



2017 STATE OF CIVIL SOCIETY REPORT



**EXECUTIVE
SUMMARY**

ABOUT THIS REPORT

Each year the CIVICUS State of Civil Society Report examines the major events that involve and affect civil society around the world. Part one of our report reviews the past year, focusing on the space for civil society and the impact of a resurgence of right-wing populist politics; the right to express dissent; protest movements; and civil society's international-level actions. Part two of our report has the special theme of civil society and the private sector.

Our report is of, from and for civil society, drawing from a wide range of interviews with people close to the major stories of the day, a survey of members of our network of national and regional civil society coordination and membership bodies - the Affinity Group of National Associations (AGNA) - and 27 specially-commissioned guest articles on different aspects of the theme of civil society and the private sector. Most of our inputs come from civil society, but we also sought the views of people working in government and the private sector.

Our report also draws from CIVICUS' ongoing programme of research and analysis into the conditions for civil society. In particular, it presents findings from the [CIVICUS Monitor](#), our new online platform that tracks the space for civil society - civic space - in every country, and the [Enabling Environment National Assessments](#) (EENA), a civil society-led analysis of legal, regulatory and policy environments.



Maria Sosa, USA (State of Civil Society in 2016 Photo contest winner)



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FOREWORD FROM CIVICUS SECRETARY GENERAL



The last year has been deeply unsettling for most of us in progressive civil society. Almost everywhere in the world, almost everything we stand for is under threat – from civic freedoms to climate action, from minority rights to internationalism. Rising populism and extremism are fuelling falling levels of public trust in civil society and providing convenient cover for attacks on civic space. Perhaps most worryingly, in too many countries we are losing the public argument.

Not surprisingly, much of this year's State of Civil Society report is devoted to understanding what is going on around us and thinking through how we make the case for why a diverse, resilient and independent civil society is a critical and constructive component of any polity.

For me, there are two over-arching lessons for us. First, as disheartening as recent trends may seem, we must value the positive role civil society is positioned to play in responding to growing disillusionment with established political and economic institutions. Our responsibility is to help create new mechanisms for nurturing citizen voice and engagement, new forms of everyday democracy and new ways of transforming our economic systems. Secondly, we must recognise that, in many countries, it has become increasingly easy to portray progressive civil society as being against national interests, public security and traditional values. This serves as a reminder of the urgency of better establishing our legitimacy, to go beyond 'accounts-ability' to meaningful forms of accountability to the communities we claim to be serving.

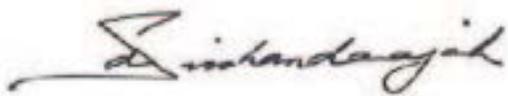
OUR RESPONSIBILITY IS TO HELP CREATE NEW MECHANISMS FOR NURTURING CITIZEN VOICE AND ENGAGEMENT, NEW FORMS OF EVERYDAY DEMOCRACY AND NEW WAYS OF TRANSFORMING OUR ECONOMIC SYSTEMS

For this State of Civil Society Report 2017, our thematic focus explores the multi-dimensional, often tense yet potentially synergetic relationships between civil society and the private sector. With almost three quarters of the 100 biggest economies in the world now corporate entities and not nation states, we in civil society cannot ignore the role of big business. Nor can we ignore the importance of business of all shapes and sizes in delivering sustainable development. As always, the 27 essays from our members and partners present a thought-provoking range of insights, full of ideas for reducing, influencing, competing with, or harnessing the power of the private sector, depending on the perspective.

Taken together, these essays remind us of the urgent need to make the business case for civic space. We need to curtail behaviours undermining civic freedoms, and convince corporate actors that being good citizens includes supporting space for citizen action, even if it generates uncomfortable implications for business from time to time.

We also need to find a cure for an ailment I like to call 'Polmanitis' in honour of Paul Polman, the Chief Executive of Unilever who has become a prominent spokesperson for business leadership on sustainable development. Polman's ubiquitous presence on almost every panel I've been to on this topic suggests that we need to broaden our pool of corporate leaders publicly committed to sustainable business models. At the same time, we also need to be asking ourselves how can we increase the costs and risks to business from poor practice, and create a more effective premium for good practice.

