

Developing CSO Capacity in Closing Spaces

From Sustainability
to Survivability

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This paper was prepared by MSI staff to contribute to the discussion and understanding of the important development challenges facing policymakers and practitioners.

The dramatic rise in ‘closing space’ — legal restrictions and political pressure targeting civil society in many countries over the last few years — has sparked global condemnation and counter-initiatives by concerned governments, multi-lateral agencies and civil society associations.

Human rights groups, media and think tank scholars document emerging issues and report violations and threats at country, regional and global levels (see Carothers and Brechenmacher, Carnegie Institute 2014; Tomlinson, AidWatch Canada 2014; ongoing reporting by the ICNL NGO Law Monitor, Human Rights Watch, Freedom House and others).

One official response, the Stand with Civil Society commitment voiced by President Obama, most recently in April 2015 in Panama, outlines a strategy for the United States Government agencies working overseas, including the State Department and USAID, to provide protection and support for fundamental human rights and freedoms and the civil society actors who fight for them.

Most attention to date has focused on restrictive governmental policies, laws and enforcement, which regimes often justify as necessary for ensuring civil society accountability or for preventing terrorist activities. However, the varied and insidious consequences of these restrictions on citizens and civil society organizations (CSOs) writ large, especially over time, are less well understood — and therefore remain under-addressed by donors and INGOs, who themselves are often also under threat and at times expelled from working in these countries.

The purpose of this brief paper is to call attention to the severe consequences of these closing space trends on CSOs and to urge international development partners to adopt programming goals and strategies that not only combat closing space in the short-term, but preserve critical civil society capabilities to weather these dark periods and emerge more rapidly when environments shift and opportunities for public engagement arise. In particular, civil society organization capacity development approaches and tools need to shift their focus from organizational sustainability as a driving goal to that of survivability in an increasingly hostile environment.

The paper draws on recent involvement by the author and several colleagues with CSOs in closing spaces in a number of regions to suggest key perspectives and directions for reconsidering and redesigning civil society programs, particularly those related to CSO capacity development¹. The aim is not to lay out a comprehensive new approach, but rather to stimulate discussion on these issues and propose alternative directions for programming.

¹ The paper has benefitted from insightful comments on the 04/19 draft from Gwen Bevis, Kristie D. Evenson, Stevens Tucker, Lynn Carter, Susan Ward, Meg Kinghorn, and Suzanne Hinsz. Responsibility for the views expressed rests with the author.

Severe Consequences for CSOs and their Stakeholders

Observations from recent experiences with CSOs on the ground indicate that the costs to CSOs and their stakeholders are quite high. Individuals are imprisoned and may be tortured. Organizations are investigated and brought to their knees, even when no evidence of illegal behavior is found. Their funding is blocked. CSOs in closing spaces may be even more vulnerable than their counterparts in closed societies, since they have been operating openly and are more easily identified as direct targets of backlash by the regime.

Other effects of these restrictions and harassment are more indirect but also severe; they unfold over time as new policies are announced but not implemented, or as some civil society leaders and organizations are imprisoned but not others. The atmosphere for citizen engagement and civil society initiatives worsens as ambiguity, uncertainty and fear increase. International donors close their programs and leave the country, further drying up sources of support for civil society. These chilling effects extend beyond the human rights advocates and oppositional policy groups to all types of independent CSOs, which may be organizing advocacy on 'softer' issues like health or education or even just providing services to communities and vulnerable groups.

Debilitating effects on CSOs, their stakeholders, and the public include:

- Leadership vacuums when leaders are jailed, hobbling decision-making, increasing fear and reducing morale;
- Financial penalties, including increased fees for the right to operate programs, substantial fines if CSOs do not comply with new regulations, and blocked access to their own funds by banks and financial intermediaries;
- Staff leave for safer jobs or are let go when programs shrink due to closing space or lost resources;
- Office space is lost when rent cannot be paid, forcing moves into personal residences or sharing space with other CSOs;
- Advocacy campaigns, election monitoring, and other democratic governance activities are curtailed due to physical force by the regime or fear of it;

- Program clients, beneficiaries and communities lose valued services like legal protection, civic education or social accountability.
- Networking and alliance building among CSOs declines or halts when sensitive information from meetings gets back to the regime and trust declines, which further weakens CSOs' collective voice and influence.
- Reduction of public trust in civil society when regimes wage effective negative public relations campaigns against CSOs.
- Spill-over effects on independent, if less critical CSOs from the application of blanket regulations and policies meant for the political opposition and more activist CSOs, which can further erode potential for broad-based coalition building.
- Boomerang effects of increasingly rigid or harsh implementation of regulations or spurious investigations by government in reaction to foreign governments' criticism and sanctions.

