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THE CLOSING SPACE CHALLENGE

How Are Funders Responding?

Thomas Carothers

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Summary

As restrictions on foreign funding for civil society continue to multiply around the world, Western public and private funders committed to supporting civil society development are diversifying and deepening their responses. Yet, as a result of continued internal divisions in outlook and approach, the international aid community is still struggling to define broader, collective approaches that match the depth and breadth of the problem.

Restrictions on External Funding for Civil Society Intensify and Spread

Continued closing space. Just in the past two years, China, India, and Russia, along with many smaller countries—such as Cambodia, Hungary, and Uganda—spanning all ideological, economic, and cultural lines, are stepping up efforts to block foreign support for domestic civil society organizations.

Broader repression. Attacks on foreign funding for civil society are often the leading edge of wider crackdowns on civil society. Power holders justify broader sets of restrictive measures like limitations on freedom of assembly using the anti-foreign-intervention line.

Multiple causes. Attributing the closing space problem mainly to the authoritarian surge around the world overlooks the diversity of the causes. Rising nationalism, counterterrorism policies, a wider questioning of Western power, clashes between economic interests and civic activism, and other factors also spur the phenomenon.

How Funders Are Responding

Changing how they operate. Public and private funders are stepping up the sharing of information about closing space problems among themselves, conducting more risk analysis, revising communication strategies, operating remotely in more places, and bolstering efforts to work directly with local funding partners.

Changing what they do. Funders are scaling back potentially politically sensitive activities in some countries and increasing emergency funds and protective assistance for besieged civic activists. They are also supporting national and regional NGO platforms and new resource centers, and exploring alternative

ways to support civil society, such as by shifting attention to social enterprises and social movements.

Pushing back. Having accumulated considerable experience backing domestic and international campaigns to persuade or pressure closing space governments not to enact restrictive NGO laws and other barriers to civil society support, funders are now attempting to extract practical lessons from these campaigns and increase their efficacy.

Struggling to unify. Governments hostile to foreign civil society aid are undercutting coordinated responses to their restrictive actions by exploiting enduring divisions of outlook and approach within the international assistance community, including between public and private funders, U.S. and European funders, and developmental and political funders. Conflicting policy interests, especially relating to counterterrorism, have weakened the response of Western governments in some countries.

Introduction

In early 2014, Saskia Brechenmacher and I published a report, *Closing Space: Democracy and Human Rights Support Under Fire*, calling attention to the mushrooming trend of governments blocking external actors from aiding civil society within their territories. The phenomenon was not new. In 2006, I had published an article in *Foreign Affairs* on the emergence of “The Backlash Against Democracy Promotion,” and Carl Gershman and Michael Allen warned in the *Journal of Democracy* about “The Assault on Democracy Assistance.”¹ But the closing space problem had not at that earlier time reached a tipping point of either ubiquity or severity. By 2014, it had. Yet many aid organizations were only just starting to look for ways to address the issue.

Since the publication of the 2014 report, the problem has only intensified. Closing space actions continue to multiply, both in major countries like China, India, and Russia, as well as in many smaller ones, such as Cambodia, Hungary, and Uganda. A greater number and wider range of funders are directly affected. In this context, how is the assistance community responding to what a growing array of aid practitioners now see as a major threat to Western support for civil society development in many parts of the world?

This paper seeks to answer this question. It looks at how Western funders are responding, examining changes they are making in *how* they operate and *what* they do to support civil society abroad, as well as actions they are taking to try to limit specific closing space measures. The aid community is clearly advancing in its understanding of the problem and in many specific lines of response, ranging from better communications strategies and risk analysis to a greater emphasis on joining up with local funding partners and offering emergency funds and protective assistance. Yet it is still struggling to define broader, coordinated approaches that match the depth and breadth of the issues at stake, approaches that would embody a forceful commitment to the core principles and values involved and a wide consensus among diverse funders about the need to act. This is the result both of hesitation on the part of many public and private funders to engage at the policy level on this issue as well as of continued divisions in outlook and approach among aid providers that cut against the forging of effective broader responses.

The aid community is still struggling to define coordinated approaches that match the depth and breadth of the issues at stake.

Closing Continues

In the past two years, efforts by governments around the world to limit foreign funding for civil society have continued to intensify and spread.² The two most important non-Western powers, Russia and China, remain in a driving role, further hardening their already restrictive stances. Their actions are the result of the nationalist, anti-Western outlook of their governments. They also reflect fears of unrest, freshly stoked by the 2014 protests in Ukraine and Hong Kong, which Russia and China view, respectively, as having been fomented by foreign interests.³ India has also moved in a negative direction. And following the lead of these three major powers, numerous smaller countries, in multiple regions, have also taken closing space measures. Moreover, closing space issues are surfacing in Western democracies as well.

Russia

The already problematic situation for civil society in Russia has deteriorated still further since the passage of the 2012 “foreign agent” law, especially since the fall in 2014 of the government led by Viktor Yanukovich in Ukraine, the Russian annexation of Crimea, and the souring of Russo-Western relations. In June 2014, amendments were added to the foreign agent law authorizing the Ministry of Justice to register independent groups as foreign agents without their consent. By October 2015, the list of such groups had grown to include over 95 organizations.⁴ In addition, the Russian government passed a new law in May 2015 against so-called “undesirable” nongovernmental organizations (NGOs). This law enables the Prosecutor General’s office to ban the activities of foreign or international NGOs deemed to be undermining “state security,” “national defense,” or “constitutional order” and to fine or jail Russian activists and civil society groups for maintaining any ties with such organizations.⁵

In July, Russia’s upper house of parliament published a list of twelve foreign NGOs, including Freedom House, the John D. and Catherine T. MacArthur Foundation, the Charles Stewart Mott Foundation, the National Democratic Institute, the Open Society Foundations, and the International Republican Institute, asking that the Prosecutor General’s office, the Foreign Affairs Ministry, and the Justice Ministry scrutinize these organizations’ operations.⁶ The Prosecutor General’s office issued its first ban under this law, accusing the National Endowment for Democracy of undermining “the foundations of Russia’s constitutional order, its defense capability and security.”⁷ Later that month, the MacArthur Foundation announced that it would close its office in Moscow, commenting that these new laws “make it all but impossible” for international foundations to operate in Russia, and the Mott Foundation announced it was ending grantmaking in Russia.⁸ Following passage of a law limiting foreign ownership of media outlets in 2014, Russian legislators introduced a bill in October 2015 that would require news organizations to disclose most types

of foreign funding they receive to the government media watchdog, seemingly modeled after the foreign agent law under which NGOs have been regulated.⁹

China

Under the leadership of President Xi Jinping, the Chinese government has been imposing tighter restrictions on Chinese civil society and carrying out a smear campaign against foreign funding of NGOs. Various state organs have demonized NGOs, particularly foreign ones, with statements such as “non-governmental organizations are the soft tentacles of Western countries displaying the will of their nation.”¹⁰ The newly established Chinese National Security Commission, a centralized agency to advise and coordinate national security matters within the Chinese Communist Party leadership, as well as some provincial governments began in mid-2014 investigating a number of foreign-funded NGOs.¹¹

The government released a draft national NGO law, known formally as the Foreign NGO Management Law, in May 2015. The law would place onerous restrictions on the registration, reception of funding, and oversight of foreign NGOs. While the law technically would not ban foreign funding, it would require foreign organizations that plan to fund domestic NGOs to register in China prior to disbursing funds, raising significant barriers to entry for most international funders.¹² Moreover, a number of provisions in the bill suggest that the government views the issue as a national security imperative. The bill charges public security bureaus rather than civil affairs bureaus with registration and oversight of foreign NGOs. One clause in the bill would require that NGOs “not endanger China’s national unity, security, or ethnic unity; must not harm China’s national interests, society’s public interest, or other groups’ and citizens’ lawful rights; and must not violate public order and customs.”¹³ The proposed law may yet be softened before passage, but it seems likely that the environment in China for foreign-funded NGOs will continue to be difficult for the foreseeable future.

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India

A third major non-Western power, India, has also been further limiting space for foreign supporters of civil society. A leaked Indian Intelligence Bureau report soon after Prime Minister Narendra Modi came to office in 2014 warned that “a significant number of Indian NGOs (funded by some donors based in US, UK, Germany and Netherlands)” had been “using people-centric issues to create an environment, which lends itself to stalling development projects.”¹⁴ In 2015, the government placed the Ford Foundation on a “prior permission list” of organizations that must obtain prior governmental approval before disbursing grants. Ostensibly, this was done for (unspecified) national

security reasons though many observers posited that it was due to the foundation's support of a particular human rights activist seen by the prime minister as a political critic.¹⁵ The government has added other Western organizations to this list due to alleged violations of the Foreign Contribution Regulation Act (FCRA), including the Danish International Development Agency, Catholic Organization for Relief and Development Aid (Cordaid), Mercy Corps, as well as a host of environment groups, such as 350.org, the Sierra Club, and Greenpeace India, the latter of which has come under particular scrutiny.¹⁶

Concerns about foreign funding of civil society have increasingly made themselves felt in Western democracies as well.

