia, Canada and New Zealand.*

*Since the mid-2000s, the Canadian government has taken a number of measures to increase its engagement with the private sector, including through partnerships with Canadian mining companies and CSOs to deliver development programming in Latin America and Africa, and through support for innovative financing mechanisms that aim to incentivise private sector actors to develop solutions to development challenges.*

This is consistent with a broader trend, noted in our previous reports, in which governments and multilateral organisations, in part prompted by a strain on resources, are turning to the private sector as a co-funder, commonly under the rubric of public-private partnerships. The result is that large, private sector concerns enjoy high and opaque levels of access to and opportunities for influence over states and intergovernmental bodies, in turn reducing the potential for civil society access and oversight.<sup>8</sup>

Alan Fowler points out that this is not new: ODA policies always, to some extent, reflect the political climates of donor countries, which become exported in the form of conditions attached to funding: having restructured their economies around privatisation in the 1980s, global north governments, and the intergovernmental institutions they strongly influence, exported structural adjustment programmes to recipient countries; now, with northern governments seeking to shrink the state afresh and find market-driven, private sector means to deliver public goods, this ideology leaks into development policy, expressed in a greater emphasis on the role of trade and markets. Harmonisation between trade, diplomatic and development agendas sits uneasily, however, with the notion that CSOs are autonomous and may offer a source of critique, particularly when they challenge current governance arrangements.

The other implications of the new donor conservatism is a retreat into supporting safe options, such as service delivery and humanitarian response, rather than more controversial areas related to human rights; and to supporting project activities with clear and quantifiable deliverables, rather than activities with a higher risk of failure, or more programmatic, general support. These count against change-seeking CSOs.

It's important to be clear that there are many good people working in donor agencies who are sympathetic towards civil society and aware of problems outlined here, but lack the power to change things. Richard Holloway paints a picture of a system in which all are unhappy, in donors and CSOs: relationships are characterised by mutual mistrust, and an absence of gratitude. Each complain about the other, and all know that the bureaucracy is stifling and the relationship should be better, but no one is empowered to take the first steps towards doing resourcing differently.

*ODA policies always, to some extent, reflect the political climates of donor countries, which become exported in the form of conditions attached to funding.*

## THE HARMONISATION AGENDA

Cowan Coventry and Clare Moberly of INTRAC have documented a movement by official donors into pooling funding in multi-donor funds. Such funds can be valuable to civil society. For example, WACSI assesses that STAR-Ghana, a multi-donor grant-making body, is the single most significant funder for Ghanaian CSOs. While pooled funds can help civil society, in enabling funding to be more predictable and used more strategically by CSOs, the drivers of this trend need to be understood: as well as the international development effectiveness agenda, which encourages harmonisation of development approaches, donors are seeking to reduce transaction costs, and get more for their money: new donor conservatism is a motivation.

Collaboration between donors is not new, but any automatic assumption that collaboration always produces better outcomes should be challenged: not all collaborations add value, and funders may have to give up too much of what makes them unique in collaborating.<sup>9</sup> INTRAC suggests that pooled funds can be complex to manage, which can lead to larger donors taking the upper hand, when smaller donors lack capacity or see themselves as having less of a stake.

Pooled funds present some challenges for CSOs: their themes can be highly donor-determined, and unless they have a specific objective of nurturing a diversity of civil society forms, they may privilege larger, more established CSOs, which are best placed to navigate often complex application procedures. A high number of applications in very competitive processes also entails an opportunity cost, in wasted civil society time and energy for the many unsuccessful applicants, a challenge that Alan Fowler and Darren Walker both observe more generally with competitive bidding processes, which can drive division and wasted resources. INTRAC also questions the role that private sector, for-profit concerns play in managing some pooled funds: surely civil society should be playing such intermediary and brokerage roles?

## PROJECTISATION AND DONOR-DRIVEN CSOS

Adriano Campolina and Ben Phillips of ActionAid have observed some good practice in resourcing, in the form of strategic funding partnerships, which take a long term view of cooperation with CSOs but, consistent with the new donor conservatism, they see a recent move away from these, towards relationships where CSOs are funded to deliver donor projects, with troubling implications for CSOs accountability relationships:

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*The consequences of this shift to projectisation are in fact to lessen results (if by results we mean real, large scale, lasting change), lessen value for money, increase CSO bureaucracy, as grant management and funds acquisition become questions of survival, and reduce real accountability to communities, as organisations shift their accountability focus to donors.*

Other contributors share this concern with a return by donors to seeking quick, observable wins, through donor-defined, project-oriented funding, which leaves CSOs struggling to find the general, core support they need to sustain their operations. The Polish Federation on NGOs states, for example, that while most Polish CSO resources come from the European Union (EU), almost all funding is project-based, and there are doubts about the long-term impact this might achieve. Darren Walker of the Ford Foundation notes that even CSOs that receive substantial project funding still struggle to sustain core operations, because grant provisions for overheads are generally too low:

*An organisation that the Ford Foundation helped launch, more than four decades ago, called to advise they were at risk of shutting down. I was stunned, because it had some US\$2m in project-based funding in the bank. And yet, for all practical purposes, the organisation was broke, with substantial overhead and debt.*

Vitalice Meja from RoA Africa adds that, while donors often have high delivery expectations of CSOs, they provide little support for the core capacities required for effective delivery, such as staff, equipment and office costs. Partners-Jordan likewise observes a disparity between high expectations of impact and the relatively moderate levels of funding made available. The Samoa Umbrella for Non-Governmental Organisations adds weight to this, suggesting it is a constant challenge to access funds to complete capacity-building projects. This problem is enduring, and Richard Holloway indicates that donors are simply not helping to support CSOs to become more self-sufficient.

The project orientation of much funding combines with a renewed emphasis on ensuring value for money (VfM), again inspired partly by the development effectiveness agenda and partly by new donor conservatism, with donors seeking to reassure their publics that aid is not being used corruptly or wastefully. Darren Walker suggests that the instruments for judging progress from funding to CSOs are essentially those borrowed from the market, however inappropriately, drawing attention to:

*...the current attachment to - and almost a worship of - market-based solutions that ask organisations to measure progress as if they were for-profit concerns...*

*While donors often have high delivery expectations of CSOs, they provide little support for the core capacities required for effective delivery, such as staff, equipment and office costs.*

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## And speaking of how donors'

*...obsession with quantifiable impact, and frequently dogmatic adherence to discrete deliverables, undercuts the expansive purpose of CSOs, miniaturising them in their ambition... This system is rooted in transactional short termism - a tyranny of donors - that distorts and inhibits, rather than unleashes, the potential of civil society.*

Darren Walker further notes that concern with VfM is driving donors increasingly into contract-based relationships with CSOs, while ActionAid identifies the flaw in VfM approaches, in that they can only focus on short-term change: they cannot understand the major changes that come when civil society challenges and changes power imbalances, because it is hard to prove the impacts of activities that contribute to structural change over time, compared to discretely measurable pieces of delivery. Much of the work of change-seeking civil society is on-going, and cannot be captured by narrow metrics, which will miss the potential of CSOs as sources of innovation and creative solutions. Cowan Coventry and Clare Moberly of INTRAC identify that difficulties in assessing impact are driving some of the more open-ended pooled funds back into being more tightly defined. These challenges suggest a need for new instruments to measure civil society's contribution to change differently.

Part of the problem with a projectised approach to CSOs is the way that the behaviour of CSOs that receive funding is influenced. Richard Holloway points to the energy drain involved when CSOs must put time into compliance with bureaucracy and attempting to demonstrate that VfM is being achieved, which subtracts from energy that could be spent on delivering real value. More broadly, Avila Kilmurray and Barry Knight, of the Global Fund for Community Foundations, suggest that donors are incentivising the wrong kind of CSO behaviour; CSOs are rewarded for developing skills in proposal writing and donor reporting, rather than in serving their constituents:

*Many CSOs have become highly skilled proposal writers, budget jugglers and masters of development jargon, and compete with each other to serve the needs of external funders.*

CSOs may hop from subject to subject to secure funding, such that they never develop expertise, see groundwork come to fruition, or develop a domestic constituency to be accountable towards. For example, Partners-Jordan relates that most Jordanian CSOs are donor-driven, and they drop projects as donors change priorities. In Serbia, almost all CSO funding is framed around integration into the EU, raising the fear that CSOs are being shaped by donors solely around this project, and causing concern about what will happen once Serbia has joined. The Polish Federation of NGOs assesses that many CSOs are leaving it to donors to define priorities, and working on whatever issues have funding available. Ambika Satkunanathan suggests

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this happens even when donors explicitly try to avoid encouraging dependency: CSOs naturally adapt around donor priorities and the availability of funding.

ActionAid states that it has resolved to take a principled stance on funding, committing not to chase funding opportunities as they arise:

*We use the term ‘programme-led funding’ to describe an approach that seeks resources for work that our analysis and the communities we work with set out as key. We explicitly reject ‘funding-led programming’, in which CSOs start by looking at where the money is and offer to provide whatever projects that funders say they would like.*

However, ActionAid acknowledges, scarce resources and high competition mean there will always be CSOs that are prepared to try to work on whatever terms donors set. When CSOs chase donor funds, they risk raising suspicion that they are established purely to claim whatever funding is available, which does nothing to build public trust in CSOs and can, Vitalice Meja notes, fuel government claims that CSOs are contracted foreign agents.

## A CONTRACTED CIVIL SOCIETY?

Some current movement, from grants to contracts, is consistent with the suspicion that donors fund CSOs as delivery mechanisms, rather than because they see the value of civil society and want to strengthen it.

In the UK, NCVO and SCVO both state that government grants are falling as a proportion of CSO funding, while contracts are rising, a shift that may now also be underway in Norway. An anonymous interviewee in New Zealand reports that the government has moved away from providing funding for work where communities define their needs, and into contracts to deliver central government programmes, while exerting pressure on local government bodies to do the same. The donor in this scenario becomes a shopper for the cheapest means of delivery, indifferent about whether it contracts a CSO or a business, although businesses may be preferred because they are less likely to raise difficult questions.

VANI makes the point that the contracted approach calls into question the autonomy and identity of civil society:

*Many believe that neoliberal economics in the globalisation era has turned CSOs into contractors, bidding for contract-based service provisions. In a situation where bidding over contracts for services becomes a matter of course, it is difficult to distinguish between the non-profit and for-profit sector.*

*When CSOs chase donor funds, they risk raising suspicion that they are established purely to claim whatever funding is available, which does nothing to build public trust in CSOs.*

The concern is that, by seeking the short-term funding on offer, as longer-term, more programmatic funding subsides, CSOs are letting donors, rather than their constituents, set the agenda, as Vitalice Meja suggests:

*CSOs contracted by government departments and donor agencies have little or no input in the outputs and expected outcomes.*

Darren Walker also describes a culture in which:

*...civil society leaders too rarely have a voice in setting their own priorities, or even articulating the problem they aspire to solve. Little wonder that funders too often view themselves as patrons rather than partners.*

As several contributors make clear, the problem that arises is that a contracted civil society, which ticks the boxes of donor compliance and follows available funding, is accountable in the wrong direction, vertically, to donors, rather than horizontally, to citizens, who should be the ultimate judges of whether a CSO is making a difference. As Avila Kilmurray and Barry Knight describe it:

*The impact of international funding has created lines of accountability that drive upwards and outwards. The result is hefty reports landing on desks in London or Washington, far from the people that development is meant to serve.*

## DOMESTIC STATE DEPENDENCY: AN ALTERNATIVE TO ODA?

With ODA target countries narrowing, domestic state aid may seem a plausible alternative. A frequently seen consequence, when foreign donors withdraw, is for CSO dependency to transfer to reliance on domestic state support. According to ICD, this has happened across Latin America, with domestic state support now the predominant form of CSO resourcing in Chile and Uruguay: over 60% of Uruguayan CSO funding comes from the state.

Domestic state funding brings its own challenges. In some contexts, it is simply not available, as Vitalice Meja observes in many African countries:

*The problem that arises is that a contracted civil society, which ticks the boxes of donor compliance and follows available funding, is accountable in the wrong direction, vertically, to donors, rather than horizontally, to citizens.*

*CSOs in most African countries do not receive government funding. Governments do not provide subsidies to CSOs even when they have managed to achieve statutory status... there is no legal, policy and institutional framework for financially supporting the initiatives of CSOs.*

Even where domestic state support is available, decision-making processes are often assessed to be lacking in transparency, as Civic Initiatives notes is the case in Serbia, while the Third Sector Foundation of Turkey (TUSEV) states that:

*Government support to CSOs remains insufficient, unpredictable and not provided in a transparent, accountable, fair and non-discriminatory manner.*

A further risk with domestic state funding, as Zohra Moosa of Mama Cash and Caitlin Stanton of Urgent Action Fund relate, is that CSOs become seen as co-opted by governments, while governments are likely to favour CSOs that do not advance controversial positions. VANI notes that in India, where foreign funding for CSOs has fallen, change-seeking CSOs are less likely to receive state funding than service-oriented CSOs. This can only reinforce divisions in civil society noted above.

Adam Pickering of CAF provides a summary of issues that arise in the domestic state funding of CSOs:

*An increased reliance on the state for funds places much power in the hands of governments. Governments inevitably fund CSOs that deliver against their specific agendas, and as such, the CSO community in a nation where much of the funding comes from the state can be distorted, to the point where the public perceives the independence of CSOs to have been compromised. Some governments are openly using the threat of losing funding as a way of silencing criticism of government policy, which has a chilling effect on the advocacy activities of CSOs.*

In contested contexts, state funding will always be political. UNITAS in Bolivia reports favouritism similar to that identified by TUSEV: in a politically polarised context, the only available public funds are managed in accordance with the aims of the ruling party, a situation made worse for CSOs by the loss of international funding. Similarly, Kepa Nicaragua states that the government only supports CSOs that ally with its political views. In such contexts, to accept state funds is also to risk losing the trust of key sections of the public.

Returning to Turkey, Hakan Ataman, of Helsinki Citizens Assembly, suggests that the government is setting up its own pseudo-CSOs (otherwise known as GONGOs) to benefit from public funding, including EU funding, which prevents independent CSOs from accessing these funds. He adds that cosmetic domestic political

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reforms have caused external donors to reduce their support for change-seeking CSOs, which means that these CSOs are now facing serious limitations.

In short, in repressive contexts, domestic state support simply cannot be a viable option for change-seeking CSOs.

## A SHIFT TO THE SOUTH?

In another trend, countries that previously were only the recipients of ODA are also becoming donors. This could suggest new opportunities for CSOs in the global south to access official funding from global south sources.

However, as documented in our previous reports, and in the contribution from Matshediso Moilwa and Neissan Besharati of the South African Institute of International Affairs (SAIIA), growing global south economies, such as the BRICS group of countries (Brazil, Russia, India, China and South Africa), tend to favour state-centric approaches to development. Many of the largest global south economies, having followed heavily statist paths to economic development, seek to apply this template elsewhere. China in particular also seems to be tightly combining ODA, trade and the development of commercial opportunity.<sup>10</sup> Further, several emerging donors, notably China and Russia, are among the worst offenders for restricting civil society at home, and are highly unlikely to support civil society in other countries. As Matshediso Moilwa and Neissan Besharati put it:

*Despite their increasing international development clout, the reluctance of the BRICS club to acknowledge the significance of civil society is a reflection of wider difficulties in civil society-state engagement in BRICS countries.*

Meanwhile, the Indian and South African governments have recently struck negative stances towards human rights, as expressed in regressive voting records at the UN Human Rights Council.<sup>11</sup>

Instead, we are seeing a return to an old-fashioned model of support to large-scale national infrastructure and economic development projects, which do not generally give scope for civil society involvement, and indeed, can bring governments and CSOs into conflict, when infrastructure projects impact on the human rights and environmental conditions of affected populations. As Matshediso Moilwa and Neissan Besharati assess:

*The scope of the large infrastructure projects and other development initiatives that are a significant part of BRICS-led development cooperation can be expected to have significant implications in developing countries, on contested issues such as the exploitation of natural resources, land grabs and land displacement, labour practices, environmental concerns, agriculture and food security, to name a few.*

*In another trend, countries that previously were only the recipients of ODA are also becoming donors. This could suggest new opportunities for CSOs in the global south to access official funding from global south sources.*

CSOs do not get access to BRICS meetings, and the withdrawal of foreign donor funding from BRICS members has left change-seeking CSOs in those countries with limited capacity to hold their governments to account, at precisely the moment when they need to increase national accountability pressure and internationalise their work, given the growing role of their governments.<sup>12</sup> While a BRICS development bank – the New Development Bank – was established in 2014, many in civil society are concerned that it will continue the trends of state-centric development and exclusion of civil society, repeating the top-down mistakes of other development banks.<sup>13</sup>

A further outcome of the tilt towards global south ODA is that the potential influence of northern donors over recipients of funding is diminishing. While this may seem a reasonable global rebalancing, many northern donors tend to attach conditions on the protection of human rights and space for civil society to their funding to governments, and although at times this commitment has been undercut by changing funding fashions and promotion of market forces, conditionalities have given civil society levers to defend civic space; state-to-state funding from China or Russia seeks no such concessions. In Alan Fowler’s estimation, these global shifts are also reducing the ability of international CSOs (ICSOs) to protect their southern partners from attack.

However, amid the narrowing of ODA focus countries noted earlier, we should be careful not to miss another shift, noted by INTRAC, in the proportion of ODA going to CSOs in the global south, compared to CSOs in the global north. According to INTRAC, until quite recently, five times more ODA from DAC members went to CSOs in the donor country than to those in the global south, but this has now fallen to twice as much. Clearly the situation is still unequal, and indicative of a disproportionate concentration of civil society power in the global north,<sup>14</sup> but this trend is a positive one, demanding further tracking. At the same time, it challenges global north CSOs concerned with development to redefine their role, while suggesting a potential new role for intermediary CSOs in the global south.

## WHAT THIS MEANS FOR LARGE AND SMALL CSOS

Related to this is the question of how donor funding affects the balance of civil society between large and small CSOs. Civil society needs to be understood as a diverse terrain in which small and large organisations, and less formal groupings and movements, work at different levels to pursue a range of aims and interests. Because these compete, and because complexity brings costs, civil society is often urged by donors to harmonise and speak with a common voice. Some powerful impacts have been achieved by civil society coalitions, in which different strengths are combined towards a common purpose. But at the same time, the diversity of civil

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society should be seen as one of its prize assets, as from diversity comes the creativity and fresh thinking that we associate with civil society.

It should therefore be a worry that often the situation is one of large CSOs beating small CSOs in the competition for resources. This has recently been observed in Jordan, where a sharp rise in refugees from neighbouring Syria has generated an international civil society response that may leave domestic civil society marginalised, as Partners-Jordan reports:

*Local CSOs have to compete with international CSOs who started to work in Jordan to serve refugees, and due to the high calibre of these international organisations, their profile was stronger than local organisations, which resulted in high and unfair competition.*

ICSOs enjoy considerable advantages. OECD figures show that the private funding of CSOs in DAC member countries has increased in recent years, while analysis of seven leading ICSOs shows an average annual income growth rate of 7%. Most of this income comes from the global north, and ICSOs are spending increasing amounts on fundraising to enable their continued growth.<sup>15</sup> Alan Fowler suggests many ICSOs are simply unable to change their behaviour, because they are tied to a mind-set where the sign of a healthy ICSO is increased growth, and success in fundraising is understood as an indicator of wider success. Similarly, while non-state funding, discussed further below, comes from a wide range of sources, larger CSOs are best placed to benefit from private giving: a handful of ICSOs, almost all in the global north, use their visibility and brand to attract most giving from members of the public.

Many contributors, including Avila Kilmurray and Barry Knight, note the tendency of ODA to uphold existing civil society power hierarchies, while Vitalice Meja suggests that donors simply do not comprehend the diversity of CSOs, or reflect this in their funding decisions. Cowan Coventry and Clare Moberly of INTRAC assert that encouraging a diversity of civil society is not something that will happen by accident; it needs to be designed into funding approaches. Both Alan Fowler and Ambika Satkunanathan assess that trends noted above, of encouraging VfM and development effectiveness, lead donors to gravitate towards larger CSOs, because of their ability to demonstrate professionalisation and capacity to plan, deliver and monitor; more cynically, this could be seen as funding going towards CSOs that are best placed to regurgitate the latest jargon, prepare plausible log-frames and be visible in high-level development forums. Further, Avila Kilmurray and Barry Knight suggest there is a growing tendency to see development problems as huge and intractable, which translates into an assumption that big problems need large-scale solutions that can only be delivered by major organisations. Ambika Satkunanathan notes that donors may also be concerned about the ability of small CSOs to manage large amounts of money.

*Larger CSOs are best placed to benefit from private giving: a handful of ICSOs, almost all in the global north, use their visibility and brand to attract most giving from members of the public.*

As both Vitalice Meja and Ambika Satkunanathan suggest, donor faith in large CSOs can result in a bias against CSOs that have not previously received funding, which may be seen as unknown quantities and riskier choices. This can also mean that small and new organisations have to clear a series of compliance hurdles to build donor reassurance, which they may lack the capacity or knowledge to navigate, compared to larger CSOs that have capacity and prior knowledge of donor procedures; an established track record positions a previously funded, large CSO as a safe bet in uncertain times, as Ambika Satkunanathan states:

*Scarce resources means donors would rather support a known organisation with a track record, instead of undertaking time-consuming due diligence exercises to vet a new organisation, and one that potentially also requires additional institutional support to apply for, and implement, projects.*

In Malawi, for example, the Centre for Human Rights and Rehabilitation (CHRR) has observed the growth of funding going to consortiums of CSOs, rather than single CSOs, but notes that small CSOs struggle to join these. Alan Fowler also suggests that larger CSOs are better able to ride the delays in releasing funds that are a frequent occurrence with donor bureaucracies, because they tend to have more than one secure funding source and reserves to fall back on.

The problem, if funds go mostly to larger CSOs, is that it will freeze existing power imbalances, locking in the privileged access to resources of larger CSOs. Innovation and the birth of new organisational forms to address emerging problems will be missed. As Avila Kilmurray and Barry Knight fear, a professionalised civil society class could sustain itself by surfing from one project funding round to the next:

*A particularly damning complaint is the tendency for one development project to breed another, in an endless chain of self-serving job creation projects for development sector elites.*

The logical response to this unequal playing field might seem support for capacity building. Smaller CSOs, and CSOs in the poorest countries, often face profound capacity challenges, and lack organisational and technical skills. WACSI reports this to be the situation with many West African CSOs, with this lack of capacity limiting their ability to reduce dependency on project funding. But across West Africa, capacity building that donors support is only an add on to project support, and is insufficient for institutional development. Similarly, Cowan Coventry and Clare Moberly of INTRAC observe that the capacity building support donors provide often has a narrow focus, on developing capacity in organisational systems and following procedures, which essentially builds skills for compliance with donor processes, rather than develops capacity to reduce donor dependency, which needs more thought:

*The problem, if funds go mostly to larger CSOs, is that it will freeze existing power imbalances, locking in the privileged access to resources of larger CSOs.*

*There are other aspects of capacity that may be equally, if not more, important in building effective CSOs, such as leadership, passion, integrity and the ability to connect genuinely with and support the voice of communities. There is often little space in civil society funds for thinking more innovatively about the content of capacity development.*

INTRAC also notes that, when donors provide support for more nascent civil society groups to develop - something donors have been struggling to get to grips with as new civil society forms arise<sup>16</sup> - it is usually in expectation that they will turn into something that resembles an established, professionalised CSO model, even though this may not be the most suitable vehicle:

*Outreach activities are designed to reach more emerging expressions of civil society, but the type of support offered leads them into a process of formalisation, and then supports them on a trajectory of becoming 'an organisation'.*

Part of the response to donor perceptions of smaller CSOs as lacking capacity, suggest Avila Kilmurray and Barry Knight, is to take on and challenge notions of what constitutes capacity:

*Donors tend to see small CSOs as lacking capacity. But that is often because their donors control them and frame capacity in their own terms.*

Zoora Moosa and Caitlin Stanton suggest an alternative in the concept of resilience, which goes beyond narrow notions of capacity:

*Increased resilience in civil society strengthens its capacity both to persevere in the face of backlash and threats, and to leverage new opportunities. When resilience is strong, movements are able to persist, even in the face of tremendous backlash. Within unstable, constantly shifting contexts, adaptive capacities help organisations not only to weather threats, but also to seize windows of political opportunity.*

The most resilient CSOs, to adopt this terminology, may be those that have access to deep community support networks, which enable access to a range of resources, including non-financial resources, even though they may be seen by donors as having weak material capacity.

While our contributors tended to look at CSOs as recipients of funding, there is of course also a need to see them as contributors of funding. Chloe Stirk and Sarah Hénon of Development Initiatives assess that the largest

*When donors provide support for more nascent civil society groups to develop it is usually in expectation that they will turn into something that resembles an established, professionalised CSO model, even though this may not be the most suitable vehicle.*



proportion of private development assistance (PDA) comes from CSOs, making them more significant in development resourcing than private foundations or the private sector.<sup>17</sup> Some of this funding passes to other CSOs: larger CSOs, as funders of civil society, sit in a complex resourcing chain, where funding relationships often overlap with other relationships, of implementation, support and representation. However, data about how large CSOs resource change-seeking activities, and what proportion of their resourcing goes to and through smaller CSOs, is hard to access, and needs to be made more readily available.

From the perspective of smaller CSOs, large CSOs, when they disburse resources within civil society, may be hard to distinguish from an official donor, if they take on the worst characteristics of donors, such as being top-down, interventionist and concerned with narrow targeting and reporting. Larger CSOs need to see themselves as key links in a resourcing chain, and to model best practice. Partnership principles recently developed by CIVICUS and the International Civil Society Centre, which call for clarity around key principles, of vision, values, expectations, respect, strategy, responsibilities, accountability, flexibility and communication, provide some valuable guidance here.<sup>18</sup>

## NORTH TO SOUTH CSO MIGRATION

The question of where ICSOs should sit in a resourcing chain that at least partly channels ODA from global north to global south is given renewed relevance by a trend of large ICSOs relocating or devolving to the global south. While strong justifications can be offered for this southern shift, in terms of moving closer to the challenges on the ground, Alan Fowler notes that such moves raise suspicion that they come in response to the movement of ODA towards global south CSOs noted above, and an impulse to follow the money. Concerns arise about the impact of southern-shifting ICSOs on the ecology of global south civil society, not least because ICSOs tend to use smaller, global south CSOs as recruitment pools. Alan Fowler observes that, despite years of rhetoric about changing relationships, global civil society remains characterised by inequality, between large ICSOs and the rest; intentions have been well-meaning, but partnerships have not transferred power:

*Despite earnest intentions, the notion of ‘partnership’ as mutuality and solidarity, with a gradual shift in the weight of action, control and resources from northern to southern entities, has simply not happened at a meaningful scale.*

The key test for assessing whether decentralisation by large ICSOs is meaningful will be whether decision-making power moves closer to the ground in reality.<sup>19</sup> Relocation gives ICSOs opportunities to hold onto their advantages, and Alan Fowler suspects that resource asymmetries will remain, such that it is time to think of

*From the perspective of smaller CSOs, large CSOs, when they disburse resources within civil society, may be hard to distinguish from an official donor.*

new ways of building respectful, enduring and non-hierarchical relationships between ICSOs and global south CSOs. Some donors have intervened to try to build stronger relationships between northern and southern CSOs, by insisting on joint partnership applications, but Alan Fowler notes that northern partners generally initiate and lead these, leaving southern CSOs playing a minor role:

*More often their role is that of a sub-contractor, which works against them learning bidding skills, budgeting know how and an acquisition track record.*

Jose Antonio Alonso et al note that, as global south countries achieve MIC status, a challenge can arise for ICSOs: the classic service delivery work undertaken by many ICSOs may no longer become necessary. Since ICSOs tend to be successful at generating private giving on the basis of appeals based around the need to deliver essential services, this presents new challenges: ICSOs might reasonably transition to work on new problems resulting from economic growth, but such work is harder to market for private giving. Further, ICSOs' advocacy activity tends to be justified as being rooted in and informed by their ground level work; if that work falls away, ICSOs will need to justify advocacy activity in new terms, such as by demonstrating strong partnerships with global south CSOs, to enable them to understand needs on the ground. This may provide new opportunities for partnership for global south CSOs, and is a trend worth tracking.

## RECOMMENDATIONS FOR OFFICIAL DONORS

From the above analysis, an intriguing contradiction appears to emerge: civil society seems to be asking donors simultaneously to move into strategic, long-term funding approaches that are predictable and can achieve impact - which will privilege large, established CSOs - while asking donors to make funds easier to access across a wider diversity of civil society for a broader range of actions. This suggests that two different principles exist in tension: predictability and risk. Both of these are clearly important principles for donors to consider, and be asked questions about. The solution surely lies in ensuring that there is a diversity of funding sources available for different civil society forms and actions at different levels and over different time periods, with different levels of risk. Individual CSOs should also be able to access resources from a diversity of sources to develop their resilience. To fund diversity implies that donors need to be braver and reassess their tolerance of risk. It also implies that they should devolve decision-making about resources as close to the ground as feasible.

But support for diversity should not foster fragmentation: an emphasis should be on building solidarity between different civil society forms, to defend and realise civil society freedoms, and expand civil society

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space. This can only be achieved when some donors opt to support the core funding of CSOs, particularly change-seeking CSOs in the global south that struggle to sustain themselves on other sources of funding.

Donors need to acknowledge that funding issues go beyond technical questions of efficiency and effectiveness: all funding decisions and transactions have politics embedded in them. Donors should be honest about the politics of funding, treat civil society with respect, and take pains to ensure the autonomy of CSOs. Donors should accept that one of the roles of civil society is to ask difficult questions and challenge power, and ask themselves if they are enabling this role.

## KEY STEPS OFFICIAL DONORS COULD TAKE IN THE LIGHT OF THIS ANALYSIS INCLUDE:

- Improve coordination, but do not harmonise funding streams, between different donors; offer complementary, rather than pooled approaches. Ideally donors would specialise in different funding methods, such that some provide long term, predictable and strategic support to CSOs, while others provide smaller forms of rapid response and emergency funding, with varying levels of experimentation and risk. This would enable a greater range of civil society to be supported, and enable CSOs to access from more than one funding source.
- As part of this, support linkages and experience sharing between established and emerging donor agencies.
- Recalibrate attitudes to risk, and be brave enough to invest in new organisations and ideas. Accept that investing in potential can be as worthwhile as investing in an organisation that is guaranteed to produce quantifiable results.
- Signal that civil society has intrinsic as well as instrumental value. As part of this, develop, embed and monitor indicators in whether the health, ecology and resilience of civil society as a whole is being sustained and strengthened through donor support.
- Provide more core and institutional support to change-seeking, global south CSOs, including for organisational and leadership development, coalition building and advocacy and accountability capacity, and allow more flexibility in the use and reallocation of resources by civil society.
- Respect the autonomy of CSOs: rather than contracting CSOs to fulfil donor priorities, make more open funding calls, and provide space for civil society, in diverse forms, to help define donors' agendas and priorities, and participate in monitoring and accountability over funding decisions and impact.
- Devolve elements of grant-making functions as much as possible, to be close to the intended recipients of grant-making, in order to better understand local needs and priorities. Where possible, work with CSOs that have strong knowledge of particular contexts or issues as intermediaries and managers of funds.

*Donors need to acknowledge that funding issues go beyond technical questions of efficiency and effectiveness: all funding decisions and transactions have politics embedded in them.*

- Acknowledge that restrictions on the receipt of funding reduce the effectiveness and efficiency of donor support, and support civil society action, and international and national advocacy, to uphold the right of all CSOs to receive funding from all sources.
- Support the development of skills and capacities that enable CSOs to diversify their resourcing.
- Support and adhere to established principles of development cooperation, as agreed in international forums on aid and development.
- Embed the principles embodied in these recommendations in the implementation of the Sustainable Development Goals (SDGs) and the future financing for development agenda.

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# WHAT ARE THE ALTERNATIVES TO STATE FUNDING?

There are few examples of civil society groups rejecting potential donor funding, but Elizabeth Mpofu and Ndabezinhle Nyoni of La Via Campesina, the landless people's movement, relate how they have built their reputation, as a respected and autonomous global civil society movement, while refusing to make compromises with funders: they make alliances on their terms, and in ways that advance their agendas, refusing to take funding from governments that promote neoliberalism. Being choosy about funding only seems to have helped them. Similarly, Greenpeace International does not accept funding from governments, political parties or companies, and have made this part of their brand. Clearly, these are decisions that are easier to take for large ICSOs, when they have a large base of donations from members of the public, which can be used without restriction, but they are still brave decisions that some other large CSOs are not taking. When they refuse to seek or accept some kinds of funding, CSOs implicitly acknowledge the politics that lie at the heart of funding, and the compromises that may be involved in accepting resources.

The main reason that CSOs are seeking to cast the funding net wider is, of course, the increasing uncertainty about funding from state sources. Official donors, particularly when they are phasing out funding, are in turn urging CSOs to diversify. This is not new: it is customary for reports on civil society resourcing to call on CSOs to diversify their funding, and this call gets louder when state funding is tighter. In Finland, for example, Kepa observes a recent growth in discourse that CSOs should become less dependent on public money and more actively seek to be self-financing. Intriguingly, in Ghana, WACSI notes that debate that civil society should become self-financing comes not from external donors or CSOs, but from the state and private sector, suggesting the need to understand the politics behind the advice.

But for some CSOs, this is still new territory. Richard Holloway suggests that CSOs that became dependent on and expectant of ODA have failed to consider potential domestic sources of support, including encouraging giving from domestic citizens, developing their own commercial revenue streams and seeking funding from domestic businesses.

This is not to downplay recent steps that have been taken. Inputs to this report reveal numerous examples of CSOs responding to declining state support by pursuing new funding: in Bangladesh, CSOs are branching into consultancy; in Finland, CSOs are making greater fundraising use of social media, and seeking in-kind support; CSOs in Ghana are charging fees for services and use of facilities, and running income-generating schemes, while attempts are underway to establish relationships with high net worth individuals and companies, develop endowment funding and connect with potential sources of in-kind support; in both Nicaragua and Norway, CSOs are selling services to other CSOs; in the Philippines, there are attempts to generate service fees, and develop individual supporter bases, including with Filipino diasporas; and CSOs in Scotland are in the early stages of exploring crowdfunding and other digital fundraising methods, as well as shared back-office services. In Argentina, perhaps because CSOs have had more time to get used to donor withdrawal, RACI notes a high level of diversification, including the growth of individual giving into a wider range of subjects, the use of online payment systems and crowdfunding platforms, and the sale of products and services. In Turkey, Hakan Ataman believes domestic CSOs lack the staff, resources and visibility to carry out face-to-face fundraising, but observes some recent use of mobile phone technology to fundraise.

Most respondents however assess such initiatives to be in the early stages; it remains to be seen what difference they make to the funding situation of CSOs. WACSI, for example, notes that their diversification attempts currently provide only a very small part of their budget, while Kepa Nicaragua makes the broader point that it comes as a major transition, in contexts where donor support used to be routine but is now rare, to go from having an assured budget to one that must be stitched together from many different and variable sources.

In some contexts, seen in responses from Kyrgyzstan, Samoa and the Solomon Islands, minimal attempts to seek funding beyond the state are currently observed, perhaps pointing to the limited institutional development of civil society in those contexts, and paucity of other funding possibilities. For example, Development Services Exchange in the Solomon Islands notes:

*The country's socio-economic circumstances are such that room for new strategies is rather limited, and efforts to date with improving resourcing have been of little success.*

*The main reason that CSOs are seeking to cast the funding net wider is, of course, the increasing uncertainty about funding from state sources.*

# GIVING AND PHILANTHROPY

The key alternative source of funding identified by our contributors is philanthropy, both domestic and international. Interest in philanthropy is growing, partly because the quantum of philanthropy appears to be increasing, and also because new kinds of philanthropists, including from the global south, are trying new methods of giving.<sup>20</sup>

The range and scope of philanthropy - which can include individual giving from members of the public, and from very wealthy people, philanthropy formalised into institutions, large and small and, discussed in a separate section, corporate philanthropy - is vast, and that range makes it hard to understand what the financial contribution of giving and philanthropy might amount to. But Development Initiatives estimates that private development assistance (PDA) is equal to about a third of ODA from DAC members, and makes up a quarter of all humanitarian funding. Over the past two decades, Helena Monteiro of WINGS believes philanthropy has become a larger proportion of the overall funding for development and, partly enabled by new technology, there has been an increase in philanthropy across borders.

Part of the value of private giving, as opposed to state funding, is that while state funding is usually designated for specific purposes, giving from individuals tends to be available to use as a CSO sees fit. Médecins Sans Frontières (MSF), for example, was able to mount an effective response to the 2014/2015 Ebola crisis in part because it gets over 80% of its funding from individual donations, giving it flexibility over how it deploys resources. Private giving is potentially more nimble, responsive and tolerant of risk than official funding.

CSOs that have traditionally relied on state support can however struggle to get to grips with giving. Richard Holloway notes that CSOs may not find it easy to reorient their language:

*For an organisation that has become used to writing proposals to foreign donors, and that is used to donor language, the idea of explaining to the public of their country who they are, what they do, and what help they need is intimidating.*

Kepa Nicaragua likewise states that CSOs are not used to having to market themselves, in a context where donor funding was once routine but has now faded. In Ghana, WACSI acknowledges that CSOs need to become

better at connecting with the public, making improved use of social media and demonstrating their relevance to key topical issues, in order to seek more support from individuals.

Richard Holloway adds that it takes time and effort to build reputation with domestic publics. Trust and reputation can also be fragile. M May Seitanidi points to worrying evidence that overall public trust in CSOs, which is normally high, seems to have declined, alongside declining trust in government and the private sector, while Ambika Satkunanathan makes the point that it may be hardest to develop public trust in CSOs in highly repressive contexts, because sustained government demonisation influences public attitudes. TUSEV suggests that a broader lack of social trust is being expressed partly in distrust of CSOs in Turkey, which limits giving, but can only be addressed in the long term. The Caucus of Development NGO Networks (CODE-NGO) offers an example of public trust in civil society in the Philippines recently having been shaken by a high profile corruption scandal involving politicians and fake CSOs, which also led to officials tightening access to funding even for legitimate CSOs. It will take time to rebuild that trust.

## PRIVATE GIVING AND PHILANTHROPY

More positively, overall private giving remains relatively robust. Adam Pickering of CAF notes that, while a slight decline in individual giving corresponded with the economic downturn, giving is on the rise in growing economies of the global south. The robustness of private giving is suggested in part by the weak connection CAF finds between wealth and generosity: some countries where people give proportionately the most are the world's poorest, suggesting that even in poor countries there is potential for CSOs to develop domestic giving. Of course, considerable volatility in the allocation of giving between individual CSOs and causes will lurk beneath the headline figures: Development Initiatives assesses that giving from members of the public tends to have low predictability. To help predict giving decisions better, and changes in these, we need, CAF suggests, to understand better the motivations behind people's giving decisions.

Much giving is local in outlook, informed by local values and cultures, and may be informal. Philanthropy in each of the BRICS countries, for example, seems to be evolving along quite distinct lines;<sup>21</sup> in the Middle East and North Africa (MENA), Naila Farouky of the Arab Foundations Forum (AFF) notes that philanthropic institutions are quite distinct from those in other regions. Even the terminology differs from one place to another: in African contexts, many philanthropists prefer to talk in terms of giving, charity or Ubuntu, rather than philanthropy.<sup>22</sup> This rootedness and diversity suggests resilience, but adds complexity. Local knowledge is needed to understand variations, and external actors will need to spend time in understanding local philanthropic landscapes and developing partnerships.

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In trying to understand giving, there is also a need to examine what causes giving is flowing to. There will always be some causes for which it is easier to find resources than others, and they are not necessarily change-seeking causes. Ambika Satkunanathan suggests that most giving is for small scale, often religious, causes, and oriented towards charitable amelioration of problems. Similarly, Amitabh Behar and Pradeep Patra of the National Foundation for India (NFI) note that domestic giving is expanding as India's middle class grows, but this growth is mostly along religiously charitable lines, rather than benefiting change-seeking CSOs. VANI suggests that considerable public education is needed to encourage people to give to CSOs.

Similarly, while many have high hopes, in a globalised world, of the power of giving by diasporas to benefit civil society initiatives, as Alan Fowler and Ambika Satkunanathan note, diasporic giving tends to be ad hoc, cautious and narrow in its focus, with only a small part going towards broader needs. Ambika Satkunanathan sees that:

*In the conflict-affected north and east of Sri Lanka, it is not uncommon to find the diaspora funding ad hoc charity projects that do not really respond to the needs of the population, but rather fall within the comfort zone of those donating.*

However, as Naila Farouky of AFF indicates, philanthropy is never static: in MENA, the people's uprisings that have characterised the region since 2011 have challenged existing philanthropic practices, and the question now is how to accommodate change while retaining the best of the region's established philanthropic traditions. More broadly, much of the renewed interest in philanthropy is because of economic and demographic change: there is excitement about the potential of the global south's growing middle class, which could offer new resourcing opportunities for global south CSOs. Adam Pickering of CAF sees young people in the global south as being more inclined to give than their counterparts in the global north, suggesting potential to recruit a new generation into civil society. CAF also suggests that the involvement of a new class and generation of global south citizens in giving could change the way that accountability is exercised, by encouraging more horizontal accountability. As Chloe Stirk and Sarah Hénon of Development Initiatives see it, the opening up of global south philanthropy offers potentially a greater diversity of who is giving, what funding channels are available and where funding is going, potentially offering a rebalancing of power towards the global south. Given changes in ODA, CAF suggests that philanthropy has potential to grow to cover the funding gap, but the problem is that restrictions on civil society, and a lack of policies to enable philanthropy, are preventing this potential from being realised.

For example, in MENA, Naila Farouky notes there is a lack of a legal enabling environment to encourage philanthropy, while the exclusion of young people from political decision-making in many countries will make young people less inclined to give for public good. In Bolivia, UNITAS states that attempts by CSOs to

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diversify funding are sometimes stymied by tax and regulation requirements, while in Turkey, TUSEV assesses that bureaucratic rules make it hard for CSOs to seek donations, tax legislation does not incentivise giving, and decisions about which CSOs qualify for tax exempt status are opaque and political. Similarly, Kepa Nicaragua reports that the government is introducing a law to levy a 30% tax on donations to CSOs, except those that cooperate with the government; more broadly, CAF sees that some governments only provide incentives to promote giving to actions that fit government agendas. Even in global north contexts with long histories of giving to CSOs, the tax environment may not be enabling: in the UK, NCVO reports that tax rules remain unfavourable for many CSOs, while in Finland, Kepa notes that changes in the gambling law could affect CSOs, as funds from this source currently benefit them.

And yet the overwhelming evidence is that legal measures to encourage giving work: CAF finds that, in countries that have tax incentives to encourage giving, more giving goes to civil society. The 2015 *Rules to Give By study*, which attempts to overcome the lack of international information about the legal framework for philanthropy, finds that, globally, incentives for philanthropy, both individual and corporate, are now the norm rather than the exception, and work in countries at all economic levels.<sup>23</sup> For example, in Poland, citizens can designate 1% of their income to any CSO that has ‘public benefit’ status. In the Philippines, CSOs are attempting to get a similar law off the ground, to enable tax-payers to choose a CSO to receive a percentage of their income tax payments. In the UK, payroll giving, in which a regular amount of income is deducted to go to CSOs, has offered a long-running resourcing stream to civil society.<sup>24</sup> The value of these measures is that they suggest areas where some potentially uncontroversial gains could be sought, which unlock resources for civil society. While the voluntary nature of philanthropy needs to be respected, states can and do intervene to improve giving conditions, but they could do more, particularly to enable giving to a more diverse range of civil society forms and actions.

Helena Monteiro of WINGS distils the key elements of an enabling environment for philanthropy: a supportive legal framework; incentivising tax structures; accountability structures that build confidence in philanthropy; enough capacity in institutions receiving resources to execute activities well; and sufficient resources within society. She also sets out some of the characteristics we should expect of philanthropy organisations: that they can take risks and support innovation, and seed initially unpopular ideas; respond quickly; provide funding at small scales, where appropriate; and be more independent than official donors. These offer some key tests to apply when assessing how enabling an environment is for philanthropy, and how geared philanthropy institutions are to supporting civil society.

Chloe Stirk and Sarah Hénon of Development Initiatives note that, while philanthropic funding has many sources, a small group of large private foundations commands most resources, with the 10 largest private foundations providing 60% of all international foundation giving, meaning that their decisions on resource

*The overwhelming evidence is that legal measures to encourage giving work: CAF finds that, in countries that have tax incentives to encourage giving, more giving goes to civil society.*

allocation can be disproportionately influential. Given this, it is concerning that Avila Kilmurray and Barry Knight see large philanthropic foundations as becoming more closed: 60% of US foundations no longer accept unsolicited proposals. This move may be motivated by similar concerns to those that lie behind changes in ODA: to use resources strategically, increase efficiency and make development interventions more effective, but as with ODA, effects could be that top-down decisions are less understanding of local needs and realities, and institutions exclude smaller CSOs, missing opportunities to support emerging and creative ideas.

Helena Monteiro of WINGS asserts that the full contribution of philanthropy is still to be realised, while Naila Farouky of AFF affirms there is a need to move from traditional notions of philanthropy to strategic philanthropy, which serves causes oriented towards structural change. AFF cautions that to make philanthropy more strategic demands a long term, multi-generational shift, but WINGS sees some evidence that this strategic shift is happening, along with growing awareness amongst philanthropic institutions of the need to be transparent and accountable. WINGS also sees more foundations being set up in emerging economies, because of growing wealth, but also in response to the increasing inequalities resulting from economic growth.

## NEW PHILANTHROPY

In particular, a new type of wealthy, private philanthropist is on the rise - we describe them here as the new philanthropists - who have wealth they want to use; see themselves as having skills and time to donate, alongside resources; may seek to apply the skills they honed in developing their wealth to addressing social problems, sometimes through hands-on application of charismatic and problem-solving leadership; and are interested in different models of funding alongside donations, such as forms of investment-type models of funding.<sup>25</sup>

The US, with its long-established culture of philanthropic giving, provides examples of how philanthropy can develop and mature, to benefit civil society: a recent study of wealthy US households shows that giving is increasing, and wealthy people expect to maintain their giving.<sup>26</sup> Wealthy givers are also trying to become more strategic, and are motivated by both personal satisfaction and a belief that they can make a difference; encouragingly for civil society, they believe that people and CSOs can create change far more than governments.

At the other end of the spectrum, in South Africa, research suggests that the new philanthropists are loyal to causes, sticking with them over years, do not necessarily seek reward from their giving, and are happy to support general costs, suggesting that CSOs might benefit from developing steady relationships with new philanthropists; new philanthropists also tend to find the causes they support through personal contacts, and give locally.<sup>27</sup> More generally in Africa, new philanthropists are planning to increase their giving.<sup>28</sup> In India, new philanthropy has seen rapid growth, and many givers also expect to increase their donations, but a recent

*While philanthropic funding has many sources, a small group of large private foundations commands most resources, with the 10 largest private foundations providing 60% of all international foundation giving.*

study suggests that many new philanthropists have a degree of distrust about CSOs, while CSOs are unable to break free from short-term, fund-seeking behaviour to establish longer term relationships that are about more than seeking resources, leading to ‘disconnected donors’ and limited, conditional CSO support.<sup>29</sup>

Questions however arise about the content of what new philanthropists support, and the processes they apply. While some, mostly long-established foundations, are developing civic capacity, many new philanthropists support social causes, typically around education and health, which is likely to mean that key issues are missed, and offers change-oriented CSOs few opportunities to connect. Michael Edwards, in his work on new philanthropy, suggests there is a distinction between philanthropists that are trying to deliver social goods, and those seeking to develop capacities for people to mount challenges and achieve structural change. He suggests that both are needed, and can be complementary, but perceives that philanthropy, as with ODA, may be seeing a turn back to top-down, project-oriented interventions, after a period in which philanthropic institutions were prepared to invest in change processes.

In terms of process, many new philanthropists seem to have a fondness for attempting technocratic solutions, and apply narrow, quantitative understandings of how to assess impact, presenting the same problems as project-oriented, narrowly evaluated ODA.<sup>30</sup> Research indicates that few attempts are being made to understand deeply, and there is limited peer learning between new philanthropists, suggesting that opportunities for CSOs to work with them to advocate for more strategic philanthropy will be limited.<sup>31</sup>

Further issues of process relate to how decisions are made and where new philanthropic funding comes from. Whatever the faults of ODA, there is a degree of transparency about where funds originate, and a sense that ultimately there is some responsibility to donor country taxpayers, while reporting of ODA from DAC members has improved in recent years. With much of philanthropy, including new philanthropy, this is much less the case. The immense wealth of super-rich new philanthropists may give them an advantage over other funders, in being able to offer long-term, sustained giving, but this should not isolate them from scrutiny, and the kind of questions about transparency that are routinely levelled at CSOs.

The question of how decisions are made and who has a say is important. Many of Africa’s new philanthropists make decisions through consultation with close family members, while super-rich people have founded philanthropic foundations where a handful of people make funding decisions in ways that are not exposed to scrutiny: it is reported that in the Gates Foundation, a small number of people, mostly family members, decide the allocation of a huge proportion of the resources going into global basic health.<sup>32</sup>

Because giving decisions are personal, influenced by experiences and values, if decisions are exposed only to small, close decision-making and advisory circles, funding will tend to go to causes that philanthropists

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personally identify with. New philanthropists may do this, even when they know there are other, more pressing causes, which they do not support because of a lack of a personal connection.<sup>33</sup> Given the voluntary nature of philanthropy, this may be inevitable, but it will mean that important issues are missed. Civil society needs to assert in response that process is important in its own right: participatory decision-making yields better, more trustworthy decisions. Michael Edwards has called for the diversification of decision-making as a major step towards improving philanthropy. Here, there are examples of community philanthropy, discussed below, that place heavy emphasis on process, including the involvement of intended beneficiaries in decision-making, that could be learned from.<sup>34</sup>

Where the money comes from is also important: what does it mean, for those CSOs seeking structural change in the interests of social justice, if they accept funds from the wealthy winners of current economic and political arrangements? These givers may wish to see improvements, but are unlikely to want profound change. Hereditary philanthropist Peter Buffett highlighted these concerns when he spoke of the ‘Charitable-Industrial Complex’, in which political, business and philanthropic elites ameliorate but do not solve problems, such as inequality, that are intimately connected to their own wealth.<sup>35</sup> The big questions will not be on the table, and new philanthropy risks looking like discredited trickledown economics under another guise. Further, how can change-seeking CSOs work with people who may have benefited from corruption and poor governance, without compromising on their values, and without becoming reputation launderers for corrupt interests? The rise of private wealth and increase in new philanthropy make this a newly urgent question, particularly when the super-rich use philanthropic giving to gain access to global decision-making circles from which CSOs are excluded. In this way, new philanthropy can be a means of consolidating, rather than challenging, elite power. Philanthropic institutions, and new philanthropists, should open themselves up to scrutiny, and be honest about their motivations, sources of wealth and investment decisions, if they want civil society to take them seriously.

## COMMUNITY PHILANTHROPY

In contrast to the roles of established institutions and the super-rich come the smaller scale organisations practising community philanthropy and community-led grant-making. Avila Kilmurray and Barry Knight report that community philanthropy organisations are growing in numbers, with small initiatives springing up all over the world.

The essential point about community philanthropy is that resources come from the same communities in which they are expended. Using the work of the Dalia Association in Palestine as a case study, Nora Lester

*Super-rich people have founded philanthropic foundations where a handful of people make funding decisions in ways that are not exposed to scrutiny.*

Murad sets out some advantages of small-scale, community focused grant-making: with funds coming from the community, there is a greater sense of responsibility about how funds are used:

*Dalia is not a donor: the funds that Dalia mobilises already belong to the Palestinian community. Dalia holds them in trust and facilitates transparent, democratic and accountable use of the funds, but it is the community's right and responsibility to decide how they are used.*

In this model, horizontal rather than vertical accountability becomes something that more organically occurs, because communities are able to develop a sense that they have a right and a responsibility to exercise accountability over decisions that affect them. Avila Kilmurray and Barry Knight assert the intrinsic as well as instrumental value of this burgeoning of community philanthropy organisations, in that they grow spaces for local level empowerment and new civic space, particularly where institutional CSO forms are not well-established, so can be seen as building democratic practice from the ground up.

Nora Lester Murad's case study suggests that the need is to focus on the processes by which decisions are made, and make these processes as locally owned and inclusive as possible, rather than start as conventional donors might, by setting priorities. Sound decision-making processes will tend to produce appropriate and well-targeted actions, and build up community confidence and competence. In the example from Palestine, grants are open-ended, to enable communities to define their own priorities, and small, to encourage creative use of resources and discourage waste. The community is asked to contribute, so that they will value the grant received, and also learn to value their own resources, including non-financial resources. At the same time, challenges arise: community-level grant-making, in settings where communities are divided, can reinforce, rather than cut across, conflict lines, by giving an opportunity for local power-brokers to reproduce patterns of factional support and patronage.

The diversity, and ground-up nature of community philanthropy, may present a particular challenge to capturing its contribution to civil society resourcing and development. Helena Monteiro of WINGS indicates that many community philanthropy organisations do not use language that intergovernmental agencies and official donors understand: for example, while work supported by community philanthropy organisations may directly address issues covered by the MDGs, and the coming SDGs, because they do not explicitly refer to themselves in these terms, they may not show up on the radar:

*Philanthropic foundations tend to use a different language from the MDGs, one that is rooted in the local context, rather than in universal frameworks. In order to achieve effective cross-sectoral cooperation, it is crucial to understand these differences between how the official development and philanthropic sectors operate.*

*The diversity, and ground-up nature of community philanthropy, may present a particular challenge to capturing its contribution to civil society resourcing and development.*

This is not to say that community philanthropy organisations need change their language: rather, development agencies should get better at spotting relevant work being done on the ground, and ensure they reach across the disconnect.

Clearly, there is a limit to how scalable community philanthropy can be. By its nature, it needs to stay small, and the need is for many more, diverse local initiatives, rather than for current small initiatives to grow larger, although community philanthropy organisations could offer an effective means to devolve donor decision-making. Community philanthropy is likely to be more sustainable, because it can take a long term view, offering potential to advance by many small steps towards change over time, without vulnerability to short-term changes in funding. This suggests it may only be part of the picture of civil society resourcing, but a vital, growing part.

The trend, noted by Helena Monteiro, towards better documentation of local practices and traditions of giving, and attempts to reinvigorate giving traditions when they have fallen into disuse, suggests a way forward: by tapping into long-standing motivations to give that are embedded in cultures, combining them with contemporary methods, and gradually orienting giving towards supporting change-seeking actions, giving could be made more sustainable and strategic.

## FAITH-BASED GIVING

Helena Monteiro notes that almost all faiths, belief systems and traditions have an imperative towards philanthropy, and Adam Pickering of CAF relates that in some countries, faith-based giving makes up a major part of the philanthropy base. Chloe Stirk and Sarah Hénon of Development Initiatives estimate, for example, that around 15% of all international humanitarian civil society funding is faith-based.

Faith-based giving shares characteristics with other forms of individual giving, in that while it seems to have huge potential, much giving currently serves small scale, charitable and local causes, rather than more change-oriented causes. In addition, it is not always easy to know where giving is going; as Naila Farouky of AFF notes, for example, Islam places a particularly high value on anonymous giving, which means that it is hard to get information on the causes giving serves, and suggests some potential for ineffective use of resources, and makes it harder to move towards more strategic, change-oriented giving.

However, one of the strengths Islamic faith-based CSOs have is that they can access the compulsory giving mandated in Islam: the fact that most people of Islamic faith must give zakat, alms to the poor, means that there is an assured flow of resources, avoiding the unpredictability problem that can come with other forms

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of private giving. Not surprisingly, in view of this, Development Initiatives observes that development and humanitarian organisations are increasingly manoeuvring to tap into *zakat*.

