

The Shrinking Space of Civil Society: a Report on Trends, Responses, and the Role of Donors

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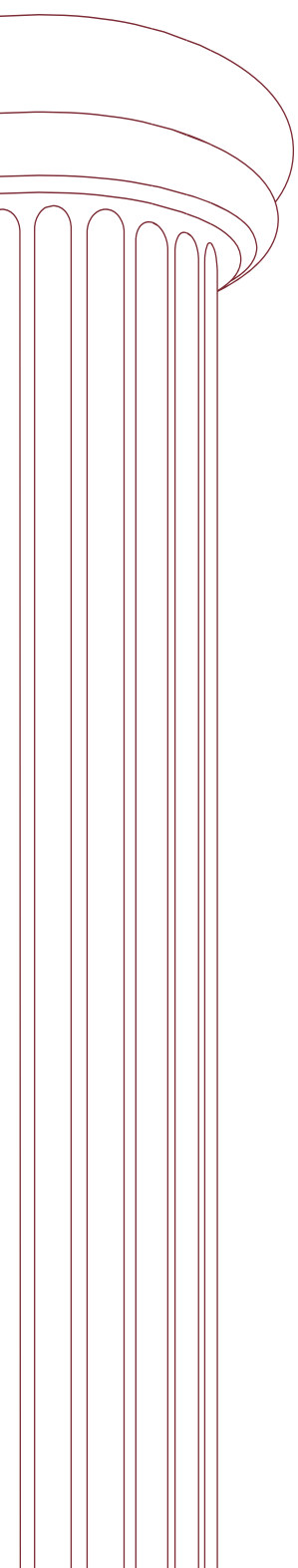
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FÜR PHILANTHROPIE UND ZIVILGESELLSCHAFT



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The Shrinking Space of Civil Society:
A Report on Trends, Responses,
and the Role of Donors

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Abstract

Civil society is one of the main arenas of the democratization. However, in recent years the political space of civil society has become narrower and does not contribute to effective operation of civil society organisations (CSOs). Due to repression by governments, civil society organisations are encountering a series of challenges, which may extend to closing down the organisations. Civil society activists are being violently attacked, imprisoned and/or forced to emigrate. The mutual mistrust and the lack of dialogue between CSOs and government is increasing, not only in authoritarian, but also in some democratic states across the world.

This study aims to promote the importance of dialogue between civil society and governments in preventing the repression of civil society. Moreover, it will investigate the nature and causes of repression of civil society, to identify trends of shrinking the space as applied by states, to explore the responses and impact of shrinking space on civil society, to determine new mechanisms and strategies for dialogue and cooperation through comparative and contrast analysis of previous researches on the topic (desk review) and case studies. The study shows that various restrictions are being applied by governments to shrink the political space of CSOs, which leads to the closing down of organisations, due to the lack of response mechanisms and capacities. On the other hand, the research identifies possible response mechanisms and support by the international community as well as providing recommendations for stakeholders to address and solve the issue. The study shows that despite democratic developments in the world, there is a need to enhance cooperation, dialogue and mutual understanding between CSOs and government to contribute to the democratisation of the countries.

Table of Contents

Abbreviations	5
Introduction.....	6
Chapter 1. The Main Trends of the Shrinking space.....	8
1.1. Philanthropic Protectionism	9
1.2. Restrictions with Domestic Laws	9
1.3. Restrictions on Freedom of Assembly and Association	10
1.4. Criminalisation, Stigmatisation, and Delegitimation of Human Rights Defenders Activities.....	11
1.5. Restriction on Freedom of Expression Online and Offline	12
1.6. Intimidation and Attacks against Civil Society Actors	13
1.7. Capturing the Spaces Inhabited by the CSOs and Attempts to Discredit CSOs	15
1.8. Restrictions of CSOs by False Counterterrorism Measures	15
Chapter 2. Reclaiming the Political Space	16
A. Responses.....	16
B. The Role of Donors	19
Monitoring	19
Raising Awareness	20
Solidarity between Civil Society Players	20
Supporting Social and Political Movements.....	21
Legal Defense	21
C. Shaping the Frame	22
Lobbying and Advocacy.....	22
National-Level Implementation of Multilateral Commitments.....	22
Enhancing Accountability of CSOs	23
Capacity Building	23
Conclusions and Recommendations	24
References	29

Abbreviations

AML	Anti Money Laundering
CSO	Civil Society Organisation
CTF	Counter Terrorism Financing
FATF	Financial Action Task Force
GONGO	Government-Organised Non-governmental Organisation
HRD	Human Rights Defender
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Queer, Questioning and Intersex
MENA	Middle East and North Africa
NGO	Non-governmental Organisation
OGP	Open Government Partnership
OSI	Open Society Institute
UN	United Nations
US	United States

Introduction

"Civil society space provides the oxygen for citizens to participate and meaningfully hold their governments and the private sector to account – and ensure that decisions are made in the interest of the majority and not the few. Without it, citizens have limited space to dissent and challenge the elites."

Winnie Byanyima

Given the increasing popularity of civil society and its influence on policies and governments in recent years, the trend of repression of civil society organisations is striking. Governments are creating legal and administrative barriers to make it more difficult for civil society organisations to operate. This phenomenon is commonly called the shrinking civic space. It is necessary here to clarify exactly what is meant by the term. "Shrinking Space" is defined by most civil society experts as a concept or framework that captures a dynamic relationship between repressive methods and political struggle (Hayes et al. 2017, 3). The main value of this framework is to understand common trends of repression.

Since civil society is based on people who, while driven by an idea and interest, represent different groups and interests in society, there are contradictions, divisions and clashes within civil society that hamper or challenge the space for civil society without any body outside civil society having to interfere. E.g., civil society being as large and inclusive of very different types of actors, it is, as a whole not necessarily the force or actor best suited to promote equal rights of citizens. Some CSOs may work against women's rights or promote religious extremism. Also, civil society players might well work against one another and try and minimize other players' scope and influence. Yet, extensive research has shown that the space in which civil society organisations are operating can also begin to shrink, as governments see civil society as a threat to their power. As a result, they employ measures to weaken and discredit civil society actors, thereby narrowing the space in which they can work. Indeed, restrictive methods are used to divide civil society, to make their work less effective, and to reduce their involvement and influence in policy making and public opinion making.

Despite the fact that the phenomenon exists worldwide the civic space challenges vary from country to country, and depend on the size, capacities, and mission of the civil society organisations themselves. The shrinking of civic space and the questioning of legitimacy of civil society organisations is a significant and worrying trend – both in democratic and non-democratic countries. The most vulnerable members of society such as women's rights defenders, and citizens with nontraditional sexual orientation are often among the most affected by human rights violations (Amnesty 2017, 34). The CIVICUS Monitor reports that states often violate the civic

space through the detention of activists, attacks on journalists, censorship, the use of excessive force against protesters, and the harassment of activists and journalists (CIVICUS 2018, 4–12).

