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## How Human Rights Scholars and Practitioners

### Can Push Back on Closing Space around Civil Society<sup>1</sup>

#### A Mission Critical Challenge

Chief among the current challenges facing the global human rights community (and broader civil society) is a contagion growing in intensity described best as the closing space around civil society. Since Vladimir Putin first came to power in Russia in the early 2000s, space for civil society has been shrinking. The trend has by now moved far beyond Russia. According to the International Center for Not-for-Profit Law, in the last two years alone, “69 new restrictive measures” that touch on the Universal Declaration of Human Rights’ Articles 19 and 20 regarding freedom of expression, association, and peaceful assembly have been proposed in over 50 countries, with about 20 already enacted into law.<sup>2</sup>

Lateral learning is alive and well among governments seeking to inhibit the work of human rights activists. In the last few years, numerous governments have mimicked or simply copied laws that shrink the administrative and legal space in which NGOs work. They make it difficult or impossible to get foreign funding, sometimes the only source of revenue for an organization. They make it administratively difficult to get registered or require that all events and plans be filed ahead of time with the government. They use smear campaigns, labeling organizations “foreign agents” and implying or claiming that organizations are working on behalf of a foreign source, thus calling into question the organization’s loyalty and credibility.<sup>3</sup> This trend occurs even in countries where the government itself relies enormously on foreign assistance.

This issue has consumed human rights defenders in parts of the world for over a decade and practitioners inside and outside government increasingly view this phenomenon as a mission-critical threat. President Obama addressed the topic twice during the convenings of the high-level week at the United Nations General Assembly and issued a Presidential Memorandum directing a number of US

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<sup>1</sup> This essay delivered at Stanford University on January 21, 2014 is an abbreviated version of a paper prepared for a conference at Arizona State University entitled “How do we know what we know? Charting the future for human rights documentation and analysis” (January 22-24, 2015) and draws on a paper prepared for a conference that explored (among other issues) how to get better alignment of IR scholars and practitioners on human rights, held at the College of William and Mary (January 14-16, 2015) entitled “Strengthening the Links: TRIP Conference on the Theory-Policy Divide.” I thank the organizers of both conferences for the opportunity to participate, Jack Snyder, Jim Ron, Warren Krafchik and Martin Tisne for comments on an earlier version of this paper, Sarah Mohamed for research assistance, and the Oak Foundation for support. Please do not cite without permission. Comments welcome.

<sup>2</sup> United States Senate Resolution 540, <https://www.congress.gov/113/bills/sres540/BILLS-113sres540ats.pdf>.

<sup>3</sup> Darin Christensen and Jeremy M. Weinstein, “Defunding Dissent: Restrictions on Aid to NGOs,” *Journal of Democracy*, Vol. 24, No. 2, (April 2013), 77-91; Thomas Carothers and Saskia Brechenmacher, “Closing Space: Democracy and Human Rights under Fire,” (Washington DC: Carnegie Endowment for International Peace, 2014).

government agencies, well beyond USAID and the State Department, to increase engagement with civil society around the world and push back when repressive measures are taken.<sup>4</sup>

### Unintended Consequences of Disruptive Data?

Why is space closing around civil society? There seem to be numerous distinct policy drivers and more research is needed to untangle and delineate why the trend is occurring and what remedies would be most effective. I offer a working hypothesis: in some cases, space is closing because governments perceive the increased connectivity of citizens as a threat. Sovereignty is, in a sense, compromised or made more elastic in an age of citizen's empowered with technology and information. This pattern is most evident in Russia where Putin views the internet as a "CIA project" and innovators such as Pavel Durov who created the Russian version of Facebook, *V Kontakte*, have fled Russia, but other countries such as Turkey and China have followed suit.<sup>5</sup> Power is fluid, if not shifting.<sup>6</sup> That power shift has many governments hostile to civil society, fearful of greater transparency revealing ill-gotten gains by corrupt government officials.<sup>7</sup> Not surprisingly, activists also trace a decline in internet freedom.