I hope you will find some useful insights on this and many other fronts in this year's report.

A handwritten signature in black ink, appearing to read 'Dhananjayan Sriskandarajah', written in a cursive style.

Dhananjayan Sriskandarajah

Secretary General



PART 1:

YEAR IN REVIEW

YEAR IN REVIEW

A GLOBAL CIVIC SPACE EMERGENCY

Civil society faces unprecedented levels of restriction. Around the world, it is becoming increasingly dangerous to challenge power, and to do so risks reprisals. The CIVICUS Monitor finds that only three per cent of the world's population live in countries where civic space is fully open. A consistent pattern is emerging of attacks on civil society organisations (CSOs) and activists engaged in defending human rights and fundamental freedoms from repressive state machinery, extremist groups and criminal forces linked to big business. While some of the worst conditions for civil society's fundamental rights of association, peaceful assembly and expression are experienced in Africa and Asia, every global region has countries where civil society is repressed. Civic space is being seriously constrained in 106 countries, over half of all United Nations (UN) members. This means that the restriction of civic space has become the norm rather than the exception. It should now be considered a global emergency.

In conditions of poor civic space, civil society is repressed through practices that include legislative and regulatory restrictions, the forced suspension or closure of CSOs, judicial harassment, public vilification, detentions, violence and killings. When it comes to the freedom of association, far more disabling laws and policies than enabling ones are being introduced. Many new laws and regulations restrict civil society on spurious grounds, such as maintaining public order and national security or preventing terrorism, and give broad scope for politicised and selective interpretation. Civil society is most restricted when it expresses dissent and exposes failings: the CIVICUS Monitor records that most detentions of civil society activists come when they criticise state institutions, policies and officials, or call attention to human rights abuses.

A CRISIS IN DEMOCRACY

On top of existing challenges, civil society faces an alarming new threat. In multiple countries, the past year saw political upheavals that weakened democracy, fostered division and increased the potential for civil society to be attacked. In several countries, right-wing populist leaders came to prominence by winning elections or commanding enough support to push their ideas into the mainstream.

Their programmes go against everything that the broad sweep of progressive civil society stands for. They promote national chauvinism and defend the perceived interests of major population blocs rather than society as a whole. They are hostile towards excluded groups. They vilify universal human rights norms and international institutions and agreements. This means that they attack civil society when it stands for human rights, advocates for alternatives, holds governments to account, provides platforms for dissenting voices and promotes progressive internationalism. The highly personalised political style of new right-wing populist leaders allows little room for democratic checks and balances and legitimate forms of dissent. Those who seek to hold them to account are accused of defying democratic decisions.

These political shifts have happened even in countries long considered to be consolidated democracies where the arguments for constitutional democracy, with room for dissent and space for civil society, were long thought won. And while much attention has focused on Europe and the USA, the challenge goes wider than that, and is seen in both the global south and global north: populist strongmen have increased their grip in countries such as Hungary, India,

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the Philippines, Russia and Turkey. While some of these strongmen leaders are well-established, the past year saw a marked acceleration of the trend. Established demagogues prepared the ground for the political styles of newly prominent neo-fascist leaders, and have in turn taken fresh, repressive inspiration from their rise to power.

In responding, civil society needs to understand the anger that drives these political shifts. In many countries people feel increasingly insecure. They see their livelihoods becoming more precarious. They see growing gaps between the very wealthy and the vast majority. They may see established ways of life and traditional values being eroded. They see political elites as remote and unwilling to listen to them; they see them as serving the interests of economic globalisation, and as better connected to global elites than to their country's citizens. Because of this, many have rejected conventional political competition as meaningless and embraced extreme positions, investing faith in people who market themselves as political outsiders able to disrupt elite consensus. Rather than critiquing the structure of economic globalisation, citizens are being encouraged to unravel existing political institutions and blame minorities and excluded groups.

The challenge for civil society is that when it tries to argue back, it risks being associated with conventional, elite and failed governance: part of the problem rather than the solution. Civil society's defence of human rights can place it at odds with public opinion that supports attacks on the rights of others.