Considerable research has been conducted by international organisations on the topic of the shrinking space of civil society. Nevertheless comprehensive research that deals with the phenomenon, its causes and trends, the responses of civil society organisations, mechanisms to prevent the narrowing of the space, or to reclaim it, is lacking. Available information, mostly provided by civil society organisations (local and international), has not been analyzed from a scientific perspective and does not necessarily involve governments in the research scope. One of the major drawbacks of such research is that it does not deal with the causes of the restrictions. Therefore, it is not sufficient for understanding the situation from different perspectives. On the other hand, this research does not focus on creating strategies and mechanisms for dialogue between civil society organisations and governments, where both actors will see each other as partners rather than as competitors.

Many states see civil society as a threat to the authorities, whereas it should be accepted as an important part of democratic processes and political society. Despite the reports of international organisations, the shrinking space of civil society continues to be a trend and thus needs to be addressed widely in order to make the work of civil society independent and ensure the investment of civil society actors in democratization and decision-making processes by strengthening dialogue between civil society and political society (government).

The study focusses on civil society organisations experiencing repression and the causes of this repression, governments' intentions to shrink the space of civil society and CSO's responses to repression. Despite the relevance and importance of this topic, little comprehensive research exists that addresses the causes of repression on civil society, responses of civil society actors, and mechanisms of reclaiming civic space through dialogue and cooperation. This research will explore these causes and the responses of civil society organisations. It will also look at possible mechanisms to prevent the repression and strengthen dialogue between civil society and government.

The central thesis of this paper is that the lack of dialogue between civil society organisations contributes to the repression of civil society and affects democratization processes and coexistence between civil society and political society.

The study follows a mixed methodology, based on comparative and contrast analysis of previous researches on the topic (desk review), case studies of shrinking space in democratic and non-democratic countries, expert interviews with representatives of government and civil society.

1. The Main Trends of the Shrinking Space

Governments are creating legal and administrative barriers to make CSOs' operations more difficult, especially targeting the ones that obtain foreign support or funding. In many countries, NGOs (particularly those working on human rights) are restricted in attempting to hold public gatherings, expressing their views, and/or setting up new or branch organisations. Moreover, individual human rights defenders are often subjected to intimidation and harassment.

The democratic space starts shrinking as far as governments see civil society organisations as a threat to their authority. Consequently, in order to discredit and weaken CSOs and challenge their work, various tactics are being applied. For example, the Russian federal government's 'foreign agent' law tried to cut funding to NGOs off, while labeling the CSOs as 'spies'.

Moreover, in order to support their policies, governments in Turkey, Azerbaijan, and Hungary are active in establishing pro-government organisations, which also affects freedom of expression by independent civil society organisations. In other cases, governments reduce participation of civil society in the policy making processes by shifting government policy and funding priorities to support 'traditional family values and national identity building/strengthening'. Recently, some international organisations have been closed in Hungary. E.g., the OSI office has had to be moved from Budapest to Berlin (ILGA 2018).

Challenging the legitimacy of CSOs has become a compelling and alerting trend world-wide. The CIVICUS Monitor indicates that states increasingly violate civic space by detaining activists, attacking journalists, censorship, the use of excessive force against protests, other forms of protest disruption and the harassment of activists and journalists (CIVICUS 2018).

Within the shrinking space discourse the following trends may be observed:

- (1) philanthropic protectionism through patronage of affirmative sub-sectors;
- (2) restrictions regarding international funding;
- (3) domestic laws regulating the operation of CSOs more broadly by imposing new rules on registration, accounting, financial and narrative reporting;
- (4) policies and practices affecting the rights of freedom of assembly and association;
- (5) reigning in CSO activities through carrots and sticks policies;
- (6) criminalization and stigmatization of human rights defenders' activities;
- (7) restrictions of freedom of expression online and offline;
- (8) intimidation and violent attacks against civil society actors;

- (9) attempts to discredit CSOs;
- (10) restrictions of CSOs through false counterterrorism measures.

Some of these will now be examined in more detail.

1.1. Philanthropic Protectionism and Funding Restrictions

In some countries, CSOs are required to get advance approval from the government to get international funding as well as cross-border philanthropy. According to the *International Journal of Not-for-Profit Law*, most common approaches include “*prior approval of every foreign contribution, and prior approval of every organisation permitted to receive foreign contributions*” (Rutzen 2015, 6).

The first approach is typical for the Middle East and North Africa (MENA) region, Egypt being perhaps the best-known example, where a CSO must get approval of the Ministry of Social Solidarity before receiving foreign funding. The violation of this policy causes issues for the CSOs which can lead to imprisonment. For example, in 2013, the court imposed jail sentences on forty-three CSO representatives for failing to meet foreign funding requirements (Rutzen, 2015, 6–7).

This is an issue also in countries outside MENA. The monitoring reports of The International Center for Not-for-Profit Law show that for example, in Uzbekistan, before CSOs receive a foreign grant, a Commission under the Cabinet of Ministers must decide whether the project is worth being supported (Civic Freedom Monitor: Uzbekistan 2018). In Turkmenistan the situation is different. A foreign organisation interested in funding a local CSO must apply for permission from the Ministry of Foreign Affairs. After the government has given its permission, the CSO must submit an application to a State Commission for the final decision (Civic Freedom Monitor: Turkmenistan 2018). In Belarus (Civic Freedom Monitor: Belarus 2018) and Azerbaijan (Civic Freedom Monitor: Azerbaijan 2018) CSOs are required to register grant agreements which complicate international funding and lead to a governmental cross-check.

1.2. Domestic Legislation

In recent years, many states have introduced new laws and regulations on the governance of CSOs alongside laws and regulations on protest, internet use and freedom of expression. Regulations on CSO governance are generally introduced with the stated purpose of improving the accountability and transparency of CSOs, but often have the effect of making it harder for CSOs to operate by introducing more stringent registration and reporting requirements. Consistent with the above analysis, laws and regulations often include terminology on the need to protect national security, order, values and morality as justification for restricting these rights. Such terms

are often not well-defined, which introduces multiple opportunities for CSOs to be targeted for political reasons. There is a tendency to challenge the autonomy of CSOs. For example, while it is international best practice (“freedom of association” as a civil right) that CSOs should be able to form independently and only be required to notify state authorities of their formation, laws recently introduced in several countries require CSOs to obtain prior approval from state authorities before they can be registered and begin operations.