Sadia Kidwai, of Islamic Relief Worldwide (IRW), assesses that having access to faith-based giving has enabled IRW, and other faith-based CSOs, to grow, even as other sources of funding have fallen. She identifies other key assets faith-based CSOs enjoy: access to faith communities in parts of the world that secular organisations and donors struggle to reach, and the trust that members of faith communities place in them, on the basis of a shared faith identity.

IRW enables Muslim diaspora populations in global north countries to discharge their charitable duties, while being a long way from home, by supporting IRW's humanitarian and development work. Crucial is the combination of its faith-based identity with evident professionalism and the high standards of transparency and accountability expected of large CSOs established in the global north. In IRW's judgement, while giving may initially stem from a shared faith identity, it will only be sustained when the giver sees the donation being used effectively and efficiently:

*Having a shared faith identity can often be crucial for developing relationships of trust with donors, and enabling faith-inspired organisations to capitalise on available resources. Yet, in the experience of IRW, faith identity is not a silver bullet, and cannot (and should not) be relied upon to secure long-term and sustainable funding. Rather, our relative success has immensely relied upon our efforts to improve our efficiency, effectiveness, transparency and accountability.*

This is underpinned by developing relations with CSOs that are rooted in other faiths, and non-faith-based CSOs, as each has advantages in accessing some communities, but there are other communities where their identity will count against them. IRW's work thus suggests a model for collaboration between CSOs of different types and origins, to access resources and use them more effectively.

## CROWDFUNDING AND ONLINE CAMPAIGNS

There is current interest in the potential for crowdfunding to generate resources for civil society.<sup>36</sup> CSOs in Argentina, Finland, Scotland, Serbia and Turkey tell us they have taken first steps down this road, although so far the results have been quite modest.

The logic of crowdfunding - aggregating funds from many individuals pledging small amounts - is that of giving itself, but what is new is the online and social technology that enables crowdfunding appeals to get potentially

*The logic of crowdfunding - aggregating funds from many individuals pledging small amounts - is that of giving itself, but what is new is the online and social technology that enables crowdfunding.*



wide reach and rapid response. Crowdfunding has so far mostly been used in the creative industries, and for enterprise start-ups seeking investment, and it may be something that CSOs are coming to somewhat late. Yet while some CSOs could undoubtedly benefit, challenges also need to be noted, including those of finding the right crowdfunding platform amidst a profusion of alternatives, and of balancing the funding ask with the reward: many crowdfunding models are investment models, where those who put money expect some kind of return, and while these are not generally suitable for CSOs, people who donate may expect visible recognition or other forms of acknowledgement, which entail a cost.

To succeed at crowdfunding takes sustained application and the development of expertise over time, suggesting that organisations with pre-existing communications expertise are best placed to succeed. Many - perhaps most - crowdfunding appeals fail to take off or achieve their target, and it is hard to predict which are likely to succeed. Taken together, these suggest that CSOs that have resources and skills to put into crowdfunding appeals and have existing strong brands to leverage - the largest, best established CSOs - are the ones most likely to benefit. Crowdfunding appeals also work best for one-off asks: it is difficult to see how they could be used to generate on-going, core funding, suggesting they might best suit established CSOs with core resources seeking additional revenue for specific activities, rather than to sustain smaller CSOs seeking to cover core costs.

Finally, as with all public funding appeals, some issues simply resonate better than others. As Richard Holloway observes:

*Certain well established topics, such as children with disabilities, will open people's hearts and pockets, if the appeal is well made and the organisation making it is respected, but how will a CSO 'sell' an appeal for help to combat, for example, domestic violence, or refugees, or land expropriation, or, indeed, homophobia? It is certainly possible that there are people in the country who are not convinced that these are important topics.*

Tris Lumley of New Philanthropy Capital (NPC) notes that ineffective CSOs with good marketing can fare better than effective CSOs with poor marketing. Crowdfunding may best suit those appeals that speak of a problem that can be solved with the application of resources, or present the face of a person who needs help. Change-seeking CSOs will find it harder to rework their needs into easy fundraising asks, and less able to point towards short-term delivery.

Much the same can be said about viral, stunt-based forms of fundraising that make heavy use of social media, which have come to prominence and are discussed in our Year in Review's analysis of 2014/2015 campaigns. Our analysis points to a disjuncture between the profile a campaign enjoys, and therefore its

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success in attracting donations, and the need of a cause to attract urgent resources, along with the impact those resources can achieve. Further, such appeals can have the effect of diverting potential support from other causes, and there is a danger that the public may grow tired of stunt-based fundraising methodologies. Celebrity-led appeals, of which there are also now a great deal, share these challenges: they are more likely to benefit larger CSOs than small ones, and CSOs that work on easy to articulate issues.

In short, crowdsourcing, and viral online and celebrity-led campaigns, offer value to some CSOs as additional sources of funding, but there is a gap between the hype and the reality, and they offer no quick fix to cover declining funding from other sources, and little prospect of giving change-seeking CSOs the core support they need.

## RECOMMENDATIONS ON GIVING AND PHILANTHROPY

- Philanthropic funders need to be encouraged to be braver, take more risks, support a greater diversity of civil society forms and actions, and look beyond short-term initiatives.
- Civil society and philanthropists should advocate for more enabling laws and regulations for giving, including tax incentives, and for more structured, regular individual giving practices, such as payroll giving.
- Attention needs to be given to the process by which philanthropic institutions and wealthy philanthropists make decisions on what and who they choose to fund. It should be understood that philanthropic initiatives are most likely to lead to change when they are informed by civil society expertise and direct input from potential beneficiaries.
- Wherever possible, philanthropic decision-making should be devolved to the most local levels. To enable this, there is a need to support intermediary organisations and community level foundations.
- Philanthropic institutions should open themselves up to scrutiny about their funding bases and investment decisions, and the financial investments they make should be scrutinised to ensure that they reflect their values and principles.
- There should be better connections for learning between philanthropists and philanthropic institutions. Civil society should help to identify examples of good philanthropy practice and strong philanthropy role models to encourage the adoption of better practice.
- Closer connections should be made for joint working, and sharing of funding initiatives and resources, between faith-based and secular CSOs.
- CSOs should consider employing new fundraising techniques, such as crowdfunding and online campaigns, but be realistic about the costs and prospects of these, and apply them as complementary methods, alongside other approaches.

*Celebrity-led appeals, of which there are also now a great deal, share these challenges: they are more likely to benefit larger CSOs than small ones, and CSOs that work on easy to articulate issues.*

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# WORKING WITH THE FOR- PROFIT WORLD

A growing number of social enterprises is challenging conventional definitions of civil society and demonstrating that the boundary between the for-profit sector and a civil society traditionally defined as being not-for-profit sometimes overlaps. At the same time, new wealth in the global south is opening up new potential for CSOs to access CSR initiatives, alongside philanthropy.

Ambika Satkunanathan points to hybridity in community philanthropy organisations, which may undertake income generating activities in order to generate resources for community good, while Richard Holloway's advice on revenue diversification suggests that CSOs may enter the marketplace to diversify resourcing, by launching straightforwardly commercial measures that generate profit for core work, or through extending and marketing their services to a wider user base. In Finland, Kepa reports that more CSOs are undertaking commercial activity, but there is concern that this could introduce ambiguity into CSOs' missions and mandates; CSOs are spending an increasing amount of energy on commercial activities, which could come at the expense of time for core work. The challenge here is for CSOs to stay true to their values as they develop enterprises and commercial endeavours, and to be aware that success in commercial expansion could also crowd out other CSOs.

Nascent attempts by CSOs to establish enterprises are reported in several contexts, including Argentina, New Zealand, the Philippines and Thailand, along with a developing social investment market in the UK, but once again, the current contribution of these is quite small, and it is too early to tell how successful these will be. Further support may be needed. CSOs in Thailand, for example, identify a need for training in marketing and enterprise skills.

As Tris Lumley of NPC suggests, social enterprises can also help address some of the accountability challenges of CSOs (when CSOs deliver benefits to a group of stakeholders but are accountable to an entirely different group of stakeholders who pay for the work) by meeting their stakeholders in the marketplace, where information about what works and doesn't work quickly becomes available in the form of purchasing decisions. TUSEV reports that social enterprises are more appealing to young Turkish citizens than conventional CSOs, suggesting potential to improve outreach. However, NPC is quick to counsel that social enterprises are not the magic bullet some might believe: they may be an important part of the civil society mix, from which other civil society forms can learn, but there will always be some issues that simply can't be solved while turning a profit:

*Social enterprise can never be a magical panacea for market failure. There are some groups of people - as well as some geographies and some issues - for whom the ability to pay for products and services cannot determine whether they are able to receive the products and services they need. There will always be a need for civil society to do what the private sector or social enterprises cannot.*

The other major relationship between civil society and the for-profit world is, of course, that mediated by CSR. A challenge is that, as observed in contexts as different as Ghana, Jordan and Serbia, there is often a lack of laws and incentives to encourage the corporate sector to support CSOs. Because of this, there is much interest in India, where in 2014 a law was introduced that makes it mandatory for companies above a certain size to put 2% of their profits into CSR. If the law works, its potential to become a model for replication elsewhere would seem clear. However, from NFI's case study on the implementation of the law, concerns arise, both about the thinking behind the CSR law, and its workings in practice.

The top-down nature of the CSR law sits uneasily with the essentially voluntary nature of civil society, while concern arises about what motivations may lie behind it: is the government attempting to cover up its failure to bring many citizens out of poverty as part of economic development, or trying to distract from several recent examples of corruption involving political elites and large corporations? It seems that accepting ODA may not fit the Indian government's wish to project itself as a major power internationally, but the absence of ODA leaves a gap in resources that CSR is expected to fill. Significantly, unlike donor funding, which might support an independent civil society, the resources resulting from the CSR law must be made according to a prescribed list of themes, which are strongly oriented towards charitable and service delivery activities, and not towards change-seeking activities.

Turning to how it works in practice, NFI has seen significantly fewer funds flow into civil society than expected, with the government having to downgrade targets. Large corporations have shown a preference to support government-led or government-approved initiatives, which implies that CSOs working on controversial issues are unlikely to be favoured:

*Many senior leaders, including from companies and corporate associations, acknowledge that government priorities have resulted in a very large chunk of CSR money being invested in a handful of programmes. To some extent, this is becoming another way for the government to finance its programmes, and the qualifying companies are willing to put in what is sometimes their entire resourcing for CSR, to win direct or indirect goodwill from the government.*

Some Indian companies have responded to the law by setting up new corporate foundations, and while VANI reports that some of these are trying to develop positive relations with CSOs, others seem more to be

*The top-down nature of the CSR law sits uneasily with the essentially voluntary nature of civil society, while concern arises about what motivations may lie behind it.*

positioning as competitors. Another side effect of the CSR law has been to foster division between CSOs, with some CSOs accused of compromising excessively to win short-term funding gains. NFI has also observed that some companies abandon their usual corporate strategic practices when it comes to CSR, suggesting they are not taking CSR seriously:

*Systematic and rigorous needs assessments, and proper designs of intervention strategy, are often missing: in other words, one of the key strengths of the corporate sector, when launching business ventures, suddenly goes missing in the case of planning CSR strategies.*

The Indian experience is echoed by other critiques of CSR practices: Ambika Satkunanathan reports that in Sri Lanka, corporate foundations are also reluctant to work on controversial issues that might challenge their standing with the government, corporate foundations sometimes become well-connected competitors with CSOs, and CSR is often closely linked to corporate marketing and branding strategies. Richard Holloway suggests that many businesses have a limited grasp of development concepts, tending to view issues through charitable lenses, and being preoccupied with public relations positioning. Kepa Nicaragua notes that in their context, it is difficult to obtain corporate support for advocacy, human rights and democracy work, and again, many companies have started their own charitable foundations rather than giving to CSOs. In Spain, the NGO Platform of Social Action observes that businesses now attract funding from government that might once have gone to CSOs, positioning business and civil society as competitors. The Polish Federation of NGOs states that many companies are simply reluctant to support CSOs, while in Ghana, WACSI suggests that those corporate foundations that currently exist, such as those established by telecoms companies, are inadequate to meet the needs of CSOs, and will only support activities in areas such as education and health. In Uruguay, ICD reports that only a small number of CSOs have been successful in attracting CSR, and it has not yet become a general practice, while Civic Initiatives in Serbia notes that there has been little dialogue to date between CSOs and the private sector. Back in India, VANI adds that many CSOs have not learned to speak the language of the corporate sector. Ambika Satkunanathan further notes that many CSOs are not good at accessing CSR funds when these exist, and may lack the knowledge and connections to do so.

M May Seitanidi, however, assesses that many in both CSOs and businesses have moved on from once adversarial relations, and finds that many partnerships are growing deeper and more strategic. Maina Kiai and Maria Leissner suggest that CSOs and businesses could develop further strategic partnerships to seek more transparent and predictable environments:

*Businesses and civil society - in all of its incarnations - actually do have a strong convergence of interests when it comes to levelling the playing field. The rule of law is preferable to the rule of power.*

*Corporate foundations are also reluctant to work on controversial issues that might challenge their standing with the government, corporate foundations sometimes become well-connected competitors with CSOs, and CSR is often closely linked to corporate marketing and branding strategies.*

*Predictability trumps disorder. Fairness is better than corruption. These statements ring as true for business as they do for civil society.*

M May Seitanidi cautions that it takes time to develop strategic partnerships, not least for CSOs to develop partnership management skills. This means that, as with other diversification areas, the largest CSOs are best placed to benefit from corporate partnerships:

*It is unlikely that CSO income derived from the private sector has increased, but rather a few large CSOs are likely to be benefiting from a significant increase in the value of their partnerships.*

In some contexts, intermediary organisations, which position themselves between individual companies and CSOs, are helping to overcome challenges, including by detaching activities from corporate promotion and enabling funding to become more strategic. Richard Holloway reports this to be happening in the Philippines, although in India, where some intermediary bodies have recently been established, it is questioned how much they share the values of civil society. Such intermediary organisations will clearly be more attuned to civil society if they are set up by civil society, or involve civil society heavily in their governance.

Businesses have lessons for the resourcing debate. Darren Walker of the Ford Foundation suggests that civil society funders could learn from the venture capitalist approach, of taking risks and investing in leaders, and Cowan Coventry and Clare Moberly of INTRAC similarly propose that models of supporting business start-ups, which are tolerant of risk and failure, might be applied to resourcing emerging civil society forms. There are also good examples of interaction between CSOs and the private sector. CSR could be an important part of civil society's future funding mix, if CSOs are supported to access CSR better. But as the above examples suggest, some CSR activities are more likely to receive corporate support than others, and the motivations behind corporate giving need to be unpacked and explored. As with philanthropy, it should be asserted that decision-making processes are important, and sources of funding should be interrogated, to ensure that civil society is not complicit in corporate cleansing of dubiously acquired wealth. Looking forward, change-seeking CSOs are unlikely to be able to rely on CSR, and in a context of unequal power, it would be over-optimistic to believe that CSR can compensate for shortfalls in funding.

## RECOMMENDATIONS ON CSOS AND THE MARKET

- CSOs and businesses should document and share learning from successful examples of interaction between CSOs and the private sector, but detach these from corporate promotion, and also capture and encourage learning from examples of poor CSR practice.

*The rule of law is preferable to the rule of power. Predictability trumps disorder. Fairness is better than corruption. These statements ring as true for business as they do for civil society.*

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- CSOs should develop relationships with businesses not only to seek funding, but also to work to sensitise companies about the value of supporting change-seeking activities.
  - CSOs should work to promote better business regulation and improved corporate practice, and expose poor corporate practice.
  - CSOs should encourage businesses to channel their CSR activities through CSOs, rather than through new corporate entities.
  - Intermediary bodies should be established to help improve relations and build trust between CSOs and CSR providers, develop routines of good practice, and encourage support for change-seeking activities. CSOs should pay a large part in establishing and governing such bodies.
  - CSOs and their supporters should advocate for an enhanced enabling environment for CSR and the development of social enterprise, including incentives to encourage corporate giving and the start-up of social enterprises, and tackling the restrictions that hinder CSOs' receipt of funding.

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# BEYOND FINANCIAL RESOURCES

Our analysis so far has concerned itself with the state of financial resources, as for most CSOs it is hard to imagine them operating without some level of financial resources to fund activities, staff and overheads. However, there is also a need to recognise the non-financial aspects of resourcing, including volunteering, contributions in kind and pro bono support.

Many of the citizen-led mobilisations outlined in this report's Year in Review section had a light financial resource base. This suggests that, while it is right to take seriously the growing restrictions on receipt of funding, and to assert the right of CSOs to receive funding, restriction does not necessarily make civic action impossible. It was not foreign funding that enabled Burkinabe citizens to take to the streets to oust a president. Similarly, in Hong Kong's umbrella protests, activists were quick to disavow government insinuations that they received foreign funding, an accusation that was clearly intended to damage the reputation of protestors. An anonymous Hong Kong civil society activist told us that the resourcing came from citizens, mostly through volunteering and in-kind support:

*The protests were resourced by citizens donating in cash and in kind. Cash donations were collected by various groups in large scale demonstrations. Almost all materials, including tents, blankets, umbrellas, medicines and masks, were donated by ordinary citizens, who also distributed food and water in zones occupied by protestors. Most of the work was conducted by citizens and student volunteers. Some formed themselves into patrol teams, while others set up medical care teams, legal aid teams and counselling teams.*

CAF looks beyond financial resources in its World Giving Index (WGI), recognising time spent volunteering or helping a stranger as being as valuable as money donated to a cause. Time and energy are therefore recognised as resources that citizens possess and can contribute, meaning that even in contexts where many people are poor, there can be considerable non-financial resources for CSOs to access. Strategies to attract and diversify resources need to take account of this potential. CAF's work also suggests that giving and volunteering can be mutually reinforcing: as giving increases, time spent volunteering and helping strangers also tends to increase, suggesting that changes to better enable one form of resourcing will unlock growth in other forms, and that an enabling environment for participation and an enabling environment for giving are intimately connected.



Volunteering, which is seen in some form in every society, is the key non-financial resource in civil society. However, while recognition of volunteering has grown, and many CSOs rely on voluntary labour, both the International Association for Volunteer Effort (IAVE) and United Nations Volunteers (UNV) suggest the contribution of volunteering remains under-reported and under-recognised. IAVE and UNV both note that CSOs do not always realise the potential of volunteering, and are not always good at involving volunteers in meaningful ways that build mutual capacity. As Kenn Allen and Kathi Dennis from IAVE assess:

*It is an open secret that too often CSOs, public sector agencies and community-based groups are ill-prepared to engage volunteers effectively in their work. In many cases, they and their paid staff members are openly resistant to volunteers. Often this is because they do not recognise volunteers as a resource that can help them achieve their missions.*

UNV adds that restrictions on civil society freedoms limit the potential for volunteering, while both IAVE and UNV indicate that national policies to support volunteering are inadequate, particularly for change-seeking activities. As UNV states:

*While national policies and legislation on volunteering have been increasing, some limit the definition of volunteering to direct service and philanthropy. But volunteers can also positively contribute to monitoring services, strengthening community voice in governance, and enhancing cross sector partnering to achieve development results.*

IAVE estimates that there remains underexplored potential in volunteering from the global south, diaspora volunteering and online volunteering. Inputs from different contexts suggest some progress, but also obstacles that need to be addressed to further realise the potential of volunteering. In Norway, it is suggested that the contribution of volunteering is under-reported, but in Finland, some positive moves have been made, such as a recent mapping of obstacles and challenges for volunteering. In Ghana, WACSI however reports that CSOs struggle to obtain volunteering support, and in-kind support, because there remains a misguided perception that CSOs receive large amounts of donor funding. Civic Initiatives in Serbia believes that current laws make it hard for CSOs to involve volunteers in their work, while a lack of strong civic education reduces the potential for volunteering. Similarly, in Turkey, legislation does not enable volunteering in CSOs, and CSOs working with volunteers have been fined for having uninsured employees.

If the value of volunteering is gradually being recognised, then it also needs to be understood that, amid a diversity of volunteering forms and platforms, CSOs can be both effective sources of and channels for organising voluntary effort. Sharon Ekambaran from MSF contrasts the voluntary willingness of its network to put their lives on the line against the 2014/2015 Ebola epidemic with the sluggish response of official agencies:

*It is an open secret that too often CSOs, public sector agencies and community-based groups are ill-prepared to engage volunteers effectively in their work.*

*What marked the volunteers' motivation and efforts was their visceral refusal to accept the status quo, and their drive to provide access to healthcare to meet the needs of people caught in crisis, based on what they witnessed.*

The suggestion here is that CSOs have an asset no amount of money can buy: a high level of commitment to a cause, and a humanitarian impulse to act to help the vulnerable. The motivations that lead people to act in civil society need to be understood as a unique resource that only civil society can access, suggesting that other agencies should form stronger partnerships with CSOs to leverage these motivations and fully realise their potential. Volunteering, and voluntary commitment, can be seen as offering a multiplier effect to get far more out of financial resources than is put in.

More radically, civil society could challenge existing notions of what is meant by resourcing, capacity and organisation. Civil society could be about demonstrating what can be done with few financial resources, as the self-organising people's movements of recent years have shown. La Via Campesina sees itself as having non-financial assets that enable it not to rely on compromising funding:

*The effectiveness and sustainability of La Via Campesina can largely be attributed to its organisational structure, internal democratic participation processes and the concept of food sovereignty, as key resources for fighting for rights and justice, and offering an alternative to global food markets.*

It was in this spirit that CIVICUS, and other civil society leaders, challenged civil society in 2014 to rethink itself around its voluntary nature, and to reject deference to the well-funded,<sup>37</sup> suggesting activists should:

*... fight corporatism within our own ranks. This means re-balancing power dynamics towards the less resourced sections of civil society and away from large international civil society organisations. It also means recognising the power and importance of informal networks and associations. Our resources and might matter but so, too, does the wisdom of the street.*

Rasigan Maharajh proposes a radical vision of civil society as an arena where alternatives to resources linked to the market can be modelled:

*As civil society explores solidarity and cooperation, and works to break free of the constraints of traditional funding sources, it can become a powerful laboratory for the larger project of establishing a post-capitalist culture and relations of production for a just, egalitarian and sustainable global society.*

*As civil society explores solidarity and cooperation, and works to break free of the constraints of traditional funding sources, it can become a powerful laboratory for the larger project of establishing a post-capitalist culture.*

If we are redefining what resources mean, then Lucy Bernholz draws attention to a further, emerging understanding of resources as encompassing virtual, digital resources:

*The resource discussion for civil society can no longer revolve around money. Digital innovation means we need to recalibrate our own understanding of how and where we do our work, and what we need to do it. Yes, funding is a critical resource, but it is not the only one.*

In a world where activity is increasingly online, people who provide data should, Bernholz argues, be regarded as donors, and the same priority given to managing relationships with them as with those who donate financially. In a context where there is a growing, multi-faceted battle over who owns data and who polices the internet, as our Year in Review section outlines, digital skills and responsible data use are capacities that CSOs need to develop to do their work better and make the best use of their other resources; these also carry costs, and helping to build these capacities may be an area where CSOs need help.

## RECOMMENDATIONS ON VOLUNTEERING AND NON-FINANCIAL RESOURCES

- CSOs and volunteering agencies should advocate jointly for the development of more enabling national policy environments for volunteering.
- There is a need to document and share good practice in CSOs working with volunteers to make relationships mutually beneficial.
- Fresh impetus could be given to volunteering by advocating for the proper recognition of the contribution of volunteering in the SDGs.
- CSOs should be supported to develop capacities in managing data and using digital resources.
- CSO leaders should lead by example by encouraging a spirit of idealism, self-sacrifice and activism, as a means of sustaining civil society movements in the face of scarce financial resources, and of modelling alternatives.

*CSOs should be supported to develop capacities in managing data and using digital resources.*

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# DATA AND DEMONSTRATING IMPACT

Finally, a clear and underpinning need emerges from the various contributions for more and better data, in order to make resourcing decisions better-informed and more transparent, and to understand the impacts that result. This is particularly the case when it comes to resources other than DAC ODA, although Cowan Coventry and Clare Moberly of INTRAC draw attention to inadequate data on the proportion of ODA that goes into pooled funds. Categories used in ODA data also make it hard to trace the extent to which ODA supports change-seeking CSO activities, rather than service-oriented activities, while time lags offer a challenge across the board.

Helena Monteiro of WINGS notes that there is sound data on philanthropy from only a few countries, and hardly any internationally comparable data, since philanthropy practices differ greatly from country to country, and there are different reporting practices and data capacities and needs in each country. Even when data is available, there may be limited knowledge on how to access and use data, and questions about who owns data. Much of what data there is on philanthropy, because it is not necessarily structured to fit into global frameworks such as the MDGs and the coming SDGs, is not captured in reports on progress towards development objectives. This matters because restrictions on foreign funding and changes in ODA mean we need to understand better how CSOs can access and expand alternate sources of resourcing.

Similarly, Chloe Stirk and Sarah Hénon of Development Initiatives report that there is little data on levels of faith-based giving going to civil society. And part of the reason why non-financial resources are under-appreciated is because of a lack of data: IAVE draws attention to the lack of data on, and measurement of the impact of, volunteering; most existing attempts to measure are made in narrow terms.

Without better data, Development Initiatives suggests, it is hard to see how we could have transparency and accountability over resourcing decisions, and know whether resources are being used well. As Naila Farouky from AFF points out:

*If you can't formally map the giving, you can't effectively identify the gaps and needs. And if you can't do that, you can't design a sector that addresses the most pressing needs of the society it intends to serve. Ultimately this means that the potential power and impact of philanthropy will not be realised in the long term.*

Better data, in the view of WINGS, can only result in better-informed giving decisions, improved coordination, and greater sharing of lessons of success. Given that the countries that collect the most data are in the global north, the scale and shape of resourcing for civil society in the global south is probably being under-reported and inadequately understood. The danger this brings, in perpetuating unequal global discourse, is made clear by Naila Farouky, who notes that, because distinct MENA philanthropy practices are not well captured, the region lacks visibility and voice:

*Data counts, and is valuable far beyond the numbers alone. When you don't own your data, you don't own your narrative; and when you don't own your narrative, you cannot tell your own story, which means that someone else will tell your story for you.*

A further challenge with the lack of data is that it makes it harder to understand where and how resourcing is leading to impact, particularly beyond narrow understandings of impact. Tris Lumley of NPC suggests that many CSOs are not good at assessing impact, and do not always use well the feedback they get on performance. This results in part from weak information management and monitoring systems, which CSOs struggle to develop in a climate where there is little core funding; when systems are attuned to capturing the detail required to comply with reporting to donors on project implementation, they will miss the stories of real change.

The opportunity seems ripe for progress, with increasing attention being paid, in the debate to finalise and implement the SDGs, on the importance of data for monitoring SDG progress, including for scrutinising where spending is going and whether resources are being used well. This is leading to more interest in open data, and the role of citizens in generating, sharing and accessing data, which implies a clear civil society role. Better data can inform better resourcing decisions, but more data needs to be collected by more people on civil society resourcing flows first.

*Given that the countries that collect the most data are in the global north, the scale and shape of resourcing for civil society in the global south is probably being under-reported and inadequately understood.*

# CONCLUSION AND OVERALL RECOMMENDATIONS FOR CIVIL SOCIETY

We believe the above analysis shows that it is time for a fundamental rethink about the resourcing of civil society, particularly the change-seeking activity of global south CSOs. Conventional wisdom can only produce conventional results, and conventional approaches are now in danger of subduing civil society's innovative, radical edge through a welter of cuts and compromises. A projectised, log-framed and compliant civil society is not the civil society we need, and should not be the civil society we resource. Funders and CSOs now need to join together in modelling a different way of working.

CSOs need to assert their autonomy, and civil society's intrinsic value. This implies developing the access to diversified resources, financial and non-financial, and capacity and confidence, sufficient to not compete for funding, and to turn down offers of funding if they compromise civil society autonomy, or are distant from a CSO's mission.

Civil society needs to put the political back into resources: no resources come without politics, whether they come from domestic or foreign states, multilateral bodies, philanthropy of various kinds, the marketplace, or non-financial sources. Every decision to accept or expend resources needs to be opened up to questioning. At each stage of the process, both when they are receiving and giving resources, CSOs need to ask where resources come from, whether they are needed, what assumptions lie behind resources, who makes decisions, and how decisions can be made more inclusive and transparent, and closer to the people whom resourcing is ultimately intended to benefit, so that change is likeliest to result. Accountability to citizens is the accountability that civil society should prioritise, and the aim should be to develop 360 degree accountability, in which providers of resources are as accountable to CSOs as CSOs are to them, both are

accountable to citizens, and where CSOs feel free to question their donors and their processes, even as they are receiving funding from them.

## CIVIL SOCIETY SHOULD:

- Dialogue with donors to seek to influence their priorities; even when CSOs are receiving funding, they should provide feedback and try to influence donors, challenge them and seek to change the nature of their relationships to become more lateral.
- Define and implement clear resourcing policies that align to civil society values, and make clear the grounds on which CSOs will not seek or accept resources.
- Challenge current notions of impact. There is a need to develop and assert new theories on how the change-seeking actions of civil society contribute to significant, long-term change.
- Urge donors to be braver and take more risks.
- Encourage donors to devolve funding decisions as close to the ground as possible. For this, there may be a need to establish intermediary bodies to help devolve funding.
- Assert and defend the right to receive funding, for all CSOs, from all sources.
- Make conscious efforts to better connect, share information and build support networks between different civil society forms, and civil society actors engaged in different activities. Particularly needed are south-south as well as north-south partnerships, and horizontal partnerships that connect different civil society forms. Partnerships must be principled, and should enable international connects of solidarity to support civil society when it is threatened.
- Demonstrate exemplary transparency, ensure accountability to citizens, and communicate better the essential and intrinsic contribution of civil society as a whole.
- Seek and publish better data on funding patterns for change-seeking activities.
- Develop entrepreneurial capacity, including through collaboration with social enterprises and CSR initiatives, but ensure that these are tested rigorously against values.

*It is time for a fundamental rethink about the resourcing of civil society, particularly the change-seeking activity of global south CSOs.*

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# GUEST ESSAYS

# RECIPIENTS AND CONTRIBUTORS: MIDDLE INCOME COUNTRIES AND THE FUTURE OF DEVELOPMENT COOPERATION

—JOSE ANTONIO ALONSO,  
JONATHAN GLENNIE AND ANDY SUMNER

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## INTRODUCTION

Middle income countries (MICs) still face considerable structural deficits and vulnerabilities that affect their development process. Not only do MICs need the support of the international community; the international community also needs MICs to succeed if global development goals are to be met.

In spite of continuing development problems in MICs, many international donors are in the process of reducing financial support to them. This is concerning. Nothing automatically changes for a country when it crosses a per capita income threshold. While it is true that policy coherence is likely to be more important for MICs than financial transfers, it does not follow that such transfers are unimportant. They remain a key part of the global effort to reach sustainable and equitable growth.

We therefore urge the international community to reconsider current trends and further plans to reduce international public finance for MICs.

## ‘TRAPS’ AND ‘GAPS’ – A NEEDS ANALYSIS

Despite the diversity of the MICs category, some useful observations can be made about the challenges faced by countries as their per capita income increases. We use the term ‘MIC traps’ to mean those constraints to progress resulting from a set of mutually reinforcing blocking factors. By ‘MIC gaps’, on the other hand, we mean those constraints that require large financial investments to be overcome. Inevitably, there is some degree of overlap between these concepts.

### MIC TRAPS

As countries rise up the income ladder they tend to be affected less by absolute shortages and more by asymmetries and bottlenecks in the development process, including:

- Trap 1: productivity and technological change: moving from traditional productive specialisation towards more dynamic and technological sources requires structural change.
- Trap 2: green technological transformation: improving energy efficiency and an accelerated shift to sustainable energy, while preserving the drivers of economic growth.

- Trap 3: macroeconomic stability and international financial integration: integrating into international financial markets while preserving the macroeconomic stability required for sustained growth.
- Trap 4: social cohesion, governance and institutional quality: improving governance within a context of high inequality and social fragmentation.

### MIC GAPS

Financing estimates depend on a set of assumptions about growth and inequality, and notably, on the ambitions of the international community: less ambitious objectives will require less money because financing gaps will be smaller. In our view, the responsibility of the international community for the poor and marginalised does not end when a family or a country crosses a somewhat arbitrary income line. The vast majority of the world’s poor, and an increasing amount of its problems with sustainability, are located in MICs.

- Gap 1: persistent poverty: even if one is optimistic about extreme poverty, projections for the next 20 years show a burgeoning mass (3-4 billion) of insecure people in the US\$2-10 income per day range, mostly in MICs.
- Gap 2: infrastructure: in the long run, the impact of infrastructural development can be felt in an increase in productivity and energy efficiency, in the reduction of transportation and communication costs, in strengthening regional integration, and in a more adequate supply of social services. In the short term, however, infrastructure can be very expensive, especially if it is to be ‘green’.

*In our view, the responsibility of the international community for the poor and marginalised does not end when a family or a country crosses a somewhat arbitrary income line.*

# MICS AS RECIPIENTS: THE ROLE OF DEVELOPMENT COOPERATION IN MICS

As countries climb the income ladder and, in most cases, more funds become available domestically or from international private sources, countries will rely less on external public finance in the form of aid. But the fact that countries may not need aid as much as before does not mean that aid may not still make a very important contribution to development. Development cooperation should be oriented to complement and encourage MIC capacities.

International support can help overcome MIC traps more by accompaniment than large-scale funding. We identify five key roles of this kind of incentivising financial cooperation:

## 1. *Encouraging improvements in policies/politics.*

Whether the level of cooperation is large or small, the incentivising effect has always been a crucial part of its effectiveness, and will continue to be so.

2. *Supporting non-government actors.* As the development problem gradually shifts from absolute lack of resources to their poor distribution, the advocacy and accountability roles of civil society, broadly understood, become even more important.

## 3. *Leveraging and adding value to private finance.*

Just as it can at the national level, international public money can play a crucial role in bringing private funds forward to invest in public-interest projects.

## 4. *Capacity development (individual and institutional).*

There is not a reduced need for technical capacity building in MICS; rather, there is an evolving one.

## 5. *Risk coverage, including environmental disasters and financial shocks.*

Some MICS are among the countries most exposed to natural disasters, and they are more likely to be at risk of financial shocks than low income countries (LICs), as they are generally more integrated into global financial markets.

Many MICS have significant gaps in public budgets for reducing poverty and achieving a more sustainable path to development. In some, towards the poorer end of the spectrum, this is still linked to an absolute lack of resources; in others, it is related to poor revenue mobilisation or other governance problems. So old-fashioned large-scale financial transfers often remain crucial. But there are two objections:

- First, the perception that MICS can raise the required resources without recourse to aid or development cooperation. We argue that domestic taxation is often insufficient to deal even with the cost of ending US\$1.25 or US\$2 income per day poverty, let alone end persistent insecurity. There may also be significant limitations in terms of access to private capital markets.
- Second, that external funding may slow the pace of political change (such as the need to improve

tax collection or increase taxes) by reducing the pressure on governments to act. We argue that aid at low levels relative to the size of gross domestic product (GDP) is unlikely to slow progress significantly towards a more equitable use of resources; on the contrary, in many instances, when it is carefully oriented in terms of good incentives, it may further the pressure for change.

In short, MICs can make good use of international public funds to complement domestic finance (public and private) and international private finance, whether to respond to traps (quality of funding) or gaps (quantity of funding). That funding need not necessarily be grant aid; it could be concessionary finance.

We are aware of the downward pressure on aid funds in many Organisation for Economic Cooperation and Development (OECD) member countries, but we do not believe that the progress of many countries up the income ladder should be seen as an excuse for aid reductions, when the real reasons are domestic political perceptions in OECD countries. More aid is needed for MICs; whether it is provided is one of the major choices facing the international community.

## MICS AS CONTRIBUTORS: SUPPORTING THE CONTRIBUTIONS OF MICS TO INTERNATIONAL DEVELOPMENT

Development cooperation should not only support MICs to overcome the constraints that affect their own development processes, but also back their efforts to participate more intensely in the development agenda regionally and globally.

### SUPPORTING SOUTH-SOUTH COOPERATION (SSC)

The progressive participation of all countries, especially the more wealthy MICs, in international cooperation should be promoted by donors from high income countries (HICs) through various forms of triangular and regional cooperation:

- Helping official agencies and their technical bodies to strengthen their cooperation systems.
- Taking part in triangular cooperation.
- Scaling-up successful innovations.

*Development cooperation should not only support MICs to overcome the constraints that affect their own development processes, but also back their efforts to participate more intensely in the development agenda regionally and globally.*

- Backing SSC platforms for technical support.

Meanwhile, SSC contributors could enhance their development cooperation by:

- Improving their information systems for better transparency and accountability.
- Encouraging the involvement of non-governmental actors.
- Diversifying modalities of cooperation.
- Establishing learning mechanisms through more intense evaluation and peer review.

## PROVIDING REGIONAL AND GLOBAL PUBLIC GOODS

The appropriate provision of regional and global public goods is crucial for promoting material progress and reducing instability and international risks. To encourage MICs to assume a committed role in such provision, the international community has to define the right incentives and supporting measures to compensate costs:

- MICs should actively share their experiences, and provide technical assistance and financial and in-kind support, in response to the most urgent international public problems (usually environmental).
- Vulnerability to environmental and global risks should be integrated into allocation criteria.

- All contributors should work together in promoting progressive change in patterns of energy production and consumption.

## A REGIONAL PERSPECTIVE

A regional focus is more likely to promote inclusive mechanisms of voice and representation and better adaptation to country-specific problems; several public goods are regional in scope, and the stability and economic growth of large MICs is a factor of equilibrium and progress in their region. International cooperation should focus on:

- Promoting an ambitious regional connectivity plan.
- Support for technological cooperation programmes.
- Encouraging MICs to take leading roles in regional integration processes.
- Strengthening regional development banks and bond markets.

## POLICY COHERENCE, GLOBAL RULES AND GOVERNANCE

Improvements in policy coherence should be promoted in some MICs as well as the established developed countries. The monitoring of policy coherence could be carried out at regional level, as a part of south-south cooperation, in order to maintain ownership of the process. Voice and representation should be adapted in some global governance structures to reflect countries' current weight in the international

*The appropriate provision of regional and global public goods is crucial for promoting material progress and reducing instability and international risks.*

arena. Without such an enabling international environment, many national development efforts will be fruitless.

## IMPLICATIONS FOR ALLOCATION AND EFFECTIVENESS

Two key questions arise for development agencies, particularly in the context of current international negotiations, on allocation and effectiveness. What does the above analysis mean for the prioritisation of scarce resources, the means of transfer (modalities) and accountability mechanisms?

### ALLOCATION

It has become commonplace to recognise that the income per capita threshold at which LICs graduate to MIC status is insufficient and somewhat arbitrary. Nevertheless, the main problem is not with the classification itself but the fact that donors use it to decide countries' eligibility for, and allocation of, aid. Given the proliferation of country classifications and the likely contentious nature of any new categorisation, an alternative is to identify countries by specific issues that development cooperation is seeking to support or respond to. When the issue is well-defined and the support measures well-designed, the problems that affect comprehensive (or country-based) categories (such as MICs) could be avoided. By way of example, we suggest the following three issues:

#### *An access to credit constraint*

Although most MICs have credit ratings and thus access to capital markets in principle, their ratings are often the lowest non-speculative grade investment, and thus concessional lending from donors in itself may remain important, particularly for long-run development financing. An issue-based classification could consider the credit ratings and rates of interest on 10-year treasury bonds as one way to differentiate between MICs.

#### *Space for redistributive policies (and the taxable population)*

MICs have very different levels of fiscal space for funding redistributive policies, and development cooperation should take this factor into account. An issue-based classification could use an indicator of domestic fiscal space to prioritise different subsets of MICs.

#### *Environmental vulnerability*

Within the MICs group there are countries that suffer severe environmental threats. One way to approach these threats is through the Economic Vulnerability Index, an indicator used in the definition of Least Developed Countries (LDCs). Many MICs also provide opportunities to invest in climate-compatible growth.

### EFFECTIVENESS

There has been strong endorsement for the five principles of the Paris Agenda on Aid Effectiveness (ownership, alignment, harmonisation, managing for

results and mutual accountability) from a wide range of development actors, and they remain useful in many circumstances. But there have also been concerns that they are overly focused on ‘traditional’ relationships between western donors and low-income, fairly aid dependent countries. Thus, the concerns of the MICs, both as recipients and contributors, may not have been given enough space.

As the Paris process morphed into the Global Partnership for Effective Development Cooperation (GPEDC) at Busan, South Korea, in 2011, there was a clear attempt to expand the purview of the process to include the exciting innovations taking place in and between MICs. However, there are still some points of contention, including the stipulation to “use country systems” and to “untie aid”. MICs engaged in south-south cooperation or as recipients may find alternative modalities more appropriate to achieve agreed results as effectively as possible. More generally, it is simply against the instincts of many non-OECD countries, enjoying their growing influence in international affairs, to tag onto an OECD-conceived project, however valid many aspects of it are.

It is likely that much of the work will need to be opened up again in order to define a new consensus on managing aid that involves these new players without renouncing the experience accumulated by traditional donors. It is possible that a sliding scale of indicators could be built, with some aid effectiveness priorities more appropriate in some contexts than others.

## IMPLICATIONS FOR CIVIL SOCIETY<sup>1</sup>

In this changing context, the implications for civil society are still working themselves out, but are likely to be profound. The most significant may relate to sources of funding. Whereas, in the traditional aid model, funds come predominantly from OECD countries, this is likely to change as restricted and unrestricted income increasingly becomes available in emerging economies.

### FROM CHARITY TO SOLIDARITY

Assuming that the world’s poor countries continue to grow relatively well economically, as they have done for the past decade, their problems will gradually become less associated with absolute lack of money. But while we can expect traditional development indicators, such as access to basic healthcare and education, to continue to improve, the same cannot be said for social conflict and injustice, particularly as resource scarcity comes more to the fore in a context of growing inequality.

The future challenge for civil society organisations (CSOs) may be to discern the new threats to the interests of the poorest that emanate from an increasingly unequal, volatile and resource-scarce world, and to align themselves politically, and even physically, with marginalised communities. The legitimacy and closeness of international non-governmental organisations (INGOs) to national level partners will be crucial if they are to play this monitoring role.

***Whereas, in the traditional aid model, funds come predominantly from OECD countries, this is likely to change as restricted and unrestricted income increasingly becomes available in emerging economies.***



The challenge for some INGOs may be that many of their core donors do not wish them to engage in activities that speak to issues of inequality and marginalisation, which they may see as political rather than charitable. INGOs that participate in advocacy, at all levels, to influence policies that directly or indirectly affect the lives of the poorest have tended to argue that experience in field operations is a crucial factor in their credibility. This may gradually need to be replaced by confidence in partner information and relationships.

## FROM VERTICAL TO HORIZONTAL

In the area of sustainability and fair shares, more than any other, the perception that INGOs are politically linked to their home countries in the global north (which are invariably the major polluters and consumers) could damage their long term credibility. They need to play a major role in the rethinking of the development paradigm, which is currently being led by southern CSOs and governments, and which seeks to end the breach between the so-called ‘developed’

and ‘developing’ countries: to see instead all countries as developing, in a new context where sustainability is key. International collaboration based on the needs of the poorest in all countries, rather than aligned to national self-interests, will be needed.

While engaging in independent monitoring activity, CSOs may also seek to further integrate themselves into global governance arrangements, to support progressive responses to global public good problems.

In 2010 Nigel Crisp, a former chief executive of the UK’s National Health Service, published a book arguing that the solutions to global health problems are now at least as likely to come from unexpected sources in the global south as from the global north, and suggesting that rich countries can learn from poorer ones, as much as vice-versa.<sup>2</sup> Crisp’s talk of ‘co-development’, rather than rich-poor international development, resonates in this era of shifting power. When global north audiences start to look to poorer countries for solutions in health and in other sectors, they will finally have moved on from the era of aid. CSOs must contribute to, not resist, this paradigm shift.

1 This final section draws on ‘The Changing Aidscape’, an unpublished thinkpiece by Jonathan Glennie and Neil Gaught for Catholic Relief Services.

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# DIGITAL RESOURCES FOR CIVIL SOCIETY

—LUCY BERNHOLZ

## INTRODUCTION

In Indonesia, an association of new fathers has led a robust, ribald and rather successful social media campaign to encourage natural childrearing practices, using little more than a hashtag. Their goals complement those of a few civil society organisations (CSOs) in their region, whose professional policy advocates try to keep track of the irreverent dads via social media. Knowing what their informal allies are up to is critical for the CSOs in their work directly with families, as well as their efforts to influence public policy.

Keeping track of the Twittersphere, (or Weibo-sphere, WeChat-verse, or WhatsApp-sphere, depending on where and who you are) is just one small way that digital tools and infrastructure have changed civil society. These tools have given many activists and organisations new ways to do their work and new conceptions of scale. They've introduced a new pricing equation into our thinking, as we increasingly understand that when we're not paying in cash, we're likely paying in data. And they have, or should have, changed the 'where do you work?' question for individuals and organisations, to include both local and digital presences. Digital environments are a complementary context for how and where we do our work, and what we need to do it.

Digital infrastructure and data are critical resources for civil society. No technology has ever reached global saturation as quickly as the mobile phone. We use our phones, whether smart or basic, for an ever-expanding range of tasks. Far beyond person-to-person communication, we are increasingly depending on our mobiles for market updates, literacy training, community organising, disaster preparedness and response,

and network building. Digital data and infrastructure are core mechanisms for public discourse, fundamental elements of public utility, and instrumental to civil rights, information access, medical care, innovation, education and countless other dimensions of modern life. As we shift more and more services to the mobile web, we've shifted the nature of digital divides - from basic access to broadband access, from basic mobile to high speed, and from those who can only consume to those who also create. Some countries are successfully leapfrogging expensive built infrastructure, while others only dream of doing so.

## PROMISES NOT REALISED

We once thought that digitisation was cheap. Rapid adoption of social media tools by low-resource organisations was at least partly driven by the ability to set up and use accounts with no costs other than time and energy. But as organisations of all kinds, from libraries to museums to local agencies to small community organisations, have invested in digitising their materials, they've quickly learned about the hidden costs of these tools. These can include everything from server costs to security measures, staff time to beneficiary privacy. For cultural organisations in particular, the push to make their collections available online has made clear the double-edged sword of digitisation. It costs money to do it and to maintain once done, but no one has yet figured out the how these resources might pay for themselves. Instead, online access to a museum's collection or an archive's pictures often reduces the very foot traffic that used to (barely) pay the bills. Not only is digitisation not cheap, but it may also cannibalise existing revenue streams.

The digital age promised us the accelerated democratisation of everything from information access to philanthropy. By many measures, more people from more places and from more backgrounds have access to information and each other than at any other point in history. But we've also seen that one result of faster, more distributed information access can and has been faster, more concentrated exertions of existing power structures. The battles between repressive regimes or systems of surveillance and the supposed safety of anonymous, dispersed networks of activists have led to a new arms race. Governments and corporations extend themselves in ways that only the well resourced can. Those who seek spaces for unmonitored online conversations, ownership of their own digital data trails, or choices about how their digital activities are tracked and by whom, are caught are fighting on more fronts at once than ever before.

Finally, it is becoming apparent that the economics of the digital space vastly favour those who own the systems over those who use them. The creation of enormous wealth for the few who engineer the technology comes at the cost of jobs and security for those whose work is being automated. The gaps between the wealthy and the rest of us seem to be expanding ever faster. In the parlance of Silicon Valley, the disruptive economics of the digital age have indeed come home to roost, but few governments or politicians have yet rewritten the elements of the social contracts being torn apart by these disruptions.

Six fundamental principles of civil society are being remade in the digital age. These are:

1. Free speech and expression
2. Peaceful assembly
3. Privacy

4. Consent
5. Ownership
6. Public accountability

Putting these principles into action digitally will be the context for and shape of civil society to come.

## DIGITAL IS INTEGRAL

We must put aside the small questions of how to raise funds on mobile phones or whether or not to use social media. Civil society - globally - must recognise the existential nature of digital data and infrastructure. The questions we must ask about resourcing civil society in a digital age are fundamental questions about the nature and purpose of civil society:

- How will we assemble peaceably in digital spaces that are constantly monitored by corporate and government interests?
- What rules of expression will hold across national lines, cultural expectations and global network systems?
- Who will own the data that we generate when we use these systems?
- What forms of governance can we create to protect our abilities to act collectively in digital spaces?

How will civil society answer these questions? Companies are offering free internet access to poor communities, relieving governments of the cost of building infrastructure, but in turn limiting the users to the companies' online sites. Will this practice, known as zero-rating, be a boon for low-income populations,

or a means of shifting basic information access from a public to a private resource? Will civil society carry a commitment to access and fairness into the digital sphere? Doing so will require pushing governments and corporations to invest in open digital access so that all people have all opportunities. Will civil society continue to limit its definition of resources to discussions of financial investments, and concentrate on policy battles about tax credits or corporate social responsibility? Or will we engage in the digital policy fights - about data ownership, digital surveillance and free expression - that are foundational to the idea of civil society?

The resource discussion for civil society can no longer revolve around money. Digital innovation means we need to recalibrate our own understanding of how and where we do our work, and what we need to do it. Yes, funding is a critical resource, but it is not the only one. CSOs need to:

- Understand how digital assets, resources, and infrastructure work - (hint: it's not the way financial assets do) - to advance our missions, and understand when they are working against us.
- Use the right digital tools for our missions - some devices and habits won't help us achieve our goals.
- Treat everyone we interact with as a donor to our causes - a data donor. And all that data demand respect and protection.
- Recognise the secondary digital resources that our work creates that might serve a public benefit, and design our work so those benefits can be realised.
- Learn how to use digital data and infrastructure safely, securely, ethically and effectively.

***Civil society - globally - must recognise the existential nature of digital data and infrastructure. The questions we must ask about resourcing civil society in a digital age are fundamental questions about the nature and purpose of civil society.***

***The resource discussion for civil society can no longer revolve around money. Digital innovation means we need to recalibrate our own understanding of how and where we do our work, and what we need to do it.***

- Access the growing world of intermediaries for digital capacity building, which can help organisations achieve their missions.

Funders need to:

- Realise that digital is not optional. It is a complementary space for all civil society actions.
- Integrate digital skill building and organisational practices into their core operating support, their capacity building efforts and their pursuit of effective organisations.
- Identify the ways in which digital data are shaping public policy on their issue areas, and equip their grantee partners to respond appropriately.
- Learn how to use digital data and infrastructure safely, securely, ethically and effectively.

Civil society as a whole needs to consider three new kinds of resources for the 21<sup>st</sup> century:

- Software codes: digital tools - from cell phones to satellites, cameras to street sensors, databases to drones - run on software. Software is designed by people, and often (literally) coded to default to certain values. What information gets collected and stored, and what choices users can make about the log of information on them - these are all software defaults. We need robust, diverse, value-driven software that doesn't put protestors in harm's way, that can be used securely in dangerous places, and that are appropriate to the built infrastructure that exists.
- Organisational codes: CSOs of all kinds need to learn how to use their own digital data safely,

securely, ethically and effectively. This knowledge needs to be informed by policy and programme staff as well as technologists and lawyers. The rights and privileges of all donors to an organisation - not just financial donors but beneficiaries as well - need to be respected and protected. Digital policies will become as important to good governance as financial and human resource policies. Good, informed practice will matter even more.

- Legal codes: civil society needs to engage actively in policy making about digital access and equity, civil rights and civil liberties online, data consent, data privacy and data ownership. How these issues get decided will determine if and how cultural expression, protest, organising and philanthropic activity take place with digital resources and in digital environments.

The digital technologies that shape our world are only going to become more pervasive. It isn't civil society's job to keep up with the pace of digital innovation. But it behoves civil society to lay claim to principles and practices for using digital resources that can withstand the next waves of change, encompassing embedded sensors, 3D printing, drones, pervasive surveillance, wearable technologies, artificial intelligence, virtual reality, genetic hacking and space exploration. It behoves civil society to include both the informal social media networks of concerned Indonesian fathers, the professional associations and non-governmental organisations that work on their shared issues of child and maternal health, and the digital data and infrastructure that binds them together.

*It isn't civil society's job to keep up with the pace of digital innovation. But it behoves civil society to lay claim to principles and practices for using digital resources that can withstand the next waves of change.*

# PROJECTISATION OF DONOR FUNDING: IMPLICATIONS FOR CSO SUSTAINABILITY

– ADRIANO CAMPOLINA AND BEN PHILLIPS,  
ACTIONAID

## INTRODUCTION: CIVIL SOCIETY, POVERTY AND POWER

Civil society organisations (CSOs) perform an essential role in enabling social and economic justice. Their role goes way beyond projects for development ‘delivery’: their largest scale impact, and their longest term contribution, is not in the number of items of assistance that they provide, but in how they facilitate and catalyse development, and how they empower people living in poverty to claim their rights.

Traditional project work may be helpful in responding to the immediate practical needs of the poorest communities, but such responses often have lacked a sufficiently clear strategy to tackle the underlying issues more widely, not just at a village, or even a sub-district level, but beyond. On its own, project work can never eradicate poverty. Poverty and inequality are ultimately a consequence of power relationships, and the most important contribution that CSOs provide is to help shift those power relationships.

## AN EXPANSIVE ROLE FOR CSOS VS. PROJECTISATION

CSOs can't end poverty by themselves, but they can help strengthen the power of the people to challenge the people with power. So as well as supporting small farmers to earn more, CSOs make the most difference when they also support people who have lost their land to have it restored; as well as helping schools, they make the most difference when they also support communities to hold education authorities to account, and support those who pressure corporations to pay their taxes so that the government can pay the teachers. Everyone concerned about impact, value for money and making the most difference should be keen to encourage this expansive approach to development, which was perhaps once radical, but is now very much the theoretical mainstream. An active and vibrant civil society is also a sign of a healthy democratic society. When CSOs have space to challenge governments and the private sector, it promotes a more inclusive development agenda that respects human rights.

This has been recognised by several donors in, for example, strategic funding partnerships, which enable a much more effective contribution to development than more contract-based relationships, typical of shorter-term and more project-based, donor/service contractor arrangements. Strategic funding partnerships enable CSOs to innovate and test new approaches, generating learning about what works

over the longer term. They promote adaptive and responsive programme management in unpredictable, complex and fragile environments, avoiding some of the drawbacks with contracts, where the focus is often on achieving the easy wins to protect payments by results. This broader support to the implementation of a strategy is crucial if there is willingness to move from fighting the symptoms of poverty towards fighting its structural causes.

And yet we now see pressure on CSOs to retreat to being delivery vehicles of assistance projects. Amongst the forms of pressure applied is funding. At times this funding pressure takes the most crude form of threats to deny funds to CSOs that work on issues of which the donor, or the regulator, disapproves. But there is also a subtler pressure, framed in a notionally benevolent language of projects and payment on delivery: of merely wanting to achieve results, secure value for money, shrink CSO bureaucracy and ensure accountability. The consequences of this shift to projectisation are in fact to lessen results (if by results we mean real, large scale, lasting change), lessen value for money, increase CSO bureaucracy, as grant management and funds acquisition become questions of survival, and reduce real accountability to communities, as organisations shift their accountability focus to donors.

Eurodad, the European Network on Debt and Development, "assess[ed] the potential of results-based approaches to deliver long-term and sustainable results by measuring the performance of different initiatives against the aid effectiveness principles developed and agreed by all donors at high level summits," and found that they were a step backwards.<sup>1</sup>

*Poverty and inequality are ultimately a consequence of power relationships, and the most important contribution that CSOs provide is to help shift those power relationships.*

*When CSOs have space to challenge governments and the private sector, it promotes a more inclusive development agenda that respects human rights.*

This is unsurprising as, indeed, the aid effectiveness principles had themselves been:<sup>2</sup>

*“a response to the failure of project-based approaches that increased transaction costs, failed to have sustainable impact on recipient countries’ systems and often collapsed once funders moved on. They [had been] an important attempt to move away from donor-driven aid that tended to promote the foreign policies of donors rather than focusing on poverty reduction.”*

In other words, the shift to project based funding is less a new approach than a return to an outdated one.

