ENABLING ENVIRONMENT
NATIONAL ASSESSMENTS:
CIVIL SOCIETY RESPONSE STRATEGIES

CIVICUS

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INTRODUCTION

This paper draws on the findings of the Enabling Environment National Assessments (EENA), held in 22 countries between 2013 and 2016. It is also informed by an advocacy workshop that brought 14 EENA partners and Turkish civil society representatives together in Istanbul, Turkey in March 2016 to draw out common learning from the EENA process on civil society responses. A list of participating organisations in the EENA and the advocacy workshop is included in annex 1.

The EENA is part of the Civic Space Initiative, implemented by CIVICUS: World Alliance for Citizen Participation with technical support of the International Center for Not-for-Profit Law (ICNL), in partnership with ARTICLE 19 and the World Movement for Democracy, with the support of the Government of Sweden. The aim of the EENA is to enable civil society to assess how conducive national conditions are for civil society organisations (CSOs) to exist, function and act using a participatory methodology.

Assessments were held in Benin, Bolivia, Brazil, Burkina Faso, Cambodia, Cameroon, Colombia, Honduras, India, Jordan, Lebanon, Mexico, Mozambique, Nepal, Nigeria, Panama, the Philippines, South Africa, Tajikistan, Tunisia, Uganda and Zambia. The EENA research therefore covers a variety of geographical regions, and a number of contexts in which relations between civil society and governments have shifted and CSOs have faced new challenges in recent years.

A structured self-assessment was carried out in each country using a common methodology to build up a picture of the legal, regulatory and policy environment for civil society. Civil society in each country assessed six compulsory dimensions, concerning the ability of CSOs to form and operate, access resources, exercise the freedoms of peaceful assembly and expression, and the relationship between CSOs and governments.

As well as understanding the challenges, assessments aimed to capture civil society strategies to improve the enabling environment, and document success stories. This paper aims to summarise those responses and successes to encourage further learning and the adoption of good practice.

 Core strategies identified included advocating for new CSO regulatory laws, where these are out of date or inadequate, or seeking changes to, or further dialogue over restrictive laws and regulations. These can achieve successes. For example, in Zambia the restrictive NGO Act was suspended following civil society advocacy to enable dialogue between the government and CSOs about changing the law. Other responses have the aim of strengthening the ability of civil society to act collectively and increasing the potential for impact of advocacy, for example by enhancing CSOs' cooperation and coalition working, improving their engagement with citizens and the media, and demonstrating effective CSO self-regulation.

Together, the strategies set out in this paper can be understood to form a range of potential tools for civil society to work to make their environment more enabling. The choice and combination of tools can be informed by research and analysis such as that offered by the EENA. Such analysis assists CSOs and their stakeholders in assessing how enabling or disenabling existing laws, policies and regulations are, the state of civil society's relations with the government, and the strengths and potential of CSOs in areas such as CSO cooperation and coalition working.

CIVIL SOCIETY RESPONSE STRATEGIES

1. DEVELOPING CONSTRUCTIVE DIALOGUE WITH GOVERNMENTS

The assessments outline several cases of government hostility towards CSOs, particularly when they work on issues of democracy, governance and human rights, and engage in advocacy and accountability work. Alongside these, assessments offer examples of more positive cooperation, particularly in service delivery and the implementation of development projects. In many countries, CSOs also report a lack of ongoing, structured engagement and dialogue between governments and CSOs, and patterns of dialogue that are characterised by tokenism and favouritism.

The clear need that arises is for CSOs to work collectively towards developing structured, regular and transparent engagements with governments. If they are able to do so, CSOs will then have opportunities to dissuade governments from restricting the enabling environment. Ongoing relations can help to depolarise issues, solve problems early, provide a focus for continuing civil society advocacy and build appreciation of the constructive and helpful contribution that civil society makes.

CSOs generally need to make the first moves in developing more constructive relationships, where the political climate is conducive to this. For example, discussion about CSO laws may be framed in such a way that they are depoliticised: CSOs can work to convince governments that critiques of laws that affect civil society do not necessarily imply criticism of an incumbent government. They can instead be positioned as critiques of laws that have long-standing flaws or have become unfit for purpose over time. For example, in Panama, it is assessed that laws are disenabling, but this has largely not come as a result of deliberate political action. In such a situation, it may be possible to make a case that if disenabling laws are changed, positive contributions from civil society can be unlocked that are currently being stymied.

Participants in assessments affirm that the need for engagement is constant. This is the case even when the government is seen to be sharing a background and some aspirations with civil society. For example, in Brazil, many of the government came from the same social movements as people in CSOs. But this did not mean that cooperation came about automatically, and there were disagreements that had to be worked at. In Panama, there is also hope that ways can be developed of working with and influencing former civil society members who have moved into government.

In cases where official level relationships are more constrained, then personal relationships between individuals in CSOs and government become more important. This is the case in Jordan, where informal connections with individuals who work in government are crucial for navigating around blocked processes. Such relationships may be valuable, albeit challenged by lacking in predictability and transparency. The need this suggests is for civil society to take stock of the relations and connections that currently exist, and to try to build on these, rather than seek to replace them with structures that may not win buy-in.