The national laws put more responsibilities and obligations on CSOs which increase barriers for compliance and lead to shutdown measures visited upon CSO operations due to non-compliance.

1.3. Restrictions of Freedom of Assembly and Association

By making it difficult or even illegal for individuals and groups to gather or meet to exercise their right to freedom of assembly, this type of regulation directly hinders the abilities of CSOs to plan or engage in advocacy activities. Usually, governments ban gatherings of activists through police and/or military enforcement. The mechanism that they use includes laws, administrative regulations, and practices. Usually, this is justified for the sake of public order and security.

E.g. the freedom to hold public meetings, pickets and demonstrations in the Russian Federation has shrunk dramatically in recent years. Whether it is a peaceful single-person picket or a mass demonstration against the government, the authorities now have a catalogue of measures to hand, enabling them to ban, restrict or alter protesters’ plans and to arbitrarily disperse virtually any gathering.

Those who plan to hold a meeting, demonstration or picket, except for a single-person picket,

- may either do so only at one of the specially designated places (commonly known as “Hyde Parks”), of which they still need to notify the authorities, or
- must seek express prior permission from the authorities to hold a meeting in another location.

In Venezuela, hearings of NGO leaders by members of parliament are designed to intimidate them on grounds of conspiracy and other false allegations. The government uses its very own violent gangs and the police force to intimidate any opposition meeting. Likewise, in Bolivia, the government uses violent followers to repress and persecute opposition leaders and demonstrators. In Nicaragua, the government funds violent gangs to intimidate NGOs and implement violent responses to any kind of democratic assembly. The government is known to have persecuted and shot Congress as well as CSO leaders (Ponce 2010).

In 2015, the French Parliament introduced an Emergency Law after a series of high profile terrorist attacks in Paris. The law curtails the freedom of expression and association and allows for increased surveillance and the interception of citizens' communication. The state of emergency also limits the ability to hold public demonstrations. Human Rights Watch states in its report that the expanded emergency powers allow the government to impose house arrest without authorization from a judge, to conduct searches without a judicial warrant, and to seize any computer file it finds and to block websites deemed to glorify terrorism without prior judicial authorization. These powers interfere with the rights to personal liberty, security, freedom of movement, privacy, and freedom of association and expression (France 2015).

1.4. Criminalisation, Stigmatisation, and Delegitimisation of Human Rights Defenders Activities

According to the report on Criminalisation of Human Rights Defenders (HRDs) "criminalisation is characterised by its selective nature and may be defined as the use of legal frameworks, strategies and political and legal actions with the intention of treating [the defense, promotion and protection of human rights] as illegitimate and illegal." Its ultimate aim is to attack HRDs and/or impede their work (Martin, 2015, 4).

Moreover, criminalisation also includes stigmatisation, which is a process to affect the image and reputation of the movements or organisational processes involved in human rights protection. This may also be done in a way that questions the personal or professional principles of the HRDs. Furthermore, stigmatisation can involve statements that seek to label HRDs and the causes and protests promoted by them as criminal, or as obstacles to development or as opposing national unity. Thus, attempts are made to delegitimize the actions of persons who promote and defend human rights. Even more seriously, this approach ends up playing a vital role in the development of policies that are designed to criminalise social protest and HRDs alike.

Examples of the stigmatisation and delegitimisation of HRDs include:

- Organisations and HRDs that promote the rights of LGBTQI citizens are accused of undermining the family, morality or traditional values. Similar disqualifications are faced by defenders of the rights – especially the sexual and reproductive rights – of women (Sekaggya 2014);
- Women HRDs operating in rural communities face stigmatisation in the form of rumours spread by their neighbours. Their sexual or emotional lives are questioned, or they are slandered as they face accusations of engaging in affairs or becoming involved with married men active in their organisations or members of their communities;

- Activists and CSOs that defend the right to truth, justice, reparation and the non-repetition of human rights violations during or after armed conflicts, are accused of profiting from the pain of others or of dividing society.

An Amnesty International Report states that laws regulating demonstrations in Egypt permitted the detention of 22 people who were arrested and accused of a range of crimes, including engaging in unauthorised demonstrations. As a result, the activist Yara Sallam, who was among the people who were tried, was sentenced to three years in prison (Amnesty 2014).

In 2013, a law was passed in Russia that was directed against LGBTQI citizens. The law punishes anyone who spreads “propaganda in favour of nontraditional sexual relations”.

1.5. Restrictions on Freedom of Expression Online and Offline

Civil society space mainly depends on the respect of three most important freedoms which are freedom of association, freedom of assembly freedom of expression. However, a trend, which is gaining popularity aims at restricting the freedom of expression both in online platforms and offline. This demonstrates that core values of civil society are not universally respected. According to the 2016 CIVICUS report the restrictions on freedom of expression include shutting down media companies, violent attacks on investigative journalists and/or bloggers, creating obstacles for the dissemination of newspapers, the use of criminal law to obstruct free speech, restrictive media legislation including state censorship of news and social media, and the refusal of access to information (CIVICUS 2016, 53).

Moreover, the CIVICUS State of Civil Society report (2017) states that “with politics taking a regressive, populist turn in many states, the expression of dissent with ruling parties and leaders is increasingly seen as a political act, rather than as a normal part of a functioning democracy”. This contributes to the increasing pressure on the freedom of expression of CSOs. Communication channels where civil society representatives can speak their mind are constrained. Governments use their authority and power over media to censor and repress alternative opinions. Usually, this is complemented by the acquisition of particular media and civil society players for spreading fake news, while fighting against fake news is used as an argument to attack and restrict CSOs. Arcane laws such as those on criminal defamation are enforced in order to tighten online space, while individual journalists who try to cover dissenting voices are harassed, detained and attacked (CIVICUS 2017, 2).

Journalists die due to their political views and open talks about the issues in their countries. The Washington Post reports that 1,300 journalists have been killed between 2002 and 2013, one

third of them in countries not involved in armed conflicts. E.g, journalists are a big target in Mexico, one of the most dangerous countries for members of the mass media worldwide, but also in Brazil, the Philippines, Indonesia, Nepal and Egypt (Gohdes and Carey 2017).

On one hand, the growth and popularity of online and especially social media (Facebook, Twitter) contribute to the freedom of expression and free speech. On the other hand, they also lead to increasing control mechanisms exercised by repressive governments who are afraid of the mobilization of people through social platforms. This phenomenon was particularly prevalent after the so-called Arab Spring, when some North African countries experienced revolutions. Social Media have played a key role in mobilizing, informing, and sharing news during the revolutions in Tunisia and Egypt. More generally, the increasing importance of social media leads governments not only in MENA region, but also in other parts of the world, to apply mechanisms to repress social media and their content. E.g., in 2017, the Turkish government drastically curtailed internet access and suspended telecommunication networks, as well as introducing arrests for political speech online. Internet connections were throttled, and major social media platforms blocked when the Turkish Army apparently attempted to overthrow the government.