The working hypothesis advanced here begins with the premise that closing space occurs for different reasons in different contexts. The open revolution has had an impact on closing space in so far as the movement has elevated the power of citizens and allows people access to information in real-time. Where governments are interested in greater empowerment of citizenry, there is no negative consequence for human rights or other civil society organizations. The UK government actively supports open government for example. But in countries that are deeply threatened, where authorities view greater access to information and increased transparency as a threat to their sovereignty (and in danger of exposing corruption), this trend has been met with a counter-trend, with a backlash and a closing of space.

### The Current Vulnerability of NGOs

Data are a source of power and a resource and should be understood as neither neutral nor apolitical. In an age of discontent among civil society organizations, and governments increasingly trying to shut down NGOs, a focus on elevating or demanding more government data perhaps ought to be joined or matched by a focus on increased information about populations. Specifically, having more data about

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<sup>4</sup> The White House Office of the Press Secretary, (2013). *Remarks by President Obama at Civil Society Roundtable*. Available at: <http://www.whitehouse.gov/the-press-office/2013/09/23/remarks-president-obama-civil-society-roundtable>; The White House Office of the Press Secretary, (2014). *Remarks by the President at Clinton Global Initiative*. [online] Available at: <http://www.whitehouse.gov/the-press-office/2014/09/23/remarks-president-clinton-global-initiative>. On the presidential memorandum, see <http://www.whitehouse.gov/the-press-office/2014/09/23/presidential-memorandum-civil-society>.

<sup>5</sup> Danny Hakim, "Once Celebrated in Russia, the Programmer Pavel Durov Choose Exile," *New York Times*, December 2, 2014; Vindu Goel and Andrew E. Kramer, "Web Freedom is Seen as a Growing Global Issue," *New York Times*, January 1, 2015.

<sup>6</sup> Moisés Naím, *The End of Power: From Boardrooms to Battlefields and Churches to States, Why Being In Charge Isn't What It Used to Be* (New York: Basic Books, 2013).

<sup>7</sup> Christensen and Weinstein, "Defunding Dissent," 80. These authors also speculate that there is a correlation between anti-American sentiment and closing space (81).

what citizens think, know, and experience in terms of human rights may be a recipe for greater NGO resilience and efficacy.

Public opinion survey data may help address a crisis of legitimacy that NGO activists themselves have identified. A vivid example of this crisis mentality came in the months before the 2014 International Civil Society Week: CIVICUS, a global alliance of civil society leaders with a large concentration from the Global South, and a number of other NGOs, signed a letter suggesting the vision of human rights embodied in the Universal Declaration “lies in tatters” and that informal movements were deeply challenging the more organized NGOs, and calling for a “radical re-haul of civil society.”<sup>8</sup> Space is closing in part because governments can put restrictions in place with little reaction by the public. (The events in Ukraine in early 2014 stand as a stark contrast where the balance of power between then-President Viktor Yanukovich and the society shifted starkly through the efforts of the Euromaidan movement.<sup>9</sup>)

There is a growing academic literature that is beginning to address issues relating to this crisis, but it is for the most part not authored by IR scholars. One exception, a research team led by Jim Ron, suggests elites are more likely to know about human rights than the populations NGOs are meant to be serving and that that may be a source of the problem.<sup>10</sup> Another exception, Jack Snyder, explores the shrinking of the vision and frames that the human rights movement in particular have experienced in recent years.<sup>11</sup> Closely related, development experts suggest that NGOs have gotten too far from the people they are meant to represent.<sup>12</sup> Transnational NGOs have come in for perhaps the highest level of skepticism and criticism in terms of accountability.<sup>13</sup> And some work suggests that there is a correlation between the thin links of NGOs to local population and the source of their funding with development aid having a negative impact.<sup>14</sup> As Reine notes “any organization that depends on a narrow number of

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<sup>8</sup> “An Open Letter to our fellow Activists across the globe: Building from below and beyond borders,” <http://blogs.civicus.org/civicus/2014/08/06/an-open-letter-to-our-fellow-activists-across-the-globe-building-from-below-and-beyond-borders/>.