Of course, the drive for projectisation is not really about effectiveness. It is about politics. As a 2014 INTRAC study found:<sup>3</sup>

*“Donors report that working with established partners with a track record of delivery over a longer period should be a cost effective way of having a lasting impact on poverty. Secure, flexible funding should enable CSOs to tackle ambitious programmes and to innovate. Working through strategic partners also enables the donor to reach populations it cannot reach itself and to benefit from CSO knowledge and expertise. On the other hand, strategic funding is more sensitive to political changes than programme funding and has to be constantly justified and explained. It can be more challenging to*

*demonstrate the results attributable to strategic funding than for programme funding.”*

The shift to projectisation is not just about the politics of fear of criticism. It is also about the politics of an ideal in which CSOs respond to the results of poverty, but not tackle the causes, and work to help the poor cope, but not to strengthen poor people’s power.

## WHAT NEEDS TO CHANGE

CSOs across the world are seeing the funding environment become more restrictive. Grants are becoming more complex, programme periods are reducing and reporting requirements are increasing. It’s getting harder to focus on the most important work of development.

Rightly, CSOs have raised with donors their requests to halt this damaging trend. But we cannot only appeal to donors. We need first and foremost to decide what our response will be. We need to be clear on how we will work. At ActionAid we use the term ‘programme-led funding’ to describe an approach that seeks resources for work that our analysis and the communities we work with set out as key. We explicitly reject ‘funding-led programming’, in which CSOs start by looking at where the money is and offer to provide whatever projects that funders say they would like.

ActionAid’s agenda is one of transformation. As we set out recently in a joint statement with civil society leaders:<sup>4</sup>

*The shift to projectisation is not just about the politics of fear of criticism. It is also about the politics of an ideal in which CSOs respond to the results of poverty, but not tackle the causes, and work to help the poor cope, but not to strengthen poor people’s power.*



*“We will work together with others to tackle the root causes of inequality. We will press governments to tackle tax dodging, ensure progressive taxes, provide universal free public health and education services, support workers’ bargaining power, and narrow the gap between rich and poor. We will together champion international cooperation to avoid a race to the bottom.*

*“We will work together for a human rights and feminist agenda that curbs the influence of the corporate sector in defining national development agendas. We will champion living wages, the redistribution of women’s unequal share of unpaid care work, and the tackling of violence against women brought on by state repression and rising fundamentalism.*

*“We will work together with others to secure climate justice. We will take on the power of the fossil fuel companies who are undermining efforts which respond to science and protect people and planet. We will press for action that properly holds accountable those most responsible for climate change, and addresses the losses and secures the rights of those who are suffering the most from its impacts.”*

The big changes that civil society has achieved have been about challenging power. We’ve won some victories over the past 15 years, including several over big institutions: the defeat of the World

Trade Organisation’s Doha round, from which the organisation has never recovered;<sup>5</sup> the defeat of the Free Trade Area of the Americas; the International Monetary Fund and World Bank’s disavowal of harsh economic austerity programmes; and important policy changes won on equality, such as new land laws in Bolivia and Brazil’s Zero Hunger and poverty eradication programmes.<sup>6</sup>

Of course, there are consequences to CSOs taking such an approach. Clarity on the importance of challenging power means walking away from some resources. But the most important scale is the scale of impact an organisation can have, and that depends on holding to organisational strategy and values. ActionAid’s approach to development involves taking sides with the poor, and challenging imbalances of power that perpetuate poverty. For ActionAid the ‘we’ that matters most is the communities we work with and our allies at the grassroots, along with social justice movements and organisations.

Anti-apartheid leader Jay Naidoo described how his generation’s successful movement was inspired by Steve Biko:<sup>7</sup>

*“He didn’t give us a project plan, he didn’t give us a log frame, he gave us no PowerPoint presentation, and he had no money to give us at all. But what he gave us was a direction and the confidence to pursue it. Nowadays I hear organisations say ‘We have to do something about the challenges facing our society, but first we must find some funding’ – when organisations talk*

***The big changes that civil society has achieved have been about challenging power. We’ve won some victories over the past 15 years, including several over big institutions.***

*like this they have forgotten what they for, and forgotten how change happens. The truly effective CSOs will be those that work out how to organise people in the twenty first century.”*

on how change happens. Then we can seek funding. If we get it the wrong way round, we can survive, but as shadows only. Bluntly, only those CSOs that refuse to be projectised will escape that fate.

## CONCLUSION

The projectisation of donor funding is a threat to CSO sustainability. But more importantly, it is a threat to the contribution CSOs can make to advancing social justice. That projectisation reduces effectiveness is clear, but is also clear that the drive for projectisation is essentially political. CSOs have rightly urged donors to pull back from projectisation. But CSOs also need to be robust in their own response. We need to be clear on our purpose, clear on our values, and clear

1 Eurodad, Hitting the Target? Evaluating the Effectiveness of Results-based Approaches to Aid, 2012.

2 Eurodad, 2012 Ibid.

3 INTRAC, Comparative review of donor approaches to unrestricted funding of CSOs, 2014.

4 ‘Securing a just and sustainable world means challenging the power of the 1%: a joint call from the leaders of ActionAid, AWID, CIVICUS, Greenpeace and Oxfam on the eve of the World Social Forum in Tunisia, 13 march 2015, <http://www.actionaid.org/2015/03/securing-just-and-sustainable-world-means-challenging-power-1>.

5 ‘No deal better than a bad deal’ says ActionAid, as last ditch WTO talks put 950 million hungry further at risk, Reliefweb, 18 July 2008, <http://reliefweb.int/report/world/no-deal-better-bad-deal-says-actionaid-last-ditch-wto-talks-put-950-million-hungry>;

‘WTO talks collapse said victory for farmers, workers’, Reuters, 30 July 2008, <http://www.reuters.com/article/2008/07/30/us-trade-wto-victory-idUSL069689920080730>.

6 ActionAid, Who’s Really Fighting Hunger?, October 2009, [http://www.actionaid.org/sites/files/actionaid/whos\\_really\\_fighting\\_hunger\\_report](http://www.actionaid.org/sites/files/actionaid/whos_really_fighting_hunger_report).

*pdf*; ActionAid, Success in Reducing Hunger: Lessons from India, Malawi and Brazil, 2011, <http://www.actionaid.org/publications/success-reducing-hunger-lessons-india-malawi-brazil>; ‘Organizadas Somos Fortes’ – Organised we are powerful. Reflections from the landless movement in Brazil’, Global Dashboard, 28 April 2015, <http://www.globaldashboard.org/2015/04/28/organizadas-somos-fortes-organised-we-are-powerful-reflections-from-the-landless-movement-in-brazil>.

7 Speech by Jay Naidoo at the World Social Forum, Tunis, Tunisia, 2005.

# MULTI-DONOR FUNDS FOR CIVIL SOCIETY: CHOICES AND DILEMMAS

–COWAN COVENTRY AND CLARE MOBERLY,  
INTRAC

This paper is based on a study conducted by INTRAC ([www.intrac.org](http://www.intrac.org)) for Danida, Denmark's development agency, in 2014 on multi donor funds, and a subsequent discussion paper produced for Fagligt Fokus, an initiative of the NGO Forum, Denmark.

## 1. THE RISE (AND FALL?) OF JOINT CIVIL SOCIETY FUNDS

### OFFICIAL AID TO CIVIL SOCIETY IS MOVING TO THE GLOBAL SOUTH

Official aid support to civil society in both global north and global south countries has steadily increased in the last decade.<sup>1</sup> Official aid provided to or channelled through civil society organisations (CSOs) increased from US\$14.5bn in 2008 to US\$19.3bn in 2011, increasing from 13.6% to 17.8% of total Official Development Assistance (ODA) during the same period.

Global north CSOs continue to be a preferred channel for ODA support to civil society in global south countries, but there is evidence this is in decline. Remarkably, members of the Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) provided around five times more aid to CSOs based in their own countries in 2009 than to CSOs based in global

“We will continue to support small and medium-sized CSOs in developing countries. We will increasingly do so through direct support to CSOs in developing countries.”  
 “The Right to a Better Life” - Strategy for Denmark’s Development Cooperation, the Danish Government, 2012, p35

south countries, but this had reduced to only twice as much in 2011. This proportionate decrease in official aid to CSOs in the global north is reflected in significant drops in domestic CSO funding in some donor countries, either as overall aid budgets have been reduced in response to the financial crisis, as in Ireland and Spain, or due to changes in government policy, as in the Netherlands.

This confirms a trend to decentralise ODA to global south countries, whether through multi-donor pooled funds (MDF) or other mechanisms - a trend that is clearly reflected in the development cooperation strategies and civil society policies of some donors.

## JOINT DONOR FUNDS FOR CIVIL SOCIETY HAVE INCREASED

Over the last decade there has been growing interest among donors, in line with the Aid Effectiveness Agenda, to channel support to CSOs in countries of the global south through MDFs. This is driven by a desire to harmonise approaches, reach out to more CSOs in the global south and reduce transaction costs.

MDFs supporting CSOs can have a sectoral or a thematic focus, or be ‘open’ funds in support of civil

society more generally. They vary considerably, in terms of their preferred partners, types of funding and funding windows, types of capacity development provided and systems of governance. MDFs can take a variety of forms, depending on how explicit the aim of national ownership is, ranging from donor-controlled funds through to government-aligned funds and independent foundations.

## THERE MAY BE CONSTRAINTS ON THE FUTURE GROWTH OF MDFS

There are no reliable figures on the proportion of ODA that is being channelled through MDFs in developing countries. There was clearly an increase in these funds over the last decade, but fewer have been set up recently, and it is difficult to track whether the proportion of funding being channelled to them is continuing to grow.

While donors have both a principled and strong pragmatic interest in supporting MDFs as a conduit for funding civil society, there may be some constraints on their future growth. Setting up and managing joint donor funds involves high initial transaction costs. Donors may thus be inclined to cede the responsibility for the design and active oversight of a joint fund to a lead donor. Given both the public and internal pressure on the budgets of many donors, few continue to have the capacity at a country level to take this role on. The push to collaborate will continue, but it may be that donors seek a number of new and different forms to do this, joining together in smaller or more bilateral agreements that are less complex to manage.

*There remains little primary research on what the long term effect of MDFs have been on civil society development in the countries where they have been operating.*

## 2. KEY LESSONS FROM MULTI-DONOR FUNDS FOR CIVIL SOCIETY

There remains little primary research on what the long term effect of MDFs have been on civil society development in the countries where they have been operating. The review that INTRAC conducted for DANIDA in 2014 showed that experiences vary. For example, in some countries, funds have clearly democratised funding, extending it out beyond capital cities and to a much wider group of CSOs than had access previously. In other cases, the high entry requirements of funds have benefited more established and elite CSOs and have narrowed funding opportunities.

There are a number of design choices that will affect the way a fund affects civil society. Key to this is a fund's purpose: in particular, to what extent a fund has an intention not only to try to maximise results or impact in a particular thematic area, but also to support the development of an independent, diverse civil society. The table below shows some of the key choices that will affect the impact of a fund. A few implications of these are then explored below. It is important to note that this represents a range of options, rather than two opposing models. Many funds are increasingly trying to adopt a mixture of approaches.

Purpose	
Strategic impact at national level	↔ Diverse impacts at local level
Development outcomes	↔ Civil society strengthening
Governance	
Donor-driven	↔ Civil society owned
Preferred grant partners	
Well-established national CSOs	↔ Local informal community based organisations (CBOs)
Access to funding	
Direct award	↔ Competitive calls for proposals
Thematic calls	↔ Open calls
Type of funding	
Strategic partner core funding	↔ Programme or project funding
Type of capacity development	
Generic capacity development	↔ Tailored capacity development
Technical capacity development	↔ Organisational development
Measuring results	
External development impact	↔ Social, organisational development

## THEMATIC FOCUS OR OPEN CALLS

Some funds target specific themes or sectors, e.g. the Legal Services Facility (LSF) in Tanzania, or the Tanzania and Kenya Media Funds. Others target a broad area, such as human rights and democracy, and subsequently identify ‘sub-themes’. Star Ghana, for example, has five themes, which were chosen as a result of a political economy analysis. This can be contrasted with funds such as the Civil Society Support Fund in Ethiopia (CSSP) or the Zambia Governance Foundation (ZGF), which issue calls for proposals that may have broad criteria, e.g. reaching ‘the hard to reach’, linking action and policy, or promoting innovation, but that do not specify a particular theme or sector.

There are pros and cons to both options. By funding a specific theme, it is possible to stimulate a critical mass of organisations working on the same issue and potentially to choose complementary organisations across a portfolio, for example, by linking community,

sub-national and national organisations, or by joining up delivery and research and advocacy organisations. The risk is that themes become very donor-driven and do not respond sufficiently to what CSOs’ own priorities are.

In contrast, more open calls give CSOs greater freedom to identify their own issues. This allows new or marginalised themes to emerge directly from the grassroots. The challenge with this approach, however, is that it is much harder to find ways to tell a strong story

about the overall impact of the fund. There is some evidence that, precisely because of this challenge, donors are turning away from more general civil society funds.

## COMPETITIVE CALLS – WINNERS AND LOSERS

MDFs may accept grant applications by invitation or through an open, competitive process, normally carried out through a call for proposals. The latter is particularly favoured, as it allows the fund to be – and be seen to be – conducting a transparent and fair process.

Calls for proposals encourage a high number of applications, and the success rate of CSOs finally being awarded a grant tends to be very low. This may be unavoidable, but it can be demoralising, and may waste limited CSO resources. In general, larger and better established CSOs tend to benefit most from calls for proposals, since they have a greater capacity to formulate winning proposals.

## SUPPORTING A DIVERSE CIVIL SOCIETY REQUIRES AFFIRMATIVE ACTIONS

Unless MDFs use special funding windows or other kinds of affirmative action to extend their reach, their principal beneficiaries tend to be more established CSOs. Many funds are now taking up this challenge, and indeed have been successful at pushing funding out to a wider group of CSOs. This requires, however, a much higher level of investment and potential risk, which donors can find challenging. Some examples of affirmative action include:

*In general, larger and better established CSOs tend to benefit most from calls for proposals, since they have a greater capacity to formulate winning proposals.*

“How do I make a forest of all these trees?”

Fund staff member on the challenge of assessing the overall impact of a general fund.

INTRAC (2014) study on multi-donor funds, p46

- **Geography:** making sure a fund supports CSOs in marginalised districts, for example, by: publishing calls in regional newspapers; providing regional briefings; targeting information sessions in those regions previously under-represented in calls; establishing quotas on the number of proposals from different regions; weighting selection criteria in favour of applications from under-represented regions and ‘hard to reach’ populations; establishing local or regional offices; or providing outreach through a network of coaches or mentors.
- **Size:** specifically targeting smaller, less sophisticated CSOs, for example, through small, short term grants, or by having lower entry requirements, e.g., by not insisting on audited accounts, which may present a challenge in some countries.
- **Type:** reaching out to support informal, traditional or emerging actors with the potential to drive change, especially in response to unanticipated events or topical opportunities.

## CAPACITY DEVELOPMENT – ARE WE GETTING THE FOCUS RIGHT?

Most funds offer capacity development support in addition to funding. There are a number of challenges around what this support focuses on and how it is delivered. These are not necessarily unique to MDFs,<sup>2</sup> but can be exacerbated because of their scale and size.

The support offered to grantees by MDFs is most frequently focused on the ‘compliance needs’

of donors, in terms of applying project cycles and financial management, or on the basics of organisational systems and procedures. Yet there are other aspects of capacity that may be equally, if not more, important in building effective CSOs, such as leadership, passion, integrity and the ability to connect genuinely with and support the voice of communities. There is often little space in civil society funds for thinking more innovatively about the content of capacity development.

Some funds have a small number of grantees and can therefore provide tailored capacity building support through intensive accompaniment. This is, clearly, ideal, but is resource intensive and much harder in many of the funds that are dealing with large portfolios of grantees at a time. Donors have a tendency, once a fund is set up, to use it as a convenient channel for funds, thereby expanding the envisaged size of the fund. This can create a tension between the pressure to get funds spent, and having the space to really work with and design appropriate capacity development support for grantees.

## 3. REFLECTIONS FOR THE FUTURE

MDFs are likely to continue in some form for the foreseeable future. The following areas of reflection could contribute to a dialogue about how funds should be supported to play a more effective role as enablers both of social action and of CSO development.

*There is a tendency within civil society funds to look for and fund the parts of civil society that they recognise: professionalised development and advocacy CSOs.*

*MDFs are part of a positive effort by donors to bring funding closer to CSOs in the global south. They are an increasing and influential part of the civil society landscape.*

## CIVIL SOCIETY ORGANISATION AND CIVIL SOCIETY ORGANISING

There is a tendency within civil society funds to look for and fund the parts of civil society that they recognise: professionalised development and advocacy CSOs. A few have explored possible relationships with other types of organisation, for example professional associations,<sup>3</sup> but this is limited in scope. Outreach activities are designed to reach more emerging expressions of civil society, but the type of support offered leads them into a process of formalisation, and then supports them on a trajectory of becoming ‘an organisation’. Yet many

however, they need to be more able to accept risk and to recognise failure. They might resemble models of investment for small business or start-ups. Small amounts of funding could be made available to a wide spread of actors. This could then be used to identify a limited number, who had demonstrated the greatest potential to develop and make an impact, for further investment. These could then be mentored to expand their reach gradually and possibly increase their levels of funding. This would imply, however, that donors were willing to accept as high a level of risk and failure as entrepreneurship funders do in small business development.

*Given the diversity of organisations in fund portfolios, there it is often a real challenge for funds to demonstrate their overall impact.*

so called CSOs are hardly that, except in name. They may have few full time personnel, and often expand, contract or lie dormant according to the availability of resources.<sup>4</sup> Funds may need to think of new ways to structure their support to take into account that reality, and to find ways to support civil society organising and social action, without expecting that all expressions of that will become formalised and permanent.

## USING FUNDS TO SPOT AND DEVELOP POTENTIAL

MDFs could be important channels for spotting and nurturing new actors within civil society. To do this,

## LOOKING AT IMPACT FROM A DIFFERENT ANGLE

Given the diversity of organisations in fund portfolios, there it is often a real challenge for funds to demonstrate their overall impact. While focusing funds on particular themes is one option for trying to assess impact in terms of development results, another could be to track better the impact of funds on civil society development and on social action. Few MDFs are currently tracking what happens to the organisations that they fund over time. Key questions here would be: how many go on to develop and to access other forms of funding within the fund, and



from others? And what are the characteristics of those that have been successful? Equally, few explore, in the case that organisations are not able to sustain themselves beyond one grant, what happens to the social action they were supporting, or what the cumulative effect of grants in a geographic area might be. Exploring the traces of what funding leaves behind in terms of civil society organisation and organising could shed more light on the impact of funds, rather than trying to find some way to aggregate project outcomes.

## SUSTAINABILITY

Donors often have the expectation of transferring funds to national ownership. This is not accompanied, however, by realistic plans for supporting their long term sustainability. It is noteworthy that some of the foundations set up in Africa that have achieved a degree of independence and sustainability, such as the Kenya Community Development Trust and Trust Africa, were established with endowment funds by international private foundations.

This also raises the question of the long term sustainability of the CSOs that multi donor funds support. Given the likelihood of an eventual decline in aid and donor withdrawal, funds should encourage discussion amongst their grantees about what a sustainable civil society might look like in their context in the future, and what more could be done by an MDF to support them to develop towards it.

## 4. CONCLUSION - HOW CAN CSOS ENGAGE?

MDFs are part of a positive effort by donors to bring funding closer to CSOs in the global south. They are an increasing and influential part of the civil society landscape. CSOs, both in the global north and global south, need to find ways of engaging with these funds. This could include by:

- **Managing them:** many funds are now managed by private sector companies. While there is no evidence that any particular type of managing agent is better than another, CSOs have a wealth of expertise to bring, and have the advantage of not seeking a profit.
- **Inputting and influencing their design:** CSOs should seek to influence donors more on the structure and approach of these funds, as this affects significantly how they will impact on civil society development.
- **Applying for funding:** this raises a dilemma between global northern CSOs and southern CSOs that needs discussion. Not all funds are open to northern CSOs in the donor country, but some are. In these instances, northern CSOs can support and help partners to apply, or they can consider applying jointly, but should northern CSOs apply themselves?
- **Acting as watchdogs:** CSOs should monitor the performance of funds and should seek to carry out more longitudinal research on their impact.

*MDFs are part of a positive effort by donors to bring funding closer to CSOs in the global south. They are an increasing and influential part of the civil society landscape.*

- It is only by engaging donors in a discussion about how best to decentralise funding that CSOs can ensure this is done in a way that is appropriate to their needs, and that really does support the development of sustainable civil society action into the future.

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# A REFLECTION ON TODAY'S GLOBAL VOLUNTEER COMMUNITY

– KATHI DENNIS, EXECUTIVE DIRECTOR AND  
KENN ALLEN ED.D, SENIOR CONSULTANT,  
IAVE – INTERNATIONAL ASSOCIATION FOR  
VOLUNTEER EFFORT

## ABOUT THIS CONTRIBUTION

IAVE – The International Association for Volunteer Effort – is the only global network of civil society organisations (CSOs), businesses and grassroots leaders that exists solely to promote, strengthen and celebrate volunteering, in all of the myriad ways it happens throughout the world.

At the authors' invitation, 22 leaders of volunteering from 19 countries, from every region of the world, and all members of IAVE's network, contributed their perspectives to assist in their preparation of this contribution to the 2015 CIVICUS State of Civil Society Report. They included national volunteer centres, those responsible for volunteering in their global companies, members of IAVE's board of directors and its network of volunteer 'national representatives', all people who are on the front line of leadership for volunteering. While the authors and the respondents all are associated with IAVE, this article is, however, not an official statement of IAVE's position on the issues discussed.

## INTRODUCTION

Volunteering – the willingness of people to commit their time, talent and energy, without regard for immediate financial rewards, to help others, while helping themselves – runs like a river through the centuries of recorded history. Like a river, it constantly branches and expands, creating new channels, and constantly creating new energy to sustain itself.

Thus, what may appear to be today's trends in volunteering most often have their antecedents decades in the past. Today's novelty is often an extension of developments that began as early as the 1960s, when formal attention to volunteering emerged and the development of supportive infrastructure began.

A fundamental trend, however, is the steady globalisation of volunteering, and an understanding that it can and does appear in some form in virtually every society, under every form of government, and as part of every religion. Today, more than ever, there is a global volunteer community that, if nothing else, agrees on the value of people volunteering to help one another.

Volunteering provides significant value as a primary non-financial resource for society. Resources are too often defined purely in financial terms. Yet major contributions to the work of CSOs are made by volunteers, pro bono services and in-kind contributions of goods and services. Of these, volunteering too often is the least acknowledged and underutilised of these non-financial resources.

This contribution to the 2015 CIVICUS State of Civil Society Report first discusses four dynamic forces, 'the disruptors', that are already bringing major changes to the field, and second, identifies seven major challenges and issues to which the global volunteer community must give priority attention. This article is, by design, an overview, rather than an in-depth analysis. The intent is to stimulate dialogue, rather than to provide definitive conclusions.

## THE DISRUPTORS

These four forces are making significant impact. They are relevant to every actor in our global volunteer community, from the member states of the United Nations to leadership and volunteer-involving organisations to individual volunteers.

### 1. THE SUSTAINABLE DEVELOPMENT GOALS (SDGS)

In 2014, there were significant efforts to ensure that volunteering is recognised as a strategic asset in the post 2015 development agenda and the forthcoming SDGs. Responding to the leadership of United Nations Volunteers, both the Post 2015 Working Group of volunteer involving organisations and IAVE worked to mobilise their networks to influence actors at the UN, and its member states, to include volunteering in all relevant documents on the SDGs.

As the Lima Declaration of the International Forum for Volunteering in Development, held in October 2014, stated:<sup>1</sup>

*"...the full potential of volunteers to contribute to the achievement of the SDGs can be unlocked only by an SDG framework that explicitly recognizes and supports volunteerism..."*

If volunteering is clearly recognised as a priority strategy for development, then it can be hoped that more governments will develop national policies on volunteering and invest in developing and sustaining infrastructure to support it.

*If volunteering is clearly recognised as a priority strategy for development, then it can be hoped that more governments will develop national policies on volunteering and invest in developing and sustaining infrastructure to support it.*

The SDGs also may serve as a framework for CSOs and businesses to expand and focus their volunteer efforts. For example, in 2014, announcement was made of Impact 2030, a coalition of businesses and CSOs, intended to do just that for corporate volunteering.

## 2. SKILLS BASED VOLUNTEERING (SBV)

Certainly not new, but increasingly in vogue, is the concept of skills based volunteering, particularly in the context of employer-supported volunteering. It makes sense that, by encouraging and assisting people to use their work skills as volunteers, greater impact can be achieved.

For many companies, SBV has become the sine qua non of corporate volunteering, as it also enables their workers to continue to develop their skills by putting them to work in environments significantly different from those found in their workplaces. Cross-border SBV schemes allow companies to provide short term, rigorously planned opportunities for workers to use their professional skills in the global south, often with significant, if localised, impact. But such schemes have also generated growing frustration among businesses that see CSOs and public sector agencies as often having little or no interest in or ability to engage their volunteers effectively.

Input for this article included suggestions from two countries, in different regions of the world, that SBV is an important component of diaspora volunteering, involving the return of people to their mother country to reconnect with their heritage while meaningfully contributing their skills.

Unfortunately, too often, SBV is defined solely in terms of professional skills, typified in volunteering by doctors, lawyers, accountants, engineers and programmers, for example. When applied rigidly, that becomes exclusionary and disrespectful of the myriad of skills that can be found in any workplace. It is important that both suppliers (particularly businesses) and consumers (CSOs and public agencies) of volunteers recognise the broad array of skills that may be available, and creatively identify the ways that they can be put to work through volunteering.

## 3. SOCIAL MEDIA AND MOBILE TECHNOLOGY

One of those who provided input for this article wrote:

*“Technology has changed the way paid work is done, and indeed [has changed] entire industries. Technology is changing volunteerism too. Adoption of wireless and mobile computing increases the potential for micro-volunteering and online volunteering. Technology also affects how charities, and volunteers themselves, can mobilise resources, for example, through location-based services, online communities going beyond friends and families, crowdfunding, predictive analytics and ‘customer’ relationship management.”*

Another pointed to this news report:<sup>2</sup>

*“Today’s younger volunteers... perform acts of service every day, whether they use their social*

*networks to rack up millions of views for civic-minded videos or drive fundraising for people in need through online platforms... [A]s the service movement evolves, we should acknowledge that, in many cases, the greatest asset a volunteer can offer is his or her ability to quickly mobilize thousands of Facebook friends or Twitter followers to raise awareness or dollars and to inspire action.”*

A dramatic example of the impact of social media is in disaster-related volunteering. Now, because of the power it gives people to mobilise others, spontaneous volunteers can be on site much more quickly than even first responders, let alone humanitarian relief agencies. This is rapidly changing the dynamics of volunteer participation in response to disasters, raising challenges to those organisations, as untrained volunteers who want to help are self-organising.

It is clear that social media and mobile technology, as one of our respondents wrote:

*“...will enable people to volunteer in new ways and will potentially mean that people who have previously been excluded from volunteering are able to participate.”*

But he also warns:

*“However, it may also mean that people without access to technology could be excluded.”*

Volunteer-involving organisations cannot ignore and certainly cannot reverse the impact of social media.

They must become adept at maximising social media’s benefits for them, which means they must prepare their volunteer leaders and paid staff to function comfortably with it.

## 4. THE COMING GENERATIONAL CHANGE OF LEADERSHIP

Much of the leadership that has built the concept of a global volunteer community has come from those who were born prior to 1960, including the authors of this article, who thus are comfortable raising this topic. That generation is arriving at the point of retirement. The issue is not whether it can be replaced. There is no question of that, as younger leaders are rapidly emerging throughout the world, particularly in the global south.

Rather, the challenge may be for the older leaders to move gracefully out of the way while still finding opportunities to contribute. Their legacy must be that they helped prepare the next generation of leaders for volunteering, offering them increasing opportunities to be heard and to assume expanding responsibilities. They must demonstrate their openness to the ideas and perspectives of the new generation. Their relevance will not be in their remembrance of things past, although a little historical perspective never hurts, but in their ability to make way effectively for their successors.

The new generation of leaders must be encouraged and must be willing to undertake fundamental discussions that the current generation may believe are long settled. Questions such as, how do we define volunteering, what are the values inherent in volunteering,

***Volunteer-involving organisations cannot ignore and certainly cannot reverse the impact of social media. They must become adept at maximising social media’s benefits for them, which means they must prepare their volunteer leaders and paid staff to function comfortably with it.***

and, as discussed below, what is the appropriate relationship between paid and unpaid work, must continue to be discussed. The answers must grow from the realities of today's world, rather than from the way things were.

This is why IAVE always schedules a companion youth conference or a special youth track at all of its world and regional conferences.

## THE CHALLENGES AND OPPORTUNITIES

Here are seven significant issues that must be addressed and, if possible, resolved, in order truly to strengthen volunteering as a recognised global force for problem-solving and change. In some manner, they ran through virtually all responses we received from our invited informants.

### 1. THE ABSENCE OF NATIONAL POLICIES ON VOLUNTEERING AND INFRASTRUCTURE SUPPORT

In the vast majority of countries, particularly those in the global south, there are no national policies to guide the development of volunteering, no significant government investment in developing and sustaining appropriate national and local infrastructure to support volunteering, and no coordinated efforts to create an enabling environment.

In countries with national volunteer centres or similar structures, almost entirely in the global north, there

appears to be a trend toward reduced financial support for these from governments, despite the contributions volunteers can and do make to the delivery of public services.

In 2015, IAVE is launching a first ever global study of national leadership structures and systems for volunteering, as a way to build a knowledge base about them, and to build a strong case for their value and impact.

### 2. MEASUREMENT OF IMPACT

Appropriately, there is growing discussion of how to maximise the impact of volunteers on specific problems and needs. This undoubtedly will grow if volunteering is formally recognised as an asset to address the SDGs. Currently, much of the discussion of impact is being driven by global companies that want to be able to document the return on investment of their volunteer efforts. Unfortunately, there is precious little investment being made in developing sensible, manageable and cost effective impact measurement. Complicating this is an absence of an overall coordinated effort to do so, resulting in disagreement over what should be measured and how it should be done.

### 3. INCLUSION

All people have the ability to volunteer. But not all people have the opportunity to volunteer. Why not? In large part this may be because of stereotypes related to the nature of people 'in need'. People who live in poverty, who have physical and emotional disabilities, who are impacted on by disasters, or who are very young or very old, are often perceived

***The new generation of leaders must be encouraged and must be willing to undertake fundamental discussions that the current generation may believe are long settled.***

***For too many in the global north, the global south is seen as a place where volunteers go in order to help, not as a place where there are millions of indigenous volunteers already at work in their communities every day.***

as people who require help, not as people who have skills, capacity and desire to help others and to help themselves.

This is an issue that is rarely discussed. Indeed, volunteering efforts by people in these groups too often become used as ‘inspirational examples’ for those without challenges rather than exemplars of what others in their circumstances could do, if given the chance. Nor is there recognition that volunteering by marginalised communities, rather than for them, can be an effective strategy to empower these groups and improve their lives.

Work must be done to ensure that volunteering is genuinely open to everyone who wishes to participate, recognising and reducing barriers that may exist because of people’s age, gender, sexual orientation, economic status, emotional or physical health, and religious or political beliefs.

#### 4. THE FAILURE TO RECOGNISE THE REALITY OF VOLUNTEERING IN THE GLOBAL SOUTH

For too many in the global north, the global south is seen as a place where volunteers go in order to help, not as a place where there are millions of indigenous volunteers already at work in their communities every day.

The problem is exacerbated by the growth of ‘voluntourism’, often undertaken as a commercial endeavour, where people from the global north combine a holiday with volunteering. Many of these efforts are legitimate. But there also are significant negative

implications that have only recently begun to receive attention. For example, the Better Care Network and Save the Children UK are in the forefront of identifying the negative impacts of volunteering in orphanages by visitors to the global south.<sup>3</sup>

While cross-border corporate volunteering may be seen as contributing to the stereotype, it is important to note that most global companies that sponsor such programmes also create teams drawn from their global workforce, thus contributing in a small way to the growth of south to south volunteering.

As one of our respondents noted, there is not sufficient recognition of the potential of south to south volunteering as a way for countries with similar realities to learn from each other’s innovations and best practices. Increased investment in such schemes could potentially significantly increase impact, while reinforcing the value of indigenous volunteering.

#### 5. THE LACK OF READINESS TO ENGAGE VOLUNTEERS

It is an open secret that too often CSOs, public sector agencies and community-based groups are ill-prepared to engage volunteers effectively in their work. In many cases, they and their paid staff members are openly resistant to volunteers. Often this is because they do not recognise volunteers as a resource that can help them achieve their missions.

This is a problem that cannot be ignored if volunteering is to have its maximum impact. Those who are promoting skills-based volunteering already express frustration at the difficulty of finding appropriate

*It is an open secret that too often CSOs, public sector agencies and community-based groups are ill-prepared to engage volunteers effectively in their work.*



placements for those volunteers. As one respondent noted, there is a gap between what volunteers are looking for and what organisations are looking for. A concerted effort is needed to build volunteer friendly organisations, which are willing to address their cultural, attitudinal and practical barriers to effective volunteer involvement.

## 6. THE RELATIONSHIP OF UNPAID AND PAID WORK

Volunteering is work, albeit unpaid, and like all work brings benefits to the worker, such as personal or spiritual fulfilment, self-confidence and new social connections. Among the most important benefits, particularly for young volunteers, are learning and practising new skills, gaining experience in a workplace and building a record of work experience, all toward the goal of increasing one's employability.

In its invitation to develop this article, CIVICUS posited that there might be a "growing elitism" in volunteering based on:

*"...how internships and volunteer opportunities are sometimes... [seen]... as a means to embellish... CVs and enhance... career prospects rather than an end in itself."*

Our respondents firmly rejected this hypothesis on three grounds. First, there is a long-standing consensus that volunteering benefits the volunteer as much or more as the individuals or organisation served. Second, the act of volunteering is not "an end in itself" but always the means to another end. Finally, it is not

"a small group of upwardly mobile or socially well-connected individuals" who potentially can benefit in this way from volunteering. It is every volunteer.

Too little has been done to develop and disseminate specific strategies for both volunteers and volunteer-involving organisations to legitimise and maximise these employment-related benefits. Youth volunteers may not know how to document their experiences or to translate them into terms that support their search for paid work. They also may be reluctant to request such support from the organisations in which they volunteer. Those organisations may be unprepared to document the nature of volunteer work, the skills learned and the specific contributions made by volunteers in ways that are helpful to their volunteers. Finally, employers must be educated to understand that volunteer experiences can and should be used in assessing potential employees.

## 7. THE VALUES INHERENT IN VOLUNTEERING AND THEIR CONFLICT WITH REALITY

In its Universal Declaration on Volunteering, issued in 2001, IAVE made the case that:<sup>4</sup>

*"Volunteering is a fundamental building block of civil society. It brings to life the noblest aspirations of humankind - the pursuit of peace, freedom, opportunity, safety, and justice for all people."*

But is it correct that, generally, those who give leadership to volunteering share a wider variety of values, such as those in the IAVE declaration? If they were

asked why is volunteering important, would they agree with IAVE's assertion?

To assume that they would is to carry the risk of believing that all share what some would argue are predominantly western or global northern values. These might include values about inclusion, the ways in which volunteers not only can but should challenge the status quo, and about the rights of people to be engaged not only in problem-solving volunteering but also in advocacy and social change.

We rarely discuss whether these assumptions are correct. For example, does volunteering mean the same thing worldwide? Is the rejection of barriers to participation – including those rooted in prevailing social, cultural or religious mores – a prerequisite for one to be recognised as a leader for volunteering? As we call for the creation of national policies on volunteering, do we accept and value those established by governments in autocratic countries? Does voluntary helping, as a fundamental human activity, stand outside the framework of cultural, religious and political norms within which it may occur? Are there forms of volunteering that should be rejected as not being part of the global volunteer community?

Probably because such questions have the potential to divide as well as to bring together, they are not often on the agenda for discussion. But, if the founders of IAVE almost 50 years ago were correct when they saw volunteering as a way to 'build bridges of understanding,' then it is incumbent that the risk is embraced and that meaningful dialogue on these questions is encouraged and stimulated.

## CONCLUSION

Two common needs that run throughout this article are the needs for increased dialogue and for greater collaboration. These are, of course, intertwined: effective dialogue leads to greater understanding, which can beget a willingness to work together toward mutually shared goals. Both demand a commitment to investing the time and leadership energy required for them to succeed. But it is an investment, if truly made, that can pay huge dividends in expanding, strengthening and sustaining our rapidly emerging global volunteer community.

*Two common needs that run throughout this article are the needs for increased dialogue and for greater collaboration.*

1 International Forum for Volunteering in Development, The Lima Declaration, 2014, <http://ivco.cdn.wusc.ca/wp-content/uploads/2014/05/Lima-Declaration-English-final-13.11.14.pdf>.

2 'The new age of volunteering', USA Today, 21 March 2014, <http://www.usatoday.com/story/opinion/2014/03/21/>

[america-volunteers-community-service-millennials-column/6627419](http://www.usatoday.com/story/opinion/2014/03/21/america-volunteers-community-service-millennials-column/6627419).

3 See, for example, Better Care Network, Better Volunteering, Better Care, 2014, <http://bettercarenetwork.org/BCN/details.asp?id=32465&themeID=1002&topicID=1017>.

4 IAVE, Universal Declaration on Volunteering, 2001, <http://www.iave.org/advocacy-3>.

# EBOLA: DEMANDING ACCOUNTA- BILITY AND MOBILISING SOCIETIES TO AVOID A DEADLY RELAPSE

—SHARON EKAMBARAM, DOCTORS WITHOUT BORDERS (MSF) SOUTHERN AFRICA

One year into history's largest and deadliest Ebola outbreak, the failures and fatal inadequacies of the current arrangements for response to global health crisis have been brutally exposed. The toll of the epidemic has been huge: more than 26,000 people were infected and more than 11,000 left dead. The people of West Africa and the world deserve better, and civil society movements need to step up.

The enduring Ebola epidemic has taught the world some hard lessons over the last 12 months, which we must take to heart. Despite early warnings, and the extraordinary efforts of local healthcare workers and private medical humanitarian organisations, the epidemic has exposed the institutional failures that saw the Ebola outbreak spiral far out of control, with tragic and avoidable consequences.

In particular, we should reflect on the role civil society must play in response, and how it can spur on mandated international bodies to shake off their paralysis and act decisively during crises, instead of leaving it to private organisations, such as MSF, to respond.

In March 2015, the downward trend of admissions in Ebola treatment centres, was cause for optimism, not least in Monrovia, Liberia, previously the epicentre of the emergency during September 2014, at the height of the epidemic. But as we have seen before, the epidemic remains unpredictable, and new Ebola cases were diagnosed again, proving the necessity to match vigilance with improved contact-tracing (see box two) and efforts to rebuild trust in health services, to ensure that all new Ebola cases are identified and their contacts traced and monitored.

***We should reflect on the role civil society must play in response, and how it can spur on mandated international bodies to shake off their paralysis and act decisively during crises, instead of leaving it to private organisations.***

### MSF Ebola response

- o MSF operated eight Ebola case management centres, providing 650 beds in isolation, and one transit centre until March 2015.
- o In March 2015 the organisation employed 4,475 staff (local and international) in Guinea, Liberia and Sierra Leone.
  - Of these 25 have been southern African medics.
- o At the height of the epidemic, from August to November 2014, MSF operated 22 Ebola case management centres, including the world's biggest centre: the ELWA 3 centre in Monrovia, which had a 250 bed capacity.
- o Since the beginning of the outbreak up until May 2015, MSF has:
  - admitted 9,446 patients
  - confirmed 5,168 patients as having Ebola
  - discharged over 2,449 patients as Ebola survivors.
- o To date, MSF has trained 800 of its own staff and 250 people from other CSOs, the UN and government agencies in Ebola response.

epidemic certainly was not over. It is no time to slow down, especially since new cases of Ebola were being recorded in neighbouring Guinea and Sierra Leone, meaning that the outbreak is not over yet. There is now a need to improve cross-border surveillance to prevent Ebola re-emerging in Liberia.

What we have learned so far is that stopping the epidemic depends on all the different pillars of the response being in place, and having experienced responders who are well-resourced and able to adapt. To take control of the epidemic, the people of West Africa need an active public health surveillance system at the core of a fully mobilised, agile and flexible crisis response that has the trust of communities. The continued reluctance of some communities in Guinea to engage, coupled with sporadic attacks against healthcare workers, pose a threat to bringing the outbreak under control.

## WHY EBOLA FLOURISHED

Convenient explanations emphasise the Ebola epidemic as a perfect storm of a cross-border outbreak in countries with weak public health systems that had never seen Ebola before.

While the outbreak did thrive on the pre-existing weaknesses of the public health system in Guinea, Liberia and Sierra Leone, it was international inaction and institutional failures that precipitated an avoidable tragedy.

It was not only the legacy of civil war in Liberia and Sierra Leone that played a role, but also the corrosion

*What we have learned so far is that stopping the epidemic depends on all the different pillars of the response being in place, and having experienced responders who are well-resourced and able to adapt.*

On 9 May 2015 the World Health Organisation (WHO) officially declared Liberia Ebola-free, after 42 days of no new infections. This was a great milestone, but the

wrought by efforts to rebuild these societies. The International Monetary Fund (IMF) programmes that bankrolled redevelopment placed priority on debt and interest payments, rather than social welfare and health spending. These conditions attached to IMF and World Bank loans forced Guinea, Liberia and Sierra Leone to cap the number of health workers they employed and what they could be paid, according to an article in *The Lancet* medical journal.<sup>1</sup>

The impact was detrimental. Even before the Ebola outbreak, the health systems in Liberia and Sierra Leone had less than one doctor per 10,000 people, and less than three nurses and midwives per 10,000 people. Women in Liberia and Sierra Leone were left especially vulnerable; they are more at risk of dying during childbirth than almost anywhere else in the world.<sup>2</sup>

The Ebola outbreak worsened their lot, as health facilities were closed, since healthcare workers abandoned their posts, fearing that they too would become infected, given that hundreds of health staff had already died while trying to help without the necessary protective gear and support. Obscured from view by Ebola is the over one million malaria cases reported in Liberia and Sierra Leone, and nearly 800,000 in Guinea.<sup>3</sup> But in the wake of Ebola, this deadly disease was not prioritised. So far MSF has managed to distribute antimalarial drugs to more than 650,000 people in Monrovia and 1.8 million people in Freetown, as well as opening a new maternity unit for pregnant women with Ebola in Sierra Leone.

The inefficient and slow response from the international health and aid system, led by the WHO, which saw a months-long global coalition of inaction, provided ample opportunity for the virus to spread

wildly, amid a dearth of leadership and the urgent action that was required.

The WHO is internationally mandated to lead on global health emergencies and possesses the know-how to bring Ebola under control, as does the US Centers for Disease Control (CDC), which has laboratory and epidemiological expertise. However, both WHO in the African Region (WHO AFRO), and its Geneva headquarters, did not identify early on the need for more staff to do the work on the ground, and nor did they mobilise additional human resources and invest early enough in training more personnel.

The initial response was left to private organisations such as MSF: an untenable situation that stretched our organisation and people to the limit to take on significant risks to try and save lives.

For MSF, our most significant limitation in the beginning was the lack of experienced staff to deal with an outbreak on this scale. At the onset of the outbreak our own staff complement who were experienced in Ebola work numbered only around 40 people, who had worked on much smaller isolated outbreaks during the last 20 years.

They had to simultaneously set up and run operations on the frontline, and coach inexperienced staff. MSF embarked on the most extensive knowledge transfer operations in its 44 year history. Trainings began in earnest at headquarters and in the field, with more than 1,000 people trained and more than 1,300 international staff and over 4,000 national staff deployed over 2014/2015.

***The inefficient and slow response from the international health and aid system, led by the WHO, which saw a months-long global coalition of inaction, provided ample opportunity for the virus to spread wildly, amid a dearth of leadership and the urgent action that was required.***

# CAN CIVIL SOCIETY HOLD GLOBAL ACTORS TO ACCOUNT?

The three countries hit hardest by the Ebola epidemic are characterised by a lack of strong traditions of organised local civil society. After the conflicts in Liberia and Sierra Leone in the early 2000s, the rebuilding of these societies and social services were hamstrung, leaving authorities with a tendency towards knee-jerk reactions when faced with crises. A hallmark of this was the use of repressive quarantine measures, which masked the paralysis of the state authorities while, with deadly irony, trapping Ebola inside communities. In Sierra Leone corruption thrived, as desperate people resorted to bribing officials to let them out of quarantine so they could go about their normal business, given that quarantine was a euphemism for imprisonment, often without adequate supplies for daily existence. But this was overshadowed by the alarm, framed by media reportage on the outbreak, in Western Europe and the United States as Ebola crossed the Atlantic. Some of the media coverage reached for sensationalism when reporting on the thousands of horrible, undignified deaths in West Africa, juxtaposed with one of two infections in the EU or US, which resulted in calls for isolation and flight cancellations to West Africa.

At the other end of the spectrum, little attention was focussed on the WHO - one of the world's

largest intergovernmental organisations - since it was out of touch with the reality on the ground and unable to shift quickly from technical advice to taking responsibility with hands-on deployment and coordination.

When the WHO was founded 60 years ago as a specialised UN agency, its primary charge, laid out in its constitution, was to ensure the “attainment by all peoples of the highest possible level of health.”

How then did the WHO fail to carry out its mandate in protecting the vulnerable people of West Africa?

## Six steps to stop Ebola

- 1. Isolation and care for patients:** Isolate patients in Ebola management centres staffed by trained personnel and provide supportive medical care and psychosocial support for patients and their families.
- 2. Safe burials:** Provide and encourage safe burial activities in communities.
- 3. Awareness-raising:** Conduct extensive awareness-raising activities to help communities understand the nature of the disease, how to protect themselves, and how to help stem its spread. This works best when efforts are made to understand the culture and traditions of local communities.
- 4. Disease surveillance:** Conduct and promote thorough disease surveillance in order to locate new cases, track likely pathways of transmission, and identify sites that require thorough disinfection.

*The three countries hit hardest by the Ebola epidemic are characterised by a lack of strong traditions of organised local civil society.*

**5. Contact-tracing:** Conduct and promote thorough tracing of people who have been in contact with the Ebola-infected. If contacts are not mapped and followed up, it undermines all the other activities and the disease will continue to spread.

**6. Non-Ebola healthcare:** Ensure that medical care remains available for people with illnesses and conditions other than Ebola (e.g. malaria, chronic diseases and obstetric care).

The problem was a vacuum of leadership. I saw this first-hand when I worked in Sierra Leone during the peak of the epidemic in August and September 2014. I arrived in the capital, Freetown, a few weeks after the WHO eventually declared the outbreak a public health emergency of international concern on 8 August 2014, six months after Ebola was confirmed in Guinea. At the time of my arrival, the international response to this deadly outbreak left much to be desired, either because of fear, lack of expertise or political will.

During joint response coordination meetings, I sat through what was more like a round table discussion, while outside in the streets, people were dying horrible deaths without dignity, new infections soared and healthcare workers struggled to respond. The same could be said for top level meetings, where the WHO did not manage to take decisions on setting priorities, attributing roles and responsibilities, ensuring accountability for the quality of activities, or mobilising resources on the necessary scale. There was little sharing of information between affected countries. Only in July 2014 was a regional operations centre established in Conakry, Guinea to provide the much needed technical and operational support

critical for an unprecedented outbreak of this nature that traversed borders.

Epidemic response activities (see box) should have been coordinated inside and beyond the borders of the affected countries. The successful execution of these demanded a direct operational approach, which the WHO could not sufficiently provide.

This epidemic also showed the lack of vision and capacity to ensure that local community-based organisations, which traditionally have carried out infection control education for measles, Lassa Fever and other poverty related diseases, to play an instrumental role within communities to drive change in health behaviours to stop Ebola transmission.

From the outset the WHO was out of step with the reality experienced by terrified communities in Guinea, Liberia and Sierra Leone. The WHO's January 2015 report relates how a "mysterious" disease began silently spreading in a small village in Guinea on 26 December 2013, but was not identified as Ebola until March 2014. When MSF responded in March 2014 to the outbreak in Guinea, calling for international support because the spread of the outbreak was unprecedented, the WHO in April maintained that the outbreak was still "relatively small."

MSF's initial Ebola response focused on Guinea from March 2014, and another rapid response in Liberia during April 2014, where cases numbers quickly dwindled. By May 2014, MSF teams had started working in Sierra Leone, after being requested to intervene in late May.

By June 2014 MSF told the world that the outbreak was out of control, and that the response capacity

***This epidemic also showed the lack of vision and capacity to ensure that local community-based organisations play an instrumental role within communities to drive change in health behaviours to stop Ebola transmission.***

was completely inadequate. We also announced that our teams had reached their operational response limits, necessitating massive deployment of resources from international governments.

In July the situation in Liberia reached alarming proportions, and MSF received impassioned phone calls from former Liberian staff, currently members of MSF's Association, who were active in civil society, pleading for an MSF response.

The existing pressures on MSF's Ebola teams in Guinea and Sierra Leone were massive, but we could not ignore the distress signal. With internal pressure strong, MSF had technical support teams on the ground in Liberia during July 2014, and by August we had built a massive isolation centre in Monrovia. At 250 beds, the ELWA 3 case management centre was the world's biggest Ebola centre, compared to the 40-60 bed facilities previously set up. But within days it was overwhelmed with the Ebola sick. In September and October, my colleagues there could only open the gates for 30 minutes a day, to allow new patients in to take the place of those who had died overnight.

In July 2014 these experiences and perspectives from working in all three countries pushed MSF teams to the limit, and we called on UN member states to launch an intervention, since CSO capacity was completely outstripped. The WHO eventually declared an Ebola Public Health Emergency in August, and only in September 2014 did a slow stream of foreign aid support start to trickle in, after MSF took the unusual step of calling for civil and military biohazard responses from UN member states.

## WHAT CIVIL SOCIETY'S HIV RESPONSE TAUGHT US

Unlike civil society movements, the WHO is not built on the principles of solidarity with people in crisis, and it does not respond to the inequalities in the world out of anger and outrage. In the late 1990s, at the epicentre of the HIV epidemic, the South African government was gripped by AIDS denialism, which paralysed its response to AIDS. At the time, the disease was killing 1,000 people daily, and in the absence of response, grassroots civil society organisation (CSO) the Treatment Action Campaign (TAC) stepped in.

TAC built a powerful movement of patients who organised themselves as a force to be reckoned with in South Africa and to be admired internationally, inspiring a new wave in the global HIV solidarity movement. TAC was able to empower people living with HIV with knowledge of their disease, and mobilised them to demand anti-retroviral treatment and accountability, and to fight HIV stigma.

This kind of social activism grew against the backdrop of ineffective global health leadership. Despite the evidence of treatment success in 1996, international bodies such as the UN and WHO took five more years to produce treatment protocols for resource-poor countries. In the midst of the raging pandemic, there was little recognition of the gravity of HIV's social and security impact until 2000.

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But unlike the virus that causes AIDS, the Ebola virus and its transmission puts people without effective available treatment at immediate high risk of dying from the disease. The usual methods of mobilisation familiar to activists are not possible for people living in West Africa. Instead, what is needed is a global movement in solidarity with the plight of the people of West Africa that keeps the WHO, as well as wealthy countries that have an obligation to meet their mandates, accountable to people in desperate need.

## LEARNING THE LESSONS

Over the last 20 years reforms have gradually reduced the direct operational capacities in the UN system. For example, the restructuring of the WHO in Geneva has led to the closure of its viral haemorrhagic fever unit. UN member states should be held accountable for an unceasing reduction of response capacity. In the face of a lack of international action, desperation in communities drove people to develop their own imperfect offering. Volunteer Ebola fighters, donning improvised protective gear to treat sick family members, and volunteer burial teams, were willing to endure stigma and social exclusion.

A destructive spiral materialised, leading to the catastrophic situation in West Africa, characterised by lack of leadership, deficient coordination and, last but not least, a striking absence of operational capacity. This was compounded by the fact that the international community simply doesn't feel responsible for responding to what is happening in regions that are not perceived as politically or

economically significant. It is left to fragile health systems in the affected countries to manage international health crises, as well as to private organisations that have, by their nature, limited capacities to respond to major outbreaks.

While the WHO Executive Board wants to enact reforms for epidemic response and address internal incoherence, it seems unlikely that radical reform will happen overnight, and there is little interest from UN member states in empowering an epidemic response body with the power that could potentially challenge their own sovereignty.

Without the power of mobilised societies, change will not happen. Millions of West Africans have lost confidence in the health system, and patients suffering from life-threatening health conditions not related to Ebola, such as birth complications or malaria, still cannot receive appropriate care. Coupled with fear, this deepens people's distrust of health services and authorities, as in Guinea. It is urgent that access to healthcare is restored as a first step to rebuilding healthcare systems in the region that are able to face the difficult, uncertain future.

There was a powerful defining feature of the response from MSF, aside from the establishment of case management centres and effective contact tracing: it was the fact that this movement is based on an association of humanitarian fieldworkers, international and national staff members, who volunteered to work in the fight against Ebola, feeling compelled to act. Many returned two and three times over the course of months because of the enduring dire need. This speaks to their humanitarian spirit of solidarity with the people of West Africa. The WHO is now talking about building a global workforce in

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***International civil society should demand transparency and accountability from international bodies such as the WHO. Without it we are doomed to repeat history.***

preparation for other similar outbreaks, but what marked the volunteers' motivation and efforts was their visceral refusal to accept the status quo, and their drive to provide access to healthcare to meet the needs of people caught in crisis, based on what they witnessed.

Today, we know that huge efforts are needed for large-scale community mobilisation and health promotion, and information sharing, much as was the case with HIV. But this process will demand significant financial and human resource investments. It's here where CSOs in Guinea, Liberia and Sierra Leone must find a meaningful role to play in the mobilisation effort, while international civil society should demand transparency and accountability from international bodies such as the WHO. Without it we are doomed to repeat history.

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# TRENDS IN PHILANTHROPY IN THE ARAB REGION: BEYOND A CHARITY- BASED MODEL

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## INTRODUCTION

In 2015, the landscape of philanthropy in the Arab region looks decidedly different than it did a mere four years ago. To be sure, the practice of philanthropy and charitable giving is not new to the region: in fact, it is so deeply embedded in the culture and fabric of the various societies that make up the 22 country-strong region that it would be difficult to find a point in the region's history when philanthropy was not widely practised. However, the seemingly sudden surge of geo-political upheaval in the region in 2011, widely known as the 'Arab Spring' (although it appears to have a rather perennial momentum), essentially shocked the region into a new reality across all aspects of society, with the philanthropic sector certainly being no exception.

With the region in relative crisis, some of the more challenging issues that face the philanthropic and civil society spheres globally have come to the forefront regionally, and these issues merit some evaluation and acknowledgment, if only as a way of mapping emerging trends, and documenting their trajectory for the sake of posterity. This contribution to the 2015 State of Civil Society Report takes stock of the current overall state of Arab philanthropy and its myriad practices, while paying particular attention to the newer models and approaches of giving in the region. In some ways, it can be said that the various challenges we face in the region have helped to foster an innovative sector, which may not have been motivated otherwise.

As a network of Arab philanthropic foundations based and working in the region, we at the Arab Founda-

tions Forum (AFF) are uniquely positioned to observe the region and the landscape, by virtue of the experience and information gleaned from our membership. We have borne witness to a rapidly transforming sector, and see the following key trends as having emerged in the most recent past.