In another case, the Moscow Court granted Roskomnadzor (Russia's communications regulator) permission to ban the access to Telegram on the grounds that "the company had not complied with a 2017 order to provide access keys to the Russian Federal Security Service (FSB)". Since then, mass Internet disruption has been caused due to action taken by the Russian authorities to restrict access to Telegram. Over 20 million Internet Protocol (IP) addresses have been ordered to be blocked by Roskomnadzor. The majority of these addresses belonged to international Internet companies (including Google, Amazon and Microsoft) (Russia 2018).

1.6. Intimidation and Attacks against Civil Society Actors

When CSOs are considered a threat to government, repression and its methods are widening day by day. The number of incidents of harassment and physical violence involving civil society activists and both professional and citizen journalists has increased. The latest CIVICUS Report on Civil Society notes a rise in targeted assassinations. According to the report, other forms of punishment for civil society activists are torture, revocation of citizenship, travel restrictions, and imprisonment following unfair trials. Moreover, disappearances, intimidation and surveillance abound. (CIVICUS 2016, 61).

Restrictive legislation as drawn up in several countries curtails CSOs' ability to protect vulnerable and marginalized groups and promote human rights. Furthermore, with an excuse of ensuring the security of the state, anti-terrorism laws are regularly being used to encroach on personal privacy

and professional secrecy, to restrain protest, to criminalise activists, journalists and bloggers and to shut down CSOs or force them to do so.

Governments use forceful means including the police to repress the protests by using disproportionate forces against non-violent protestors. Other intimidation tactics such as live ammunition, water cannons with capsaicin liquid, tear gas and baton charges on unarmed protestors are also used to clamp down on protests.

In recent years, such attacks have taken place both in authoritarian and in relatively stable democratic states. Experts point to the fact CSOs constitute the main target of repression, particularly when engaged in the promotion of electoral democracy, good governance and anti-corruption measures. CSOs are known to have received threats from high-ranking officials and politicians. The main reasoning is that CSOs that work with foreign powers inherently aim at overthrowing the government. Such threats often precede the approval of restrictive legislation meant to control the operations and activities of civil society (CIVICUS 2016, 48).

In Kazakhstan, in 2015, an administrative code came into effect imposing punishments on representatives of organisations carrying out activities beyond those defined by their statutes. Presidential approval for foreign funding has been coupled with amendments to NGO laws restricting foreign support. Limitations on media freedom have been recorded, and civil society activists have been arrested for social media posts. The representatives of CSOs working with vulnerable groups such as LGBTQI rights defenders have suffered physical attacks. (Human Rights Watch 2015).

In Lebanon, CSOs have recently reported “judicial harassment, especially for those working on cases involving the disappearance and arrests of human rights defenders. Police forcefully dispersed demonstrators during the widespread anti-government protests. Excessive force, including live ammunition, was used against protesters, dozens of whom were charged with assault and vandalism. Defamation laws were used against bloggers and journalists” (Lebanon 2015).

Admittedly, beside high-ranking officials and politicians, other non-state actors, such as religious conservatives and far right groups are also involved in the intimidation and attacks against civil society actors. Human rights activists, members of the LGBTQI community, and religious minorities are being blackmailed, harassed by non-state actors through in-person confrontation and over the internet. These acts cause existential threats to CSOs and their operations and challenge their rights.

1.7. Capturing Spaces Inhabited by CSOs and Attempts to Discredit them

A clearly visible trend today is the establishment of parallel organisations, as governments form or control their own CSOs, sometimes called GONGOs (government organised non-governmental organisations), in order to undermine, discredit, and divert funding away from the legitimate CSO sector. These organisations aim at promoting and protecting government interests. Basically, repressive regimes tend to fund this type of organisations in as much as they are unable to contradict the criticism raised by citizens. Setting up their own organisations thus serves as a mechanism for the governments to distract from failings. Moreover, GONGOs challenge the legitimacy of other civil society voices, and seize control of time, space, and other resources that could be used for real cooperation and effective dialogue between civil society and the government.

Kazakhstan is a showcase of how GONGOs can crowd out “real” organisations and even obtain funding from international organisations. Over recent years, foreign funding to Kazakh NGOs has been restricted to activities which “defend the public interest”, as defined narrowly by the government. International donor organisations have increased their financial support for only those organisations with good government relations. Under the guise of a so-called constructive dialogue between state and civil society, new GONGOs has been founded, and donors have been seen to support GONGOs for insufficient civil engagement instead of supporting real civil society actors (Shormanbaeva 2017).

1.8. Restrictions of CSOs through False Counterterrorism Measures

Another existing trend of restrictions of civil society is followed in the name of maintaining national security. The restriction of civic space has increased significantly following the terror attacks in the US in 2001, followed by a number of worldwide anti-terrorism initiatives and legislative efforts. While some of these were well-intentioned, many had a considerable bias on reducing the rights of citizens and civil society. In some countries, rhetoric around combating terrorism has been used to hide the intent of shrinking the space of the civil society. The emergence of laws that restrict civic space in the name of countering terrorism has been described as an “ideological pandemic” by Ben Emmerson, the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, in 2015 (UN News 2015). What followed in some instances were legitimate forms of criticism from CSOs being equated with terrorism and attempts at destabilising government leaders, some CSOs even being labeled as terrorists. Today, activists and CSO staff may easily find themselves under surveillance or criminally prosecuted under anti-terrorism laws.

Anti-terrorism laws are affecting the CSOs' work negatively by preventing them from getting funding. As part of their anti-terrorist financing strategy, the US and its partners have turned to the Financial Action Task Force (FATF), an intergovernmental organisation founded in 1989 that sets standards for legal and administrative measures and combats threats to the international financial system, such as money laundering. After the terror attacks in 2001, anti-terrorist financing has been added to FATF's agenda, and special recommendations have been developed to address the latter, including one on CSOs. FATF's recommendation on non-profit organisations (recommendation n. 8) adopted the rhetoric of the Bush administration, judging that civil society is particularly vulnerable. It also promoted monitoring and supervising CSOs by the governments (CIVICUS and OGP 2018). These actions had a negative impact on civil society operations and particularly on access to financial resources to support CSO activities. Action to combat terrorist financing has effectively stopped funding terrorists, but also affected the funding of civil society organisations.

2. Reclaiming the Political Space

2.1. Responses

In this part of the report responses and reactions of CSOs, donor organisations and other stakeholders are reflected in analysis. Possible strategies, tactics and practices of efficient responses to the shrinking space threat are discussed.

