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# IDS WORKING PAPER

Volume **2018** No **515**

## **What Does Closing Civic Space Mean for Development? A Literature Review and Proposed Conceptual Framework**

Naomi Hossain, Nalini Khurana, Shandana Mohmand, Sohela Nazneen, Marjoke Oosterom, Tony Roberts, Ricardo Santos, Alex Shankland and Patrick Schröder

July 2018



**actalliance**



The literature review undertaken for this paper was funded under two separate commissions, for the ACT Alliance and for UK Aid from the UK government.

The paper is published in association with the Action for Empowerment and Accountability Research Programme (A4EA). A4EA focuses on fragile, conflict and violence affected settings to ask how social and political action for empowerment and accountability emerges in these contexts, what pathways it takes, and what impacts it has.

A4EA is implemented by a consortium consisting of: the Institute of Development Studies (IDS), the Accountability Research Center (ARC), the Collective for Social Science Research (CSSR), the Institute of Development and Economic Alternatives (IDEAS), Itad, Oxfam GB, and the Partnership for African Social and Governance Research (PASGR). Research focuses on five countries: Egypt, Mozambique, Myanmar, Nigeria, and Pakistan. A4EA is funded by UK aid from the UK government.

The views expressed in this publication do not necessarily reflect the official policies of our funders.

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IDS Working Paper 515  
© Institute of Development Studies 2018  
ISSN: 2040-0209 ISBN: 978-1-78118-463-9  
A catalogue record for this publication is available from the British Library.



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## Summary

What does closing civic space mean for development? Aid donors are concerned about the implications of restrictions on civil society for their partners and programmes, but to date there has been little clarity about what this means for development. This paper summarises the findings of a literature review in support of research on this issue. It concludes that: (a) civic space has changed more than shrunk, although new restrictions affect aid-supported groups disproportionately; (b) new regulations are not all unwelcome, but nonetheless shift power from civic to political actors; (c) how that power shift shapes development outcomes depends on how political elites deploy that power, and in whose interests; (d) while there are instances where civil society has been curtailed to advance 'developmentalist' agendas, it more often enables land and natural resource grabbing, or the abuse of labour or other rights of marginalised and disempowered groups; (e) while short-term economic growth is unlikely to be adversely affected, economic crises are more likely in settings where civic space is closed, and it is highly improbable that development has any chance of producing equitable, sustainable, or inclusive outcomes under conditions where civic space is restricted or closing.

**Keywords:** civil society; closing civic space; democracy; human rights; NGOs; political economy of development.

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# Acknowledgements

The authors are grateful for discussions of these issues with Thomas Carothers, Kendra Dupuy, Lise Rakner, and Sam Hickey, and for detailed feedback from John Gaventa, Una Hombrecher, Peter Houtzager, Christine Meissler, and Carol Rask. All errors of fact and interpretation remain those of the authors alone.

## Acronyms

BRICS	Brazil, Russia, India, China and South Africa
CIDSE	Coopération Internationale pour le Développement et la Solidarité
CSIS	Center for Strategic and International Studies
CSOs	Civil Society Organisations
CSR	Corporate Social Responsibility
ESID	Effective States and Inclusive Development Programme
FDI	Foreign Direct Investment
HLPE	High-Level Panel of Eminent Persons
ICNL	International Center for Not-for-Profit Law
INGOs	International Non-Governmental Organisations
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MDGs	Millennium Development Goals
NGOs	Non-Governmental Organisations
ODA	Official Development Assistance
OHCHR	Office of the United Nations High Commissioner for Human Rights
RPF	Rwandan Patriotic Front
SDGs	Sustainable Development Goals

# Executive summary

This paper summarises the findings of a review of the literature relevant to assessing the implications of shrinking civic space for development. A wave of closures of civic space has occurred around the world, notably in the last decade, but not all civil society actors are equally affected: the objects of new restrictions are typically groups and organisations from a liberal and human rights tradition, often aid-funded and with strong transnational links, as well as their allies in social movements, the media and academia. Developing countries may have long established traditions of civil society, but formal organisations in the specifically liberal tradition proliferated after the end of the Cold War, with aid financing increasing rapidly during the 1990s and 2000s, particularly to service-providing actors. The recent (gathering pace in the past five years, but in fact dating back to the War on Terror) wave of restrictions on civic space must be situated in the similarly relatively recent growth of such organisations in most developing countries.

Not all new regulations on civil society are unwelcome, even by civil society actors; without effective regulation, the rapid earlier expansion enabled inefficiencies and abuses. In principle, new regulations purport to strengthen the governance and accountability of civil society, and to assert national sovereignty over the development process. In practice, however, efforts to regulate civic space are often a heavy-handed mixture of stigmatisation and delegitimisation, selective application of rules and restrictions, and violence and impunity for violence against civic actors and groups, motivated by the concentration or consolidation of political power.

Civic space may be conceptualised not as closing or shrinking overall, but as changing, in terms of who participates and on what terms. The rapid growth of the digital public sphere has dramatically reshaped the civic space for all actors, while right wing, extremist, and neo-traditionalist groups and urban protest movements have occupied demonstrably more of the civic space in the past decade. That civic space may be seen as changing rather than shrinking also fits with the observation that many civil society actors report being pushed or pulled into closer relationships with political elites or the state, in order to continue to operate.

How might efforts to restrict particular types of civil society actors within the changing civic space impact on development? There is no easy or single answer. Much depends upon how the political power these restrictions seek to concentrate or consolidate is deployed in, or against, the pursuit of developmental goals, as well as on how those goals are set. Closures of democratic and human rights-based civic space will mean countries fail on the SDG 16 indicators of 'peace, justice, and strong institutions'. Yet what we know of the impacts of civil society on development in the past suggests that 'core' human development indicators are highly likely to be affected, as civic actors have influenced policies and practice on poverty, hunger, gender equality, livelihoods, health and education, across a wide range of contexts, but in particular for marginalised and disempowered groups. Broadly defined, civil society has strengthened the accountability of the development process, in documented instances contributing to fairer or better laws or public services, control of corruption, and acting as a check or spur on fiscal and macroeconomic policy.

Yet while in many developing countries, civic and political rights have been exercised to support the realisation of basic human needs, some countries noted for their high growth and rapid human development appear to have achieved such gains without the benefits of generous civic space. At the same time, countries with well-established civil society institutions and formally democratic public space are frequently unable to overcome powerful opposition to distributive policies through open or democratic processes. These paradoxes draw attention to the conditions under which civil society contributes to inclusive



development processes. These are present when actors have the capacity to represent the concerns of the marginalised and disempowered, with both the space to articulate those concerns independently, and the traction with political elites to elicit a policy response through meaningful engagement. It helps to understand civil society not only as groups advocating from beyond the boundaries of organised politics, but also as a site of contention, of constant struggle over the interests of state, society, and the market, spilling over at times into political and economic concerns. It is not only the independence of civil society, but the nature of its 'fit' with the state, that best explains the politics of inclusive development.

That efforts to restrict civic space seek to curb this contention, typically to clear a path for state or political projects or for business deals, is clear. Some of the most violent and sustained recent attacks on civil society actors have clustered around potentially lucrative land and natural resource deals, and around labour rights, particularly in export sectors; indigenous people's and human rights groups, peasant and labour organisations have struggled against deals deemed harmful to society or the environment. These efforts to restrict civil society actors are self-evidently efforts by state and political actors to concentrate and consolidate their own power, sometimes in alliance with powerful business actors. An assertion of sovereignty and nationalist or traditional values tends to accompany and inform these moves, alongside concerted ideological efforts to discredit or delegitimise specific actors.

Recognising that closures of civic space are part of wider power struggles draws attention to how the distribution and balance of political power – or political settlement - shapes the inclusiveness of development in any particular country. Political settlements shape development through the stability of institutional arrangements, which establish the political space in which ruling elites can pursue politically unpopular or difficult policies. Whether elites do so for predatory or developmental purposes in turn depends on the nature of ruling coalitions, which shape commitment and capacity to deliver inclusive development, and the incentives for redistributive policies and programmes.

With these understandings of the relationship between civic space and development in mind, the conceptual part of the paper sets out some preliminary propositions about how closing civic space is likely to play out in particular political economic and development settings. It distinguishes between those in which political power is exercised by more and less dominant actors, and between policy regimes that range between predatory or extractive on the one hand, and 'developmental' or broadly inclusive, on the other. It also highlights policy domains in which closing civic space is most likely to be affected in different settings, to help develop a methodological approach to empirical analysis.

The paper concludes by briefly summarising some of the findings from further country-level analysis which attempted to test and refine these propositions, and suggesting areas for further research. These include the significance of the growing role of China as a development partner in the normative and policy environment, and the associated implications for the role of Western aid in more liberal democratic traditions. It is clear that civic space is under pressure not only in authoritarian regimes, but in settings where significant power shifts are underway, both to and from more dominant arrangements of power. In countries where dominant political authorities are predatory in nature, humanitarian and economic crises are among the most important developmental impacts of restricted civic space, and human rights activists are under particular pressure. Countries with established civic and political institutions or where democratisation is underway indicate a tendency to draw civil society actors closer into the fold of political power, ensuring progressive actors more traction, but leading also to an at times suffocatingly close relationship with the state or political actors that prevents independent critique or dissent. Even established democracies can see civic space squeezed by powerful alliances between political and economic actors, particularly in the case of land and natural resource deals.

In so-called 'developmental' states, closing civic space is particularly likely to impact on aid dependent low-income countries through a loss of aid funding to NGO service providers. The 'watchdog' role of civil society in such contexts remains important however, particularly in relation to the credibility of official development performance data, which is an important source of legitimacy for political elites in such contexts.

# 1 Introduction

This paper reviews the literature on the relationship between civic space and development, with the specific aim of identifying mechanisms through which restrictions on civil society may impact on the development process in particular country contexts. The review was undertaken in support of a larger effort to assess and respond to those impacts in support of the goals of sustainable, equitable and inclusive development. It aims to provide foundations for a robust conceptual framework and empirical analysis of the relationship between civic space and development, and specifically to help identify the risks narrowing space for civil society actors may entail for the achievement of the Sustainable Development Goals (SDGs) in particular social and political settings, and strategies for addressing those.

There has been much recent discussion about how, in the past 10 to 20 years, governments across the world have introduced policies, laws and more informal practices restricting the scope of activity of civil society, including the media and human rights defenders as well as NGOs and social movements such as land rights defenders, women's and peasant movements, labour organisations, and environmental activists, and in particular actors and organisations receiving foreign funding. Strategies have included legal, political, administrative, as well as extra-legal strategies such as violence and threats, and domination of public space to de-legitimate and stigmatise civil society actors for a range of reasons (Carothers and Brechenmacher 2014; Dupuy, Ron, and Prakash 2016; Howell and Lind 2010; Hayman *et al.* 2014; Rutzen 2015; KIOS Foundation 2015; ICNL 2016a). These efforts plainly aim to preserve, consolidate or increase the power of state or political society (Mendelson 2015b; Hayman 2016; Poppe and Wolff 2017), pushing back against a real or perceived expansion of civil society power (Mathews 1997). Violent and ideological attacks on civil society actors have become more common, sometimes with impunity and/or official protection (CIVICUS 2015, 2016b, 2016a). These efforts at closure have affected many forms of civil society, including democracy promotion, human rights defenders, national and international non-governmental organisations (NGOs) and civil society organisations (CSOs), social movements and mass protests, organised labour, professional groups such as lawyers and academics, as well as social and mass media.