## FROM CHARITY TO SOCIAL CHANGE: STRATEGIC PHILANTHROPY

Ideally, when we talk about strategic philanthropy, we like to think that this goes beyond the traditional means of giving and hand-outs, and instead ensures a more long term and sustained form of giving that can somehow help reach the root cause of the development issue in any given situation. In order for it to do so, and do so successfully, philanthropy needs to adhere to certain characteristics that make up ‘good philanthropy’. These characteristics include, but are not limited to, “being connected beyond simply writing a check, being thoughtful and reflective, and being effective and lasting.”<sup>1</sup>

When it comes to defining strategic philanthropy, however, context is key. In a region with such a rich history of charitable giving - and more specifically, religious giving - the challenge has been to chart a course that is strategic, while maintaining the hallmarks and motivations of giving, and the tradition of philanthropy in this local and historical context. There are

a number of key questions here. How does the Arab region move towards a more strategic model of giving while preserving its traditions? How does it do that in the face of various humanitarian crises that confront the region in this moment in its history, and which potentially distract from developing a more long term, 30-to-50 year model of ‘legacy philanthropy’: one that instills the values of giving, of wealth and resource distribution over time and over the course of generations, and institutionalises philanthropy in a way that allows it to become more strategic and, therefore, more impactful over time. How do we move from the tried-and-tested model of charitable giving towards a model that effects lasting, sustained and much needed social change? In short, how does the Arab region go about changing the way we give?

A scan on Arab philanthropy between 2011 and 2013, conducted by the John D Gerhart Center for Philanthropy and Civic Engagement at the American University in Cairo, Egypt, revealed a number of general trends in three key ‘Arab Spring’ countries: Egypt, Libya and Tunisia. In Libya, due to the absence of an infrastructure for institutionalised philanthropy under the old regime, a civil society was being forged from a blank slate, from which a number of challenges as well as opportunities for developing new paradigms emerged. In Tunisia, a shift in focus took place, from cultural associations to more developmental associations, as well as an effort to expand and build on an already existing civil society. In Egypt, the process was more complicated, considering the breadth and history of civil society there, but new initiatives emerged, and a restructuring of civil society is now embedded within a larger debate regarding religion, the constitution and the drafting of a civil society law that

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would potentially allow for citizen engagement and release philanthropic efforts from restrictions.<sup>2</sup> What is common across all three countries is the focus on reforming the regulatory environment and developing a civil society law that is in keeping with the spirit of the Arab awakening. However, the most recent draft of the NGO law in Egypt, is a backwards step, as it would bring civil society further under state control and severely restrict foreign funding, which may have serious consequences for the future of civil society.<sup>3</sup>

The impact of the reforms is yet to be seen. Similarly, the consequences of the uprisings that began across the region in 2011 may be slow to reveal themselves in all their magnitude and final form. The ripples and aftershocks of these movements began to appear almost immediately, and continue to be seen four years later. The region has seen the fall of regimes in spectacular ways in Egypt; we've witnessed the changing of the guard in Saudi Arabia; and we've watched as Tunisia manoeuvres its way through uncharted waters and builds - or rebuilds - a civil society and a rule of law that is geared more towards an inclusive government. But we still have a long way to go. We still have societies that function largely under antiquated laws and governing principles that have no place in the 21<sup>st</sup> century. We still see countries where issues of citizenship are steeped in patriarchal bureaucracy; where women remain in the shadows of society; where education maintains its place on the fringes of priority; and where unemployment rates soar, while opportunities decline and hopes are diminished. For a region that is the size of the Arab region, the fallout from these issues can be quite catastrophic, and not in some far away future, but now.

## THE ROLE OF PHILANTHROPY IN YOUTH ENGAGEMENT IN THE REGION

A very common theme at the forefront of the debate about the regional philanthropic sector is the pivotal role played by young people as major stakeholders in the process of change. The dynamics may be different in each country, but the vision of an independent civil society remains a goal.<sup>4</sup> Let's consider the regional statistics for a moment:

With 22 countries, the Arab region comprises roughly 10% of the world's geography. Of the region's population of approximately 395 million<sup>5</sup> (which is around 5.5% of the world's total population), roughly 30% are young people (between the ages of 15-29).<sup>6</sup> To not harness the collective power of this 'youth bulge' would be egregiously short-sighted and decidedly un-strategic. However, in order to galvanise a youth population to contribute to the philanthropy sector in any meaningful way - in a region where they are largely under-served and generally ignored - a paradigm shift of huge proportions is required. The problem is that this takes time, and is certainly not a shift we will likely see on a large scale any time soon. While we consider the staggering statistics of the Arab youth population, we can safely assume there is some kind of correlation between the failure to fulfil

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the needs of that population and some of the seemingly perpetual geo-political crises facing the region. It's not too far a stretch to say that lack of opportunity can lead to the search for meaning and purpose elsewhere. With the surge of religious and politically fanatical organisations across the region, we are seeing this scenario play out in ways that are catastrophic - not only in the obvious and immediate present, but for generations to come. There are ways to mitigate this, and philanthropy has a potentially influential role in this sphere, but that potential can only be realised when a population is engaged and invested. It would not be inaccurate to state that, currently, this isn't the reality across the region, and certainly not amongst the youth population. In fact, in many cases across the region, we're seeing engagement dissipate, and moving further away from growing an engaged civic youth population that is motivated and has a vested interest in the betterment of its society. The hallmark of philanthropy is the use of private resources towards public good. If a population is not given ownership of its future, why would it bother investing any of its resources in a future that is not theirs? What a lost opportunity that is proving to be.

To that end, there has been a marked proliferation in foundations and other civil society organisations (CSOs) that are taking a proactive approach to engaging young people in the Arab region. Among AFF's member organisations alone, we can list several notable youth-focused organisations that have created innovative programmes to engage the burgeoning youth population. In Jordan, *INJAZ* (Achievement) and *Ruwwad Al Tanmeya* (Entrepreneurs for Development) are two well-established organisations working on the ground and achieving far-reaching impact on

youth engagement and skills-building; the United Arab Emirates (UAE) hosts the Emirates Foundation, which states its mission as, "Working in partnership with the private and public sectors using venture philanthropy and engagement programs to positively and permanently impact the lives of youth;"<sup>7</sup> and the Qatar-based Silatech is a social initiative that works to create jobs and expand economic opportunities for young people throughout the Arab region by promoting large-scale job creation, entrepreneurship, access to capital and markets, and the participation and engagement of young people in economic and social development.<sup>8</sup> These examples are but a small sample of the foundations and CSOs in the region that have made it their mission to address the fastest-growing and least supported population in the Arab region today.

Despite these efforts, and some very encouraging gains, the region has a long way to go in achieving a more stable and better supported youth population. Much of this effort is hindered by the institution that is best placed to provide support it: namely, government. Although there are instances where we are seeing some proactive gains by government entities towards addressing the gap in opportunities for the youth population, there are many who bemoan these gains as meagre and examples of tokenism. One recent example was a regional Youth Opportunities and Employment Conference, co-sponsored by governments and the private sector, held in the region where hundreds of experts - both regional and international - were invited and the speakers were handpicked from the best in the field and the plenaries were plentiful. Interestingly, and somewhat disappointingly, one main question posed by attendees to the organisers was, "Where are the youth? They aren't on the panels,

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they aren't in the audience. How could you miss this opportunity?"

It's a frustrating situation to behold; one where we pose the question, "what do we do about our youth?" but then entirely miss the mark by failing to engage the exact audience whom we are attempting to address. In some of the countries around the region, the mere fact of being considered a young people is to be at a disadvantage. We have not yet seen the kind of paradigm shift where our region has fostered a sense of belonging, unity, or pride in its youth population. In today's political environment, participating in what might be considered civic engagement or engaged citizenship can mean jail time, and often with very little due process to speak of. Is it any wonder, then, that we find a generally frustrated youth population across the region, which feels entirely disempowered and disenfranchised? And yet, we can't ignore the fact that due to the sheer size of this particular demographic across the region, the burden of change will ultimately lie very much on their shoulders, and it is short-sighted to ignore them. We often ask "What is the role of philanthropy in addressing the issues affecting youth today across the Arab region?" and the answers are plentiful. Is there a role? Of course. But, can that role be filled exclusively by the philanthropic sector, without the active engagement and endorsement of the governments in question? Of course not.

Imagine this scenario: recently, there have been a spate of proposals and discussions among various entities, both within the Arab region and elsewhere, to establish virtual hubs for the exchange of information and ideas, and for discussions and thought leader-

ship. As wonderful and idealistic as these ideas are, we've been facing the same obstacle again and again in this discussion: how will you protect those with whom you want to engage? If you engage a group of young people in Egypt, for example, around issues of democracy and civic engagement, how will you guarantee the safety and freedom of those participants, in today's environment? Is this a failure of the philanthropic sector, in that it cannot protect citizens? Hardly. So what can be done? The solution will ultimately lie in working with governments to create enabling environments, in which citizens wishing to participate in philanthropy and its activities can thrive.

Beyond the issue of youth, the role of government in the facilitation of a vibrant philanthropic sector remains critical. Whether it's a question of education, health care, development assistance or socio-economic development, philanthropy is only able to be effective and sustainable if it is afforded an environment that enables it to function with minimal red tape, and in which it can be respected as an agent of change that can supplement efforts or fill gaps where government may lapse. The challenge that many Arab nations face in today's environment is that the philanthropic sector and governments seem to be working at odds with each other, rather than collaboratively or even complementarily.

In closed meetings and behind closed doors - particularly in the wake of the 'Arab Spring' - there have been expressions of fatigue among some of the more influential foundations, essentially bemoaning the burden of having the expectation of fixing society's ills placed on the shoulders of foundations, effectively relieving governments of their share of the responsibil-

*The challenge that many Arab nations face in today's environment is that the philanthropic sector and governments seem to be working at odds with each other, rather than collaboratively or even complementarily.*

ity to citizens. It's an intriguing state of affairs, and one that begs the question: if governments relinquish their responsibility, and philanthropy doesn't step in, who wins? Frankly, it's a valid objection, but also the consequence of which is that, ultimately, everyone loses.

## CREATING INCENTIVES: HOW DO WE GO FROM 'ALLAH DEDUCTIBLE' TO TAX DEDUCTIBLE?

The bottom line is that, apart from the priceless value placed on charitable giving within a religious context, there is little else to incentivise giving - strategic or other - in the Arab region. Take Lebanon, for example: there are 18 *waqf* (endowment) laws that govern giving in the country, with one *waqf* per religious sect. However, there isn't a single non-religious giving law for charitable donations that fall within a secular domain. This is a loophole, to say the least. In other cases, you would be hard-pressed to find a law or provision that allows for tax incentives to compel the average citizen, as opposed to a corporation or corporate foundation, to engage with the philanthropic sector in any substantive way.

There are two consequences of this reality that are worth noting for their impact on the sector overall.

Not only is there an immeasurable value placed on giving within a religious context, but also, in terms of Islamic giving (whether through *zakat*, alms or charitable giving, which is the third pillar of Islam and obligatory for believers; *sadaqa*, benevolence or voluntary giving, which differs from *zakat* in that it is not obligatory; or *waqf*, loosely translated as endowment), there is a higher value placed on giving when it is more anonymous. Essentially, the flaunting of one's generosity and charity is discouraged and that, in turn, negates the need for any incentive, tax or other, since God alone is deemed incentive enough. In and of itself, this isn't necessarily a bad thing, but in the context of designing a more strategic, less ad hoc model of giving and targeted community development, it does not help encourage progress. Rather, it obfuscates it further. Consequently, nothing is done to mitigate the duplication of efforts on the ground, there is no accountability between donor and recipient, and it is difficult to measure impact, since it's almost impossible to trace the trajectory of money given.

The effect of this on the sector in the region is that if you can't formally map the giving, you can't effectively identify the gaps and needs. And if you can't do that, you can't design a sector that addresses the most pressing needs of the society it intends to serve. Ultimately, this means that the potential power and impact of philanthropy will not be realised in the long term.

The lack of data in the Arab region is egregious. More importantly, local, Arab-sourced and Arab-owned data is practically non-existent. In general, and with glaringly few exceptions, Arab institutions and funders don't fund research. We don't invest in longitudinal studies and we don't invest in forensic analyses of our region,

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which would be critical in helping us to determine our vision and future; and for vision, we should be thinking in terms of multi-generations, rather than in the ten-year increments that we're apt to do. From the perspective of allowing a philanthropic and civil society sector to thrive, this is catastrophic.

Data counts, and is valuable far beyond the numbers alone. When you don't own your data, you don't own your narrative; and when you don't own your narrative, you cannot tell your own story, which means that someone else will tell your story for you. It doesn't take too much to see how dangerous this can be. We need to create an awareness of the value of this data throughout the region and, as a sector. We need to begin making the investment in aggregating, analysing and publishing data, with a view towards reaping the benefits of that investment over the long-term.

Somewhere between the value of 'giving for God' and 'giving for good' lies the balance of creating an incentive-based model of giving that doesn't need to forego tradition, but also isn't hindered by the drawbacks of that tradition, namely, the inability to create a more sustainable, strategic model of giving in the long run.

## WHERE DOES ARAB PHILANTHROPY GO FROM HERE?

The Arab region gives, and it gives a lot. This is undisputed. The legacies of generosity, hospitality and

focus on community are well documented, and well worth preserving. Where we need to focus some of our attention isn't on the giving itself, but on the issues surrounding it. There is a noted surge in the more innovative approaches to philanthropy that are prevalent globally, and they have appeared and been successfully implemented in the Arab region. Venture philanthropy, crowdfunding and other forms of strategic philanthropy have emerged, and they are plentiful, to be sure. In the wake of the 'Arab Spring', and even prior to that, the proliferation of foundations in the region is difficult to ignore.

But it should also be noted that, in the Arab region, the definition of what constitutes a foundation has a relatively more nebulous meaning than elsewhere, and is not necessarily described by the western taxonomy of a strictly grant-making entity. In many cases, foundations in the Arab region tend to be more of a hybrid between a grant-making and a grant-seeking entity. This doesn't diminish from the impact of these organisations, but it does make it somewhat more difficult to categorise them in a way that those outside the region would understand.

The lack of data and inadequate mapping of the sector in the region makes it almost impossible to gather the most fundamental information on Arab philanthropy. Key questions here are: who is giving what? Where are they giving it? How much are they giving? And to whom they are giving? Such questions remain, for the most part, entirely unanswered at this time.

Within the Arab context, the issues of accountability and transparency remain vague and unaddressed, mostly due to the fact that we have yet to determine

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the metrics by which they are defined within a local and regional context. However, in order for the Arab region's philanthropic sector to count on a global stage, it must adopt and adapt the guiding principles of sound governance, of which accountability and transparency are paramount. At this point, we metaphorically don't count globally, in a way that is representative of the potential of this region, and that is largely due to the fact that we literally don't count, in terms of getting data and measuring and owning our giving.

We need actively to engage globally, in a way that highlights the uniqueness of the region, without setting it apart from the rest of the world. In the most

basic sense, if the Arab region intends to have a seat at the table, and have an influential voice in the designing and creating of development programmes and innovations that affect the global south, then we must come to the table with meaningful and constructive insights, of which we have no shortage. The potential of this region is immense, yet it remains largely untapped. The time has come for the Arab region to gather its resources, share its learning, advocate around meaningful change in the policies and laws that affect its citizens, and take stock of its standing in the global community, for which it can prove immeasurably useful.

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1 These characteristics were described by Ms Abigail Disney, Founder of the Daphne Foundation, at a meeting in New York, USA in 2008.

2 N Farouky, M Khallaf and S Taraboulsi, Giving In Transition and Transitions in Giving: Philanthropy in Egypt, Libya and Tunisia 2011-2013.

3 More information on Egyptian civil society law is available from the International Center for Not-for-Profit Law, <http://www.icnl.org/research/monitor/egypt.html>.

4 N Farouky, M Khallaf and S Taraboulsi, *ibid*.

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8 For more information on Arab Foundations Forum members, please visit:

# INTERNATIONAL NON- GOVERNMENTAL ORGANISATIONS AND AID: NO LONGER A CASE OF LEVELLING THE PARTNER PLAYING FIELD

–ALAN FOWLER

## THE UNREALITY OF NORTH-SOUTH 'PARTNERSHIPS'

For many years the northern non-governmental organisation (NGO) part of international civil society has been dedicated to building the capacity of southern 'partners'. Often associated with the idea of dependent partners gaining organisational sustainability are the decades of strategic commitment to level the playing field of built-in disparities between north-south NGO power, and the unequal access to resources that comes with it. Despite earnest intentions, the notion of 'partnership' as mutuality and solidarity, with a gradual shift in the weight of action, control and resources from northern to southern entities, has simply not happened at a meaningful scale (Fowler 2000; Elbers and Schulpen 2013). For reasons explained below, such an ambition is even less likely to be realised in the future.

This contribution argues that an ambition of levelling what vertical partnership means needs to be honestly discarded in favour of horizontal ideas, incentives, investments and processes to counter a post-2015 reality that southern NGOs, for want of a better label, will continue to be disadvantaged by northern 'partners' and those who support them. A radical rethink is needed if the international NGO (INGO) community is to stop increasing its own resource inequalities, which replicate the expanding inequalities in wealth and income that it criticises.

A story of enduring resource inequalities can be told in terms of quality as well as quantity. We start with some indicative numbers. Reliable figures on how many INGOs and NGOs exist and what their resources are across the world are hard to come by. At 1,800 members, Concord - an umbrella organisation for European INGOs - gives some idea of the scale of organisations accessing northern resources. According to a study by Development Initiatives (2014), in 2011, NGOs collectively provided financial resources of US\$26.2bn, accounting for 58% of private development assistance (PDA). This study notes that income distribution is concentrated through large, well known organisations.

*“For example, 35 organisations in Canada received 79% of all revenue raised by non-profit organisations for international development in 2011. Over 1,000 organisations shared the remaining 21% of revenue in Canada.”*

Since 2010, the top 10 INGOs by turnover account for some US\$10.1bn, equivalent to 38% of the total (UNDP 2104:346).

With the Bangladesh Rural Advancement Committee (BRAC) as a notable exception, this biased distribution of resource acquisition is replicated in the global south. Southern NGOs are financially overshadowed by their northern counterparts. For example, the CIVICUS background paper prepared for contributors to the 2015 State of Civil Society Report says that:

*“According to organisational data from May 2014, just under half of CIVICUS members are*

*organisations subsisting on annual budgets of less than US\$75,000, and around 70% of CIVICUS’ membership is based in the south.”*

## WHAT LIES BEHIND NORTHERN NGOS’ BEHAVIOUR?

It is not too difficult to trace the cause of INGOs being unable to put into practice what they aspire to in terms of building southern NGOs to the extent that they gain the major hold in their country’s development and non-profit revenue streams. A basic obstacle to doing so was and still is an INGO’s economic imperative for increasing turnover, pushed by governors and underpinned by a *caritas* legacy where financial growth is a proxy for organisational performance. These factors, plus an interest in self-sustainability, push INGOs to ‘follow the money’ (Albertyn and Tjønneland 2010). Over the years, this has meant INGOs adjusting to donor decentralisation of funding decision-making. Hence the past decade or so has seen the establishment of INGOs as locally incorporated and governed bodies in the global south (e.g., Gibbs 2000). It takes a brave and exceptional INGO, such as EveryChild, to break this mould and move to a mutually supportive network model (Hailey 2014).

An expanding presence of INGOs as southern entities has a number of knock on effects that shape what southern civil society looks like in terms of endogeneity, public trust, government policy and domestic support. Of course, no country is an

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island, but at issue is an externally modelled layer in southern civil society ecology that can crowd out other more endogenous potentials. And when the follow the money mentality meets the practice of competitive bidding for aid contracts, local NGOs are at a further disadvantage. INGOs from the global north can rely on their intra-organisational networks, allied to lobbying official donors back home, to create preferential conditions.

Competitive bidding is now being complemented by Value for Money stipulations. This 'quality of resource' combination steers official aid even more strongly towards NGOs and INGOs with demonstrated track records, reliable reporting systems and high degrees of professionalisation. Professionalisation leads to INGOs poaching the best staff of local NGOs, with salary benchmarks and expectations that further challenge the stability and capability of local NGOs. On the plus side, INGOs bring in knowledge, skills, ideas and connections that improve the availability of human resources in a country. Moreover, a commitment to the development of local leadership seen in many INGOs increases the pool of talent that can be applied elsewhere. However, a common observation is that the aspiration of highly valued indigenous staff to leave an INGO to start or take over a local NGO is seldom in sync with their family situation - children growing up, costs of education and so on - which works against taking the risks involved. Staff migration from local to international NGOs - even if these are locally incorporated bodies - is more common than in the other direction.

Competitive bidding also reduces incentives for NGOs to accept coordination, which feeds concerns about

duplication of effort and waste of resources. Funders have tried to counter the disincentive they create by requiring joint bidding for contracts, but in these it is uncommon for southern NGOs to be in the lead. More often their role is that of a sub-contractor, which works against them learning bidding skills, budgeting know how and an acquisition track record.

Delays in payments make it common for INGOs to bridge cash-flow gaps by cross-financing from other sources, including strategic reserves and bank overdrafts. This option is typically less available for southern NGOs. Similarly, both northern and southern NGOs must cope with the uncertainties of donors' short-term funding arrangements, drawn out decision-making processes and pressures to start up too quickly to make up lost time before a curtain falls on the financial year. The resilience to do so is partly mediated by an organisation's scale of operations and total turnover. This means that a problem with continuity is less likely to have a significant disruptive impact with financially big, multi-source set ups than with smaller ones, which again favours the global north.

These tendencies by northern NGOs and INGOs to follow the money southwards, adhere to Value for Money as a performance criterion and follow competitive bidding processes offer a potent mix of factors that work against resource parity, let alone advantage, for southern NGOs.

Many INGOs have been strategically astute in establishing themselves as locally incorporated entities in countries, such as Brazil, India and Thailand, which have a fast growing middle class, who may be

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***For developing countries, south-south politics is the new game in town. This may be one reason why the expansion of INGOs in the south and direct financing to local NGOs from abroad is creating an increasing number of unwelcome political outcomes.***

motivated to finance domestic development through an intermediary. This experience is an advantage when looking towards expanding to or in middle income countries where the majority of the extreme poor are to be found (Sumner, 2010). Without comparative experience as a resource - transferred when INGO senior staff are moved around - local NGOs need to work extra hard to capture the 'market' for domestic private giving, away from

the extent that it was ever real, an assumption that income disparity between a poorer southern NGO and richer resource-bearing northern counterparts could be offset by northern NGOs providing 'protection by association' to southern NGOs seldom holds.

Another type of political/policy outcome is restraint on advocacy and lobbying activity for NGOs receiving

*Northern and southern NGOs need each other, and as long as there is respect in practice to match the rhetoric, asymmetries need not stand in the way of equity in behaviour.*

traditions of supporting welfare and direct gifting to maintain personal relational social capital.

Another knock on factor stems from the fact that the geo-politics of today and tomorrow are challenging and reducing the pre-eminence of Euro-American countries and donors on the global stage. For developing countries, south-south politics is the new game in town. This may be one reason why the expansion of INGOs in the south and direct financing to local NGOs from abroad is creating an increasing number of unwelcome political outcomes. Most publicised is the introduction of legislation or rules, e.g., in India and Russia, designed to restrict foreign financial flows to local NGOs. Whereas a southern government might once have exhibited caution in the face of northern complaints about NGO rights, they now have the confidence to shrug these off. To

more than a certain proportion of their funds from abroad, as has been introduced in Ethiopia and attempted in Kenya. These restrictive measures add to previous laws that, in the name of counter terrorism, have already shrunk civic space, as well as creating onerous financial reporting requirements for a wide swath of civil society organisations that are not up to the bureaucratic task. This also adds to overheads.

## LOOKING FORWARD

It can, therefore, be argued that forces which have played out over some 40 years of NGO and INGO involvement in development cooperation have systematically disadvantaged the capability of southern NGOs to access aid resources anywhere

near on a par with their northern counterparts. In addition, northern NGO behaviours have co-shaped the evolution of civil society in the global south in both intended and unanticipated ways. Positive is a capacity to save lives, actions to protect the weak and publicity of a government's abusive behaviour. Unwelcome outcomes are the animation of forces for restrictive legislation, feeding a regimes' political wariness of their own citizens and public policies that push towards a risk-averse priority for delivery of social services. The degree to which this shaping of civil society is significant obviously varies from country to country, and regime to regime. But this general picture largely describes southern NGO experiences.

The resourcing story so far invites two questions. First, do significant resource disparities between NGOs of the global north and global south matter in the south? Second, in a context that will be shaped by post-2015 development goals, will NGO resourcing history repeat itself? The answer to the first question depends somewhat on the timeframe one has in mind. In the short term, the nature of southern NGO practice will remain vulnerable to the danger of disassociation from the mass of the population, as identified by CIVICUS' analysis of people's participation patterns, which found in many cases a disconnect between citizens and formal CSOs (CIVICUS 2011). This implies that looking around, rather than looking up into vertical relations, needs to be tomorrow's strategy to deal with today's challenges.

It can be argued that resource asymmetries energise relationships, create synergies between different competencies and foster connections that work

against fragmentation and inefficiencies. Northern and southern NGOs need each other, and as long as there is respect in practice to match the rhetoric, asymmetries need not stand in the way of equity in behaviour. On the aid landscape, I have seen this quality of relationship, built up over many years of trial and error, struggle and debate. But examples of this are few and far between. Moreover, even these interactions face harder times. Reaching this high quality of relations will be more and more problematic when tied to official development assistance (ODA) that is increasingly privatisation-inclined.<sup>1</sup> A climate-challenged mono-paradigm of economic growth, trickledown economics, targeting and social safety nets is likely to continue. For hopes of equitable resourcing across NGOs, we will need to look beyond this singular, official framework.

Debates about financing the post-2015 development agenda offer little prospect that the systemic legacy of 40 years will not be carried forward. One indicator is the continuation of aid mechanisms that transfer donors' domestic policies into developing countries, with the structural adjustment programmes of the 1980s being a classic example of this. Within Euro-America, one response to indebted economic collapse at the end of the last decade is a reduction in public spending. This policy is to be remedied by the magic of 'innovation', where subsidised non-profits become social enterprises. Experiencing this pressure, INGOs are enhancing the income diversification capabilities of southern counterparts as a way to change the rules and expectations of the partnership game. An issue is whether or not southern NGOs can turn this north-to-south policy transmission to their advantage. In parallel, at the macro level there is a re-coupling of aid

***Debates about financing the post-2015 development agenda offer little prospect that the systemic legacy of 40 years will not be carried forward.***

and trade, exemplified in the push for ‘responsible’ private sector involvement to generate public goods, as seen in the proposed SDG Goal 17 (UN-OWG 2014).

In my view, it is time to change tack and track, and debate NGO resourcing from a southern perspective. What might this mean? First, re-value and couple to traditional support methods practices of mutual support based, for example, on affinities seen in diaspora remittances. In 2012, diaspora flows amounted to an estimated US\$381bn - more than twice the value of ODA. However, only US\$19bn, 5%, of diaspora finance funds public services.<sup>2</sup> Though very unevenly distributed across the world, exploration by southern NGOs with the southern diasporas based in the north that are generating this finance stream would draw on the social capital and cultural norms which international migration brings, in a form of ‘horizontal’ thinking. Put another way, unlike the nuclear families of Euro-America, much of the rest of the world has vast, transnational social capital as a resource to draw on. The issue for southern NGOs that have based themselves on western organisational models is how to re-inscribe these inherent values and knowledges into their identity and practices.

Second, there is a need to undo a vertical mindset that sees intermediating INGOs, in a rich to poor aid chain, as the aspirational model. The EveryChild example, which entailed closing down as a separate northern entity, and transferring its assets to an international alliance with, and governed by, a majority of southern-based NGOs, is worth learning from. Though perhaps less extreme, the transition

of some northern owned INGOs to more horizontally networked and alliance-governed models offers ideas in practice.

Another horizontality is to learn from how people who are poor and marginalised are often their own philanthropists (Wilkinson-Maposa and Fowler 2009). The norms and rules applied by poor people are not just to survive together, but to develop, by collectively not succumbing to further deprivation as conditions worsen. Sensitivity to context is seen in the adaptable growth of small scale community foundations across the world, which are not necessarily located in capital cities and do not resemble Euro-American civil society models. They are increasingly clever about local resource mobilisation, and they offer an updated prospect on what building on the indigenous can look like, as well as providing lessons for the north (Marcoux and Kasper 2014).

The tectonic plates of a vertical political and economic order - the west and the rest - are moving towards a more horizontal and plural set up. The resourcing of southern NGOs needs to ride this wave.

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# THE INTERNATIONAL ANTI- TERRORIST FINANCING SYSTEM'S NEGATIVE EFFECT ON CIVIL SOCIETY RESOURCES

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## INTRODUCTION

After 9/11, global powers took emergency steps to cut off the flow of financial resources to terrorist organisations. This effort included sanctions of persons and organisations put on terrorist lists, and expanded civil and criminal penalties for providing funds or other forms of aid to them. Civil society is just one of the sectors covered by these laws, but because of the unique public benefit and often life-saving nature of its work, civil society has been among the most negatively impacted.

As part of their anti-terrorist financing strategy, the US and its allies also turned to the unofficial but powerful Financial Action Task Force (FATF), an multinational organisation that sets standards for legal measures to combat threats to the international financial system, such as money laundering. After 9/11 FATF added anti-terrorist financing to its agenda and developed special recommendations to address it, including one on civil society organisations (CSOs). FATF's recommendation on non-profits adopted the rhetoric of the George W Bush administration, finding that civil society is "particularly vulnerable" to terrorist abuse, and promoting increased government monitoring and supervision of CSOs.

What followed was a chain of events that has had a negative impact on civil society operations and access to financial resources to support CSO work. While FATF has taken positive steps since 2012 to prevent abuse or misapplication of its programme, more needs to be done to make sure anti-terrorist financing laws stop money to terrorists, not to civil society. This will require concerted effort by civil society, FATF and governments around the world.

This contribution to the 2015 CIVICUS State of Civil Society Report explains how FATF's programme works and how it has contributed to the global trend of restrictions on civil society, intentionally or not. It then describes the civil society response and advocacy campaign on FATF. There have been important successes, but on-going engagement is required if the problematic trend is to be reversed. Finally, it suggests ways in which CSOs in all parts of the world can engage in the FATF process, globally and in their own countries, to prevent enactment of new restrictions and to reverse regressive trends.

## THE MOST POWERFUL AGENCY YOU NEVER HEARD OF – WHAT FATF DOES AND HOW IT IMPACTS ON CIVIL SOCIETY

Ben Hayes, a UK-based civil society analyst, calls FATF “the most powerful agency you never heard of.”<sup>1</sup> It has come as a surprise to civil society advocates that they must now focus time and resources on a multinational institution focused on the international financial system. But defence of civil society can lead in unexpected directions, and civil society now needs to pay close attention to this obscure but influential body.

Formed in 1989, FATF has 35 member states and eight regional associate members and official

### Ten categories of restrictions on resources:

- (1) requiring prior government approval to receive international funding;
- (2) enacting ‘foreign agents’ legislation to stigmatise foreign funded CSOs;
- (3) capping the amount of international funding that a CSO is allowed to receive;
- (4) requiring that international funding be routed through government-controlled entities;
- (5) restricting activities that can be undertaken with international funding;
- (6) prohibiting CSOs from receiving international funding from specific donors;
- (7) constraining international funding through the overly broad application of counterterrorism and anti-money laundering measures;
- (8) taxing the receipt of international funding, including cross-border philanthropy;
- (9) imposing onerous reporting requirements on the receipt of international funding;
- (10) using defamation laws, treason laws, and other laws to bring criminal charges against recipients of international funding.

Aid Barriers and the Rise of Philanthropic Protectionism by Douglas Rutzen, International Journal on Not for Profit Law, March 2015

observer bodies, such as the World Bank and UN agencies. Its member states set anti-terrorist financing and anti-money laundering standards that it uses to assess the adequacy of laws in almost every country in the world. Its recommendations cover a variety of sectors, including banking, remittance businesses and

CSOs. FATF members meet in quarterly plenaries and make decisions by consensus.

FATF describes itself as a policy making body.<sup>2</sup> It is not treaty based and has no actual legal authority, and hence there is little transparency or public accountability. Its recommendations do not constitute binding international obligations. FATF's power and influence comes from its evaluation programme, which assesses 180 countries for compliance with its standards. It publishes a list of countries that it finds to be non-compliant or partially compliant. A negative rating can have serious economic consequences, affecting a nation's international credit rating and ability to attract investment. As a result, FATF wields enormous influence over how governments regulate civil society.

FATF's Recommendation 8 (R8), on non-profit organisations (as it describes CSOs), states:

*“Countries should review the adequacy of laws and regulations that relate to entities that can be abused for the financing of terrorism. Non-profit organisations are particularly vulnerable, and countries should ensure that they cannot be misused:*

*“(a) by terrorist organisations posing as legitimate entities; (b) to exploit legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset-freezing measures; and (c) to conceal or obscure the clandestine diversion of funds intended for legitimate purposes to terrorist organisations.”*

Two key documents outline how FATF expects governments to implement this recommendation:

The Interpretive Note (IN) lays out objectives, principles and the types of measures countries should take to be rated as compliant.

The Best Practices Paper (BPP) provides more detail on principles that should guide governments, and how FATF thinks governments should implement R8.

In 2013, after consultation with civil society groups, FATF made significant revisions that took a more constructive approach. Important principles and findings in this revision include:

- Clear language on the need to safeguard freedom of association and expression;
- Caution that R8 should not be misused to suppress CSOs;
- The stipulation that oversight by governments and measures taken by financial institutions should be “flexible, effective and proportional to the risk of abuse.”
- Recognition that civil society self-regulatory organisations can play a role in protecting the sector, and that measures to strengthen self-regulation should be encouraged.

In June 2014 FATF published a report<sup>3</sup> meant to identify typologies of terrorist abuse of civil society. Its key findings include the following:

- The terrorism threat to civil society remains, and civil society continues to be misused and exploited;
- Non-financial abuse, such as the abuse of programmes or support for recruitment, appeared regularly;

***After 9/11 FATF added anti-terrorist financing to its agenda and developed special recommendations to address it, including one on civil society organisations.***

***FATF's recommendation on non-profits adopted the rhetoric of the George W Bush administration, finding that civil society is “particularly vulnerable” to terrorist abuse, and promoting increased government monitoring and supervision of CSOs.***

- The CSOs most at risk appear to be those engaged in service activities and that operate in close proximity to an active terrorist threat (e.g. in a conflict area with an active terrorist threat or domestically within a population that is actively targeted by a terrorist movement for support and cover).

In a move that will have a significant impact on how countries are assessed for compliance with its standards, in 2013 FATF adopted a new evaluation methodology that establishes “a systematic assessment of the effectiveness of national systems,”<sup>4</sup> with a new emphasis on the question of ‘effectiveness’. In the future, in addition to a check-the-box technical compliance review, countries will be rated on whether their laws are at a high, substantial, moderate or low level of effectiveness. This system gives civil society a new way to point out the counterproductive aspects of unnecessary restrictions on operations and access to resources.

## IMPLEMENTATION OF FATF RECOMMENDATION 8 CREATES PROBLEMS FOR CIVIL SOCIETY

Authoritarian countries have abused the FATF process to infringe on the rights of civil society, including its

autonomy and ability to receive international support. Some governments have exceeded what is necessary or reasonable in their eagerness to get a complaint rating in the FATF assessment process. Because FATF focuses on financial issues, the restrictions on civil society that flow from its process impact on civil society resources: both resources coming into countries, and those going out.

A 2012 ground-breaking report by Statewatch<sup>5</sup> and the Transnational Institute examined the effects of FATF regulations in almost 160 countries and found that FATF rules are being used by governments as an “...instrument, to further cut back on the space of civil society... freedom to access and distribute financial resources for development, conflict resolution and human rights work.”

For example, when Paraguay was found non-compliant with FATF standards, its response was to pass the Anti-Terrorist Law of 2010 which “...did not clearly define what constitutes terrorism and included acts such as ‘dangerous interventions or obstacles on public roadways’, ‘noise pollution’ and other actions which ‘intimidate Paraguayan citizens.’”<sup>6</sup> With sentences of up to 15 years for some offences, the law is widely seen as a mechanism to suppress protest and limit the capacity of civil society.

While some governments cite FATF directly as justification for restrictions on CSOs, others cite ‘anti-terrorist financing’ or ‘national security’ more generally. Either way, the impact on civil society is negative and fails to take the proportional, risk-based approach that is central to FATF policy.

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## EXCESSIVE GOVERNMENT REGULATION AND RESTRICTIONS ON SOURCES OF FUNDING FOR CIVIL SOCIETY

After the 2014 FATF evaluation, Spain passed a new law requiring all donations over €1,000 to be reported to the national government. In Uzbekistan, CSOs must get approval for foreign grants and report each financial transaction using the funds, no matter how small, to the Ministry of Finance on the next business day.<sup>7</sup>

The British Virgin Islands, citing FATF, passed a law that requires CSOs with more than three employees to appoint a Money Laundering Reporting Officer. CSOs with less than three employees are required to “...perform the Money Laundering Reporting Officer functions” though they need not appoint one. Stiff fines are imposed for “...failure to maintain any records required to be maintained.”<sup>8</sup>

In 2013, Azerbaijan passed amendments to its CSO laws that, among other measures, increased penalties for CSOs that fail to register a grant, and introduced penalties for donors giving cash donations to CSOs and CSOs for receiving cash donations.<sup>9</sup>

Some countries, including Bangladesh and Egypt, require prior government approval before a CSO can receive international funding. Since 2009, CSOs in Ethiopia have been limited to 10% of their total income coming from foreign sources. In India, CSOs must report all foreign contributions to the central government within 30 days of receipt.<sup>10</sup>

These are just a few examples of the many excessive government restrictions recently imposed on CSO funding.

## GROWING PROBLEMS WITH ACCESS TO FINANCIAL SERVICES

FATF Recommendations also cover financial institutions. Since 9/11, financial institutions have increasingly been expected to act as monitoring and enforcement arms of governments in order to identify, track and stop illicit money flows. Between the cost of compliance and the threat of significant sanctions for violations, banks have begun ‘derisking’ by dropping low profit customers such as CSOs. As a result, charities and grant-makers that need to conduct international financial transactions for their operations have experienced increasing difficulty getting access to financial services. Financial institutions may close accounts, refuse to make transfers between organisations, or delay them, often for months at a time. Remittance services that facilitate fund transfers

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between diaspora populations and their families are threatened by this ‘derisking’ trend.

## CIVIL SOCIETY AND EXPERTS RESPOND, FATF TAKES POSITIVE STEPS

The Statewatch report put a spotlight on FATF, generating further scrutiny. In 2013, Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and association, said that FATF “... fails to provide for specific measures to protect the civil society sector from undue restrictions to their right to freedom of association...”<sup>11</sup> He noted that the right of assembly includes the right “...to seek, receive and use resources... from domestic, foreign, and international sources.” A March 2013 report by the Observatory for the Protection of Human Rights Defenders looked at 35 country case studies and found that “...in many countries the fight against terrorism and money laundering is instrumentalised by authorities to neutralize NGOs and silence critics.”<sup>12</sup>

Civil society has also responded. In mid 2012 the Human Security Collective, a Dutch group that works to protect the operational and political space of civil society, approached FATF to ask for a response to the Statewatch report. That October FATF issued a statement saying, “It will be important that regulations and actions in this area do not harm the legitimate activities of such organizations.”<sup>13</sup> During this time the Human Security Collective and

the US-based Charity & Security Network formed the Transnational NPO Working Group on FATF, which coordinates information sharing and advocacy for over 100 CSOs globally. Many of its members participated in FATF’s first formal engagement with civil society groups in April 2013, and their input was incorporated into the June 2013 limited BPP update. Since that time, the working group has provided substantial input for the 2014 FATF typology study, and at time of writing, it was coordinating civil society input into the final update of the BPP.

This process involved a formal consultation with FATF, but problems arose when it came to sharing the draft BPP for comment. FATF only released it to invitees to its consultation, and it was only after several FATF members, including the European Union and USA, released it that it became widely available for sector comment. This indicates that more needs to be done to make FATF transparent and accountable. FATF followed through on its statements about protecting civil society in its February 2015 study on ISIS financing, noting that, “It is important that efforts and measures aiming at combating terrorist financing should not affect legitimate provision of humanitarian assistance to vulnerable populations...”<sup>14</sup>

## NEXT STEPS FOR CIVIL SOCIETY

At the time of writing, as well as coordinating input to FATF on the final revision of the BPP, the Transnational NPO Working Group on FATF is helping civil society raise its voice at the national level as the new assessment methodology is implemented. The final

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BPP should guide governments on what they should do to take a risk based and proportional approach to protecting CSOs from terrorist abuse. It should not be used for one-size-fits-all regulations, or turn civil society codes and standards into law.

It will be up to civil society at the national level to engage in dialogue with their governments about how R8 and the risk based approach it calls for can be implemented constructively. In places where governments abuse the process to repress civil society, both local CSOs and the international civil society community must find ways to respond. The method will depend on the circumstances, but tools such as the UN Human Rights Commission Universal Periodic Review process can be considered.

FATF evaluations of country compliance with its standards present another opportunity for civil society to raise issues about the appropriateness and effectiveness of restrictions and regulations.

## CONCLUSION

Governments that are serious about protecting human security will agree with Maina Kiai, who said “...civil society organizations play a significant role in combatting terrorism. By their direct connections with the population and their prodigious work in, inter alia, poverty reduction, peacebuilding, humanitarian assistance, human rights, and social justice, including in politically complex environments, civil society plays a crucial role against the threat of terrorism.”<sup>15</sup> Removing unnecessary and unjustified barriers to resources will only strengthen civil society’s ability to play this important role.

For more information, and to join the Transnational NPO Working Group on FATF, see [www.fatfplatform.org](http://www.fatfplatform.org).

***Since 9/11, financial institutions have increasingly been expected to act as monitoring and enforcement arms of governments in order to identify, track and stop illicit money flows.***

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# PRIVATE DEVELOPMENT ASSISTANCE

–SARAH HÉNON, ANALYST,  
DEVELOPMENT INITIATIVES

## PRIVATE DEVELOPMENT ASSISTANCE: GLOBAL TRENDS

Private development assistance (PDA) is finance from private sources given voluntarily through formal channels, including civil society organisations (CSOs), and transferred across borders to promote international development and reduce poverty. PDA is also referred to as international private giving, international philanthropy or voluntary giving.

If the international community is to meet the goal of ending absolute poverty by 2030, all available resources for development - not just official development assistance (ODA) - need to be targeted to where they are needed most.

## ESTIMATING GLOBAL PDA

Twenty-three countries that are members of the Organisation for Economic Cooperation and Development's (OECD) Development Assistance Committee (DAC) provide an estimated US\$45.3bn in PDA annually, equivalent to around a third of all aid from these countries (see Figure 1). An estimated further US\$1bn of PDA comes from emerging economies, with Saudi Arabia being the largest provider out of seven countries (see Figure 2).

However, data on PDA flows is insufficient in terms of both coverage and quality.<sup>1</sup> PDA data is poor because of low reporting levels, a lack of accountability structures for private donors and an absence of established transparency and reporting standards. The absence of data<sup>2</sup> is one aspect of a wider accountability deficit in philanthropy and CSOs.<sup>3</sup> Data on volumes and trends in global southern contexts is particularly lacking. The data gaps suggest that PDA volumes are underestimated.

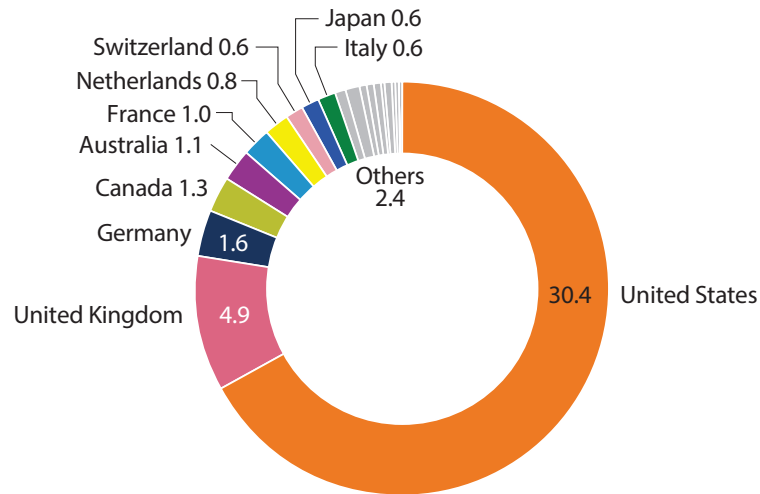
Further, a lack of standards impedes cross-country comparisons. Financial information is not standardised at the international level, and diverse regulatory environments and legislative classifications of charitable organisations, international giving, social investments and annual reporting make international comparisons particularly problematic. A lack of regulation and a sound legal basis for civil society in some countries also contributes directly to the challenge of data collection and analysis.<sup>4</sup>

Based on the best available data for 2011 or the most recent year, the United States is by far the largest known source of PDA: at US\$30.4bn, it accounts for 67% of total PDA. The UK is the second largest source (US\$4.9bn, 11%), and after these two, only Germany, Canada and Australia give over US\$1bn.<sup>5</sup>

These countries have each developed their own legislative frameworks for and incentives to encourage private giving, and provide substantial freedoms for civil society activity and fundraising, and systems for regulating tax incentives and recording income and expenditure trends. These stimulate PDA. Tax exemption regimes have helped create what Severino and Ray (2009) call “open-ended solidarity”, in which the contributions of private individuals are subsidised

by the state through tax exemption. Such incentive systems can also result in better measurement, as more data is recorded.

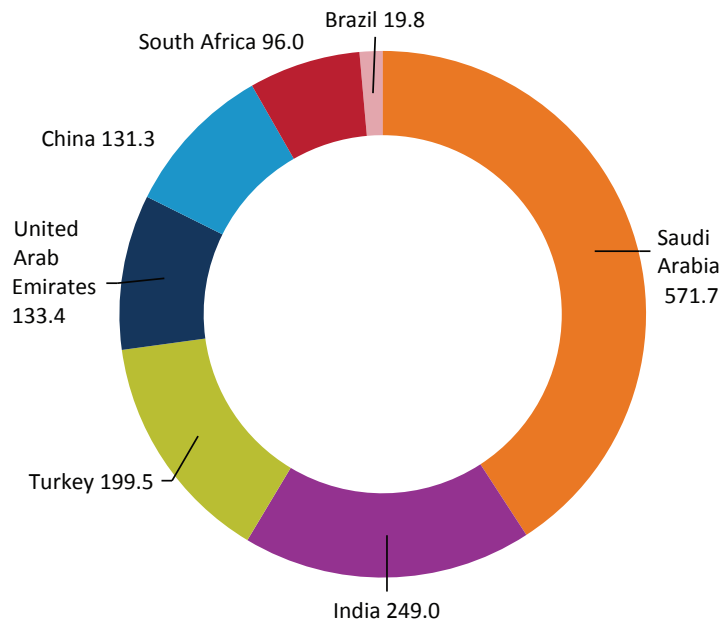
**Figure 1. Private Development Assistance from 23 DAC and seven non DAC providers, 2011 estimates, US\$ billions**



Data on PDA from non-DAC countries is available for 2011 from seven countries (see Figure 2). Saudi Arabia provides US\$572m, 41%, of known PDA from the seven countries. Saudi Arabia’s contribution mainly consists of funds from Saudi public fundraising campaigns, channelled through CSOs, and going to humanitarian relief in the Middle East, and PDA from royal family foundations.

***Private development assistance (PDA) is finance from private sources given voluntarily through formal channels, including civil society organisations (CSOs), and transferred across borders to promote international development and reduce poverty.***

**Figure 2. Private Development Assistance from seven non DAC providers, 2011 estimates, US\$ millions**



Source: *Development Initiatives 2014*<sup>6</sup>

PDA and local philanthropy are set to have increasing roles in fast-growing developing economies. These resources could be more effectively focused on reducing poverty, especially as these countries receive less aid. Corporate giving and high net worth individuals (HNWIs) could be important avenues for philanthropy in such countries.

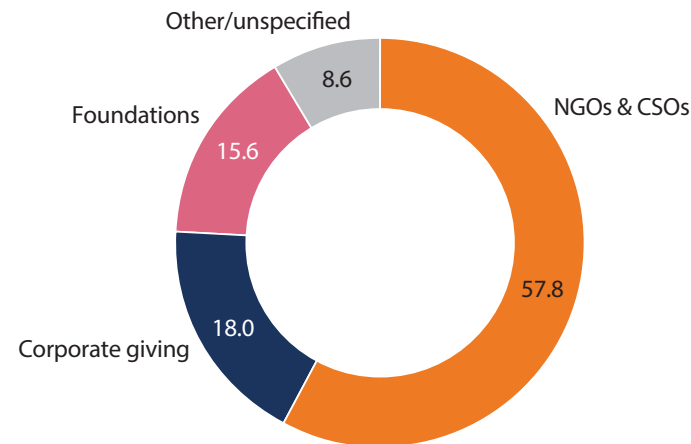
## PDA FROM FOUNDATIONS, CSOS AND CORPORATIONS

How PDA is distributed across provider types, including foundations, CSOs and corporations, varies

by country. Further, each PDA provider has different approaches to reducing poverty. CSOs are most likely to work in countries in crisis, while foundations favour more advanced developing countries.<sup>7</sup>

As shown in Figure 3, CSOs deliver the largest share of PDA, providing 57.8% of total PDA in 2011, an estimated US\$26.2bn. Additionally, CSOs deliver a share of ODA: this share has risen from 13% of ODA in 2008 to 17% in 2012, reaching US\$17bn. Corporate giving represented US\$8.2bn, or 18%, of PDA in 2011. Foundation giving represented US\$7.1bn, or 15.6%, of estimated PDA in 2011, mainly from US foundations.

**Figure 3. PDA by provider type, 2011 data or most recent year available, US\$ billions**



Source: *Development Initiatives (2014)*

PDA is characterised by a high concentration of resources moving through large, well-known CSOs and a few large foundations. For example, the 10 largest foundations account for about 60% of international foundation giving. At the other end of the scale, PDA is fragmented among thousands

*PDA and local philanthropy are set to have increasing roles in fast-growing developing economies.*

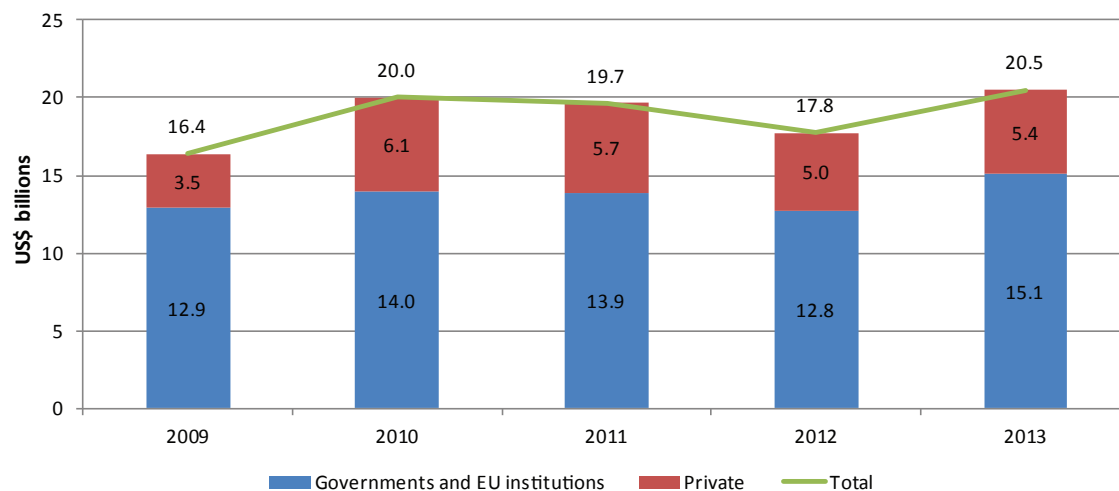
of thousands of small actors, including CSOs at the delivery end of the chain.

## PRIVATE FUNDING OF HUMANITARIAN ASSISTANCE

Private donors, including individuals, trusts and foundations, and private companies and corporations, contributed an estimated US\$5.4bn of humanitarian assistance in 2013, representing 26% of the total international finance for the humanitarian sector. Over a quarter of all international humanitarian assistance came from private donors between 2009 and 2013.

Individuals contribute the overwhelming majority of private funding, providing 72% of the total in 2013. In the humanitarian sector, as in development overall, CSOs are the largest mobilisers of private funding, raising an estimated US\$4.7bn in 2013, and almost US\$23bn in the five years between 2009 and 2013.

**Figure 4. Total international humanitarian assistance, 2009-2013**



Sources: Development Initiatives. Based on OECD DAC, UN Office for the Coordination of Humanitarian Affairs (OCHA) Financial Tracking Service (FTS) and Global Humanitarian Assistance's unique dataset of private voluntary contributions

## IN FOCUS: CHANGING ROLE OF PRIVATE SECTOR IN SUPPORTING HUMANITARIAN RESPONSE

Private companies and corporations provided an estimated US\$324.4m in humanitarian funding in 2013, and US\$1.1bn between 2009 and 2013. Their role and profile in humanitarian response is changing

*PDA is characterised by a high concentration of resources moving through large, well-known CSOs and a few large foundations.*

significantly, with many moving beyond a direct donorship role towards a ‘corporate partnership’ approach, providing a range of skills and resources, the financial value of which is unknown.

Some innovative examples of non-financial support provided by the private sector to support international disaster response efforts in recent years include:

- Shipment and logistics corporation UPS’ Humanitarian Relief Programme uses pre-approved funds, Logistics Emergency Teams and their own expertise and supply chains to assist disaster relief efforts around the world.
- Legal firm Allen & Overy has developed a suite of legal tools that countries can use to deal with issues that arise in the aftermath of a natural disaster.
- Construction company Bouygues UK sends volunteers to work with the Emergency Architects Foundation, a CSO, following major natural disasters. In Haiti, Bouygues volunteers used their skills to help local people rebuild services and their lives following the massive earthquake in 2010.

## GROWTH TRENDS ESTIMATES

Overall, PDA grew faster than ODA between 2006 and 2011, with PDA provided by corporations and foundations growing particularly fast (see Figure 5). Three trends following gross domestic product (GDP) growth are particularly relevant to the growth of PDA from source countries:

- A rise in private giving by the middle classes: In general, as national income increases, donations from individuals are observed to increase.<sup>8</sup> Research into individuals’ donations in Canada shows that donations grew faster than both GDP and median incomes between 1984 and 2010.<sup>9</sup> The ‘global middle class’ is projected to increase, although estimates vary. One source suggests that the size of this group will increase from 1.8bn people in 2009 to 4.9bn by 2030, of which 80% will live in non-OECD economies.<sup>10</sup>
- High-profile initiatives led by wealthy philanthropists, including HNWI: Initiatives such as the ‘Giving Pledge’, initiated by Bill Gates and Warren Buffet, and the Clinton Global Initiative, are catalysing HWNI giving to development. For example, under the Giving Pledge, 129 individuals, with a combined net worth of over US\$400bn, have committed to giving ‘the majority’ of their wealth to philanthropy either during their lifetime or in their wills.<sup>11</sup> Numbers of HNWI in emerging economies are also rapidly increasing. One report finds that in China, India and African countries, the number of people with wealth of US\$100m or more could increase by 37% from 2011 to 2016.<sup>12</sup>
- Increased corporate giving: The share of profits that private companies or corporations allocate to charitable giving also increases with profit levels.<sup>13</sup> India passed a law in 2013 requiring large companies to spend 2% of their post-tax profits on social welfare activities. While much of this may be allocated to domestic issues

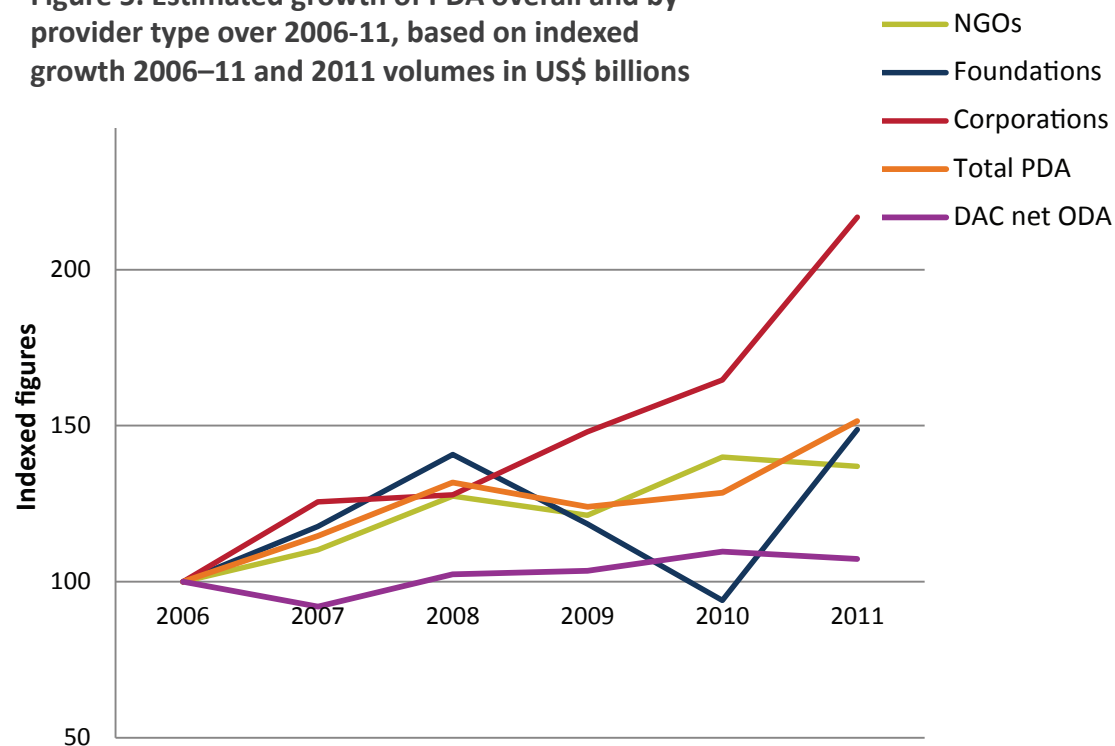
*In general, as national income increases, donations from individuals are observed to increase.*

within India, and therefore not meet the PDA definition, it may become a model for future private sector involvement in development.<sup>14</sup>

Importantly, each of these three sources of PDA - the middle class, wealthy individuals and corporations - give PDA in different ways: they use different channels and give to different sectors and countries. While HNWI's may establish their own charitable foundations through which to channel their giving, most middle-class people contribute a share of their private wealth through CSOs.<sup>15</sup>

The number of choices for channels of delivery of PDA is growing, as are the number of agencies involved in providing development assistance, bringing increased diversity among organisations that are involved in reducing poverty.