The leaked Intelligence Bureau report in particular spotlighted Greenpeace International's funding of Greenpeace India and its alleged "massive efforts . . . to take down India's coal-fired power plant and coal mining activity" as well as FCRA violations and sought to make an example of it, freezing its international bank account, preventing its activists from traveling abroad, and eventually banning it from receiving overseas funding.¹⁷ In the first half of 2015, the government canceled the registration of more than 10,000 NGOs, citing administrative missteps on their part, such as not filing certain paperwork.¹⁸ The government is also moving forward with a draft FCRA amendments bill. Although this bill simplifies some of the bureaucratic procedures relating to foreign funding, it introduces new restrictive elements, among them disallowing NGO activities that harm a new broader definition of India's "economic security" and intrusive disclosure requirements.¹⁹

Others

Having these three powerful countries—including the world's most populous democracy—setting the pace of increasing restrictions on external support for civil society resounds loudly around the world. This is true especially because all three of these countries have set forward their restrictive lines very publicly, defending them in broad normative terms as a necessary response to Western political meddling. Following these "industry leaders" in closing space, numerous other countries have also recently taken negative steps. Some examples:

- *Angola* issued a presidential decree in March 2015 regulating NGOs that introduces extensive registration requirements and prevents organizations from accepting funding from foreign entities that engage in undefined "activities contrary to the principles defended by the Angolan people or national sovereign bodies."²⁰
- *Bangladesh* passed the Foreign Donations (Voluntary Activities) Regulation Bill, 2014 in December of that year, placing stringent limits on foreign funding for NGOs and outright bans on all "foreign donations for electoral candidates and government officials. Given the broad definition of

“foreign donations” in the legislation, it could be interpreted to prohibit training and other nonfinancial assistance.²¹

- *Cambodia* enacted a new NGO law in July 2015 that, among other provisions, bans unregistered organizations while vaguely defining what groups are required to register, gives the Ministry of Interior full control over registration with no due process for organizations rejected or deregistered, and leaves undefined the terms “peace, stability and public order or harm the national security, national unity, culture, and traditions of the Cambodian national society” for which organizations can be disbanded.²² This law was a discouraging setback after an energetic domestic and international campaign in prior years to try to convince the Cambodian government not to proceed with an earlier version of it.
- *Hungary* lashed out harshly in mid-2014 against Norwegian funding of some Hungarian NGOs, accusing recipients, including the Hungarian Civil Liberties Union, Transparency International Hungary, and local investigative websites, of having “leftist political ties.”²³ The government audited and raided the offices of Ökotárs, the local partner in charge of an NGO fund to which Norway had contributed, a move that a court in Budapest later declared unlawful.²⁴
- *Uganda* is likely to pass an updated NGO law that would create an NGO board with broad and potentially abusive powers in registration, supervision, and enforcement of organizations as well as a number of vague grounds on which NGOs can be banned.²⁵ Language in the bill states that “the rapid growth of Non-Governmental Organisations has led to subversive methods of work and activities.”²⁶
- In addition, the governments of *Israel, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Laos, Mexico, Nigeria, Pakistan, Sierra Leone, South Sudan, Tajikistan,* and *Vietnam* have drafted or are working on legislation that further restricts NGO activities.

Concerns about foreign funding of civil society have increasingly made themselves felt in Western democracies as well. A 2014 article in the *New York Times* calling attention to funding by foreign governments for U.S. think tanks sparked considerable attention in U.S. policy circles.²⁷ The U.S. House of Representatives responded by establishing a new requirement that mandates witnesses testifying before it report any support that they have received from foreign governments related to the subject of their testimony.²⁸ Such scrutiny has extended north of the border. Over the past three years, the Canadian government has criticized some Canadian NGOs over concerns that they are conduits of foreign, particularly U.S., influence. In 2012, after the prime minister expressed concern over foreign money given to opponents of oil pipelines, the minister of natural resources went further, accusing “environmental and

other radical groups” funded by “foreign special interest groups” of trying “to hijack our regulatory system to achieve their radical ideological agenda” and “undermine Canada’s national economic interest.”²⁹ The government followed up these statements with a series of measures that NGOs feared would send a chill over the sector including a Senate investigation into foreign funding, new sanctions for NGOs violating the 10 percent budget spending limit on “political activities,” and audits of dozens of both environmental and development and human rights NGOs to determine whether they were violating the “political activities” limit.³⁰

In other Western democracies issues relating to the possible narrowing of space for civil society have also arisen, although not with specific connection to foreign funding. The Australian government has been critical of environmental organizations that have raised questions about government-supported mining and natural resource projects. The Federal Council of the governing Liberal Party unanimously adopted a nonbinding motion to strip environmental organizations of their charitable rights in 2014.³¹ In March 2015, the environment committee of the House of Representatives opened an inquiry into whether such groups should receive tax-deductible status.³² In the United Kingdom, the passage in 2014 of the Transparency in Lobbying, Non-Party Campaigning and Trade Union Administration Act, which reduces the threshold of expenditures relating to an electoral campaign that UK charities can make prior to an election before the expenses must be registered with the Electoral Commission, met with criticism by UK NGOs concerned about a possible chilling effect on NGO activities.³³ Maina Kiai, the United Nations (UN) special rapporteur on the rights to freedom of peaceful assembly and of association, wrote in the *Guardian* when the bill was in draft: “Although sold as a way to level the electoral playing field, the bill actually does little more than shrink the space for citizens – particularly those engaged in civil society groups – to express their collective will. And in doing so, it threatens to tarnish the United Kingdom’s democracy.”³⁴

Private Pressures

Rising pressures on civic actors are coming not just from governments but in some places from private actors as well. Latin America has been an especially harsh region for such developments. Numerous Latin American countries have seen a rising tide of cases of violence against journalists, environmental and land rights activists, and human rights defenders instigated by smuggling organizations, drug traffickers, corporations, and other private groups, often in collaboration with corrupt officials. In Mexico, local police abducted 43 students from a teacher’s college en route to a commemoration of a 1968 massacre of protesters and turned them over to a local criminal gang to maim and kill them.³⁵ In Peru, illegal loggers are prime suspects in the murder of indigenous anti-logging campaigner Edwin Chota and three of his colleagues.³⁶ In 2015, Global Witness, an international NGO focused on conflict, corruption, and

human rights abuses related to natural resource exploitation, released a report finding that nearly three-quarters of environmental activists killed in 2014 occurred in Latin America.³⁷ Similarly, the Committee to Protect Journalists has documented the widespread impunity with which journalists are increasingly harassed and murdered in Central and South America. Brazil, Colombia, and Mexico are among the eleven worst countries for violence against journalists, alongside the likes of Afghanistan, Somalia, and Syria.³⁸

Overall Picture

These recent developments embody crucial features of the closing space phenomenon:

- The attacks on foreign funding for civil society are usually, although not always, the leading edge of wider crackdowns on civil society. Power holders justify broader sets of restrictive measures, like generalized limitations on freedom of assembly or a campaign against lesbian, gay, bisexual, and transgender (LGBT) activism, using the anti-foreign-intervention line as an umbrella rationale.
- Countries engaging in closing space measures span a wide variety of political systems—fully authoritarian, semiauthoritarian, and democratic—and cut across essentially all regional, economic, and cultural lines, making the reach of the closing space phenomenon extremely wide.
- Multiple factors drive the issue—the overconfidence of some power holders, the insecurity of others, rising nationalism, migration flows, clashes between economic interests and environmental and rights advocates, a questioning of Western power in many places, and much else. Simply seeing the closing space problem as the result of a broad authoritarian surge in the world overlooks the diversity and complexity of the causes.
- Counterterrorism policies continue to contribute to the problem as well. The rise of the self-proclaimed Islamic State and the attendant growing fears of “the enemy within” in many different countries fuels efforts to restrict cross-border financial flows to nongovernmental organizations and the view that civic space is a luxury that countries threatened by terrorism cannot afford.

Taken together, all of these elements underline the crucial fact that the closing space for cross-border assistance to civil society is not a temporary phenomenon likely to pass once a few especially troublesome leaders depart the scene. It is rooted in structural elements of the international political system that will continue to shape the landscape for international democracy and rights support for the foreseeable future.

Modifying Methods

Growing Recognition and Sharing

With the closing space problem continuing to spread and intensify, more funders are experiencing problems with their operations in more countries and thus becoming more aware of the overall issue. A growing number of funders are carrying out internal review processes to examine the problems they have encountered and the responses they have taken, and to think through what their approach should be. These review processes often include discussions by the organizations' boards of directors and other advisory groups, and sometimes include in-depth reviews of the organizations' historical experience in different countries and consultations with on-the-ground partners.

In parallel with this process of awareness raising within specific assistance organizations, efforts to share and accumulate knowledge among funders are also growing. A donor working group on cross-border philanthropy was set up in March 2014 at the initiative of the Fund for Global Human Rights, the Oak Foundation, the Open Society Foundations, and the Sigrid Rausing Trust, bringing together more than 40 foundations concerned about closing space issues. The group, which is hosted by the Ariadne network and the International Human Rights Funders Group, has convened a series of workshops, conferences, and online discussions to discuss the closing space problem and responses to it. In addition to its continued indispensable reporting and analysis of legal developments relating to closing space, the International Center for Not-for-Profit Law convened in May 2015 a Global Forum dedicated to discussions about civic space among participants from more than 200 organizations. The 2014 and 2015 *State of Civil Society* reports by CIVICUS have devoted attention to the issue. On several occasions in 2015, including in Ireland in May, UN Secretary General Ban Ki-moon spoke out against growing restrictions against civil society groups in many countries. Within the U.S. policy community, the White House has held outreach meetings with a group of interested nongovernmental organizations to discuss progress on the Obama administration's Stand With Civil Society initiative that was launched in September 2013. The Human Rights Initiative of the Center for Strategic and International Studies has launched a project aimed at deepening the understanding of the closing space problem and generating policy responses.³⁹ Alongside the U.S. government, the Swedish government has been the most active government sponsoring awareness-raising and knowledge-sharing work on the closing space problem.

Although information sharing among funders has started to increase, it is hampered by an imbalance: almost all funders are keen to know what problems other organizations are having, yet are hesitant to divulge much information regarding their own problems. They worry that sharing specifics of grants

that have proved especially sensitive, or the results of conversations they have had with government officials about restrictive measures, may jeopardize their efforts to resolve problems quietly. Or they feel that the specific work-arounds they have achieved for any one problem are particular to that context and not worth sharing with others as a general lesson learned. Thus, the demand for shared knowledge about closing space experiences tends to exceed the supply.