Civic space closures directly reflect weakening protections of civil and political rights, and so are likely to shape broader processes of sustainable economic, social and human development. The 2030 Sustainable Development Agenda Resolution adopted by the UN General Assembly in 2015 notes the role of civil society in establishing priorities and goals: a partnership 'will facilitate an intensive global engagement in support of implementation of all the Goals and targets, bringing together Governments, the private sector, civil society, the United Nations system and other actors and mobilizing all available resources' (UN 2015: 10). Aid coordination mechanisms, including the High-Level Forum on Aid Effectiveness in Busan (ACT Alliance and CIDSE 2014) and the report by the High-Level Panel of Eminent Persons on the post-2015 sustainable development agenda similarly note a prominent role for civil society in the achievements of the MDGs, and for deliberating over, delivering, and monitoring the SDGs (HLPE 2013).

More recently, the 2017 High-Level Meeting of the Partnership for Effective Development Co-operation concluded that effective monitoring of development progress depended on increasing 'the number and quality of partnerships with businesses, civil society, philanthropies, parliaments, subnational governments and trade unions to achieve development goals', as well as establishing 'inclusive mechanisms for dialogue and engagement with civil society organisations, with clear goals, mandates and expected results'. The Forum concluded that governments should 'improve the policy, legal and regulatory environment so civil society and business can maximize their contribution to development', while development partners should support the capacity of governments to

establish and carry out multi-stakeholder partnerships (Global Partnership for Effective Development Co-operation 2017: 37). With such hopes for civil society, it is important that it is able to flourish, yet the evidence seems to indicate that its space for doing so is increasingly being restricted.

Efforts are increasingly being made to improve the monitoring of civic space, and to make sense of its effects. The CIVICUS Monitor tracking changes in civic space focuses on freedoms of expression, association and peaceful assembly (CIVICUS 2016a). These are included among the targets for SDG 16, which aims to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'. Targets 16.7 ('ensure responsive, inclusive, participatory and representative decision-making at all levels') and 16.10 ('ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements') are useful targets of civic space that imply an active role for different actors within civil society. The adoption of the SDG16 goal was contentious, and several countries were resistant to the imposition of liberal democracy goals within the SDG framework; it may therefore not be a strategic focus of attention with respect to analysing and reporting on the implications of shrinking civic space for development. In addition, some observers consider the indicators and targets themselves to be weak and difficult to monitor. However, supplemental indicators for SDG 16 have been developed in ways that draw closer attention to particular groups whom civic space constrictions may put at greatest risk of being left behind by development. These include urban youth, women's rights groups, indigenous and minority groups, social movements and land and labour rights movements (Nygård 2017).

Even if SDG 16 is contentious, it is widely acknowledged that civic space, or 'the freedom and means to speak, access information, associate, organise, and participate in public decision-making - is essential to the healthy functioning and development of any society', and 'an essential precondition for human rights, social justice and accountable governance' (Malena 2015: 11). The UN Special Rapporteur on the rights to freedom of peaceful assembly and association underlined that these were not indivisible from other human rights, but 'fundamental rights that form the basis of the full enjoyment of other rights, as they enable the exercise of a number of civil, political, economic, cultural and social rights' (OHCHR 2017a: 5). In practice, constrictions on civic space and its defenders' sphere of action are widely expected to have impacts on poverty reduction, inequality, human security and basic protections, as well as on marginalisation and conflict; by contrast, more open societies tend to be safer, more inclusive, and more peaceful in how they resolve conflicts and distribute resources (Malena 2015).

An important counter-point to the presumption that civic space constrictions impact adversely on development are arguments about the relationship between state capacity, the concentration of political power, and development outcomes, particularly the achievement of broad-based economic growth and social provisioning (human development and social protection). These point to evidence of development achievements in highly closed states, in particular, in recent years, Ethiopia and Rwanda, but also of course to the best example of growth and economic development without democracy, China. One argument is that shrinking civic space may not in and of itself be adverse for development, particularly where state capacity and authority are weak or fragmented and growth is slow and uneven. 'Developmental states', states which drive through structural transformations that engender growth and human development have historically emerged in settings where dominant parties controlled power, often political systems in which civil society was comparatively weak (White 1994).

Silencing critics and repressing dissent can in theory afford ruling elites the long-time horizons to introduce unpopular policies that may enable rapid economic and social

transformations that may otherwise be politically difficult to introduce. In practice, however, regimes where political power is highly centralised can be predatory as well as 'developmental'. Even under otherwise 'developmental state' systems, marginalised and excluded groups are likely to suffer from a lack of representation from civil society or competitive politics; economic investments may be undertaken without consideration of indigenous and other land and resource rights; and grand corruption is likely to thrive under conditions of secrecy and a cowed press or anti-corruption campaigners. Economic 'take-off' has not been associated with good governance in all instances, but the evidence is clear that sustaining growth over time depends on the establishment of laws and regulations, and on pathways to inclusive or shared development (Hickey, Sen and Bukenya 2015). These may require a more competitive polity and policy process, involving civil society actors among others. An effort to unpack the impacts on development of shrinking civil society space must thus pay close attention to the meaning and quality (inclusiveness, equality, sustainability) of 'development', rather than assuming economic growth is a sufficient proxy. This is particularly important if we are to make sense of potential impacts on the SDGs, with their strong emphasis on equality, inclusion, and human development, and on leaving no one behind.

To explore these issues in a systematic way, literature was gathered and reviewed from across a range of types of organisation and source, including over 1,000 items from journal articles, book chapters, official, aid and multilateral agency and civil society reports, and newspaper and other media articles. Literatures reviewed included the following:

- recent studies and reports on the phenomenon of closing civic space, chiefly by international thinktanks and watchdog groups such as Freedom House or CIVICUS;
- scholarly and organisational literature on the contributions of civil society to development;
- scholarly literature on the relationship between political settlements, the nature and evolution of civil society, and development outcomes in selected countries;
- official reports and data and analysis of development progress;
- media coverage of recent events such as political leaders being jailed or ousted, etc. or new regulations on NGO or civil society action.

The literature review informed methodological considerations in the design of country case studies through which the authors have explored the implications of closing civic space for development in different settings in greater detail. The findings of those case studies will be published separately in this IDS Working Paper series, as will a separate methodological reflection on the challenges of assessing and measuring the impacts of closing civic space on development outcomes.

The present paper is organised as follows. Section 2 reviews literature on the scale, nature and causes of shrinking civic space. Section 3 reviews relevant conceptual and theoretical debates on civil society and the politics of inclusive development. Section 4 draws on desk-based studies of 13 countries to explore propositions about the mechanisms through which civic space closures may impact on development within particular country contexts. Section 5 concludes, with a discussion of the methodological challenges of empirical research on the impacts of closing civic space on development.

## 2 The nature and form of closing civic space in the early twenty-first century

### 2.1 A global trend of closing civic space?

After the end of the Cold War, there were two decades in which civil society organisations emerged and grew around the world. Since then, the space in which parts of civil society is able to operate without fear of incurring official disapproval, hostility, violence, abuse, or of breaking laws or regulations, has been shrinking across the world, in particular in the last few years (Carothers and Brechenmacher 2014; Mendelson 2015b; ICNL 2016b). Civil society monitoring identified over 100 countries in which civic freedoms were curtailed in 2016; 3.2 billion people are now estimated to live in countries where civic space is closed or controlled (CIVICUS 2016b, 2016a). An initial wave came in the early 2000s, when the so-called ‘War on Terror’ curbed the expansionary trend of the 1990s, introducing restrictions on financing to civil society organisations and on other civic and political freedoms, in both developed and developing countries (Howell and Lind 2010; Howell *et al.* 2008; Lind and Howell 2010; Bloodgood and Tremblay-Boire 2011; Hayes 2013, 2012). A second wave followed the expansion of the global public space with the internet, with the Wikileaks phenomenon inducing political crises and sharp reactions by powerful and other states. The rise of the so-called ‘Islamic State’ prompted a further round of restrictions on freedom of speech and association, in particular in Europe and the United States, and of abrogations of international human rights standards regarding refugees and displaced persons.

Discussion of the wave of closing civic (or civil society) space<sup>1</sup> has to date been concentrated among activists, thinktanks, policy research groups and networks from within civil society, and discussions generally take place within an international human rights framework. These are often led by groups with international presence and stature, such as the international civil society alliance [CIVICUS](#), the [International Center for Not-for-Profit Law](#), [Carnegie Endowment for International Peace](#), or the [Center for Strategic and International Studies](#) (CSIS). The scope for assessing or measuring changes in civic space has been explored (Biekart 2008; Malena 2015), and tracking initiatives established. The CIVICUS monitoring ratings combine real-time qualitative and quantitative indicators to categorise countries as having open, narrowed, obstructed, repressed, or closed civic space.<sup>2</sup> The most recent Monitor detected a worsening trend, including in Europe (Gaebee 2017).

A body of organisational reports in the past half-decade has identified the closure of civic space as a concern for global public policy. In his final report, the former United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, set out the problem as one of powerful actors destroying socially-necessary institutions for easy short-term wins:

The trend of shrinking civic space – laws and practices that restrict civil society’s ability to operate – is threatening to take the air from civil society’s lungs. This is unfortunate because it is both self-destructive and short-sighted, even for those orchestrating the closure. Repression today may help a government silence a critic tomorrow, or boost a

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<sup>1</sup> This paper uses ‘civic space’ and ‘civil society space’ interchangeably. However, it makes it clear that it takes a broad view of actors within the civic space, recognising that many are unlike the customarily liberal, human rights-based model of civil society promoted by international aid.

<sup>2</sup> For more information, see <https://monitor.civicus.org/> (accessed 17 October 2017).

business' profits the next day. But at what cost next month, next year and for the next generation?  
(Kiai 2017a: 21)

Kiai's successor, Annalisa Ciampi, noted in her 2017 vision statement:

the voices of civil society have been restricted or silenced, if not eliminated, in every region across the globe. Mass surveillance, obstructive regulation of democratic space, including online, overly restrictive legislation to regulate association and limit the exercise of fundamental public freedoms, with frequent use of counter-terrorism legislation to curtail dissenting voices, and harassment of and violence against human rights defenders and ordinary people who exercise their right to express opinions in peaceful protests are all too common.  
(OHCHR 2017a: 6)

Also in 2017, the Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst, reported to the UN General Assembly that he was 'more appalled than ever to see attacks against them multiplying everywhere, assailing bloggers, indigenous peoples, journalists, community leaders, whistle-blowers and community volunteers', and that he had 'become convinced that the incidents in question are not isolated acts but concerted attacks against those who try to embody the ideal of the Universal Declaration of Human Rights in a world free from fear and want' (OHCHR 2017b: 3). The Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression noted that in 2017, the 'crisis for freedom of expression has deepened worldwide' (OHCHR 2017c).

Recent reports highlight the challenge of responding to shrinking civic space, including strategies for civil society actors and for donors (Carothers 2015; USIP 2017a; ICNL 2016b; ACT Alliance/CIDSE *et al.* 2015; Ariadne no date). A prominent series of blogs in the '[Shrinking Space for Civil Society](#)' collection for Open Democracy explored the implications of efforts to police cyberspace (Hellema 2017; see also Deibert 2015); the challenge for donors and governments in protecting civic space (Kiai 2017b); the impacts of the securitisation of civic space on public safety (Dobichina and Joshi 2016); and the importance of 'citizen solidarity and the resilient rule of law' in defending civic space (Brysk 2017).

