



United States Institute of Peace

**Responding to the Global Threat of Closing Civic
Space: Policy Options**

**Testimony before the Tom Lantos Human Rights
Commission**

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Co-Chairmen Hultgren and McGovern and members of the Tom Lantos Human Rights Commission, thank you for organizing this important hearing today on the dangerous global trend of shrinking civic space abroad. I appreciate the opportunity to testify before the Commission. The views I express are my own and not those of the U.S. Institute of Peace, where I am a Senior Policy Fellow. The U.S. Institute of Peace (USIP) was created by Congress in 1984 as an independent, nonpartisan national institute dedicated to the proposition that peace is possible, practical and essential for U.S. and global security.

For the past two decades my research, teaching, non-profit work and U.S. government service have focused on effective alternatives to international violence, notably the ways in which peoples facing injustices and oppression can advance rights, freedoms, and democracy using nonviolent action and civil resistance. As the former co-director of the *Future of Authoritarianism* project at the Atlantic Council, I analyzed the trend of authoritarian resurgence around the world and focused on policy tools to address it.

Closing Civic Space: A Threat to Human Rights, Democracy, and National Security

Closing space for civil society in countries abroad is undermining the ability of citizens to effectively advance human rights, hold their governments accountable, and serve vulnerable communities. The means governments are using to shut down civic space include legal and regulatory tools, extra-legal intimidation and harassment of activists, public vilification of international aid groups and their local partners, and restrictions on foreign funding to curtail the critical work of independent civil society.¹

According to the International Center for Not-for-Profit Law (ICNL), since 2015, more than 64 laws have been put forward or enacted by governments that restrict NGOs' ability to register, operate, and receive foreign funding.² Meanwhile, the CIVICUS Monitor shows that more than 3.2 billion people live in countries in which civic space is either closed or repressed.³ The net effect of global crackdowns against civil society is a less safe, secure, and free world.

The brutal murder of Honduran human rights and environmental activist Berta Caceres, who was killed in March 2016 just days before leading a forum on the protection of indigenous land from mining practices, is a blatant (and tragic) example of these types of crackdowns. In Ethiopia, the anti-terrorism law is being used to target journalists, bloggers, human rights defenders and opposition politicians, severely curtailing their freedom of expression and association. In Russia, even an ecological support group that has been running a protected site for cranes has been branded as a "foreign agent" by the Russian legal system.⁴ Hungary, once the site of a remarkable nonviolent struggle against communist tyranny, has seen its right-wing government

¹ Sarah Mendelson, "Dark Days for Civil Society," *Foreign Affairs*, March 11, 2015; Thomas Carothers, "Closing Space: Democracy and Human Rights under Fire," *Carnegie Endowment for International Peace*, February 20, 2014.

² International Center for Not-For-Profit Law, "Survey of Trends Affecting Civic Space: 2015-16", *Global Trends in NGO Law*, Vol 7, Issue 4, September 2016.

³ Dhananjayan Sriskandarajah, "Under Threat: Five Countries in which Civic Space is Rapidly Closing," *OpenDemocracy.net*, January 18, 2017.

⁴ Funders' Initiative for Civil Society, "Challenging the Closing Space for Civil Society: A Practical Starting Point for Funders," May 2016.

target the independent media and human rights defenders with criminal defamation and excessive administrative and financial pressure.⁵

The closing of civic space is not only affecting human rights and democracy organizations. Respected development agencies, humanitarian organizations, community groups, environmental and educational charities have also been targeted with restrictions. These organizations are involved in anti-poverty activities, peace and conflict resolution work, and efforts to curtail corruption and advance government accountability.⁶ In Pakistan, for example, the NGO registration law has had a negative impact on the ability of humanitarian organizations to conduct their work. Kenyan anti-corruption civic groups MUHURI and HAKI Africa have been accused of having links to terrorist groups.⁷

The problem of closing space for civil society is neither new nor is it a short-term phenomenon. Rather, Carnegie Endowment scholar Thomas Carothers notes that it is part of a larger “tectonic shift” that gained momentum in the middle of the last decade, prodded forward by at least two major trends: a shift in power between “the West and the rest” and a growing appreciation by governments of the potency of civil society, which has caused some rulers and regimes to fear losing power.⁸ The so-called “color revolutions” in Serbia (2000), Georgia (2003), and Ukraine (2004-05) – which were, in fact, popular citizen responses to defend the integrity of the electoral processes in those countries – combined with more recent Arab Spring uprisings, have only deepened the concern held by elites.