EENA participants put forward some examples of practical initiatives to develop relations. In Mozambique, for example, as part of advocacy towards a new law on associations, CSOs held a national conference of civil society with government representatives to create a new dialogue space. As the dialogue revealed some previously unexplored government willingness to cooperate with civil

society, this was followed up with the development of a memorandum of understanding on cooperation between CSOs, the government and donors.

CASE STUDIES: CIVIL SOCIETY-GOVERNMENT DIALOGUE IN BRAZIL AND NIGERIA

In **Brazil**, growing cooperation between the government and CSOs was hampered by the lack of clear legislation on the distribution of state funding to CSOs. This left the funding environment for CSOs lacking in transparency and predictability, and raised suspicions about favouritism. In response, CSOs undertook a process of sustained advocacy for a new law to regulate partnerships between the government and CSOs. The process of advocacy saw CSOs present a united front to the government by creating the Platform for a New Regulatory Framework for CSOs, which involved over 50,000 different civil society bodies. This acted as a focal point for negotiations with the government. The Platform worked to win buy-in from candidates in the presidential election, and received a commitment to support the initiative from the incumbent, President Dilma Rousseff. After President Rousseff won the election, the Platform followed up with her office to initiate structured dialogue, and developed proposals on regulation that were put to Congress. Advocacy towards Congress succeeded in winning multi-party support for the proposals, and the endorsement of influential figures. CSOs and government officials then worked together to carry out wide-ranging consultations across Brazil, holding debates with citizens, dialogues between local officials and CSOs, and online consultations, in a highly participatory and transparent process. The process also looked at models from other countries, and drew on them for inspiration in developing a law suitable for local application. All hearings and analysis on the bill were made available online.

The law, passed in 2014, recognises the autonomy of CSOs by allowing them to propose projects for state funding, as well as obtain funding for delivery of state priorities. It also promises to institute a new body for collaboration between the state and civil society. The new law will affect every level of government in Brazil, and so since the law has passed, the focus has been on raising awareness through seminars and online consultations. The process has not been entirely smooth, with the implementation of the law having been delayed before it eventually came into force in 2016, but civil society used this time to hold further debates to increase awareness.

Overall the Brazilian experience stands as a landmark of what can be achieved through positive collaboration between civil society and government to advance better civil society policy. Key lessons from the experience are to develop civil society unity on a proposed change, win high-level buy-in and engage in advocacy on multiple fronts simultaneously, including by using election periods as opportunities to win commitments, and to communicate as much as possible and carry out wide consultation to expand the footprint of those committed to change. The focus now for civil society in Brazil will be to monitor implementation of the new law, continue dialogue with the state over any unanticipated challenges that arise, and work to involve a broad range of civil society in ensuring that the law's new provisions are upheld.

In **Nigeria**, EENA partner the Nigerian Network of Non-Governmental Organisations (NNNGO) has tried to move away from antagonistic relationships, in which they felt CSOs were in the habit of criticising governments, but were not always following up to try to achieve change.

They organised more constructive dialogues, in which heavy emphasis was given on the proposal by CSOs of practical solutions to issues the government is grappling with. Civil society was able to position itself as adding value, as offering a practical way in which external pressure on Nigeria's government for progress in strengthening good governance could be responded to and acted upon. The practical effects of this could be seen when a new law was proposed affecting civil society. Civil society was able to communicate the challenges in the existing laws with the sponsor of the bill, and positive collaboration between the legislator and civil society resulted.

The Nigerian example highlights a broader area of learning, that civil society will be more valued by government and legislators when it is seen as having something to offer. CSOs that focus on service delivery are generally more trusted by governments in part because they provide something that the government is unable to deliver alone. However, CSOs focused more on issues of democracy, governance and human rights, as well as CSOs and coalitions concerned with civic space as a whole, still have something to offer, in the form of knowledge and expertise that can lead to efficiency gains. In the Nigerian example, knowledge of laws and gaps in these, and knowledge of civil society needs helped to make the legislator's work easier and assure the legislator that the law would be useful. This further indicates that civil society research, analysis and knowledge management is essential.

As well as engaging with government officials, in several contexts, such as Brazil, India, Mozambique and Nigeria, CSOs are working with national parliaments. In Nigeria a civil society committee has been established to put recommendations to the national assembly on civil society issues. It will be important as this progresses to put in place a structure that reaches out to different parts of Nigerian civil society and involves them in the dialogue. Similarly, in Brazil, CSOs have now won structured engagement, in the form of a civil society committee, that will discuss laws that affect civil society and new opportunities for civil society with parliamentarians. To set up the committee entailed winning the support of 75 per cent of Members of Congress, which called for sustained engagement and advocacy.