Many CSOs in these environments — not only the human rights advocates or oppositional policy groups — face serious threats to their very survival. International development partners seeking to counter closing space trends need to broaden the scopes of their civil society program strategies. International support should be extended beyond only leading human rights and democratic governance CSOs to include broader groups of independent CSOs engaged in the public sphere that demonstrate social leadership and resilience. Similarly, short-term confrontational strategies with regimes should be complemented by approaches that preserve and strengthen the longer-term viability of CSOs and civil society as a whole, especially social leadership and organizing values, skills and capabilities. These civil society practices and capabilities, broadly distributed, enable citizens to 'keep their finger in the dike' during bleak times and re-emerge more quickly as opportunities arise to re-open space and operate openly.

Dominant approaches to CSO capacity development are based on a holistic notion of organizational sustainability, as embedded in the USAID Organizational Capacity Assessment (OCA) tool, among others. Areas for support often include technical capacity (such as advocacy, anti-corruption, or election monitoring), project management (including monitoring and evaluation and reporting), and the internal organizational systems and

external relationships that are seen as hallmarks of effective and sustainable CSOs. Yet these approaches have been designed for CSOs in more open and well-resourced enabling environments. They fail to fully consider the capabilities needed to address the more urgent issues for CSOs in these environments: being resilient and surviving day-to-day. Even if all external activity is blocked, CSOs must survive in order to seize opportunities to re-open space and re-engage in the public sphere. Technical, project management and organizational capacities are still relevant to CSOs, but both the content and methods for delivery need to be substantially reviewed and revised to address the immediate threats and opportunities in particular contexts for particular CSOs.

CSO Capacity to be Resilient and Survive

CSO capacity development programs need to reconsider the types of capacity needed to confront and survive particular closing space environments along with the methods through which capacity development assistance is provided. Lessons can be learned from surviving CSOs in countries where space has been restricted for longer periods. Key factors in the environment will shape very different approaches, including whether the legal/political climate still permits advocacy, coalition-building and independent media, whether donors are still operating in the country, and how easily foreigners of different nationalities can travel in and out.

In general, one of the most critical capacity areas is for CSOs to influence and adapt to the legal and regulatory environment. This area is already well covered by USAID and key partners like ICNL, Freedom House, and others (see USAID Stand with Civil Society: Best Practices 2014; USAID Legal Environment Enabling Project, LEEP; ICNL resources).

More attention is needed to re-envisioning areas including organizational leadership, external linkages, technical program capabilities, and organizational systems. The following list is illustrative, rather than exhaustive, and can be used by CSOs, donors, and intermediary capacity development providers to provoke thinking about specific organizations' capacities rather than as a checklist for every case. As with all capacity development, the ultimate responsibility for ownership of

assessment and development of capacity lies with CSOs rather than donors or intermediaries.

Leadership

1. **Lead and strategize.** Adapt and revise strategy and activities, considering the organization's identity, vision and mission. Develop strategic thinking and alternatives rather than longer term strategic plans.
2. **Prioritize for retaining in case of retrenchment:** key stakeholders, core activities, resources, staff, and assets. Identify alternative funding sources, staffing levels, physical location, legal identity, etc. Creative responses include transferring services to an alternative legal identity such as a consulting firm to get around regulations targeting CSOs, merging CSOs for greater security, and other alternatives.
3. **Communicate to empower and encourage.** Track and interpret legal and political events/threats facing staff, volunteers, and participants. Articulate the organization's vision; remind staff and stakeholders how it has weathered previous crises or similar events in the past, and identify other strengths to maintain for when space re-opens.
4. **Identify and strengthen links to sources of support,** internally (other affected groups, champions within the government who are sympathetic, etc.) and externally (international groups, internet communication, etc.).
5. **Develop second-level leadership.** Identify mid-level staff to run the organization if leaders are detained. Develop alternative leadership plans and develop key leadership skills like decision-making, negotiation and communication. More collective leadership and network forms of organization may be useful.