Overall, however, it is less the size or freedom than the shape and nature of participation in civic space which has changed in recent years.<sup>3</sup> The space for formal civil society organisations, in particular human rights defenders, social movements and struggles of marginalised and disempowered groups such as women, racialised or ethnic minorities, and indigenous populations, NGOs, and the independent media, has been restricted in recent years. At the same time, civic space has arguably widened for some groups, including conservatives and the far right in Europe, North and South America, and Asia. A wave of spontaneous protests over austerity, economic crisis, corruption and authoritarianism has also occupied part of the civic space in the past decade, and the expansion of virtual or digital public space is also a feature of the recent past. Civic space is changing, even while it is closing for democratic and human rights-based groups.

## 2.2 Instruments of shrinking space

Means adopted to close or restrict civic space range from interventions using the formal legal system through to the use of violence and intimidation with impunity by non-state actors. Van der Borgh and Terwindt identify the following as actions and policies that are variously used to restrict NGO operational space: i) physical harassment and intimidation, including threats, injuries and killings, impunity and lack of protection; ii) criminalisation:

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<sup>3</sup> Many thanks to Peter Houtzager for this point.

prosecution and investigation, preventative measures such as terrorism lists and terrorism taskforces, investigation and prosecution for punitive purposes; iii) administrative restrictions such as restrictive bills on NGO registration and operation, and ad hoc measures by different governments; iv) stigmatisation and negative labelling, including criminal and social stigmatisation of specific actors; and v) 'space under pressure', including through co-optation and the closure of newly created space (Van der Borgh and Terwindt 2012; see also ACT Alliance 2011). Looking specifically at the legal and policy frameworks involved in recent civic space closures, the International Center for Non-profit Law (ICNL) identified the following common elements: the proposal and adoption of restrictive CSO laws and of anti-protest laws; the closure, de-registration and expulsion of CSOs; the adoption and manipulation of counterterrorism laws and policies, and the adoption of laws and policies that restrict access to resources, notably including foreign funding and affiliations (ICNL 2016: 10).

Struggles between civil society actors and state and corporate interests over land appear to provoke particularly deadly efforts to constrict civic space, with prominent recent violent deaths of activists even featuring public execution and witness assassinations on courtroom steps. In many instances, these acts of violence are committed with impunity, or without recourse to justice. Both state and other, including business interests, are believed to be responsible for this epidemic of violence against land rights defenders, and in particular against indigenous people (Global Witness 2016).

Efforts to restrict civic space tend to include both formal (legal, regulatory, administrative) and a range of informal strategies. Informal strategies cannot always be documented through official indicators, but they include discursive means such as the de-legitimation or stigmatisation of civil society actors within public discourse, and the overall effects of a 'chilling' environment on freedom of speech, association, and peaceful assembly. They also include threats of or actual violence, often via third parties who enjoy effective impunity (as noted above). Political economy analysis is particularly important for understanding the coalitions of political and economic interest that come together in the restriction of civic space in particular countries.

### **2.3 Drivers of changing civic space**

A recent body of literature has started to analyse the causes, mechanisms, and political effects of changing civic space in different contexts. Rather than focusing on civil society actors alone, this literature situates the reconfiguration of civic space within wider political struggles between political, civic and economic actors. Van der Borgh and Terwindt (2012) were among the earliest to consider what shrinking civic space might mean, with their analysis of 'how restrictions on operational space play out should take into account the features of the local political context, the particular mix of pressures with which NGOs are confronted, and the characteristics, functions and strategies of NGOs themselves' (Van der Borgh and Terwindt 2012: 1068). They concluded that any analysis of what civic space meant would need to take into account the political context, including state capacity and the nature of the political regime (authoritarian, democratic, etc). Bloodgood *et al.* (2014) note that within OECD countries themselves, NGO regulations vary widely, depending substantially on whether the national system is corporatist or pluralist. Relatedly, Lorch and Bunk demonstrate how civic space or civil society actors may be co-opted by or on behalf of authoritarian regimes, rather than necessarily championing democratic process (Lorch and Bunk 2017; Lorch 2008).

For Poppe and Wolff (2017), civic space struggles are about contests over norms that reflect competing worldviews and values: the values in relation to which civic space is contested in different contexts reflect distinctively different underlying perceptions of justice; understanding efforts to restrict civic space means taking claims to justice seriously, and



making sense of them as normative – not merely as tactical – interventions. Meanwhile, recent findings indicate that the strength of civil society is positively correlated with control of corruption, but mainly under conditions of a free press (Themudo 2013), highlighting the interconnection between different aspects of civil society action. Media freedom, in turn, is related to regime type, with democratic regimes typically the most free, but with different degrees of media freedom found across the different types of autocracy (Stier 2015).

The impact of aid on civic space has also been examined. Kendra Dupuy, James Ron and Aseem Prakash (2016) have shown that recent restrictions on foreign aid to NGOs in competitive political systems tend to relate to perceptions that they support the political opposition; such restrictions tend to be concentrated after multiparty elections. In related work, they also conclude that bilateral (official) aid flows tend to drop (by about 32 per cent) in the years after governments introduce new restrictions on NGO funds, but this relates more to donor preferences for funding favoured NGOs, rather than because of their disapproval of shrinking civic space (Dupuy and Prakash 2017). The decline in foreign aid to NGOs and CSOs is likely to have a direct effect on service delivery, as well as on the capacities of such organisations to hold governments to account over development policy processes and outcomes.

## 2.4 Actors, groups and sectors targeted

The CIVICUS Monitor notes that:

states (and non-state actors in some cases) most often violate civic space by detaining activists, protesters and journalists; physically attacking, threatening or harassing journalists; and using excessive force against protesters. Other commonly-used tactics of repression include intimidation of activists, censorship of the media and the use of laws to limit civic freedoms.  
(Gaebee 2017: 5)

In addition, ‘states abuse their monopoly over the power of arrest with appalling frequency’, and that once journalists, activists or protesters are detained, this

provides the perfect cover for state agents to intimidate, harass and, in the most extreme cases, beat, sexually assault and torture activists. Authorities don’t stop at arrest as a means of curbing dissent. Arrest and detention are often the first step in deliberate attempts to use the legal system to impede activism by embroiling human rights defenders, journalists, opposition politicians and civil society activists in uncertain and costly legal processes, which can last for years.  
(Gaebee 2017: 5)

Detention as a tactic of repression appeared in some 292 CIVICUS Monitor reports between June 2016 and September 2017 (Gaebee 2017). An illustrative list of targets of shrinking civic space in the 2016 CIVICUS Monitor included the following:

- Belgium: protestors have had their rights curtailed and may have experienced police abuse; (actors exercising their) freedom of speech in relation to terrorist threats;
- Benin: the independent media; student associations;
- Cabo Verde: CSOs, freedom of the media to report on elections;
- China: disappearances of activists and human rights defenders; detentions of dissidents; foreign funding to CSOs and NGOs; foreign and domestic actors; lawyers; environmental demonstrators;
- Cyprus: freedom of expression/the media;
- El Salvador: media, killing of journalists, LGBTI activists;

- Netherlands: anti-racism protestors (police used excess force against); environmental protestors; rise in hate speech; journalists forced out, threatened;
- Yemen: journalists, as well as citizens in general, face extreme violence.

Lesbian, gay, bisexual and trans rights activists have recently been targeted in Russia, Chechnya, Ukraine, Georgia, Honduras (Tucker 2016), and across sub-Saharan Africa.<sup>4</sup> As noted above, land rights defenders, including in particular leaders of indigenous rights organisations, are often targets of efforts to shut down civic space to protest land-grabbing, dispossession and other illegal rural activities.

The new online civic space openings have also been subject to closures, distortions and shut-downs, using both formal and informal methods. Criminal groups use violence to intimidate citizen media outlets (Monroy-Hernandez and Palacios 2014) and governments use their power to close down social media or the whole of the internet. Authoritarian governments, military units, terrorist groups and the ‘alt-right’ now spend millions of dollars annually on disinformation to shape discourse, manufacture opinion, and radicalise youth. They achieve this in part by employing small armies of human operatives and computerised “bots” to influence opinion on social media and across this new digital public sphere (Woolley and Howard 2017).

The impacts on civic actors and organisations do not, however, exhaust the analysis of how civic space may shape development. In order to assess the full extent of the impact on development it is essential to identify how efforts to constrain the actions of actors, groups, and sectors affect their capacities to promote transparency and accountability, inclusive and equitable service provision, and peaceful means of addressing inequality and injustice on which the SDG 2030 Agenda depends. From what we know of the roles of civil society in development to date, it is important to consider whether their sphere or reach (how many people they can reach, who, in how many places) is affected by formal and informal efforts to shrink space, whether through legal, financial, regulatory or administrative means, or through informal, discursive or threatening, strategies to bring civil society to heel. It is also important to consider whether the quality, in particular the transformative potential, of their engagement with both the population and official actors at local, national and transnational levels is affected by shrinking space. And finally, it is important to take into consideration whether their capacity to support inclusive, equitable, and sustainable models of development specifically is constrained, through a reduced capacity to participate meaningfully in the policy process, amplify public debate about policy alternatives, scrutinise and monitor public policy and the private sector, in particular on behalf of marginalised, excluded or disempowered groups.

## 3 Civil society, civic space and development

### 3.1 Meanings of civil society

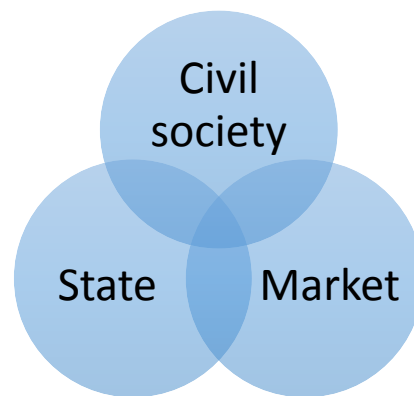
Civil society is typically defined as the un-coerced middle space or ‘third sector’, between state and market, an organisational characteristic of wider society and its engagement with political authority and markets. A standard definition is as:

a sphere of social interaction between economy and the state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements, and forms of public communication. (Cohen and Arato 1994: ix)

<sup>4</sup> See: <http://abcnews.go.com/International/wireStory/africa-lgbt-rights-activists-worry-trump-impact-50491985> (accessed 18 October 2017).

Figure 3.1 shows a conventional Venn diagram depiction of the spheres of civil society interacting with the state and markets. In this model, civil society is distinguishable from political society (parties, political organisations, parliaments) but also from the economic sphere of firms, business partnerships, and their associations. However, '[p]olitical and economic society generally arise from civil society, share some of its forms of organization and communication, and are institutionalized through rights (political rights and property rights especially) continuous with the fabric of rights that secure modern civil society' (Cohen and Arato 1994: x). The boundaries between these spheres are not always fixed or rigid, and they are mutually constituted in their interactions. This means that the effects of policy and political efforts to narrow the sphere of civil society action necessarily have implications for how markets and political society operate, among other things reducing the capacity of civil society to address economic inequality in the market.

**Figure 3.1 Conventional Venn diagram of civil society in relation to state and market**



Source: Authors' own.

Edwards (2009) highlights the ambiguities in the term, showing that 'civil society' has come to refer to variously, associational life, 'the good society', and the public sphere. However, two distinctively different views of civil society, reflecting different intellectual and political traditions, inform development thinking and practice. The dominant liberal view of civil society is that it comprises organisations and voluntary groups occupying the space between, and balancing, the power of the state and the market. This Tocquevillian tradition of viewing voluntary associationalism as the fabric of social organisation underpinning American democracy, has tended to treat an active and plural civil society as central to processes of democratisation, and therefore to development (White 1994; Mercer 2002; Leftwich 1993; also Fukuyama 2001). This has been the most influential conception of civil society in relation to development, independent of its relevance to the socioeconomic and political contexts of post-colonial and peripheral states (Gyimah-Boadi 1996; Mercer 2002; Lewis 2002).