**Figure 5. Estimated growth of PDA overall and by provider type over 2006-11, based on indexed growth 2006-11 and 2011 volumes in US\$ billions**



Source: *Development Initiatives 2014*

This growing diversity is transforming power relations. Today, some large private actors control financial resources of a value comparable to those controlled by official donors. Greenhill and Prizzon (2013) found that developing countries welcome non-traditional flows, including philanthropy and social impact investment. The benefits of increased choice are seen as outweighing the costs of increased fragmentation of development assistance. Another benefit is increased negotiating power for the governments of developing countries, as they have access to non-ODA grants.<sup>16</sup> In turn, this can be seen as reducing official donors' influence over development priorities in the global south, as argued by Severino and Ray in 'The End of ODA' (2009).

**Today, some large private actors control financial resources of a value comparable to those controlled by official donors.**

### The role of *Zakat* in humanitarian assistance

All of the world's major religions contain some element of almsgiving, and faith plays a key role in the funding and delivery of development assistance and humanitarian response across the world. In 2013, faith-based organisations received and delivered between US\$420m and US\$434m (15-16%) of all international humanitarian assistance channelled through CSOs.<sup>17</sup>

Islamic countries, and those with large Muslim populations, are also becoming more significant humanitarian actors, as both donors and recipients. Between 2011 and 2013, international humanitarian assistance from governments within the Organisation of Islamic Cooperation grew from US\$599m to over US\$2.2bn, representing a growth in the share of total international humanitarian assistance from governments from 4% to 14%. At the same time, an estimated 75% of people living in the top 10 recipient countries of humanitarian assistance in 2013 were Muslim.

*Zakat*, the mandatory Muslim practice of giving 2.5% of one's accumulated wealth for charitable purposes every year, is one of the main tools of Islamic social financing. It is explicitly intended to reduce inequality, and is widely used in Muslim countries to fund domestic development and poverty reduction efforts. There are clear parallels to be drawn between the eight individual categories of eligible recipients of *Zakat* listed in the Qur'an and people in need of humanitarian assistance.

There is no reliable data currently available to show precisely how much *Zakat* is paid by Mus-

lims around the world, or how it is spent globally. Yet data collected for Indonesia, Malaysia, Qatar, Saudi Arabia and Yemen, which make up 17% of the world's estimated Muslim population, indicates that in these countries alone, at least US\$5.7bn is currently collected in *Zakat* by formal *Zakat*-management institutions each year.

The global volume of *Zakat* collected each year through formal mechanisms can be estimated, at the very least, in the order of tens of billions of dollars. If *Zakat* currently thought to be paid through informal mechanisms is included, the estimate would be much higher estimate, potentially in the region of hundreds of billions of dollars.

There is a growing interest among humanitarian and development actors in leveraging greater levels of funding through *Zakat* and other forms of Islamic social financing. Organisations outside of the traditional Muslim aid agencies are beginning to conduct *Zakat*-based fundraising drives, such as United Nations High Commission for Refugees (UNHCR)'s current *Zakat* Syria Campaign.

*Islamic countries, and those with large Muslim populations, are also becoming more significant humanitarian actors, as both donors and recipients.*

## THE NEED FOR TRANSPARENCY AND DATA TO SUPPORT DECISION-MAKING

There is an urgent need for better data on PDA, to allow greater understanding of how it is used, which sectors and countries it goes to, and who benefits.

This data is essential to support understanding of the potential of these flows to reduce poverty, and inform resource allocation. There are three main gaps in the information that can be extracted from current data sources:

- The traceability of PDA is particularly poor, leading to a lack of data on where PDA goes, especially at sub-national level.
- The impact of PDA is still not well understood, both in terms of impact and outcomes. The lack of comparable data on the impacts of PDA providers impedes a wider understanding of the value of this resource for reducing poverty.
- The predictability of private development finance is low, particularly in comparison with ODA. Forward-looking data is largely absent.

Data is also lacking on private giving usually considered outside the traditional development finance area, including crowd-funding, social impact investment and Zakat.

Mapping global PDA is a critical first step towards taking full advantage of its potential impact on poverty, including understanding how PDA can catalyse or complement other resource flows, and where it can have most impact. The International Aid Transparency Initiative is one initiative that uses a common standard to improve data on PDA. This data is fundamental for any assessment of the impact of investments on poverty. In the humanitarian sector, a clear understanding of resourcing capacity and needs is essential to underpin effectiveness and coordination of live-saving humanitarian finance.

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***Mapping global PDA is a critical first step towards taking full advantage of its potential impact on poverty, including understanding how PDA can catalyse or complement other resource flows, and where it can have most impact.***



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[in/acts-in-pdf/182013.pdf](http://www.deloitte.com/india/acts-in-pdf/182013.pdf) and Deloitte and ASSOCHAM, 2013. The Act is thought to cover around 8,000 Indian businesses (from a total of around 1.37m in India as of the end of 2013, according to a report in The Hindu newspaper, 13 February 2014, <http://www.thehindu.com/business/Industry/over-19-registered-companies-close-shop-in-2013/article5685180.ece>). It applies to domestic companies and foreign companies doing business in India.

15 Charities Aid Foundation, 2013.

16 Greenhill et al, 2013.

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# STRATEGIES FOR RESOURCE MOBILISATION: SOME PRACTICAL TIPS

—RICHARD HOLLOWAY

## INTRODUCTION

In 2013 I undertook a consultancy in Uganda for a donor consortium that funded Ugandan civil society organisations (CSOs), and, in reviewing decades of donor project funding to CSOs, and plans to continue the same, I asked both the donors and the CSOs if they saw the future in terms of more project funding. Both answered, somewhat in surprise, “Yes, that is how we work.”

To my question of whether the future might not lie in more financially independent CSOs, owning their own assets and not needing foreign funds, there was more surprise. The donors said that their rules and regulations would not support this, and the CSOs said that they always got foreign funding for projects. There was very little interest in pursuing alternative resourcing strategies.

And yet there was a surprising amount of bitterness on both sides. Donors were saddened, sometimes angry, at the amount of financial auditing they had to do to make sure that their grants were not used improperly; CSOs were saddened, but more angry, that they had to jump through so many donors’ bureaucratic hoops to get their money, and that donors did not trust them to use the money properly.

Very few people had even thought about alternatives to donor project financing, let alone had experience of using some of these alternatives. For many new and growing CSOs, they dreamed only about finding a foreign donor who would support their work.

Not far over the border in Kenya, however, that there was a powerful example of a CSO that had gone beyond traditional donor project funding: the Kenyan Red Cross, which raised millions from Kenyans through a telethon in 2011 with the slogan “Kenya for Kenyans”, and which regularly raises income from the two Red Cross Hotels it owns in Nairobi, as well as its annual Fund Raising Gala for the Business Community.

## PHILOSOPHY

Is donor project funding inevitable? Let us rethink our practices and ask ourselves where we could expect CSOs to get their resources from in 2015 and beyond. CSOs are organisations that have put themselves forward as competent, passionate and committed contributors to development in their own countries, sometimes in their own geographical communities and their own communities of practice. If we put on one side the well travelled route of foreign funding, what are the possible options?

I would suggest:

1. The public in its own country: a CSO can say to its own people that it is addressing important topics and issues with which everyone should be concerned, and so they should be prepared to support a CSO to do this work.
2. The government in its own country: a CSO can say to the government that they have skills and experience that can complement, supplement and support the government’s development work, and that it makes sense for the government to think

of supporting the CSO’s work. A CSO can do things that the government may not be able to do, and in some cases, can do them better and cheaper.

3. The business sector in its own country: CSOs have two options with business. If businesses are not active in development, then CSOs have the possibility of persuading business to get involved, and suggesting how this could be done; if the business sector is active, then CSOs can suggest that they support the work of specific CSOs, rather than trying to do development work themselves.
4. The market in its own country, or abroad: CSOs can see opportunities for commercial enterprises of two kinds: spin offs from their own mission-driven work, and purely commercial enterprises that will make money for the organisation. A variant on this is that a CSO may own or acquire assets that it can put to work to help itself, e.g. an endowed trust, or buildings, or stocks and shares.

All these options depend upon asking people in a CSO’s country to take some responsibility for the problems and issues of that country and commit to doing something about it, by using CSOs as the means and channel to show their commitment, rather than expecting foreigners to do it.

5. International donors: what is the rationale for taking foreign funding? Many CSOs are happy to offer themselves as channels for foreign funding to address the issues and problems in their country. The reasons vary: because it believes that the foreign country owes resources to its country for past misdeeds; because it has solidarity with organisations

***Is donor project funding inevitable? Let us rethink our practices and ask ourselves where we could expect CSOs to get their resources from in 2015 and beyond.***

in the foreign country addressing the same topic globally; or simply because funding is being offered for a topic or problem important to the CSO, and it is happy to take such offered funds, without worrying about the source. The basic fact is, however, that such CSOs are accepting funds from the gifts or the taxes of people in another country, not their own, to address their problems.

## MOVING ON FROM PHILOSOPHY TO STRATEGIES

Let us take each of these ideas separately and consider what has done that offer possible models, and what problems these have encountered. We can look at this from the perspective of a single CSO, or from civil society as a whole in a country.<sup>1</sup>

### 1. RAISING FUNDS FROM THE PUBLIC

For an organisation that has become used to writing proposals to foreign donors, and that is used to donor language, the idea of explaining to the public of their country who they are, what they do, and what help they need is intimidating. Certain well established topics, such as children with disabilities, will open people's hearts and pockets, if the appeal is well made and the organisation making it is respected, but how will a CSO 'sell' an appeal for help to combat, for example, domestic violence, or refugees, or land expropriation, or, indeed, homophobia? It is certainly possible that there are people in the country who are not convinced that these are important topics.

Even if you have a cause that is relatively easy to promote, learning the public relations and fundraising skills to promote your cause to the public is a whole science in itself, although there are organisations ready to teach these skills.<sup>2</sup>

A different approach is to concentrate on the organisation – to try and develop its reputation so that people will not hesitate long before giving. Though this will take time, it could result in the kind of good name that the Red Cross/Red Crescent movement has acquired in many countries, or the kind of reputation that the Edhi Foundation has developed in Pakistan.<sup>3</sup> It should not be so difficult to acquire such a name in your own locality of your own country, but it will mean educating your potential donors (the citizens of your country) about the value of the organisation. This means developing innovative informational material and channels to tell them what you do, why what you do is important, and what more you would do if they helped you more. It also means being very transparent with, for instance, annual accounts, to combat citizens' possible suspicions.

### 2. RAISING FUNDS FROM THE GOVERNMENT OF YOUR COUNTRY

Depending on the government of your country, and your CSO's experience and performance, you may well be able to tell your government of your track record in the fields in which they are working and your belief in your own competence. Some government departments may well look favourably at such an approach and be prepared to provide you with the resources that you need to do this work, if it helps them, or gets them out of some difficulties. It does

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require, however, that your CSO knows its way around the government bureaucracy, and is prepared to start a dialogue.

I have come across government officials who would simply refuse on principle to consider the idea of using government money to help CSOs, but there are many more who simply do not know the quality of the work that CSOs have done and need to be educated about it. CSOs need to take government officials to the work areas of CSOs, and persuade them of the quality of their work. It is the CSOs' job to show government that the CSOs can do government's job for them better than they can do it themselves. Both India and the Philippines provide many examples of governments sub-contracting or even granting funds to CSOs, and it is not by chance that both of these governments are ones that have publicly championed national and local CSOs as partners in development.<sup>4</sup>

### 3. RAISING FUNDS FROM THE BUSINESS SECTOR IN YOUR COUNTRY

In theory business people, being citizens of your country, should be concerned with the same issues as any other citizen of the country, and should therefore be susceptible to the same public fundraising techniques discussed above. The difference is that (a) businesses may well have more resources to give away, if they can be persuaded to do so; (b) businesses are keen to be seen by their fellow country men/women as good citizens, worthy of respect (and worthy of being patronised as customers); and (c) businesses may well want to impress the government of the country so that they can become preferred contractors. Against this are two issues: firstly, business people often have

a very limited understanding of development, often confusing it with charity; and secondly, they often see development largely in terms of good public relations.

There are two strategies that I would recommend here. Firstly, find topics and issues that can be 'sold' to certain businesses because they are in their field of work. For example, banks should be interested in promoting micro-finance or youth employment schemes, since the people they reach are likely one day to have bank accounts; printers should be interested in promoting and supporting literacy work, since the people this involves will one day read books. Secondly, address the issue that businesses are not experienced development practitioners. An organisation in the Philippines suggests a good strategy. The Philippines Business for Social Progress (PBSP) is a membership organisation of more than 150 Philippines businesses that all subscribe a small percentage of their profits into a foundation that is run as a professional development agency in their country. The Philippines businesses do not try and do development themselves; rather, they contribute to a very professional foundation that does development in their name, and they make the most of promoting their businesses' contribution to this.

### 4. GAINING INCOME FROM THE MARKET IN YOUR OWN COUNTRY, OR ABROAD

The income from a profitable enterprise does not have to respond to donors' instructions and guidance; it does not have to report against a donor imposed log frame or results framework. Its use is for the CSO to

*I have come across government officials who would simply refuse on principle to consider the idea of using government money to help CSOs, but there are many more who simply do not know the quality of the work that CSOs have done and need to be educated about it.*

decide. This all sounds very attractive, but the catch is that very few CSOs seem very competent at running businesses, either at all, or at running businesses that do not interfere with the main mission of the organisation.

There are giants in the CSO business, such as BRAC in Bangladesh, or PDA in Thailand, which command multi million dollar enterprises, but there are also a substantial number that cover their administrative costs by running training courses for profit, renting out premises, or by running micro-finance operations where the return on loans provides a profit.

An Indonesian CSO, Yaysan Bina Swadaya, is instructive. Originally set up to encourage small agricultural cooperatives, it found that other people beyond its target group wanted the services it was providing, and were prepared to pay market rates for them. They started with day old chicks, then chicken feed, then produced an in-house magazine, *Trubus*, to help their farmers with agricultural tips and suggestions. They then set up a training centre for their target group, and finally, realising how many people were interested in learning from Bina Swadaya, they set up a consultancy service to teach other CSOs. In each case they worked from a smart appreciation that what they were doing for their target group (the main mission of the organisation) had spin offs for different markets and customers, and these enabled Bina Swadaya to make an income to address their core costs.

In many cases such organisations are led by social entrepreneurs who have a business attitude, and certainly do not see enterprise led income as philosophically at odds with the work of their CSO. Meechai

Viravaidya of PDI (famed for the Cabbages & Condoms Restaurants in Thailand, which promote family planning while generating income) says:

*Despite the vast differences among many non-governmental organizations (NGOs), most share the common dilemma of lacking sufficient funds. PDI has developed alternative sources of revenue to donor support that have had a profound impact on our freedom to operate. For example, PDA (PDI's implementing NGO in Thailand) has established 14 for-profit companies to generate funds for social development work, the most successful of which are the Cabbages & Condoms Restaurants.<sup>5</sup>*

Lester Salamon, of the Civil Society Centre of Johns Hopkins University, has researched and published on what he sees as an a mushrooming growth of organisations that do not see themselves as donors, but as social investors that are looking for organisations that they can work with to achieve social goals, but which are prepared to pursue this in a business like way, with funds as loan money on very soft terms, rather than grants.<sup>6</sup> They are looking for different kinds of CSOs to those who live by project funding.

## 5. FOREIGN FUNDING TO ENCOURAGE FINANCIAL SELF-RELIANCE

Most donor funding from overseas is heavily project oriented, and is provided to CSOs that are increasingly required to accept a considerable amount of guid-

ance from the donor, such as what field they should work in, how they should operate, and particularly how they set up their books of account and report. Of course, any CSO is at liberty to refuse to join the game, but if a CSO has accepted the first injection of foreign funding, there are precious few routes except increasing addiction.

There are ways, however, in which donors could support and strengthen financial self-reliance as well as provide project funding. If donors are not thinking about such ideas for themselves (and my experience in Uganda suggests that they are not) then CSOs can educate their donors about these possibilities:

- a. Pay for training courses on financial self-reliance to orient CSOs to the alternatives to project funding

- b. Provide investment funds for CSOs with good enterprise ideas to help them develop income streams
- c. Set up more endowed foundations to use the income from invested funds to support a CSO, or a range of CSOs in a particular field, or CSOs as a whole
- d. Lobby businesses (particularly from their own countries) to consider advanced corporate social responsibility (CSR) (e.g. institutionalising CSR contributions, as with PBSP in the Philippines).

There are likely to be a hundred bright ideas out there, as soon as CSOs get out of the mental straightjacket of thinking that CSO funding comes from foreign donors.

***There are likely to be a hundred bright ideas out there, as soon as CSOs get out of the mental straightjacket of thinking that CSO funding comes from foreign donors.***

1 This is covered more fully in Richard Holloway, *Towards Financial Self-Reliance*, 2004 (London: Earthscan).

2 The most noteworthy one is the Resource Alliance ([www.resource-alliance.org](http://www.resource-alliance.org)) which has a large annual conference, and many regional training courses throughout the globe.

3 The Edhi Foundation of Pakistan (<http://edhi.org>) is supported entirely and intentionally by freely given Pakistani donations. It supplies ambulances and immediate health care.

4 For example, ANSA-EAP ([www.ansa-eap.net](http://www.ansa-eap.net)) in the Philippines offers many examples of Philippines government departments helping CSOs to carry out social accountability work.

5 PDA, [www.pda.or.th/e\\_acpd.asp](http://www.pda.or.th/e_acpd.asp).

6 Lester Salamon (ed.), *New Frontiers in Philanthropy – a guide to the new tools and actors re-creating global philanthropy and social investing*, 2014 (Oxford: OUP).

# THE CLAMP-DOWN ON RESOURCING: COMPARING CIVIL SOCIETY AND BUSINESS

—MAINA KIAI, UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION, AND MARIA LEISSNER, SECRETARY GENERAL OF THE COMMUNITY OF DEMOCRACIES

Ethiopia, in the late 2000s: on one side is civil society, emerging after years of subjugation under a succession of repressive governments and slowly finding its feet. On the other is the country's business community, roaring back to life after years of economic stagnation.

While rates of growth were different, there is no doubt that both sectors were on an upward trajectory, bolstered by the space engendered by the fall of the repressive 'Red Terror' regime of Mengistu Haile Mariam. Exiles returned, many with new skills and focus obtained from many years living abroad, determined to ensure that Ethiopia never returned to the dark days of political and economic depression. At the same time, Ethiopia enjoyed the massive goodwill of the international community, both political and economic, with Prime Minister Mele Zenawi touted as one of the new generation of visionary African leaders.

Then everything changed.

In 2009, the Ethiopian government enacted a law prohibiting domestic civil society organisations (CSOs) working in certain rights-based areas, including gender and children's rights, from receiving more than 10% of their funding from foreign sources. What happened next was no surprise. The country's civil society infrastructure collapsed, with one source claiming that the number of registered organisations has fallen by some 60% since then. Others say that there are no more than three independent human rights organisations left working in Ethiopia.

Meanwhile, the government was implementing a completely different approach towards the business sector. They wanted more foreign money, not less.



Foreign cash flooded into Ethiopia, and encouraging more of it became a matter of national policy, perhaps best epitomised by the 2010 Growth and Transformation Plan, a five-year project to encourage billions of dollars of new foreign investment.

The results of this influx of foreign cash have been no surprise. The business sector has boomed. Ethiopia is now creating millionaires faster than any country on earth, doubling its share from 1,300 to 2,700 in just six years. Gross domestic product (GDP) growth averaged 39% a year over the same time. The roster of recent foreign investments in the Ethiopian economy is too long to list: for example, a Chinese firm just announced plans to invest US\$15m in the textile industry, while in 2012 British beverage company Diageo purchased a local brewery for US\$225m and invested US\$119m to expand it. Turkish investors alone have poured US\$1.2bn into the country over the past 10 years. Bob Geldof, of Band Aid fame, is even investing in the local wine industry.

And of course the government itself has never shied away from foreign money: it receives some 40% of its national budget via foreign aid, which amounted to US\$3.2bn in 2012 alone.

These are the best of times and the worst of times in Ethiopia. And it's clear who is getting the short end of the stick. Ethiopia's government and business community are firmly plugged into the modern network of global capital, while civil society has been disconnected - and left to wither and die.

## A GROWING TREND WORLDWIDE

At first glance, the business and civil society sectors may seem strange bedfellows for comparison. Conventional wisdom tells us that these two entities are distinct, warranting separate rules and treatment. The basis for this treatment seems to boil down to one dividing point: one exists to make a profit; the other is non-profit.

But beyond their dissimilar profit motives, just how different are businesses and civil society? And how differently should governments treat them?

The funding aspect of this question is among the topics we have been examining for the past year in a series of regional dialogues on civic space, organised jointly by the Community of Democracies and the office of the UN Special Rapporteur on the rights of freedom of peaceful assembly and of association. The broader topic of sectoral equity - from registration to operational rules - will be the subject of the Special Rapporteur's next report to the UN General Assembly in October 2015. The report will survey law, practice and perception in a number of jurisdictions around the world, with a focus on identifying how civil society and businesses are treated differently as legal entities, for better or for worse.

Obviously, resources are a central issue when it comes to differential treatment. They are the lifeblood of any organisation, as the Special Rapporteur pointed out

*In 2009, the Ethiopian government enacted a law prohibiting domestic civil society organisations (CSOs) working in certain rights-based areas, including gender and children's rights, from receiving more than 10% of their funding from foreign sources.*

in his 2013 report on civil society's ability to access resources. You can't do much without resources: staff, offices, equipment and the implementation of plans and programmes all require resources.

Cutting financial resources off is an easy way for a government to silence a CSO that's a bit too critical, or even a business that refuses to toe the line, even if that line is the sharing of resources with the powerful political elite. And it's also relatively easy to cloak restrictions on funding in the language of national security or crime prevention, even when these aren't the true reasons behind the restrictions.

Ethiopia is not unique in treating civil society and businesses differently when it comes to their ability to look abroad for funds.

Russia, for example, requires CSOs receiving foreign funds and engaging in vaguely-defined 'political activity' to register as 'foreign agents', which carries the connotation that they are spies. We are not aware of a similar restriction requiring businesses with foreign investment to do the same. In fact, as recently as 2014, Russia was ranked the third most successful in the world in attracting capital from abroad.

India's Foreign Contribution Regulation Act requires every CSO receiving funds from 'foreign sources' to receive prior permission or to register under the Act. Granted, India does place some limits on foreign direct investment for businesses, but it is currently moving to liberalise investment in several sectors. The government recently welcomed investment pledges in excess of US\$50bn from companies in China and Japan, for example. That figure makes quite small the

US\$266,000 in foreign funding that the government tried to block over six months, with the freezing of the foreign aid for Greenpeace India.

In Egypt, meanwhile, the government is currently conducting something of a witch hunt against CSOs that have accepted foreign funding. But they are headed in the opposite direction when it comes to foreign capital for businesses: economic reforms have led to a wave of recent investment, including US\$12bn from BP and US\$500m from Coca Cola.

The situation in Hungary is worth noting as well. It has no formal restrictions against CSOs receiving foreign funding, but the government launched last year what some described as an all out attack on a group of CSOs that were receiving funding from the government of Norway. The police clampdown was subsequently judged illegal by the court, but some problems remain. Businesses receiving investment from abroad do not seem to have been singled out for such treatment. On the contrary, the Hungarian government has heavily promoted itself as a leading destination for foreign direct investment, with PR videos and the creation of a favourable legal environment.

Dozens more examples of the crackdown on foreign funding to civil society can be found in an excellent and comprehensive study published in 2015 in the *International Journal of Not-for-Profit Law* by Doug Rutzen, from the *International Center for Not-for-Profit Law*.

Moving beyond funding, the differences can be even starker. In Rwanda, for example, a business can be registered in a matter of hours, while CSO registration can

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take months. In Oman, it is forbidden to start a new association with the same broadly-defined ‘purpose’ as a pre-existing association; no such regulation exists for businesses. And around the world, businesses - particularly large ones - frequently have superior access to the halls of power, when compared to CSOs. Of course there are nuances to this differential treatment, but these wrinkles help explain why the distinct treatment persists, and perhaps provide clues on how to address the problem.

Rare is the country, for example, that simply opens the floodgates to foreign investment in its business sector. It is often controlled and deliberately directed at certain industries, especially in the case of foreign direct investment (e.g., a controlling ownership of a business in one country by an entity based in another).

Ethiopia, for example, is actually considered somewhat difficult for investors, largely because of the level of state control. Certain sectors remain off-limits to foreigners, including banking, insurance and financial services. Russia and the United States impose formal restrictions on investment in certain sensitive sectors. And registration of foreign capital is required in a number of jurisdictions.

But overall the trend in business investment seems to be toward liberalisation, with governments typically enabling more foreign investment in more sectors with fewer restrictions. The trend in civil society is the opposite: less foreign funding with more restrictions.

## RESTRICTIONS ON FUNDING AS A MEANS OF CONTROL

Why is this?

Our experience and research suggest that restrictions boil down to the perceived threats and benefits from each sector. The resulting level of control is a direct corollary.

In short, it’s political. Restrictions against the non-profit sector might be cloaked in terms of national security and good governance, but few pass muster under close scrutiny. They tend instead to be signs of a ruling government’s weakness - an attempt to assert control, reduce public criticism, consolidate power or hoard the benefits of economic development.

Businesses pose comparatively few threats to power, while the potential benefits they bring are vast. By definition, businesses exist to make money; they also have money to spend, on anything from political campaigns to lobbying to kickbacks. Their activity stimulates the economy, which creates jobs and makes governments look good. Their values are centred on profit-making, making them more malleable and more likely not to criticise unless their direct interests are threatened, regardless of the political structure in place. There are always exceptions, but relationships with businesses are inherently more comfortable for governments, particularly those looking to consolidate power.

*Restrictions against the non-profit sector might be cloaked in terms of national security and good governance, but few pass muster under close scrutiny.*

Civil society, of course, does not exist to make money and often doesn't have very much of it. By challenging and speaking truth to power, civil society's relationship with government can also be more antagonistic - although not always. And this is where the comparison gets more interesting.

Civil society is diverse, ranging from service delivery groups that work hand-in-hand with governments to accountability watchdogs that aim to keep power in check. Yet throughout history, the progressive changes that we enjoy are a direct result of civil society. Remember the anti-slavery movement? The anti-apartheid movement? The civil rights movement? Trade union movements? The women's movement?

And it's telling how treatment diverges for each faction, as a sort of divide-and-conquer technique. Ethiopia's law, for example, limits foreign funding only to groups working on certain human rights areas. Russia only targets the aforementioned 'political activity', which is poorly defined.

Again, financial controls correlate with perceived threat. A CSO that unquestioningly works to supplement a country's healthcare system seems to provide a direct benefit to the ruling government: it is thus less likely to face restrictions on funding.

A CSO working to expose corruption, impunity or election fraud, despite the immense public good it does, is not seen as slavishly supporting the ruling elite. As we've found thus far, it is more likely to see its funding sources attacked.

The fact that some governments are cracking down on civil society's ability to access resources isn't exactly

news. But putting this trend in the larger, multi-sector comparative context illuminates an issue that hasn't received as much attention: in each scenario, the government remains firmly in the driver's seat. Governments allow foreign investment and service-delivery CSOs because they think this benefits them; they don't allow foreign funding of civil society because they think this hurts them.

## THE WAY FORWARD: SECTORAL EQUITY

We would like to see a more level playing field across the board.

There may indeed be legitimate reasons for restricting money from abroad on occasion, whether it is destined for businesses or civil society. But these restrictions should never be imposed simply to further a ruling government's political ambitions or grip on power. They should be fashioned for the benefit of the broader population. Political benefit to a ruling party is not a legitimate basis for restricting funding, whether to civil society or business.

That is not to say that businesses and civil society should be treated identically. They do have their differences. We instead advocate for what the Special Rapporteur has referred to in a number of his reports as 'sectoral equity' - in other words, a fair, transparent and impartial approach.

Such an approach should recognise, of course, the many similarities that businesses and civil society

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share. Both are non-state actors, potential employers, providers of goods and services, magnets for investment, and possible platforms for mobilising people and influencing policy. But it should also recognise the differences. Both civil society and business are crucial to economic and political development, but in different ways. Government policy and practice should give them the space to do this on their own terms, not as an appendage operating at the whim of a ruling party.

It won't be an easy road to reform. For starters, many governments have no incentive to level the playing field, as illustrated by the fact that the trend for restrictions on civil society funding is growing, rather than shrinking. And the sector that wields the most potential power in this battle - business - has historically lacked close links with civil society. There are also divisions within civil society itself, fragmented and compartmentalised as it has become today. It remains rare, for example, to see a service delivery CSO stand up to a government that bullies a civil so-

ciety cousin in the advocacy field. There's a prevailing attitude of 'everyone for themselves'. Divide-and-conquer is winning.

That's not how it has to be. Businesses and civil society - in all of its incarnations - actually do have a strong convergence of interests when it comes to levelling the playing field.

The rule of law is preferable to the rule of power. Predictability trumps disorder. Fairness is better than corruption. These statements ring as true for business as they do for civil society. Stable, balanced environments are better for everyone, whether they be a multinational corporation, a grassroots activist group, or a major international CSO working on health issues.

It is time that we acknowledge our similarities and start working together to achieve this, for the benefit of each sector, and for society as a whole.

*The rule of law is preferable to the rule of power. Predictability trumps disorder. Fairness is better than corruption. These statements ring as true for business as they do for civil society.*

# IDENTITY– BASED GIVING: A CASE STUDY OF ISLAMIC RELIEF

–SADIA KIDWAI, POLICY AND RESEARCH  
ANALYST, ISLAMIC RELIEF WORLDWIDE

## INTRODUCTION

Islamic Relief Worldwide (IRW) is an independent humanitarian and development organisation present in over 40 countries around the globe. Inspired by the Islamic faith, IRW has helped millions of the world's poorest and most vulnerable people since receiving our first donation from a young Muslim boy in 1984. Our projects include responding to emergencies, most recently in Syria, Yemen and Nepal, and providing sustainable solutions to long-term development challenges, through our disaster preparedness, education, livelihoods, water and sanitation and healthcare projects. We also run a number of seasonal projects centred on key elements of the Islamic calendar, such as Ramadan and Eid.

Despite the financial pressures placed on civil society organisations (CSOs) in recent years, in a context of increasing need and squeezed resources, as fundraisers are met with donor fatigue and economic recession, IRW's income has continued to grow. In 2012, IRW was the fifth largest private humanitarian fundraising organisation in the world, following only Médecins Sans Frontières (MSF), UNHCR (the UN Refugee Agency), UNICEF (the UN Children's Fund) and the International Committee of the Red Cross (ICRC).<sup>1</sup>

Arguably, IRW's continued growth under challenging circumstances can be partly attributed to aspects of our Islamic identity, which have allowed: access to a growing Muslim donor base that sees charitable giving as a religious obligation; unique access to beneficiary communities in complex environments, which in turn enables us to be the partner of choice for

numerous donors agencies; and access to new donor markets in the Middle East.

## INDIVIDUAL DONORS

Charitable giving – both obligatory and voluntary – has an honoured status within the Islamic tradition. The payment of *zakat*, a form of annual almsgiving that is obligatory for all Muslims possessing a certain

which are promoted, emphasised and even mandated upon Muslims, such as the annual *zakat* payment, the annual donation of meat to the poor on Eid (*qurbani*) and the sponsoring of orphans. Many Muslim-majority countries have formal or informal social financing mechanisms to enable their Muslim citizens to fulfil these charitable obligations.<sup>4</sup> However, for Muslims living as religious minorities in regions such as Europe or North America, the lack of such mechanisms creates a demand for charities that can support them to fulfil their religious requirements. IRW conducts the majority of its individual fundraising in countries wit

*Charitable giving – both obligatory and voluntary – has an honoured status within the Islamic tradition. The payment of zakat, a form of annual almsgiving that is obligatory for all Muslims possessing a certain amount of wealth, is listed as the third of Islam’s five pillars, following only faith and prayer.*

amount of wealth, is listed as the third of Islam’s five pillars,<sup>2</sup> following only faith and prayer. Throughout the Qur’an, Muslims are repeatedly exhorted to “establish regular prayer and to practise regular charity.”<sup>3</sup> This constant coupling of charity (a social obligation) with prayer (a spiritual obligation) demonstrates the sacred and essential nature of charitable giving as an act of worship, one that is central to the role of a Muslim’s sense of self and their relationship with God.

Whilst all charitable giving is encouraged and rewarded within Islam, there are particular forms of giving

Muslim minorities, such as Australia, Canada, Germany, South Africa, the UK and the USA. Collectively the Muslim populations of these countries amount to approximately 15 million people (not including the Muslim majority countries where we fundraise, such as Malaysia or across the Middle East). In many of the countries in which we fundraise, we are one of the largest Islamic-inspired humanitarian and development charities, and thus play a critical role in providing an accessible and professionalised service to enable Muslims to fulfil their charitable obligations.

As a humanitarian and development agency, IRW abides by the humanitarian principles of humanity, neutrality, impartiality and independence, and does not discriminate on the grounds of race, political affiliation, gender or belief - values which also find their roots in Islamic teachings. Nonetheless, our unequivocally clear Islamic identity, demonstrated by our name and logo (a mosque dome with two minarets), enables us to build a particular relationship with Muslims, through a sense of shared identity. This is further bolstered by a sense of shared belief, as IRW's organisational values draw directly from Qur'anic and Prophetic teachings: *ikhlas* (sincerity), *ihsan* (excellence), *rahma* (compassion), *'adl* (social justice) and *amana* (custodianship). Focus groups with communities who donate to us, as well as the anecdotal evidence of our own staff, have indicated that people who donate feel a greater degree of trust in IRW than in non-Muslim agencies, specifically due to shared identity, faith and values. Whilst in the past IRW has been hesitant about over-emphasising our Islamic values, recently we've found that our growing confidence in using faith reference points or faith-sensitive language has resonated strongly with our supporters. The theme of our UK Ramadan fundraising campaign last year, *Alhamdulillah* ('praise be to God') received overwhelmingly positive feedback from our supporters, who identified with the spiritual language of charitable giving.

Furthermore, IRW runs a number of projects and campaigns that directly correlate with the religious charitable obligations and preferences of Muslim communities, some of which are outlined below.

## 1. ZAKAT

As mentioned earlier, *zakat* is one of the fundamental pillars in Islam. As a compulsory method of redistributing wealth from the richest to the poorest and most vulnerable members of society, *zakat* is both an obligation for the donor, and a right of the recipient. As such, IRW plays a critical role as an intermediary, collecting *zakat* in wealthier countries and distributing it to the most vulnerable members of society across the world.

In 2013 alone, IRW collected approximately UK£20m of *zakat* (approx. US\$30m) across 11 of our global fundraising offices. IRW actively works to support Muslims in their efforts to pay *zakat*, by running visible fundraising campaigns, providing multiple channels through which *zakat* can be paid, and even disseminating educational resources, online and on paper, reminding Muslims of their responsibility to pay *zakat* and detailing how to calculate *zakat* correctly. In countries such as the UK, IRW also runs hotlines with scholars and trained staff throughout Ramadan, where donors can direct enquiries regarding how to calculate and spend *zakat* in accordance with Islamic guidelines.<sup>5</sup> *Zakat* funds are subsequently spent in line with Islamic guidance, for example in addressing domestic poverty needs, such as in the USA, where *zakat* is utilised to provide emergency food and housing assistance to refugee, immigrant and low-income American families, or on IRW's global livelihoods, education, healthcare, nutrition and water projects.

IRW takes its role as custodian of *zakat* extremely seriously – through us, the duty of the donor is dispensed and the right of the recipient is fulfilled.

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To that end, IRW is currently developing a Global *Zakat* Policy to provide detailed guidance to our staff around the world on how to collect and distribute our *zakat* funds effectively. The aims of the policy are to ensure that our *zakat* activities are effective in alleviating poverty and suffering, and are fully in keeping with Islamic teachings, and to ensure transparency and accountability to our beneficiaries, donors, staff and supporters.

### 3. ORPHAN SPONSORSHIP

Although not a religious requirement, Islam strongly emphasises the high status given to those who protect and provide for orphan children.<sup>6</sup> IRW provides a model of orphan sponsorship that allows donors to strive towards fulfilling the teaching of Prophet Muhammad, combined with adherence to and promotion of strict child protection guidelines. Currently, IRW sponsors over 40,000 orphans in 24 countries around the world, providing shelter, education, healthcare and livelihoods opportunities for orphans living in poverty.

## INSTITUTIONAL FUNDING

IRW has built strong relationships with institutional funders over the past three decades. In recent years, we have received funding from the UK Department for International Development (DFID), the European Commission (EC), the European Commission for Humanitarian Operations (ECHO), UNICEF, the UN Development Programme (UNDP), UNHCR, the World Food Programme (UNWFP) and the UN Office for the Coordination of Humanitarian Affairs (UNOCHA).

Although these relationships have built up incrementally over many years, anecdotal evidence by staff indicates that there was a significant increase in interest in IRW following the conflicts in Afghanistan (2001) and Iraq (2003). Our experience has indicated that, as compared to secular agencies, IRW's overtly Islamic identity combined with our pure humanitarian mission can of-

## 2. QURBANI

*Qurbani* is an annual donation of meat by all Muslims who can afford it to those in poverty, to enable them to commemorate Eid ul Adha, the celebration that marks the completion of the annual pilgrimage (*hajj*). Traditionally, a Muslim would be directly involved in selecting an animal and distributing the meat to those in need. However, for many Muslims living in urbanised, wealthy communities in the countries in which we fundraise, this is logistically impossible. As such, in 1986 IRW initiated the novel concept of overseas *qurbani*, which sees donors give IRW the funds to pay for their *qurbani*, and IRW carries out the slaughter and distribution of meat to communities in poverty around the world. For donors, this offers a vital service in allowing them to dispense their obligation to the poor; for communities in poverty, the *qurbani* meat they receive through IRW is a critical source of nutrition, and at times the only meat they may eat in a week, a month or a year. In 2013, IRW was able to distribute *qurbani* meat to over two million people from 30 different countries around the world.

ten assist and enable us to access beneficiary communities in complex environments, by gaining the trust of community gatekeepers. In Somalia, for example, IRW was able to make important in-roads in various sensitive regions, partly due to the trust engendered by our identity. As such, our Islamic identity may place us at an advantage compared to institutional donors, which recognise IRW's ability to access certain communities while still meeting relevant global standards on humanitarian principles, accountability and transparency, and financial conduct.

This privileged access also opens us up to funding partnerships with Christian or secular CSOs, which sometimes distribute their funds through IRW in places such as Iraq, Pakistan, Somalia and the Occupied Palestinian Territories, where they may face barriers in accessing communities themselves. It is worth noting, however, that IRW's identity can equally be a disadvantage in contexts such as the Central African Republic, Chechnya or South Sudan, where IRW may distribute its funding through non-Muslim partner agencies. This symbiotic relationship between faith agencies has enabled IRW to build formal and practical inter-faith partnerships with Christian agencies such as the Lutheran World Federation, leading to joint projects in Jordan and Kenya. Not only does such interfaith partnership pave the way for bridge-building in divided communities, but it also creates new funding opportunities for both organisations.

Beyond accessing institutional funding, IRW's faith identity and values have enabled us to build strong working relationships with various donor and partner agencies in the sphere of knowledge-sharing. There is growing interest within the humanitarian and development sector in the role of faith teachings and faith

organisations in helping to meet global development goals. IRW has been proactively involved in providing training and educational resources on Islamic approaches to development at both the UN and World Bank level,<sup>7</sup> as well as through our engagements with various national governments.

## NEW MARKETS

A third and critical way in which IRW's faith identity has enabled us to attract resources is through our access to new and emerging donor markets, particularly in the Middle East. In recent years, IRW has placed a particular emphasis on engaging with governments, institutions and individuals across the Middle East. Anecdotally we know that IRW is well-respected in the region, particularly for its unique position as an Islamic, faith-inspired agency that is based in Europe, which is subject to the scrutiny of UK charity legislation. In recent years, this respect has enabled us to access funding for relief and development work from the Bahrain Royal Charity Organisation, the Islamic Development Bank, Qatar Charity and the government of Saudi Arabia. However, once again our Islamic identity can prove to be a barrier in the highly complex and politicised context of the Middle East, and has occasionally undermined our ability to fundraise in some countries.

## BEYOND IDENTITY

Whilst IRW's faith identity has undoubtedly played a critical role in our ability to access resources, individually and institutionally, discussions with staff have

***There is growing interest within the humanitarian and development sector in the role of faith teachings and faith organisations in helping to meet global development goals.***

made clear that identity is only one aspect of why supporters remain loyal to IRW. In the UK, Muslim donors may initially be drawn to IRW due to our faith identity or values, but the subsequent realisation that IRW is a member of the UK Disasters Emergency Committee (DEC) often plays an important role in gaining the trust and respect of donors, particularly when the Muslim charity sector is so saturated, as it is in the UK. Equally, although our Islamic identity may have initially gained the attention of institutional funders such as DFID or UNDP, IRW staff believe that it is our consistent track record for effective and efficient delivery, and the trust this has engendered, that now enable us to secure institutional funding continually. Finally, as hinted above, donors in the Middle East do not fund IRW solely due to our Islamic identity; rather, our positioning as a UK-based charity, and the reassurance that we are thus subjected to high standards of scrutiny and accountability, play a critical role in building our credibility and respect amongst Muslim donors in the Middle East.

Having a shared faith identity can often be crucial for developing relationships of trust with donors, and enabling faith-inspired organisations to capitalise on available resources. Yet in the experience of IRW, faith identity is not a silver bullet, and cannot (and should not) be relied upon to secure long-term and sustainable funding. Rather, our relative success has immensely relied upon our efforts to improve our efficiency, effectiveness, transparency and accountability. Only then can the trust we engender move from being instinctive (and potentially short term) to evidence-based and long term. This approach not only authentically meets values of accountability and fairness, as prescribed within the Islamic faith and within IRW's own values, but also universalises our competitiveness as a world-class humanitarian and development CSO.

*Faith identity is not a silver bullet, and cannot (and should not) be relied upon to secure long-term and sustainable funding.*

1 Global Humanitarian Assistance, Humanitarian Assistance from Non-State Donors: What is it worth?, April 2014, <http://www.globalhumanitarianassistance.org/report/humanitarian-assistance-non-state-donors>.

2 The Prophet Muhammad once stated that: "Islam is based on five: testifying that there is no god except Allah and that Muhammad is the Messenger of Allah; establishing the prayer; paying the zakat; the pilgrimage; and the fast of Ramadan."

3 Qur'an – see 98:5; 2:43; 2:83; 2:110; 2:277; 4:77; 5:12; 5:55; 9:71; 21:73; 22:41; 22:78; 24:37; 24:56; 27:3; 33:33; 35:29.

4 See the Islamic Social Finance Report 2014, <http://www.irti.org/English/Research/Documents/Report-2.pdf>, for a greater insight into this.

5 The Qur'an outlines the eight categories of people who are entitled to receive zakat: "Alms are meant only for the poor, the needy, those who administer them, those whose hearts need winning over, to free slaves, and

help those in debt, for God's cause, and for travellers in need. This is ordained by God; God is all knowing and wise." (Qur'an 9:60).

6 The Prophet Muhammad once raised his hand and placed his forefinger and middle finger together and said, "I and the guardian of an orphan will be in [Paradise] like these two," i.e. to be the guardian of an orphan is so blessed that one would attain closeness to the Prophet Muhammad.

7 For example, through sessions at the annual UN Staff College Training and

our recent joint statement with the World Bank and other faith groups: <http://www.islamic-relief.org/ending-extreme-poverty-a-moral-and-spiritual-imperative>.

# THE CASE FOR STRENGTHENING COMMUNITIES

– AVILA KILMURRAY AND BARRY KNIGHT,  
GLOBAL FUND FOR COMMUNITY  
FOUNDATIONS

## INTRODUCTION

Many institutional funders have an instinctive preference for bigger, better-resourced civil society organisations (CSOs). The rationale is that such an approach leads to better outreach and impact monitoring, due to economies of scale. This contribution to the 2015 CIVICUS State of Civil Society Report challenges this pattern of support for larger, more formalised CSOs, as opposed to community-based organisations. The perspective is derived from the work of the Global Fund for Community Foundations, which gives small grants to organisations that promote philanthropy in local communities, and operates in ways that differ markedly from conventional donor support.

## THE NEW AID ARCHITECTURE

The past 15 years have seen a trend towards a ‘big is beautiful’ approach in the funding world. The logic is that big problems, such as poverty, inequality and climate change, need big solutions. Only large scale and centrally organised resource distribution and logistics can address the size and scale of such seemingly intractable problems.

In 2008, former Ford Foundation Representative in East Africa, Tade Aina, described how in the ‘new aid architecture’ grants tend to go only to the larger, more formal, better-resourced institutions that possess structures acceptable to donor consortia.<sup>1</sup> Funds are narrowly allocated to specific programme or proj-

ect purposes. Funders, “do not support investment in endowments or property of local institutions,” he said, and this means, “less flexible support for issues that are determined and adopted autonomously by local institutions,” as they will, “have to fit either the national development agenda or the increasingly narrow focus of the big private donors.” He described an, “emerging consensus on procedures and methodologies, predominantly business and market driven and led by the philanthrocapitalists, who are being joined by the old philanthropies in their insistence on narrow focus, high impact, clear and measurable results.”

Despite some successes in reducing poverty in some places,<sup>2</sup> the new aid architecture has helped to create a global development industry that may not be fit for purpose. Many CSOs have become highly skilled proposal writers, budget jugglers and masters of development jargon, and compete with each other to serve the needs of external funders. The impact of international funding has distorted our sense of time (a five-year development project can be considered long term) and created lines of accountability that drive upwards and outwards. The result is hefty reports landing on desks in London or Washington, far from the people that development is meant to serve.

## LISTENING TO PEOPLE

There is evidence that this approach does not work for local people. In their report *Time to listen: hearing people on the receiving end of international aid*, Mary Anderson, Dayna Brown and Isabella Jean have

assembled the views of almost 6,000 people.<sup>3</sup> Their work suggests widespread dissatisfaction. Three complaints are commonplace. First, aid creates dependency; second, it reinforces existing hierarchies of power; and third, it has little respect for local people. A less common, but particularly damning complaint, is the tendency for one development project to breed another, in an endless chain of self-serving job creation projects for development sector elites, while casting local people as passive bystanders, and often denuding community organisations of their most skilled staff.

This should not surprise us. We have known since the 1960s that centrally controlled resource allocation is incompatible with local empowerment. In their classic study of the US Anti Poverty Programme, Peter Marris and Martin Rein showed that rational scientific analysis of problems, combined with large scale, centrally organised resource delivery mechanisms, fail to take root in local cultures, and any short term gains are difficult to sustain over time.<sup>4</sup> Peter Rossi, a leading expert on social programme evaluation, has noted the difficulties of creating a useful social programme, and proposed ‘The Iron law’. This states: “The expected value of any net impact assessment of any large scale social program is zero.”<sup>5</sup>

Moreover, a lack of engagement with the grassroots is a noted cause of failure. A 2013 report by the National Committee for Responsive Philanthropy argues that elite-driven, top-down approaches adopted by funders in the battle against climate change in the US have not achieved their goals, because of a failure to involve those grassroots communities directly affected by environmental harms that had the energy and resolve to take up the issues.<sup>6</sup>

As the contribution of local people through their own CSOs is downgraded, everyone loses: development aid professionals find it difficult to attain their goals, and local people experience insurmountable obstacles in making any contribution to the wellbeing of their communities. It is these very people who are essential in the process, because they know how things work, have assets they can use, and are already invested in the long term future of their place. Such treasures are present in all communities. Harnessing them in develop-

this trend is evident in the growth of a new class of autochthonous community foundations. While community foundations vary in their form, they are firmly part of civil society, and are organised and self directed, while being different from most CSOs, in that they raise their own assets, both from within the community and as intermediaries for external funders. Typically they use grants to other community based organisations as one among a number of strategies for building an inclusive and equitable society. Halima

*As the contribution of local people through their own CSOs is downgraded, everyone loses: development aid professionals find it difficult to attain their goals, and local people experience insurmountable obstacles in making any contribution to the wellbeing of their communities.*

ment activity brings local ownership, greater capacity, a long term perspective and a desire for sustainability. Donors ignore local civil society at their peril.

## THE POWER OF 'OUR' MONEY

Donors tend to see small CSOs as lacking capacity. But that is often because their donors control them and frame capacity in their own terms. A new model in development -community philanthropy - is changing the power balance between donor and grantee, and

Mahomed has described how in Africa this puts Africans at the heart of development: "Over the last several years, there's been a newer wave of community philanthropy organizations. They are organic, rooted in context, not wedded to a particular concept, and they don't tick the boxes of someone else's notion of community philanthropy."<sup>7</sup>

It is the independence provided by money raised by local people and given to locally rooted CSOs that endows a community foundation with potentially transformative power. At a meeting in Bangladesh in September 2011, donors were stunned when they learned that Tewa, a community foundation working

with rural women in Nepal, has 3,000 local donors.<sup>8</sup> African Americans in the US south are increasingly establishing giving circles so that they form part of the answer to the problem of poverty, rather than being cast as people who need to be helped to get out of their poverty.<sup>9</sup> Small grants over many years from the Kenya Community Foundation enabled local residents of Makutano to design their own development agenda, which led to significant progress on water, food security and education. We could give many more examples of community foundations, because they are growing fast. The number of community foundations across the world has more than doubled in the past 15 years, from 905 in 2000 to 1,827 in 2014.<sup>10</sup>

## GRANT-MAKING MATTERS

Grant-making is a central feature of community foundations. Grants are particularly important in emerging market economies where money is in short supply. In March 2014, Alliance Magazine published a special feature on ‘grant-making for social change’ with contributions from all over the world.<sup>11</sup> Many of the articles were repetitive, and for magazine editor Caroline Hartnell this would normally be anathema. However she realised “if people writing independently are all making the same points, and so forcefully, surely this is indicative of something.” And this, she concluded, was that “Over and over, the point is made that grantmaking is important in countries where civil society is not well established.” In the issue Filiz Bikmen observed that in Turkey grant-making is about

increasing the capacity of civil society as “an investment in democratization.” And Akwasi Aidoo, noted that in Africa, for so long dependent on donor aid and only just now beginning to experience the reality of a developed and indigenous African philanthropy sector, “grantmaking becomes an essential tool in fostering new and more horizontal and transparent forms of mutual accountability between donors and recipients; it constitutes part of a paradigm shift towards a form of development that is driven and resourced by Africans.”

And yet, the idea of grant-making is dying among larger private foundations. Pablo Eisenberg has pointed out that 60% of US foundations will not receive unsolicited proposals. He calls this “a dangerous shift of the balance of power in the nonprofit world” because this enables donors to “call all the shots and exclude nonprofits with great new ideas.”<sup>12</sup> Such trends increase the tendency for international aid to be paternalistic, pursuing agendas that are driven by particular and specific social and economic performance indicators, without respect for and understanding of local realities.

## TOWARDS A NEW PARTNERSHIP

There is a strong case for revising the aid architecture. Bringing together aid agencies with community foundations would mean that both would gain. While aid agencies can bring resources and technical expertise to the table, local donors grasp the layers of

***Bringing together aid agencies with community foundations would mean that both would gain. While aid agencies can bring resources and technical expertise to the table, local donors grasp the layers of complexity that only local people can understand.***

complexity that only local people can understand. The strength of local donors is that they bring trust and mutual accountability into the relationship. By working together in multi-stakeholder partnerships, including through re-granting arrangements, partners can adopt a holistic approach to local challenges and build on local assets, rather than focus on the narrow range of problems identified in most aid programmes.

1 Quoted in B Knight and C Hartnell, 'They go 'round and 'round'', Alliance, September 2008, Vol. 13, 3, p31-4.

2 United Nations, UN Secretary General Ban Ki-moon's Synthesis Report for the post-2015 development agenda, The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet, 4 December 2014, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/69/700&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/69/700&Lang=E).

3 M Anderson, D Brown and I Jean, Time to listen: hearing people on the receiving end of international aid, CDA, 2012, <http://cdacollaborative.org/publications/listening-program/>

*lp-books-and-major-reports/time-to-listen-hearing-people-on-the-receiving-end-of-international-aid.*

4 P Marris and M Rein, Dilemmas of social reform, 1972 (Harmondsworth: Penguin Books, 2<sup>nd</sup> edition).

5 P Rossi, 'The iron law of evaluation and other metallic rules', Research in Social Problems and Public Policy, 1987, Vol. 4, p3-20.

6 B Niki Jagpal and K Laskowski, Real Results: Why strategic philanthropy is social justice philanthropy, 2013 (Washington: National Committee for Responsive Philanthropy).

7 Halima Mahomed is quoted in

B Knight, The case for community philanthropy, 2013, Aga Khan Foundation USA and CS Mott Foundation.

8 B Knight, The value of community philanthropy, 2012, Aga Khan Foundation USA and CS Mott Foundation.

9 Affiliated to the Community Investment Network. See <http://www.thecommunityinvestment.org>.

10 These and many other facts about community foundations can be found at <http://communityfoundationatlas.org>.

11 C Hartnell, 'When is repetition a virtue?', Alliance, March 2014. Vol. 19,

1, p3.

12 Pablo Eisenberg, 'Strategic Philanthropy' Shifts Too Much Power to Donors, 2013, <http://philanthropy.com/article/Strategic-Philanthropy-/141263>.



# DOES THE GLOBAL RISE OF SOCIAL ENTERPRISE HERALD THE END OF CHARITY?

—TRIS LUMLEY,  
NEW PHILANTHROPY CAPITAL

## INTRODUCTION

In April 2015 I was in Oxford, UK for a dinner during the Skoll World Forum on Social Entrepreneurship. As the day came to an end, social entrepreneurs from across the world spilled out onto the streets, navigating the alleys and cobbled lanes, with the help of conference staff, on hand to direct them to their lodgings in the university's venerable colleges. The juxtaposition of the old and the new always strikes me when the Skoll World Forum comes to town.