NARROWING CHANNELS FOR DISSENT

The new battle of political ideas is being played out in the media, putting increased pressure on the freedom of expression. New and social media in particular are being used to spread myths, aggressively troll progressive voices and normalise regressive views that once would not have been considered an acceptable part of political discourse. The 'fake news' terminology originally coined to expose the ways right-wing populist causes spread lies has been captured and co-opted by those very forces and turned against their critics. The ability of the media to offer a diversity of views and civil society's capacity to get its points across are impacted upon as a result.

These new trends add to the global civic space emergency with regard to the freedom of expression. Constitutional guarantees on the freedom of expression are being undermined by security measures, laws that inhibit criticism of key public figures and subjects, and criminal defamation provisions that mandate excessive punishments. Online civic space is subject to particular contestation, including through the blocking or filtering of content and shut-downs of internet and mobile phone networks. Journalists face increasing threats, and impunity is an ingrained problem: in around a third of attacks on journalists recorded by the CIVICUS Monitor, no perpetrator was identified. Something important to note but impossible to quantify is the chilling effect of restrictive measures, as they encourage caution and self-censorship.

CITIZENS FIGHTING BACK

But progressive groups of citizens are not standing by. The past year was marked by numerous mass protests, none of them bigger than the Sister Marches

that mobilised, in the USA and around the world, against the politics of President Trump. Wherever new leaders have sought power on polarising platforms, they have faced major protests. The democracy of the street is alive and well.

Many recent protests have been led by women and in defence of women's rights, including in Argentina, Brazil and Poland. Latin America has also been a hotspot for protests led by students, notably in Chile, and against neoliberal policies and public spending cutbacks, while student-led protests have continued in South Africa.

Protests act as essential safety valves for democracy, a means to communicate important grievances, and schools of participation to bring people into civil society action. In 2016 and 2017, protests once again proved an effective vehicle for expressing dissent and advancing change: in South Korea, they were intrinsic to the campaign that forced President Park Geun-hye from office on corruption charges, and in Romania they caused the government to abandon its attempt to weaken punishments for corruption.

Mass protests occurred even in highly restricted contexts, notably Ethiopia, where hundreds were killed and tens of thousands detained. Ethiopia is an extreme example of how states, rather than accepting protests as a normal part of democratic dissent and acting to redress grievances, are making it harder to exercise the freedom of peaceful assembly. As part of the global civic space emergency, several states have recently passed anti-protest laws, targeting protest tactics such as blocking roads, occupying public spaces and wearing masks. The EENA research identifies that in some states, approval must be sought before protests can take place, while in others, although rules state that protest organisers must only notify the authorities, officials interpret this as power to determine whether protests can take place. Decisions on whether protests can be held are often made on political grounds.

In response, there is a need to promote notification rather than approval procedures as best practice. There is also a need to pay more attention to the support needs of protest movements. CIVICUS [research](#) indicates that protest movements value international connections, but these are mostly lacking. It also suggests they need financial support less than they need support in strategic planning, thinking and organising, suggesting potential for peer learning through connections with broader civil society.



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TROUBLED TIMES FOR PROGRESSIVE INTERNATIONALISM

Right-wing populist leaders have little time for international institutions. They see them as limiting the sovereignty they want to exercise, and regard international human rights oversight as intrusive. When walls and borders are being reinforced, the international sphere is seen as an unhelpful promoter of progressive values. The international cooperation that the current crop of strongmen leaders want is that which reinforces their power and centres on visible economic growth, security and immigration control. Key international institutions have found themselves threatened with withdrawal and the Paris Agreement on climate change has been put at risk by the current attitude of the US administration, which includes prominent climate change deniers among its ranks.

These new challenges exacerbate the enduring problems of state-centric multilateralism, with the failings nowhere more exposed than in Syria, where Russian UN Security Council (UNSC) veto power has seen perhaps half a million people killed and around half the population displaced since the conflict began. Syria raises the spectre that impunity for war crimes is becoming normalised. The UN Human Rights Council remains unable to fulfil its potential through the election of states that consistently restrict civic space and abuse human rights; the global civic space emergency is being reproduced at the international level.