An important contrasting view of civil society derives from Marxist political theory via Gramsci, who treats the state in capitalist economies as comprising overlapping spheres of political society (agents and institutions of the state) and civil society, which 'manufactures consent' through education, culture, and the media, social movements and voluntary organisations (Buttigieg 1995). In the Gramscian view, 'civil society is a contested space, therefore NGOs reflect struggles within wider society' (Mercer 2002: 11). The activities of civil society can serve to support the power (or hegemony) of the ruling class and their state, substantially within the constraints of the economic system but it can also be a space for contestation and challenge to political and economic power. It is this more transformative vision of civil society that has informed several non-Anglophone conceptions, including as central to 'the political imaginary of new social movements' and as 'a new path towards social transformation' from the Left in Latin America (Alvarez *et al.* 2017: 4). In cold war Eastern Europe, "Civil society" was in many ways the conceptual counterpart to the concept

of totalitarianism’ – appealing precisely because any formation outside of the state was disallowed (Kotkin 2010: 8), conceived as ‘a more radical form of democratic political praxis; an alternative form of politics, which would extend beyond a set of standard liberal institutions’ (Kopecký and Mudde 2003: 3).

### **3.2 The role and contribution of civil society in the development process**

In the final quarter of the 20th century, the concept of civil society re-emerged in development thought and practice in association with democratisation and economic transition, in contexts of social and political struggle against repressive or authoritarian states (Cohen and Arato 1994). Following the Cold War, the global growth of associations, NGOs, networks, and other civil society actors in developing and transitioning countries were seen as the accompaniment to economic development through markets, rather than driven by states. Promoting and creating space for ‘civil society’ fit a variety of development-related agendas, from neo-populist proponents of direct participation and more radical champions of social solidarity to promoters of conservative or neo-traditionalist social agendas and shrinking the state, deregulation and privatisation (White 1994; Howell and Pearce 2002).

The most important development internationally was the proliferation of civil society (or non-profit) organisations in developing countries since the end of the Cold War (Salamon 1994). From the early 1990s there was a flowering of organisations, groups, associations, networks, and clubs in the transitional economies of Eastern and Central Europe and elsewhere, as well as in the developing but still low-income countries of Sub-Saharan Africa, Asia and Latin America (Howell and Pearce 2002; Edwards and Hulme 1996b; Mercer 2002). Civic activism on human rights grew particularly rapidly from the mid-1980s, substantially through networks connecting global and local human rights groups (Tsutsui and Wotipka 2004). There was a rapid and sustained growth in the amount of official development assistance (or aid) going to NGOs for humanitarian, development and human rights defence purposes. There may be as many as a million NGOs worldwide, of which around 35,000 are large institutions recognised by the UN; by 2004, around one-third of official development assistance was estimated to be channelled through NGOs (Lewis and Kanji 2009). The 1990s’ scramble to supply aid to NGOs drew considerable critique, notably for assuming the inherent ‘goodness’ of such organisations; conflating the contestation and power struggles associated with civil society action with service-providing NGOs; (Stewart 1997; Carothers and Barndt 1999; Lewis 2002; Mercer 2002), and for treating NGOs as a ‘magic bullet’ for inclusive development, potentially compromising their independence through new dependencies on states and donors (Edwards and Hulme 1996b, 1996a).

As befits a domain of such wide definitional range, evaluations of the contribution of civil society to development are diverse and variable. A large body of analysis points to a role for civil society, broadly conceived, in the emergence of modern economic institutions. The historical evidence from now-advanced liberal economic democracies indicates that dense networks of social capital, or ‘instantiated, informal norms that produce co-operation’ (Fukuyama 2001: 16) were the social foundations of the economic trust that enabled banking, contracts, and trade to flourish. At key points in time, regimes of governance moved from being closed systems to more ‘open access orders’, in which public policy, entrepreneurial capacity and human development could enable economic growth, as well as the generation of a surplus to distribute to the discontented or excluded (North *et al.* 2012).

A more recent assessment of the role of civil society in relation to economic growth in developing countries concludes that how the feedback from economic growth shapes the ‘deals space’ in which markets are governed depends on

how influential groups—such as civil society, the judiciary, the middle class, and the media—view the growth process, as well as how non-elites mobilize themselves

against elements of the growth process that they see as politically illegitimate. (Pritchett, Sen, and Werker 2017: 32)

Based on their close analysis of the political economy of growth in developing countries, Pritchett *et al.* note that in more open and competitive systems, 'deals' seen as overly exclusionary and predatory are likely to face opposition. In more dominant and closed systems, the ruling coalition is vulnerable in the medium-term to challenges from organised groups that may include elites and civil society. This means that either way, an economic system which is too tightly oriented towards rewarding powerful elite segments will face political challenges unless economic opportunity and political and civic space is created for alternatives to emerge. Whether countries manage that by opening up systems to wider scrutiny, critique and (therefore) political competition, or by further constricting civic space, limiting the 'watchdog' role of civil society, silencing critics and attempting to control political debate in the public space, depends on the interaction of political and economic interests, including how these interact in the global system.

More open societies benefit not only from economic trust and 'social capital' but also from more transparency and stronger public accountability, in particular through the role of civil society in uncovering and preventing corruption and other governance failures. A free media is closely associated with corruption control across levels of development (Brunetti and Weder 2003). As the reach of the media increases and an increasingly educated population participate in public debate through the popular and social media, the impacts on corruption control are likely to widen further (Dutta and Roy 2016; Jha and Sarangi 2017). The World Bank's recent World Development Report on 'Governance and the Law' assigned civil society action a specific role in the chain of governance 'from transparency to accountability', noting civil society successes in extracting greater commitment to transparency from states and market actors, publicising failures, violations and abuses, and in demanding (if not necessarily enforcing) accountability (World Bank 2017).

Civic activism in relation to accountability for public services is understood to be part of the governance apparatus necessary to ensure services 'work for poor people in development' (World Bank 2003). Civil society can play a role in (a) identifying needs for, exclusion from and capture of public services, pushing politicians to respond appropriately; (b) highlighting problems with quality, efficiency and resource management, including corruption; and (c) in providing information about how well the system works through service-monitoring and user-feedback. The extent to which NGOs and social movements have succeeded in improving services through 'social accountability' strategies for holding officials to account has been widely debated (Hickey and Mohan 2005; Gaventa and McGee 2013; Mansuri and Rao 2012). However, a growing consensus is that social accountability functions through coalitions of actors and groups across civil society working at multiple levels to raise questions and enforce accountability, and not through one-shot development interventions (such as the experimental rationing of information) (Fox 2016; Fox 2015).

There is robust evidence that women's rights organisations and the women's movement in general has played a critical role in advancing gender equality worldwide (Htun and Weldon 2010, 2012). Civic space has provided more opportunities for women to voice their demands than the comparatively closed space of party political competition in most countries. Coalitions and alliances with other civil society actors have been vital to the success of social movements and campaigns against gender-based violence, among other matters. At the same time, the women's movement is itself shaped by the nature of the civic space, becoming incorporated within the state or politics at different moments in the political

settlement, while also facing ‘NGOisation’ and dependence on aid donors, with the restrictive effects of such financial and institutional ties (Nazneen and Sultan 2014).

Civil society and in particular, enduring social movements against group-based injustices, play an important potential role in giving voice and enabling inclusion of other marginalised and excluded groups, including ethnic or religious minorities, indigenous, transient or migrant populations, people with stigmatised health conditions or occupations, and LGBTI groups and individuals. More inclusive political, social and economic institutions may help to resolve or diffuse the kinds of ‘horizontal inequalities’ that fuel civil wars if left un-addressed (Stewart 2000). Civil society has undertaken vital functions in peacebuilding processes, including protecting citizens against violence, monitoring human rights violations and the implementation of peace agreements, advocacy for peace and human rights, ‘socialization to values of peace and democracy as well as to develop the in-group identity of marginalized groups’, ‘inter-group social cohesion by bringing people together from adversarial groups’; facilitating dialogue at multiple levels and among multiple actors, and service delivery to create entry points for these other functions (Paffenholz nd: 5, Paffenholz 2010).

These specific achievements need to be framed within a stronger understanding of ‘the varied ways in which associational groupings have tangibly improved societies across the world, and in turn advanced global peace, human development and respect for human rights ... and the imperative of an enabling civic environment and the exercise of the rights to freedom of peaceful assembly and of association in achieving these aspirations’ (OHCHR 2017a: 3). Civil society ‘has always been linked to the notion of minimizing violence in social relations, to the public use of reason as a way of managing human affairs in place of submission based on fear and insecurity, or ideology and superstition’ (Kaldor 2013: 9). Civil society may not prevent war, but ‘it is a way of addressing the problem of war, of debating, arguing about, discussing and pressing for possible solutions or alternatives’ (Kaldor 2013: 9).

Contestation is central to how civil society contributes to development, because of the scope it creates to recognise, voice, and demand accountability or redress for injustices of all kinds. In a report to the recent 35th session of the United Nations Human Rights Council, the Special Rapporteur on the rights to freedom of peaceful assembly and of association set out the achievements of civil society in light of its contribution to historic social justice victories such as those against slavery, apartheid, colonialism, and authoritarianism and in the achievements of labour rights and the international women’s movement. The report noted that:

In the development field, civil society has played a prominent role in critiquing, establishing and strengthening empowering discourses ... [illustrating] the gross economic inequalities between the vast majority of global citizens and the tiny minority that control capital, political influence and means of production ... [struggles against austerity, authoritarianism and women’s multiple burdens in the current economic climate] succeeded in mobilising people across the globe to express their dissatisfaction with current global economic arrangements, illustrating the ability of ordinary people – comprising the diversity of the global citizenry – to rally around an issue and to question the status quo.  
(OHCHR 2017a: 6)

From a wide review of the achievements of civil society, the Special Rapporteur concluded that its contributions and functions included (a) pursuing accountability; (b) supporting participation and empowerment of marginalised groups; (c) driving and applying innovation; (d) fostering sustainable approaches to development; (e) raising awareness of problems and of rights; (f) cultivating alliances, building bridges across divided societies; and (g) ‘shared humanity’, in particular in the form of humanitarian assistance to all (OHCHR 2017a). With respect to development, civil society plays a particularly crucial role in policy advocacy for

pro-poor and inclusive policies (Gaventa and McGee 2010). Civil society was active in relation to the pursuit of the MDGs, and played a key role in the final shape of the SDGs. The 'sector' is firmly established within the global aid architecture, as crucial to inclusive partnership-based policymaking and effective monitoring. Civil society has come to be seen as critical to global governance (Scholte 2004), including corporate governance and global policymaking (World Economic Forum 2012; Schwab 2008; Grant 2011). The range of activities and functions ascribed to civil society support the view that the space for civil society to operate is essential to achievement of the SDGs, in particular the injunction to 'leave no one behind' which requires addressing exclusion and inequality as a priority (HLPE 2013; PartnersGlobal *et al.* 2017). Global civil society has also come to be seen as critical to global governance (Scholte 2004), including corporate governance (World Economic Forum 2012; Schwab 2008; Grant 2011).