2. USING THE LEGAL SYSTEM

When relations with governments are blocked and disenabling laws and regulations persist, then legal action is another option for civil society. Legal action does not necessarily need to go to conclusion to achieve a breakthrough. Beginning a process of working through the courts can help to concentrate minds in government, signal the serious nature of civil society's concerns and lead to fresh negotiations. For example, in Zambia, legal action by a CSO coalition to have the regressive NGO Act declared unconstitutional was adjourned when the government and the coalition agreed to adjourn the case to discuss an out of court settlement. These discussions subsequently led to a suspension of the Act, an agreement to undertake an assessment of its legal impact and the development of a road map for its review and amendment.

Earlier actions in Zambia that helped communicate civil society concerns included a petition to the relevant minister to delay the signing of the statutory instrument to make the Act operational. In Bolivia, CSOs also worked with the ombudsman to file a petition to the Constitutional Court on aspects of the 2013 law on legal personality, which obliges CSOs to align with the government's national plans and priorities, and can penalise non-compliance through the revocation of legal personality. The reaction to the new law brought together many different CSOs with little previous

experience of working together. However, a response from the government only resulted when Bolivian CSOs combined working with the ombudsman with the use of international level levers, discussed in the next section.

There are challenges in working through the legal system. This is an approach which is usually slow-moving and therefore time-consuming, and expensive. There is no guarantee of ultimate success, and there are particular challenges in contexts of heavy political polarisation in which the independence of the legal system from political decision-makers is compromised. Civil society may lack legal knowledge and expertise: challenges of capacity and resources in engaging with the legal system were noted in Cambodia and Zambia.

In response, it is suggested that there is a need to broker stronger and more supportive connections between elite lawyers and lawyers working on human rights and civil society legal issues, to enable greater capacity for CSOs when they are seeking to reverse restrictive laws. This could include an element of seeking pro bono support from elite lawyers, and an extension of practices seen in Brazil, for example, in which supportive law firms offer free legal aid to CSOs. It is also suggested, for example in Bolivia, that there is need to develop the understanding of laws relating to civil society rights for lawyers working with CSOs.

3. WORKING AT THE REGIONAL AND INTERNATIONAL LEVEL

Advocacy at the international and regional levels

When national level civic space is restricted, it may be possible to achieve progress by working at the international level, and through regional level processes, where these exist. The general lesson here, as EENA participant and regional network the Arab NGO Network for Development (ANND) puts it, is not to become boxed into working at the national level, but to explore, understand and utilise the opportunities that there may be beyond the national level. Alongside international advocacy work, there may be scope to cooperate and work in coalitions at the regional and international level. The need this suggests above all is for CSOs to develop the capabilities to work on multiple levels simultaneously, and to identify and deploy international and regional opportunities as levers to advance national level advocacy agendas.

For example, as part of their campaign against the introduction of the regressive Law on Associations and Non-Governmental Organisations (LANGO), passed in 2015, Cambodian CSOs worked with international CSOs to see resolutions passed in the European Parliament that critiqued the draft law and called on the government to respect the space for civil society.

CASE STUDY: USING INTERNATIONAL LEVEL LEVERS IN BOLIVIA

In **Bolivia**, CSOs took their campaign against the law on legal personality to the international level, including by making inputs into the Universal Periodic Review (UPR) process of the UN Human Rights Council (UNHRC). Along with a UPR submission, documentation that CSOs used to support their argument included the EENA report, other civil society reports and an elaborated study on the freedom of association in Bolivia. This won a recommendation at the UNHRC that the law should be changed.

Bolivian CSOs are also seeking to work at the regional level, and at the time of writing are cooperating with ICNL to bring a case to the Inter-American Court of Human Rights.

CSOs innovated by working closely with the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, alongside the ombudsman, to bring an appeal to the country's constitutional court. The case demonstrates how connections can be made between different levels, by documenting how international human rights standards are not being complied with in national level laws. However, despite these efforts, in July 2016, the constitutional court ruled in the government's favour. Bolivian CSOs questioned the ruling for failing to take into account many of the points raised by the UN Special Rapporteur.

While ultimately unsuccessful, Bolivian CSOs involved in the case report that the process provided a valuable learning experience in using the legal system and international levers in ways they had not done before, and that the process of international engagement helped to increase awareness of the challenges they face. They also report that the action helped to deepen understanding of the freedom of association, and galvanised civil society around a common agenda and ways of working.

Working with UPR processes has also been a focus of civil society work in **Jordan** and **Lebanon**, with a particular emphasis on coalition working, as detailed in the section on cooperation and coalition below. In **Zambia**, there is civil society interest in exploring regional level working, particularly given the similarity of legal regimes in many African countries. It is suggested that the Economic, Social and Cultural Council of the African Union, an advisory body composed of CSOs, exists as a forum that could be put to greater use.

In **Nigeria**, CSOs have explored another way of working internationally, by developing relations with the United Nations and African Union officials as well as with the Nigerian embassies of key partner governments that support civil society rights to keep them abreast of the developments in relation to civil society. A similar tactic that has been used by civil society in other contexts is to inform the international community in advance of planned meetings and protests, explain the issues involved and the right of civil society under the freedom of peaceful assembly to hold an event, and invite representatives to attend as observers. This can help to reduce the likelihood of restriction and violence.