New UN Secretary-General António Guterres therefore inherits a difficult agenda. Appointed after a selection process that for the first time enabled limited civil society input, he has been offered a clear [reform agenda](#) by civil society, including proposals to limit UNSC veto power, strengthen the UN's protection of civic space and improve the role of civil society in implementing and monitoring the Sustainable Development Goals (SDGs). Secretary-General Guterres has committed to engaging with civil society, and will be held to that promise.

In difficult conditions, civil society is still helping to improve the international system. Following sustained civil society advocacy, for the first time, the UN has an Independent Expert on sexual orientation and gender identity, opening new potential for accountability on LGBTI rights. Civil society also won constructive change at the Financial Action Task Force, which seeks to prevent money laundering and terrorism financing; after years of engagement, rules that gave states cover to restrict civic space were replaced with a more positive recognition of the value of civil society. Now civil society is countering the arguments of a handful of states that are threatening to leave the International Criminal Court.

Civil society also mobilised to disrupt and raise the political salience of a proposed wave of neoliberal trade treaties, including the Trans-Pacific Partnership and the Transatlantic Trade and Investment Partnership. Civil society faced a new problem here, because right-wing populist forces also opposed the treaties. The challenge this suggests for civil society is one of owning the narrative, and promoting an alternative both to narrow nationalism and neoliberal economic globalisation: to make the case for a new, progressive internationalism that has human rights at its heart, challenges exclusion and promotes social justice.

ADDRESSING THE NEW DEMOCRATIC CRISIS

The response of civil society to the current crisis of democracy needs to be carefully considered. Citizens' anger should not be dismissed simply because it is expressed in ways that civil society finds unpalatable. At the same time we must be careful not to appease racism, sexism and xenophobia; doing so risks normalising these attitudes and opening up further opportunity for them to tilt the mainstream discourse. We need to challenge the orthodoxy of economic globalisation that has created few winners and many losers, and empathise with the anger people feel about their lives, livelihoods and identities.

We need to be ready for the disenchantment that will come when populist politicians fail to deliver on contradictory and outrageous promises. We need to offer reasoned alternatives that speak to citizens' grievances and demands for a better life.

We need to explore new ways of speaking about human rights and sustainable development by articulating why the realisation of rights matters to people who feel voiceless and denied power. As part of this, we need to make clear that the enabling of civil society rights is an essential part of the defence of democracy. We need to assert the right to express dissent, including through protest, encompassing non-violent direct action and civil disobedience. Even when we disagree with protest aims or tactics, we need to recognise them as the heartbeat of a healthy democracy.

To do this, we need to form and work in progressive alliances, bringing together substantial masses of citizens and connecting classic CSOs, protest movements, journalists, trade unions, youth groups, social enterprises, artistic platforms and many other parts of the civil society universe. Together, we can outnumber regressive forces. We are being attacked together. We must mobilise and fight back together.



PART 2:
**CIVIL
SOCIETY
AND THE
PRIVATE
SECTOR**

Samuel Idahosa, Nigeria (State of Civil Society
in 2016 Photo contest winner)

CIVIL SOCIETY AND THE PRIVATE SECTOR

WHY THIS ISSUE, AND WHY NOW?

Business is getting bigger, more transnational and more important, touching more areas of life than ever before, including political, social and cultural, as well as economic spheres. This growth has been driven by economic globalisation and neoliberal orthodoxy, embraced by most states and multilateral bodies. The largest transnational businesses now have more power than most states. For civil society, this shift can challenge our traditional ways of working. It makes it a matter of urgency to pay attention to the private sector and find new ways of engaging with it.

THE PRIVATE SECTOR, HUMAN RIGHTS AND CIVIC SPACE

It is clear that the world faces huge problems, including climate change, economic inequality and the crisis of democracy described above. Everyone should play their part in responding, including the private sector. But the rapid and transnational growth of business is contributing to and exacerbating these problems. Many businesses are creating serious human rights impacts, whether directly, by causing environmental damage, displacing citizens or denying labour rights, or indirectly, for example, by fuelling corruption or avoiding paying taxes. Civil society has particular concerns with extractive industries that wreak havoc on the environment, businesses that grab land from local populations, and large-scale infrastructure development projects that impact on communities. The fear is of a race to the bottom in which aggressive corporate malpractice is becoming normalised.