One of the frontiers of civil society in development is the creation and expansion of new online civic spaces (Boyd 2011) which represent new 'claimed spaces' (Gaventa 2005) and a new digital 'public sphere' (Habermas 1991) in which people form social identities, build counter-narratives and forge new social movements (Fraser 1992). These new online civic spaces are already being used for diverse development purposes: as refuges and organising spaces to express identities, rehearse resistance, form policy demands, and to mobilise influence and social action (Baker and Blaagaard 2016). Digital civic action from the global north such as the #BlackLivesMatter and #MeToo campaigns where civic actors were able to organise resistance online before mobilising for change in offline spaces are well-known. Less well-known are examples from the global south such as Ushahidi where civic actors were able to mobilise for change around post-election violence (Okolloh 2009) and HarassMap as an example of creating digital spaces to combat violence against women (Peuchaud 2014).

Elsewhere, citizen media channels have proliferated (Baker and Blaagaard 2016) allowing oppressed and exiled groups to represent themselves in their own words and images and to amplify their counter-narratives about subjects ranging from narco-trafficking to illegal drone wars in Pakistan and Somalia. However, little is known to date of how and under what circumstances online civic space provides new opportunities - or barriers - to achieving development, although a body of work is beginning to emerge (e.g., Gurumurthy, Bharthur, and Chami 2017; Ali 2011). It seems clear that building the digital skills and capabilities of civic actors to make productive use of online civic space requires more of our attention. If the acts of authoritarian governments shrink civic space and have a 'chilling effect' on self-censorship and diminished agency then we might reasonably expect a 'warming effect' to radiate from the opening of online civic spaces and their projection of opposition voices and their articulation of development alternatives. However, earlier optimism about the role of digital public space in advancing development through online-enabled civic engagement has now waned, or perhaps been replaced by greater realism (Herringshaw 2018). Recent research finds that technology is more effective at plugging information gaps and creating new spaces for citizen-state interaction than in creating space for deliberative dialogue, strengthening public accountability, or building citizen trust in the state (McGee *et al.* 2018).

### **3.3 Uncivil society and unruly civics**

Normative conceptions of civil society as 'the good society' have long been challenged by recognition of its 'uncivil' or illiberal forms, and of the grey area between civic action and political struggle, reflecting the importance of contestation in the roles of civil society. This aspect of civil society remains under-studied (Glasius 2010), as do the implications for civic space more generally. Not all actors in the civil society space promote the progressive or rights-based agendas assumed by liberal conceptions (Stewart 1997; Rahman 2002; Kopecký and Mudde 2003; Kotkin 2010). The increasing prominence of extremist, exclusionary or identity-based concerns, and of movements or actions that use illegal or

even violent means to advance their agenda, seems likely to have contributed to the official backlash against civil society. The clash of values of diverse civic actors with unequal resources and access to power ‘inevitably complicates the link between forms and norms that lies at the heart of neo-Tocquevillian thinking’; it points also to the need for associational life ‘to be politically ordered if the huge diversity of positions and interests is to be consolidated in service to some broader national or international agenda’ (Edwards 2009: 56–57). In other words, a strong civil society depends on a state strong enough and capable enough to create and govern the civic space in ways that advance inclusive development goals.

In addition to the advance of uncivil society (racist, sexist, extremist or exclusionary faith-based groups, and otherwise illiberal organisations) in many regions, a wave of protest movements and demonstrations, including ‘uncivic activism’ (Alvarez *et al.* 2017) or ‘unruly politics’ (Tadros 2011; Khanna 2012) occupied a growing portion of civil society space in the early part of the 21st century. These mobilisations responded to the inequalities and volatilities in the global economy, and erupted in apparently spontaneous crowd-based actions that defied social movement theorising and the old categorisations of liberal civil society thought. The global food, fuel and financial crises of the 2007-12 period were marked by protests, riots, and more enduring forms of organisation, such as the *Indignado* and Occupy movements, as well as the anti-authoritarian struggles in the Arab world (Ortiz *et al.* 2013; Barnett 2011; Carothers and Youngs 2015; Anderson 2011; Ansani and Daniele 2012; Tadros 2012). This recent wave of protests further blurs neat distinctions between civil and political society. The history of revolutions is the history of civil society actors being pushed into violent struggles when they encounter a closed state and exclusionary political settlement which prevents peaceful change, even as formerly revolutionary groups can enter political or civic life in post-conflict settings. Unruly protests may emerge in response to formal elite civil society failures to represent mass concerns about basic economic and social rights (see, for instance, Chatterjee 2004; de Brito *et al.* 2014). While these struggles are distinctively different from the civic modes of NGO and CSO organisation, there is also much continuity, overlap and traffic between these actors and actions within the civic space (Alvarez *et al.* 2017; Hossain and Scott-Villiers 2017). The role of the media in bringing such struggles into the public sphere and amplifying their concerns appears to be of particular importance (Hossain *et al.* 2017), even if the roles of the mass and social media in triggering or mobilising such protests may have been over-stated at times (Fuchs 2012; Tufekci and Wilson 2012). Citing Avritzer, Glasius notes that the civility of civil society is interdependent with that of the state and market: civil society is most likely to take uncivil forms when states are too weak to assure human security, the market is organised along clientelistic lines, and political society is so fragmented as to barely exist (Glasius 2010: 4).

## 4 The politics of inclusive development

### 4.1 Development as the SDGs: sustainability, equality, and inclusion

How the impact of shrinking civil society space on development outcomes is assessed depends substantially on what is meant by development, and on the underlying political economy in any particular context. Analysis of the relationship between democracy and development has tended to treat economic growth rates as an indicator of development (Barro 1996; Doucouliagos and Ulubaşoğlu 2008; Heo and Tan 2001; Minier 1998; Plümper and Martin 2003; Acemoglu and Robinson 2006); although see also (Baum and Lake 2003). However, a richer and more human-centred conception of development pays priority to those at greatest risk of being ‘left behind’. The ‘Guiding Principles on Extreme Poverty and Human Rights’ encourage a view of human dignity as at the foundation of human rights, noting that ‘persons living in poverty face daily violations of their civil, cultural, economic,



political and social rights, which interact and mutually reinforce one another with devastating effects', in an illustration of 'the indivisibility, interrelatedness and interdependence of human rights' (UN 2012: 6). The Agenda 2030 Declaration frames development as a matter of tackling inequalities of power and resources, with the SDGs aiming to:

end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources.  
(UN 2015)

In its efforts to assess the impacts of shrinking civic space on development, SDG16, (to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'), provides a useful starting point, as it draws attention to how changes in civic space affect key actors and inclusive processes. The greater challenge is to trace the impacts further downstream, on the politics of policymaking and implementation in relation to ending poverty (SDG1), hunger (SDG2), health and wellbeing (SDG3), quality education (SDG4), gender equality (SDG5), as well as water and sanitation (SDG6).

## 4.2 A polity approach to civic space

Contemporary aid and development thinking tends to assume that open space for multiple, varied civil society actors to operate will protect basic civil and political rights and contribute to inclusive development processes that are equitable across all groups in society in ways that meet social justice imperatives, and are sustainable over time and the available resources. Civil society is particularly important in helping to guarantee that nobody gets left behind. CIVICUS explains the value of civic space as follows:

Civic space is the bedrock of any open and democratic society. When civic space is open, citizens and civil society organisations are able to organise, participate and communicate without hindrance. In doing so, they are able to claim their rights and influence the political and social structures around them. This can only happen when a state holds by its duty to protect its citizens and respects and facilitates their fundamental rights to associate, assemble peacefully and freely express views and opinions.  
(CIVICUS nd)

This 'polycentric' view of the rights-based politics of inclusive development assumes that the 'uncoordinated and decentralized actions of civil society, market, and state actors are likely to create a mutually reinforcing movement that can produce all good things for all people' (Houtzager 2003: 1–2). It is consistent with a view that civil society can successfully be strengthened with external aid and relationships. Certainly, the evidence from the developing world suggests that transnational civil society networks and movements have helped national and local actors win important peaceful victories in areas of public service provision, recognition and human rights, and participation and political empowerment (Gaventa and Barrett 2010; Gaventa and Martorano 2016). However, historical evidence suggests that the broad policy agendas that brought about comparatively inclusive and equitable forms of economic development may be substantially driven by states, and that the successful engagement of civil society has as much to do with how state-civil society relations shape the constructive engagements between these spheres, as to the free and uncoordinated actions of multiple civil society groups.

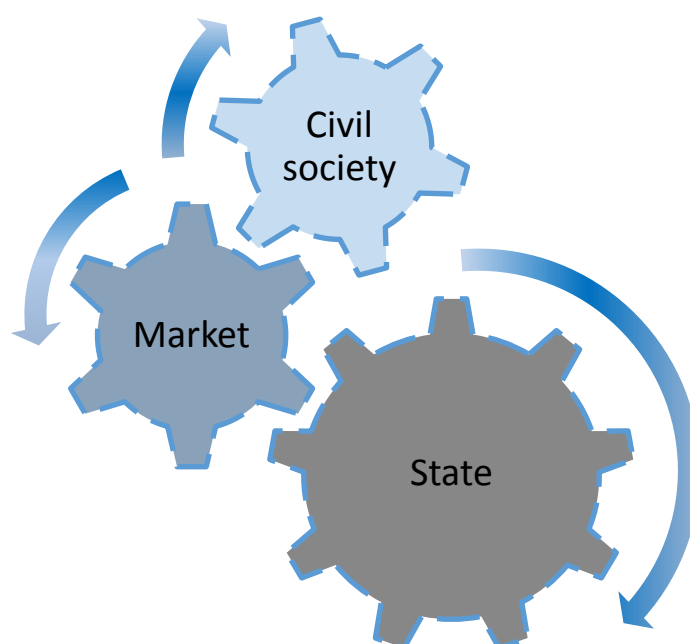
In this view it is not so much the uncoordinated and autonomous actions of 'a million flowers blooming' as it is the 'fit' between state and civil society actors – how successfully state and

civil society interact to enable economic growth and human development - that shapes the inclusiveness of the development process. At times, the state may create wider and more enabling space for civic action, and this may lead to progressive and redistributive programmes and policies as political actors respond to newly salient voices. At other times and in other parts of the system, the 'fit' is tighter, as when civil society actors collaborate with states or the administration in the co-production of services (Joshi and Moore 2004). At key moments of contention, the 'fit' is in gridlock, such as when civil society clashes with the state, politicians, or powerful economic interests defending the rights of the less powerful. The degree of autonomy, influence, and 'holding power' of civic actors in relation to the state is thus closely shaped by the nature of the state and the political regime, which structure the conditions for political inclusion and empowerment (Houtzager 2003). So while civil society makes demands for inclusion and empowerment, it does so in conditions not of their own making (at least not in the short-term, although civil society actors have been part of recent constitutional reforms in Nepal and Myanmar). Recognising the centrality of the nature of political power in this 'polity approach' places state and political institutions at the heart of the explanation of how civil society contributes to inclusive development.

This emphasis on 'fit' (as opposed to size and autonomy) focuses attention on whether civic space is configured to enable state, civil society, and market to work together to deliver development. Figure 4.1 depicts this more dynamic (compared to Figure 3.1's conventional Venn diagram depiction) relationship between civil society, state and market. 'Civic space' is here understood not as the size of the civil society sphere itself, but as the space within which it engages with the state and the market to keep the gears of development in motion. Distance and proximity from, but also capacity to engage with, state and market are critical to the role of civil society in galvanising inclusive development. If civil society is too small and weak to engage, the state and/or market may capture the process without concern for less powerful or marginalised societal interests. If civil society is big or strategic enough to stall the machine, preventing business or governments from operating in their individual or joint interests unfettered, this may retard unequalising and unjust development policies, avoiding corrupt extractive or land deals and the ecological impact of unregulated development, and encouraging further resistance. From the perspective of states, however, such blockages may impact on the pace or direction of growth, and the state's capacity for revenue generation and service delivery, reducing public trust in the state or political leadership. It is not only states that seek to influence civic space: market actors may also benefit from a weakened civil society if the role of such groups has been to protect against predatory, extractive, or abusive practices. Where oppositions are fragmented and state capacity weak, particularly under conditions of violent conflict, the (limited) civic space may be filled with service-providing NGOs in humanitarian fields. However, their presence tends to be conditional on the alignment of their activities with ruling elite interests, and they are dispensable, even if global civil society resists.