Governments that engage in systematic human rights abuses and civil society crackdowns pose serious threats to national, regional, and international peace and security. As the 2017 Global Risks Report published by the World Economic Forum noted, “a new era of restricted freedoms and increased governmental control could undermine social, political and economic stability and increase the risk of geopolitical and social conflict.”⁹ When governments shut down space for independent civil society they are blocking meaningful participation by citizens in basic governance, excluding key groups from the social, economic, political life of the country, weakening the social contract between governments and their citizens, and making recourse to violence and terrorism as a means of addressing grievances more likely.

This was a central finding of the Fragility Study Group Report co-led by USIP, the Center for a New American Security and the Carnegie Endowment for International Peace and whose final report, entitled *U.S. Leadership and the Challenge of State Fragility*, was published last year. As Carothers noted in his contribution to the report, “When a government shuts down space for civil society it is not just damaging the U.S. interest in democracy and human rights, it is undercutting

⁵ Peter Kreko, “Closing Space in Hungary with a Russian Cookbook,” Open Global Rights series, openDemocracy.net, October 28, 2016.

⁶ Funders’ Initiative for Civil Society, “Challenging the Closing Space for Civil Society: A Practical Starting Point for Funders,” May 2016.

⁷ “Murder of Kenyan Human Rights Lawyer an Act to Intimidate Human Rights Defenders,” CIVICUS News report, July 21, 2016.

⁸ Thomas Carothers, “Closing Space: Democracy and Human Rights Under Fire,” *Carnegie Endowment for International Peace*, February 20, 2014.

⁹ World Economic Forum, *The Global Risks Report 2017*, published ahead of 2017 Davos meeting, January 11, 2017.

the U.S. interest in reducing political exclusivity in developing countries, a principal driver of state fragility.”¹⁰ The closing of civic spaces weakens the ability of civil society organizations to provide critical services like healthcare, education, and humanitarian aid to local communities. It also undermines their ability to hold governments accountable for dedicating local financial resources to domestic priorities, thereby increasing the aid burden on foreign donors.

For the U.S. government, the closing of civic space threatens both its values and its interests abroad. The United States was founded on principles of life, liberty, and the pursuit of happiness, and Americans believe that all people should enjoy these rights. Free nations with open, vibrant civil societies are more economically prosperous, stable, and reliable partners – and they are less likely to produce terrorists, proliferate weapons of mass destruction, or engage in acts of aggression.¹¹ Peoples around the world have looked to the U.S. for leadership on issues of human rights, freedoms, and democracy. That power of attraction has traditionally set the United States apart from other global powers, such as China or Russia. This values argument is strongly reinforced by the core national security interest in preventing the rise of regimes that engage in exclusive, repressive policies that undermine their legitimacy and increase the chances of instability and violent conflict.¹²

The Power and Efficacy of Nonviolent Movements

Bottom-up civic coalitions and movements have historically played a seminal role in opening up civic space, challenging authoritarian regimes and in paving the way to democratic consolidation. Nonviolent movements, which are made up of fluid groupings of different actors, including individuals, organizations, and networks, share a common identity and use tactics including marches, vigils, boycotts, sit-ins, strikes, monitoring, and other nonviolent methods. More than ad hoc, uncoordinated protests, social movements display a degree of organization and have change-oriented goals. Their methods are extra-institutional and may involve nonviolent confrontation with power-holders to open up new democratic spaces.¹³ Collective citizen action in places such as Colombia, Liberia, Guatemala, Nigeria, and Afghanistan has played a key role in challenging exclusionary, predatory governance and in advancing peace processes.¹⁴

Historically, nonviolent movements have achieved strategic success even in the most difficult conditions. A 2011 study that I co-conducted examined 323 violent and nonviolent campaigns from 1900-2006 challenging authoritarian regimes and foreign military occupations. The research assessed how effective these methods of struggle were in achieving major goals, even in the face of repression. The study found that not only have major nonviolent campaigns been twice as effective as armed struggles in achieving major political goals, they were also far more

¹⁰ Thomas Carothers, “Closing Space and Fragility,” *Fragility Study Group Policy Brief No. 5*, October 2016.