It was also suggested at the advocacy workshop by ANND that, while the imposition of conditionalities in funding agreements remains controversial, there is potential for civil society to advocate towards donors that human rights standards be upheld and not undermined as part of any support they provide.

Monitoring adherence to international commitments

Governments make commitments at the international and regional levels. CSOs therefore need to understand and monitor how states work and act at important bodies such as the UNHRC, and what factors and calculations influence the way that states vote for resolutions. This can then inform advocacy strategy, with the aim of influencing states' voting decisions.

As suggested by participants in the Nepal and South Africa EENA processes, there is a need to monitor how governments respect, comply with and implement commitments they make in the international arena that are relevant to civil society. There is often a gap between the commitments that states make at the international level, when states may want to position themselves in a good light, and domestic level behaviour. Conversely, there may be gaps between rights that governments claim to respect at home and the strategic alliances they strike with other states at the international level to deny rights. Gaps between commitments and actions need to be monitored, recorded and exposed, to inform advocacy and public campaigning. Advocacy may also focus on the need for national level laws to be passed to domesticate international commitments.

International civil society working

There is a need, the Turkey contribution to the advocacy workshop suggested, for the international sharing of good practices, particularly civil society success stories, to encourage learning from and replication of good practice. This speaks to the need discussed further below for the generation of evidence, documentation and dissemination.

International solidarity has been cited as an important source of practical support for civil society in contexts where CSOs are experiencing particular restriction, or are fighting campaigns to change laws. For example, in Zambia, international solidarity was cited as a valuable source of support for domestic CSOs that were seeking to have the NGO Act suspended. Member CSOs of the Affinity Group of National Associations (AGNA) network in other countries gathered signatures for petitions, and then delivered petitions to Zambian embassies in their capitals and put the case for reforming the law to them. A solidarity mission conducted by international CSOs to Cambodia was also seen to be helpful, because international CSOs raised awareness of the challenges with Cambodia's LANGO on their return. However, a problem identified with this is that the mission was a one-off rather than an ongoing mechanism of support.

More generally, the limitations of international solidarity are that it tends to be sporadic, mobilised to combat particular emergencies, rather than structural and ongoing. There will always be value in civil society, particularly international civil society, mobilising rapidly in response to crises as these occur in a particular context. In this light, initiatives such as the Frontline Defenders crisis hotline are recognised as valuable. But there is also a need to explore how more structured international connections can be brokered to give longer-term and sustained support to civil society, including in the aftermath of an immediate crisis, and as new laws affecting civil society are introduced and unfold. Accurate and ongoing monitoring and data gathering on the part of international civil society, connected to early warning systems to mobilise timely solidarity, may also be needed.

4. CAMPAIGNING AND OUTREACH

Another action that is available for civil society, perhaps as a last resort, is for CSOs to withdraw cooperation. When the Zambian government went ahead with the implementation of the NGO Act in the face of CSO opposition, many CSOs took part in a boycott of registration procedures under the law. Such actions can be effective, if taken consistently across a united civil society, and combined with other responses, as in Zambia. However, the boycott in Zambia also encountered challenges of civil society division, with over 400 domestic CSOs and 30 international CSOs registering under the Act, signalling to the government that it was possible to divide civil society. Domestic CSOs were

disappointed with the lack of support given to the campaign from many international CSOs with a presence in Zambia. They also reported receiving little support over their stance from donors, which routinely expect that CSOs be registered under the domestic legal regime as a condition of receiving funding. This suggests a need as part of any campaign to focus on building the understanding of donors and large international CSOs that have in-country structures about domestic civil society issues. It also points to the need to develop broader-based civil society coalitions.

Another response suggested in some contexts is to provide training for state officials, acknowledging that lack of capacity and knowledge at the level of government officials can be a hindrance for civil society. For example, in Bolivia it is assessed that training is needed to sensitise members of the police force to respect the right to protest in their actions to police demonstrations. Similarly, in Lebanon it is recommended that there is a need to strengthen law enforcement officials' understanding of human rights and in particular their understanding of the freedom of assembly.

5. ENGAGING THE PUBLIC AND WORKING WITH THE MEDIA

CSOs can develop their standing with citizens, ensure that they are seen to be informed by citizens' views, communicate to citizens the impact of restrictions on civil society and recruit support by holding regular public consultations with citizens. For example, in Panama, public consultations were held as part of the process of advocating for a new law on the right of association.

Working with and through the media helps to reach citizens, and ensure greater accountability. By working with the media civil society can also improve public awareness of the value and contribution of civil society, and the legitimate roles CSOs should play in society. This helps to build the legitimacy of CSOs, and mobilise public support for action on civil society issues, including to challenge civil society restriction. In Zambia, for example, relations with the media proved useful when some media outfits supported civil society's campaign to suspend the NGO Law. Media practitioners can also be brought into civil society coalitions to offer advice and outreach, as with the examples of coalitions on UPR processes discussed further below.

In general, CSOs involved in the EENA assessments are clear that their engagement with the media needs to improve. This was raised, for example, in India and Zambia. The Bolivian EENA partner acknowledged that CSOs might have limited communications capacities, and CSOs in Panama struggle to get their stories into the media. A further issue identified in Cambodia is a lack of media capacity and journalism skills.