As indicated by the broken boundary lines, the state, civil society and the market are depicted in Figure 4.1 as porous spheres, allowing movement of people, resources and ideas between them. We know that NGOs turn to social enterprise to finance their efforts; businesses establish philanthropic foundations and CSR to give something back and strengthen their brand; both organise with civil and political society to advance their agendas; and elites move between positions of power across all three spheres. This means that multiple interests may be at stake in the configuration of civic space. Figure 4.1 is a generic depiction that can be amended to show how changing civic space may affect the 'gears' or mechanisms of development, and to depict how global civil society enlarges civic space but leaves national civil society to manage the frictions that arise out of global incursions into the national space.

**Figure 4.1 A polity approach to civic space and national development processes**



Source: Authors' own.

### **4.3 Political settlements and inclusive development**

One review of the evidence on the politics of inclusive development concluded that:

the most significant lesson in international development over the past 15 years is that politics lies at the core of this challenge. Development is not simply about what needs to be done, but, perhaps more importantly, about how it is done. Politics, power and the interactive dynamic between actors and structures shape institutions and give them substance and meaning. This has placed the need to understand political settlements and how they frame developmental trajectories at the heart of current international thinking and practice on state-building and peace-building. (Rocha Menocal 2017: 560)

The term 'inclusive development' within political science generally refers to the shared benefits of growth, in the form of income and wealth, wellbeing, human development, and personal security; Rocha Menocal explicitly adds inclusive processes of decision-making about what development should look like and how it should be pursued, on grounds that inclusive processes are necessary to engender and institutionalise development outcomes that are sustainable, equitable and inclusive, in line with the SDGs (Rocha Menocal 2017).

Political settlements, or the 'balance or distribution of power between contending social groups and classes, on which any state is based' (Di John and Putzel 2009: 4) help us make sense of how and the extent to which civil society and civic space shape the distribution and the process of development policymaking. Two factors matter most:

- the stability of institutional arrangements; the balance of power seems stable enough for ruling elites to be assured of the long-time horizons that would permit them to undertake the transformative but politically-difficult reforms needed to achieve conditions for long-term growth and development, or insulate them against external or popular protests or demands;

- the nature of ruling coalitions, which shape elite commitment and state capacity to deliver inclusive development, through the incorporation of diverse concerns, and political and institutional incentives for redistributive policies and programmes. (Hickey, Sen, and Bukenya 2015)

Political settlements are rarely static, and the distribution of power and its implications for development may shift for a number of reasons. Other than in the most closed states, civil society actors have the potential to play a role in both the stability of institutional arrangements and the nature of ruling coalitions. In key instances, civil society actors have contributed to regime change, the empowerment of excluded or marginalised groups, and to holding politicians and officials accountable for failures, violations or abuses of power in ways that materially altered the balance of power.<sup>5</sup>

The relationship between inclusive outcomes and inclusive processes of development may be neither linear nor obvious, and trade-offs and reversals between the two are frequent. It is widely acknowledged, for instance, that basic civil and political rights are abrogated in countries that have been celebrated for their development ‘successes’ – Rwanda and Ethiopia, most recently, as well as in the best example of non-democratic development, namely China. These countries have combined rapid poverty reduction and improvements in human development in comparatively closed civic spaces within what are known as ‘dominant’ political settlements (Hickey, Sen, and Bukenya 2015; Khan 2010). Critics have raised valid questions about the sustainability, equality, and overall inclusiveness of such development ‘successes’. At the same time, more open and democratic arrangements of political power such as in Brazil and India, highlight the slow nature of progress on social and economic inequality under pluralist systems (Rocha Menocal 2017, 2015). The role of civil society in development progress thus complicates a simple conception of more civic space as necessarily and inevitably supportive of inclusive development. It indicates the need for a more politically-sophisticated understanding of how civil society interacts with the politics of development to generate more or less constructive development outcomes.

Any understanding of the impacts of shrinking civil society space must also situate these national-level power struggles within their global context, reflecting the extent to which states, civil society actors, and markets are subject to transnational influences, ideas and resource flows. The fit between states and civil societies differ everywhere; they are also situated within changing market and social relations, at global, national and local levels (Howell and Pearce 2002). Yet there is a common thread in the efforts to shrink civil society space, several strategies for which have been replicated across otherwise different settings (Mendelson 2015a). It is necessary also to note that part of the shrinkage may come from the civil society politics within the international community, reflecting the narrowing civic space within the global north and within a more multipolar world system, as well as such movements within the large, regionally influential BRICS (Brazil, Russia, India, China and South Africa) countries (Poskitt, Shankland, and Taela 2016).

It is helpful to think about the effects of shrinking civic space on development within wider struggles over the balance of power in a country. What ultimately matters for inclusive development is elite commitment and state capacity to deliver, both of which civil society and shrinking space may affect. Civil society actors may themselves be large membership organisations that deliver important services, supplementing or replacing state services, thereby shaping (undermining, complementing, or co-providing) state capacity to deliver. Civil society may also shape elite ideas and commitment to development; a good ‘fit’ with the relevant agencies of state may mean civil society plays a positive role in the development of state capacity to respond to collective concerns. Efforts to shrink civil society space can then

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<sup>5</sup> Further discussion of civil society in relation to political settlements in 12 countries is provided in Part II of this report, Country Narratives.

be understood as efforts by states or ruling parties to consolidate or regain power, undermining support to political opponents, disempowering dissidents and critics of the government or regime, or wresting back control of services and communication with population groups. The strategies may be ideological, physical, material, or regulatory in nature, but we can assume that in each instance, the effort is informed by a presumption among state powerholders that (particular) civil society actors have too much or illegitimate power.

## 5 Mechanisms through which closing civic space may shape development outcomes

From our overview of the conceptual literature and recent discussions of shrinking civic space around the world, we derived a series of broad propositions about the mechanisms through which changes in the civic space may impact on development in a variety of political settlements. We then developed these into a typology, following the methods used by the social provisioning approach of the Effective States and Inclusive Development (ESID) research programme, along the lines laid out in Figure 5.1.

**Figure 5.1 A typology of political settlements, selected countries**

	<b>Competitive</b>	<b>Dominant</b>
<b>Developmental</b>	Brazil→ Colombia ←Nepal Bangladesh→	China→ Rwanda Ethiopia
<b>Predatory</b>	Pakistan	Russia ← Cambodia ← Myanmar/Burma ← Mozambique ← Zimbabwe

Source: Authors' own, adapted from frameworks developed by the Effective States and Inclusive Development (ESID) Research Centre at the University of Manchester.

These propositions were explored through desk-based studies of the implications of closing civic space for development in 13 countries: Bangladesh, Brazil, Cambodia, China, Colombia, Ethiopia, Mozambique, Myanmar/Burma, Nepal, Pakistan, Russia, Rwanda and Zimbabwe. For each country, we produced an analysis that drew together analysis of how changing civic space was being shaped by the dynamics of the political settlement in each context, and of the challenges of sustainable and inclusive development in each. In this section we reflect on the findings in relation to the following four propositions.

**Proposition 1:** In a political settlement presided over by a dominant political system in which the state has both the capacity and the elite commitment necessary to foster inclusive development outcomes, tighter civic space may have adverse impacts on:

- the rights and needs of marginalised and excluded groups;
- the perceived credibility of official performance data, with possible impacts on FDI flows and the business environment;
- environmental sustainability, across a wide range of potential areas and sectors.

These propositions apply in particular to the light grey quadrant (China, Ethiopia and Rwanda) in the typology. In each instance, recent efforts to consolidate power by the ruling elite have been associated with a clampdown on civil society and the media.

In respect of the rights and needs of marginalised and excluded groups, it is clear that rural-urban migrants and excluded ethnic and geographical groups in China and the restive Oromo and Amhara in Ethiopia are instances of systematic exclusion of key social groups in the society, some of whose struggles have presented a significant threat to the ruling elite's control of power. In Ethiopia, during the period of the present study, the fragility of the political settlement was underlined by the resignation of the Prime Minister Hailemariam Desalegn and his replacement with a leader from an Oromo background, Abiy Ahmed, in April 2018. This came about after protests over land rights and related political discontent among politically marginalised groups rendered the regime's hold on power untenable (Al Jazeera 2018). In China, Xi Jinping's accession to power at the 18th Party Congress in November 2012 marked a new chapter of deepening reform, including ambitions for substantial improvements in governance and in the role of China in the world (Men and Tsang 2016). Yet Xi Jinping's economic model of 'socialism with Chinese characteristics in a new era' continues the development pathway of the previous decades – a party-state capitalism in which the Communist Party-state dominates the economy and markets, in which institutions for sustainable development, basic human rights and the rule of law, have not been established (Kuo and Feng 2017). After a period of liberalisation of civic space under the leadership of Hu Jintao and Wen Jiabao, civil society is now seen by President Xi and the Communist Party as 'an attempt to dismantle the party's social foundation' and advocacy by social movements is regarded as a serious form of political opposition (Mitchell 2016).

Political power in Rwanda has been dominated by the Rwandan Patriotic Front (RPF) since the genocide of 1994, and contenders to state power are weak, fragmented, and under threat (Reuters 2017). For reasons of political history (Gready 2010), however, the political elite is powerfully motivated towards what it understands to be inclusive development (Booth and Golooba-Mutebi 2014; Behuria and Goodfellow 2016). The Rwanda contradiction of authoritarian politics with development progress (Booth and Golooba-Mutebi 2012; Harrison 2017) highlights the need for 'reasonable expectations' with respect to human rights, in awareness of the severity of the post-genocide development and political challenge (Harrison 2017: 876).

Yet the dominant nature of political power, reliant in part on a closed and co-opted civic space (ICNL 2017b) may itself undermine the material gains from development. The 'decent technocratic governance' sufficient to deliver public services and growth to date may be endangered by the underlying fragility of the country's political governance (Reyntjens 2015). While Rwanda's success with respect to economic growth (Behuria and Goodfellow 2016) health and other social indicators (Abbott, Sapsford, and Binagwaho 2017) has been widely noted, more complex challenges of public service delivery – raising the quality of basic education, for instance – have proven difficult (Williams 2017). Poverty and inequality may have worsened for some (Ansoms and Rostagno 2012). In a closed and authoritarian setting featuring the all-important 'performance contracts' (*imihigo*), 'local officials often implement the set targets rigidly and blindly, regardless of the possible negative consequences for the local population' (Ansoms *et al.* 2017: 54), signalling the weakness of downward accountability. There is also evidence that, rather than resisting bad policies or proposing

alternatives, rural populations compensate or take the losses, with negative implications for the SDGs on issues such as health and food security.

No specific evidence on the impacts of closed space on perceptions of official economic data, which can be viewed as a form of transnational economic trust or social capital, was uncovered. However, it would in principle be possible to undertake an analysis of factors that contribute to or undermine transnational economic trust by investigating relevant episodes of contestation over the freedom of the media, and scholarly and expert analysis through a comparative analysis of financial and risk reporting.