¹¹ Alexander T.J. Lennon (project director), *Democracy in U.S. Security Strategy: From Promotion to Support*, Center for Strategic and International Studies (CSIS) report, March 2009; Mathew Burrows and Maria J. Stephan, (editors), *Is Authoritarianism Staging a Comeback?*, Atlantic Council, 2014.

¹² Andrea Kendall-Taylor, “How Democracy’s Decline Would Undermine the International Order,” CSIS, July 15, 2016.

¹³ Maria J. Stephan, “Adopting a Movement Mindset to Address the Challenge of Fragility,” *Fragility Study Group Policy Brief No. 4*, September 2016.

¹⁴ *Ibid.*

likely to usher in democratic transitions 10 years after the end of the campaign.¹⁵ More recent political science research has found that nonviolent resistance increases the odds of successful democratic transition and is beneficial for the subsequent development of democracy.¹⁶

The skills inherent in building broad-based coalitions, finding common ground, tolerating differing viewpoints, and self-organizing are critical to democratic development. Organized civic campaigns and movements have also been key to advancing policy changes in areas like the environment, anti-corruption, and women's rights.¹⁷ "People power" campaigns targeting systemic corruption in places like South Korea, Kenya, Guatemala, Afghanistan, and Romania have been particularly innovative and effective at achieving governance improvements in recent times.¹⁸

We are, in fact, living in the most contentious period in human history. Democracy scholars report a significant rise in the number of global protests around the world since the second half of the 2000s. The list of countries hit by major protests since 2010 includes more than 60 states that span every region of the world.¹⁹ The 2010-2013 period saw the onset of more nonviolent campaigns than happened in the entire decade of the 1990s.²⁰ This rise in global protest activity reveals growing popular mistrust of established political institutions and actors. Yet, troublingly, at the same time that citizens are increasingly challenging established practices, the space for citizens to organize and mobilize has shrunk. This shutdown in nonviolent pathways for constructive engagement and dissent is one of the most concerning aspects of the closing of civil society space around the world.

Policy Responses

The closing of civic space is a multi-faceted problem that requires a long-term, multi-dimensional U.S. government response. The U.S. government approach should necessarily be tailored to the country context, informed by variables like the degree of openness of the society, the history and nature of bilateral and multilateral relations with the countries, and – perhaps most importantly - the perspectives of diverse local civil society voices. Civic space rightly concerns those parts of the U.S. government, including Congress, that focus on advancing human rights and democracy. To strengthen the overall U.S. government response, however, this challenge should actively engage members of the wider defense, diplomacy, and development communities focused on the challenges of state fragility, resurgent authoritarianism, and violent extremism, which are problems exacerbated by governments' systematic violations of human rights and their crackdowns against civil society.

¹⁵ Erica Chenoweth and Maria J. Stephan, *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict*, Columbia University Press, 2011.

¹⁶ Felix S. Bethke and Jonathan Pinckney, "Nonviolent Resistance and the Quality of Democracy," *The Varieties of Democracy (V-Dem) Users Working Paper Series*, No 3, July 2016.

¹⁷ Marie Príncipe, "Women in Nonviolent Movement," *USIP Special Report #399*, January 2017.

¹⁸ Shaazka Beyerle, *Curtailing Corruption: People Power for Accountability and Justice*, Lynne Rienner Publishers, 2014.

¹⁹ Thomas Carothers and Richard Youngs, "The Complexities of Global Protests," *Carnegie Endowment for International Peace Report*, October 8, 2015.

²⁰ Erica Chenoweth, "Trends in Civil Resistance and Authoritarian Responses," in Mathew Burrows and Maria J. Stephan (Editors), *Is Authoritarianism Staging a Comeback?* Atlantic Council, 2014.