Obviously, there is no single answer to the shrinking space problem. The challenges faced by civil society are the result of diverse political, social, legal, economic and cultural factors. The reasons why authorities repress civil society are equally diverse. Every country context is unique and strategic approaches to deal with the issue must therefore be rooted in a clear understanding of local reality and context.

As do trends of shrinking space, responses too vary from country to country, and depend on the context and mechanisms that governments and/or other non-governmental organisations are implying against the CSOs. We will discuss the responses and reactions in terms of CSOs (grassroots organisations) and donor organisations.

There are two types of commonly used responses by the CSOs: on one hand, individual responses of single organisations dealing with the shrinking space issue, on the other hand collective responses to monitor the issue and develop strategies to deal with it.

Experts also identify proactive and reactive responses by the CSOs. Reactive or short-term responses are typical for small grassroots organisations that try to protect their staff and organisation in order to find ways to continue their operation. Proactive, usually long-term

responses focus on strategies to cope with the trends of pressure; they are more coordinated and are mostly organised by networks of CSOs.

Short term response is the immediate reaction to pressure. Several responses may be observed:

(1) Closing down or withdrawing

In some cases, the response of organisations experiencing pressure from government agencies is to close down the organisation. This is common practice especially among small grassroots organisations that lack resources and capable staff. The organisations either terminate their activities entirely, or they change their work geography to avoid working in a dangerous environment.

These organisations are sometimes donor-driven and not self-sufficient without the support (financial and non-financial) of donor organisations. They are unable to develop strategies to deal with pressure, and therefore feel compelled to terminate operations. The members of these organisations either change their work sphere or leave the country to regain their freedom.

(2) Re-positioning and adaptation

For some organisations, in response to a shrinking space and governmental pressure, it is common practice to change their work scope and direction to a more “neutral” one which will not cause conflicts of interest and will not be seen as opposing the government. In some countries, funders and NGOs have had to restrict their operations to particular areas and close down programmes in sensitive regions. For example, after the Ethiopian Charities and Societies Proclamation in 2009, many resident NGOs ended their projects and advocacy activities related to human rights, free legal aid, election observation, human rights education, conflict resolution between ethnic groups, and womens’ and childrens’ rights, and re-oriented their objectives towards development issues and capacity building. (Rutzen 2015, 10)

(3) Persisting and resisting

Most civil society organisations and civic activists see continuing their work as the only viable response to pressure. Despite pressure from the government, they persist in pursuing their goals to show the authorities that they will not be repressed and that violence, harassment and other tactics of pressure cannot keep them from their mission. These organisations see persistence as a good response mechanism. However, they are keen to improve their security in order to avoid further harassment, intimidation and violence.

(4) Cooperating with other actors in the field

As a short-term response, most organisations not only focus on their capacities, but try to use their social capital (links, partners, stakeholders) in order to get assistance and request support from other organisations. Support sought may be in terms of organisational development as well as legal support and will attempt at receiving security training and legal assistance from peer organisations, which will hopefully result in self-help strategies to deal with the challenges.

Long term response is not time-bound and aims at structural changes in the positioning of civil society by collective efforts. It involves more stakeholders and is more strategic. Organisations using this tactic tend to come up with new strategies in order not only to stabilize themselves in a new situation, but also to reclaim the political space they are operating in. In this case, the response goes further and seeks to address the causes of pressure, to call those responsible for pressure to account, and to create an improved space for CSOs in the long term.

Usually, individual organisations are looking for longer-term protection from other actors. For example, they request government protection try to initiate a constructive dialogue with oppressors (those who are responsible for restrictions), use the media to spread information about the issue, protest, lobby and/or go to court in order to set a precedent for other organisations experiencing pressure. The organisations also systematically inform the public and international organisations about the situation in order to obtain attention for the issue.

Unlike individual responses, organisations (mostly critical CSOs with stable financial and non-financial support from donors), by using collective efforts in a long-term perspective, may create a safe **network** of CSOs enabling them to discuss the issues, develop strategies and work as an alliance. However, building networks, maintaining them and applying strategies to counter the pressure is a complex process. Chris van der Borgh and Carolijn Terwindt, writing about “NGOs under pressure in partial democracies”, identify networking as a proactive response in Guatemala, Honduras, Indonesia and the Philippines (Van der Borgh and Terwindt 2014). The networks differ from each other widely, ranging from alliances that unite hundreds of CSOs and social movements, to small networks of no more than few organisations and single offices with good relations with a few local organisations.

All alliances and networks aim at monitoring pressure, developing longer-term strategies and advocacy campaigns, setting up a collective dialogue with government agencies and collectively calling the international community’s attention to the pressures experienced.

Furthermore, the organisations in these networks work at strengthening the capacity of the organisations and their beneficiaries. The networks are usually supported by donor organisations

that contribute to their work by granting financial, administrative and legal assistance in order to enable them to sustain themselves and operate efficiently.

2.2. The Role of Donors

Notwithstanding the response from affected civil society organisations, it is crucial to have donor organisations' support in combating shrinking space strategically. Poorly coordinated and ad hoc donor responses can in practice facilitate the shrinking of space. It has been observed that if attacks on civil society space are not vigorously responded to, further restrictions or attacks may be implicitly facilitated. While some donor responses are timely and focus on short term, crisis-oriented interventions, donors should also show commitment to long-term support in as much as the process of shrinking and defending the political space is an ongoing process. When powerful actors see that repression is tolerated in one context, others may carry out similar actions in other contexts. The message that civil society space is valued by donors must be communicated strongly and consistently.

On the other hand, donor inaction in the face of threats visited upon civil society has the greatest impact on civil society organisations. CSOs will be more vulnerable to threats, when donors shy away from protecting civil society actors, and their space falters or varies. The likelihood of engaging in self-censorship, difficulties in establishing clear political or advocacy strategies, a strain on alliances, organisations, and individuals, and ultimately less capacity to improve internal governance and accountability to communities, may result from this behaviour.

As reasons for restrictions differ, responses need to differ as well. Donor organisations need to take variations of restrictions across different countries into account. They must not focus on one trend only (e.g. NGO law) but must monitor and address other ways of repression in order to make their work productive. The supportive role of donors is in more ways than one fundamental in defending and expanding civic space. In this research we identify several response strategies that are being applied or can be applied by the donor organisations in support of the CSOs fighting for reclaiming their operational space.

When donors take decisive action, governments are forced to respond. When donors fail to act systematically, or in a coordinated manner, this may even facilitate more broadly on democratic space. Responses from the donors need to be proactive, well-thought-out, strategic and persistent, in order to prevent the political space of CSOs from narrowing.