Some businesses are directly targeting civil society activists who seek to hold them to account or prevent abuse. Some are active in driving restrictions on civil society space through their influence with governments. Impunity for attacks, particularly on environmental, land and indigenous peoples' rights defenders and independent journalists, is a persistent problem.

The rise of right-wing populism brings greater urgency. If the anger caused by the impacts of economic globalisation and neoliberalism has fuelled political polarisation, the private sector should be challenged on how it will respond to citizens' grievances. People who stand against the actions of neo-fascist leaders are asking the private sector whose side they are on.

THE PRIVATE SECTOR, GOVERNANCE AND DEVELOPMENT

The private sector plays an increasing multilateral role. Compared to civil society, businesses are given privileged access to the UN and its meetings. Companies and powerful states work together at the international level to keep issues such as corporate tax reform off the agenda, while global policy prescriptions for promoting private sector roles often entail deregulation measures that undermine the ability of states to pursue social goals.

The private sector is expected to play a huge part in delivering the SDGs, which may cause civil society to be sidelined. Businesses are increasingly receiving development resources, and leading on development projects. Development policy often focuses on expanding the private sector, rather than economic equality and social justice objectives, even though wealth creation alone will not advance human rights. Public-private partnerships, an expanding strategy, can

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privilege elite interests while undermining public accountability. CSOs and private sector contractors increasingly compete to deliver development services in a development market structured more around questionable efficiency concerns than values.

Development decisions may be based on businesses' priorities and interests, rather than on the greatest needs or strongest potential impacts. The risk is that sustainable development becomes less about realising rights than receiving corporate charity. The fear is that the SDGs' social justice agenda will be unpicked in favour of a patchwork in which businesses choose the most attractive goals, which least require a change in their practice.

CIVIL SOCIETY RESPONSES

Civil society is offering a range of responses to the increasing influence of the private sector.

MAKING THE BUSINESS CASE FOR CIVIC SPACE

While the CIVICUS Monitor makes clear that state institutions are the main source of threats to civic space, attacks are also increasingly coming from powerful businesses. This means that civil society must advocate for business to uphold civic space: civil society must make the business case for civic space.

The business case for civic space is partly made on the grounds of the rule of law. The argument is that most businesses want the rule of law to be upheld in order to plan and make investments with predictability. For the rule of law to be observed, there must be institutions of accountability, including a strong and autonomous civil society. In conditions of closed civic space, where civil society is unable to exercise accountability, there will be large-scale corruption, political uncertainty and volatility, which increase business costs.

A 'first do no harm' principle towards civic space would be a vital first step, but civil society is urging the private sector to go beyond this. Civil society calls on the private sector to support and defend civic space actively, including by leveraging its relationships with states, and the power of its brands with citizens.

Factors that can help to make the business case for civic space include the existence of networks, where dialogue can take place, industry-level standards be agreed and practice shared; a leadership role for strongly values-oriented businesses; and civil society engagement with hands-on business leaders. In response, some companies are starting to become more active in protecting civic space. Civil society is working with these companies to influence corporate behaviour, while

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exposing the bad practice of the many that are still not on board, offering reputational reward for companies that defend civic space and reputational risk for those that restrict it.

However, examples of businesses actively defending civic space are still few; the need is for more civil society effort to engage with business on civic space issues, and greater documentation of attempts, to grow the pool of examples.

LEVERAGING REPUTATIONAL RISK AND REWARD

Beyond civic space issues, civil society works to influence private sector behaviour by strategies such as advocacy, mobilising citizens and using legal processes. Many citizens are, through their consumer choices, rewarding companies they see as sharing their values and penalising those they do not. Civil society is also engaging with corporate governance processes, such as shareholder AGMs, and working to encourage corporate investors to demand stronger due diligence standards and human rights compliance. Climate change has been a strong recent focus of divestment campaigns, which have captured the public imagination, helped strengthen the climate movement and driven increased interest in mission-driven investing.