High-level Coordination, Decentralized Task Forces: The National Security Council should continue to support coordination to ensure that the inter-agency, including State, USAID, the Department of Defense, the Treasury Department (through its role in the Financial Action Task Force), and the Department of Labor are held accountable to ensuring that their practices are protecting civic space. Closing spaces task forces should be established at the State Department, USAID, and DoD to ensure intra-agency and cross-agency information exchange, policy and programmatic coordination. These task forces should work with members of Congress to identify priority countries where the risk of state fragility linked to systematic human rights violations and closing civic space is high. They can help ensure that governments are not abusing counter-terrorism policies to target and repress legitimate civil society organizations and entities. They could devise country-specific strategies, linked to multi-year funding ensured by Congress, which would enable long-term support for civil society and government engagement in those priority countries.

Linking Security Assistance to Civic Space: Congress should work to ensure that the Department of Defense and other security actors are fully engaged in the fight to defend civic space. Presidential Policy Directive 23 (PPD 23) on security cooperation provides the structure to bring institution-building, rule of law, and respect for human rights (including the rights to peaceful assembly and association) together with training and weapons provision. In reality, PPD-23 has not been implemented. A closing spaces task force in the Defense Department could apply Millennium Challenge Corporation (MCC)-like benchmarks established by organizations like ICNL and the global civic watchdog organization, CIVICUS, to inform security assistance programming. The USG-led “Security and Democracy Dialogue,” launched last year in the context of the US presidency of the Community of Democracies, offers a space to discuss the issue of closing spaces with close allies (including NATO partners) and their militaries.

Currently, security assistance bifurcation within the U.S government, and the inability to transfer funds readily between departments makes it difficult to couple security assistance with efforts to support good governance and strong civil societies. Congress should support expanded interagency transfer authorities for joint programming in priority countries where closing civic space is intensifying state fragility and exacerbating security concerns. The 1207 Security and Stabilization program offers lessons in how to do this. Efforts should be encouraged, where appropriate, that enable funding transfers between the Defense Department, State, and USAID for specific challenges.

Existing interagency security cooperation programs like the Security Governance Initiative (SGI), a joint endeavor between the U.S. and six African partners focused on improving security sector governance and capacity to address threats, and Defense Institution Building (DIB) efforts that aim to help partner-nations build effective, transparent, and accountable defense institutions should be expanded and strengthened to incorporate greater focus on rule of law and civil society’s role in advancing government accountability and responsiveness. Police and law enforcement agencies should be included in programs like SGI and DIB, given their outsized roles in engaging with civil society actors. Civil society participation should be an integral aspect of these programs’ design, implementation, and evaluation.

Bolster Democracy and Governance Efforts, Apply a Movement Mindset: To effectively address the challenge of closing civic space, the funding levels at State, USAID, and the National Endowment for Democracy (NED) focused on human rights, democracy, and governance should be increased, or at least maintained. This is necessary to support research on effective responses to closing civic space and to help diverse civic actors – activists, bloggers, investigative journalists, labor and trade unions, professional associations, youth and women’s groups and formal NGOs – push back against government pushback. These civic actors’ work in documentation, advocacy, organizing and mobilization are critical components of an effective pushback.

A survey of over 1100 activists, human rights defenders, and civil society leaders from 11 different countries conducted in 2016 by the non-profit organization, Rhize, and funded by Open Society Foundations and the Atlantic Council highlighted the importance of donor-funded activist exchange programs to improving the knowledge and skills of these actors. The survey, entitled “Understanding Activism”²¹, also revealed that funding for civic groups can be a double-edged sword. Funding linked to strong donor agendas and that comes with heavy bureaucratic requirements was generally deemed unhelpful by survey respondents. On the other hand, multi-year core funding for civic groups was assessed favorably, since it allowed these groups to be more focused, strategic, and constituency-driven in their work. Flexible funding mechanisms that allowed civic groups and movement to expand their outreach, respond to opportunities, and adjust to fluid environments, were deemed particularly helpful.

Reinforcing some of the survey findings, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, recently called on donors to shift funding away from short-term civil society projects and towards “struggles for social justice”.²² Whereas most donor funding goes to large, high-profile NGOs, local civil society organizations receive just .2% of official development assistance, according to a 2015 study by CIVICUS.²³ Donor practices that encourage local civil society partners to be more accountable to them than to their constituencies, that create dependencies and that discourage coordination between various civic actors are contributing to the problem of closing civic space and should be abandoned.