Operating More Remotely

From the beginning of the closing space phenomenon, one of the most common responses by funders has been shifting away from a direct presence in restrictive countries and instead operating remotely—whether that has meant establishing an office in a neighboring country to oversee activities relating to the restrictive country, shifting relevant operations to a regional office, holding trainings or other activities in neighboring countries, or building up virtual methods of support, such as online training courses. This trend toward replacing reduced in-country presences with remote operations has been increasing during the past two years in parallel with the continued worsening of the closing space problem. The Russian government’s recent restrictive actions, for example, have prompted various organizations to shift to remote operations for work relating to Russia. Such measures include the establishment of the Prague Civil Society Centre in 2015. The organization supports civil society development in Russia and other countries of the former Soviet Union, with funding from the Czech, Swedish, and U.S. governments, and the Oak and Mott Foundations.⁴⁰

Deciding whether to close down an office within a country that is becoming restrictive is often difficult for assistance organizations that still have a choice and have not been ordered to leave. It involves an uncertain and often fraught calculation about the cost of staying, which usually includes risks to personnel and having to operate within narrowed programmatic boundaries, versus the value of staying. Some organizations, like the two largest German political foundations, the Friedrich Ebert Stiftung and the Konrad Adenauer Stiftung, have a tradition of maintaining long-term in-country presences. They are understandably loath to give up on their country offices, unless it is absolutely necessary. Thus, for example, the Ebert Stiftung remains in Ethiopia, despite the highly restrictive environment for democracy and human rights support there. It chooses to work directly with the ruling party, hoping to support positive change from within the power establishment. In contrast, the Heinrich Böll Stiftung, a newer foundation with less tradition of very long-term relationships with partner governments, chose to leave Ethiopia in 2012 after encountering significant limits on its work there. A Böll press release announcing the office closure stated that the organization’s

This trend toward replacing reduced in-country presences with remote operations has been increasing during the past two years in parallel with the continued worsening of the closing space problem.

decision to leave Ethiopia should be taken “as a sign of protest against the ongoing restriction of human rights and democratic development in the country.”⁴¹

In negotiating with government officials of a country that is closing its doors to outside funders, funding groups are experiencing a particular pattern regarding the power structures at work: the officials in the ministries with which they normally have contact—usually, the foreign ministry and sometimes ministries with a substantive connection with aid programs, such as ministries for local development, education, or social services—often encourage them to stay. Yet less accessible, less transparent official elements—usually in the domestic security and intelligence ministries—are the forces pushing for their departure. The more accessible, positive officials often have little influence over the workings of the security and intelligence forces, and are at a loss to be helpful, even when they wish to be. One upshot of this division is that funder efforts to carry out programmatic activities that build good relations with some important domestic ministries, as a way to try to inoculate them from being closed out of the country, often end up not reaching those government officials or ministries that are the core of the problem.

Changing Communications Strategies

Revising communication strategies is a growing response to closing space problems. This typically involves funders increasing efforts in countries where they work to communicate more information about who they are and what they do, in the hope of either heading off restrictions or surviving those that have been imposed. Heightened communications efforts are especially common among private funders, which tend to be less known by people in recipient contexts than major governmental funders. Even some very large foundations with long records in some countries have discovered when controversies erupt over their work that they are much less understood by people in those countries than they had thought. As a result, they are making new efforts to prepare and disseminate informational materials or message campaigns about themselves that are interesting and persuasive to local audiences.

While uncontroversial in principle, a decision by a funding organization to share more information about itself with the people in the countries where it works often presents issues in practice. For example, one German foundation operating in an African country that has become restrictive about foreign involvement in civil society has had a debate between its field office in that country and its headquarters. The field office wanted to remove the word “political” from the organization’s website in that country, but the headquarters argued (and ruled) that the organization should not try to deny its political reform focus. In another case, a U.S. foundation has debated internally whether it could or should be frank in its informational materials about the fact that one of its primary aims is to change political and economic policies in the countries where it works. Some organizations that fund human rights work

have internally questioned whether they should eschew the human rights label and encourage grantees to do the same. The initial instinct of most assistance organizations is that the better understood they are in countries where they work, the more acceptable their work will be. Yet this optimistic assumption quickly runs up against difficulties in countries where xenophobic feelings are high (and being actively stirred up by governments) and past experiences with foreign actors are problematic.

Most assistance organizations agree with the basic idea of communicating more fully about who they are and what they do, at least in general terms. But differences and doubts within the assistance community are only increasing over whether a useful response to closing space is greater transparency about the specifics of programming, such as making public lists of grantee organizations and amounts of grants. In addition, some funders are discussing internally whether they should streamline their relationships with grantees at risk, to reduce their vulnerability to monitoring by hostile security services, by collecting less detailed information about them, asking grantees to report in less detail about what they do, and conducting fewer site visits to grantee organizations. Some funders try to hold to a commitment to full transparency, while others are more willing to shift to be somewhat less transparent for the sake of protecting grantees and themselves. Many members of an assistance community that on the whole favors transparency are gravitating toward a kind of “transparency lite” approach—being quite transparent about the specifics of their programming in contexts where they are not facing closing space, but selectively reducing available program information in restrictive environments.

More Risk Analysis

An unpleasant feeling of having been blindsided is common among assistance organizations that have experienced pushback against their work from hostile governments. Accordingly, a quiet but growing element of the closing space response by funders is expanding the amount of risk analysis they carry out before engaging in programming. Such analysis usually includes an overall assessment of the environment for assistance work and more specific analysis of potential grantees. It also includes attention to the specific language in grant proposals and grant agreements, to avoid wording that might be perceived as inflammatory if taken out of context.

Although valuable, analysis of pushback risk is difficult because of the unpredictability of power holders’ reactions to different types of programs and the reality of rapidly changing political currents in many countries. Redlines are often highly unclear until they are crossed, and may depend on the mood of a particular official at a particular time. The issues that attract sudden sharp reactions from governments may be ones that touch very specific nationalistic nerves in ways almost unforeseeable to outsiders. One Western organization that has worked for many years in Indonesia, for example, found itself in trouble recently

with the Indonesian government, not because of its political reform work with a variety of institutions, but because it sponsored a minor conference that focused in part on the political events in Indonesia during 1965.

Funders are paying greater attention to assessing the risk to grantees of accepting outside funding and the degree of responsibility that funders have for risks that grantees incur as a result of accepting that support. A debate exists over this issue within and among various funders, including the U.S. government. Some aid practitioners believe that potential recipients are the best judges of risk to themselves and that funders committed to promoting human rights in repressive contexts should be willing to let recipients decide whether they wish to accept foreign funding, even if the risk to them appears from the outside to be significant. Others take a more cautious view, holding that funders should not extend funding when they assess the risk as high, whatever the views of potential recipients. This issue surfaced with regard to beneficiaries (as opposed to direct recipients) of foreign funding in the controversial case that came to light in 2014 of the U.S. Agency for International Development (USAID) giving funds to help establish a microblogging and social network service in Cuba, called ZunZuneo. Among other issues the case presented (such as the appropriateness of the U.S. aid agency engaging in sensitive, under-the-radar democracy-related work in countries with which the U.S. government has a hostile relationship), the question arose as to whether USAID was at fault for having created a program in which tens of thousands of Cubans put themselves at potential risk by taking part in online activity sponsored by the U.S. government but which the Cuban participants had no way of knowing was U.S. sponsored.

Increasing the Role of Local Funding Partners

Some funders are exploring the possibility of operating more frequently in partnership with local philanthropists who can co-fund or co-sponsor programs. The hope is that the involvement of such partners will decrease sensitivity about the foreign funding role. This is an attractive idea, yet often difficult to put into practice. In many countries where Western assistance operates, local philanthropic capacity is weak. And where such capacity exists, it is often directed toward charitable activities, not toward the rights- or policy-oriented activities that Western aid providers are sponsoring.⁴² Moreover, if the context is fraught regarding foreign funding, local philanthropists are likely to be wary of associating directly with Western funders.

Some Western funders are also giving greater attention to the idea of investing more extensively in activities designed to encourage local philanthropy generally, as a long-term approach to reducing the dependence of domestic civil society groups on foreign funding. Although the current problems of closing space highlight the value of increasing local philanthropy, it is a topic with its own complicated history. Some significant efforts have been undertaken over

the past several decades to encourage philanthropy in the developing world, yet the still-low level of policy- and rights-oriented philanthropy in such places is testament to the very long road that such an approach entails.

Changing What Funders Do

Scaling Back

A common response of essentially all assistance organizations faced with newly restrictive environments is to examine what they are doing in those places and consider whether they should stop funding certain groups, cease sponsoring certain activities, or otherwise curtail their activities to avoid triggering negative reactions. Based on such internal reflections, many organizations have scaled back work they believe might be politically sensitive.

The scaling back includes staying away from issue areas that appear to be most sensitive to local power holders; not funding particular groups or individuals that irritate local sensitivities; stepping up the less political side of civil society programming, such as educational or health work; and replacing political advocacy programming with service delivery support. Usually, these decisions are based on case-by-case judgment calls. Assistance organizations are rarely able to establish clear lines that would apply across time and across different regions about what sorts of activities are too sensitive. Unclear redlines on the part of host governments and the great diversity of programming that can occur under any one funding category make establishing such guidelines difficult. Thus, the instinct of boards of directors and senior managers to respond to closing space problems by establishing clear internal rules about what activities their organizations should or should not undertake often founders against the variability of closing space actions and contexts.

When it involves the actual departure of a funder from a country, scaling back is quite visible, such as the decisions earlier in 2015 by the MacArthur Foundation and the Mott Foundation to cease operations in Russia. Often, however, scaling back is hard to see from the outside because it consists of quiet, subtle changes in what funders sponsor and the kinds of partners they are willing to work with, changes that funding organizations prefer not to talk openly about. It is difficult to assess the overall weight of such changes across the funding community thus far, beyond the general impression that one derives from talking directly to diverse funders that many cases of programmatic adaptation are occurring, and that as pushback intensifies, scaling back is increasing correspondingly.