In all these actions, civil society is trying to make businesses see a cost and reputational risk from poor practice, and a premium and reputational reward from better practice. This implies that civil society is trying to distinguish between businesses at the leading edge of practice and those involved in poor practice, and work with the former while exposing the latter. It is doing so by methods such as working with the media, campaigning and establishing



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benchmarks for corporate performance. But in doing so, civil society may need to overcome doubts about engaging with businesses, and being seen to endorse good corporate behaviour.

ESTABLISHING INTERNATIONAL NORMS

At the international level, including the UN, there is growing work and extensive civil society advocacy to develop and apply good corporate behaviour standards and human rights norms. The UN's Guiding Principles on Business and Human Rights, launched in 2011, make clear that the private sector should respect human rights and remedy abuses, and that states have a duty to assert human rights accountability over businesses. However, the Guiding Principles are essentially voluntary in nature, with lax reporting standards.

This has led to a process, in which civil society is active, to develop a binding treaty on transnational business and human rights. The treaty faces formidable barriers, with disagreements between some global north and global south states, and the USA so far taking no part in discussions. There are also difficult questions, including whether the treaty should extend beyond transnational corporations, how access to remedies can be guaranteed and how it complements the Guiding Principles. Given the weaknesses of the international system, even when a treaty is agreed, there will be a need to ensure that its provisions are domesticated, so that national laws enable accountability.

Despite these difficulties, the process of developing a treaty is under way, civil society is participating and, as civil society's past experience of treaty development shows, breakthroughs can happen and rules-based frameworks result even from long and difficult negotiations. More, and more diverse, civil society now needs to get involved in the process.

TOWARDS BETTER PARTNERSHIPS

Strategic partnership with the private sector is a means through which civil society can not only help deliver shared projects, but also encourage businesses to defend civic space and influence them to advance civil society goals. Civil society, in partnering, needs to take a nuanced approach, distinguishing between good and bad practice and offering reputational rewards and risks. This calls for research and an ability to understand the motivations and attitudes of businesses and their leaders.

Difficulties in partnering need to be acknowledged and debated openly. When businesses provide resources to civil society these rarely flow to the disruptive end of the civil society spectrum, for actions around accountability, advocacy and human

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rights. Corporate engagement with civil society is still too often driven by concerns of marketing and advertising. Private sector foundations may compete for space with CSOs. Entrepreneurial philanthropy, while offering promise, can show a bias towards superficial technological fixes and an aversion to getting to grips with entrenched, politically sensitive issues.

The power dynamics of partnerships must be explored, and civil society costs as well as potential benefits recognised. There may be issues of trust, perception and conflicting priorities on both sides. The receipt of resources should not compromise civil society autonomy. Civil society should be ambitious about partnerships, and ask whether partnerships offer real influence, reach the real decision-makers in business, and lead to real change in fighting poverty, challenging exclusion and upholding human rights.

At the same time, neat conceptual divisions between civil society and the private sector are challenged by the growth of innovative entities that straddle divides, including social enterprises and businesses with strong social and environmental goals. Many CSOs are taking on increasing enterprise functions to seek new resources, while there are philanthropic institutions bringing impact investment and venture capitalism approaches to civil society support. This suggests that a range of crossovers is possible in which twin financial and social bottom lines can be reconciled and multiple accountability directions embraced. Whether an entity is not-for-profit or for-profit may matter less than the values it practises and the impacts it achieves. More experimentation is needed, and more learning from experiences of hybridity.

There are also challenges around civil society connection. Despite the increased importance of business, there are many in civil society with little interest in engaging with the private sector, and CSOs that work on private sector issues may be confined to specialised niches. Some topics demand much technical knowledge, while CSOs that work on civil and political rights and those that



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work on labour rights are historically disconnected. Greater connections are needed between CSOs in different fields, including human rights and sustainable development-oriented CSOs, trade unions, community groups and social enterprises. Civil society coalitions will enable a range of interventions to be pursued simultaneously, combining insider and outsider strategies. Coalitions can help civil society work at the same scale as transnational business, but must be careful not to reproduce their power dynamics.

Despite the difficulties, new engagements are necessary and possible. A nuanced and informed civil society approach towards private sector partnership needs to be underpinned by a set of principles. These should include trust, honesty, transparency, equality, mutual respect and agreement on goals.