One of the responses suggested to bridge this gap was to develop and offer practical tools and training for the media, so that media practitioners can understand and report on civil society more accurately. Examples of these were offered in Brazil and Lebanon. In Lebanon, as a result of efforts by CSOs to develop strong relations with the media, the media supported CSO campaigns on issues such as electoral reform, discrimination and the prevention of domestic violence. The media has also helped to highlight political malpractice and has taken an interest in Lebanese civil society's input into UPR processes.

CASE STUDY: MEDIA MONITORING IN BOLIVIA AND BRAZIL

In **Bolivia** and **Brazil**, there are successful ongoing efforts to monitor media coverage of civil society, which assess whether media coverage of civil society is positive or negative. This gives civil society opportunities to rebut inaccurate or biased media stories. The evidence generated can also help to inform and target civil society engagement with media practitioners. For example, in Brazil this monitoring has informed the development of new tools to help journalists understand civil society and challenge prevailing myths about civil society. Research may also be needed to help civil society to understand the make-up and range of the media, its relations with the government and the issues it is concerned with, in order to design better engagement strategies. Such research was undertaken in Brazil.

The Indian EENA partner, Voluntary Action Network India (VANI), emphasises the need when working with the media and engaging with citizens to tell human stories about civil society that explain its value and impact in ways that people find easy to relate to. For example, outreach can make clear CSOs' contributions to essential services, development and the economy, and demonstrate how this is hindered by the restriction of civic space. The impacts of restriction can be told in terms of the effects on citizens of continuing corruption and poor accountability over public services, and it can be emphasised how civil society challenges these ingrained governance deficits. NNNGO also calls for public campaigning and media engagement to be based on telling positive stories about civil society, underpinned by a clear evidence base.

Clearly, engagement with the media is made more complex in situations where the freedom of expression is restricted, there is high political polarisation or where there is heavy state intervention in the media or media ownership is highly concentrated.

There are some initiatives to develop networks of independent media practitioners. For example, there is a project to develop an independent journalism network in Turkey, where there is strong state interference in the media. There is also a network of independent journalists in Brazil. In contexts such as Mexico, where journalists are threatened and attacked in some locales, workshops have also been given on safety for media practitioners. Such initiatives create fresh opportunities for CSOs to engage with media practitioners and explore the potential for mutual support.

Social media offers an important additional channel for civil society, particularly when conventional media channels are blocked, as noted for example in Cambodia and Turkey. Social media offers potential but also challenges: CSOs need to learn how to speak the language of social media, and to develop messages that are capable of cutting through social media chatter. For this reason, training for CSOs in how to make effective use of social media is suggested. Such training opportunities are offered in Turkey, for example. There is also interest in Cambodia in developing citizen journalism capacity to monitor the application of the LANGO.

Social media has been a relatively free sphere, but it now seeing increasing state contestation and restriction.

Engagement with social media may therefore mean that civil society has to engage more closely with laws on cyber crime and other measures to restrict social media that are being introduced in many contexts, such as Honduras, Cambodia and the Philippines. Civil society advocacy to recognise the importance of internet freedom of expression and net neutrality may be needed. Brazil offers a success story, with extensive civil society advocacy resulting in the passing of the Civil Rights Framework for the Internet in 2014.

6. MONITORING, RESEARCH AND EVIDENCE GENERATION

Monitoring and documentation emerge from the assessments as important actions that can underpin civil society attempts to make the environment more enabling. There is a clear need for continuous monitoring and documentation of how laws and regulations are being applied and how governments are engaging with CSOs.

Part of what monitoring and documentation can achieve, it is suggested by the Cambodia EENA, is to grow awareness of restrictive laws and how they impact on civil society. In South Africa, it is similarly suggested that monitoring and documentation can promote greater awareness of civil society rights, and particularly the rights established in international conventions and declarations that are not being realised at the domestic level.

It is important to use monitoring and documentation to develop an evidence base: in many contexts, the lack of convincing evidence and data to enable civil society to win arguments was noted as a challenge. It is also hard to make arguments about the impact of civil society, for example on development and the economy, if there is not accurate data on the number of CSOs, their turnover and staff complement, as is noted to be the case in Turkey. Accordingly, several EENA assessments, including in Bolivia, Cambodia, Nigeria and Zambia, recognised that advocacy must be underpinned by high quality evidence and analysis.

Examples of useful research projects offered include collaboration between CSOs and government agencies in Brazil to gather better quality statistics on the make-up of civil society, and participation by Turkish civil society in an EU project that monitors civil society in various locales. As well as the EENA in Mozambique, an EU mapping and a study by international CSOs were undertaken. CSOs convened a roundtable to bring the three studies together and assess how the studies could be followed up.

EENA processes were acknowledged as providing a useful stimulus for dialogue based on evidence. In some contexts, such as Nigeria and Zambia, EENA reports have already been used as a starting point for engagement with and advocacy towards governments. In other contexts, however, this is less easy; for example, in Cambodia it was noted that the government has a tendency to criticise and reject research undertaken and evidence produced by civil society, because the government sees many CSOs as part of the opposition. Collaborations with academic institutions may be valuable in such contexts for strengthening the legitimacy and perceived neutrality of civil society research.