Many assistance organizations have scaled back work they believe might be politically sensitive.

More Emergency Funds

The funding community is increasing quick-action financial assistance available to civil society groups that come under attack. Such support helps cover costs incurred for hiring legal defense, replacing confiscated equipment, relocating out of the country, and carrying out advocacy or publicity work to call attention to specific acts of persecution. Foundations engaged in sensitive rights support have for years made at least some such emergency funding available to grantees in trouble. But reflecting the growing tempo of closing space problems, a significant step up in such assistance has occurred in recent years.

An important increase occurred in 2011, when some Western governments and major U.S. foundations sponsored the establishment of the Lifeline: Embattled Civil Society Organizations Assistance Fund. This fund, managed by the U.S. Department of State and implemented by a consortium of seven transnational NGOs that work directly with civic activists, operates with an annual budget of between \$2 million and \$3 million. It has made nearly 700 emergency assistance grants in its first several years of existence.⁴³ The fund has also supported initiatives in six countries with restrictive environments (such as Egypt and Belarus) that have brought together in-country civic activists to develop ideas about how the donor community can assist them more effectively.

Another major increase in emergency funding is in the works. The European Union, through the European Instrument for Democracy and Human Rights, is in the process of establishing a European Union Human Rights Defenders Mechanism with an initial budget of 15 million euros. The mechanism will combine emergency grants and relocation for human rights defenders in trouble with other types of support such as training on risk prevention, the creation of early-warning systems, and domestic and international advocacy for respect for human rights defenders.⁴⁴ A guide prepared in 2014 by the International Human Rights Funders Group sets out information about emergency funding available from many different parts of the funding community.⁴⁵

Increasing Protective Assistance

As noted in *Closing Space*, Western aid providers have established a diverse set of programs and initiatives aimed at providing civil society organizations in difficult environments with protective technologies to help them survive. These assist grantees with encryption methods, off-site data storage, circumventing censorship, and other issues arising from efforts by hostile governments to surveil and block their work. A new web platform, Movements.org, for crowdsourcing legal assistance and other types of support to human rights defenders being persecuted was established in 2014.⁴⁶ This assistance has expanded as pushback has increased. Yet so too have debates within some funding organizations about whether some forms of protective assistance, by wrapping civil society aid in elements of opacity or secrecy, may increase host country suspicions about it.

Funders have also been bolstering protective assistance by giving in-country partners advice and support on becoming fully compliant with local laws and regulations regarding NGO operations. Complying with the registration and reporting requirements of restrictive NGO laws can be difficult and burdensome, especially for smaller groups operating outside of the capital city. Some funders, such as the U.S. government and the European Union, have stated a willingness to fund nongovernmental organizations that do not comply with local registration requirements, primarily in circumstances where they believe that registration requirements are excessive or arbitrarily enforced to such a degree as to constitute a violation of freedom of association for local activists.⁴⁷ In Egypt, for example, some aid providers have been willing to provide support to Egyptian NGOs that have refused to register under the country's problematic NGO legal and regulatory framework.

Some funders are exploring how to help in-country partners craft new counternarratives that can push back against the destructive narratives that governments in many countries are mounting against domestic civil society groups and their acceptance of foreign funding. This thinking about alternative narratives reflects the concern among many civil society funders that many recipients of Western civil society assistance have given inadequate attention to explaining in persuasive, accessible ways to their own societies what they do and why they do it (at the same time, recipients complain that funders have neglected this issue and have been unwilling to adequately support the costs of more sophisticated communication strategies).

Efforts to craft these alternative narratives are part of the broader preoccupation in the funding community about Western-funded NGOs being poorly rooted in their own societies, and thus easily vulnerable to governmental efforts to stir up public sentiment against them. Systematic work on counternarratives is only just getting started. Interested organizations are meeting periodically to discuss how to make such efforts effective and how to share information about counternarratives among civil society groups in different regions.

New Resource Centers

A regional variation on national NGO platforms is the ongoing effort funded by USAID and the Swedish International Development Cooperation Agency (SIDA) to support the establishment of a set of "regional hubs" in Africa, Asia, Latin America, and the Middle East that will support civil society against closing space pressures through knowledge provision, research, convening, and other means. In 2015, a series of co-design workshops were held in the different regions bringing together diverse groups of civil society representatives to brainstorm about what forms the hubs might take and what roles they might play. The initiative is now moving from the design phase to the incubation phase with selected sets of civil society actors in the different regions working to come up with specific plans for the establishment of the hubs.⁴⁸

Searching for Alternative Ways to Support Civil Society

Faced with rising barriers to traditional methods of civil society aid, funders are searching for alternative means to help provide support. Sometimes this involves a search for alternative funding sources for the same organizations that have already been receiving Western assistance. These efforts range from encouraging wealthy persons within poorer countries to become philanthropists to spurring governments to create tax incentives for charitable giving. Some aid providers are trying to help NGO partners develop crowdfunding and to share experiences of such attempts with NGO sectors.

Quietly, out of fear of giving traditional grantees the impression that they are about to be abandoned, some aid groups are considering a broader shift—moving away from the long-standing pattern of concentrating funding on NGOs and instead assisting a wider range of organizations that may fulfill similar roles. Some funders have been looking, for example, to work more with social enterprises, in the hope that their different legal status will mean that they do not fall afoul of restrictive NGO laws and that their business orientation will give them a better profile among citizens skeptical of civic do-gooders. One major UK foundation, for example, has directly funded some Ethiopian social enterprises that carry out work similar to some of the NGO groups that the foundation previously funded but is no longer able to due to the government's limits on foreign NGO funding. Various aid organizations are increasingly talking about the need to work more with social movements rather than tradi-

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tional NGO partners, with the idea that social movements may have stronger local roots, as well as less formalized organizational forms, which may facilitate giving support that gets around restrictions on NGO funding.⁴⁹

Even before the closing space problem became widespread, the Western aid community was already engaged in a critical internal debate over its model of civil society funding. The tendency of some civil society support to emphasize NGOs that focus on elites, lack strong local bases of support, depend on foreign funding, and follow donor-driven rather than locally derived agendas has been a common refrain in analyses of civil society assistance going back to the 1990s.⁵⁰ The rise of the closing space problem has brought this debate to a sharper edge in at least parts of the funding community and has prompted renewed reflection and self-criticism (at least privately) among aid practitioners who have worked in the civil society space for decades. Yet the longevity of this debate highlights the fact that there are no easy solutions to the problems of finding local sources of funding and alternative operational models. This is not to say that it is impossible to do so and that the standard methods of civil society support do not deserve scrutiny and possible revitalization. For example, the tendency of most funders to provide project support rather than core support to NGOs, making it harder for them

to develop organizational strength and more apt to have to conform closely to donor agendas, merits rethinking.

Pushing Back Against Restrictive Actions

In addition to developing alternate ways of operating and possibly funding different types of organizations and initiatives, assistance organizations concerned about the closing space problem are responding at the policy level by looking for ways to persuade or pressure governments not to take or to reverse closing space measures. Such pushback takes different forms, from very targeted complaints to governments about specific problems to broader campaigns against restrictive laws and regulations. It also includes policy engagement with the Financial Action Task Force (FATF)—an intergovernmental body that sets standards and promotes effective implementation of legal, regulatory, and operational measures relating to the integrity of the international financial system—and work with other multilateral institutions.

Problem-Specific Responses

When aid groups find themselves the target of a specific closing space action—such as harassment of their staff, criticism of their work by a host government, or legal or regulatory problems—they usually try to resolve the issue through direct contact with the government in question. They may meet with relevant host government officials to argue for being allowed to continue their assistance programming, request help from their own foreign ministries to weigh in with host government counterparts, or enlist influential third parties to persuade governments not to block assistance.

When closing space issues were just starting to multiply around the world, the instinct of many funders, especially smaller private foundations and other nongovernmental assistance organizations, was often to confine their problem-solving efforts to the immediate problem at hand, hoping to minimize confrontation and quietly persuade the resistant government that the assistance in question was a minor, unthreatening matter. Small private funders were hesitant about bringing their own government into the discussions, fearing that such escalation would only alarm the host government and complicate things further. This was especially true with U.S. private funders that sometimes worried that U.S. government involvement would bring with it political baggage that would complicate their situation rather than improve it.

Campaigns to Block Restrictive Legislation

As noted in *Closing Space*, campaigns aimed at stopping governments from enacting restrictions on foreign funding for NGOs—restrictions that are often part of larger thrusts to constrain civil society space—are among the most

organized and assertive efforts to push back against closing space moves. The best of these campaigns combine a coordinated international effort to exert pressure against the government considering restrictive legislation with parallel efforts by a diverse domestic coalition of civil society actors. Having been involved in a number of these sorts of campaigns, the assistance community is starting to accumulate and internalize some of the lessons from them. For example, a new “Defending Civil Society Toolkit”—an online resource created by the World Movement for Democracy Secretariat at the National Endowment for Democracy and the International Center for Not-for-Profit Law—provides ideas and strategies for activists interested in engaging in NGO law reform processes.⁵¹

The case of Kenya presents an example of an especially vigorous and successful domestic NGO effort (with some complementary international efforts) to resist problematic legislation. Shortly after President Uhuru Kenyatta took power in April 2013, the Kenyan government tried to pass an amendments bill to the Public Benefits Organizations Act that would have capped foreign funds to NGOs at a maximum of 15 percent of an organization’s budget.⁵² The CSO Reference Group, a diverse coalition of Kenyan NGOs that had formed in 2010 to articulate the interests of Kenyan NGOs, led domestic efforts to counter the restrictions. They utilized demonstrations, public relations campaigns, lobbying with individual members of parliament, and other methods. The coalition put Kenyan humanitarian NGOs in a prominent role, highlighting to government officials the serious damage that would occur to Kenyans in areas of health, food, and shelter if the bill passed. Kenyan and international observers believe that the participation of Kenyan humanitarian and developmental NGOs, rather than just the narrower circle of human rights organizations, was crucial to the campaign’s success.