On the other hand, the State Department and USAID, along with the NED, should be empowered to provide multi-year capacity-building grants to local civic actors, including independent media, investigative journalists, and legal reformers. This funding should support initiatives that build bridges between service providers and human rights groups, and between traditional NGOs and grassroots actors with strong ties to local communities. Their grants should encourage

²¹ Rhize report (May Miller-Dawkins, author), “Understanding Activism: How International NGOs, Foundations and Others Can Provide Better Support to Social Movements.” Report based on survey conducted by Rhize, with the support of The Atlantic Council as part of the latter’s *Future of Authoritarianism* project co-directed by Mathew Burrows and Maria J. Stephan. Forthcoming, 2017. The survey was conducted in 2016 with 1107 activists, journalists, NGOs workers, and other civil society members from Colombia, Egypt, India, Kenya, Russia, Sudan, Turkey, Ukraine, and Venezuela.

²² Maina Kiai, “From Funding Projects to Funding Struggles: Reimagining the Role of Donors,” *OpenDemocracy.net*, January 17, 2017.

²³ CIVICUS, “The State of Civil Society Report, 2015.” <http://civicus.org/images/StateOfCivilSocietyFullReport2015.pdf>.

coordination, nuts-and-bolts organizing, and collective action.²⁴ There is evidence that cross-issue, cross-sector coalitions involving development, humanitarian, private sector actors – in addition to human rights and advocacy NGOs - have been particularly effective in pushing back against restrictive civil society laws, in places like Kenya and Cambodia.²⁵

Donors like the State Department and USAID should invest in long-term security of activists and NGOs by investing in digital security, data protection, and legal protection. State Department-led multi-donor programs like Lifeline Embattled Civil Society Organizations Assistance Fund, which helps embattled CSOs with emergency assistance and provides advocacy grants to CSOs, should continue to receive strong support. (HAKI Africa, a Kenyan CSO focused on anti-corruption, received Lifeline support after the Kenyan government accused them of supporting terrorism. The Lifeline funds helped them access a safe house and keep operating.) Ideally the Lifeline Fund is supplemented with a flexible funding mechanism specifically targeting movement actors. The Civil Society Innovation Initiative (CSII), a public-private initiative co-sponsored by USAID and the Swedish International Development Agency (SIDA) which has helped stand up 6 “regional civil society innovation hubs” around the world in an effort to foster information exchange, peer learning and the bridging of closed and open spaces, would benefit from seed funding to help the hubs achieve self-sustainability. In general, U.S. government support to civil society would benefit from an approach that moves from emergency response to multi-year funding.

Of course, there are serious risks associated with public donors, like the State Department and USAID, providing direct support to activists, unregistered groups, and movements that challenge power dynamics in a society. They are right to be concerned about governments’ reaction to support for groups that could be perceived as confrontational or “oppositional” and that could jeopardize other programs inside the country. “Do no harm” should be a foundational principle for donors. How that principle is implemented, practically, should be determined on a country-by-country basis in consultation with local activists and civil society leaders – those in the best position to know when, and which types of support will be helpful or harmful.²⁶

While private foundations are typically better positioned than public donors to provide aid flexibly, the State Department and USAID can use civil society funding to build bridges between grassroots actors on the frontlines, professional NGOs, and government reformers. CSII has the potential to support this approach. The State Department’s Democracy, Human Rights and Labor and USAID Democracy, Human Rights and Governance would benefit from funding to support multi-year research that analyzes the causes of closing civic space and the most promising pathways to addressing the challenge in different countries. Congressional reporting requirements for civil society funding should incentivize flexible programming and monitoring and evaluation approaches that ensure accountability while allowing local partners to lead and assume ownership.

²⁴ Edwin Rekosh, “To Preserve Human Rights, Organizational Models Must Change,” Open Global Rights series, openDemocracy.net, November 28, 2016.

²⁵ International Human Rights Funders’ Group (Contributors: Julie Broome, Sigrid Rausing Trust; Iva Dobichina, Open Society Foundations; Poonam Joshi and David Mattingly, Fund for Global Human Rights; and Tim Parritt, Oak Foundation), “Closing Space for Civil Society and Cross-Border Philanthropy,” IHRFG, October 20, 2014.