2.2.1. Monitoring

Donor organisations may have the resources and ability to support CSOs in ensuring the flow of information needed to design appropriate responses to the threats they face and to identify the

opportunities they may seize in responding to those threats. Monitoring the civic space through local, regional, national, and international organisations and sharing the information obtained with stakeholders and the general public create awareness of emerging threats, may provide a reasonably effective shield against arbitrary measures, and enable endangered CSOs to develop short-term and long-term response strategies and coordinate their responses. At the same time, awareness of other organisations being repressed and harassed enhances solidarity and sets strategies in motion that may enable CSOs to avoid experiencing the same. Additionally, being up to date on changes to laws and regulations enables CSOs to stand up more effectively against legal challenges.

Some donor organisations have tools for monitoring and assessing the civic space in place; however, not all of them operate effectively. These tools may not address all the needs of CSOs and may cause errors in devising appropriate responses. Global monitoring tools offered by donor organisations may not work in local contexts and need to be adjusted to local realities to be efficient. Thus, efficient monitoring depends on an ongoing and intense consultation process with local actors, and on establishing functioning mechanisms of collaboration with key stakeholders, in order to identify local needs, adjust monitoring and evaluation strategies to the local context, and avoid information gaps.

2.2.2. Raising Awareness

In many countries, alongside increasing social and political movements, governments will discredit CSOs and manipulate the public in order to decrease trust in civil society. Consequently, to raise awareness for the plight of civil society with the public is of great importance. Commonly, raising awareness campaigns organised by CSOs with or without support from donor organisations focus on confrontational narratives. The messages that donors and CSOs spread are negative. Awareness raising however, should concentrate on the importance of civil society and its role in the development of society. Donor organisations and CSOs should work together publicizing a positive message and raising the awareness of international society to do with the civic space issue they are encountering. Furthermore, CSOs should be assisted in setting up good awareness raising campaigns based on the local context and realities.

2.2.3. Solidarity between Civil Society Players

As mentioned previously, collaboration among civil society players serves to give a proactive response to civic space pressure. A divided civil society is likely to fail in responding to the threats. Establishing coalitions among various civil society players is therefore of essence and the commitment of donor organisations in demonstrating a sense of belonging to civil society and

enhancing cooperation between CSOs is crucial. Donor support can enable diverse organisations to recognize common threats and develop more complex, coherent and collective responses. Donor organisations may support creating a safe space for CSOs to discuss the issues, identify threats and opportunities and build up response strategies through national, regional and global networks. Members of these networks exchange their experiences, debate specific issues, and share good and bad practices.

2.2.4. Supporting Informal Social and Political Movements

Donor organisations tend to concentrate their support on formally organised CSOs and pay less attention to informal social and political movements. Increasingly however, these movements constitute an important and very active part of civil society. Traditionally, social and political movements have mobilized the citizens for the issues that society is facing due to the government's incompetence or policies. More often than not, these movements are not funded by any donors or individuals. The fact that these movements do not receive external support tends to make their work less efficient; they often fail to achieve their goals. In order to effectively respond to the closing of civic space, more productive donor organisations' support to informal civil society is needed. The support that they can provide need not necessarily be financial. Indeed, this may affect movements' legitimacy and cohesion, and movements will not always be capable of managing it. Therefore, direct support of donor organisations should include provision of information, as well as support for capacity building, strategic development, team building, logistic support etc. Indirect support maybe demonstrated by enabling the legal environment to effectively facilitate social movements through consultation processes with governments designed to improve laws and regulations.

2.2.5. Legal Defense

Legal defense and litigation is becoming an increasingly important part of the battle for upholding human and civil rights, particularly in countries where the executive branch may be cracking down on civic space. Networks of lawyers may provide support for the defense of CSOs at national as well as regional level. In practice, donor-driven and grassroots organisations do not appeal to the judiciary against the government due to lack of legal support and lack of funds to cover the expenses. External support is particularly valuable in terms of legal consultancy and financial support to hire lawyers and pay for expenses related to court cases. Legal defense of CSOs experiencing repression is crucial not only for reclaiming violated rights, but also for serving as a precedent. Success stories of legal action will stimulate other CSOs to stand up for their rights.

2.3. Shaping the Frame

2.3.1. Lobbying and Advocacy

Engagement in a dialogue with policy makers is fundamental to defending and expanding civic space. The issue of a shrinking space not only involves CSOs and donor organisations. In the process of coming up with responses, shaping government policy with government agencies and parliament in some cases can be successful. A dialogue may help direct policies at a higher level. Unfortunately, in most cases, policy makers do not participate in the processes of combating shrinking space. They are seen as oppressors and mistrusted by CSOs and the citizenry in general. Support can be valuable to raise awareness for the issues of CSOs facing restrictions, and to organise specifically tailored advocacy campaigns for policy makers.

A broader engagement with policy makers may result in less restrictive laws, more progressive implementation of law, and an improved relationship with regulatory and decision-making authorities. While in many countries such engagement does not have immediate effects due to the local context and authorities, it can at least show that CSOs are supported by other stakeholders and the issue is being monitored by the international community.

Enhancing CSO capacity to engage and influence policy actors is therefore of crucial importance. Despite the direct involvement of donor organisations in a dialogue with policy makers, they can support the CSOs in taking the initiative by lobbying themselves, and join the dialogue by creating platforms and cross-sectoral alliances, where CSOs can share their experiences and discuss lobbying and advocacy strategies.

2.3.2. National-Level Implementation of Multilateral Commitments

CSOs can more effectively defend and protect civic space through informed reliance on multilateral commitments and international and regional norms. However, to connect processes at regional, national, and global level constitutes a big challenge for them. Most CSOs are hardly aware of the international commitments of their governments and are consequently not able to react to their implementation, use them as a counter pressure and expand the civic space. Thus, there is an important role for stakeholders in empowering civil society to influence and support the national-level implementation of multilateral commitments.

The Open Government Partnership National Action Plan is a good example of national-level implementation of multilateral commitments with participation of government agencies and CSO representatives. It promotes more enabling legal and operating environments for CSOs and increased citizen participation in decision-making processes (Open Government Partnership 2016). This mechanism not only involves the CSOs in the implementation of commitments, but

also expands the space of CSOs to work collaboratively with the government and contribute to development policies.

The international CSO community is also a valuable supporter in publicizing multilateral commitments and norms to advocate the promotion of civic space. International civil society has proved to be effective in questioning and reshaping international governmental arrangements, such as FATF, and overall AML/CTF (Anti Money Laundering/ Counter Terrorism Financing) measures. For example, FATF Recommendation no. 8, directed at CSOs, describing them as particularly vulnerable to being used for money laundering and funding terrorism, was reworded due to the initiative taken by a group of international CSOs (FATF 2012)⁺.