On the other side of the ledger, the decision by the Cambodian government to go ahead in mid-2015 with restrictive legislation relating to civil society highlights the fact that even governments that receive large amounts of Western assistance are sometimes willing to defy well-organized, assertive efforts by donor governments and local civil society groups to oppose restrictive legislation.

The success of the Kenyan case has stimulated interest among some funders in expanding support to national NGO coalitions, or NGO platforms as they are sometimes called, as a way to strengthen local efforts to resist closing space. The European Union, for example, is preparing to establish a significant line of funding for NGO platforms in developing countries. Over 60 NGO platforms around the world are members of the International Forum of National NGO Platforms, which was established in 2008.⁵³ Although NGO platforms can be a useful area for funding, caution needs to accompany such efforts. Such platforms vary in their aims and their relationships with their countries’ governments, with some being more independent than others. Consequently, their willingness to take on closing space issues varies as well. In addition, sudden

increases in the level of foreign funding for a national NGO platform can risk exacerbating accusations of NGOs as agents of foreign influence.

Engaging the FATF: In the last two years, some assistance and policy groups concerned with the closing space problem have been acting on the fact that spillover from counterterrorism policies in many countries has been contributing to the closing space problem. In particular, they have been giving attention to the unhelpful role that the Financial Action Task Force has been playing: in service of the counterterrorism imperative, the FATF has sometimes encouraged national legislation that significantly restricts external funding for civil society organizations and space for civil society generally. A coalition of transnational NGOs came together in 2014 to engage the FATF and voice concerns about the negative effects on civil society space of counterterrorism policies and laws and to look for better ways to balance the imperatives of security and openness in the counterterrorism domain.⁵⁴ The coalition weighed in, for example, with comments on a draft “Best Practices Paper” by the FATF on its Recommendation 8, which concerns combating the potential abuse of nonprofit organizations for terrorist financing purposes.⁵⁵ The comments led to improved FATF guidance to governments and an agreement to enter into an annual FATF consultation with representatives of the not-for-profit sector.

This engagement represents a positive step, though only a start. The FATF still operates largely in the dark, with little public attention to its actions. More generally, the challenges for civil society emanating from the counterterrorism policy domain remain serious. The tendency of the antiterrorism imperative in countless national contexts to result in measures damaging to freedom of association and movement, and other basic rights essential for the operation of independent civil society, is an almost primal force. This is especially true given the continued multiplication of sources of terrorism and deep concerns about the issue in almost every region. Sometimes, of course, clashes between counterterrorism measures and space for civil society occur when governments are sincere about their counterterrorism actions but fail to strike a balance with other priorities. Yet other times, governments cynically use security rationales to justify measures whose core intention is the suppression of space for independent political and civic actors.

Engaging with multilateral organizations: Looking for support from different multilateral organizations has been a further element of policy pushback on closing space issues. For example, technical and financial support to the UN special rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, has helped him draw attention to civil society restrictions by different governments, through fact-finding visits, reports, and urgent appeals.

A coalition of transnational NGOs came together in 2014 to engage the FATF and voice concerns about the negative effects on civil society space of counterterrorism policies and laws.

In the past two years, some concerned aid providers have looked for additional ways to engage multilateral organizations on closing space issues. Norwegian government support has made possible strategic litigation on the part of the UN special rapporteur challenging restrictive legislation by national governments, such as in the case of Bolivia.⁵⁶ In cooperation with the Community of Democracies, the special rapporteur started in mid-2014 carrying out a series of regional dialogues among civic activists and government representatives on the challenges that civil society organizations face in accessing resources.⁵⁷

Various public and private actors have been pushing the Open Government Partnership (OGP) to engage on closing space issues. In September 2014, the OGP Steering Committee adopted a new “OGP Response Policy” for dealing with concerns raised to the OGP about civic space in countries participating in the OGP. One of the ways that concerns can be brought to the OGP is through a letter of concern from a civil society organization engaged with the OGP at the national or international level. The first such letter was submitted by three transnational NGOs in March 2015 about the policies of the government of Azerbaijan relating to civil society space, including restrictions on the operations of foreign funders. In May 2015, the OGP announced that it had prepared a report on Azerbaijan that confirmed the issues set forward in the letter of concern. Four Hungarian and transnational rights groups submitted a second letter of concern to the OGP in June 2015 regarding the deterioration of civic space in Hungary.⁵⁸ It is not yet clear what will be the effects of negative findings by the OGP in such cases on the behavior of the offending governments.

Engaging with international business: Some aid groups concerned with the closing space problem are exploring how to make common cause on these issues with international businesses operating in countries that are creating restrictive environments for civil society. The larger endeavor by the human rights community to get business to join the cause on human rights issues has been a long and difficult road. The hope is that the foreign funding issue may be a more direct hook—business associations, which often receive foreign funding from Western sources, will also be affected by some NGO funding restrictions. According to the *New York Times*, over 40 American trade associations and lobby groups in China, including the American Chamber of Commerce, have written to the National People’s Congress complaining that the law could affect their activities and “ability to effectively operate and contribute to China’s economy and consequently hinder China’s economic development.”⁵⁹ Yet, as reported in a story by Reuters on engagement by Western business in lobbying the Chinese government on the proposed law, “An abnormally high number of people [in the foreign business community in China] are worried about blow-back. People are saying we have to be careful not to rile up the beast.”⁶⁰

Strengthening the Response

Looking at all these different lines of response, one can see that many aid providers are stepping up their reactions to the closing space problem and engaging on multiple levels.

They are changing how they operate:

- Giving greater recognition to the problem and engaging in more knowledge-sharing activities relating to it
- Operating remotely when necessary
- Developing sharper communication strategies
- Engaging in greater risk analysis
- Attempting to increase cooperation with local funding partners

They are changing what they do:

- Scaling back to avoid triggering local sensitivities
- Increasing availability of emergency funds for grantees in trouble
- Expanding protective assistance
- Searching for alternative ways to support civil society

They are increasing efforts to head off or limit closing space actions:

- Pushing back against specific restrictive measures
- Mounting campaigns to block or modify problematic new NGO laws
- Engaging with the FATF to reduce conflicts between counterterrorism policies and civic openness
- Bolstering engagement by multilateral organizations
- Exploring new partnerships with international business actors

Many of these lines of response still have only a preliminary quality. Much remains to be done to take them forward. None represents any kind of magic bullet. The multiplicity of lines of response necessarily reflects the complexity and depth of the problem. A lack of in-depth research and strong empirical foundation on this issue hobbles the advance of some of these areas of response. There is a need, for example, for greater learning relating to the experience of campaigns to block restrictive legislation. The search for alternative forms of

supporting civil society requires additional research on the changing nature of civil society in many countries, public attitudes and understanding of civic activism, and the underlying structures of money and power that influence civil society development.

Overall Weakness

Progress is being made in elaborating different lines of action relating to closing space problems, but the overall response is still not very strong. Only a small number of official donors, notably Canada, the European Union, Sweden, and the United States, have engaged significantly at the policy level or through major aid initiatives. Most other official donors have yet to come to grips with the issue.

To the extent donor governments are engaging, it is usually only in relatively limited ways. Closing space competes for attention with many international issues of intense concern in Western policy circles, whether it is the Islamic State, swelling flows of refugees from the Middle East and Africa, or the Ukraine crisis. The relatively low position of the closing space problem on the Western policy agenda contrasts with the fact that many closing space governments view bringing civil society to heel and reining in its foreign funding as an issue of high, even existential importance. Thus, governments responding to the problem are almost always less motivated and less engaged than those creating the problem. Moreover, when donor governments take up the issue they usually do so through their foreign ministries and aid agencies. Yet their policy engagement needs the close cooperation of other ministries—such as defense, treasury, and justice or home affairs—that have substantial bearing on relevant policies. A lack of intergovernmental coordination often weakens the policy response.

Conflicting policy interests also undercut donor responses. The perceived need to accommodate many of the governments in Africa, the Middle East, Asia, and elsewhere that are asserting closing space policies—whether for the sake of shared counterterrorism concerns, for access to energy sources, or to advance trade and financial interests—only continues to increase for the United States and many other Western governments. U.S. President Barack Obama’s visit to Ethiopia in July 2015 was only one recent example of this larger reality. Ethiopia is a poster child in Africa for terrible civil society policies—especially concerning foreign funding for domestic NGOs. Yet in Addis Ababa, President Obama expressed only mild statements of concern to his hosts and twice referred to Ethiopia’s authoritarian government as “democratically elected.”⁶¹

Similarly, on the private side of assistance, only a small number of major aid providers are investing significantly in trying to find ways to craft broader policy responses. Most private funders have stayed focused on trying to work

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out their own specific problems with particular governments. Especially with small private funders, this is often a result of a feeling of being minor players with no significant role to play in larger policy frameworks. In other cases, some private funders simply prefer to keep their profiles low and not be associated with more visible policy stances on this issue.

Divisions

The overall response to the closing space issue is also weakened by divisions within the international assistance community regarding what the problem really is and how best to respond. At least four major divisions undercut efforts to forge coordinated larger responses:

U.S. versus European perspectives: When the closing space phenomenon first started to make itself strongly felt in the middle years of last decade, many European funders saw it as a U.S. problem, one primarily affecting U.S. democracy groups. To the extent they experienced it directly, they believed it to be caused by what Europeans thought was a too politically confrontational U.S. approach to supporting democracy and human rights in other countries.

