

Defending, Protecting, Creating and Expanding Political Space

An Action Aid Position

[2016]

“If leaders do not listen to their people, they will hear from them - in the streets, the squares, or, as we see far too often, on the battlefield. There is a better way; more participation, more democracy, more engagement and openness. That means maximum space for civil society.”

Ban Ki-moon, UN Secretary-General

A. Summary

Civic and political space, including freedom of expression, association and peaceful assembly and the right to participate in public affairs is essential for citizens to make informed decisions about economic and social development and build democratic societies. Political space is central for people living in poverty to actively fulfil their rights and address their grievances. However, evidence from a survey commissioned in 2015 by ActionAid revealed that in 65% of ActionAid countries, states are thwarting space for citizens to engage with power, make choices, organize and demand accountability from government and corporations, and play a constructive and substantial role in the framing of just development outcomes.

An analysis by Civicus showed that in 2015, significant violations of civic space were recorded in over 100 countries, up from 96 in 2014. Essentially this means that about 86% of the world's population; or 6 out of 7 people, live in states where their basic rights to freedom of association, peaceful assembly and expression are being curtailed or denied. While varying in manifestation and severity, shrinking political and civic space is happening all over the world - in so-called democracies, outright dictatorships or hybrid regimes. In many countries vague provisions in laws are applied arbitrarily under the guise of public management, anti-money laundering, anti-terrorism, national security, public morals, protection of national sovereignty among others.

Shrinking space poses a great threat to the realization of ActionAid's mission critical objectives and requires a responsive strategy in order to defend and expand political space, and explore means for creating alternative space for citizens to engage their governments. This position paper is thus developed to guide ActionAid's response to shrinking political space; and safeguard our capacity together with our allies to fight for just development outcomes for citizens, especially those living in poverty and the vulnerable.

ActionAid believes that fundamentally the quest for civic and political space is primarily about people. Working with our partners and allies at local, national, regional and international level, we will defend and protect the right of people, especially those living in poverty to participate and shape decisions that affect them. Where existent, we shall defend, protect and expand civic space, where non-existent, we shall create and nurture so as to fully harness the power and potential of ordinary people.

This means in practice, ActionAid as a federation will:

1. Recognize shrinking political space as a threat to the realization of our mission and therefore commit to work on it as an issue regardless of whether we operate in 'mature' democracies, 'emerging' democracies, hybrid regimes or outright dictatorships. Every country is vulnerable!
2. Establish a quick response team and strategy to assist and stand with countries facing serious threats that are directly impacting our programmes or operations, or compromising staff security.
3. At country level, and within the context country risk registers, develop contingency plans to respond to the emerging threats, whether as individual countries or as a federation.
4. Show solidarity with civil society organisations and support human rights defenders and activists we work with who come under undue threat because of standing up for the rights of people living in poverty.
5. Continue to build and strengthen alliances with other organisations at national, regional and international levels to collectively challenge and push back against shrinking political space.
6. Engage critically and selectively with governments and donors, without ever ceding our right to disagree with and oppose them.

B. Relevant Principle (s)

At the heart of ActionAid's Human Rights Based Approach and theory of change is a belief that an end to poverty and injustice can be achieved through purposeful individual and collective action, led by the active agency of people living in poverty. We seek to serve as a catalyst, to transform the condition of people living in poverty by building the organisational capacity of people living in poverty or facing injustice to be deeply engaged in shaping their political destiny. Our work on shrinking political space will abide by the following human rights based principles:



C. Background

- **The root causes of the problem** - Shrinking political space is a historical reality, and an intentional process seeking to limit citizen capacity to shape political outcomes, as well as protecting unjust and unequal economic systems. It is a manifestation of a backlash against democracy and state capture by political and economic elites. In an apparent attempt to suppress the influence and impact of independent civil society groups, governments – often at the instigation of private corporations -- are imposing unwarranted legal restrictions on civil society, including laws criminalising access to foreign funding and unduly limiting the scope of their permissible activities. Civil society activists, journalists and human rights defenders are further facing escalating intimidation, harassment and reprisals, imprisonment and even death for undertaking legitimate civic activities. In 2015 alone, Civicus estimated that at least 156 human rights activists were murdered.
- **Policy implications of the problem** - While there is increased recognition of the negative effect of shrinking space, there is very limited response in practice among development actors at national, regional and global level of the impact of shrinking political space as a development contagion, including how this is likely to reverse the gains made in ensuring respect, protection and promotion of human rights as key tenets for responsive governance and inclusive development.
- **What are the current/proposed policy options and are they sufficient?** Thus far, global civil society and other global systems and structures (e.g. UN) which have the responsibility to hold governments to account on shrinking civic and political space have not been able to tackle the problem collectively, and have left the battle to civil society. Other than not tackling the issue, the only viable option is for CSOs to mobilise, advocate and act together to defend, protect, expand and create political space. We believe in the inherent power of people to use their freedoms to individually and collectively challenge, push back and even create new spaces of engagement to redress unequal power relations that perpetuate injustice.