Amid the awards, celebration and enthusiasm for social enterprise, it can appear sometimes as though the new is here to wipe away the old: that the rise of social enterprise brings with it the end of outmoded vehicles for social change, such as charity and philanthropy. The loudest evangelists for social investment have been known to utter such proclamations.

So should civil society be listening to them? And how seriously should we take these claims? Is social enterprise a new dawn, or is it a bit too good to be true?

## THE RISE OF SOCIAL ENTERPRISE

Social enterprise is undoubtedly a growing movement. Forty years ago the term didn't exist. Now there are dedicated world forums, global networks, incubators and investors. It is clear that there is something big happening here. But it's difficult to work out exactly

what is going on, given that defining what a social enterprise actually is remains heavily contested.

Social Enterprise UK offers the following definition:

*“Social enterprises are businesses that trade to tackle social problems, improve communities, people’s life chances, or the environment. They make their money from selling goods and services in the open market, but they reinvest their profits back into the business or the local community.”*

Even this definition overlaps significantly with organisations that might otherwise be called charities (and indeed, charities can readily be categorised as social enterprises, provided that they sell goods or services). As important as the trading feature is, the distinction is that social enterprises place constraints on the distribution of profits, which ensures that they remain committed to public rather than private benefit. This marks them out from enterprises that are primarily for private benefit (of shareholders and owners).

Yet the boundaries between social enterprise and for-profit business have become more muddled of late. There is a proliferation of different organisational forms: social purpose businesses, or profit with purpose businesses, have started to be seen as part of the same group as, or at least close relations to, social enterprises. Debates about asset locks, or mission locks - mechanisms that protect organisations’ resources and focus from drifting away from their social aims - have come to dominate this contested territory.

To some extent, it can be argued that these definitional debates are unimportant: that what matters is how organisations deliver social change and social impact,

regardless of precisely how they’re constituted. But these debates set the stage for a bigger discussion about the nature and roles of different sectors in society, and the interaction of public sector, private sector and civil society.

Social enterprise in all its forms is growing. The next question to ask is how fast it’s growing, and to distinguish the growth in rhetoric from the reality on the ground.

## THE BIG PICTURE VIEW

A macro view of social enterprise needs to start from an understanding of the roles of the public sector, private sector and civil society.

The public sector is funded through taxation and run by governments on behalf of their constituents. We vote to determine society’s priorities, and delegate decision-making to politicians and civil servants to develop and deliver public services. The private sector is funded through sales of products directly to customers, and run by boards on behalf of shareholders, or by owners themselves. We vote as customers with our purchasing decisions.

Civil society organisations (CSOs) are different again. These are typically funded through grants, donations and fees for products or services, and are run by trustee boards on behalf of their stakeholders or beneficiaries. As donors we vote through our giving decisions, but as beneficiaries we have no vote.

We can argue that, in democratic contexts, the public sector prioritises and addresses needs in response to

*Social enterprise in all its forms is growing. The next question to ask is how fast it’s growing, and to distinguish the growth in rhetoric from the reality on the ground.*

our voting behaviour; the private sector deals with the needs that can be fulfilled profitably by selling directly to us; and civil society deals with everything that's left over: the things that aren't profitable enough to constitute a functioning market, nor prioritised highly enough to be run by governments on our behalf.

What's important here is the different relationship that unfolds between us as citizens and the products, services or activities developed on our behalf. The public sector has a clear accountability mechanism through the democratic vote. The private sector has a clear accountability mechanism through consumers' purchasing decisions. Civil society has neither. This gets us into interesting territory when we compare CSOs and social enterprises.

## ARE SOCIAL ENTERPRISES MORE ACCOUNTABLE THAN CSOS?

CSOs exist explicitly and solely for public benefit, yet their accountability mechanisms are often absent. Those who fund charities act as proxy buyers for the products and services charities offer, which are not paid for by their recipients. For CSOs to be accountable to those they aim to serve, there needs to be a feedback loop between what CSOs say they want to achieve for their constituents, what actually happens, and how this information guides funders'

behaviour. In such a system, effective CSOs would attract funding, while ineffective ones would not. It's a nice idea, but this feedback loop doesn't work (yet). Many CSOs are far from routinely assessing the actual results of their work. Funders are even further from using such information to make their decisions. Effective CSOs often struggle to attract funding; ineffective ones with good marketing often thrive. Much more can be said on this: it is the central dysfunction of the UK charitable sector that my organisation, New Philanthropy Capital, has been committed to tackling for the last 14 years. For all our work and progress in that time, we certainly haven't cracked it yet.

Social enterprises, however, offer a tantalising promise, of combining the information that markets create with the public benefit that CSOs are explicitly committed to deliver. A social enterprise that earns revenue by selling products and services to customers, who as a result receive the social benefits the organisation aims to deliver, doesn't suffer the proxy buyer problem. If its products are effective and offer good value, customers will buy them. The market tells us whether the social enterprise is effective or not.

Unfortunately, it turns out that nothing is quite as simple as it seems.

## BLURRED BOUNDARIES

Few social enterprises are based on business models fuelled purely by customers paying directly for products and receiving social impact in return. Many

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are funded by proxy buyers - often local or national governments - to deliver those products on behalf of their constituents. In these cases, the purity of the market-based model does not hold when it comes to information generated by purchasing choices. As with CSOs, this means that social enterprises still rely on proxy buyers making decisions based on information about the effectiveness of the products and ser-

always has a significant role in attracting investors and their money, who would otherwise focus on lower hanging fruit. Even the tech sector, current darling of investment markets across the globe, is often heavily subsidised to make it investable.

Perhaps social enterprise and social investment aren't so different after all. Governments play a huge role

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vices procured. And those proxy buyers are no more reliable in this regard than CSO funders.

Some would argue that these social enterprises, relying at least in part on proxy buyers, do not operate in the genuinely open market occupied by private sector businesses. Yet it turns out that the private sector has its own blurred boundaries.

Discussions of the three sectors often overlook the role of subsidy, on which many industry sectors rely, at least to some extent. Energy, rail, farming and banking in the UK would look very different without government subsidy. What look like viable markets at first glance often turn out to be propped up by public funds. In developing markets, subsidy almost

in subsidising and grant-funding early stage models. Some would argue that social enterprise and social investment in the UK simply wouldn't exist without the support of government to inject capital into its development, build infrastructure and attract mainstream investment.

## GETTING PAST MAGICAL THINKING

Ultimately, while it is convenient to paint the traditional sectors in broad brush-strokes, it is also unhelpful. The boundaries between revenue derived from

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customers, investors and proxy buyers are so blurred that generalisations mean little. When we think about the role of business or enterprise in contrast to the role of civil society, this is important.

Civil society exists to complement the public and private sectors. (It also exists to challenge both, and there is a separate debate to be had about exploring that role and how it is funded.) As a complement to public and private sectors, the purpose of civil society is to address social need when government and markets fail, and to empower overlooked citizens and consumers.

Sometimes market failure can be addressed through mechanisms that will eventually create functioning markets. Subsidies to developing industry sectors have done this for hundreds of years. Social enterprise can offer such a path in some cases that have been overlooked by the private sector, perhaps through a better understanding of potential customers' needs and through models more closely aligned with the lives and behaviour of previously excluded customers' lives.

But social enterprise can never be a magical panacea for market failure. There are some groups of people - as well as some geographies and some issues - for whom the ability to pay for products and services cannot determine whether they are able to receive the products and services they need.

There will always be a need for civil society to do what the private sector or social enterprises cannot. That does not mean we should overlook the great volume of innovation to be found within the social enterprise sector, nor the enthusiasm and drive of those wishing to build business models that deliver social impact whilst generating profit. But it does mean that we should bring nuance to our understanding of the relationship between different sectors and organisational forms.

And if you work for a CSO, the next time a funder asks how your organisation is going to guarantee a path to sustainability, consider reminding them that magical thinking is overrated. Some things that are important to do simply can't be profitable.

# PERSISTENCE AND POSSIBILITIES: BETWEEN THE ARCHAIC AND A PLANETARY CIVILISATION

—RASIGAN MAHARAJH

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## THE PERSISTENCE OF THE ARCHAIC

Humankind marks this year as the 2,015<sup>th</sup> circumnavigation of Earth around the Sun, a social convention starkly stunted in comparison to the 13.8 billion years since the Big Bang and the 4.6 billion years since our home planet coalesced from galactic dust. The myopia of our anthropocentric perspective clouds our appreciation of where we are located in the long temporal yesterday.

The persistence of the archaic manifests in another socially-determined and politically-maintained convention. Earth currently hosts 7.2 billion people organised into 193 political units called nation-states.<sup>1</sup> These entities are recognised internationally as sovereign entities because they are deemed to possess a permanent population, a defined territory, a government and the capacity to enter into diplomatic relations with the other countries. Co-recognition has roots in the 1648 Treaty of Westphalia, which installed a system of political order premised on the territorial integrity of states within continental Europe. This regime was transposed upon the rest of the world through subsequent eras of imperialism and colonialism. This configuration would also inform the struggles for national self-determination in the late 20<sup>th</sup> and early

21<sup>st</sup> centuries,<sup>2</sup> thereby establishing the contours of the current conjuncture.

Taken together, these two idiosyncrasies - short-termism and nationalism - provide a vantage point for addressing the question of the politicisation of international development cooperation and its impact on civil society. From this panorama, this contribution to the 2015 State of Civil Society Report offers a materialist account of the historical co-evolution of human society, the political economy and the state. In particular, international development cooperation can be seen as the result of the co-evolution of contemporary world systems, and is thus politicised. The concluding section of this contribution assesses the impacts of this politicisation on civil society, and offers alternative pathways to better futures for the peoples of the planet.

## SUSTAINABILITY IN THE CONTEMPORARY CONJUNCTURE

From Earth's elemental beginnings, geo-physical structuring created a complex planetary system with great cycles of water and other chemicals, eventually giving birth to astonishingly diverse and complex life forms. We have catalogued over 1.3 million species of life, a figure which increases with the discovery of nearly 15,000 new species each year, but remains far short of the statistical estimate of perhaps 8.7 million

(Mora et al 2011).<sup>3</sup> The Living Planet Index reports that human activity since 1970 has caused a 52% decline in 10,000 representative populations of mammals, birds, reptiles, amphibians and fish (WWF 2014).

Of course, it has been long known that human beings form a sub-group within a larger kingdom of animals, and that we share the planet with at least five other kingdoms (bacteria, chromista, fungi, plantae and protozoa). Since separating from other great apes approximately seven million years ago, it is estimated that the human species has co-evolved mainly through genetic adaptations, intra-species cooperation, inter-species competition and revolutionary social transitions over a span of two hundred millennia. Still, our relationship with the wider biodiversity remains largely anthropocentric.

Earth comprises eight main biogeographic realms, within which are located at least 14 major biomes and 867 ecoregions, "relatively large units of land containing a distinct assemblage of natural communities and species, with boundaries that approximate the original extent of natural communities prior to major land-use change" (Olson et al 2001: 933-934). In addition, a new kind of geophysical space has been added, called anthropogenic biomes. These are also known as 'anthromes' or 'human biomes', and serve to describe the terrestrial biosphere in its contemporary, human-altered form, using global ecosystem units defined by global patterns of sustained direct human interaction with ecosystems (Ellis and Ramankutty 2008).

While the emergence of the human species correlated with our natural adaptation to biogeographic realms,

*International development cooperation can be seen as the result of the co-evolution of contemporary world systems, and is thus politicised.*

*While the human story has been one of great cultural variation, we now share a common heritage of violence and risk. Moreover, as the resilience of planetary systems erodes, the danger of abrupt and irreversible changes, with unpredictable consequences for the habitability of Earth, becomes real.*

our subsequent evolution was heavily influenced by social adaptation to environments shaped by our own hand through Palaeolithic, Neolithic, Urban and Industrial Epochs. The Neolithic Revolution transformed hunter-gatherer cultures into societies based on settled agriculture. This transition, like other epochal transitions, was rooted in changes in the material base and social institutions of society. In all instances, new regimes emerged from the development of the forces of production, reflecting evolving technology and social organisation.

This cumulative history has led to the current juncture, where the enhanced scale and wherewithal of the human project has generated massive environmental degradation, atmospheric emissions and water pollution. We are now witnessing mass extinctions, ecosystem destruction and climate change.<sup>4</sup> While the human story has been one of great cultural variation, we now share a common heritage of violence and risk. Moreover, as the resilience of planetary systems erodes, the danger of abrupt and irreversible changes, with unpredictable consequences for the habitability of Earth, becomes real. This situation is compounded by the continued extraction of non-renewable resources and the dominance of unsustainable consumption patterns. Taken together, these factors have led scientists to define our current epoch as the Anthropocene, in which the human species has become the dominant geological force. The precise inception date of this epoch remains unclear, but the debate includes an origins narrative in the Industrial Revolution and the establishment of the current capitalist mode of production.

The requirements of reproducing capitalism now shape and influence the direction of human development. According to Immanuel Wallerstein (2011), the driving underlying objective of capitalists in a capitalist system is the endless accumulation of capital, wherever and however this accumulation may be achieved. The preceding four centuries has witnessed expanding capitalist relations of production across the globe, through the unleashing of various strategies, including the integration between banks and industry, the export of capital, the exacerbation of inter-imperialist conflict, a reduced life cycle for fixed capital, accelerated technological innovation, the permanent military economy, the growth of multinational corporations and the expansion of credit, with resultant global indebtedness.

According to Lebowitz (2015), capitalism is also a system that "... tends to destroy the original sources of wealth (human beings and nature) and that has an inherent tendency to generate crises." Foster et al (2010) have expanded on the critique of contemporary capitalism to argue that the source of our present ecological crisis lies in the paradox of wealth in capitalist society, which expands individual riches at the expense of public wealth, including the wealth of nature. In the process, a huge ecological rift is driven between human beings and nature, undermining the conditions of sustainable existence: a rift in the metabolic relation between humanity and nature that is irreparable within capitalist society, since it is fundamentally integral to the objects of capitalist accumulation.

Capitalism has created the conditions of current over-production and under-consumption, through

*Capitalism has created the conditions of current over-production and under-consumption, through its relentless and ultimately self-destructive drive for profit.*



its relentless and ultimately self-destructive drive for profit. Improvements in the material living conditions of humanity have resulted from the extension of the provision of various infrastructures, including water supply, housing, electricity, transport connections and a wide range of essential products and cultural activities. This is, however, not universalised, and has increasingly become dependent on international linkages in global commodity chains of production, distribution and consumption for their provision and maintenance. As noted by Imhoff (2015: 5), “the irony is that we already produce enough calories to support 10 billion people. Not all of that output reaches those who need it most. Nearly one-third is wasted along supply chains. Another one-third is fed to cattle. Five per cent is converted to biofuels.”

In a seminal review of the most mature and advanced capitalist country of the world, Gilens and Page (2014) found that “... economic elites and organised groups representing business interests have substantial independent impacts on U.S. government policy, while average citizens and mass-based interest groups have little or no independent influence.” This diagnosis is aligned with Mészáros’ (2015: 296) determination that we have entered a new period of epochal transformation in which capital’s “all-engulfing catastrophic centrifugality,” as evidenced in the current planetary-wide destructive tendencies, and this is leading to severe contradictions in the command structure of the state, which can no longer exist entirely within the nation-state structure. The lack of any global alternative is resulting in a more plutocratic, unstable and dangerous state system.

## A PLANETARY CIVILISATION BEYOND CAPITALISM?

The cumulative impact of human activities on the planet’s ecosystems and its biodiversity presents an existential threat to continued human survival. The response of nation-states has been far from adequate. They adopt policy frameworks that seek economic stimulation or fiscal austerity, with environmental sustainability a subsidiary but growing concern, without unpacking the contradiction between the inherent capitalist requirement for infinite growth and the imperative to live within the resource and ecological boundaries of a finite planet. It is the structural relationship between people and planet that requires a revolutionary transformation. Such a transformational agenda demands the humble acknowledgement by our species that we share the planet and that our current political borders are historical and cultural arrangements, and thus are time-bound and mutable. These borders, no matter how violently enforced, offers little respite from the impacts of climate change and our further trespass beyond safe planetary boundaries (Rockström et al 2009), or a sound basis for collectively and democratically governing our one world.

To redress 21<sup>st</sup> century risks, and to nurture its possibilities, our archaic institutions need a root and branch upgrade. The very word ‘international’

***Reclaiming our future as global citizens requires civil society mobilisation against the depredations, violence and alienation of contemporary capitalism.***

presumes the validity of dividing human society according to political boundaries defined historically. Murray Bookchin (1989) had warned that the “...assumption that what currently exists must necessarily exist is the acid that corrodes all visionary thinking.”

Development cooperation, by fulfilling its function of maintaining the political economy of capitalism, has always been politicised. While efforts are made to nudge the system to better align with equity and sustainability principles, the time is long overdue for civil society organisations (CSOs) to see that a decisive rupture in the political economy will be necessary for a ‘Great Transition’ to a truly planetary level of civilisation (Raskin et al 2002).

Reclaiming our future as global citizens requires civil society mobilisation against the depredations, violence and alienation of contemporary capitalism. This larger vision and politics demands a corresponding enlargement of the perspectives, priorities and programmes of CSOs. They need to move from being part of the juggernaut, or mere gadflies on it, to becoming agents of deep change. As civil society explores solidarity and cooperation, and works to break free of the constraints of traditional funding sources, it can become a powerful laboratory for the larger project of establishing a post-capitalist culture and relations of production for a just, egalitarian and sustainable global society.

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1 Two territories (Palestine and the Vatican) are accorded the status of 'non-Member Observer States' at the United Nations, whilst the Saharawi Arab Democratic Republic remains hostage to Morocco's illegal occupation. The full list of recognised nation-states is maintained at: [www.un.org/en/members](http://www.un.org/en/members).

2 The Republic of South Africa was

liberated from internal colonialism in 1994 and the Republic of Timor-Leste became independent in 2002. The Republic of South Sudan is the newest member of the United Nations and was established in 2011.

3 Standard error of 1.3 million.

4 'Climate change' means a change of climate which is attributed directly or indirectly to human activity that

alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods (Article 1(2), UN Framework Convention on Climate Change).

# THE CSO ENABLING ENVIRONMENT AND DISENABLING CSO FINANCING IN AFRICA

–VITALICE MEJA,  
REALITY OF AID AFRICA

## INTRODUCTION: THE CSO ENABLING ENVIRONMENT

The coming to fruition of the Global Partnership for Effective Development Co-operation (GPDEC), adopted at the Fourth High Level Forum on Aid Effectiveness at Busan, South Korea, in December 2011, ushered in a new dawn for civil society organisations (CSOs) across the world. While for many, it marked the beginning of CSOs being anchored in the official development co-operation agenda, for others, it provided an impetus for CSOs to demand accountability over the creation of an enabling environment for CSOs. For some, the expectation of working closely with their governments to create an enabling environment was a motivation to engage with the process.

Paragraph 22 of the GPDEC<sup>1</sup> reads as follows:

Civil society organisations (CSOs) play a vital role in enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation. They also provide services in areas that are complementary to those provided by states. Recognising this, we will:

- a) Implement fully our respective commitments to enable CSOs to exercise their roles as independent development actors, with a particular focus on an enabling environment,

consistent with agreed international rights, that maximises the contributions of CSOs to development.

b) Encourage CSOs to implement practices that strengthen their accountability and their contribution to development effectiveness, guided by the Istanbul Principles and the International Framework for CSO Development Effectiveness.

Indicator 2 on the Busan agreement states:

Civil society operates within an environment that maximises its engagement in and contribution to development.<sup>2</sup>

Over three years since its inception, the implementation of paragraph 22 remains a work in progress. Efforts are in earnest to finalise how Indicator 2 will be monitored, while the Task Team on CSO Development Effectiveness and Enabling Environment, comprised of representatives of donor agencies, global south governments and civil society networks, including CIVICUS,<sup>3</sup> has planned to roll out a voluntary initiative for developing guidelines on creating and improving an enabling environment for CSOs at the national level. These areas of work focus largely on addressing the challenges faced by CSOs in the legal, regulatory and financing environment, and challenges with the policy spaces for CSO engagement.

## AFRICAN CSO FINANCING CHALLENGES

For many CSOs in Sub-Saharan Africa,<sup>4</sup> CSO financing is one of the key enabling issues that needs to be addressed. African CSOs get much of their financial support from official development partners and CSOs in countries in other regions.

In recent years, there has been much focus on the financing of CSOs in Africa. This can be attributed to the following factors: first, many official development partners have chosen to use CSOs to implement their programmes due to poor governance in the public sector; second, as several countries in Africa have graduated into being classed as middle income countries, the magnitude of official development assistance (ODA) is reducing and CSOs are seen as viable structures to manage the smaller amounts of funds being committed to such countries; and finally, CSOs remain the stakeholders that offer the largest network outreach to grassroots communities, where development investments are largely needed.

Of late, governments in Africa have paid considerable interest to CSO funding. Issues of CSO transparency and accountability are often bundled around this to hide the true intentions of governments. When governments raise this issue, their main objective is usually to curtail resource flows to CSOs through legal and regulatory requirements. In some cases, as detailed elsewhere in the CIVICUS State of Civil Society Report,

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***CSOs in most African countries do not receive government funding. Governments do not provide subsidies to CSOs even when they have managed to achieve statutory status.***

there are also incidences of physical intimidation of CSO personnel, arbitrary arrests and association with terrorist acts. Here again the objective is to curtail the initiatives of those organisations that work in defence of human rights and to promote good governance.

Aside from these common challenges faced by CSOs in Africa, new forms of impediments have emerged from the funders of CSOs that, if they are not addressed, could undermine the hitherto strong partnership that has existed between African CSOs and their development partners. The deterioration of this partnership will particularly hamper the delivery of services and achievement of development outcomes at the grass-roots level.

CSOs in most African countries do not receive government funding. Governments do not provide subsidies to CSOs even when they have managed to achieve statutory status. Closer analysis of the legal and regulatory frameworks for CSOs in most African countries reveals that there is no legal, policy and institutional framework for financially supporting the initiatives of CSOs. Individual CSOs are left to raise their own resources when attempting to build partnerships with governments.

In other instances, governments are overtly hostile towards CSOs, with accusations ranging from CSOs being ineffective or fake organisations that only exist to tap into donor money, to questioning of the legitimacy of CSOs with regard to representation of the population. CSOs are also seen as being too political and accused of siding with opposition parties on developmental and human rights issues.

There is thus a high dependence of African CSOs on donor funding: some estimates that over 90% of CSOs, in some countries, are largely dependent on donor funding. Donor support to African CSOs is in line with international trends, in that funding currently goes beyond service provision, to also focus on advocacy and the role of civil society in improving governance. Support towards African CSOs has been one of donors' key measures to deepen democratic ownership, increase domestic accountability and improve governance.

While Africa CSOs are under enormous pressure to deliver on behalf of their development partners, response to meet the core needs of African CSO is very limited and slow. There are many challenges, including offices, equipment, staff, transport and working conditions, that are responded to by very few donors. Donor policy on civil society and aid modalities are seen by some groups as rigid, uninformed and sometimes misplaced. They largely seem to fail to recognise the dynamism and heterogeneity that exist among African CSOs.

## DECLINING FUNDING AND ITS CONSEQUENCES

Increasingly, funding support to African CSOs is dwindling, with African CSOs having to cut their budgets and let staff go. Most support given covers programme costs, with little support towards core costs and overheads. This funding framework has pushed

many African CSO to a state of desperation. Organisations have had to make internal arrangements with staff for them to work on short time or on a part-time basis. Should this become a permanent feature of CSO life, it has the potential to create unsustainable contractual obligations, which will only increase the attrition of African CSOs and reduce their capacity to deliver services to those who need them most. Further, the current situation has created staff uncertainty within CSOs. A change in the employment relationship, from one of permanent employment to the casualisation of labour, has meant that employment benefits have been curtailed, such as labour and pension benefits. Staff in CSOs can thus experience greater stress levels, as they are no longer able to make long term domestic financial arrangements.

As desperation picks up, African CSOs are increasingly turning to governments and donor agencies to win short term implementation contracts to facilitate their survival. CSOs contracted by government departments and donor agencies have little or no input in the outputs and expected outcomes. One result is growing criticism from unfriendly governments towards organisations that do contract work for foreign governments and agencies, calling into question the credibility of CSOs.

The various sources of funding for programmes and projects in Africa apply strict criteria for identifying recipients. In most cases, many documents have to be completed and compiled before even the shortlisting stage for funding is reached, and these are tedious, lengthy and not user-friendly, taking considerable time away from programme implementation. Many CSOs do not have access to state-of-the-art computers and software. In some cases the documents are not clear and are not accompanied by user notes, which discourages

many applicants. Lengthy application forms are a challenge to most CSOs, and particularly to community based organisations (CBOs), which have lesser capacity and resources and are often based at a great physical distance from donor offices. Compliance issues, such as submitting reports on time, and completing lengthy reporting forms, offer challenges to most. Funding criteria are often against organisations that are not already funded, and are not generating income, and easier for organisations that already have funds. Larger and well connected CSOs are favoured over smaller organisations. Further, compliance with national level revenue authority requirements are often complex and time consuming, and require very strict reporting conditions. This is particularly a problem when donors require that CSOs comply with national auditing provisions in the terms of their grant-making contracts.

CSOs often do not receive sufficient funding to deliver a programme, or funding is exhausted before programmes are completed. Often, their funders cut budget allocations, with little consultation with their partners. This can probably be associated with budget cuts donors are experiencing, or a move to mitigate risks on the part of the donor. African CSOs are thus not able to expand their services or their outreach. In some cases, CSOs in Africa are forced to down-size their operations, make staff redundant, merge with like-minded organisations, or change their focus or mission.

African CSOs are expected to be sustainable, and yet they are not allowed by most donors to retain surpluses for the future after project completion.

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Generally, funds must either be returned, or considered part of the future support to the organisation. African CSOs are also not able to retain staff, with staff turnover being driven by poor remuneration. Most experienced staff are poached by governments or International CSOs.

African CSOs can also experience delays in project implementation due to late payments by donors, which causes cash flow problems. A lack of timely communication regarding donors' system of disbursing funds, and adherence to contract conditions, undermines the credibility of partnerships.

## CONCLUSION

For funding to be effective, development partners would need to apply greater flexibility in their funding instruments, while still maintaining fiduciary require-

ments. Donors need to reduce bureaucracy in grant management and make grant application processes easier and accessible to more CSOs. At the same time, there is a need for CSO policy space and leadership in determining priority areas and projects. For sustainable engagement with CSOs in policy dialogue, donors will need to consider increasing their funding towards lobbying and advocacy initiatives. Other important areas to support include capacity building, information exchange and organisational development.

Consistent funding from a reliable donor can go a long way in sustaining CSOs in Africa for longer periods of time, enabling them to deliver better services to more beneficiaries. Rational, coherent and sustained forms of funding, that offer constant monitoring and support, and that are multi-year in scope, would go a long way towards ensuring the sustainability of African CSOs.

1 Agreement of the Fourth High Level Forum on Aid Effectiveness, Busan, South Korea, 1 December 2011, [http://effectivecooperation.org/files/OUT-COME\\_DOCUMENT\\_-\\_FINAL\\_EN.pdf](http://effectivecooperation.org/files/OUT-COME_DOCUMENT_-_FINAL_EN.pdf).

2 Proposed Indicators, Targets and Process for Global Monitoring, 2012, <http://effectivecooperation.org/files/Indicators%20Targets%20and%20Process%20for%20Global%20Monitoring/>

*Indicators\_targets\_and\_process\_for\_global\_monitoring.pdf.*

3 For more information see <http://task-teamcso.com>.

4 The focus of this contribution is on CSOs in Sub-Saharan Africa, which for shorthand here is referred to as Africa.



# AID AND DEVELOPMENT COOPERATION: THE IMPACT OF THE BRICS AND RISING POWERS

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## INTRODUCTION

The rise of the BRICS (Brazil, Russia, India, China and South Africa) and other emerging economies have challenged the traditional workings of global governance. For instance, the formation of the BRICS Development Bank in 2014 has emerged as a direct response to discontent with failing economic reforms imposed by the World Bank and International Monetary Fund (IMF). The Bank, and the actions of the BRICS club, represent an alternative source of funding for development in the global south, and also the gradual introduction of diverging forms of international governance. Belonging to the global south, and having been recipients of developmental aid, the BRICS alliance are reconfiguring the use of aid and development strategies for effective national growth and social-economic advancement. This has, however, sometimes come at the expense of global political norms of democracy, good governance and human rights that have informed the foreign policy of traditional donors, and underpinned global governance institutions.

## DEFINING FEATURES OF BRICS DEVELOPMENT COOPERATION

Though different in its approaches, and modalities for development, south-south cooperation (SSC) does not necessarily seek to challenge north-south Cooperation

(NSC). Instead, SSC should be seen as complementary to the efforts of the global north, and is similarly aligned to internationally agreed development goals, including the Millennium Development Goals (MDGs) and the upcoming Sustainable Development Goals (SDGs).<sup>1</sup> The shift in approach to SSC rather comes with emerging donors placing a particular focus on self-reliance and independence as means to give developing countries the tools and capacities to achieve their own development success. Support from the BRICS places increasing emphasis on infrastructure building, industrialisation, social welfare, technical support and capacity building.

The Russian Deputy Minister of Finance, Sergey Storchak, captured the basic essence of self-reliance, in explaining the Russian Development Assistance Concept, in 2006:

*“...The governments of developing countries must shoulder primary responsibility for overcoming poverty and underdevelopment of their nations but a radical improvement of socioeconomic conditions in these countries will be possible only if the international community takes resolute and concerted action to facilitate their development.”<sup>2</sup>*

The Russian government has continued to acknowledge and promote the belief that developing countries should carry the onus of forging their own development paths and should be engaged in shaping the necessary policies.<sup>3</sup>

Russia, whose development cooperation has historically been based on Cold War politics,<sup>4</sup> is the only global northern counterpart in the BRICS club. Brazil, China, India and South Africa, in comparison, have a historical and cultural affinity with SSC, evolving over the years and applying key principles that emerged out of the 1955 Bandung Conference (also known as the Asian-African conference) and the 1978 Global South conference on Technical Cooperation amongst Developing Countries in Buenos Aires.<sup>5</sup> In supporting tenets of national ownership and the strengthening of national capacities, Brazil, China, India and South Africa affirm that they operate on the premise of mutual benefit, collaboration through horizontal partnership, project alignment with the recipient’s national objectives, and cooperating through trust, respect, equality, solidarity and partnership. They see themselves as development partners, in contrast to the traditional discourse of donor-recipient relations. Their own experiences as recipients of development assistance create sensitivity around the use of the term ‘aid’, and the debates that surround it. Russia’s exception as a non-southern nation is justified by its common critical attitude towards aid conditionality, and its claim to share the same objectives of preserving sovereignty, horizontality and non-interference that are embodied in SSC.<sup>6</sup>

A distinctive feature of the BRICS’ influence in development cooperation, beyond the additional sources of resources made available, stems from the member countries’ experiences of successful economic development.<sup>7</sup> SSC has enriching characteristics for the aid effectiveness agenda, which brings a refreshing approach to development

*Though different in its approaches, and modalities for development, south-south cooperation (SSC) does not necessarily seek to challenge north-south Cooperation.*

cooperation policy. With similar experiences and trajectories of development, emerging economies have rich know-how about good practices and development solutions that are more adaptable to the similar economic and social conditions of other developing countries. Likewise, the emphasis on equality and horizontal collaborations creates heightened trust levels amongst partners, with formal and informal linkages being established and strengthened.<sup>8</sup>

Discontent with the ideologies and practices of the world's financial institutions has brewed over decades among countries of the global south. Resistance to the international financial architecture started to come from emerging donors in the early 2000s. In 2003, during the Indian budget speech, it was declared that the Indian Government would provide debt relief packages to Heavily Indebted Poor Countries for overdue debts, and the government also linked grants and concessions with trade. The Indian Development Compact package, offering a mix of lines of credit, concessional loans, debt relief, subsidised credit and technical assistance, all without conditionality, came as a result of the Indian government's response to the approach of Western financial institutions, and acted as a counter-narrative to hegemonic global governance regimes.<sup>9</sup> As was stated by Indian finance minister, Jaswant Singh, in 2003:10

*“Having fought against poverty as a country and a people, we know the pain and the challenge that this burden imposes.”*

SSC aligns itself with demand-driven assistance, tailored to the recipient's needs. It is in the same vein

of thinking that southern donors do not necessarily attach political or economic conditionalities to their assistance. The Bandung Principles highlight the importance of respect for sovereignty and non-interference in national policies. This is an obvious contrast to the use of development aid as a soft power tool to push reforms in the interest of good governance, democracy and human rights, and to promote economic liberalisation, which characterises NSC.<sup>11</sup>

The impact of conditionality is visible in developing countries' "loss of independence and autonomous capacity to choose their development course, which becomes overwhelmingly determined by the development path pushed by the West."<sup>12</sup> China's government has always taken a strong stance on conditionality, and Brazil's shares the same sentiments. Resonating with its own historical experiences as an aid recipient, Brazil's guiding principles on technical cooperation are based on horizontal relations and non-conditionality, and also reflect its foreign policy principles of mainly non-intervention, autonomy, non-violence and universalism, which can be seen as ideals consistent with the country's southern identity.<sup>13</sup>

In comparison, South Africa's government has not always been consistent with the southern rhetoric of non-conditionality, which is often at odds with the country's progressive constitution and history of promoting democratic freedom and human rights. In repairing its apartheid hegemonic image and relationship with other African states, South Africa has included, as part of its development assistance, debt forgiveness initiatives for countries such as Mozambique, Swaziland and Namibia.<sup>14</sup> Complications

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and contradictions raise questions about South African dualism in upholding good governance practices, while also subscribing to SSC principles of non-intervention and respect for national sovereignty.

For example, during its neighbour Swaziland's 2011 financial crisis, South Africa offered Swaziland a US\$355m bailout loan, on condition that the government fulfil financial reform and accountability requirements, and other conditionalities related to political freedoms and human rights reforms.<sup>15</sup> South Africa and Swaziland signed a Joint Bilateral Commission agreement in 2004, which aimed to promote economic and social development, democracy, human rights and good governance, and the development of a strong civil society presence. As part of the loan guarantee, the Swazi government was urged to further commit to the agreement and initiate further engagement with Swazi stakeholders and citizens to participate in the process of Swazi development. Swaziland's king eventually rejected the loan, casting the impoverished country further into economic crisis.<sup>16</sup> South Africa's government nevertheless remains Afro-centric, committed to promoting accountable leadership on the continent, and supporting democracy and good governance practices, but using a soft power approach of 'quiet diplomacy' towards its neighbouring countries. South Africa thus slightly differs in southern ideology, and can be understood to be taking a bridging role between traditional donors and its African peers on matters such as good governance and institutional building.

## THE BRICS SUPPORT TO AFRICA'S DEVELOPMENT

The rise of the BRICS means that the governance discourse has to change to understand their perspectives. Emerging economies emphasise the need for infrastructure building as a means to stimulate foreign direct investment and spur economic growth. The BRICS are themselves still trying to address their own socio-economic hurdles, for example, by improving health care systems, creating sustainable food security systems, expanding transportation networks and strengthening information and communication technologies. These types of investments have resulted in a form of economic growth that more closely addresses a developing society's needs.<sup>17</sup>

In 2012, China and the African Union Commission signed an agreement in support of the Programme for Infrastructure Development in Africa (PIDA), a strategic framework that will run through to 2040. PIDA makes commitments to build much-needed continental infrastructure across key areas such as energy, transport, trans-boundary water resources and information and communications technologies. The objectives are clear: extensive infrastructure building is expected to create a catalyst for growth and develop human capital, but also decrease transaction costs for cross border trade and contribute towards regional integration. With an estimated cost of US\$360bn for the entire

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*South Africa's government has not always been consistent with the southern rhetoric of non-conditionality, which is often at odds with the country's progressive constitution and history of promoting democratic freedom and human rights.*

programme, PIDA has been welcomed as providing a new development stimulus for the African continent.<sup>18</sup>

Similarly, in collaboration with the New Partnership for Africa's Development (NEPAD), a regional intergovernmental initiative, the government of India has pledged to invest in energy, transportation and industrial development in the region, in the form of hydroelectric plants in Burundi and the Democratic Republic of Congo, a power transmission project in Mali and a trans-border railway to link Djibouti and Ethiopia. The Indian government has also signed an agreement with Chad to revive its textile industry. Accordingly, South Africa has set aside ZAR4.5bn (approx. US\$380m) in consolidated resources for key infrastructure projects that would strengthen its position as a regional hub in Southern Africa.<sup>19</sup> Russia has called for further economic investment in Africa through a series of exchanges. Through the Russian-African Business Forum and Coordinating Committee on Economic Cooperation with Sub-Saharan Africa, Russia has offered to share technology in military, energy and geographical exploration sectors.<sup>20</sup>

## THE DARKER SIDE OF THE BRICS COOPERATION

This is not to say that the efforts of the BRICS countries are entirely altruistic. Notwithstanding SSC principles, power politics are part and parcel of international relations. While it has received some praise as a positive southern grouping that other

developing countries can relate to, there is also a broad critique of the BRICS, particularly from a civil society perspective, which points out that, despite their non-interventionist, solidarity and mutual benefit rhetoric, cooperation from the BRICS club has been marked by similar challenges to those that characterise NSC. Fluctuating public opinion about the new club ranges from optimism for a changing world order to concerns over a new post-colonialist hegemony. The BRICS club has been condemned for being “neo-liberalist with southern characteristics.”<sup>21</sup> Civil society concerns lie in the challenges to human rights and development brought by the alternative economic agenda, particularly because of the absence of clear human rights frameworks to guide southern development cooperation, trade and investment.<sup>22</sup>

The scope of the large infrastructure projects and other development initiatives that are a significant part of BRICS-led development cooperation can be expected to have significant implications in developing countries, particularly in Africa, on contested issues such as the exploitation of natural resources, land grabs and land displacement, labour practices, environmental concerns, agriculture and food security, to name a few.<sup>23</sup> Infrastructure investments in the past have seen positive outcomes in the transfer of resources and technology, but have also introduced sector specific reforms and had policy implications for recipient countries. Further, human rights, public accountability and environmental concerns are rarely addressed in government-to-government relations.<sup>24</sup>

Donor assistance from emerging economies may be more attractive to developing country governments than that from northern donors, as assistance is

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***Donor assistance from emerging economies may be more attractive to developing country governments than that from northern donors, as assistance is provided in a much faster, cheaper and more flexible manner.***

provided in a much faster, cheaper and more flexible manner. With developing countries opting for southern aid, it is not surprising that northern donors question the quality of the services, for example by asking whether labour, safety and environmental standards are being upheld. Northern critics have called attention to southern donors' lack of transparency and have accused emerging Asian economies of being "rapacious and mercantilist"<sup>25</sup> in extracting African natural resources. The term 'rouge aid' is often used to refer to Chinese support to corrupt and autocratic regimes, which undermines the emphasis on good governance practices that traditional donors have tried to establish in their international development policies.<sup>26</sup>

BRICS investment in developing countries has largely concentrated on the manufacturing and extractive industries. Labour activists have raised concerns about inequality, including disparate wages, unregulated working conditions and the restriction of economic democracy<sup>27</sup> for the large majority of the working poor in developing countries.<sup>28</sup> Chinese private sector investment has come under the spotlight, including in a 2011 report by Human Rights Watch, which raised fears over the poor working conditions of workers in Chinese-led enterprises, and Chinese non-compliance with environmental safety regulations.<sup>29</sup>

## THE BRICS AND CIVIL SOCIETY

Further, despite their increasing international development clout, the reluctance of the BRICS club

to acknowledge the significance of civil society is a reflection of wider difficulties in civil society-state engagement in BRICS countries. The legal frameworks and policy contexts for such engagement are highly restrictive, with adverse political and regulatory environments.<sup>30</sup> For example, the Chinese domestic institutional framework is so dysfunctional that the Minister of Finance need not report to the Chinese legislature on Chinese aid expenditure, or whether it has been used effectively and accordingly, as assessed against both China's strategic purposes and the recipient's national development objectives.<sup>31</sup>

Civil society organisations (CSOs) in the global south have the advantage of understanding and being able to address issues relating to the interests of aid recipients, and contribute immensely to development effectiveness dialogue. Civil society-led SSC for development, between CSOs in emerging powers and CSOs in other global south countries, has been proven to produce innovative practices in fostering social accountability, and in promoting and scaling up innovations in participatory development practices.<sup>32</sup> Civil society has also gained increasing international importance. Since the Third High Level Forum on Aid Effectiveness, held in Accra, Ghana, in September 2008, civil society has been more actively engaged as part of the development effectiveness debate, including by campaigning for the inclusion of issues of human rights, gender equality, environmental sustainability, social justice and broad-based democratic ownership in development priorities.<sup>33</sup>

Unfortunately, the BRICS club is yet to recognise these efforts. Due to the state-to-state nature of their development cooperation, there is very little space

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South Africa's government has been quite progressive in reaching out to civil society. South Africa's Department of International Relations and Cooperation has sought out opportunities to invite CSOs, think tanks and businesses through a series of lectures and imbizos (discussion gatherings) to seek to connect non-state actors with South African foreign policy. South Africa also advocates for various partner forums, such as the China-Africa Cooperation, India-Africa Forum and Brazil-South Africa think tank cooperation for academic exchanges.<sup>34</sup>

The Russian government has also established the Consultative Group of Russian Civil Society Organisations to engage CSOs on development issues, and as a strategic measure to communicate how Russia can benefit from foreign development activities. The Russian government has been active in encouraging the development of civil society institutions internationally to contribute in development assistance activities.<sup>35</sup> Nevertheless, similar to its other BRICS counterparts, domestic civil society participation within Russia remains restricted. Critics have raised concerns about Putin's repression of civil society after a series of repressive laws were adopted in 2012 that entailed the curbing of civil society's independence from the state.<sup>36</sup>

## CONCLUSION

In conclusion, the rise of the BRICS has created policy shifts in global governance. Their influence on the global financial system and their south-south cooperation with developing countries has had positive effects, with increasing developmental impacts. Yet at the same time, this policy shift has had direct implications on the politics of good governance, human rights and development effectiveness. SSC has created a new shared understanding of non-interference in international development cooperation, whereby development partners affirm that they respect state sovereignty and merely assist in building the capacity of countries to realise their own developmental path. As part of this, infrastructure development is prioritised as a mechanism for stimulating growth. However, the non-interference policy raises concerns about weakening good governance practices, reducing accountability and threatening human rights values.

In order for the BRICS alliance to retain its legitimacy and be accepted in international development cooperation, the emerging donors will need to restructure their CSO engagement. In the international development cooperation dialogue, CSOs act as strategic actors in bridging the gap between socio-economic progress and the safeguarding of human rights. Development should not come at the expense of basic human rights and tenets of social justice. The BRICS club and emerging donors will have to work more closely with their own civil society to strengthen engagement with their national and foreign policies.

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# PHILANTHROPY INFRASTRUCTURE IN A TRANS- FORMING WORLD: CURRENT DEVELOPMENTS

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## INTRODUCTION

Philanthropy can be broadly defined as love of humanity. Through philanthropy, voluntary private resources are mobilised to meet human needs, alleviate suffering and tackle the systemic challenges that prevent human development.

Philanthropy contributes to social change mainly through the institutions of civil society. Foundations, grant-makers and private social investors are an essential resource for civil society; they are purpose-built to invest in the capacities, innovations and initiatives of civil society. From small voluntary community foundations to large professionalised grant-makers, institutional philanthropy exists primarily to nurture and enhance the self-organised initiatives of citizens for social advancement. Because of their independence, these social investors and grant-makers are well placed to take risks, respond relatively quickly, provide seed funding for new ideas and support community development at an appropriate scale.

The last 25 years have seen a surge in organised philanthropy and private social investment around the world. Profound shifts in the relationship between the state, private sector and civil society have contributed to the emergence and growth of philanthropy in the past decades. In addition, the emergence of new wealth has led to the rapid growth in foundations and social investment initiatives, especially in emerging market economies.

But the benefits of economic liberalisation have not always resulted in shared prosperity, and the negative

impact of legal and economic policies on development has resulted in growing levels of inequality and social tensions. Extreme inequality has limited the opportunities for many, while expanding opportunities for a few. This context of growing inequality is holding back development. As pressing global issues - such as threats against human rights and democracy, long-term conflicts and regional instabilities, climate change and sustainability - continue to expand in depth and complexity, civil society, and the role of philanthropy in supporting it, have increased in importance.

Philanthropy has a critical role to play in addressing the world's massive social challenges and in nurturing more just and equitable societies. It potentially offers complementary approaches and types of funding, accompanied by freedom to take risks, and tolerance of failure. In addition, philanthropy can test innovation and scale up new initiatives, enable rapid action, and support civil society organisations (CSOs) that undertake advocacy and independent policy analysis.

## PHILANTHROPY INFRASTRUCTURE

To fulfil its role, however, philanthropy needs an enabling environment. Such an environment is usually regarded as possessing five main features: a legal framework that empowers, rather than shackles; a tax structure that provides incentives, rather than penalties; an accountability system that builds confidence in philanthropy and civil society; sufficient institutional capacity to implement effective activities; and

enough resources to undertake these activities. Organisations that support philanthropy infrastructure play an important role in helping to achieve these conditions. They provide a necessary support system for amplifying the effectiveness of philanthropy, and are well placed to have a powerful effect on the underlying cultural conditions that surround philanthropy. In addition, philanthropy infrastructure organisations provide spaces for innovators to come together, enabling them to understand each other's strategies, and to work together for mutual benefit. Such efforts need to be visible to others apart from the participants, otherwise the lessons cannot be spread and practice in the field cannot be changed as a result.

Philanthropy infrastructure organisations range from membership associations to affinity networks, and include advocacy, capacity building and research organisations focused on the philanthropy field. This growing community of institutions dedicated to strengthening global giving and social investing take a variety of different approaches. However, the most common functions are providing services to better enable philanthropy, for example, by providing information and advice; convening people working in philanthropy to share learning and foster collaboration; representing the interests of philanthropy in the public policy arena; promoting the value of philanthropy to policy makers and the public; and encouraging a culture of giving.<sup>1</sup>

In times marked by ongoing changes and complex challenges, philanthropy infrastructure organisations are taking leadership on various fronts in support of civil society.

## PHILANTHROPY AND CIVIL SOCIETY

After years of growth, global philanthropy is facing a worrisome trend as CSOs deal with increased control and undue restrictions on funding. In recent years, dozens of countries have adopted new laws and measures to hinder cross-border funding, often with the excuse of protecting security or preserving sovereignty.<sup>2</sup> As a consequence, in order to transfer funds, grant-makers and the groups they seek to support are faced with new obstacles and additional administrative requirements. Of particular concern are new laws restricting the receipt of foreign funding by CSOs.

This growing trend has profound implications for philanthropy, as grant-makers face increasing obstacles to supporting civil society. Philanthropy infrastructure organisations play a leadership role in convening concerned actors to explore possibilities for further collaboration to protect civic and democratic space. For instance, the International Human Rights Funders Group, in partnership with Ariadne-European Funders for Social Change and Human Rights and the European Foundation Centre, host a discussion series for funders to address this issue and explore possibilities to move forward. When each participant funder shares their experiences, infrastructure organisations are able to gain collective knowledge of the situation, and identify strategies for action.

Philanthropy infrastructure organisations also play a key role in keeping grant-makers and social investors informed and engaged in discussions on the Financial

Action Task Force (FATF), a regulatory framework that affects cross-border philanthropy. Grant-maker participation in these discussions is essential, in order to help ensure a favourable legal environment for the work of foundations and their grantees abroad. To improve the environment for cross-border philanthropy, there will need to be collaboration among foundations and other development actors working in a global context, in particular multilateral organisations, which can advocate towards governments for more enabling environments conducive to the flow of funds to CSOs.

## PHILANTHROPY AND DEVELOPMENT

As the international community engages in negotiations on the post 2015 development agenda, the role of philanthropy is increasingly being discussed. Once seen as a marginal player in international cooperation dialogue, in the 21st century philanthropy is acknowledged as playing a growing role. Philanthropy flows are increasing as a proportion of overall financial flows, and new forms of social investing combined with grant-making are attracting the interest of development agents.

Philanthropy has much to contribute to development. By its nature, philanthropic giving is more independent, responsive, nimble and opportunistic than official development assistance. Philanthropy institutions have more flexibility to take risks in funding short or long term pilots and demonstrations, and to support efforts that may be cutting edge or even unpopular at the time, but which eventually become main-

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stream practice.<sup>3</sup> Finally, a distinctive added value of philanthropy is its contribution to civil society action, through making grants that help communities and social movements organise for positive change.

Philanthropy institutions can also benefit in many ways from working with development organisations. These can help philanthropy to reach greater scale, influence public policy and achieve deeper results. It is important to recognise the force of development actors and mobilise this for collaboration with philanthropy.

Differences in practices exist in each sector, and must be understood and addressed. For instance, when asked, philanthropic foundations will usually say that their work has very little reference to the Millennium Development Goals (MDGs). However, they tend to work on the same areas covered by the MDGs, such as gender equality, child mortality and universal education. The main issue is that philanthropic foundations tend to use a different language from the MDGs, one that is rooted in the local context, rather than in universal frameworks. In order to achieve effective cross-sectoral cooperation, it is crucial to understand these differences between how the official development and philanthropic sectors operate.

An interesting initiative that illustrates the building of bridges across the philanthropic and the development sectors comes from the Global Fund for Community Philanthropy (GFCP) and the Global Alliance for Community Philanthropy (GACP). The GACP brings together a cross-section of various institutional donors, each of which has an interest in how fostering community philanthropy as a specific development strategy can enhance development processes and outcomes. Each partner is investing resources and staff time towards

the pursuit of a joint learning and development agenda over five years, which will be facilitated by the GFCP. If we talk about building bridges between philanthropy and development, it is this kind of intentional investment over time that is required.

Another interesting emerging initiative is a cross-sector collaboration involving foundations, philanthropy infrastructure organisations and the UN Development Programme (UNDP) to create a data-sharing platform to measure contributions to the forthcoming Sustainable Development Goals (SDGs). The purpose is to create a cohesive map of development work, with data that can be mixed and combined. Among other aims, this initiative promises actively to engage philanthropy in the global development agenda.

## PHILANTHROPY DATA

To have better understanding of philanthropy's contribution to international development, there is a need for the improved use of data. However, data about philanthropy is difficult to compile, and most philanthropy is not planned, monitored or reported according to global development frameworks such as the MDGs.

Demand for reliable, globally comparable data on philanthropy has never been greater. As philanthropy grows around the world, there is widespread belief that access to readily available, high-quality data will improve philanthropy's efficiency, influence and impact. Consistent and reliable data helps philanthropic

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actors to establish strategies on what, where and how much to invest. It also helps organisations working on similar issues, locally or across borders, to share important insights into what works, and so better coordinate efforts towards maximising impact in the pursuit of specific goals.

The last 20 years have seen a surge in organised philanthropy across borders and around the world, coinciding with the rise of the internet, social media and global movements. As these transformative developments in information technology unfold, so philanthropy organisations increasingly need to build a system to identify needs, emerging trends, key actors engaging in philanthropy activities and opportunities for collaboration to improve impact. Collecting data on philanthropy around the world is a huge challenge, given the differences that exist between philanthropic actors across borders, and the constantly evolving contexts in which they operate.

Currently, reliable data on giving can be found in only a limited number of countries. Globally comparable data is virtually non-existent, and it is hard to find a careful analysis of philanthropic giving through a global lens. Given the differences among foundations in any given country, not to mention across borders, gathering global data on philanthropy is no small challenge.

The challenge is compounded by the fact that, when it comes to generating, managing and using data, countries, and organisations within countries, have different needs, and differing capacities to meet these needs. A further complication is the lack of clarity on

intellectual property rights, relating to who owns data and the control of its use, something that can lead to organisations and individuals not knowing how or where to access data even when it is available.

These challenges point to the need for a statement of values and principles that can serve as a framework to guide the collection and use of philanthropy data. This is the prime purpose of the Global Philanthropy Data Charter.<sup>4</sup> Developed jointly by WINGS and the Foundation Center, in consultation with experts from the field, the Charter is a tool and a resource for the sector. It promotes a global vision for collecting and using data on philanthropy, offers a framework for collaboration on data, and provides a forum for assessing current data-related needs and capacities.

## PHILANTHROPY AND TRANSPARENCY

Over the past decade there has been increased emphasis on the critical need for greater transparency and accountability in philanthropy and private social investment, on the part of both donors and grantees. Today the importance of transparency and public disclosure of information about philanthropic giving is widely acknowledged. How we use resources and what we use resources for are as important as mobilising them.

As providers of and channels for private resources for the public good, philanthropic actors must strike a delicate balance between independence and innovation on the one hand, and accountability and transparency on the other. This is a good argument for philanthropy

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organisations to be transparent on a voluntary basis.<sup>5</sup> In addition, an effective way to build trust and preserve philanthropic freedom is by openly sharing the work of philanthropic foundations. Transparency occurs when foundations provide accessible information about their work, governance and operations. In addition to benefiting grant-seekers, this information also helps the philanthropic sector to achieve greater impact by engaging foundations in collaboration and avoiding duplication.

The growing demand for transparency in philanthropy is generating a good discussion about what informa-

ic strength of individual countries have profoundly shaped giving in individual countries and geographical regions, creating a rich and diverse global philanthropic landscape. This pluralistic approach recognises the diversity of philanthropic philosophies and practices among nations and cultures, as well as the range of interests and motivations of individual donors.

However, some commonalities emerge from the various studies on philanthropy, including:

- A recognition that the unique philanthropic heritage of each region needs to be acknowledged.

*The growing demand for transparency in philanthropy is generating a good discussion about what information to release to the public and how to do it.*

tion to release to the public and how to do it. Philanthropy infrastructure organisations worldwide are leading this discussion and encouraging foundations and CSOs to plan and implement transparency strategies. WINGS has recently published a toolkit describing these initiatives.<sup>6</sup>

## CULTURE OF GIVING

Philanthropy as an expression of human generosity exists in every culture, and is reflected in most of the world's cultures and religions. Cultural traditions, religious norms, political histories and the econom-

- The importance of linking new, institutionalised forms of philanthropy with long-standing practices and traditions, to ensure that philanthropy is organised effectively and is sustainable, without destroying traditional giving motivations and practices.
- The shift away from traditional charitable giving to more strategic giving aimed at addressing root causes of social ills and advancing social change.

Of specific relevance to global philanthropy is the growing consciousness that the challenges addressed by philanthropy are increasingly complex and globalised. As a result, effective strategies and actions

supported by philanthropy must be multidisciplinary and rooted in local cultures and contexts. Many efforts are now underway in various regions to document local practices, learn from other regions, redevelop local discourse and reinvigorate local traditions and practices to enable local philanthropy to find sustainable solutions to social challenges. Support organisations serving philanthropy play a key role in: documenting local practices, traditions and discourse; learning from and sharing local practices with other regions and countries; and sharing this knowledge with philanthropy organisations, donors and private social investors to enable more strategic action and more sustainable results.

## LOOKING FORWARD

Efforts to strengthen and amplify global philanthropy are central to the sustainability of global civil society. As new and complex challenges emerge every

day, philanthropy must draw on its ability to pilot new thinking and new approaches, while being wise enough to keep the practices and approaches that are working.

We are currently seeing various interesting initiatives emerging from the field, ranging from efforts on data and transparency to engagement with the development agenda. Such initiatives promise to contribute to stronger philanthropy and better results. Knowledge is something that can and must be pooled and used effectively across sectors, for the common good. In that regard, the philanthropic sector has to take its commitment to data and transparency seriously.

Today's complex and interdependent inequalities and social tensions are increasingly challenging to address, and no single sector can individually deliver results. The answer lies in getting the right architecture of cross-sector collaboration that works to achieve positive change.