<sup>9</sup> Sarah E. Mendelson and John R. Harvey, “Responding to Putin’s Plan Post-Crimea,” CSIS Commentary, July 24, 2014 <http://csis.org/publication/responding-putins-plan-post-crimea>; Andrew Higgins and Andrew E. Kramer, “Ukraine Leader was Defeated Even before he was Ousted,” *New York Times*, January 3, 2014, <http://www.nytimes.com/2015/01/04/world/europe/ukraine-leader-was-defeated-even-before-he-was-ousted.html?ref=europe>.

<sup>10</sup> James Ron, David Crow, and Shannon Golden, “The struggle for truly grassroots human rights movement,” *Open Democracy.net*, November 18, 2014 and for the expanded article, see Ron, Crow, and Golden “Human Rights Familiarity and Socio-Economic Status: A Four-Country Study,” *Sur*, Vol. 11, No. 20 (June 2014) available at <http://conectas.org/en/actions/sur-journal/issue/20/1007335-human-rights-familiarity-and-socio-economic-status-a-four-country-study?secao=15>.

<sup>11</sup> Jack Snyder, “Empowering Rights with Mass Movements, Religion, and Reform Parties,” December 8, 2014.

<sup>12</sup> Nicola Banks, David Hulme and Michael Edwards, “NGOs, States, and Donors Revisited: Still too close for comfort?” *World Development*, Vol. 66 (2015), 707-718.

<sup>13</sup> Lisa Jordan, “Political Responsibility in Transnational NGO Advocacy,” *World Development*, Vol. 28, No. 12 (2000) 2051-2065; Martina Piewitt, Mieke Rodekamp, and Jens Steffek, “Civil Society in World Politics: How Accountable are Transnational CSOs?” *Journal of Civil Society*, Vol. 6, no. 3, (December 2010), 238; Peter Slezkine, “From Helsinki to Human Rights Watch: How an American Cold War Monitoring Group Became an International Human Rights Institution,” *Humanity Journal*, Issue 5, (December 2014).

<sup>14</sup> Masooda Bano, “Dangerous Correlations: Aid’s Impact on NGOs’ Performance and Ability to Mobilize Members in Pakistan,” *World Development*, Vol. 36, No. 11, (2008), 2297-2313; Banks, Hulme and Edwards, “NGOs, States, and Donors revisited: Still too close for comfort?”; Rita Jalali, “Financing Empowerment? How Foreign Aid to

donors and does not have a broad base of citizen support risks losing touch with the people whom it is trying to serve.”<sup>15</sup> One author explains restrictive laws, in the case of Ethiopia, as a result of the “accountability deficit” and “constituency-deficit” of NGOs, although acknowledges the Ethiopian law oversteps boundaries.<sup>16</sup> Another writes of the lack of “accountability” and “authenticity” to justify the NGO laws in Uganda.<sup>17</sup>

... This dependence syndrome [on foreign funding] undermines the independence and internal decision making capacity of NGOs....[and] contributes to further weaken any social bases NGOs may have and makes them not accountable to the communities they serve, or any other domestic constituencies, but to the funder who in most cases are in foreign countries.<sup>18</sup>

### Social Scientists and Public Opinion Data

There is a potentially consequential role for social scientists conducting public opinion surveys to help NGOs grow more resilient in the face of government restrictions. By elevating the use of public opinion surveys, these data can become a useful tool to increase connectivity of NGOs to the populations they are meant to serve. In other words, advancing and protecting human rights need not only or mainly rely on the careful accounting of noncompliance of governments with the Universal Declaration of Human Rights that organizations such as Human Rights Watch have made central to their mandate but ought to include a more robust effort to move rights from the margins to the mainstream by using multifaceted, large random-sample set of surveys (drawing on focus groups) of what populations know about, how they think about, and how they experience human rights.