²⁶ Maria J. Stephan, Sadaf Lakhani, and Nadia Naviwala, “Aid to Civil Society: A Movement Mindset”, USIP Special Report, February 23, 2015.

Bring Civil Societies and Governments Together: U.S. government funding dedicated to human rights, democracy, and governance should support efforts that promote constructive working relationships between governments and civil society. Such programs that broker collaboration can help lower the temperature between government and civil society, result in better governance outcomes, and reduce the likelihood of government efforts to close civic space. For example, the USIP, State Department, and USAID-funded and USIP-implemented Justice and Security Dialogue (JSD) program involving the police and local communities in Nepal have demonstrably improved police-community relations, increased respect for the rights of marginalized ethnic and caste groups, and reduced violence at the community level.²⁷

Use CODELS and STAFFDELS to Defend Open Civic Space: Beyond their purse-string powers, members of Congress and their staffers have other tools to promote an enabling environment for civil society around the world. They can make statements condemning the enactment of restrictive NGO laws and/or repressive actions targeting civil society. Such statements by diplomats and foreign governments were generally received favorably by the civil society respondents in the “Understanding Activism” multi-country survey.²⁸ Members of Congress can acknowledge governments that take the right steps to ensure the safety of their citizens while protecting open civic space. They can, where appropriate, single out the courageous work of human rights defenders, activists, and civic leaders who take great risks to defend civic space in their countries. In meetings with foreign government officials in countries that have enacted or are considering enacting restrictive laws and regulations, Congressional delegations (CODELS) can emphasize that vibrant civil societies strengthen state sovereignty and promote greater investment and economic prosperity. They can make it clear that security assistance programs are contingent upon the protection of human rights and civic space.

Reward Effective Diplomats and Development Practitioners: To demonstrate the seriousness of this issue, the State Department and USAID should incentivize efforts by diplomats and development practitioners to protect and expand civic space. A large number of respondents in the “Understanding Activism” survey noted their frustration with foreign governments that fail to hold other governments accountable to their obligations under human rights treaties and supervised agreements. While context is important in determining the likely impact of public statements by foreign diplomats (and Members of Congress) focused on human rights, in general activists appreciate acts of diplomatic solidarity on these issues, particularly when such actions involve diplomats from multiple countries.

Both the State Department and USAID should align the launch of initiatives that support open civil society to annual performance reviews so that excellent efforts by individual diplomats are reflected and rewarded in career evaluations. Embassy country teams that coordinate across diplomatic, aid, and security portfolios based on the country team’s shared assessment of the closing space situation should be lauded. High-profile “Champion of Civic Space Awards” could

²⁷ Peter Bauman, Sarah Hanssen, and Shobhakar Budhathoki, “Post-Program Close down Impact and Sustainability Evaluation of the JSD Program in Nepal,” Bauman Global report, March 17, 2017.

²⁸ Rhize report (May Miller-Dawkins, author), “Understanding Activism: How International NGOs, Foundations and Others Can Provide Better Support to Social Movements.” Forthcoming, 2017.

be bestowed annually on junior and senior diplomats and development practitioners who demonstrate courage and creativity in supporting civil society and defending civic space. This could be modeled on the Mark Palmer Prize that the Community of Democracy awards bi-annually to recognize diplomatic efforts on behalf of civil society.

The *Diplomat's Handbook for Democracy Development Support*²⁹, which contains a toolkit and case studies of effective diplomatic engagement with civil societies and governments in transitioning countries, should be fully integrated in diplomatic training at the Foreign Service Institute. FSI should receive adequate funding to ensure that its training addresses the challenge of closing civic space and includes practical ways diplomats should respond. Both the *Diplomat's Handbook* and its military counter-part, *Military Engagement: Influencing Armed Forces Worldwide to Support Democratic Transitions*³⁰, which focuses on how military-to-military activities can support respect for human rights and democratic principles in partner militaries (in non-democracies), should be integrated in partner training institutes. DoD resources for curriculum development and instruction should be dedicated to that end.