2.3.3. Enhancing Accountability of CSOs

Along with the issue of shrinking space in some countries, the CSOs often face mistrust by a public which is not used to civil society and does not grasp its role. Thus, enhancing CSO accountability will not only ensure the transparency of CSOs, but will promote open engagement with public. CSOs will gain trust from the public which will result in more support when fighting for their rights.

Given that government and other stakeholders should provide an environment in which CSOs can operate freely and more effectively, the realization of principles ensuring and promoting accountability and transparency connects to the environment in which CSOs work. CSOs themselves have an obligation to their environment in demonstrating their willingness to be accountable. Appropriate mechanisms for CSO accountability are those that correspond to their democratic principles and values, such as operational transparency, consultation processes and open engagement, which are based on their commitment to the people they serve. In this sense, compliance is more than just obeying legal requirements. In an open society, anybody who professes to serve the public should feel compelled to inform the public in which way this service is being provided, how this service is funded, and how the corresponding decisions are taken. Enforcing these principles of accountability is crucial to achieve greater awareness for the actual work of a CSO, thus improving the CSO's reputation.

2.3.4. Capacity Building

Capacity building is one of the most decisive factors in ensuring a CSO's sustainable development. To this end, beside transparency and accountability, monitoring by stakeholders and the implementation of capacity building measures need to be considered.

⁺ The Maecenata Foundation was involved in this process.

Grant makers may help strengthen capacities to be more self-sufficient by insisting on a fair proportion of each grant being used for capacity building rather than spending the entire amount on a project. Their role is also important in helping the organisations strengthen their resilience to navigate and cope with closing civic space challenges.

Capacity building may include training courses, consultations, the development of strategic plans, monitoring and evaluation strategies, communication strategies, crisis management tactics etc. They should be designed in a way that CSOs may better navigate in a changing environment and adapt to new situations, while preserving the focus on their mission and goals. CSOs should achieve a position that enables them to operate in a new environment as well as apply new mechanisms and strategies to claim the civic space. A clear vision and mission, a well-focused programme, an engaged team, and hopefully a permanent office, proper equipment and materials, and a stable financial income are important. But a well-trained team may be even more important to be able to exist in a hostile environment.

3. Conclusions and Recommendations

The present study was designed to promote the importance of dialogue between civil society and governments in prevention of shrinking space of civil society. The study investigated the effects of repression visited upon civil society organisations by identifying some causes of and reasons for a shrinking space as well as some reactions of civil society organisations to this repression.

The most obvious findings to emerge from this study are grouped in three categories:

- (1) causes and trends of repression,
- (2) excuses for repression, and
- (3) responses of civil society.

The research found that

- misperception of civil society (civil society is perceived as a threat to state power),
- lack of trust between the government and the civil society actors, and
- lack of cooperation and dialogue are the main causes of repression.

The misperception of civil society and lack of communication and willingness to collaborate lead governments to imply strategies to repress the civil society, which is to influence on policy-making and decision-making

Within the shrinking space discourse, the following trends have been identified:

- (1) Civil society organisations are facing restrictions in receiving international funding. Some governments usually require them to obtain prior governmental permission to receive funds from outside; some organisations have to sign an agreement with the government in order to be able to get the funding. On the other hand, CSOs are made to fulfill particular requirements for registration, licensing, reporting, and accounting. In this way governments regulate the activities of CSOs more intensely by having access to their internal affairs.
- (2) Governments impose restrictions on the rights of freedom of assembly and association through policies and practices that limit possibilities and places for protesting. Civil society actors and journalists are withheld their right of freedom of expression, this being restricted online and offline through direct censorship or forced self-censorship.
- (3) Human rights defenders' activities are being criminalized and stigmatized by governments. Civil society activists are being intimidated and attacked by the police during protests. Journalists and human rights defenders are intimidated by plain clothes police officers during and after the protests. Moreover, activists are being arrested for their views and antigovernment actions.
- (4) Additionally, government organised nongovernmental organisations (GONGO) are being created to capture the civil society space by imitating their forms and demonstrating close partnerships between CSOs and government, while other CSOs are being discredited. In many cases, they do not get support from international organisations, which give priority to collaboration with the government.

To sum up, the main tactics used by the governments to repress CSOs involve restrictions through national law, policies, intimidation and attacks, criminalization and stigmatization of CSOs' and/or particular actors' activities, restriction of fundamental human rights, and creation of alternative nongovernmental organisations. These findings have significant implications for understanding how governments use their power to repress civil society, in as far as it challenges governmental action.

The research also explored the main excuses that governments bring up to justify their restrictive actions towards CSOs. It became all too apparent that most governments justify their restrictive actions with the need for transparency and accountability, and of antiterrorism measures to prevent possible foreign financing for terrorism while in fact these are designed to overcome threats to government policy priorities and funding schemes, to "traditional" values and national

identity. On the face, most of the arguments governments use resonate with common sense arguments most citizens would subscribe too and are misappropriated to justify oppressive government action.

Furthermore, the main responses of civil society organisations to the repression and the shrinking of the political space were explored, focusing on the following long-term and short-term strategies and mechanisms:

- (1) Most civil society organisations and civic activists continue in their work, following their goals, to show the authorities that they are alive, and that violence, harassment, and other tactics cannot keep them from fulfilling their mission.
- (2) Most critical civil society organisations and international donor organisations try to create safe networks of CSOs where they can discuss issues, come up with strategies, and work as an alliance. Donor organisations, when involved in the networks, strengthen the capacities of the organisations, and keep projects alive.
- (3) Civil society organisations make use of online space and networks to reach out to wider audiences and mobilize more people for action. Facebook groups, pages, and events have become popular and serve as good tools for communication as well as timely responses in critical situations to reach out to the general public.
- (4) Lastly, the use of raising awareness campaigns through increased media coverage of events restrains governments from stepping up action against civil society organisation.

The report also identified potential responses, support and interventions by donor organisations that are crucial in the operation of civil society organisations. It is clear that support from donors can contribute to preventing the space from shrinking and enhance the chances to reclaim the space. Donor action may include i.a.:

- (1) monitoring civil society in countries, where the organisations are being repressed in order to evaluate the situation and come up with support mechanisms, as well as trying to hold the government responsible,
- (2) raising awareness with the international community on issues that CSOs are facing in respective countries in order to attract more attention to the shrinking space issue,
- (3) enabling solidarity between civil society players, in order to facilitate networking and creating a common space where civil society actors may discuss topics of common interest and develop solutions,

- (4) supporting social and political movements that have no access to regular funding channels, basically because they are spontaneous. (Most donor support is directed at registered organisations (legal entities), whereas most of the social and political movements are initiated by the individuals.)
- (5) legal defense of CSOs and civic activists. (Most CSOs lack knowledge about their legal rights and the possibilities of gaining legal assistance.)