To generate and use evidence may require the development of strong civil society networks and coalitions, discussed in the following section. Evidence may be more convincing when it can be shown to have been gathered at the local level through strong presences on the ground. This entails having strong networks to gather evidence and transmit evidence to national levels, and regional

and international levels as required. For monitoring and research to achieve impact, it may also be helpful to develop locally relevant indicators for international standards, so that international standards can be made applicable and easy to understand locally. For example, local level indicators may be set for what it takes for CSO registration to be understood as inexpensive, light and rapid.

Evidence is nothing unless it is communicated well. ANND obtained extra value out of its monitoring and research by compiling its UPR submissions and publishing them as a book. However, in Turkey it was noted that, while CSOs are adept at producing reports that offer strong evidence, these reports are often not well-presented. They may be set out and communicated in ways that make it difficult for the public and media to engage with them. Similarly, in Cambodia it was assessed that the research civil society produces is not always shared well. Clearly there is a need for civil society to think more thoroughly about the end purpose it seeks to achieve from its research, and the audiences it wants to reach and influence, and to communicate, design and package the information accordingly. This implies developing skills in using multiple communications channels to reach target audiences, and developing communication skills. Civil society needs to develop capacities in knowing when and where evidence can best be deployed to achieve impact, which implies an understanding of timing and audiences, and intelligence about opportunities to make civil society arguments topical and effective. It is also important to use evidence well. Engagements and dialogues with governments need to be well prepared for, with argument lines and evidence marshalled in advance, and interventions rehearsed.

7. COOPERATION AND COALITIONS

Civil society is stronger when it works together, and yet the EENA process has pointed to a range of challenges in civil society cooperation that are as familiar as they are seemingly ingrained: too often, they paint a picture of a civil society characterised by competition in which cooperation and coalition working is piecemeal and not sustained in the long-term.

When civil society is being restricted, the response needs to be unified, to stop governments attempting to apply divide and rule policies to civil society, and to articulate towards governments that civil society has common concerns about restrictions. Coalitions can, for example, help to protect CSOs working on human rights issues by demonstrating that they are working as part of broader civil society, including with CSOs that may be seen as less controversial, such as those engaged in policy implementation or service delivery. Coalitions and cooperation are also needed to organise and drive effective advocacy and engagement.

In several contexts, including Cambodia, Nigeria, Panama and Zambia, CSOs involved in the EENA assessments asserted the value of holding regular national level civil society dialogues and consultations, as a means of building solidarity, growing awareness of laws and regulations and their implications, and developing the legitimacy of CSO advocacy. For example, in Nigeria, a national conference is held each year to discuss the current state of civic space, and a new civil society network has formed which focuses specifically on the issue of the protection of civic space. In Nepal, civil society has established a task force to determine where legal reforms are most needed for civil society, and to put these to the government.

In some contexts, there are existing civil society coalitions that offer a useful framework on which to build. Opportunities should be explored where possible to make coalitions broader, and in particular, opened up to smaller CSOs, to enable them to connect to and work with larger CSOs.

It is suggested in Cambodia, for example, that awareness of the restrictions on civil society, and engagement to help overcome these, is much lower among grassroots and rural CSOs than larger and urban CSOs. There are multiple benefits that can be unlocked by building these connections: in Cambodia, it is suggested that larger CSOs could help emerging, small CSOs to navigate complex and burdensome registration requirements; in Panama it is acknowledged that the ability of CSOs to speak convincingly to government at the national level will be strengthened when they are able to show connection to grassroots voices. In Bolivia, Cambodia and Zambia it is also assessed that, while civic space is restricted at the national level, there may still be space for civil society to work at the local level, which means that strong national-to-local civil society connections are needed to take the best advantage of this. In Mozambique it was suggested that the most effective way to strengthen civil society cooperation is to start by organising civil society dialogues at the local levels and then build up coordination and cooperation from these at the national level.

CASE STUDIES: CSO COALITIONS IN JORDAN AND LEBANON

In **Jordan** a civil society coalition, INSAN, convened to focus on civil society input into the UPR process. The coalition brought together CSO representatives, human rights experts and media practitioners. By working together, CSO members were able to engage with UN bodies, embassies and international CSOs to present their UPR report and discuss its key findings, and present the report to representatives attending the UNHRC. Because the coalition contained media professionals, it was able to distribute the report among media outlets, and secure the broadcasting of relevant UNHRC sessions in Jordan. Coalition members also used their connections to government officials to engage and inform the government throughout the process of developing the civil society report. As a result of the coalition's initiatives, the Jordanian government established a new human rights unit.

However, it proved impossible to hold the coalition together in the longer term, once the immediate focus on the UPR had passed. The coalition lacked structures to manage its internal relations. Coalition members disagreed on the next steps to be taken and whether to broaden the coalition to include new members.