Engage the Business Community: The private sector has a critical role to play in defending civic space around the world. Not only do their investments constitute significant leverage vis-à-vis governments, but some governments may be more willing to listen to businesses than to civil society. Businesses have a financial interest in protecting civic space, so that civil societies can hold governments accountable, expose corruption, and defend the rule of law. There are compelling examples from Angola, Pakistan, Cambodia, and Thailand where multinational firms sided with civil society following government attacks on civil rights.³¹ American Chambers of Commerce in different countries should be invited to participate in closing spaces conversations and initiatives, which can be encouraged by members of Congress. Trade treaties and aid agreements should be drafted to include clauses on the imperative of protecting civic space.

Congress can furthermore encourage multi-national firms to follow their values, leverage their networks, and mobilize collective action when governments crack down on civic actors and human rights defenders.³² They can hold to account corporations that are benefiting from the closing of civic space, including technology firms that sell cyber-surveillance tools to governments that are demonstrably cracking down on civil society.³³ CODELs can encourage meetings involving local civil society and private sector actors to discuss ways to address closing civic space in key priority countries.

Engage Multilateral Partners, link to Sustainable Development Goals: There is no way for the U.S. government to address the challenge of closing civic space alone. It should continue to assume a leadership role in highlighting this issue in multi-lateral forums and mechanisms like

²⁹ Jeremy Kinsman and Kurt Bassuener, *A Diplomat's Handbook for Democracy Development Support* (Third Edition), Ontario, Canada: Centre for International Governance Innovation, 2013.

³⁰ Dennis Blair (Editor), *Military Engagement: Influencing Armed Forces Worldwide to Support Democratic Transitions* (Volumes I and II), Washington, DC: Brookings Institution Press, 2013.

³¹ Charities Aid Foundation report, "Beyond Integrity: Exploring the role of Business in Preserving Civil Society," 2016 report. <https://www.cafonline.org/about-us/publications/2016-publications/beyond-integrity-report>.

³² Funders' Initiative For Civil Society, "Challenging the Closing Space for Civil Society: A Practical Starting Point for Funders," May 2016.

³³ Washington Post, "Repressive Governments Using US-Made Spy Technology," December 30, 2011.

the Community of Democracies, the Open Government Partnership, and the UN Human Rights Council, and actively engage with regional organizations like the Organization of American States (OAS), the Inter-American Commission on Human Rights, the African Commission on Human and People's Rights, the Organization for Security and Cooperation in Europe (OSCE), the Association of Southeast Asian Nations (ASEAN) on this issue. The New Deal for Engagement in Fragile States is another multi-lateral forum where the issue of closing civic space could receive much greater attention.

The U.S. government should use the internationally-endorsed Sustainable Development Goal (SDG) process at the UN to encourage development, humanitarian and human rights actors to jointly adopt benchmarks and indicators related to civic space, and make defense of civic space central to achieving all the SDGs. SDG 16 and 17, in particular, relate to the civil society environment.³⁴ Using the SDGs is a way to break down sector silos while focusing on the universality of threats to civic space around the world. The Civic Space Initiative (CSI), a consortium of NGOs, has specifically focused on ways to practically integrate civic space in the SDGs, which would be particularly relevant for the State Department and USAID.

Finally, the work of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has been critical in shining a spotlight on the issue of closed civic space and in proposing solutions. The Special Rapporteur's mandate, and those of other Special Rapporteurs focused on particular violations of human rights (freedom of speech, forced disappearances, torture) should continue to receive strong U.S. government backing.

Conclusion

Global crackdowns against activists, human rights defenders, and civil society threaten core U.S. values and interests. This is a long-term challenge that requires thoughtful, coordinated, and coherent U.S. government and global responses. Congress has a critical role to play to ensure that tools and programs designed to address attacks on civil society are properly funded, that security assistance funding and programs are properly aligned with this effort, and that the private sector is effectively engaged. They can use statements and meetings with foreign leaders and civil society members to elevate the issue of closing civic space and send a clear message that the American people will continue to defend basic rights and fundamental freedoms around the world. Our security, in fact, depends on it.

The views expressed in this testimony are those of the author and not the U.S. Institute of Peace.

³⁴Sustainable Development Goal 16 is: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels. Goal 17 is: Strengthen the means of implementation and revitalize the global partnership for sustainable development. This goal includes two relevant sub clauses: 1. Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnership and 2: Mobilize additional financial resources for developing countries from multiple sources (this means private funders). <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>.