***Knowledge is something that can and must be pooled and used effectively across sectors, for the common good. In that regard, the philanthropic sector has to take its commitment to data and transparency seriously.***

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# RESOURCING FOR RESILIENCE: LESSONS FROM FUNDING WOMEN'S RIGHTS MOVEMENTS

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## INTRODUCTION

The last few years have seen two related trends: a marked shrinking of civil society space in a number of countries, and a greater recognition of the need for targeted and appropriate resources to support enabling environments for civil society to thrive.<sup>1</sup> Shrinking space for civil society has entailed severe attacks on women's rights activists, women human rights defenders (WHRDs) and women's rights groups and movements. Meanwhile the focus on enabling environments has meant that increased attention is being paid to the funding mechanisms needed to resource civil society, including women's rights movements, to resist these attacks.

This article discusses how the kinds of work women's rights social movements are undertaking exposes them to risks in some predictable ways, why a focus on resourcing resilience is a responsible and effective means of supporting them to handle these risks, and the ways in which Mama Cash and the Urgent Action Fund are collaborating towards a 'continuum of funding' approach to do this well.

## WOMEN'S RIGHTS ACTIVISM IS RISKY

Since 2005, the Women Human Rights Defenders International Coalition has been generating knowledge and awareness of how WHRDs are subject to particular threats "because of their gender and/or the work that they do on gender-related issues."<sup>2</sup> The UN

Special Rapporteur on the situation of human rights defenders focused her 2011 annual report on this topic, to highlight some of the most common threats WHRDs face, and make recommendations about how governments could better respond.<sup>3</sup>

The work WHRDs undertake almost inevitably places them at risk of attack because they are challenging deeply entrenched societal norms, which are then perceived as highly controversial, and because they are women, whose activism itself may be a challenge to prevailing gender roles, e.g. by taking on very public leadership roles, rather than being in less visible parts of civil society.<sup>4</sup>

The Urgent Action Fund for Women's Human Rights (UAF) tracks the source of threat experienced by the human rights defenders that seek its support, as well as the issues that defenders are working on at the time they experience the threat. This assessment found that activists working on issues of gender-based violence and LGBTIQ (lesbian, gay, bisexual, trans, intersex, queer) equality appear to be most at risk, though threats are also context specific. Half of activists supported by UAF were threatened by a non-state actor, most often a religious extremist or fundamentalist group. This shows that there are both state and non-state actors that seek to shrink the space for civil society and attack its defenders.

Some sections of civil society, particularly those organisations focused on human rights and social justice, routinely experience backlash, and women's rights movements are no exception. Indeed, backlash may be an indicator of civil society's progress. Ask a grassroots human rights organisation how they know

that their campaign is making a difference, and they may well answer that they know they are being successful when people start trying to hack their website. That said, the perseverance of movements in the face of backlash is not to be taken for granted. In the context of backlash, individual activists lose their lives, organisations are disbanded, and movements falter.

## INTEGRATED SECURITY, ENABLING ENVIRONMENTS, AND RESOURCING RESILIENCE

In her 2014 annual report, the Special Rapporteur outlined the elements she felt were needed to maintain a safe and enabling environment for human rights defenders. These included:<sup>5</sup>

*“a conducive legal, institutional and administrative framework; access to justice and an end to impunity for violations against defenders; strong and independent national human rights institutions; effective protection policies and mechanisms paying attention to groups at risk; specific attention to women defenders; non-State actors that respect and support the work of defenders; safe and open access to international human*

*Increased resilience in civil society strengthens its capacity both to persevere in the face of backlash and threats, and to leverage new opportunities.*

*rights bodies; and a strong and dynamic community of defenders.”*

The Women Human Rights Defenders International Coalition has elaborated on the need for what it calls ‘integrated security’ for WHRDs.<sup>6</sup> Integrated security highlights the importance of violence prevention measures; recognises that WHRDs should be and feel safe in all areas of their lives (at home, at work and on the street); acknowledges that WHRDs are subject to different and specific threats, depending on their contexts and biological, economic, geographic and socio-cultural factors, including age, class, language, gender identity and sexual orientation, location of residence, race and ethnicity, and religion; and includes psychological well-being as a complement to physical well-being, with a therefore necessary additional attention paid to the situations defenders’ organisations and families are in.

It is the resilience of activists, groups and movements that helps them to sustain and take advantage of enabling environments. Integrated security approaches, when applied well, also support resilience. Increased resilience in civil society strengthens its capacity both to persevere in the face of backlash and threats, and to leverage new opportunities. When resilience is strong, movements are able to persist, even in the face of tremendous backlash. Within unstable, constantly shifting contexts, adaptive capacities help organisations not only to weather threats, but also to seize windows of political opportunity. When resilience is strong, movements adapt to rapidly changing political situations, and leverage moments of opportunity for progress toward their goals.

Norris et al (2008)<sup>7</sup> provide an exhaustive list of research that supports a link between the availability, accessibility and diversity of resources and the resilience of both individuals and communities. While resource availability alone may influence effectiveness, resource accessibility is critical to resilience. The resilience of communities in New Orleans following the 2005 Katrina disaster was weakened in part because, while the United States is one of the wealthiest countries in the world, resources were not accessible to the affected communities. Resource diversity, meanwhile, means that if one source of resources fails, others are still available. In a civil society context, resource diversity may also ward off the risk of co-optation by donors of civil society, by lessening reliance on any one source of financial support.

## RESILIENCE- ENHANCING GRANT-MAKING IS BOTH SUSTAINABLE AND RESPONSIVE

Mama Cash is the oldest international women’s fund in the world. With over 30 years of grant-making experience, it has found that stable, multi-year, flexible core resources are key to building resilient, creative organisations. Many of its partners operate in contexts with high levels of discrimination, political repression and conflict, and flexible, core, multi-year support enables them to adapt strategically and promotes their sustainability.

*While long term, unrestricted funding is the single most important type of funding to strengthen the effectiveness of civil society, rapid funding provides a vital complement to strengthen its resilience.*

- Core, or institutional, resources cover costs related to salaries, rent and utilities, i.e. overheads and operational costs, as opposed to project costs only. Such unrestricted resources fund organisations as an entity, rather than funding any particular set of activities. In this way, an organisation is supported, even as it changes its activities.
- Flexible resources are those that can be reallocated during a grant period to respond to changed circumstances and unexpected opportunities. That is, they are not required to be tied to original plans, but can be put to other uses as the organisation rolls out its work and its needs change.
- Longer term or multi-year resources are often the key for many organisations to be able to pursue dramatic social change. With such funding, organisations can consolidate their learning and efforts, and plan ahead, as their income is more predictable. Having secured funds for a number of years also frees up time that would otherwise be spent fundraising every year.

Rapid funding, meanwhile, helps activists, groups and movements to meet a particular challenge to resilience. Having access to flexible resources when they are most needed supports organisations in a moment of crisis, or when a sudden shift in the political landscape creates a window for advocacy. While long term, unrestricted funding is the single most important type of funding to strengthen the effectiveness of civil society, rapid funding provides a vital complement to strengthen its resilience. Rapid response funding supports emergency interventions when time is of the essence, effecting lasting change through fast mobilisation, activism and protection of women's human rights.

Although a number of donors make some emergency funds available to their existing grantees or affiliates, resilience for civil society overall can only be achieved if rapid funds are accessible via processes that are open to any activist or organisation, and not solely those that have pre-existing funding relationships with a donor. A growing group of rapid funders are becoming increasingly more networked and accessible. These include the network of Urgent Action Funds, Frontline Human Rights Defenders, the Euro-Mediterranean Foundation, the Observatory for the Protection of Human Rights Defenders, East and Horn of Africa Human Rights Defenders, the Meso-American Women Human Rights Defenders Initiative and the Dignity for All Fund for LGBTI Defenders. These funders have the capacity to deliver funding to activists and organisations within very rapid timeframes. For some, this can be as quickly as one day to a week. Collectively, they deliver over an estimated US\$5m in rapid funding annually, mostly through very small grants of less than US\$10,000.

Rapid funding, particularly in security situations, is a specialised kind of grant-making. It requires orienting the grant-making department differently, and may demand specialised skill sets, such as staffing an emergency hotline, or providing encryption for all communications with a human rights defender.

Sometimes civil society organisations do not want their major donors to know that they are experiencing threats, out of the belief, often founded on experience, that those donors will get cold feet and stop funding in their region if they hear about those threats. For these reasons, it is important that there be independent sources of rapid funding for civil so-

ciety, beyond emergency pots of funds within existing funders' budgets.

## BRIDGING SUSTAINABILITY AND RESPONSIVENESS: THE CONTINUUM OF FUNDING

One way to resource both the long term effectiveness and the resilience of civil society is through collaboration between funders that provide core support and funders that provide rapid support. Mama Cash and Urgent Action Fund - Africa (UAF-A) have both funded the Women's Organization Network for Human Rights Advocacy (WONETHA), a Ugandan sex workers' organisation, over the past several years, to develop its lobbying and advocacy capacities, by providing different types of strategic resources and capacity support.

The current political climate in Uganda is conservative and repressive for women and sexual minorities. In recent years, Uganda's political elite has become increasingly conservative, and Christian fundamentalist organisations and other right-wing groups have become more influential, opposing the rights of LGBTIQ people and sex workers, to name two examples. This political focus on maintaining the 'social fabric' by

prescribing rigid gender norms and attempting to control sexuality is a familiar strategy for diverting attention from other fundamental political issues, such as unemployment, public corruption, inadequate public services and a lack of democratic space.

The lives of Ugandan sex workers are tough and dangerous. Many women, as well as trans people and some men, undertake sex work as a viable job to support themselves and their families. However, sex work is criminalised in Uganda and, as in most places, sex workers experience extreme stigma. Both stigma and criminalisation fuel violence and harassment by police, clients and others, as well as a culture of impunity. When instances of violence or arbitrary arrest are reported to the police, they are rarely investigated, and sex workers often experience further violence and intimidation for speaking up. WONETHA and other sex workers' organisations have documented police raids, violence by clients and public humiliation.

WONETHA has grown since its founding in 2008 to emerge as a key sex workers' and women's rights organisation in Uganda, able to act on a national stage. WONETHA's results include:

- Commissioning research on access to HIV prevention, treatment, care and support services for sex workers in Uganda;<sup>8</sup>
- Successful lobbying against provisions most in violation of sex workers' rights in the HIV/AIDS Prevention and Control Act of 2014 (proposed 2010, passed 2014), such as mandatory testing of people convicted of drug abuse or possession

***One way to resource both the long term effectiveness and the resilience of civil society is through collaboration between funders that provide core support and funders that provide rapid support.***

of hypodermic instruments associated with drug abuse, as well as those convicted of offences including prostitution; and

- Lobbying against the Anti-Homosexuality Act (2009-2014) as part of a broad civil society coalition working to promote and secure human rights.

Mama Cash has provided WONETHA with flexible core funding since December 2010, which has expanded its resource base and enabled it to develop professionally, including by growing its staffing, paying office expenses and building its skills base. Mama Cash's funding has allowed WONETHA to determine its own priorities and cover essential operating costs that other funders often do not cover. This has provided the organisation with a vital source of stability and sustainability over time, allowing it to plan, build, consolidate and resource the areas of work it has felt is most critical at any particular time.

UAF-Africa's rapid response grant-making model has, in turn, provided WONETHA with resources to enable it to make strategic and urgent interventions to address security needs, as well as to move advocacy work forward. Support from UAF-Africa has allowed WONETHA to act quickly, and respond both to windows of opportunity and threats in a number of instances, including:

- In 2010, securing legal counsel and support to prepare a court case in which a police officer assaulted a sex worker (a frequent type of violence faced by sex workers);

- In 2012, securing legal support to represent staff in court after WONETHA's Gulu office was raided, data was seized and staff were arrested on false grounds;
- In 2012, increasing security awareness among WONETHA staff and members, and developing a digital safety plan for the organisation's information, following the police raid and confiscation of digital files in Gulu;
- In 2014, participating in a legal challenge to the Anti-Pornography Act in Uganda's Constitutional Court.

Combining core funding and rapid response support has proved powerful and effective for WONETHA, not only because WONETHA has needed the combination of both longer term and rapid response funding to be an effective advocate, but also because sustained core support has allowed the organisation to build its capacities to become strong and resilient, enabling it to then respond quickly and effectively to opportunities and threats when they have arisen.

## CONCLUSION

Women's rights activists, WHRDs and women's rights groups and movements are likely to face threats in the course of their work because of who they are and the issues they work on. Dedicated attention to their specific needs through an integrated security response, as well as broader attention to enabling environments for civil society to operate, will support them to resist and react to these threats. A focus on

their resilience, in addition, will help them to persist and continue to pursue their advocacy agendas.

Resourcing for the resilience of civil society needs a variety of complementary approaches, including providing a continuum of funding that both provides flexibility and sustainability to groups, and is responsive to their changing circumstances and needs and opportunities. Rapid funding is critical but complementary: it supports the resilience of civil society only if that civil society has had the core funding to continue to exist in the first place.

This means that collaboration is key. Collaboration and partnerships allow funders to maintain independence, but ensure complementarity. This contributes to greater accessibility of rapid resources and better accountability for how they are used, and increases the diversity of funding sources, which is in itself a factor in strengthening resilience.

***Rapid funding is critical but complementary: it supports the resilience of civil society only if that civil society has had the core funding to continue to exist in the first place.***

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# LA VIA CAMPESINA 20 YEARS ON: RESOURCES FOR RIGHTS AND JUSTICE

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## INTRODUCTION

The road of struggles and campaigns for rights and justice stretches many centuries back. The path has been long and rugged, littered with limited but significant milestones of successes. Just as importantly, it abounds in key lessons for contemporary social movements. The last seven decades have witnessed the rise of social movements, initially to fight against colonial injustices, mostly in the global south, ushering political independence under majority rule, while in the global north movements formed to fight against racial injustices. The spaces that social movements occupied was once limited to national boundaries, but global solidarity in various forms has been the key to the achievement of an at least partial realisation and enjoyment of rights and access to justice.

The character of social movements changed in the neoliberal era, when Economic Structural Adjustment Programmes (ESAPs) were implemented, under the tutelage of the Bretton Woods institutions, causing untold suffering of people across national boundaries. This led to the formation of regional social movements, some of which grew and became global. Various social movements employed or relied on a range of resources in their fight for justice and rights.



These resources have included material and non-material resources, and had a bearing on the longevity and impact of social movements. Financial resources, because of their nature, tend towards ephemerality, both in the purpose and effectiveness of movements. The funding of social movements by donors, in general, led to quick decline, and a shift from a breadth of focus to a single focus, as donors determined both the sustainability and focus of social movements, leading to a delinking between a movement's leadership and its constituencies.

The capture of social movements by funders and elites led to the formation of new kinds of social movements, led by the people affected, and with very limited reliance on funding, from carefully selected donors, whose funding supports the agenda of the movements. One such movement that has grown globally is the international peasant movement, La Via Campesina, formed in opposition to the World Trade Organisation's (WTO) agenda of trade liberalisation under the umbrella of the promotion of Free Trade Agreements (FTAs).

## BIRTH OF A GIANT IN 1993

Before the birth of La Via Campesina, various new and diverse forms of rural activism and social organisation had emerged, to forge common ground and solidarity to fight against neoliberalism. These carved out an autonomous space, independent of those who had paternalistically claimed to represent them, such as the church, conservative political parties and existing civil society organisations (CSOs). La Via Campesina emerged

during this period and morphed from a local peasant movement to a regional one, and then grew to be what it is today, an international peasant movement bringing together more than 164 organisations in over 73 countries in Africa, the Americas, Asia and Europe. Its constituency numbers over 200 million peasants, small and medium-sized producers, landless people, rural workers and indigenous people from around the world.

La Via Campesina, unlike many CSOs, established important criteria for building its membership and setting the principles for funding (Martinez-Torres and Rosset 2010). It does not accept into membership organisations that are not true, grassroots-based peasant organisations. It made a decision not to accept funding resources with compromising conditions attached, nor to permit any form of external interference in its internal decisions, thus guaranteeing its independence and autonomy (Rosset and Martinez 2005, cited by Martinez-Torres and Rosset 2010). This has allowed La Via Campesina to be a strong, bottom-up and independent movement, led by poor people. Its agenda is defined internally during international conferences, which are organised every four years, with decisions taken by consensus or voting. In contrast, La Via Campesina's participation in policy spaces is more confrontational, engaging in protest and aggressive debate.

La Via Campesina is anchored in promoting food sovereignty and advocating for sustainable, small-scale, peasant agriculture as a means of promoting social justice and dignity. The concept of food sovereignty has proved to be one within which humanity can find an enabling and unrestricted space to promote social justice and dignity, in a world that is highly centralised, and where power is concentrated in a few transnational corporations (TNCs). Food sovereignty is a tool

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being used by consumers and food producers to move towards a “food democracy” of “co-designed food systems...” where people “...participate in shaping them, to recapture them,” (De Schutter 2015 p1). It has created a space to rebuild the human relations lost over decades as a result of globalised food systems, and also to redress the ecological crisis of the 21<sup>st</sup> century. The food sovereignty concept seeks the construction of new rights and the transformation of society as a whole (Martinez-Torres and Rosset 2010).

## FOOD SOVEREIGNTY: A FIGHT AGAINST MONOPOLY CAPITALISM IN THE 21<sup>ST</sup> CENTURY

Farmer and peasant organisations coined the concept of food sovereignty as an alternative to food security in 1996. They considered the concept of food security to be weak, as it lacked fundamental definitions about where food is produced, who produces it and how they produce it, and thus played to the free trade agenda of the WTO, favouring TNCs, the architects of monopoly capitalism.

The rise in the embrace of food sovereignty comes in resistance to developed country governments and their TNCs, which are on the offensive in pursuit of profit maximisation, impoverishing the majority of the world’s population as they do so. They are increasingly using FTAs to drive the displacement, expulsion and

disappearance of peasants by promoting a capitalist production that is heavily reliant on agrochemicals, fossil energy and exclusionary marketing practices, under the guise of promoting development. The truth is that FTAs only serve the interests of TNCs and offer a set of conditions, measures and rules to protect their investments. As a consequence, global social and economic inequality has reached alarming levels, such that over a billion people are considered to be living in dire poverty.

Continents, regional economic blocs and individual countries are now trapped in a crippling FTA web, including through the North American Free Trade Agreement (NAFTA), Trans-Pacific Partnership (TPP), Asia-Pacific Economic Cooperation (APEC), the African, Caribbean and Pacific agreement with the European Union (EU/ACP), the Regional Comprehensive Economic Partnership (RCEP) in Southeast Asia, and Economic Cooperation Agreements (ECAs). As we speak, particularly aggressive versions of FTA, in the form of the Transatlantic Trade and Investment Partnership (TIPP) and Comprehensive Trade and Economic Agreement (CETA) are being finalised between the EU and the United States and Canada. These will arm TNCs with new, lethal tools - the Investor-State Dispute Resolution and the Regulatory Cooperation Council - to manipulate regulations, norms and public policies to maximise profits. FTAs are enforcing the implementation of Trade Related Intellectual Rights (TRIPs) and other repressive laws, such as UPOV ‘91 (the International Convention for the Protection of New Varieties of Plants), which criminalises many peasant seeds.

States are fast losing the power to protect their own citizens and environments. For example, the Common Market for East and Southern Africa’s (COMESA) seed market policy generally intends to promote the free

and easy movement of ‘corporate certified’ seeds within the region, thereby allowing more penetration of traditional agriculture by ‘terminator seeds’, which do not produce seeds that germinate. This will create dependency on, and more profits for, agribusiness. This destructive monopoly by a few TNCs is on the rise, and many products of labour or nature are being turned into commodities.

The corporate world, particularly under globalisation and in the context of climate change, is abrogating human rights. The current corporate profit driven model has shown us that it does not work, and we need to move away from the current model of production, which is based on fossil energy use and toxic chemicals, and which promotes land, water and forest grabbing by TNCs. We thus need a system change if we are to promote and protect human rights. The localisation of food production and promotion of local industries through food sovereignty will bring about social justice, and an end to the monopoly of the TNCs.

## **FOOD SOVEREIGNTY: A DYNAMIC AND LIVING CONCEPT BUILT FROM BELOW TO FIGHT FOR RIGHTS AND JUSTICE**

Industrially produced food from TNCs uses pesticides and other harmful agro-chemicals, and relies mostly

on fossil energy, and is therefore unhealthy. Food produced locally, by peasant and family farms, organically or agroecologically, is better, as it is healthier, provides local livelihoods, sustains agro-biodiversity and mirrors local culture and religion. This is how we build food sovereignty from below (Mpofu 2014).

Food sovereignty is now an alternative paradigm for how we can relate with nature and other people, and guarantee the survival of humanity. It prioritises local food systems and markets, access to and control over productive resources, such as land, water and seeds, and recognises peasant rights and protection against industrial agriculture. Only through food sovereignty can a genuine agrarian reform be attainable and land grabbing be guarded against. Real solutions to the current economic and ecological crises are found in food sovereignty.

The potential strength of the peasantries lies in their capacity to establish and secure food sovereignty. They hold the potential to drive social and economic transformation, hinged on agriculture, to anchor sustainable development, rolling back neoliberal laws that criminalise and destroy peasants. Food sovereignty stops the opening of our borders to cheap, imported, unhealthy food through free trade and investment agreements. It calls for policies to support farmer-led research on agroecology and the recovery of traditional farmer seeds. The struggle to keep indigenous seeds in Africa, for example, has been sustained by traditional knowledge, and is now being taken up by organised movements (although some campaigns wrongly promote food sovereignty through the use of unsustainable industrial agricultural methods, such as fertilisers, pesticides and other chemicals, and machinery driven by fossil-based fuels).

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The concept of food sovereignty has over the years presented peasants and poor rural populations, in particular, with an alternative to build their world outside of capitalist driven food markets underpinned by concentration and centralisation under conditions of globalisation and neoliberalism. Food sovereignty symbolises resilience in diversity in all spheres of agriculture, including in the battles on seed biodiversity vs. genetically-modified organisms (GMOs), sustainable peasant farming methods vs. industrial agro-chemical driven farming methods, the promotion of local food markets vs. global food markets and crop diversity vs. mono-cropping.

Looking ahead, we need to promote sustainable peasant production methods based on food sovereignty principles. We need to adopt practices such as agroecology and many other traditional farming ways, which have ensured the right to food and supported development for all over the centuries. Food sovereignty is empowering people to self-determine their course of development within their local con-

## FOOD SOVEREIGNTY: A FIGHT FOR RIGHTS AND JUSTICE FROM BELOW IN INTERNATIONAL POLICY SPACES

La Via Campesina's growth and resilience over the last 20 years could be attributed to many factors, chief among which is the concept of food sovereignty, as a unifying and rallying ideology. Following the frequent waves and shocks in global food markets, and the regular food price spikes, particularly from mid-2000s, the need for and embrace of food sovereignty in policies has grown at national, regional and international levels.

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text. It offers a starting point to empower people to enjoy and realise full human rights. Thus food sovereignty offers a strong tool to tame and regulate the corporate world.

Thus, food sovereignty is being used as a framework for intense lobbying for peasant's rights by La Via Campesina and our allies, in Geneva and in Rome (La Via Campesina 2014). The concept shapes engagement by La Via Campesina in debates in the public

policy spaces, such as the Committee for Food Security (CFS) through the Civil Society Mechanism (CSM), the Responsible Agriculture Investment (RAI) at the Food and Agriculture Organisation (FAO) and engagement with the International Fund for Agricultural Development (IFAD). In Geneva, the push by La Via Campesina, using the various strands of food sovereignty, has yielded a majority vote in support of a peasant rights declaration process at the UN Human Rights Council (UNHRC). Also in Geneva, the campaign against TNCs has opened space for a process to craft an internationally binding instrument to regulate TNCs.

These gains reflect the growing importance of the food sovereignty movement in national, regional and international policy debates, the strengthening of alliances for food sovereignty, the enhanced confidence of the movement, and the deepening of the crises that it is addressing. Social movements are also increasingly aware that realising food sovereignty requires radically different knowledge from that on offer today in mainstream institutions, such as the universities, policy think tanks, governments and corporations.

## FOOD SOVEREIGNTY: CREATING DIALOGUE BETWEEN A DIVER- SITY OF ACTORS

In 2007, in Mali, global movements of women, environmentalists, unions, indigenous people and others

joined La Via Campesina in the World Forum for Food Sovereignty. The outcome of the dialogue significantly broadened the food sovereignty movement, beyond dialogue among farmers, and into many sectors.

La Via Campesina appreciates and embraces the importance of creating spaces for inter-regional and cross-cultural dialogue and mutual learning, and has been taking advantage of its diversity to develop horizontal networks for knowledge creation (Nyeleni 2014). This is part of its strategy to build alliances with other actors to pressure international institutions such as the World Bank, WTO, FAO and the International Monetary Fund (IMF), among others. The movement has initiated an important internal self-study research process to identify, document and analyse, in order to draw lessons to strengthen internal processes and structures. This is important in strengthening the cohesion of its many networks across the world.

Sustainable peasant production methods are also being documented to contribute study materials, based on members' own experiences, to the over 40 peasant agroecology schools and numerous political training schools that are part of La Via Campesina (La Via Campesina 2014).

The other aim of documentation is to support campaigning directed at public opinion and policy makers, with data that prove that alternatives exist, that they work, and that they should be supported by better public policies.

Scholars and activists are engaging in critical dialogue and working together to challenge policy and governance. The involvement of experts with links to the

***La Via Campesina appreciates and embraces the importance of creating spaces for inter-regional and cross-cultural dialogue and mutual learning, and has been taking advantage of its diversity to develop horizontal networks for knowledge creation.***

food sovereignty movement in the High Level Panel of Experts on Food Security and Nutrition (HLPE), and also the wider work of the CFS, has led to increased networking and collaboration between scholars and activists (Nyeleni 2014).

As the number and range of collaborations with researchers grow, there is greater awareness of the need to develop new and appropriate research methodologies in cases where co-inquirers are rooted in different knowledge systems. As opportunities for research and collaboration between different constituencies grow, it becomes important to share experiences and draw lessons from these. Thus, face to face encounters across cultures, worldviews and knowledge systems are becoming more frequent.

## FOOD SOVEREIGNTY AS A TOOL FOR SOCIETAL TRANSFORMATION: GENDER EQUALITY AND EQUITY

La Via Campesina is a movement that recognises the full equality and value of both women and men. La Via Campesina guarantees that peasant women and men in the movement share responsibilities equally in seeking structural change, and in working to strengthen open and democratic processes in our international structure.

La Via Campesina has transformed over the years, and women are now playing a leading role in the movement. This makes La Via Campesina a unique movement, in the history of both peasant and farmer movements, and also among social movements and international organisations. This is critical in the international campaign against violence against women, as it allows women to shape and contribute fully to struggles, and craft initiatives towards the full realisation and enjoyment of rights as equals.

This gender parity in all spaces and organs of debate, discussion, analysis and decision-making in the movement is important for helping to strengthen exchange, coordination and solidarity with and among women across the world. Women play a central role in agriculture in food production, and have a special relationship with land, life and seeds. La Via Campesina's internal structure is creating new gender relations, to be mirrored in its struggles to eradicate violence against women.

## CONCLUSION

The effectiveness and sustainability of La Via Campesina can largely be attributed to its organisational structure, internal democratic participation processes and the concept of food sovereignty, as key resources for fighting for rights and justice, and offering an alternative to global food markets. Its strategy and tactics of mass mobilisation, including by weaving and forging strategic alliances with likeminded social movements and CSOs willing to play supportive, but not directive, roles, are also crucial. This has enabled La Via Campesina to remain entrenched locally, while at the

*This gender parity in all spaces and organs of debate, discussion, analysis and decision-making in the movement is important for helping to strengthen exchange, coordination and solidarity with and among women across the world.*

same time flexing its muscles globally, both at protest events in and policy dialogue spaces. The principle of not accepting funding from institutions supporting neoliberalism is also key in keeping La Via Campesina self-determined and autonomous, and being able to define its struggles without external influence.

Food sovereignty sustains the strategic role of peasant production in fighting hunger, and deepens dialogue, building solidarity against adversity and cooperation against competition, and building alliances across national borders. Food sovereignty has created an urgency to develop alternative food systems that allow people to democratise and re-localise, rather than be ruled by market imperatives.

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# COMMUNITY TRANSFORMATION IS LOCAL WORK: A CASE STUDY OF THE DALIA ASSOCIATION

–NORA LESTER MURAD

## INTRODUCTION: THE DALIA ASSOCIATION'S APPROACH

The small Palestinian village of Saffa was the site of Dalia Association's first pilot of community-controlled grant-making back in 2008. At first glance, the methodology didn't make much sense. Why would we give small grants when the need was so great? Why would we give unrestricted grants when the risk was so high? Why would we expect the community to contribute so much when Palestinians are devastated by occupation, dispossession and colonisation?

As Palestine's community foundation, Dalia approached the problem differently from traditional donors who are looking for some kind of return on investment. Dalia is not a donor: the funds that Dalia mobilises already belong to the Palestinian community. Dalia holds them in trust and facilitates transparent, democratic and accountable use of the funds, but it is the community's right and responsibility to decide how they are used.

This might sound like the same 'participatory approach' that is fashionable in development circles, but it is not. Dalia's commitment to community-controlled grant-making is based on respect for the right of Palestinians to control their own resources. Community controlled grant-making is an expression of resistance



- to the Israeli occupation and to dependence on aid, both of which undermine Palestinian self-determination.

Starting from the premise that Palestinians have the right to control their own resources, Dalia Association stopped focusing on how communities use grants and focused instead on the processes they use to make decisions. We realised that decades of occupation and aid dependence have harmed self-confidence, trust and the social fabric. To build these up, we decided:

- Grants must be small (in Palestine, this means US\$1,000-4,000). Small grants encourage communities to mobilise local resources in creative ways (rather than by inflating prices to make a 'local contribution' appear on paper). Small grants don't lend themselves to profiteering and waste.
- Grants must be unrestricted. If grantees have to submit a proposal, they will ask for what they predict will be funded or default to what they know how to do already. Unrestricted grants give space for groups to grapple with their own priorities, as long as they are under no time pressure to decide.
- Grantees must work together. Treating every grantee as a separate entity misses the point of funding communities, where people live together. Having grantees work together creates discussions bigger than those around projects or activities, and opens up opportunities to transform relationships.

## LEARNING FROM EXPERIENCE

Much was learned from the pilot in Saffa (documented in a film available at <https://www.youtube.com/watch?v=Fu9RHVfKFto>), and the community controlled grant-making methodology has been refined in each successive implementation. Innovations that have been introduced include:

- Dalia now asks for a financial report that shows the local contribution alongside the grant. This helps communities realise they are far less dependent on aid than they thought.
- Sometimes Dalia asks grantees to put up local resources in order to become vested in their grant. This helps communities put a value on the local resources, such as volunteerism, use of facilities and in-kind support, that they have learned to devalue. They begin to seek community involvement in order to earn grant funds, thus expanding participation.
- Dalia now establishes a community monitoring committee made up of villagers. The grantees learn that they are accountable to the community, and the community realises that it has a right to monitor its own community institutions, and a responsibility to support them. Good practice helps community members to trust their own institution and paves the way for more local giving.
- After a round of grants (which takes nine months to a year), villages are offered a 'village fund'. If

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they can raise US\$3,000 from local individuals, companies or the diaspora, Dalia will match it with US\$3,000. This gives each village US\$6,000, kept in a dedicated sub-account at the community foundation, to use according to their own priorities. One village decided on a revolving loan fund for small businesses. Other funds are being organised by women's groups.

## CHALLENGES AHEAD

But there is so much more that needs attention in future rounds of grant-making. For example, although it is the right of communities to decide how funds are used, more attention should be paid to increasing the likelihood of success by traditional measures, since this is how grantees judge themselves and are judged by other community members. For example, if a group of women decides to raise chickens, they should visit other chicken projects, both successful and unsuccessful, before they commit. The risk here is that Dalia expands beyond grant-making to project implementation, which could result in duplication with non-governmental organisations (NGOs) and community based organisations (CBOs).

Also, there needs to be a whole new strategy for bringing in the local private sector and diaspora. The challenges are huge: lack of trust in local capacity, a tendency toward religious giving, a narrow orientation towards charity as traditionally defined, anti-terrorism policies that make transferring funds risky and expensive, and more.

Finally, there remains room for improvement in the decision-making process. Currently, there are two community-controlled grant-making programmes. In 'The Village Decides' villagers are invited to an open meeting, where they vote on which of their local groups they want to invest in, and then they decide how to allocate the available funds among the groups chosen. The process is democratic and transparent, but it doesn't necessarily transcend traditional lines of conflict. Communities need to be challenged and supported to move beyond the personal, familial and political alliances that divide communities, and instead invest their trust, effort and resources in initiatives that build community cohesion and capacity. In 'Women Supporting Women', groups of women apply for funds and the applicants select the grantees. Again, although the process is democratic and transparent, the women don't always vote on the basis of well thought out criteria. They need to be challenged and supported to think about the funds they control as a weighty responsibility, and as something to do well what they often criticise donors for doing badly, rather than as a way to show loyalty.

Local communities can't address these challenges on their own, but fortunately, they don't have to. The global Palestinian community is strong and diverse and some enlightened international donors recognise the value of supporting community philanthropy. Local organisations such as Dalia Association can build the visibility and credibility of community philanthropy over time, learning as we go. Community transformation is not a project, and nor can it be packaged into a three-year strategy. Local organisations - with the commitment to work over generations - are best positioned to do this work.

*Communities need to be challenged and supported to move beyond the personal, familial and political alliances that divide communities, and instead invest their trust, effort and resources in initiatives that build community cohesion and capacity.*

# IMPLICATIONS OF CORPORATE SOCIAL RESPONSIBILITY ON CIVIL SOCIETY IN INDIA

– PRADEEP PATRA AND AMITABH BEHAR,  
NATIONAL FOUNDATION FOR INDIA

## CHANGING CON- TEXT OF AND SPACE FOR CIVIL SOCIETY IN INDIA

In the 1990s there were only two known billionaires in India, and not a single corporation featured on the list of Fortune 500 companies. In contrast, by 2015, a record 90 Indians were on the Forbes list of billionaires, placing India at fourth place in the world, and eight companies were on the Fortune 500 list.<sup>1</sup>

This rapid growth of private wealth can be ascribed to India's economic liberalisation, which began in the 90s. What started as a response to a balance of payments crisis has gone on to affect not only the nature of the Indian economy but also the very role of the state and the way in which different stakeholders engage with each other and with the government. It was widely believed that liberalisation, as well as being an antidote to the absence of economic growth, would also provide answers to the lack of good governance, persisting high levels of poverty and substandard performance on human development indicators. However, while it has delivered on the first part, its results in delivering on the second set of expectations have been more or less disappointing. Moreover, the number of corporate scams, corruption, collusion and crony capitalism in the allocation of public resources for private gain has only increased. For any conscious observer, instances of the corporate fraud in Satyam,<sup>2</sup> illegalities in the allocation of telephone spectrums,<sup>3</sup> allocation of coal and iron mines,<sup>4</sup> and forceful acquisitions of tribal lands

for industrial projects in Kalinga Nagar<sup>5</sup> and Niyamgiri<sup>6</sup> represent only the uppermost manifestations of a deep rooted rot that has set in within the government, in collusion with the private sector.

Ironically, in the face of its own continuing failures to address developmental problems, the government is looking for ways to strengthen legitimacy in the corporate sector, on which it must increasingly rely for growth and employment. A policy mandate on compulsory corporate social responsibility (CSR) seems to be the newest mask for the government and companies to appear more socially responsible to citizens. These developments pose serious questions for Indian civil society and the route it must chose to respond effectively and forcefully.

Civil society in India is known as one of the most dynamic and independent in the world. It has long set an example in standing alongside the poor and voiceless. However, over the years, the more that Indian civil society has ventured into the political sphere to address issues of democratic and governance deficits, the more it has found itself being pushed to the edges by governments. One of the early examples of this governmental crackdown on civil society space still exists, in the form of the draconian Foreign Contribution Regulation Act (FCRA), which emerged as a response to civil society's voice against the National Emergency in 1975, and has controlled the nature and extent of the receipt of foreign funding by civil society organisations (CSOs) to date. Subsequent governments have always had something of a love-hate relationship with the civil society, but the speed and extent of the crackdown, particularly against CSOs with dissenting voices, has been remarkable in the last few years.<sup>7</sup>

Restricting the flow of funding into civil society, with the objective of financially crippling CSOs' capacity to take up activity against existing government policies, has been one of the most frequently used tools. Recent times have seen the mass cancellation of permission, and temporary suspension of permission, to receive foreign donations by CSOs. Along with many smaller CSOs, established ones such as Greenpeace India have been targeted.

Coupled with this, India's domestic philanthropic giving, even though growing, has so far remained largely based on religious lines, and charitable in nature, and so has never really been an asset to CSOs advocating alternate policies.

There are two main factors responsible for the changing government attitude towards civil society, which is causing civil society space to shrink in India.

First, India is a middle income country, with a growing global aspiration to be a superpower, and this aspiration does not go hand in hand with being portrayed as a net foreign aid recipient. Thus, the Indian government has been slowly pushing out most bilateral and multilateral aid institutions. The explanation has been that these agencies portray India in a poor light in international arenas. The net inflow of aid has also been very small compared to India's own spending in development interventions in recent years. A previous finance minister described British aid to India, for example, as "peanuts."<sup>8</sup> Second, the Indian government has started seeing CSOs with dissenting voices as barriers to India's economic development. A leaked 2014 report by the Intelligence Bureau (IB),<sup>9</sup> India's highest intelligence agency, accused CSOs of "negatively impacting

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economic progress” of the country. It even specified that 2-3% of GDP is affected by CSO activities, which are stalling progress on major developmental and commercial projects. Sustained protests against the Kudankulam nuclear plant in Tamil Nadu offer one prime, recent example of this acrimony between CSOs and the government. Pluralistic democratic values, for which civil society has consistently been advocating, seem to be the things to be sacrificed in the face of the government’s growing obsession with economic development at any cost.

## INDIA’S MANDATORY CORPORATE SOCIAL RESPONSIBILITY LAW

In 2013 India became the first country in the world to enact mandatory corporate expenditure on CSR related activities, of 2% of profits, by profit-making corporate entities above a certain size.<sup>10</sup> The objective was to mainstream private sector participation in national development in areas not immediately related to commerce, and it was widely discussed that civil society would be a critical partner in implementing these activities. A section of civil society was quite excited with this development, for two reasons: first, CSR funds seemed to provide a potential additional source of funding for resource-starved CSOs; and second, the CSR mandate also seemed as though it might provide a framework for wide-ranging civil society-corporate partnerships.

## EMERGING TRENDS IN CSR IN INDIA AND IMPLICATIONS FOR CIVIL SOCIETY

However, the devil lies in the details, and a seemingly innocuous CSR provision turned sour when the detailed rules under the CSR mandate were issued by the Ministry of Corporate Affairs, causing an uproar by CSOs. Even after a couple of amendments, the rules were and still are largely prescriptive in nature, with a select number of activities listed under which expenditure will count towards CSR. The activities listed are in alignment with the government’s welfare services, while areas such as human rights, participatory governance and accountability are not mentioned. The following are some of the trends that have emerged in CSR since it was made mandatory:

### SKEWED AND LIMITING NATURE OF CSR INVESTMENT

Following the lead provided by the CSR rules, most qualifying companies have invested in the areas listed under the rules. Not surprisingly, many studies have confirmed that corporate CSR is concentrated in a handful of areas, while other areas are severely underfunded. A 2013 study by the National Foundation for India found that of the top 50 companies in India, 39 are focusing their CSR activities on health, 38 on education and 23 each on livelihood and environment (companies may have more than one focus area).

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Few focused on other areas. Further, systematic and rigorous needs assessments, and proper designs of intervention strategy, are often missing: in other words, one of key strengths of the corporate sector, when launching business ventures, suddenly goes missing in case of planning CSR strategies. The need to invest in addressing the root causes of underdevelopment is still largely absent; reactive response dominates corporate giving.

## DISAPPOINTING CSR FUNDS FLOWING INTO CIVIL SOCIETY

The flow of CSR funds, at least in the first year, has been pretty disappointing. The Ministry of Corporate Affairs readjusted total CSR spending for the first year to around Rs 5,000 crore (approx. US\$790m), instead of the initial target of Rs 20,000 crore, owing to, among other stated reasons, the lack of preparedness of companies to undertake CSR and, interestingly enough, the inability of companies to find credible CSOs.<sup>11</sup> While the amount may increase in coming years, the actual flow of funds for CSOs may remain significantly lower than was initially projected.

## A GROWING TREND OF ESTABLISHING CORPORATE FOUNDATIONS

An increasing number of companies are establishing their own foundations to implement CSR activities, rather than partnering with CSOs to do so. Most such foundations are operational foundations that directly implement their activities without the need to partner with CSOs, even though CSOs are best placed to work

with communities, given their years of understanding, experience and rapport with local communities. In many instances, because companies need to have complete control over activities, they may be reinventing the wheel of development.

## GOVERNMENT POLICY DETERMINING NATURE OF CSR EXPENDITURE

The new government has been actively encouraging CSR investments in some of its pet initiatives, such as the Swachh Bharat Abhiyan initiative to clean infrastructure, streets and roads and the Make in India initiative, to encourage manufacturing in India, by providing tax incentives and other measures. After a call to build toilet blocks as part of Swachh Bharat Abhiyan by the Prime Minister of India, this became the most popular area for CSR expenditure. Many senior leaders, including from companies and corporate associations, acknowledge that government priorities have resulted in a very large chunk of CSR money being invested in a handful of programmes. To some extent, this is becoming another way for the government to finance its programmes, and the qualifying companies are willing to put in what is sometimes their entire resourcing for CSR, to win direct or indirect goodwill from the government.

## GROWTH OF INTERMEDIARY AGENCIES FOR CSR

A new set of interlocutors have emerged to act as a bridge and influence investments. However, they are guided by a corporate ethos, and not rooted in a civil

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society philosophy. Service delivery through social entrepreneurship seems to be the most attractive business model for most such agencies, and they are yet to pay attention to issues of social justice and democratic policy.

## INCREASING FOCUS ON INTEGRATED BUSINESS RESPONSIBILITY BY A SMALL SECTION OF CIVIL SOCIETY

On the positive side, a few civil society initiatives have emerged that are starting to look at the idea of corporate responsibility more holistically, beyond the focus on 2% CSR. Corporate Responsibility Watch, a coalition of nine CSOs, is one such initiative, examining CSR on the basis of publicly available documents and undertaking policy advocacy.<sup>12</sup> The National Foundation for India is working towards a Business Responsibility Index for the top 100 companies, which should help to strengthen such initiatives.

## RESPONSE AND ROLE OF CIVIL SOCIETY

Indian civil society is a large and diverse group. Understandably, the response to the CSR mandate has been fragmented at best. The resulting changes in resource flows for development have sharpened the differences in approaches between different civil society groups. While CSOs focused on service delivery have tended to be fairly optimistic, seeing CSR as a new source of revenue for them, CSOs that

offer dissenting voices to government tend to be more cautious, and indeed rather critical at times. This is slowly giving rise to a group of CSOs and other agencies that are formed with a view to accessing CSR funding, which is creating a parallel development discourse to the one practised by longstanding CSOs.

Given the context described above, what positions can a CSO take with respect to CSR? The following seems to be the most appropriate:

### BUILD TRANSPARENCY AND ACCOUNTABILITY

Given the fact that the government still remains the primary welfare service provider, and civil society can only play a gap-filling, complementary role in this, CSOs should work to ensure that principles of participatory good governance, social justice and human rights are upheld.

In the context of CSR, it is not enough to focus only on the expenditure of 2% of profit: more needs to be done to scrutinise how those profits are made. One of the critical roles of civil society is that of the watchdog, and civil society should continue in that role by critically assessing business responsibility. More can be done by the small but growing number of initiatives in India that are critically looking at business responsibility and asking questions about transparency and accountability in CSR and business responsibility.

Some tools and approaches here could be indices and rankings to focus attention on issues of business responsibility. Indices in particular have been a convenient tool to communicate complex issues in

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a simple manner to a diverse group of stakeholders. National Foundation for India is in the process of developing a Business Responsibility Index for the top 100 listed Indian companies, to measure performances of these companies on broader business responsibility principles. Increasingly a number of organisations and civil society coalitions are now taking an interest to undertake similar initiatives, which will add immense value to strengthening public discourse around the issue of business responsibility and CSR.

Additionally, publicity campaigns and protests have always been a popular tool for helping to give a voice to the voiceless, and will remain relevant as a way of demanding transparency and accountability from large companies. Finally, relevant policy research, with evidence from the grassroots, is needed to inform policy advocacy.

## **BUILD UNDERSTANDING AND CAPACITY OF CORPORATE SECTOR ON DEVELOPMENT ISSUES AND APPROACHES**

Given the nascent stage of Indian corporate philanthropy, much capacity needs to be built, both at the sectoral level and individual company level. However, there is a serious dearth of trust and confidence between civil society and the corporate sector. Many companies do not feel they have much to learn from CSOs. Unfortunately, some of the weaker CSOs, facing a funding crunch, are acting to implement the pre-decided corporate mandates of CSR activities. This goes against the principles of equal partnership, and is something that CSOs ought to be concerned about.

Some of the ways in which partnerships can be made more balanced are as follows:

### **KNOWLEDGE BUILDING AND AWARENESS DRIVES**

CSOs can develop research briefs, discussion papers, case studies and other materials to communicate effective philanthropic practices and good practice in designing interventions. However the impact of this would depend on CSOs' capacities to reach out to a wider corporate audience and build trust with them. Given the lack of trust between civil society and the corporate sector, this approach could additionally hold immense long term value in building their understanding of each other for more effective partnerships.

### **BUILDING SECTORAL PLATFORMS**

One of the key reasons why some areas are underfunded is the lack of national level sectoral platforms. While such platforms exist in some areas, such as education, health and livelihoods, there are few platforms in other fields. Sectoral platforms help to generate knowledge and insights, and facilitate cross-sectoral partnerships. These platforms can reach out to corporations in a focused way to influence their investment decisions, by building their knowledge in those areas.

### **STRENGTHEN THE NATURE AND IMPACT OF CSR**

CSOs that chose to partner with CSR initiatives should focus on building high impact interventions based on the ethos of civil society and the principles of partic-

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ipatory development, to generate learning for other companies. CSOs also need to bring out examples of poor and failed CSR intervention, to also generate learning for companies, and for intermediary agencies that channel and manage CSR funds. CSOs also need to exercise care when selecting corporate partners.

## CONCLUSION

This contribution to the 2015 State of Civil Society report has discussed early trends, and the hopes and apprehensions of civil society, on the new CSR mandate. Given its relative newness, the full implications are yet to be realised and understood. At the same time, these apprehensions are not a complete rejection of

the potential for collaborative space, but an attempt to improve and further strengthen it. Civil society in India has stood alongside the poor and voiceless in the most difficult of times, and in spite of increasingly unequal relationships between the government and the corporate sector on the one hand and civil society on the other, it will continue to do so.

The reactions and future strategies of civil society will also depend, to a large extent, on whether citizens' movements gather steam and are able to compel the government to take a more inclusive position to rebalance power dynamics among the three sectors. Until that time, CSR and the changes in development financing that have resulted need to be viewed with caution.

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2 The 2009 Satyam scandal was one of the biggest financial scandals in India in recent times, after its chairman confessed that the finances of the company were manipulated by over US\$1.47bn.

3 The 2011 spectrum scam was a US\$28bn scam, according to the Controller and Auditor General of India (CAG), in which collusion between politicians and telephone companies for spectrum allocation was severely underpriced for select players.

4 The 2013 coal scam was the result of inefficient and dubious allocation of coal mines to select players. The CAG

put the resulting loss to the national exchequer at US\$170bn.

5 In January 2002 police fired on a group of protesting tribal people over land acquisition and compensation issues following the setting up of a steel plant, resulting in the killing of 12 tribal people.

6 Niyamgiri is a mountainous tribal area in the state of Odisha, for which government clearance was given to the Vedanta Corporation for forest clearance and mining in 2013, leading to long standing protests by tribal people. The Supreme Court finally gave the power to village councils to decide on the permission, which they rejected.

7 'Govt biggest Crackdown on Foreign Funding of NGOs: Kudankulam Effect', IBTL, 10 September 2012, <http://www.ibtl.in/news/national/2017/govts-biggest-crackdown-on-foreign-funding-of-ngos-kudankulam-effect>;

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8 'If India doesn't want our aid, stop it now, Cameron told after country labels £280m-a-year donations as 'peanuts'', Daily Mail, 6 February 2012, <http://www.dailymail.co.uk/news/article-2096628/British-foreign-aid-India-tells-Britain-dont-need-peanuts-offer-us.html>.

9 'The Intelligence Bureau and Its Not Very Intelligent Report on NGOs', Economic and Political Weekly, 28 June 2014, <http://www.epw.in/commentary/intelligence-bureau-and-its-not-very-intelligent-report-ngos.html>.

10 Clause No. 135 in the Companies Bill 2012 states that every company with a

net worth of Rs 500 crore or an annual turnover of Rs 1,000 crore, or a net profit of Rs 5 crore, has to create a CSR committee, of which at least one board director must be independent. The company's board shall ensure that at least 2% of its annual average net profit made during the three preceding financial years is spent on CSR every financial year. One crore Rupee equals 10m Rupees.

11 Ministry of corporate affairs slashes estimate of companies CSR spend by half', The Economic Times, 30 September 2014, [http://articles.economictimes.indiatimes.com/2014-09-30/news/54475231\\_1\\_csr-spending-csr-ambit-average-net-profit](http://articles.economictimes.indiatimes.com/2014-09-30/news/54475231_1_csr-spending-csr-ambit-average-net-profit).

12 See Corporate Responsibility Watch, <http://www.corporatewatch.in/index.php>.

# GLOBAL TRENDS IN CHARITABLE GIVING: ONE STEP FORWARD AND TWO STEPS BACK

—ADAM PICKERING,  
CHARITIES AID FOUNDATION

## INTRODUCTION

2014 was a mixed year in the global environment for charitable giving. Rapidly rising engagement in charitable activities in some transitioning and developing economies raised hopes of a global surge in private donations to civil society organisations (CSOs). However, a tide of regressive laws that limit the financial and operational independence of CSOs risks choking the growth of a global culture of giving.

In producing the World Giving Index (WGI), The Charities Aid Foundation's annual report tracking participation in charitable activities around the world, we have noted a slight overall decline in the proportion of people giving money to CSOs. However, when we look only at transitional economies, we see an increase. The generosity of a new generation of young, middle class donors in fast growing economies has the potential to plug the gaps left by changing patterns in Official Development Assistance (ODA). But if current trends for government interference through politicised regulation, the choking of advocacy and campaigning, and the raising of barriers to foreign funding are not addressed, we may look back at the current period as a time of missed opportunity.

## THE WORLD GIVING INDEX

In the same way that democracy has value to society above and beyond the policies of the governments it elects, civil society should be about more than the outputs it produces. The ability and willingness of

citizens, either individually or collectively, to commit their money, time and energy in the support of their chosen cause is fundamental to the existence of civil society. It is for that reason that the findings of the 2014 WGI, in conjunction with a more in depth understanding of global trends in giving and the legal environment in which CSOs operate, should be of interest to all.

The Charities Aid Foundation (CAF) is an international CSO that exists to help improve the environment for, and provide services that facilitate, charitable and philanthropic giving. The WGI, one of our flagship pieces of research, is an annual report that uses Gallup World Poll data to assess the proportion of people who report having given money to charity, volunteered time and helped a stranger in the month prior to being surveyed. These three simple measures are averaged to produce a WGI score on every country where data is available, constituting the world's only index on charitable behaviour. The 2014 WGI, the fifth edition of the report, ranked 135 countries.

The methodology is not complex. We do not weight our data for economic factors; nor do we attempt to factor in country level context. This is deliberate. The simplicity of the methodology allows anyone who reads our index to understand what is being measured, and make their own judgements. In addition, though the tendency to focus on wealth and the amount of money raised for causes is understandable, we believe that the WGI offers an opportunity to recognise the importance of mass engagement in charitable activities.

Myanmar demonstrates the value of this recognition. For a country with a low ranking on the UN Human Development Index (150<sup>th</sup> on the 2014 index) to share

the top spot in the WGI with the USA might seem counterintuitive at the surface, but in fact reveals a remarkable truth. In Myanmar, 5% of the population live monastic lives (known as Sangha), which are entirely funded by donations from lay devotees (Sangha Dana) of the Theravada school amongst the mostly Buddhist (88%) population. Perhaps reflecting this, 91% of Burmese people said that they had given money to charity in the month prior to being surveyed - a clear 13 percentage points ahead of Malta, in second place for that measure. In comparison, the USA achieved the same overall WGI score of 64% by performing well across the board. It was the only country to rank in the top 10 for all measures. The highest and lowest ranking countries are as follows.

**Table 1. Top 10 WGI 2014 countries**

RANK	COUNTRY
1	Myanmar
	USA
3	Canada
4	Ireland
5	New Zealand
6	Australia
7	Malaysia
	UK
9	Sri Lanka
10	Trinidad and Tobago

***In the same way that democracy has value to society above and beyond the policies of the governments it elects, civil society should be about more than the outputs it produces.***

***The ability and willingness of citizens, either individually or collectively, to commit their money, time and energy in the support of their chosen cause is fundamental to the existence of civil society.***

**Table 2. Bottom 10 WGI 2014 countries**

RANK	COUNTRY
126	Bulgaria
	Russia
128	China
	Turkey
130	Croatia
	Montenegro
132	Ecuador
133	Palestinian Territory
134	Venezuela
135	Yemen

Worryingly, the proportion of people giving money to charity fell slightly in the 2014 index by 0.6 percentage points, which seems to reflect the slight fall in global GDP growth rate reported between 2012 and 2013 (surveys for the 2014 report were carried out in 2013). Analysis of global giving over the past five years shows that our three measures usually rise or fall in unison, dipping in 2009, the year after the 2008 financial crisis, recovering in 2010, and then falling again sharply in 2011, before rising again in 2012 and 2013. Strikingly, even though the percentage of people giving money to charity has fallen slightly in this year's index, the proportion of people volunteering and helping a stranger has improved.

Though fluctuations in the economy clearly seem to have an impact on giving on a global scale, the

2014 WGI also shows that any notion that generosity might be directly linked to wealth is deeply flawed. While there is a relationship between wealth and the proportion of people giving money to charity, that relationship is relatively weak. Just five of the countries in the top 20 are members of the G20, the group representing the world's largest economies. Eleven G20 countries are outside the WGI top 50, and three of these are outside the top 100. Meanwhile eight countries classified by the World Bank as low income nations rank in the top 20 of the WGI.

So while income is certainly a factor in people's ability to engage in charitable activities, there must be deeper underlying conditions driving such divergent WGI data. It is of paramount importance that we gain an understanding of what, if any, are the universal conditions that create an enabling environment for giving, if we are to ensure the future health of civil society around the world as we undergo one of the most dramatic socio-economic transitions in history.

## POSITIVE TRENDS

A 2010 report published by the Organisation for Economic Cooperation and Development (OECD) Development Centre contained a stunning projection.<sup>1</sup> It estimated that the number of middle class people, which they defined as, "households with daily expenditures between US\$10 and US\$100 per person in purchasing power parity terms," would increase by 165% by 2030, and that 70% of this growth would occur outside Europe and North America. The first report of CAF's Future World Giving project, which seeks to establish what governments can do to create an enabling environment for giving,

*Strikingly, even though the percentage of people giving money to charity has fallen slightly in this year's index, the proportion of people volunteering and helping a stranger has improved.*

extrapolated from this figure to calculate that if this future cohort of middle class people were to dedicate 1% of their expenditure to charitable causes, it could yield a staggering US\$550bn in resources for global civil society.<sup>2</sup> More important still, such mass participation in giving could create a more robust and accountable civil society, with the legitimacy to stand up to power.