The report not only identifies possible support mechanisms from the donors' side, but also mechanisms for boosting CSO's, without or with limited support. Generally speaking, CSOs need to step up their lobbying efforts and try to work with government officials who are not aware of the issue of shrinking space. Advocacy and lobbying alongside effective communication can enable dialogue and promote mutual understanding. Also, there is a need to create awareness for national-level implementation procedures of international commitments which most of the CSOs are not aware of. Awareness will enable CSOs to hold the government responsible and to nudge them towards implementing their commitments accordingly.

In many cases, CSOs accountability being manipulated by governments when restrictive legislation is pending, enhancing CSOs' accountability will not only contribute to CSOs being trusted by the public, but will also render civil society in general more aware of actions taken by CSOs.

Finally, organisations with less organisational capacity are more likely to be target of repression. Therefore, it is crucial for CSOs to not only focus on their projects and spend their resources on them but to also invest in capacity building of organisation and staff, which involves training, workshops and other measures directed at organisational development (office, equipment etc.).

Besides identifying trends, causes, excuses, and responses to repression as well as mechanisms to prevent a shrinking space, the study has given some indications regarding a framework for exploring the phenomenon of shrinking space in a larger context by dealing with specific cases and comparing those with the situation in democratic and nondemocratic countries. In conclusion, it highlights the importance of dialogue between governments and civil society in order to develop a better overall governance system. Understanding causes and reasons may lead to clearer and more comprehensive action plans to fight the shrinking space. The practical value is determined by some suggestions, which may help solve some problems and enhance the dialogue between civil society and governments.

The scope of this study was limited in terms of lack of input from the governmental side and needs to be further developed to be more reflective of the situation from two different perspectives (governmental and civil society). Further research will need to identify possible mechanisms to enhance cooperation between civil society and political society (government) in as much as both are areas of democracy.

Based on the study and its results, several recommendations have been prepared for **the governments, international organisations, and grassroots organisations:**

A- Governments:

- (1) to create nonrestrictive measures and policies in order to ensure an independent functioning of civil society.
- (2) to make changes in national legislation upon consultation with CSOs, to eliminate restrictive measures.
- (3) to create a platform for dialogue and cooperation between CSOs and governmental bodies.

B- International Organisations:

- (1) to create strategies to induce governments to implement international conventions and treaties at national level and ensure the independence of civil society.
- (2) to organise conferences, workshops, fora, and seminars to discuss the issue of shrinking space and work on state-of-the-art strategies and mechanisms to combat this development.
- (3) to create an ongoing monitoring mechanism based on the alerts of CSOs.
- (4) to establish campaigns for raising awareness of the issue.
- (5) to support CSOs and social and political movements financially and legally by providing legal defence and enhancing the capacities of their staff members.
- (6) to increase funding for those civil society organisations that are involved with restrictions, in order to develop their capacities and resilience.

C- Grassroots Organisations:

- (1) to use any opportunity to establish a dialogue with government, to discuss possible cooperation and collaborative projects.

- (2) to actively participate in public hearings and seize any opportunity to influence decision making (including legislative changes) at local and national level.
- (3) to monitor and evaluate the situation of civil society and publicize repression using all possible media.
- (4) to invest in capacity building in order to become more resilient.
- (5) to lobby parliament and raise the awareness for the shrinking space issue at local, national and international level.

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- 2018
- Nr. 108** **Engagiert in neuer Umgebung**
Empowerement von geflüchteten Menschen zum Engagement
Rudolf Speth
- Nr. 109** **Zivildienst und Zivilgesellschaft**
Konkurrenz oder Koproduktion?
Daniel Weyermann
- Nr. 110** **Gestiftete Autonomie**
Welchen Beitrag leistet das Stiftungsmodell zur Autonomie von Universitäten
Thomas Brunotte
- Nr. 111** **Aufnahme und Betreuung geflüchteter Menschen in Berlin**
Zur Kooperation zwischen Verwaltung und Zivilgesellschaft
Markus Edlefsen, Daniel Staemmler
- Nr. 112** **A diversity of roles**
Actions taken by religious communities in Sweden during the "Refugee Crisis" in 2015
Linnea Lundgren
- Nr. 113** **Citizens vs. Refugees: Concepts and Applications of Islamic Solidarity in Turkey and the UK**
Riham Ahmed Khafagy
- Nr. 114** **Die Stiftung als Unternehmung und Investor**
Michael Alberg-Seberich, Michael Borgolte, Siri Hummel
- Nr. 115** **Syrian Civil Society Organisations in Lebanon: Assessment and Analysis of existing organisations and conditions under which they operate**
Linda Mattes
- Nr. 116** **Looking back at 50 years of U.S. philanthropy**
Stanley N. Katz and Benjamin Soskis
- Nr. 117** **Herausforderung Humanitäre Hilfe:**
Politische Bedeutung und kritische Reflexion in Deutschland
Martin Quack
- Nr. 118** **Die Rolle der Zivilgesellschaft in internationalen Konflikten: Das Beispiel Ruanda**
Stephen Little, Annika Niebuhr, Daniel Priller, Philipp Stoll
- Nr. 119** **Unternehmensbeteiligungen gemeinwohlorientierter Stiftungen in Deutschland**
Benedikt Johannes Ott
- Nr. 120** **Zwischen Gemeinnutz und Eigennutz**
Intersektorale Kooperationen von Stiftungen mit Unternehmen
Julia Tauss
- Nr. 121** **Based on Need alone? Impartiality in humanitarian action**
Martin Quack
- Nr. 122** **The Role of Civil Society in the Tunisian Transformation Process**
Simon Rothers
- 2019
- Nr. 123** **Weltwärts im Kontext I - Der entwicklungspolitische Freiwilligendienst im nationalen und internationalen Vergleich**
Benjamin Haas, Sonja Richter
- Nr. 124** **Weltwärts im Kontext II - Der entwicklungspolitische Freiwilligendienst im Vergleich zu staatlichen Instrumenten der entwicklungspolitischen Bildungsarbeit**
Sonja Richter, Benjamin Haas
- Nr. 125** **Zur nichtfinanziellen Berichterstattung aus NPO-Perspektive**
Überlegungen zu den Folgen der Reform der Rechnungslegung gewinnorientierter Unternehmen und erste Befunde aus der Praxis
Josef Baumüller
- Nr. 126** **En quoi se constitue le pouvoir de la société civile?**
Une analyse sur la base de l'exemple de l'économie collaborative
Julia Dreher
- Nr. 127** **Stiftungen als Schulträger**
Rupert Graf Strachwitz