As the trend has spread, this division has lessened somewhat. Many more European groups are being targeted, sometimes together with U.S. groups, such as in India recently, but also sometimes on their own, such as Norway by Hungary in 2014. More often than before, European and U.S. funders are consulting with each other, formally and informally, on closing space issues.⁶²

Yet divisions persist that militate against fully joined-up policy responses. First, the long-standing difference between European and U.S. actors over how best to react to problematic governments—especially a different philosophy over the value of public naming and shaming versus quiet diplomacy—affects this domain. Many European actors remain more inclined than many Americans toward softer approaches, believing that this can keep doors open in some cases. They point to the fact that European groups are still able to operate in some places where American groups have been chased out. In Russia, for example, USAID was asked to leave, but the European Union continues to do democracy-related funding; the U.S. party institutes are gone, but the German political foundations are still there. Likewise, long after the U.S. party institutes have been banished from Egypt, some European party foundations still work in the country training Egyptian political parties. Second, despite Europeans being directly hit by closing space measures, some Europeans continue to see this problem as rooted in reactions to a geostrategically assertive United States and remain wary of being closely associated with policy responses in which the United States has a major role.

Private versus public: Private funders experiencing closing space problems are sometimes reluctant to work closely with their own governments to forge a broader common policy response. They are wary of the mixed interests that their governments often have in aid-receiving countries, and the baggage that they believe may accompany any governmental involvement in the issue. This ambivalence is especially strong within the U.S. private funding community, given the effects of the U.S. geostrategic overhang on U.S. policies relating to democracy and human rights.

Developmental versus political: Developmentally oriented funders—which in the civil society domain usually support groups engaged in local service delivery and other socioeconomic tasks—are often wary of joining up on closing space responses with more politically oriented funders, such as those that support human rights groups and NGOs focused on democracy issues, like parliamentary transparency, election monitoring, and civic education. Developmentalists worry that their work will suffer by direct association with more political actors, and sometimes feel that it is the political side of the civil society assistance domain that has caused the closing space problem. Yet with an increasing number of development aid groups experiencing negative actions from host governments—such as Mercy Corps and Cordaid being put on the Indian government’s watch list and Save the Children encountering problems in Pakistan—this view is changing, at least partially.⁶³ A recent report issued by two networks of development and humanitarian organizations, Act Alliance and CIDSE (Together for Global Justice), presents the results of extensive surveys of representatives of local development NGOs in four countries undergoing closing space and analyzes how to strengthen responses to the problem.⁶⁴ The human rights community sometimes exacerbates the division. It does so by talking about closing space as an issue that is really all about the human rights community and not taking account of the developmental side of the picture. The transparency community, at times, does the same.

Us versus them: One further division within the assistance community undercuts efforts to forge more coordinated policy responses. It is a division existing as much within funders as between them. Some aid practitioners believe that a considerable part of the closing space problem is the fault of the assistance community itself. In this view, Western civil society assistance, especially as practiced by large official aid providers, has brought the problem of closing space on itself by persistently funding professionalized NGOs that are good at carrying out donor agendas, but bad at developing local support and legitimacy. According to this line of thinking, overcoming the closing space problem will only come about by significantly revising or abandoning this model of civil society assistance. Other aid practitioners see this outlook as a case of “blaming the victim.” They feel that while civil society assistance should certainly strive to encourage partners and grantees to pursue local agendas and

cultivate local support, the core problem is the intolerance of many governments around the world for independent civil society itself, not a problem with which civil society groups are funded.

Governments engaged in squeezing out foreign actors are masters of exploiting these various divisions to undercut coordinated reactions to their moves. Therefore, finding ways to mediate and lessen these divisions is crucial to mounting more effective, coordinated responses to the closing space problem. This will require greater efforts to build lines of communication and knowledge-sharing across diverse parts of the assistance community that have traditionally preferred to live and work within their own subcommunities. In this way, the closing space challenge translates into a fundamental challenge of community building: Can a diverse set of international actors that have long been a community mostly just in name bridge differences of outlook and method and become a real community in practice?

Notes

- 1 Thomas Carothers, "The Backlash Against Democracy Promotion," *Foreign Affairs* 85, no. 2 (March/April 2006): 55–68; Carl Gershman and Michael Allen, "The Assault on Democracy Assistance," *Journal of Democracy* 17, no. 2 (April 2006): 36–51.
- 2 Douglas Rutzen, "Civil Society Under Assault," *Journal of Democracy* 26, no. 4 (October 2015).
- 3 Simon Denyer, "Hong Kong Erupts Even as China Tightens Screws on Civil Society," *Washington Post*, September 20, 2014, https://www.washingtonpost.com/world/hong-kong-erupts-even-as-china-tightens-screws-on-civil-society/2014/09/30/f2c874aa-4586-11e4-8042-aaff1640082e_story.html; Stephen J. Hadley, "America, China and the 'New Model of Great-Power Relations'" (speech, Lowy Institute for International Policy, November 5, 2014), <http://www.lowyinstitute.org/publications/america-china-and-new-model-great-power-relations>; Julia Famularo, "The China-Russia NGO Crackdown," *Diplomat*, February 23, 2015, <http://thediplomat.com/2015/02/the-china-russia-ngo-crackdown/>.
- 4 Human Rights Watch, "Russia: Government Against Rights Groups," October 9, 2015, <https://www.hrw.org/news/2015/07/24/russia-government-against-rights-groups>; Vladislav Kulikov, "Ne vsyakiy agent nezhelatelen" [Not every agent is undesirable], *Rossiyskaya Gazeta*, August 31, 2015, <http://www.rg.ru/2015/09/01/nko.html/>; Informatsionniy portal Ministerstva yustitsii Rossiyskoy Federatsii [Information Portal of the Ministry of Justice of the Russian Federation], "Svedeniya reestra NKO, vypolnyayushchikh funktsii inostrannogo agenta [Information on the register of NGOs that perform the functions of a foreign agent]," October 14, 2015, <http://unro.minjust.ru/NKOForeignAgent.aspx>.
- 5 Thomas Grove, "Russia's Putin Signs New Law Against 'Undesirable' NGOs," *Wall Street Journal*, May 25, 2015, <http://www.wsj.com/articles/russias-putin-signs-new-law-against-undesirable-ngos-1432567550>; "Andrey Klishas: reshenie o vklyuchenii v spisok nezhelatel'nyh organizatsiy ne mozhet byt' osporeno" [Andrey Klishas: decisions on inclusion in the list of undesirable organizations cannot be contested], *Kommersant*, August 18, 2015, <http://www.kommersant.ru/doc/2791342/>.
- 6 Aleksandr Gorbachev, "Russian Parliament Creates a 'Patriotic Stop-List,'" *Newsweek*, July 8, 2015, <http://www.newsweek.com/russian-parliament-creates-patriotic-stop-list-351562/>.
- 7 Nataliya Vasilyeva and Vladimir Isachenkov, "Russia Declares US Foundation 'Undesirable' Under New Law," Associated Press, July 28, 2015, <http://bigstory.ap.org/article/543748ac8bd34829b17649c16b14d0c6/russian-human-rights-ngo-folds-its-work-goes-underground/>.
- 8 MacArthur Foundation, "Statement of MacArthur President Julia Stasch on the Foundation's Russia Office," press release, July 21, 2015, <https://www.macfound.org/press/press-releases/statement-macarthur-president-julia-stasch-foundations-russia-office/>.

- 9 Daria Litvinova, "Lawmakers Move to Force Russian Media to Report Foreign Funding," *Moscow Times*, October 12, 2015, www.themoscowtimes.com/news/article/lawmakers-move-to-force-russian-media-to-report-foreign-funding/538696.html.
- 10 Jane Perlez, "Strident Video by Chinese Military Casts U.S. as Menace," *Sinosphere* (blog), *New York Times*, October 31, 2013, <http://sinosphere.blogs.nytimes.com/2013/10/31/strident-video-by-chinese-military-casts-u-s-as-menace/>; Famularo, "NGO Crackdown"; Huang Jingjing, "Foreign-Funded NGOs Probed Amid Trojan Horse Worries," *Global Times*, July 23, 2014, <http://www.globaltimes.cn/content/872227.shtml>.
- 11 Erin Hale, "What Is Beijing Up To? Summer of Increased Harassment, Surveillance Leaves Chinese NGOs on Edge," *South China Morning Post*, August 19, 2014, <http://www.scmp.com/news/china-insider/article/1576613/what-beijing-summer-increased-harassment-surveillance-leaves/>.
- 12 China Law Translate, "Cheatsheet for Understanding the FNGO Law," May 5, 2015, <http://chinalawtranslate.com/cheatsheet-for-understanding-the-fngo-law/?lang=en/>.
- 13 Carl Minzner, Teng Biao, Isabel Hilton, and Zhou Dan, "L'Eggo My NGO!," *Foreign Policy*, May 19, 2015, <http://foreignpolicy.com/2015/05/19/china-ngo-draft-law-problems-civil-society-chinafile/>; China Law Translate, "Foreign NGO Management Law (Second Reading Draft) Full Text," May 5, 2015, <http://chinalawtranslate.com/foreign-ngo-draft-2/?lang=en>; China Law Translate, "Cheatsheet for Understanding the FNGO Law."
- 14 Intelligence Bureau, "Concerted Efforts by Select Foreign Funded NGOs to 'Take Down' Indian Development Projects" (leaked report, June 3, 2014), Indian Ministry of Home Affairs, published on Scribd. <https://www.scribd.com/doc/229511459/IB-Report-NGOs-June-2014>.
- 15 Vaishnavi Chandrashekar, "India Crackdown? Ford Foundation Latest Foreign NGO Slapped by Delhi," *Christian Science Monitor*, May 4, 2015, <http://www.csmonitor.com/World/Asia-South-Central/2015/0504/India-crackdown-Ford-Foundation-latest-foreign-NGO-slapped-by-Delhi>; Nida Najar, "Indian Authorities Put Restrictions on Ford Foundation," *New York Times*, April 23, 2015, <http://www.nytimes.com/2015/04/24/world/asia/indian-authorities-put-restrictions-on-ford-foundation.html>; David Barstow, "Longtime Critic of Modi Is Now a Target," *New York Times*, August 19, 2015, <http://www.nytimes.com/2015/08/20/world/asia/teesta-setalvad-modi-india.html>.
- 16 Vijaita Singh, "The Foreign Donors on Govt's Watch List," *Indian Express*, April 17, 2015, <http://indianexpress.com/article/india/india-others/the-foreign-donors-on-govts-watch-list/>; Devesh K. Pandey, "Another Foreign Donor on Home Ministry Watch List," *Hindu*, April 8, 2015, <http://www.thehindu.com/news/national/another-foreign-donor-on-home-ministry-watch-list/article7078578.ece>; Sudhi Ranjan Sen, "Vatican Charity Funded Political Activities, Put Under Government Scanner: Sources," *NDTV India*, June 19, 2015, www.ndtv.com/india-news/vatican-charity-funded-political-activities-put-under-government-scanner-sources-773431/.
- 17 Intelligence Bureau, "Concerted Efforts by Select Foreign Funded NGOs to 'Take Down' Indian Development Projects"; Alys Francis, "What Future for India's Environmental and Rights Groups?," *Devex*, May 6, 2015, <https://www.devex.com/news/what-future-for-india-s-environmental-and-rights-groups-86066>; Justin Rowlatt, "Why India's Government Is Targeting Greenpeace," *BBC News*, May 16, 2015, <http://www.bbc.com/news/world-asia-india-32747649>; Agence France-Presse, "Greenpeace in India Barred From Receiving Foreign Funding," *Guardian*, September 3, 2015, <http://www.theguardian.com/environment/2015/sep/04/greenpeace-in-india-barred-from-receiving-foreign-funding/>.
- 18 "Fresh Crackdown: Licence of 4,470 NGOs Cancelled," *Times of India*, June 9, 2015, <http://timesofindia.indiatimes.com/india/Fresh-crackdown-Licence-of-4470-NGOs-cancelled/articleshow/47604537.cms>.