Contestation over large land and extractive industries deals features in all three countries, at home and (in the case of China) also abroad. The long time-horizons of dominant elites such as these enable them to push through big, potentially illegal or unpopular projects that elites facing more competitive pressures can struggle to. Corruption on a grand scale is likely in the absence of scrutiny. In such cases, contention emerges over environmental sustainability, corruption or the loss of indigenous or rural people's rights. It should be noted that similar large-scale land, extractive or energy investments are also found in the dark grey (competitive – particularly Brazil and Colombia) and black (dominant-predatory, Russia, Cambodia, Mozambique) quadrants of the set; there is therefore, likely to be more to explain about what connects such struggles over civic space across these distinctly different political types.

**Proposition II:** In more competitive political systems:

- civic space may help to enhance the quality, depth and reach of democratic dialogue, creating more accountable and responsive policies and programmes as governments reap the benefits of legitimacy from development performance; however
- less powerful groups - women, workers, small farmers, displaced persons, minority groups - may not be properly incorporated within the political settlement through strong party ties because they are not sufficiently powerful; their political expressions may then take the form of more direct action - wage, subsidy or price protests, or resistance to extractives or development. These tend to be comparatively open and globalised economies, where citizens enjoy limited social protection against the life-cycle, economic volatility or the environment;
- civil society may come to be organised along ethnic or partisan lines, becoming too close to the state for civic space to provide both the engagement and the distance needed for successfully advancing development in fair and lasting ways.

Countries in the dark grey quadrant of the typology (Brazil, Colombia, Nepal and Bangladesh) do appear to experience many of the inclusionary and empowering effects of comparatively autonomous and plural civil society in participating to set the development agenda. Each has seen somewhat equalising and relatively rapid human development advances for the poor or the poorest in the past two decades (Lustig, Lopez-Calva, and Ortiz-Juarez 2013; UNDP 2016; Government of Nepal 2016; Hossain 2017). However, important groups have been unevenly incorporated within each political settlement, as highlighted by economic shocks (and in Nepal, natural disasters), in which labour in global production chains, small farmers, and the urban poor protested against rising prices, subsidy reductions or inadequate services.

There are some signs in each of these countries that space is shrinking by 'suffocation', as civil society actors and organisations become more closely affiliated with actors and organisations within the state, as well as with parties and other broad-based groupings. Brazil is a particularly interesting case because of how successfully social goals were incorporated into PT (Workers' Party) policy, but with the legacy of a severed vertical

accountability between party and citizens (Hagopian 2016). Nepal similarly seeks to incorporate civil society with its demands for equality, recognition, and space, within the framework of its new constitution (Drucza 2016). Nationalistic framings, perhaps particularly those framed in terms of historical injustice, can be an important part of this process of incorporation (also in Bangladesh).

**Proposition III:** Under conditions where a dominant party lacks the capacity and elite commitment to deliver inclusive outcomes:

- excluded and marginalised groups are likely to suffer most through a lack of voice and political pressure on political elites;
- struggles against elite interests (land-grabbing, extractives, monopolies) are likely to fail;
- we would not expect major and sustained protest movements in the development-predatory quarter of the diagram, because they would not expect a positive response. We would expect people in such countries to attempt migration where the local economy was not affording a sustainable living, and/or to be more likely to engage in extremist politics, including the use of violence.

This proposition applies to the countries in the black quadrant, denoting that power is highly concentrated, but not primarily in the interests of delivering inclusive, equitable and sustainable development, and includes Russia, Cambodia, Myanmar/Burma, Mozambique and Zimbabwe. It should be noted that of these five countries, all but Russia are increasingly open or challenged political systems.<sup>6</sup> Ruling elites face strong intra-elite pressures (Zimbabwe); contention from new political groupings, including the online urban generation (Mozambique, Cambodia); and the need for tactical alliances with other powerholders (Myanmar/Burma). Pressure to enhance development performance legitimacy can reasonably be expected to be high. However, it is also clear that marginalised and stigmatised groups enjoy limited to no rights in these societies (the Rohingya and other minority groups in Myanmar, and LGBTI groups in Russia) (Beech 2017; Bhatia 2017; Brechenmacher 2017). Freedom of association and freedom of speech are abused through bans and efforts to discredit protestors or critics, including through the deployment of 'fake news' (McPherson 2017). Scholars and experts have been under particular pressure in Mozambique (Cisse 2015), and independent labour organisation is violently suppressed in Cambodia (Human Rights Watch 2015; Ward and Mouly 2016). As proposed, struggles against powerful economic elite interests tends to fail in these contexts.

The proposition that major sustained protest movements would not be found in this quadrant did not hold up. Mozambique saw two episodes of major urban and cross-country struggles over commodity price hikes in 2008 and 2010; these were not sustained movements, but they were of sufficient scale and impact to constitute a significant political shock, alongside the rise of the urban-based opposition (de Brito *et al.* 2014). Similarly motivated protests in 2007 in Myanmar/Burma triggered by fuel price rises escalated into the national 'Saffron Revolution', once the priesthood became involved (Shen and Chan 2010).

**Proposition IV:** In all four:

- freedom of speech and association may be seen as direct threats to state power, particularly with the growth of cyberspace; efforts to constrict entry to this space are as likely as efforts to tap its potential for development;

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<sup>6</sup> On the changing balance of power in Cambodia, see (Mccargo 2014; Osborne 2015; ICNL 2017a); for Mozambique, see (de Brito *et al.* 2014; Vines *et al.* 2015); for Myanmar/Burma, see (Huang 2017; USIP 2017b).



- contestation over ‘foreign’ norms promoted by human rights defenders and civic actors is likely to be politicised and deployed to rationalise restrictions on civic space motivated by political power struggles;
- wage, natural resource, and commodity price-related struggles are also likely in each kind of political system, reflecting the volatilities of global economic integration. We would expect more wage and subsistence protests in settings where populations expect a positive response, even if they also have reason to fear violence.

We find that these propositions hold across political types as indicated. To a significant degree, we would expect some of the impacts of shrinking civic space on development are shaped by a country’s position within the global system.

Additional issues arising from this analysis include the intensity of struggles over large land and extractive deals and their frequency across political types. This strongly suggests that the most intense efforts to shrink civic space relates to some fundamental processes of economic development in the current model, in particular the accumulation of capital (Beban, So and Un 2017; Lavers 2012; Adnan 2013; Borras *et al.* 2011).

Gendered impacts of shrinking civic space may also be discerned in particular policy domains, notably in relation to export-oriented manufacturing labour (Cambodia and Bangladesh; potentially also Ethiopia), where a large majority of workers are women. Gender equality also features in the defence of land and indigenous rights, as women play a prominent frontline role, particularly in Latin America (CIVICUS 2017; Mesoamerican Initiative of Women Human Rights Defenders 2015). Women also lose out in particular in relation to the inclusiveness of public policymaking, including in relation to models of economic development and patterns of public spending, as women benefit more than men from public spending oriented to the reproductive sector (Elson 2010; Balakrishnan, Heintz, and Elson 2016).

Efforts to shape public discourse through manipulation or restriction of social media and online platforms as well as through restrictions on freedom of speech, on the media as a whole and on scholars, experts and artists indicate a strong awareness on the part of elite classes of the significance of the public space and the need to win public opinion. There is plainly an important dimension in which the shrinking of civic space is an effort to narrow or influence the public space in which political opinions get formulated, for ideological and mobilisational purposes. Any development implications of this attempt to dominate public space has not, to date, been considered, although such capture of public space by ruling elites is an increasingly important global concern.

Analysis of the development implications of shrinking civic space must recognise the multiple levels at which contestation is taking place, and the transnational nature of many of the actors and relationships involved. Aid dependence by national civil society exposes it to charges of adverse foreign influence, which may be hard to contest in strongly nationalistic public discourses, or where the media is biased in favour of powerful economic actors (employers, corporations). That there are multiple global debates taking place about social and cultural values in public life is clear, and at least some of these struggles are framed in terms of ‘authentic’ versus imported values, perhaps particularly in relation to international human rights. At the same time, the spill-over effects of closing civic space in one country may be felt very clearly in another, in an interconnected globe. Efforts to consolidate political power in China, for instance, appears to be shaping civic space in countries as diverse as Cambodia, Nepal and Pakistan, among others.

# 6 Conclusions

## 6.1 A constriction of liberal civic space

This literature review supported the view that a global and comparatively recent wave of efforts to restrict civic space has been adversely affecting the activities and security of many civil society actors. But not all actors in the civic space have been equally affected. The main targets of new restrictions on civic space have been, broadly speaking, aligned along a human rights-based development agenda, and include:

- principally foreign-funded and formally constituted NGOs and CSOs in developing and transitional countries, addressing local concerns from poverty and inequality to the environment and corruption;
- democratic development and human rights-based organisations with strong transnational connections to their organisational parents or funders in the global north, known as INGOs (international NGOs) or transnational civil society;
- social movements and organisations of marginalised and disempowered groups (e.g. workers, peasants, people living in poverty, climate or conflict refugees, women, indigenous, minority and excluded groups); and
- the media and academic channels through which these actors investigate and highlight issues, articulate demands and mobilise public opinion in the civic space.

There is a great deal of interaction between these groups and actors, as well as between business, politics and government, so that (for instance) restrictions on NGOs or media groups will have second-level effects on development through their relationships in the wider society and polity.

Even while advocates of democracy and human rights in development have seen their freedom to operate constrict, by contrast, and during the same period, other groups have been granted, occupied or created wider space in the civic sphere, again, across countries around the world. These include:

- ‘uncivil society’, or identity or group-based collectivities, often situated on the political far right, espousing nativist or racist ideologies and policies, often on behalf of mid- and lower-income groups in the majority population;
- ‘unruly’ political protest, in particular mass urban protests around goods and services deemed essential to everyday life; in the past decade, these have included food riots, energy protests, anti-austerity demonstrations, strikes and occupations;
- the rapid growth of digital or virtual public space, and the fairly sudden emergence of multiple alternative channels for the broadcast of news, views, memes and information, which are also facing a crackdown in countries around the world.

Given the significance of these changes in the civic spaces of both developed and developing countries, it may be more accurate to speak of civic space as changing - in who participates and on what terms - rather than as ‘shrinking’ or ‘closing’, on aggregate.

## 6.2 Civil society and development

The literature on the contribution of civil society draws attention to the multiple mechanisms through which actors engage in the civic space over development issues: through co-producing or complementing public goods, identifying policy priorities and raising demands, monitoring progress, and in general holding the system to account. The international aid architecture, and specifically the SDG 2030 Agenda, assumes a significant role for civil

society actors of all kinds, based on an understanding that civil society has played such a role in the past.

Traditions of civil society vary widely across contexts, but the growth of foreign-funded NGOs and CSOs working in development in the past few decades has introduced a shared focus on rights-based approaches to empower marginalised and excluded groups. The NGOs and CSOs and the more local social movements with whom they partner, the actors now facing the brunt of the wave of new restrictions, typically focus on people living on low and precarious incomes or in remote or ecologically or politically fragile settings, including women's rights organisations, defenders of the environment or of the rights of indigenous or minority populations, as well as service-providing groups. It can be assumed that new restrictions are most likely to block civic space in which the concerns of the most marginalised and disempowered people have a good chance of being aired and addressed. In terms of the SDGs, the effects are likely to be adverse for equality, inclusion, sustainability, and the task of 'leaving no one behind'.