External linkages and civil society infrastructure²

1. **Maintain/expand informal information networks** to keep abreast of violations, threats, new laws and regulations, and how they are being enforced.

² External linkages are extremely sensitive to the specific opportunities and threats in any given context. Note that developing many of these ways to conceptualize, strengthen and measure the capacity to engage with the external environment are consistent with emerging approaches to CSO capacity development by the USAID Local Solutions team and its network.

2. **Access and use new information to improve ability to comply with new regulations**, avoid sanctions and fines.
3. **Ensure secure encryption** and consider expanding use of internet to increase outreach, reduce dangerous exposure, etc. Remain aware that the encryption can be breached and a higher level of security and confidentiality is always necessary. Continually assess and respond to government capacity to penetrate protected communications.
4. **Access existing (trusted) resource groups and intermediary support organizations (ISOs)** which may be well-positioned to monitor the situation, share information, provide safe harbors, etc.
5. **Consider how regional CSOs and networks** could provide support or serve as intermediaries.
6. **Develop communication strategies to counter defamation and build trust with citizens**; emphasize contributions to the public good.

Organizational Governance, Systems and Culture

1. **Reconsider and strengthen CSO accountability.** There may well be dilemmas and trade-offs faced, especially when this is an issue of contention with the regime. Work within the legal and regulatory environment without risking the safety of staff and participants.
2. **Develop protocols for security of information, staff and participants** in activities, if still engaged. Ensure that technology for information security is up to date. Recognize that a security-mindset and associated practices is the 'new normal' and everyone must adopt it, even as technology changes and gaps may still occur.
3. **Identify minimal 'skeleton' systems** for making decisions, managing activities, people and finances to keep the organization functioning — and flexible.
4. **Use the 'down time' (blocked external activities)** to develop internal systems that may have been previously 'on the back burner'.
5. **Value the culture and practice of continuous adaptation**

and learning for resilience and survival.

Experienced CSOs and practitioners may well suggest other capabilities and priorities for supporting CSOs' survivability and effectiveness in closing space contexts. The list above is based on experience and expertise, yet is intended to be illustrative rather than comprehensive, so as to 'open the box' for new ideas and directions.

Re-thinking Capacity Development Methods and Relationships

Just as the 'what' of CSO capacity development needs to be re-thought for closing spaces, so does the 'how' of providing capacity development services. In general, methods need to be more consultative, flexible, security-aware, and tailored to the situation of each CSO or groups of similar CSOs. Standardized tools and approaches shaped for typical bureaucratic donor delivery requirements must be modified if used at all. Best practice methods of on-line training, such as live facilitation and translation of content to the local language and context, should be used to the extent possible.

Creative methods of providing funding are needed. If donors cannot make grants directly, in-country donors and resource partners may directly pay for local services like training and consulting. Very often, third-country CSOs from the same region are well positioned to provide training, mentoring, and consulting, either by traveling to the more restricted country or by offering workshops in their own country for participants from a more restricted country. Some donors provide funds to individual leaders rather than organizations, and others send cash to CSOs by various channels, depending on the context. Donors, of course, must work within their own legal requirements, so those committed to working with CSOs in these environments should explore developing new mechanisms with their legal and contracts offices.

It is absolutely vital for donors and implementing partner staff to step out of their usual funder or partner roles and develop relationships with civil society champions in the government and elites (if any) and with a variety of CSOs, for whom these relationships provide intangible but valuable support. In these contexts, sharing information and maintaining linkages often become as important — if not more important — than funding.

A final important, if more mundane consideration is the need for redesigning project management tools (e.g. workplans, M&E and reporting) for each context. Donors and implementing partners must consider the most practical time periods for planning and reporting, secure ways of managing information,

including alternatives such as oral reporting, more use of photographs to demonstrate results, and other options besides written reports. Accountability principles should be maintained even as the practices are adapted to specific realities.

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