A new and still nascent civil society coalition has now formed in Jordan that hopes to learn from the challenges in sustaining past coalitions. It is recognised that to be successful, the new coalition should not be over-ambitious in its beginnings: it is important to invest time in developing common principles for coalition members, and agreeing on ways of working that will resist disunity and division, and enable working across difference. The aim is to grow this coalition gradually to encompass a wider range of civil society, and to sign coalition members up to a code of conduct.

Another model is offered from **Lebanon**. Instigated by ANND, the initiative, as in the Jordan example, used joint work on UPR processes as a starting point for a growing coalition.

This expanded from 22 members that worked together on 2010 UPR process to 80 members by the time of the 2015 UPR submission. While the coalition remains informal, as it grew it became important to develop and apply principles of diversity, transparency, inclusion and ownership, and to encourage civil society involvement from different sectors and levels of work. Another important principle that developed was that cooperation should be based on identified strategic objectives, and clarification of the roles of different coalition members. Working groups were initiated to encourage more members to become actively involved in the coalition. Regular meetings were held while preparing UPR submissions, and as well as developing the submission, this helped to grow trust and routines of working between members. Joint initiatives such as launch events also helped to bring members together. It was also important for the coalition to develop its engagement with the media, so that it would become seen as a trusted source of commentary by the media and understood by its members to be adding value, by speaking for civil society in a way that individual CSOs are unable to.

Because the coalition was able to demonstrate that it was getting its voice heard, it was able to secure further members, signalling that being able to demonstrate impact and strategic advantage is important to sustaining and growing a coalition. The coalition can be seen to have worked to avoid a common pitfall, of a few vocal or larger organisations dominating, and to have ensured consciously that there are measures to foster broader civil society ownership and dialogue. Finally, a lesson from ANND is that it is also important to respect those CSOs that choose not to be members of the coalition, understand their reasons and still try to find other ways of cooperating with them.

What these examples suggest together is that there can be no one size fits all model for developing and growing civil society coalitions. Some coalitions, as in Lebanon, may build out from a footprint of existing collaboration on a particular issue, whereas for others, such as the incipient coalition in Jordan, it is important to invest time in hammering out agreements before attempting joint work. What the examples indicate is that there is a need to pay attention to developing practical principles, grounded in accountability and transparency, that take account of and offer ways of managing the differences that inevitably arise when CSOs work in coalitions. There is also a need to develop a clear rationale for work if there are hopes for a coalition to continue activity once its initial area of focus, such as preparing a UPR submission, have passed.

8. SELF-REGULATION

In several contexts, including Cambodia and Cameroon, the EENA reveals that many CSOs lack awareness of regulatory requirements and do not have the capacities to comply. This makes CSOs vulnerable to criticism that they are lacking in accountability and transparency. The EENA research revealed several initiatives by CSOs to address these challenges.

CASE STUDY: DEVELOPING COMPLIANCE CAPACITY IN NIGERIA

A lack of CSO awareness of and compliance with regulations was identified as an issue in **Nigeria**. In response, NNNGO worked to promote greater awareness among CSOs of the various regulations for CSOs, and opened dialogue with regulators on how this challenge could be addressed.

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It dedicated three successive annual civil society conferences to the issue of regulation, and invited regulators to speak to CSOs to raise their awareness. NNNGO also carried out capacity building workshops to support CSO skills in management, including financial management, and regulatory compliance. A discount for audits by reputable audit firms was also negotiated for its members.

The work has helped build relations between civil society and the regulators, enhanced the credibility of participating CSOs and led to visible change on the part of CSOs, which are now more closely complying with regulations. The value of the work is demonstrated by the regulatory agency agreeing to provide financial support for a further conference on best practice in formation and registration. The lessons of this approach are that civil society can take responsibility for demonstrating its compliance with regulations in order to demonstrate its accountability and transparency, and this can help to develop more constructive relations with state regulatory agencies; a partnership approach will produce a more enabling regulatory regime than an antagonistic approach.

Another strategy that emerges as a key response to difficulties with regulation is self-regulation. By taking responsibility for transparency and accountability initiatives CSOs can make it less likely that governments will apply regulations that are unduly restrictive or that are imposed without consultation. Self-regulation actively tries to enable civil society, compared to the suspicion that some regulation schemes imposed by governments have the intention of reining in civil society. Good quality self-regulation will also help to demonstrate that CSOs are transparent and accountable, both to governments and citizens, and challenge any narratives that may be prevalent that CSOs are self-serving or corrupt. The push from civil society should therefore be to make self-regulation the default method of CSO regulation, where possible.

In some contexts, such as Cameroon, the debate about the need for accountability by civil society is not well advanced, and so there is little debate so far among civil society about the need for self-regulation. There are also challenges of scale in applying self-regulation in a very large country such as Brazil. But elsewhere there are examples of working schemes. There is joint working between CSOs on civil society self-regulation in Bolivia, and agreement of a voluntary code of conduct is a chief area of focus of the CSO coalition currently being developed in Jordan, discussed above.