- 19 Vijaita Singh, “Foreign Contribution Regulation Act: New Crackdown on NGO Foreign Funds,” *Indian Express*, June 15, 2015, <http://indianexpress.com/article/india/india-others/foreign-contribution-regulation-act-new-crackdown-on-ngo-foreign-funds/>.
- 20 “Presidential Decree No. 74/15 - REGULATION OF NON-GOVERNMENTAL ORGANIZATIONS,” *Official Gazette of the Republic of Angola*, series I, no. 39, March 23, 2015, <http://www.icnl.org/research/library/files/Angola/presdec.pdf>.
- 21 Global Human Rights Defence, “Shrinking Space for Non-Governmental Organisations: Bangladesh and Its Foreign Donations (Voluntary Activities) Regulation Bill,” September 9, 2015, <http://www.ghrd.org/news/article/news/detail/News/shrinking-space-for-non-governmental-organisations-bangladesh-and-its-foreign-donations-voluntary/>; World Organization Against Torture (OMCT), “Bangladesh: Restrictions on Foreign Funding for NGOs Must Be Dropped,” December 12, 2014, <http://www.omct.org/human-rights-defenders/statements/bangladesh/2014/12/d22942/>.
- 22 International Federation for Human Rights (FIDH), “Cambodia: The Dangers of LANGO,” press release, July 8, 2015, <https://www.fidh.org/International-Federation-for-Human-Rights/asia/cambodia/cambodia-the-dangers-of-lango>; Agence France-Presse, “Cambodian Parliament Passes Controversial NGO Law,” *Jakarta Post*, July 13, 2015, <http://www.thejakartapost.com/news/2015/07/13/cambodian-parliament-passes-controversial-ngo-law.html>; Office of the United Nations High Commissioner for Human Rights in Cambodia, “A Human Rights Analysis of the Law on Associations and Non-Governmental Organizations,” August 4, 2015, http://cambodia.ohchr.org/WebDOCs/DocNewsIndex/2015/082015/OHCHR_analysis_of_5th_LANGO_Eng.pdf.
- 23 Marton Dunai and Balazs Koranyi, “Hungary Raids NGOs, Accuses Norway of Political Meddling,” Reuters, June 2, 2014, <http://www.reuters.com/article/2014/06/02/us-hungary-norway-funding-ngo-idUSKBN0ED1QW20140602/>.
- 24 Anthony Faiola, “Hungary Taking Aim at NGOs and, Critics Say, Democracy,” *Washington Post*, February 22, 2015, https://www.washingtonpost.com/world/europe/hungary-taking-aim-at-ngos-and-critics-saydemocracy/2015/02/22/c1247998-b134-11e4-bf39-5560f3918d4b_story.html; Norwegian Mission to the EU, “Unacceptable Police Raid on EEA and Norway Grants Fund Operator in Hungary,” news release, September 9, 2015, <http://www.eu-norway.org/news1/Unacceptable-police-raid-on-EEA-and-Norway-Grants-fund-operator-in-Hungary-/#.VfA30vVhHx>; “Court Condemns Police Crackdown on Okotars Headquarters,” *Daily News Hungary*, January 29, 2015, <http://dailynewshungary.com/court-condemns-police-crackdown-on-okotars-headquarters/>.
- 25 Anna Leach, “NGO Alert: Ugandan Parliament Debates Controversial NGO Bill,” *Guardian*, September 1, 2015, <http://www.theguardian.com/global-development-professionals-network/2015/sep/01/ngo-alert-ugandan-parliament-debates-controversial-ngo-bill>; Rowena Kamasai Kagaba, “Uganda’s Restrictive New NGO Bill,” Freedom House, July 8, 2015, https://freedomhouse.org/blog/uganda-s-restrictive-new-ngo-bill#.VfCEZ_IVhHx; Human Rights Watch, “Uganda: Bill Threatens Rights, Independent Groups,” April 20, 2015, <https://www.hrw.org/news/2015/04/20/uganda-bill-threatens-rights-independent-groups/>.
- 26 “The Non-Governmental Organisations Bill, 2015,” *Uganda Gazette*, April 10, 2015, http://ngoforum.or.ug/wp-content/uploads/downloads/2015/04/NGO-Bill_2015.pdf.
- 27 Eric Lipton, Brooke Williams, and Nicholas Confessore, “Foreign Powers Buy Influence at Think Tanks,” *New York Times*, September 6, 2014, <http://www.nytimes.com/2014/09/07/us/politics/foreign-powers-buy-influence-at-think-tanks.html>.
- 28 Megan R. Wilson, “New Rules Target House Witnesses,” *Hill*, January 13, 2015, <http://thehill.com/business-a-lobbying/business-a-lobbying/229286-new-disclosure-rules-target-house-witnesses/>.

- 29 “Harper Warns Pipeline Hearings Could Be ‘Hijacked,’” CBC News, January 6, 2012, <http://www.cbc.ca/news/business/harper-warns-pipeline-hearings-could-be-hijacked-1.1150914>; Natural Resources Canada, “An open letter from the Honourable Joe Oliver, Minister of Natural Resources, on Canada’s commitment to diversify our energy markets and the need to further streamline the regulatory process in order to advance Canada’s national economic interest,” media advisory, January 9, 2012, <http://www.nrcan.gc.ca/media-room/news-release/2012/1/1909>; Laura Payton, “Radicals Working Against Oilsands, Ottawa Says,” CBC News, January 9, 2012, <http://www.cbc.ca/news/politics/radicals-working-against-oilsands-ottawa-says-1.1148310/>.
- 30 “Environmental Charities Don’t Top List of Foreign-Funded Groups,” CBC News, May 10, 2012, <http://www.cbc.ca/news/politics/environmental-charities-don-t-top-list-of-foreign-funded-groups-1.1247417>; Margo McDiarmid, “Opposing Oilsands Never ‘a Charitable Act,’ Senator Says,” CBC News, March 6, 2012, <http://www.cbc.ca/news/politics/opposing-oilsands-never-a-charitable-act-senator-says-1.1164592>; Max Paris, “Senate Examines Foreign Funding of Charities,” CBC News, February 29, 2012, <http://www.cbc.ca/news/politics/senate-examines-foreign-funding-of-charities-1.1230915>; Terrance S. Carter and Karen J. Cooper, “Playing by the Rules: Political Activities Fair Game for Charities,” Carters Professional Corporation, June 28, 2012, <http://www.carters.ca/pub/bulletin/charity/2012/chylb286.htm>; Adam Pickering, “The Politicisation of Canada’s Not-For-Profit Regulation,” Charities Aid Foundation, August 28, 2012, <http://futureworldgiving.org/2014/08/28/the-politicisation-of-canadian-not-for-profit-regulation/>; Dean Beeby, “Timeline | Canada Revenue Agency’s Political-Activity Audits of Charities,” CBC News, August 5, 2014, <http://www.cbc.ca/news/politics/canada-revenue-agency-s-political-activity-audits-of-charities-1.2728023>.
- 31 Oliver Milman, “Liberal Push to Strip Environmental Groups of Charitable Tax Status,” *Guardian*, June 30, 2014, www.theguardian.com/environment/2014/jun/30/liberal-party-environmental-groups-charitable-status.
- 32 Ibid.; Heath Aston, “Preventing Political Advocacy by Environment Groups an ‘Attack on Democracy,’” *Sydney Morning Herald*, May 18, 2015, <http://www.smh.com.au/federal-politics/political-news/preventing-political-advocacy-by-environment-groups-an-attack-on-democracy-20150518-gh4dak.html>; Oliver Milman, “Tax-Deductible Status of Green Groups Including Greenpeace Under Spotlight,” *Guardian*, March 31, 2015, www.theguardian.com/australia-news/2015/mar/31/tax-deductible-status-of-green-groups-including-greenpeace-under-spotlight/.
- 33 Nigel Morris, “Charities Warn ‘Gagging Law’ Stops Them Campaigning on Election Issues,” *Independent*, February 18, 2015, <http://www.independent.co.uk/news/uk/politics/charities-warn-gagging-law-stops-them-campaigning-on-election-issues-10054889.html>.
- 34 Maina Kiai, “Coalition’s Lobbying Bill Threatens to Leave a Stain on British Democracy,” *Guardian*, January 11, 2014, <http://www.theguardian.com/commentisfree/2014/jan/12/lobbying-bill-stain-on-democracy/>.
- 35 Gail Sullivan, “Charred Bodies Found in ‘The Land of the Wicked’ May Be Missing Mexican Students,” *Washington Post*, October 6, 2014, <http://www.washingtonpost.com/news/morning-mix/wp/2014/10/06/charred-bodies-found-in-the-land-of-the-wicked-may-be-missing-mexican-students/>; Ryan Devereaux, “Ghosts of Iguala: How 43 Students Disappeared,” *Intercept*, May 4, 2015, <https://theintercept.com/2015/05/04/how-43-students-disappeared-in-mexico-part-1/>.
- 36 Dan Collyns, “Illegal Loggers Blamed for Murder of Peru Forest Campaigner,” *Guardian*, September 8, 2014, <http://www.theguardian.com/world/2014/sep/09/illegal-loggers-blamed-for-of-peru-forest-campaigner/>.
- 37 Global Witness, *How Many More?* (London: Global Witness, 2015), 4, https://www.globalwitness.org/documents/17882/how_many_more_pages.pdf/.