RECOMMENDATIONS

WORKING WITH CIVIL SOCIETY: SUGGESTIONS FOR THE PRIVATE SECTOR

On the basis of the various inputs to this report, the following are suggested as some potential key commitments for business that could form the basis of dialogue with civil society. We believe these are achievable and practical measures through which business could match its growing power with greater social responsibility:

1. Adopt, as a minimum starting point, a ‘first do no harm’ principle towards civil society and human rights.
2. Go beyond the ‘first do no harm’ principle wherever possible to demonstrate an active commitment to upholding and defending the rule of law, human rights and civic space, including the recognition and protection of civil society activists working on private sector issues.
3. Respect international norms, conventions and human rights instruments, including new ones as they develop, and take active steps to demonstrate compliance with these.
4. Work with civil society to improve transparency and undertake due diligence along supply chains, on key issues such as preventing corruption, upholding labour rights and complying with taxation requirements.
5. Commit to upholding the spirit and social justice focus of Agenda 2030 and the Paris Agreement, and

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working with civil society to deliver on these, rather than cherry pick aspects of the agreement that most closely fit corporate agendas.

6. Dialogue with civil society on the viability and impacts of actions that entail the private sector taking on roles traditionally played by civil society, including in delivering services and receiving state funding to deliver development projects.
7. Commit to improving partnerships with civil society, including partnering with a wider range of civil society on a greater variety of issues, respecting their independence and moving beyond using CSOs merely as contracted service providers.
8. Identify corporate philanthropy and social responsibility as key business priorities while taking care to delink corporate social responsibility and philanthropic activities from advertising and marketing budgets, and involve civil society in the making of philanthropic funding decisions.
9. Network with other companies to develop the capacity and willingness of the private sector, and particular industries, to engage with civil society, and demonstrate leadership in working with peer companies, socially responsible businesses and social enterprises to model and encourage best practice.
10. Work with civil society to distil, document and share learning, in a spirit of honesty and transparency, from partnership experiences, drawing lessons both from successes and failures.



Mark Mitchell, Caritas Aotearoa New Zealand (State of Civil Society in 2016 Photo contest winner)

CIVIL SOCIETY AND THE PRIVATE SECTOR

WORKING WITH THE PRIVATE SECTOR: SUGGESTIONS FOR CIVIL SOCIETY

It is not enough for civil society simply to ask the private sector to improve its practice. As civil society, we must take the lead and start by asking what we can do, and what we could do differently. It is therefore suggested that as civil society, we should commit to:

1. Develop, communicate, adhere to and continually refresh partnership principles for engagement with the private sector.
2. Be honest about and openly debate our own challenges as civil society that may prevent us from engaging more effectively with the private sector, including challenges rooted in attitudes, perceptions, connections and capacities.
3. Engage with the private sector wherever possible to make the business case for open civic space.
4. Be prepared to recognise and reward exemplary business practice as well as expose and condemn poor practice.
5. Mix insider and outsider strategies that combine engagement in private sector dialogue with the right to protest and organise externally. As part of this, develop our own, civil society-owned alternatives to elite business forums.
6. Engage directly with citizens, including by working to sensitise and mobilise citizens to scrutinise and exert accountability over the private sector, through public campaigns and consumer action.
7. Support and engage with moves to strengthen international law towards the private sector, and in particular the proposed treaty on transnational corporations and human rights, and advocate for the domestication of international norms through progressive national legislation.
8. Work to connect across civil society in its widest sense, including by building new connections between human rights and sustainable development-oriented CSOs, trade unions, social movements, social enterprises, socially responsible companies and industry associations, and connections between the global and local,

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and the global south and global north. As part of this, show solidarity with and provide protection for civil society activists who are threatened when they work on private sector issues.

9. Document and be honest about our learning from our engagements with the private sector, including documenting our mistakes as well as our success stories.
10. Make progress on achieving fundamental change in upholding human rights and environmental norms, combating economic inequality and challenging exclusion, rather than the gaining of resources, the key benchmarks by which our engagement with the private sector is judged.



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