Based on my own experience with survey work on human rights in Russia, and the work that Jim Ron and his team are doing with human rights’ perception surveys, this approach does seem promising.<sup>19</sup> Certainly in terms of addressing specific human rights abuses, such as combatting human trafficking, the lack of data has been an enormous problem in designing effective policies and programs.<sup>20</sup> The 2015 World Development Report “Mind, Society and Behavior” puts a great emphasis on paying “close attention to how humans actually think and decide” as opposed to making assumptions in designing programs.<sup>21</sup> CIVICUS also notes the importance of “public attitudes, trust, tolerance and participation”

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Southern NGOs and Social Movements Undermines Grass-Roots Mobilization,” *Sociology Compass*, Vol. 7, no. 1, (2013), 55–73.

<sup>15</sup> Fernande Reine, The measurement challenge in human rights,” *Sur*, Vol. 3, No. 4 (2006), 22.

<sup>16</sup> Sisay Alemahu Yeshanew, “CSO Law in Ethiopia: Considering its Constraints and Consequences,” *Journal of Civil Society*, Vol. 8, No. 4 (December 2012), 369, 379.

<sup>17</sup> Denis Tushabomwe, “NGO Accountability in Uganda: Analyzing the reasons, Challenges, and Remedial Postulates,” *The International Journal of Humanities and Social Studies*, Vol. 2, Issue 7 (July 2014), 390-398.

<sup>18</sup> *Ibid.*, 394.

<sup>19</sup> <http://csis.org/programs/human-rights-initiative/sarah-mendelsons-publications>; <https://www.opendemocracy.net/openglobalrights/james-ron-david-crow-shannon-golden/struggle-for-truly-grassroots-human-rights-move>; James Ron and David Crow, “Who Trusts local Human Rights Organizations? Evidence from Three World Regions,” *Human Rights Quarterly*, 37, (2015): 188-239. .

<sup>20</sup> Fiona David, “More data, even if imperfect, is important to combat slavery,” December 2, 2014.

<sup>21</sup> “Mind, Society and Behavior,” World Development Report 2015, (Washington DC: IBRD/The World Bank, 2015), 3 and Chapter 10.

as elements that help create a healthy “enabling environment” for civil society.<sup>22</sup> Opinion data can provide organizations with a baseline from which to measure the impact of campaigns.

In making this argument and advancing this method, it is important to recognize and plan for potential obstacles to uptake. Few NGOs have skilled social scientists on tap to help NGOs undertake and analyze large, random-sample surveys. Some NGOs, due to specific organizational cultures, may be uninterested in listening and responding to local populations. Due to costs associated with survey work, donors may need to be persuaded that public opinion data are not a luxury item but a vital tool with which to build constituents and increase efficacy. Closing space may be such that surveys are no longer possible or that the value of popular opinion is out-weighed by other repressive factors.

All that said, one can imagine the creation of a boundary or brokerage group working with NGOs to listen and respond to citizens using survey data along the lines of the Abdul Lateef Jamaal Poverty Action Lab at the Massachusetts Institute of Technology or Experiments in Governance and Politics but focused explicitly on human rights and surveys rather than specific interventions that social scientists show helps alleviate poverty (however important) or efforts focused more narrowly on governance or elections. This Human Rights Social Science—NGO consortium would involve pairing social scientists with NGOs. The effort might begin with a few countries or work through a series of hubs or regional platforms in which donors are already investing and evolve from there, creating peer-to-peer learning supplemented by social scientists. This collective would not by any means be the only remedy to closing space, but it might provide a concrete way to help NGOs become more sustainable, linked to the populations they are meant to be serving, and simultaneously, increase the relevance of IR scholars (and other social scientists) to human rights practitioners around the world.

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<sup>22</sup> CIVICUS, “State of civil society 2013,” 19.