- 38 Sara Rafsky, *Who Is Killing Central America's Journalists?* (New York: Committee to Protect Journalists, 2014), <https://cpj.org/reports/2014/09/who-is-killing-central-americas-journalists-impunity-violence-murders-unsolved.php>; Elisabeth Witchel, *Getting Away With Murder* (New York: Committee to Protect Journalists, 2014), <https://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php/>.
- 39 Sarah E. Mendelson, *Why Governments Target Civil Society and What Can Be Done in Response: A New Agenda* (Washington: Center for Strategic and International Studies, 2015), http://csis.org/files/publication/150422_Mendelson_GovTargetCivilSociety_Web.pdf.
- 40 Sarah E. Mendelson, "Putin Outs the NGOs: How to Fight Russia's Civil Society Crackdown," *Foreign Affairs*, October 6, 2015, www.foreignaffairs.com/articles/russia-fsu/2015-10-06/putin-outs-ngos.
- 41 Heinrich Böll Stiftung, "Closure of the Heinrich Böll Foundation Office in Ethiopia," November 21, 2012, www.boell.de/en/intlpolitics/africa-closure-heinrich-boell-foundation-office-ethiopia-background-16060.html.
- 42 See, for example, Naren Karunakaran, "How Indian Philanthropy Has Side-Stepped Human Rights," *Economic Times*, January 7, 2014, http://articles.economictimes.indiatimes.com/2014-01-07/news/45955330_1_human-rights-rights-organisations-lgbt/.
- 43 U.S. Department of State, Office of the Spokesperson, "Joint Statement on the Fifth Annual Lifeline: Embattled Civil Society Organizations Assistance Fund Donor Steering Committee Meeting," media note, September 28, 2015, <http://www.state.gov/r/pa/prs/ps/2015/09/247426.htm>.
- 44 See the contract tender for this planned initiative, EuropeAid Development and Cooperation, "Establishing a European Union Human Rights Defenders Mechanism," European Commission, March 16, 2015, <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=15&corderby=upd&corderbyad=Desc&searchtype=RS&aofr=136316&userlanguage=en/>.
- 45 International Human Rights Funders Group, "Directory of Emergency/Rapid Response Grants 2014," 2014, https://ihrf.org/sites/default/files/Directory_EmergencyResponseGrants_2014.pdf.
- 46 David Bornstein, "Crowdsourcing for Human Rights," *Opinionator* (blog), *New York Times*, October 2, 2015, <http://opinionator.blogs.nytimes.com/2015/10/02/guiding-human-rights-victims-toward-help/?smid=tw-nytopinion&csmtyp=cur&r=0>.
- 47 Funding guidelines by the European Instrument for Democracy and Human Rights state, "Based on the new Financial Regulation, the EIDHR includes the possibility under certain circumstances to finance not only registered organizations, but also non-legal entities. It furthermore provides the possibility of "re-granting" meaning that in order to enhance human rights in situations where they are most at risk, civil society organizations in charge of the project implementation can award small grants to other local organizations, non-legal entities or individual human rights defenders." See European Instrument for Democracy and Human Rights "How We Support Democracy and Human Rights?," <http://www.eidhr.eu/supporting-dandhrs/>.
- 48 White House Office of the Press Secretary, "Fact Sheet: U.S. Support for Civil Society," press release, September 29, 2015, <https://www.whitehouse.gov/the-press-office/2015/09/29/fact-sheet-us-support-civil-society/>.
- 49 For an argument in favor of donors working more actively with civic movements see, Maria J. Stephan, Sadaf Lakhani, and Nadia Naviwala, *Aid to Civil Society: A Movement Mindset* (Washington, DC: U.S. Institute of Peace: 2015), http://www.usip.org/sites/default/files/SR361_Aid_to_Civil_Society_A_Movement_Mindset.pdf.
- 50 See, for example, David Hulme and Michael Edwards, *NGOs, States and Donors: Too Close for Comfort* (New York: St. Martin's Press, in association with Save the Children, 1997); and Nicola Banks, David Hulme, and Michael Edwards, "NGOs, States, and Donors Revisited: Still Too Close for Comfort?," *World Development* 66 (2015): 707–718.

- 51 World Movement for Democracy Secretariat at the National Endowment for Democracy and International Center for Not-for-Profit Law, “World Movement for Democracy: Defending Civil Society,” www.defendingcivilsociety.org/en/index.php/home.
- 52 Library of Congress, “Kenya: Rejection of Bill Capping NGO Foreign Funding and Giving Spy Agency Broadened Surveillance Powers,” December 12, 2013, www.loc.gov/lawweb/servlet/lloc_news?disp3_l205403785_text.
- 53 International Forum of National NGO Platforms, “NGO Platforms,” <http://ifp-fip.org/en/sections/platforms>.
- 54 The coalition includes the Charity and Security Network, the European Center for Not-for-Profit Law, the European Foundation Centre, the Human Security Collective, and the International Center for Not-for-Profit Law.
- 55 Charity & Security Network, “Joint NPO Comments on FATF Draft Best Practices Paper on Combating the Abuse of Non-Profit Organisations (RECOMMENDATION 8) Draft as of March 2015,” email to Roger Wilkins OA, April 24, 2014, [http://www.charityandsecurity.org/system/files/files/BPP%20Joint%20Comments%20April%2024\(1\).pdf](http://www.charityandsecurity.org/system/files/files/BPP%20Joint%20Comments%20April%2024(1).pdf).
- 56 See UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, “Bolivia: Special Rapporteur Files Amicus Brief Challenging NGO Regulations,” press release, May 22, 2015, <http://freeassembly.net/rapporteurpressnews/bolivia-amicus/>.
- 57 See “‘States must allow associations to access resources’ - General principles on protecting civic space,” Community of Democracies, May 28, 2014, <https://www.community-democracies.org/Working-for-Democracy/News/General-principles-on-protecting-civic-space-and-t/>.
- 58 Open Government Partnership, “OGP Response Policy,” 2014, <http://www.opengovpartnership.org/response-policy/>.
- 59 “Western Business Stands Up to China,” editorial, *New York Times*, June 18, 2015, <http://www.nytimes.com/2015/06/18/opinion/western-business-stands-up-to-china.html>; “Uncivil Society,” *Economist*, August 22, 2015, www.economist.com/news/china/21661819-new-draft-law-spooks-foreign-not-profit-groups-working-china-uncivil-society; Simon Denyer, “Proposed Chinese Security Laws Rattle U.S. and European Businesses,” *Washington Post*, June 10, 2015, www.washingtonpost.com/world/new-chinese-security-laws-rattle-us-and-european-businesses/2015/06/10/d15d23cc-0eaf-11e5-a0fe-dccfea4653ee_story.html.
- 60 Sui-Lee Wee, Michael Martina, and James Pomfret, “Foreign Governments, Non-Profits Press China to Revise Draft NGO Law,” Reuters, June 1, 2015, <http://www.reuters.com/article/2015/06/01/us-china-ngos-idUSKBN0OH2I720150601/>.
- 61 Peter Baker and Jacey Fortin, “Obama, in Ethiopia, Calls Its Government ‘Democratically Elected,’” *New York Times*, July 27, 2015, <http://www.nytimes.com/2015/07/28/world/africa/obama-calls-ethiopian-government-democratically-elected.html/>.
- 62 Nicholas Bouchet presents Belarus as a positive case of cooperation among diverse U.S. and European actors seeking to support democracy and rights, in “Coordinating Democracy Promotion: Lessons From Belarus,” *Policy Perspectives* 3, no.4, Center for Security Studies, ETH Zurich (October 2015), http://www.css.ethz.ch/publications/DetailansichtPubDB_EN?rec_id=3379.
- 63 For an interesting examination of how human rights actors, on the one hand, and humanitarian and development actors, on the other, can work together more effectively to deal with risks that they face, see Lucy Harding, “Protecting Human Rights, Humanitarian and Development Actors” (working paper no. 1, Human

Rights Defender Hub, University of York Centre for Applied Human Rights, July 2015), https://www.york.ac.uk/media/cahr/documents/CAHR%20Working%20Paper%20No.%201%20July%202015_final.pdf.

64 Act Alliance and CIDSE, *Space for Civil Society: How to Protect and Expand an Enabling Environment* (2015).



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