CASE STUDIES: SELF-REGULATION IN CAMBODIA, INDIA AND MOZAMBIQUE

A self-certification scheme was established in **Cambodia** in 2007, and has gradually grown. A CSO compliance committee monitors adherence to the scheme, and independent committees issue assessment reports, which make recommendations on areas for improvement. A fee is levied, which enables the scheme to operate, and this can prove a barrier for smaller CSOs. The scheme has therefore worked to secure support from larger, international CSOs to cover the membership fees of smaller CSOs, setting a good example of how larger CSOs can support smaller ones.

In **Mozambique**, nine CSOs worked together, with funding from donors, to develop a voluntary self-certification scheme. The spark for this was to respond to concerns that donors have expressed about the capacity and transparency of CSOs.

A draft self-certification tool was developed, and consultations were then carried out at local levels to encourage civil society ownership. CSOs that are part of the scheme are expected to report every three years, and a civil society steering committee provides quality assurance for the reports. The tool was rapidly adopted, with 375 CSOs signing up within its first two months, indicating that it was speaking to a real civil society concern and need.

Work to encourage CSO self-regulation may best succeed when integrated into other initiatives to strengthen the capacity of civil society. In **India**, a particular challenge identified was the lack of private sector support for civil society, and it was diagnosed that part of the reason for this was that businesses struggle to identify CSOs that they feel they can trust with their support. It was recognised therefore that CSOs need to be able to demonstrate their adherence to transparency standards, and be able to show potential supporters that they are efficiently run.

CSOs need support to develop such transparency capacities. To begin to address this, at the time of writing VANI is running a pilot project with 25 small and medium-sized CSOs, typically working with marginalised and excluded people, in five Indian states. Such CSOs tend to face challenges of sustaining funding, loss of staff to better-funded organisations and harassment by public authorities. The project has mapped potential suitable business partners for these CSOs, and is engaging with businesses to better understand their interests and funding approaches. It is offering training for the CSO partners on various aspects of professional CSO management, including in budgeting, communicating CSO activity and writing concept notes and funding proposals, alongside self-regulation and other aspects of ensuring good CSO governance, such as financial management. The process attempts to link CSOs with suitable business partners, with the aim of identifying areas of common interests, helping CSOs to benefit from the experience of businesses and develop relationships between the two that could lead to the strengthening of CSOs. Although the project is still in its early days, it represents an interesting model to track and encourage learning from.

Learning from across the EENA research is that self-regulation should be inexpensive and locally applicable and understandable, so that there will be wide uptake across a range of civil society; if self-regulation is burdensome, expensive, reliant on external donor support or inappropriate to local contexts, it will not succeed. This implies that self-regulation schemes should have standards set domestically; this in turn entails making use of civil society networks and wide research and consultation to develop domestic standards that are ambitious and in keeping with international standards, but are also understandable and achievable in the domestic context. It also implies some negotiation between global standards, such as those set out in the Istanbul Principles for CSO Development Effectiveness, and locally appropriate standards. Global standards may be appropriate for CSOs that have relatively well developed resource bases and international or national level presences, but it may be beyond the capacities of nascent, small and community-based CSOs to go through processes of assuring compliance. In such cases, demonstrating awareness of the need to ensure good governance and adherence to locally appropriate standards could be seen as better than no self-regulation at all.

CONCLUSION

This paper has focussed on bringing together learning from the EENA process about how civil society is responding to challenges in its environment. It has showcased in particular a range of civil society success stories in overcoming these challenges, along with the obstacles such responses encountered. The responses as a whole serve as a reminder that even when the environment for civil society is very disenabling, it is important to understand that there are still strategies that CSOs can deploy, from a range of different tools, to push back against restriction and seek to make their environment more enabling.

There is an ongoing need to document, analyse, share and understand learning from civil society initiatives to improve the enabling environment, and for more research that focuses not only on the challenges in the enabling environment, but also on the ways in which civil society is responding to these. Systems and structures are needed to capture and share success stories on a regular basis. Sharing of learning is needed within countries, between different types of CSOs and CSOs working at different levels, and internationally. New connections and coalitions may be needed within civil society to enable this sharing and learning.

ANNEX: LIST OF ORGANISATIONS PRESENT AT THE WORKSHOP
(Istanbul, 28 February/1March 2016)

	COUNTRY	NAME ORGANISATION
1	Bolivia	Fundación Construir
2	Brazil	Associação Brasileira de Organizações Não Governamentais (ABONG)
3	Cambodia	Cooperation Committee for Cambodia (CCC)
4	Cameroon	Collectif des ONG pour la Sécurité Alimentaire et le Développement Rural (COSADER)
5	India	Voluntary Action Network India (VANI)
6	Jordan	Phenix Center for Economics and Informatics Studies
7	Lebanon	Arab NGO Network for Development (ANND)
8	Mexico	Centro Mexicana para la Filantropía (CEMEFI)
9	Mozambique	JOINT – Liga de ONGs em Moçambique
10	Nepal	NGO Federation of Nepal
11	Nigeria	Nigeria Network of NGOs
12	Panama	Alianza Ciudadana Pro Justicia
13	South Africa	Human Rights Institute of South Africa (HURISA)
14	Zambia	Zambia Council for Social Development (ZCSD)

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