Conceptions of civil society in development have generally revolved around the roles of NGOs in delivering services and in preventing corruption or abuse, often under assumptions about such relationships in stable democratic systems with strong legal institutions and a free media. Civil society actors in developing country contexts continue to play a major role in 'technical' and service-delivery roles in which many strive to remain independent from politics, in particular partisan competition. However, civil society action in developing countries is also frequently political in nature, mobilising disempowered groups and building networks and coalitions. An alternative view is of civic space as an arena of constant contestation over the distribution of the costs and benefits of development - for whom, where and what, how much and how - as well as who should bear them, and how. To understand how civic space shapes development outcomes, but also to help explain the wave of political elite backlash against civil society, it is important to recognise that civic space encompasses both the more technical and autonomous and the more political modes of civil society. Contestation need not mean conflict, and battles over norms and values may yield political alliances that absorb civil society demands, turning them into matters of politics. Civil society similarly responds to political opportunities as they arise. For these reasons, the line between contestation over development policy and over political power is rarely firm or fixed.

The substantial scale of NGO service delivery means that the contribution of civil society to the achievement of targeted outcomes is likely to be an important and particularly direct mechanism through which development may be (adversely) affected by new restrictions. The literature highlights a wide range of civil society actors with foreign funding or support playing significant roles in development processes in the past, exposing excesses and abuses, highlighting areas of neglect or lagging progress, arguing for distributive or targeted policies, co-producing or complementing public services, particularly in humanitarian contexts, and in general holding governments and private sector actors to account for their roles in the development process. The end of the Cold War had meant an expansion of global civic space, and a rapid rise in the numbers and spread of NGOs, non-profit groups, community-based organisations, and other actors in the 'third sector' or civil society actors, as they came to be known. They played a particularly important role in international aid, where NGO service delivery was frequently seen as the 'magic bullet' for reaching the poor in weak states with limited fiscal space. But at least since the 'War on Terror' from the 2000s, efforts to curb money laundering for extremist groups had seen an earlier wave of regulatory and administrative restrictions on civil society groups in the developed countries of Europe and North America. The past decade saw a particularly sudden rise in the numbers of countries instituting new, often punitively restrictive laws and regulations on the activities of particular groups as described above.

Not all the new regulations on civil society are unwelcome. In many contexts, NGOs and CSOs had proliferated in response to the opportunities afforded by international aid, and without effective regulation, inefficiencies and abuses have occurred. In principle, many new regulations offer an opportunity to improve the governance of the sector, and to deepen its accountability to the countries in which it works. But in most instances, efforts to close civic space are not an administratively Weberian arrangement of civil society regulation, but a heavy-handed mixture of demonisation and stigmatisation, selective application of rules and restrictions, criminal and civil litigation, as well as violence and impunity for the instigators of violence against civic actors and groups. And as noted above, these restrictions on champions of democracy and human rights have been counter-balanced by wider latitude for, or spaces occupied by, less 'civil' groups and actors, as well as the expansion of the far less controllable virtual public space.

### **6.3 Struggles over national sovereignty amid changing geopolitics**

Efforts to restrict some activity in the civic space are clearly efforts to take power away from civil society actors in order to grow the power of the state or its allies in business and markets. These are reasonably straightforward efforts to concentrate or consolidate power by ruling elites, who perceive in greater control over civil society actors either a reduced threat or a promising opportunity. These efforts have been found across a range of types of political power regime or settlement, and across countries both developed and developing, and it is not clear that closures of civic space are confined to any particular political context. What many of the contexts which we examined more closely shared was a context of rapid changes in the distribution of political power, either as a dominant political elite was facing credible challengers or because of wider processes of democratisation or power-sharing. Efforts to concentrate or consolidate power over civil society came in the form of efforts to expel or silence some actors, and to co-opt or ensure a closer alignment of civil with political society on the needs of development - a tighter 'fit', in fact.

These are overtly struggles over power, but to what end? It is clear that to some extent these closures expressed an impulse for national sovereignty, framed in part over imported 'Western values' about gender relations and sexuality, freedoms of speech and expression, or environmental protections. Each of these efforts to restrict civil society actors emerges out of a specifically national and often nationalistic politics of development, and in relation to domestic political struggles. But the changing geopolitical setting has also been an important driver in several national settings: the influence of China as a major development partner on the normative landscape of development practice cannot be understated, even if we still know little about it. It is clear, however, that adhering to irksome Western liberal values and human rights is of less importance than in the past, and such actors may indeed counteract efforts to attract Chinese investment.

### **6.4 Civic space as 'fit'**

In relation to the implications for development, it helps to think of civic space in terms of 'fit' it affords between state, civil society and market actors in the development process. It is not so much the freedom with which freely civil society can operate that makes a difference, as whether it is able to use that freedom to engage with and hold state, political and economic actors to account for inclusive development policies (whether in process or outcome). This means the need for civil society to get close enough to powerholders to be able to influence change for its constituents or the greater public good; it also implies the need for distance and autonomy, for civil society actors to be able to provide independent scrutiny, critique, dissent, and policy alternatives.

Attention to the 'fit' between actors within the civic space allows us a more dynamic approach to understanding changing relations between state and civil society actors. It helps draw attention to the fact that civic space is best understood to be changing rather than

shrinking; although international aid donors have historically adopted a narrow definition of civil society, there are many different aspects to civil society in most places, and in key respects, the space for civic engagement has widened, and the actors diversified. The idea of 'fit' also draws attention to the fact that changes in the space for civil society are struggles for political power.

## 6.5 Further research

This paper briefly summarised some of the findings from desk-based analysis which attempted to test and refine the propositions in selected countries, as set out above. These findings have provided the basis for in-country case study analysis of how changes in civic space is shaping development outcomes in particular sectors, and for specific areas of development, in particular 'frontline' outcomes to do with human development such as poverty, hunger and food security, and gender equality. The findings of those case studies will be discussed in detail in a forthcoming Working Paper in this series. However, some highlights and initial conclusions are worth sharing, in order to focus attention on the need for further research in this area. These findings include the significance of geo-political change, in particular the rise in importance of China as a development partner, for the normative and policy environments within which development policy is formulated. Countries in which civic space has narrowed span regime types and levels of development. Many were visibly facing a fairly rapid, significant shift in political power, as political elites responded to pressures to redistribute or concentrate political power further, from fear of losing power, or because of new opportunities to expand state or political capacities. Where civil society was seen as an obstacle to such projects, restrictions of a variety of forms resulted. It is notable that two of the six countries selected for our country case studies, Ethiopia and Zimbabwe, saw a change in the top political leadership during the period of our study, bringing what many informed observers saw as potential for change in both the civic space and the national development project.

A second finding has related to countries where weak civic and political institutions were coupled with a predatory hold on the development process. In several, humanitarian and economic crises, resulting from climate change, macroeconomic mismanagement, land-grabbing, commodity price shocks, corruption scandals, or sanctions, provide particularly strong examples of how a poor fit between civil society and state is implicated in the production of development disasters and reversals. Human rights activists are under particular pressure in these countries. Countries with established civic and political institutions, or where efforts, to democratise are under way indicate a tendency to draw civil society actors closer into the fold of political power, ensuring progressive actors more traction, but leading also to an at times uncomfortably close relationship with the state or political actors, which inhibits independent or non-partisan policy engagement. Civic space in even fairly established democracies can come under pressure from particularly powerful alliances between political and economic actors, particularly in the case of land and natural resource deals. In so-called 'developmental' states, closing civic space is particularly likely to impact on the aid dependent low-income countries through a loss of aid funding to NGO service providers. The 'watchdog' role of civil society in such contexts remains important however, particularly in relation to the credibility of official development performance data, which is an important source of legitimacy for political elites in such contexts.

Future research into the implications of closing civic space for development will need to engage with these as national political struggles, but ones in which the role of transnational actors and geopolitics can be both prominent and problematic. International aid donors, and in particular their histories of supporting civil society, often feature centrally in these political struggles; however, in the analyses they undertake or fund, aid donors are rarely themselves included within the cast of characters involved in such contentions. A stronger assertion of national sovereignty over the development process may be expected to accompany a

decline in aid dependence. International aid donors would benefit from an improved understanding of public and politicians' perceptions of their roles in contentions over civic space and development. Changing geopolitics and the growing importance of China in the policy and normative environment also warrant further research. An understanding of the prospective impacts on development of closing civic space would profit in particular from an understanding of how Chinese aid and development actors view the roles of civil society in developing countries, and whether or the extent to which China's controls on domestic civic space are being exported alongside its investments in infrastructure.

A narrow, predominantly liberal and human rights-based understanding of civil society in development has pushed out of view actors and activities that do not fit this model. While a growing body of research explores the governance and political implications of digital public space in developing countries, other newer occupants of the civic space have received far less attention in developing countries to date. This includes 'uncivil' (rightwing or extremist) groups seeking to reverse progress on gender equality and the empowerment of women and religious, ethnic or sexual minority groups, and 'unruly' protest movements and actors. It is clear that such actors play a significant and new, or resurgent, role in shaping development policy through their occupation of the civic space. Without understanding the interactions between the range of actors in the civic space, 'civil' and otherwise, the full impact of the current wave of restrictions on civil society cannot be fully grasped.

Further research is indicated in four key areas:

1. Closing civic space as struggles over national sovereignty in the development process

This global wave of closures of liberal civic space is part of distinctly domestic power struggles that need to be analysed within their national political context. These struggles are, among other things, about setting boundaries for civil society action, and preventing what is perceived as its intrusion into the domains of both economic interests – notably, deals over land, labour, energy or natural resources – and of politics proper. Political elites may well learn from the rulers of other countries and across countries, struggles over civic space are of a pattern. But in each instance, the need for civic space closures is domesticated to reflect specific local and nationalistic concerns, while asserting national sovereignty against the international system. Research should analyse the specific political and economic contentions behind superficially similar struggles over civic space to make sense of their implications for development in each setting.

2. The rise of China as a development model

From the perspective of national political elites, the development landscape has been transformed with the rapid growth in importance of Chinese investment. Perhaps particularly for fast-growing countries decreasingly eligible for concessional ODA, but also more widely, the emergence of China as a core development partner has meant a relative decline in the importance of the West with its liberal values of human rights, democracy, and civil society. The national struggles over power that restrict civic political space (noted above) are closely influenced by the material interests involved in both the new and the old development partnerships, but also, it seems, by the normative environment within which they are formed. Given the framing role of the Chinese development model, it would be valuable to research the understandings of civil society in the Chinese development model. Public service delivery in China itself has grown to depend on local cooperation between state and what can reasonably be termed civic actors, in 'a strategic idea of civil society development' (Teets 2013: 20). Whether such learning has been exported alongside the Chinese 'big development' model would be a valuable piece of knowledge, as well as an entry point for further dialogue about civil society and development beyond the confines of liberal democratic values. The retreat of liberal democratic values in Western politics must also be

recognised as shaping the normative environment within which civic space has closed in developing countries.

### 3. Occupations and expansions of the civic space

The last decade saw new entrants with disruptive repertoires or illiberal values occupy civic space in countries around the world. 'Unruly' protestors against austerity or economic shocks and 'uncivil' groups attacking human rights with patriarchal or inegalitarian values have often found new space in the virtual or online public sphere. In countries with strong social ties but limited literacy, digital or otherwise, the civic space may become particularly volatile and contentious. Development thought and practice has paid insufficient attention to these other actors and repertoires in national civic space, despite their potentially powerful influence on development policy choices and strategies. Research should examine whether and the extent to which these alternative civic actors promote inclusive development, holding political and economic actors, and indeed each other, to account.

### 4. Closing civic space, dispossession and development

A recurrent feature of closing space for civil society in the past few years has been contentions over major land and natural resource deals, often around energy and agricultural investments, as well as around workers' rights. Research can help to uncover how and the extent to which discourses of national sovereignty and foreign values are underpinned by powerful material interests, in documented instances arrayed forcefully against the defenders of human rights, social justice, or planetary sustainability.

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