There is some cause for optimism that such a future could come to pass. Transitional economies - nations that have developed sufficiently to no longer be considered as developing countries but are not yet on a par with advanced economies - have seen growth in all three measures of generosity in this year's WGI, with the proportion of people donating money to a charity bucking the global negative trend and growing by 2.6%. Populous transitioning economies such as India, Pakistan, the Philippines, South Africa and Vietnam have seen strong growth over the past five years of WGI data. India has added nine percentage points to its score, in terms of the proportion of people giving money to CSOs (28%), and has moved up in the overall rankings from 71<sup>st</sup> place in 2010 to 52<sup>nd</sup>. South Africa, a nation with a strong cultural tradition of giving, on which formal civil society infrastructure could one day flourish, has seen the number of people giving money increase by eight percentage points to 23%, which, added to already strong numbers in helping strangers, has seen it rise from 76<sup>th</sup> to 34<sup>th</sup> on the overall rankings over the same period.

There has also been strong growth in charitable engagement in a number of former Soviet and Eastern Bloc countries. Of the 20 nations that have seen the largest increases in the proportion of people

giving money to charity in the past five years, 11 of them were at some point part of the Soviet sphere of influence. In most cases these nations have seen dramatic rises from a low base, due to the almost non-existent status of an independent institutional civil society before the 1990s. The creation and amendment of laws relating to civil society, particularly in nations that have become part of the European Union, may well have helped to spur greater engagement in giving.

The role of young people in driving levels of giving in fast-growing transitioning economies is worth noting. If we look at two groupings often used by economists, the BRICS (Brazil, Russia, India, China and South Africa) and the Next 11 (Bangladesh, Egypt, Indonesia, Iran, Mexico, Nigeria, Pakistan, the Philippines, South Korea, Turkey and Vietnam), we see that the gap between the proportion of 15 to 29 year-olds giving money to CSOs every month and the proportion of older generations doing the same is no greater than five percentage points in any of these countries. Contrast that with the rich countries of the OECD, where the gap between the 15 to 29s and the over 50s is 15 percentage points. Whilst this generation gap may be a cause for concern in wealthier nations, the more balanced contribution of young people in transitioning economies may offer a cause for optimism about the future of civil society in these countries.

## NEGATIVE TRENDS

The growth in the proportion of people engaging in charitable giving in developing and transitioning economies is timely. ODA by governments has now

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recovered to record levels following a sharp fall in the wake of the global financial crisis. However, the profile and nature of that aid is changing. Much of the recent increases in ODA have come in the form of loans rather than grants. Worryingly, aid to two-thirds of Sub-Saharan African countries is projected to decline over the next few years.<sup>3</sup> In this changing and less predictable context, many CSOs will find it increasingly difficult to find stable project funding from foreign aid agencies. As such, the health and continuing development of domestic, private philanthropy markets will be critical to CSO sustainability in many countries.

For some of the poorest nations, the reduction in ODA has left CSOs in an extremely vulnerable position as

state for funds places much power in the hands of governments. Governments inevitably fund CSOs that deliver against their specific agendas, and as such, the CSO community in a nation where much of the funding comes from the state can be distorted, to the point where the public perceives the independence of CSOs to have been compromised. And these fears may be well-founded: some governments are openly using the threat of losing funding as a way of silencing criticism of government policy, which has a chilling effect on the advocacy activities of CSOs.

The use of public funds to reward CSOs that align well with the agendas of governments might seem logical, and even democratically justifiable, on the surface, but such a conclusion is misguided. Civil society, by

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they face a funding gap that often threatens their very existence. In some countries this gap has been partially filled by domestic governments, but this brings its own challenges. Government funding for CSOs can of course be very positive. If governments recognise the additional social value that CSOs can bring, and choose to support them with sustainable funding so that they continue their work, the relationship can be mutually beneficial, not least for those the CSO reaches. However, an increased reliance on the

definition, operates outside the state, at the nexus between the public and private spheres. A healthy civil society, including CSOs, should be championed by the state for the benefits that it provides in societal cohesion and wellbeing, and in the improvements it brings to policy development and the governance environment more broadly.

However, increasingly, governments are attempting to take a more narrow view of the value of CSOs, as

delivery agents of public services. Some governments, for example, force all CSOs to register formally.

This trend is particularly prevalent in Sub-Saharan Africa, where Uganda, to give one example, makes registration mandatory, and where the NGO Board has full discretion over applications. A number of countries have a very narrow list of causes and activities that are permitted for registered CSOs, a phenomenon that has long been common in the Middle East. Mandatory registration, which creates the counter threat of deregistration, is also becoming prevalent in South East Asia, where a 2013 law in Indonesia, which gives the government the authority to dissolve CSOs, follows in the footsteps of laws in other nations in the region, such as Cambodia.

The use of tax incentives to encourage individuals to give money to CSOs has been shown by Rules to Give By, a recent study by CAF, Nexus and McDermott Will & Emery, to be both widespread and effective. Sixty-six per cent of countries have such incentives in place, and those that do see a higher average proportion of people giving money to charity (33%) than those that do not (21%). This effect is seen at all levels of the economic spectrum.<sup>4</sup> However, many nations, including Brazil, China and Turkey, offer incentives only on donations to CSOs that deliver on specific government projects or agendas. As stated above, while in democratic contexts this might seem a legitimate step for a government to take, it has the consequence of distorting the financial playing field for CSOs and artificially skewing support away from CSOs that might challenge the status quo.

Sadly, much of the regressive policies instituted have at their heart an intolerance of CSO advocacy, when it is critical of government policy. Globally, there seems

to have been a conflation of political advocacy with partisan political and electoral lobbying. To some extent, CSOs could be seen as partially culpable for this, as often we justify the freedoms and financial advantages afforded to CSOs on the basis of the services we provide, rather than on based on the rights and freedoms within civil society. Any sense that this stems from a reticence by donors about CSOs engaging in advocacy is, however, not supported by evidence. Research by Globescan shows strong support amongst the 15 countries it surveyed, covering every global region, for environmental and social groups 'publically criticising government' (73%) and 'influencing public policies' (67%). Indeed, support for these actions increased by 4% and 6% respectively between 2008 and 2012.<sup>5</sup> Fundamentally, while donors are principally motivated by causes, they give to bring about change. When they don't feel that CSOs are free to utilise all the tools in their armoury, including advocacy, they may be less likely to give.

Finally, one of the most disturbing recent trends in the funding environment for CSOs is the crackdown on the receipt of foreign funding by organisations engaging in advocacy. In 2013, Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and association, highlighted "... increased control and undue restrictions" on funding, particularly foreign funding, as one of the issues that he was most concerned about.<sup>6</sup> As reported in CAF's report, Enabling an Independent Not-for-profit Sector,<sup>7</sup> the situation has worsened significantly since then. Following the lead of Russia, nations from across the globe, including Azerbaijan, Egypt, Hungary and Kenya, to name but a few, have taken steps towards restricting the flow of funds from foreign donors to organisations that publicly criticise

***One of the most disturbing recent trends in the funding environment for CSOs is the crackdown on the receipt of foreign funding by organisations engaging in advocacy.***

their policies. In a recent worrying example, India's government attempted to seize international funding for Greenpeace India.<sup>8</sup>

## THE WAY FORWARD

Recently there have been a number of extremely negative developments, both in the ability of citizens to engage in acts of giving, and in the wider funding environment. However, in the long run, with increased affluence and access to information, people can be expected to be more generous, and at the same time, demand improvements in the environment for giving. Efforts by governments to undermine the financial independence of CSOs may ultimately come to be seen as misguided attempts to hold back the tide. In this light, despite the mounting legal barriers faced by CSOs, the funding environment could be set to improve.

Despite this optimism for the future, there are a number of developments that need to occur to

ensure that the conditions are in place to engage people in charitable giving as they transition into relative prosperity. Some of these are continuations of existing positive trends, such as improved transparency and governance in CSOs, more strategic and sustainable approaches by donors, and the greater use by CSOs of mass communication technologies and media to share information and messages about the work that they do. But in addition, we need to start a global conversation about the value of civil society and the impact of government policy on the development of a vibrant, diverse and independent CSO community that offers more to society than the sum of the services it provides.

Finally, CSOs need to reclaim our right to campaign for the causes in which we believe, and be willing to speak out in solidarity when the independence of other organisations - even those with which we disagree - is being threatened.

***Efforts by governments to undermine the financial independence of CSOs may ultimately come to be seen as misguided attempts to hold back the tide. In this light, despite the mounting legal barriers faced by CSOs, the funding environment could be set to improve.***

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# RESOURCING FOR CIVIL SOCIETY: THE EXPERIENCE OF AN INDIGENOUS GRANT-MAKER

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## INTRODUCTION

Drawing upon the experience of the Neelan Tiruchelvam Trust (NTT), an indigenous grant-maker based in Sri Lanka, this contribution to the CIVICUS 2015 State of Civil Society Report argues that, in the context of diminishing resources for civil society, the role of indigenous grant-makers is becoming increasingly relevant, particularly where supporting work on human rights and social justice is concerned.

## SETTING THE CONTEXT

Although government donor agencies have been criticised for using foreign aid as a means of furthering their foreign policy agendas, something that can potentially result in donor-driven programmes, their importance as a source of funding for many groups working on human rights and social justice issues cannot be denied. However, international development is being re-shaped by global economic changes, the shifting priorities of governments and new and emerging philanthropic foundations that show an interest in supporting civil society organisations (CSOs).

CSOs working on human rights and social justice issues in particular are currently facing immense challenges in continuing their work. For instance, a study by the Association for Women's Rights In Development (AWID) found that despite rhetoric about 'investing' in women and girls, financial resources to support such work continues to be sparse.<sup>1</sup> In this context, the

focus of donors has recently narrowed, and often does not address local needs. For example, where work on furthering the rights of women is concerned, certain donors support only advocacy and lobbying activities and show no interest in supporting service delivery,<sup>2</sup> while other grant-makers focus on direct service delivery, which may not align with the needs of local groups that prioritise capacity building and women's empowerment programmes.<sup>3</sup> The reality is, of course, that women's groups need resources for both, as both elements are inextricably linked.

In countries where local giving in general, and giving to social justice and peace-building initiatives in particular, is non-existent or is at a nascent stage, or where giving consists mainly of charitable initiatives, such as distributing bicycles and water pumps, or rebuilding places of religious worship, it is international development donors that have been the main source of funding for work on human rights and social justice.

In the past few years, Sri Lanka, which was designated a middle-income country in 2010, has witnessed the withdrawal of many established donors, principally official government donors such as the Canadian International Development Agency (CIDA) and the Swedish International Development Cooperation Agency (SIDA). Additionally, a repressive government that was intolerant of dissent and civic activism restricted the ability of CSOs to work freely, particularly on issues of human rights, and post-war issues, such as transitional justice. Following the end of the armed conflict in 2009, the Rajapaksa government mobilised both the civil administration and the security sector to restrict the activities of civil society, which resulted in the creation of a number of repressive unofficial rules

and processes that adversely impact on CSOs. This was a factor in a move by number of bilateral donors to reduce their funding to Sri Lanka, or support programmes viewed as non-controversial, such as infrastructure initiatives and livelihood projects.

Although Mahinda Rajapaksa was defeated at the presidential election on 8 January 2015, the political landscape remains quite uncertain, since parliamentary elections are in the offing, which Rajapaksa reportedly wishes to use as a vehicle to return to power. While funding for work on transitional justice issues, such as reconciliation and peace-building, might be expected if the political space continues to be more conducive to civil society initiatives, it is not likely to be of a magnitude that will address the acute resource shortages currently faced by CSOs.

## CHASING THE DOLLAR: THE IMPACT OF SHRINKING RESOURCES ON CIVIL SOCIETY

This section, which analyses the impact of diminishing resources on the non-profit sector, is based primarily on the findings of a review undertaken by NTT of training and capacity building programmes in Sri Lanka to ascertain their relevance and impact.

*Donors increasingly provide resources only for short-term projects, and sometimes only for six months of work.*

The study found that due to the lack of funding, donors increasingly provide resources only for short-term projects, and sometimes only for six months of work. This doesn't allow organisations to focus on initiatives geared towards bringing about long-term social change. Instead, such projects typically focus on 'observable change such as infrastructure, livelihoods and some capacity building and training'.<sup>4</sup>

In Sri Lanka, following the end of the armed conflict in 2009, a number of community based organisations (CBOs) came into existence in response to societal needs. Although strengthening nascent community groups in areas affected by conflict should be a priority and an integral part of rebuilding social networks, limited energy and resources are dedicated to this in an environment in which resources are scarce. Instead, donors often expect these nascent groups to become professional bodies immediately, but are not prepared to provide adequate support to enable them to do so. Rather, donors seek partnerships with organisations with the capacity to plan, implement and evaluate development projects. As a result, CBOs that are not considered professional do not have the institutional capacity to complete complex proposals, and, having no prior relationship with the donor, are unable to access funds. In addition, scarce resources means donors would rather support a known organisation with a track record, instead of undertaking time-consuming due diligence exercises to vet a new organisation, and one that potentially also requires additional institutional support to apply for, and implement, projects.

According to the study, the limited absorption capacity of CBOs is another reason why they do not receive bilateral donor support, as many donors do not give

small grants. If the lack of capacity is ignored and considerable resources are provided to an organisation with limited experience and capacity to manage and absorb funds, inevitably it leads to failure; worse, it may tear apart an organisation's existing structure and place excessive pressure on institutional and inter-personal relationships. A vicious cycle thus ensues, whereby organisations that lack capacity are not able to access grants, but without funding they are also unable to strengthen the organisation, for example, by hiring staff. It is important to understand that in such contexts, when systems and processes are weak, it is strategic to invest not only in institutions, but also in leaders who work close to the frontline,<sup>5</sup> who will be able to continue to function as catalysts for social change.

Since organisations are desperate to mobilise resources, there is increased competition for limited funding, which in turn can result in ad hoc programming not within an organisation's area of expertise, leading to the potential for poor delivery. Hence, although programming may not be donor-driven through design, it can become so by default. Further, the study found that heightened competition has created a perception amongst organisations that they need to formulate innovative activities to draw the attention of donors, whereas in reality, their existing capacities might not be capable of making such innovative interventions.

## ALTERNATIVES AND CHALLENGES

With funding from bilateral and multilateral donors shrinking in Sri Lanka, CSOs are seeking alternatives.

*Organisations that lack capacity are not able to access grants, but without funding they are also unable to strengthen the organisation.*

These range from engaging in income generation activities to attempting to raise funds from the corporate sector. For instance, one local organisation charges an annual membership fee to access its training and networking events. Another organisation that works to increase gender awareness is considering using its land for agricultural purposes to generate an income from selling produce and provide employment to its female members. Selling jewellery produced by local women, and pooling resources with similar organisations, are other strategies being utilised. Although corporate social responsibility (CSR) ap-

sector.”<sup>6</sup> It is therefore imperative that CSR initiatives are not merely about furthering the agendas of the corporates, but impact positively on the most vulnerable and marginalised people. In most cases CSOs also have little knowledge of how to access information about available CSR funds.

At the same time, it cannot be denied that some ad hoc partnerships that provide innovative solutions exist. For example, a Colombo-based organisation supports partnerships by linking the private sector with farming cooperatives, with the aim of enabling the

*Corporate foundations are reluctant to support initiatives that are viewed as controversial, which in many contexts includes human rights work or anything that is perceived as a challenge to the status quo.*

pears to be gaining ground as a concept, corporate foundations are reluctant to support initiatives that are viewed as controversial, which in many contexts includes human rights work or anything that is perceived as a challenge to the status quo. Furthermore, CSR initiatives sometimes compete with local organisations for limited resources. For instance, there was an occasion when NTT was competing with a corporate foundation for funding from an international private foundation. According to the findings of the NTT study, CSR programmes are “few and far between and in most cases incorporated in existing marketing and strategic plans for companies within the private

cooperatives to gain better market access and develop negotiating skills. But overall, it is evident in Sri Lanka that CSR initiatives will not immediately replace donor funds for development projects, especially where work on issues that are considered controversial or that might earn the ire of the state is concerned.

As in other South Asian countries, the Sri Lankan diaspora is increasingly showing an interest in investing in civil society initiatives. However, they too err on the side of caution, and show a reluctance to fund social justice and human rights work with a focus on long-term change, appearing to prefer to support initia-

tives that are more charitable than philanthropic. For instance, in the conflict-affected north and east of Sri Lanka, it is not uncommon to find the diaspora funding ad hoc charity projects that do not really respond to the needs of the population, but rather fall within the comfort zone of those donating.

When it comes to philanthropy, it is pertinent to note here a study by Worldwide Initiatives for Grantmaker Support (WINGS) on global institutional philanthropy, which states:<sup>7</sup>

*“For philanthropy to flourish in a society, that society must value a strong and vibrant role for civil society and believe in the role of private actors to support it.”*

Due to the concerted campaign of vilification, intimidation and harassment employed against civil society by the Rajapaksa regime during the past nine years, many members of the public now view CSOs with suspicion. Among many, CSOs are looked upon as self-serving, corrupt entities that are only concerned with subsidising their opulent lifestyles rather than responding to the needs of the people. This could be another reason for the lack of private local philanthropy in Sri Lanka, particularly to support CSOs working on social justice and peace.

Finally, while traditional state-funded donors have taken a step back, new international private foundations are stepping in and stepping up their involvement. Although this is still at a nascent stage, particularly since many foundations are yet to expand their remit to support organisations outside their geographical area of origin, the interest of these entities and their willingness to engage with organisations in the global

south is a positive development. At first glance, many private foundations appear to be more flexible than traditional bilateral and multilateral donors, meaning that CSOs are not restricted to strictly defined themes but are able to focus on the initiatives they feel respond best to community concerns and needs. Amidst the widespread phasing out of traditional government donors, rising anti-west sentiments in the global south, and the imposition of increasingly restrictive policies by states to curtail the activities of programmes challenging the status quo, it will be interesting to observe the potential impact that new private foundations could have on international development.

## THE WAY FORWARD: INDIGENOUS PHILANTHROPY

In South Asia, indigenous philanthropic organisations remain a rarity. However, within the changing funding environment, the role of community philanthropy is becoming ever more important.<sup>8</sup>

Indigenous foundations engaged in community philanthropy do not stop at providing financial support for organisations. Indigenous philanthropic organisations can also function as entities through which funds can be channelled to smaller organisations, which may not have strong managerial and financial systems and sufficient capacity to absorb large grants. Through this, indigenous foundations can support the capacity building of community organisations, including by strengthening their proposal writing and financial management skills, and assisting them to access grants from other

***In South Asia, indigenous philanthropic organisations remain a rarity. However, within the changing funding environment, the role of community philanthropy is becoming ever more important.***

donors, including through suggesting and supporting visibility activities and introductions. Particularly in restrictive contexts, social justice initiatives that pay increased attention to initiatives at the community level will also result in greater impact in the long term. Local foundations are often viewed as part of the community and so are expected to be more understanding and flexible. This requires them to be conscious constantly not only of the impact of their actions, but also of how their actions are perceived. At the same time, the ability of local foundations to build strong relationships of trust enables them to understand the context better and garner the support of communities, particularly in restrictive and complex environments. The fact that NTT is an indigenous organisation, with staff and board members who are part of and have established relationships with communities, means that a level of trust exists that enables NTT to work closely with CBOs, even during difficult times.

The particular value of an indigenous grant-maker is that they are often willing to take risks to support new and pilot initiatives that larger international donors are

reluctant to support. As local foundations, they are positioned to gauge the pulse of local political, social and security dynamics because of the extensive knowledge base and experience they possess, gained through working with a variety of CBOs and CSOs. This means that indigenous foundations are willing to be guided by local organisations in responding to the evolving needs and concerns of communities.

However, in order for indigenous foundations to thrive, and support communities' efforts to gain control of their own development future, the further encouragement and growth of local philanthropy is imperative. In countries such as Sri Lanka, where the local political context has coloured the publics' and corporate sector's views of CSOs, to change perceptions will require a change in political context. Further, greater awareness of the role of community philanthropy might encourage greater local giving, particularly if individuals realise their contribution is instrumental in changing lives.

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8 Community philanthropy is understood here to mean the

mobilisation of various kinds of local resources from within the community - including financial, intellectual and social resources - with the aim of bringing about long term social change within the community. In community philanthropy, programmes are framed to be responsive to community needs, and aim to strengthen individual, institutional and community capacity in the long term. Indigenous philanthropic foundations are locally inspired and owned community philanthropy vehicles.

# GROWTH IN CSO-BUSINESS PARTNERING: OPPORTUNI- TIES AND PITFALLS

—M MAY SEITANIDI

## INTRODUCTION: CHANGING RELATIONSHIP DYNAMICS

Increasingly, civil society organisations (CSOs) are starting to partner with businesses on their corporate social responsibility (CSR) initiatives. While such partnerships encourage businesses to support local communities and be responsible citizens, they can also be problematic, leading to loss of independence for CSOs and causing them to compromise their values. This contribution to the CIVICUS 2015 State of Civil Society Report examines the pros and cons of CSO-business partnerships, and lays down some recommendatory principles.

The past 25 years have witnessed significant pendulum swings in the relationship between business and civil society. In the pre-1990 era, relationship dynamics between business and CSOs were mostly in the direction of minimum and often adversarial interactions, with collaborative relationships ranging from philanthropy and cause-related marketing to sponsorship, and adversarial relationships extending from boycotts and protests to violent direct action (Seitanidi 2010; Austin 2000). After the end of the 1990s, the gradual disillusionment of each sector's mono-sectoral ability to make a significant difference to social issues (Seitanidi 2008), the diminishing levels of trust in government and the private sector, and the

empowerment of CSOs (Bovaird et al 2002) swung pendulum dynamics in the opposite direction. In the early 2000s, levels of trust in CSOs were among the highest in the world (Wootliff and Deri 2001), which gradually led to more frequent interactions, engagement and, eventually, partnerships. Over the last 15 years, CSO-business partnerships shifted “... from being a nice thing to do to being a necessary component of strategy and operations. It is difficult to find an important company or nonprofit that is not engaged in some such alliance. In the world of nonprofits and business, collaboration has become essential to success.” (Austin and Seitanidi 2014: xv).

The prospects for partnerships remain very positive today, with people and organisations on both sides agreeing that collaborative action will become even more important in the next three years (C&E Advisory 2014), and with company CEOs globally viewing partnerships as a critical element of their approach to sustainability (Lacy et al 2010). The high compatibility of organisational drivers pulls together both CSOs and businesses (Seitanidi 2010), in order for CSOs to achieve access to funds (95% of survey respondents), people and contacts (73%) and long-term stability and impact (71%), and for business to gain positive reputation and credibility (92%), increase the potential for innovation through collaboration (73%) and achieve long-term stability and impact (73%) (survey data from C&E Advisory 2014). It is interesting that serving the social good remains an implicit aim in the motives for developing a partnership.

Partnerships appear for some almost as a panacea for all social ills, and they are “expected to address several existing ‘gaps’ related to regulation,

participation, implementation, resources and learning” (Kolk 2014: 15). Over the last decade we have begun to witness a ‘partnership society’, with a generalised fascination with the word partnership, as many organisations try to reap the currency of expected mutuality, equal power dynamics and distribution of benefits across partners, assuming that this is possible in all cases (Seitanidi 2010).

## THE VALUE OF PARTNERSHIPS

However, due to the resource intensity associated with partnerships, and despite the claims of an increase in partnerships, we would expect to observe a decrease in the number of true social partnerships (Seitanidi 2010). This trend has become visible and been verified only recently, due to the availability of relevant quantitative studies, suggesting that as partnerships become more strategic and their value for organisations increases, the overall growth of partnerships slows down (C&E Advisory 2014). In 2014 the value of partnerships that ranged between zero and UK£5m (approx. US\$7.7m) was 60%, with the remaining 40% of partnerships having a value beyond UK£5m (C&E Advisory 2014), and with both sectors engaging on average in more than five partnerships per organisation (C&E Advisory 2010) (Figure 1 and 2).

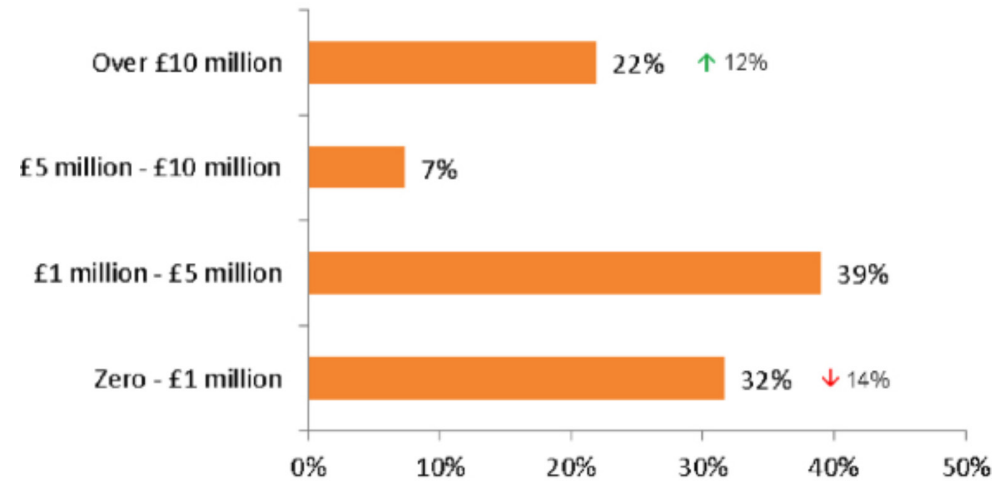
*The past 25 years have witnessed significant pendulum swings in the relationship between business and civil society.*

*The prospects for partnerships remain very positive today, with people and organisations on both sides agreeing that collaborative action will become even more important in the next three years.*



**Figure 1: Estimates of how much respondents' organisations invest in or secure from corporate-CSO partnerships (CSOs only)**

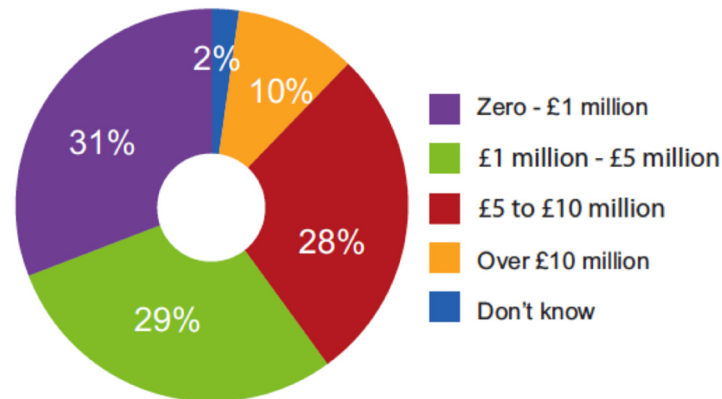
*In approximate terms, what is your estimate of how much your organisation invests in - or secures from Corporate-NGO partnerships in the UK and elsewhere annually? Please include total estimate of financial and non-financial value.*



Source: C&E Corporate-NGO Partnerships Barometer 2014

Although for a few CSOs the value of partnerships can be over UK£10m (approx. US\$15.3m) annually, for the majority (71%) the value of partnerships is under UK£5m, with an observed decline of 14% in partnerships of UK£1m (approx. US\$1.5m) in value or under (C&E Advisory 2014). Hence, it is unlikely that CSO income derived from the private sector has increased, but rather, a few large CSOs are likely to be benefiting from a significant increase in the value of their partnerships. In the UK, for example, private sector contributions remain the lowest type of voluntary sector (to use local terminology) income (4.64%), representing a 0.7% increase from the previous year (NVCO 2015). More than two-thirds of the voluntary sector's income from the private sector in the UK is distributed amongst large or major voluntary organisations (NVCO 2015).

**Figure 2: Estimates of respondents' organisations investment in or secured from corporate-CSO partnerships (both sectors combined)**

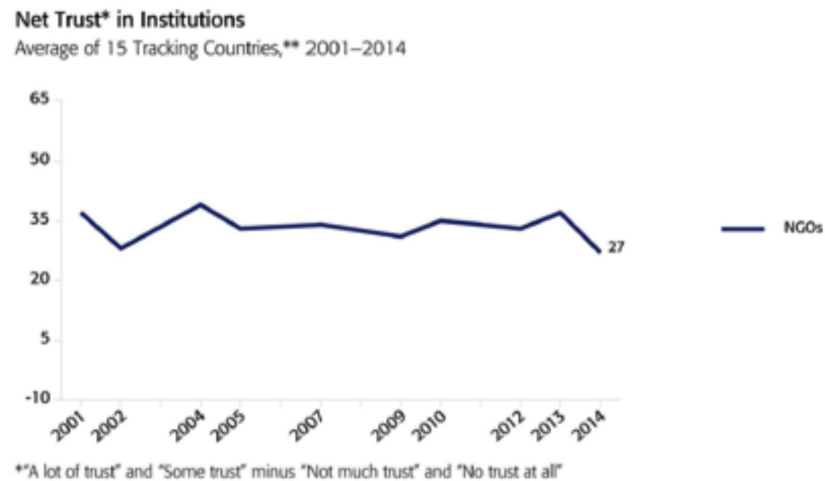


Source: C&E Corporate-NGO Partnerships Barometer 2014

# TRUST IN PARTNERSHIPS

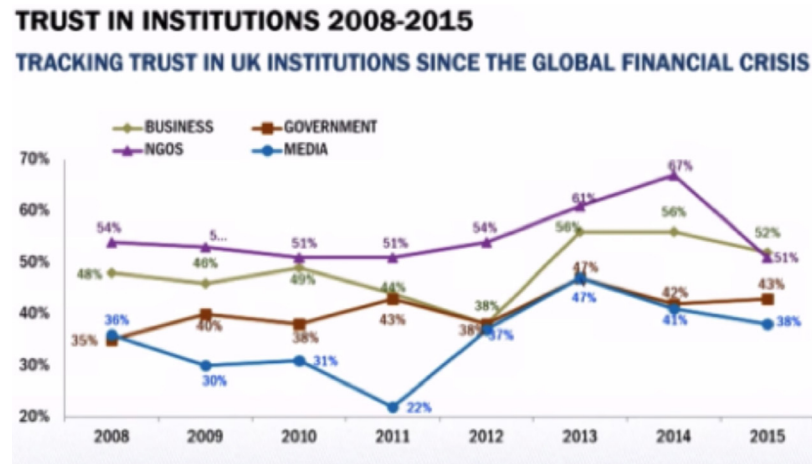
Historically, the private sector's funding was associated with credibility and professionalism for those CSOs that secured collaboration with well-known corporations (Bennett and Sargeant 2003). Although civil society has consistently enjoyed high levels of trust (see Figure 3), dropping occasionally only due to scandals in particular countries, 2015 has seen an alarming global evaporation of trust across all institutions, according to the Edelman Trust Barometer. In 2015 CSOs were equally affected by a general decline in levels of public trust. Despite NGOs (to adopt the terminology of the survey) remaining amongst the most trusted institutions, the level of public trust fell or remained at equal levels (see Figure 4) in 19 of 27 countries, with notable declines in the UK (16 points) and China (12 points) (Edelman 2015). Given the above, it is important for civil society to reflect on how to preserve or regain lost ground in public trust, which is the cornerstone of interactions (Fowler 2010), and is, as is suggested above, the number one motivation for businesses to partner with CSOs. Cross-sector collaborations are highly likely to increase in significance and it is expected that although they will be multi-actor (with cross-sector and intra-sector collaborations) CSO-business collaborations will remain among the most significant (Globescan-Sigwatch 2015).

Figure 3: Levels of trust in NGOs over the year  
Consistent levels of trust in NGOs over the years



Source: Globescan-Sigwatch Webinar 2015

Figure 4: Trust in institutions 2008-2015



Source: Edelman Trust Barometer 2015, Annual Global Study

The above suggests that, although partnerships will continue to flourish as a central mechanism for organisations to enhance or co-create collaborative value for individuals, organisations and society (Austin and Seitanidi 2014), CSOs need to become more strategic in order to maximise the socio-economic partnership outcomes and minimise the pitfalls that are associated with partnerships.

## PROS AND CONS OF PARTNERSHIPS

In order to examine the pros and cons of CSO-business partnerships, the Austin and Seitanidi (2014) multilevel partnership outcomes framework will be employed, looking at the potential benefits and costs within different levels of analysis. The focus in the use of the framework in this contribution is on CSOs, and the positive and negative outcomes as a result of their partnership relationships with business. The framework captures the value created internally for a CSO and its employees, but also the value created externally, to benefit society. Socio-economic value can accrue at the organisational or meso level, benefiting partner organisations and individuals within those organisations. On the societal or macro level, benefits accrue to other organisations that are in close proximity to the central partner organisations (e.g. that have a partnership or a close working relationship), to individuals who benefit from the partnership (e.g. the target group relating to the social issue) and to society at large, referring to other organisations that benefit, due to impact achieved by the partnership. These latter beneficial outcomes are considered systemic level benefits.

*CSOs need to become more strategic in order to maximise the socio-economic partnership outcomes and minimise the pitfalls that are associated with partnerships.*

**Table 1: CSO partnership outcomes - internal value creation / destruction**

LEVELS OF OUTCOMES	PROS	CONS
CSOs organisational pros / cons  <b>Internal meso level</b>	Increased visibility, credibility; higher public awareness of the social issue; greater support for organisational mission; financial support received by the business (in cash or in kind) and additional support as a result of the partnership; increased volunteer capital; additional complementary and organisation-specific assets; improved partnership operations; organisational opportunities for learning; development of unique capabilities and knowledge creation; access to networks; greater technical expertise; increased potential to change behaviour; improved relations with profit sector; market intelligence; increased opportunities for innovation; process-based improvements; positive organisational change; shared project leadership; increased long term value potential; increased political power within civil society, profit sector and society.	Increased management costs; increased need for additional funds to leverage the collaboration; potential decrease in donations due to the high visibility of wealthy partners; increased need for resource allocation and skills in several departments; internal and external scepticism in case of controversial partner; decrease in volunteer and trustee support; reputational costs; decrease in employee productivity due to covert resistance; public criticism; decrease in support from other CSOs; media criticism; decreased credibility due to reputational issues or ability to manage successfully the collaboration and deliver outcomes; increased internal and external scepticism; increased costs due to unforeseen partner's exit; legitimising 'greenwashing'; increased risk of losing exclusivity of social innovation; potential increase in accountability issues.
CSO employees pros / cons  <b>Internal micro level</b>	New or strengthened managerial skills; leadership opportunities; technical and sector knowledge; broadened perspectives; individual emotional satisfaction, contributing to social betterment; developing new friendships with colleagues from the partner organisation.	Psychological pressure in case of perceived values mismatch between partner organisations; increased needs in skills; demotivation and confusion and diminishing trust in leadership due to perceived mismatches of missions, goals, strategies, value frames; feeling of selling out.

**Table 2: CSO partnership outcomes - external value creation / destruction**

LEVELS OF OUTCOMES	PROS	CONS
Pros / cons of other organisations  <b>External meso level</b>	Adoption of innovations that took place originally within the partnership and are spreading due to interactions with other partner organisations in close proximity. Improved partnership operations; benefiting from early adoption of new developments - new products, new markets, new processes, new insights.	Adoption costs (financial and non-financial) as early adopters.
Pros / cons of individuals  <b>External micro level</b>	Increased awareness of social issues promoted/tackled by social partnerships; enjoying improved business behaviour of consumers, employees, citizens as a result of the change delivered by CSO-business interactions.	No costs involved.
Systemic pros / cons  <b>External macro level</b>	Adoption of institutionalised innovations within sectors or industries; adoption of industry standards originally developed as a result of a partnerships. New ways of 'doing business' as a result of industry wide changes originating from a partnership (e.g. environmental standards, lending policies). Adopting new ways of contributing to the development of community infrastructure; improving work-related experiences for employees; contributing to the development of new societal structures and institutions as a result of a paradigm shift or new practices developed originally as a result of a partnership.	Some adoption costs (financial and non-financial), but much less than in the case of early adopters.

*Based on: Austin and Seitanidi's multilevel partnership outcomes framework (Austin and Seitanidi 2012b)*

Table 1 provides an overview of the types of value creation (pros) or value destruction (cons) that can occur as a result of a partnership for a CSO (internal meso level) and its employees (internal micro level), representing the internal value creation potential. The generic examples provided are not exhaustive, but are indicative of partnership case studies. Table 2 provides an overview of the types of value creation or destruction that can take place outside a partnership, focusing on other partner organisations or collaborators of a CSO (external meso level), individuals, including beneficiaries (external micro level) and systemic benefits or costs (external macro level), demonstrating the external value creation potential. As can be observed, a CSO-business partnership can potentially contribute significant benefits, extending the value proposition of a CSO by generating financial and non-financial resources. Similarly, a partnership may have many financial or non-financial costs, including reputational costs, depending on the perceptions of a business partner held within and outside a CSO. It is obvious that the closer organisations or individuals are to the partnership, the more the potential benefits they can enjoy, but also more of the potential costs.

Although most types of interactions benefit almost exclusively the direct participants, what is significant about what can be called true social partnerships (TSP) is their potential to externalise the benefit to those external to the partnership. The externalisation of socio-economic value or societal benefits (Austin and Seitanidi 2014; Seitanidi 2010; Austin 2000; Waddock 1988) is what defines a TSP from other forms of interactions: the external value created by the partners is significantly more than

the potential external costs. In other words, a CSO-business partnership has a high potential to benefit other organisations, individuals and society by internalising most of the relevant costs. Hence, social partnerships are seen as laboratories of change, and function as significant sources that can make a difference for society. The additional costs to partners can, however, be significant, in money but, more importantly, in time. A CSO has to invest significant time in order to leverage a partnership. Allocating partnership responsibilities to members of staff with appropriate skills, and developing internal structures that will facilitate a partnership's objectives and processes, are part of the partnership requirements for which a CSO should be prepared before signing a partnership memorandum of understanding.

## ACCOUNTABILITY IN PARTNERSHIPS

One of the central issues of CSO partnerships is balancing the internal and external accountability of CSOs. As partnerships are attempting to solve complex problems that the state or individual sectors are unable to solve or choose not to address, the politics of this process are significant for the new agendas that are being formed (Seitanidi 2010). CSOs need to ensure that the process of solving social problems with business partners is inclusive, and systematically involve internal and external stakeholders. The accountabilities of civil society are complex (Ebrahim 2003) and characterised by many authors as multiple (Mowjee 2001; Commins 1997; Edwards & Hulme 1995b). Hence, it is

*A partnership may have many financial or non-financial costs, including reputational costs, depending on the perceptions of a business partner held within and outside a CSO.*

*One of the central issues of CSO partnerships is balancing the internal and external accountability of CSOs.*

important that all partnership decisions strengthen, rather than weaken, the internal accountability of a CSO, by being aligned with the organisation's mission statement, and the expectations of trustees, volunteers, employees and members. Often CSOs forget to involve all their internal publics, due to a lack of resources and pressing time-frames. However, retaining internal trust is paramount in the delivery of a CSO's strategic objectives, while safeguarding legitimacy. The inherent flexibility in CSOs can also be an obstacle in the development of mechanisms for internal accountability. CSOs have an incentive to modify their own goals, rather than reject funding from a donor, sponsor or a partner when there is a disparity between the goals of a funder and a CSO (Ebrahim 2003). As a result, CSOs may encounter tensions between the different accountabilities to funders, communities and other stakeholder groups (Ebrahim 2003). Similarly, CSOs need to take a proactive approach towards their external accountability, involving their external stakeholders as much as possible in order to enhance public trust, which now seems ever more important, due to diminishing levels of trust.

Accountability demands greater transparency in the organisational processes of all sectors. As Bovens (2005: 183) contends, accountability "has become a rhetorical device; it serves as a synonym for many loosely defined political desiderata, such as transparency, equity, democracy, efficiency and integrity." The increasing number of corporate social reporting initiatives, and equally the sophistication of civil society reports, could lead to the assumption that organisations are more accountable today than ever before (Swift 2001). It appears, however, that the

ample provision of information to stakeholders has increased, rather than reduced, scepticism, associated with the critique that such over-demonstration of accountability is the result of managerial opportunism (Owen et al 2000). Achieving the balance between demonstrating and over-demonstrating accountability can be difficult, particularly for large CSOs that have available resources.

Accountability in CSO-business partnerships should be seen as an additional process, i.e. the development and nurturing of social relationships between a CSO and its internal and external stakeholders, to whom they proactively need to explain and justify their conduct for a partnership. CSOs should expect and welcome opportunities to be challenged by their stakeholders as a way of sharing the risks involved in a partnership. Institutionalising such processes of dialogue with all stakeholder groups can be formal or informal, depending on the resources available and the levels of risk involved (Austin and Seitanidi 2014; Seitanidi 2010; Seitanidi and Crane 2009). Formal risk assessment is, nevertheless, a best practice that allows for a systematic two way communication with key stakeholder groups, strengthening the civil society mandate for a CSO, which can in effect act as an important leverage in negotiations with a business partner. CSOs are embedded within communities, and have an obligation to keep those communities informed of their decisions, but this is also a significant source of strength that can be used for increasing a partnership's accountability and legitimacy, reducing the risk of potential costs. If this is the case, in negotiations between CSO and their partners, they are likely to feel more empowered, as they have a direct mandate to speak on behalf of their communities and

***CSOs should expect and welcome opportunities to be challenged by their stakeholders as a way of sharing the risks involved in a partnership.***

beneficiaries regarding a partnership's programmes and processes.

## CONCLUSION

Despite the central premise of social partnerships being the addressing of social issues (Waddock 1988), until now the starting point of collaboration has been “the need and the potential” for benefit (Wood & Gray 1991: 161) for the partners, rather than prioritising the benefit to society (Seitanidi 2010). Despite early calls for positive partnership outcomes to “encompass the social value generated by the collaboration” (Austin 2000: 77), partnerships do not necessarily achieve the desired outcomes at all times, as they require skills, time and long-term commitment from all involved parties, which can be challenging. Critics of partnerships (Reed and Reed 2009; Biermann, Chan, Mert & Pattberg 2007; Hartwich, Gonzalez & Vieira 2005) and partnership outcomes, although relatively scarce, have cautioned for attention to be paid to the motives, processes and delivery of outcomes (Austin 2010; Seitanidi 2010; Margolis & Walsh 2003; Brinkerhoff 2002; Austin 2000).

In order for CSOs to maximise their benefits and minimise the risks associated with partnerships, they need explicitly to prioritise the social good in their operations and communications, and become more strategic in their interactions with business, by strengthening their internal and external accountability, and developing appropriate processes, including institutionalising a formal risk assessment process, which will further assist in maintaining or

increasing their levels of public trust. Putting such processes in place can further empower CSOs, enabling them to increase significantly their financial demands from business for providing a critical connection with communities, which is currently undervalued. At the same time, CSOs need to invest significant time and resources in making sure they have appropriate skill sets in place for a new era of intense interactions.

The criticism of partnerships, the retreating levels of trust in CSOs and the increasing need for resources and effectiveness will signal another pendulum swing, which is likely to be associated with a paradigm shift in what constitutes collaboration value, so that all partners will explicitly prioritise the social good in their motivations, processes and outcomes.

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# HOW CAN WE HELP YOU?

—DARREN WALKER,  
PRESIDENT, FORD FOUNDATION

## THE VALUE OF CIVIL SOCIETY

During my very first days as President of the Ford Foundation, I participated in a roundtable on civil society with the President of the United States, Barack Obama. At that meeting, he said:

*“...human progress has always been propelled... by what happens in civil society - citizens coming together to insist that a better life is possible, pushing their leaders to protect the rights and dignities of all people.”*

I could not agree more.

Imagine what the world would be like without a strong, vibrant civil society. Imagine a South Africa still repressed under apartheid. Imagine a United States without civil rights - or voting rights - for women and African Americans. Imagine, instead all of the democratic movements mobilised, the civil society organisations (CSOs) opened, and the lives saved, these stymied, closed, and tragically lost.

Indeed, we find civil society at the root of any real, meaningful, and lasting movement towards social justice, anywhere and everywhere on Earth. This certainly has been true throughout our history at the Ford Foundation, where we have helped to seed and support an ‘alphabet soup’ of organisations: HRW (Human Rights Watch) and the ICTJ (International Center for Transitional Justice), the LRC (Legal Resources Centre) in South Africa, and the CBGA (Centre

for Budget and Governance Accountability) in India. The list goes on, and includes organisations that are delivering services and achieving impact every single day, in areas as diverse and indispensable as the arts, economic opportunity and education.

For this reason, civil society remains firmly fixed at the centre of how we see, seed and support social change. To us, nothing is more powerful than a movement of passionate and principled people, working towards a good that is greater than themselves.

From our perspective, the Ford Foundation's work has long been focused on galvanising social movements by investing in institutions, individuals and ideas. I think of these as our 'three I's'.

Throughout our history we have seen and supported the full range of approaches and shapes civil society can take, whether civil society's relationships with government and the private sector are collaborative or, sometimes, contentious. From the Children's Television Workshop that brought us Sesame Street, to Dr Martin Luther King Jr. leading marches in the street, to the deal that brought the city of Detroit back from fiscal bankruptcy, to the World Social Forum out in the streets around the globe, we have always seen these three I's as the path to progress. They all are interdependent and interrelated, of course. Investments in individuals and leadership translate into stronger institutions. Stronger institutions yield stronger ideas, and ultimately, greater impact. And in each of these three cases, civil society remains the strongest medium through which movements and solutions can be brought to address the largest challenges we face.

## CIVIL SOCIETY UNDER SIEGE

Yet, despite their central role - or because of it - many CSOs are beleaguered and besieged. At few moments since the movement to build CSOs began have these institutions been at greater risk, more vulnerable, and less resilient. How can this be, given the vital role of civil society? I believe there is a combination of reasons, both external and internal.

Externally, we know about the atrocities committed by authoritarian regimes, and how civil society has been repressed and restricted by those in power, and thus severely limited in their ability to operate and give voice. For years, troubling laws in Ethiopia have constrained the operation, and free association, of CSOs with foreign funding.<sup>1</sup> In January 2014, we watched as the Cambodian government banned all public assembly in the face of growing dissent.<sup>2</sup> Two months later, Human Rights Watch issued a report on rights violations in Venezuela, where protesters were beaten and shot.<sup>3</sup> In January 2015, the founder of the Bahrain Center for Human Rights, Nabeel Rajab, was arrested for criticising the government on Twitter.<sup>4</sup> These examples are only a few among many.

The fact is that around the world, activists feel the pressure from governments, who see CSOs as adversaries rather than allies. In countries where CSOs are viewed in this way, human rights abuses are on the rise. An increasing number of legal challenges and constrictive laws impede important work. We have

*The fact is that around the world, activists feel the pressure from governments, who see CSOs as adversaries rather than allies.*

witnessed cases of censorship and harassment on nearly every continent. We have seen persecution, even murder, of citizens working for dignity and justice.

Of course, external pressures are not limited to authoritarian, repressive regimes. There also has been uneven, tepid support for CSOs in some democracies, despite the fact that, according to the 2015 Edelman Trust Barometer, NGOs (as it categorises CSOs), remain the world's most trusted institutions. Given the expansion of electoral democracy around the world, the shrinking space for civil society in recent years seems as contradictory to those values as it is concerning.

ism,” but we need not be its captives. And borne from this issue is another: how we relate to one another. In 2014, CIVICUS published a powerful call to action, signed by many civil society leaders and supporters, subtitled ‘Building from below and beyond borders’.<sup>5</sup> This letter says it more potently than I ever could:

*“We are the poor cousins of the global jet set. We exist to challenge the status quo, but we trade in incremental change. Our actions are clearly not sufficient to address the mounting anger and demand for systemic political and economic transformation that we see in cities and communities around the world every day.”*

***Our sector's obsession with quantifiable impact, and frequently dogmatic adherence to discrete deliverables, undercuts the expansive purpose of CSOs, miniaturising them in their ambition.***

Moreover, even when CSOs have the freedom to operate, they face a range of challenges from within the ecosystem of funders and fellow institutions.

One such internal pressure comes from the current attachment to - and almost a worship of - market-based solutions that ask organisations to measure progress as if they were for-profit concerns. Granted, Henry Ford II called our foundation a “creature of capital-

This same letter goes on to state, loud and clear, that civil society's “primary accountability cannot be to donors.” And this is just one testament to a series of larger, interconnected issues.

To begin with, the entire development ecosystem has become distorted. For those CSOs that depend on big development agencies such as USAID (United States Agency for International Development) and DFID (the UK Department for International Development) to

keep their doors open, they often become bound to contracts, and burdened by checklists. In the name of accountability, these groups have to show bang for the buck - and units per dollar - even if that means spending valuable time on bureaucratic busywork, rather than doing their best work. Of course, we all want to get the most value out of our investments, but when it comes to measuring that value, and holding organisations accountable for it, we need to be more thoughtful and flexible. Right now, too many organisations are bean counting, rather than problem solving.

In short, development incentives do not reward the construction of adaptive organisations, but rather a set of donor-focused, piecemeal priorities. Sometimes, those priorities are myopic, if not downright perverse, diluting grassroots voices, artificially narrowing policy debates, or worse.

To borrow a phrase from our colleagues, we have encouraged this “trade in incremental change,” at the expense of challenging the status quo. Our sector’s obsession with quantifiable impact, and frequently dogmatic adherence to discrete deliverables, undercuts the expansive purpose of CSOs, miniaturising them in their ambition.

In other words, this system is rooted in transactional short termism - a tyranny of donors - that distorts and inhibits, rather than unleashes, the potential of civil society.

## THE TYRANNY OF DONORS

Of course, we foundations are far from innocent. Not only are we unwilling to take responsibility for this ecosystem - an ecosystem we helped create and degrade - but, more often than not, we also demand control. We want credit. We want to micromanage. Often, we seem not to trust the very organisations we support.

I know I am generalising. There are plenty of exceptions to this assessment, and certainly the Ford Foundation does not always set the best example. My point is that the larger donor culture we have collectively created speaks louder than the actions of any one funder.

Unfortunately, this culture is one in which civil society leaders too rarely have a voice in setting their own priorities, or even articulating the problem they aspire to solve. Little wonder that funders too often view themselves as patrons rather than partners.

All the while, we know that any enduring relationship, any successful partnership, requires trust. It means ceding some control, and listening to what the other side needs.

And in all candour, in some areas, there are too many CSOs pursuing the same funding. As funders, we have contributed to this phenomenon, and added to the asymmetry between the number of CSOs and the increasingly scarce available resources. The result is a marketplace where we are unable to prioritise effectively.

Simply put, we keep cutting the pie into smaller slices, and more organisations, often with overlapping interests, are left underfunded.

No doubt, for the sake of efficiency and efficacy, there are times when fewer, stronger institutions can make a more powerful impact. But from a foundation perspective, we are not yet comfortable saying to CSOs, “You should focus on a different part of the solution,” or, candidly, “This space is too crowded.”

In turn, we fund a group at a minimal amount because we do not want to tell the truth. Instead of doing no harm, or even being able to help, this means that we allow organisations to die undignified deaths, chasing project grants and grasping to whatever life support they can eke out.

At the same time, CSOs are not without their own vices. We certainly have seen a lack of coordination between organisations working in the same space, which results in unnecessary inefficiencies, and even redundancies. Despite having the best intentions, there are times when ego and defence of territory come into play, and organisations that are meant to improve the world act like the world revolves around them.

## THE GENERAL SUPPORT DROUGHT

All of this culminates in two interrelated crises for civil society: a lack of general support and an epidemic of short termism. I became acutely aware of this when an organisation that the Ford Foundation helped

launch, more than four decades ago, called to advise they were at risk of shutting down. I was stunned, not only because the organisation was once at the pinnacle of influence in policy circles, but also because it had some US\$2m in project-based funding in the bank. And yet, for all practical purposes, the organisation was broke, with substantial overhead and debt. This is not an uncommon situation. According to a recent article from the *Harvard Business Review*,<sup>6</sup> global CSOs spend more on accounting than comparable for-profit companies largely because:

*“Most global NGOs today struggle to master the complexities of managing efficient, integrated operations in large part due to restrictions placed on them by funders.”*

For all that project-based grants can accomplish, they cannot keep the lights on. They do not provide organisations with the flexibility to meet their needs and pursue their missions. They focus on a short term initiative, rather than long term institutional health. And this is why, going forward, as a general principle, the Ford Foundation is committed to increasing general support.

In my experience, we too often ask what CSOs can do on our behalf, and too little about what we can do on theirs. When I was a CSO leader myself, I rarely heard foundation programme officers begin a conversation with the words, “How can we help you create a stronger organisation?”

And yet this is precisely the question donors should be asking.

This report should be a clarion call to change how we do our work and where we begin to think about

***For all that project-based grants can accomplish, they cannot keep the lights on. They do not provide organisations with the flexibility to meet their needs and pursue their missions.***

***If we believe in the work that CSOs are doing - and we should - then we must help usher in a new era of capacity-building investment, for institutions, and the individuals who comprise them.***

solving these problems. And where we begin cannot be by telling you what we need you to do for us, but by asking what we can do for you.

## USHERING IN A NEW ERA OF INSTITUTION BUILDING

If we believe in the work that CSOs are doing - and we should - then we must help usher in a new era of capacity-building investment, for institutions, and the individuals who comprise them.

What civil society needs most, and now more than ever, are resilient, durable, fortified institutions that can take on inequality, fight poverty, advance justice and promote dignity and democracy.

Lest I be misunderstood, I want to affirm my belief that there always will be a need for project support. Project support is indispensable and essential, although I do not think the true overhead costs of most projects are covered by the inflexible overhead formulas of donors, but that is another conversation. However, if we are being honest, and if our objective is endowing excellent institutions with excellent leadership and infrastructure, then general support ought to be our more pressing concern.

I am not always keen to make analogies for the private sector, but this is certainly a place where philanthropy can learn from it. When venture capitalists invest, they invest in leaders and ideas, and they help those leaders realise their ideas by providing them with the

most flexible capital possible. In circumstances where organisations need more support, whether financial, technical, or in the form of a good old-fashioned introduction, venture capital investors do what they can to deliver. This focus on holistically developing organisations and their leaders is what we funders should emulate going forward.

## BUILDING THIS NEW ERA TOGETHER

In order to better resource civil society - and in order to be better resources for civil society - we all need to change our behaviours. Large development agencies need to rethink how they invest, and in whom they invest. Foundations and philanthropists need to rethink how we allocate resources. CSOs need to advocate for general support, and articulate why their organisation deserves that general support instead of project support. And, most importantly, we need to recommit ourselves to building organisations in a different, more durable way.

We know that fulfilling a contract deliverable is not the same as delivering social change. It, by definition, is too narrow, in both intention and output. We need to broaden our approach in order to foster an ecosystem that supports broad impact. This means that everyone needs to collaborate more - donors with donors, donors with grantees, and, importantly, grantees with donors.

So much of the first wave of this behaviour change falls on donors. It is easy to say we need to give more

general support. But we also need to be more trusting of the ecosystem, to get our individual houses in order and then act together. We need to recognise we are not the sole investor in the organisations we fund, and remember that their budgets reflect different sources of funding, and sometimes competing sets of priorities.

More than that, we need to shift the power dynamics of our relationship with CSOs, because our traditional ways of engaging no longer work. They lack authenticity and integrity, and, in some cases, basic respect.

We need to stop treating grantees and partners as contract workers and project managers. Instead, we need to restore balance and honesty to our interactions. We need to learn from one another, communicate and iterate often, and adapt to the changing needs of both parties as they arise. As donors, we must be frank in our observations. But, crucially, we also must listen better, so our partners do not feel timid when we need them to raise their voices and advocate for themselves.

And for civil society institutions, I hope you will put the general support question on the table, not just at the margins, but right at the centre. I hope that you will feel empowered to be loyal to your principles and your mission, and to engage with your donors based on the work

that you are doing, rather than the pressure you are currently feeling. At the same time, CSOs also need to take responsibility for coordinating, at times consolidating, and, as the open letter I referenced earlier put it, “insisting that the voices and actions of people are at the heart of our work.” This means periodically asking the hard questions, and giving honest answers: have we really fulfilled the need we set out to? Have we drifted from our mission? Have we collaborated as effectively as we might?

Together, we need to reset the system in which scrambling for new funding gets in the way of fighting for social change: in which development distracts from mission. This is no easy task.

At the end of the day, we all have to make some difficult choices. As ever, we stand ready to work with you, to listen to you, and to help you, not just for three to five years, but for the long haul. Typically, the problems CSOs are intended to solve are not short term problems. These are multigenerational bets. And as we know, from our history and our present, the best bets, and human progress itself, have always been propelled by a bold, vibrant and adaptive civil society.

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