- **Shrinking Political Space is an important issue** – it has major ramifications on the work of most development actors, particularly those seeking to deal with the structural causes of poverty and power relations. It is important to address this issue now because SPS is clearly linked to the aggressive corporate investments in developing countries. If not addressed, shrinking political space shall diminish human rights gains and threaten the realization of ActionAid’s mission in practice.

Our Understanding of Shrinking Political Space and Actions

Our understanding of shrinking political space is:

Shrinking political space occurs when those with power use it to inhibit, or restrict citizens’ rights to freely organize, associate, politically assemble, or express dissenting views through legal and extra-legal means.

This happens when states enact and or arbitrarily apply vague provision in laws, and regulations to harass, intimidate and curtail legitimate citizen actions and funding for organisations that are, or working with groups that are critical of, or opposed to government positions, policies and actions.

We support people’s active agency to participate and to protect, expand and enjoy their rights to civic space for just and equitable society. This requires us to be part of efforts, especially collective ones, aimed at:

- Promoting peoples’ actions to protect and expand existing spaces and create alternative ones for engagement with governments;
- Contributing to the development and implementation of progressive policies, legislations, and actions that promote political space at country, regional, and international levels;
- Strengthening our institutional capacity and that of our partners and allies to be accountable and to respond and engage in the discourse on shrinking political and civic space as part of a wider alliance. This includes building alliances in support of the struggles of people living in areas where political space is shrinking
- Showing solidarity and supporting human rights defenders, individually (where necessary) and collectively with other alliances and coalitions.

D. Policy Asks

What governments (north and south) need to do

- Respect citizens’ and civil society organizations’ freedom of association, freedom of expression, right to operate free from unwarranted state interference, right to communicate and cooperate, right to seek and secure funding, and the state’s duty to protect.
- Review legislation and practices that constrain civil society operations and make commitments to create and promote an ‘enabling environment’ for civil society, consistent with international rights laws/standards.
- Acknowledge publicly the important and legitimate role of civil society in the promotion of human rights, democracy and the rule of law.
- Appropriately support the rights of citizens in countries where basic rights are not respected.
- Refrain from adopting legislation that will directly or indirectly constrain civil society space in their countries or elsewhere, and withdraw any existing laws that do so.
- Make bilateral relationships and cooperation conditional to respect of human rights.

What intergovernmental, regional or global bodies should do

- Co-operate in creating more effective development policies that protect, promote and expand civic and political space.
- Incorporate standards that guarantee civic space in bilateral discussions and negotiations with governments where shrinking space is under threat.
- Collaborate in creating emergency mechanisms to address threats to human rights defenders and CSO.

What the private sector/corporations should do

- Recognize that a free and vibrant civil society is a fundamental building block of democratic societies and a means to safeguarding peace and stability, essential prerequisites for business.
- Be transparent and accountable to communities where they work and/or invest and strictly fulfill international best practice for responsible business.

What local, national, regional, and global civil society should do

- Establish a unifying and collective platform to respond to the threats facing civil society in the form of shrinking civic and political space.
- Campaign, lobby and advocate to raise awareness about the importance of ‘civic and political space’ and why it should be defended, created, expanded and be protected.
- Organize and take empowering action for communities to challenge and change power relations at every level and in every sphere, as well as promote and protect the rights of the poor and most vulnerable.
- Be accountable and trustworthy to the stakeholders (target groups, funders, volunteers and partners), and align more closely with people’s needs and their voices.

E. Challenges and Limitations

Challenges we could face in trying to advance this agenda include:

- Multiple voices and disjointed demands from and co-option of civil society locally and globally as the manifestation and effects of shrinking space affect civil society organizations differently. Inability to create a collective platform will undermine the potential for success.
- For ActionAid there could be additional reputational risks associated with our bold step in responding to this highly political undertaking and associated risks of being branded partisan or in violation of state laws.
- For ActionAid and partners there may be administrative backlash from the governments, including litigation, threats, harassment, intimidation; and even deregistration or arbitrary closure of operation.
- Deepening crises within civil society itself due to threats of corporate capture and internal democratic deficits and lack of accountability.
- Budgetary constraints may limit protracted and expensive litigation and push back activities requiring collective mobilization and counter-action by various constituencies.

Signed off by:

Date:

Ben Philips

Director
Policy Research, Advocacy and
Campaigns

Ojobo Atuluku

Platform Chair
Democratic Governance

Arthur Larok

Co-Chair
SPS Working Group