

How Does Political Repression Affect Civil Society Organizations?

Examining CSOs in Bangladesh and Zambia

How does an increase in political repression of civil society affect the ability of civil society organizations (CSOs) to form, function, and survive? CSOs are important actors in society: they advocate for respecting human rights, provide services to citizens, and help hold governments accountable. Yet in recent years, dozens of countries have been closing civil society space, clamping down on the ability of CSOs to operate freely. Alarming, this trend is taking place not only in countries with autocratic governments, but also in democratic countries. We examine the effects of legal repression on CSOs in two democracies, Zambia and Bangladesh, and find that new legal restrictions on civil society have had a generally negative effect on CSOs in each country.

Brief Points

- Increasing numbers of democratic and non-democratic governments around the world are adopting new legal measures that restrict the ability of CSOs to operate freely.
- CSOs in Zambia and Bangladesh have been negatively impacted by new repressive legislation that limits their access to foreign funding, prevents them from working on politically sensitive issues, and requires extensive reporting to government.
- CSOs in these countries have adjusted to these new restrictions by shifting from advocacy to service delivery, or they have disbanded operations altogether when restrictions are too onerous.
- Some CSOs continue to engage in advocacy work, finding space to do so by switching the language of their appeals, building alliances, and focusing on less politicized issue areas.

Luc Fransen *University of Amsterdam*

Kendra Dupuy *Peace Research Institute Oslo (PRIO)*

Marja Hinfelaar *Southern African Institute for Policy & Research*

Sultan Mohammed Zakaria Mazumder *Independent Researcher*

Introduction

Since the end of the Cold War, donor countries have channeled large amounts of foreign aid through civil society organizations (CSOs) operating in aid-receiving countries, both to build up civil society in poor countries and because of disillusionment with aid-receiving governments. CSOs provide vital services in many poor countries, including health and education services. They also advocate for upholding human rights, and help to hold governments accountable to citizens.

Despite the positive contributions of foreign-funded national and international CSOs, we are currently witnessing an increase in political repression of civil society in many aid-receiving countries. Political repression of civil society, understood as legal and extra-legal measures restricting the operations of locally operating CSOs (both national CSOs as well as international CSOs operating in third countries), has now been established in 60 of the 153 low-and-middle-income-countries (LMICs). These restrictions are found in both authoritarian and formally democratic regimes (Dupuy and Prakash 2018). These new repressive measures include restricting the ability of organizations to receive and use foreign funding, taxing funds received, creating administrative burdens for partnerships with foreign CSOs, putting in place restrictive visa and employment policies, prohibiting activities in politically sensitive issue areas, and establishing opaque registration procedures.

Initial findings from a small number of cases show that such challenges generally negatively affect CSOs, particularly those with financial and/or political ties to foreign governments and CSOs (Dupuy, Ron, and Prakash 2015). But to date, very few studies have been conducted on the effects that these new, restrictive legal measures have on CSOs. With funding from the Government of the Netherlands, we set out to answer the question of impact in Bangladesh and Zambia, two countries that have recently enacted restrictive legislative measures that limit the ability of CSOs to operate freely. Both countries have a large and active civil society sector, and they are also among the top receivers of development aid in the world.

To answer our research question, we spoke with representatives of 28 domestic and international

CSOs operating in the two countries. These CSOs work on a range of issue areas, including the environment, human rights, labor rights, and development. Half of these organizations receive Dutch government funding, and half do not. We also investigated changes in the number and foreign funding of Bangladeshi and Zambian NGOs over the last ten years, using information from the Yearbook of International Organizations, USAID, OECD, and government and CSO umbrella information.

The Recent Crackdown on Civil Society in Bangladesh

The increasing political repression of civil society in Bangladesh began in 2014, when the country held a highly disputed and violent national election. Since that point in time, the ruling party has been clamping down on all forms of opposition, including CSOs, in order to maintain power. Despite the fact that the country is a top global recipient of development aid, and is highly dependent on the assistance of international organizations with the humanitarian response to the ongoing Rohingya refugee crisis, the Government of Bangladesh adopted a law in 2016 that heavily restricts the operations of foreign-funded CSOs. The Foreign Donations (Voluntary Associations) Act prohibits organizations from receiving foreign donations for the purpose of carrying out voluntary activity without government approval. The Act further requires all organizations that want to receive and use foreign donations to register with the government and secure advance project approval.

Finally, the government can attend CSO meetings, replace an organization's governing board at any time, and punish any CSO perceived to be making derogatory comments about the Constitution.

Human Rights Watch noted in a 2016 web post that the law is part of a sustained government crackdown against civil society, with a ruling party official stating that CSOs have no right to freedom of expression (HRW 2016). The US State Department Country Reports on Human Rights Practices for 2017 and 2018 state that the government has prevented several CSOs from meeting, withheld approval for foreign funding to CSOs working on sensitive issues such as human rights, forcibly disappeared civil society activists, and outright banned a number of advocacy organizations from operating in the country (GUSA 2017a & 2018a). CIVICUS's [Monitor website](#), with its live evaluation of civic freedoms, notes that conditions for human rights defenders are deteriorating in the country, with the government systematically clamping down on independent dissent to shore up power. Hundreds of rights activists have been arrested, tortured, and disappeared, while many more have been subject to harassment, intimidation, and arrest.

The Government of Bangladesh has been implementing regulations that enhance government monitoring of CSOs, prevent foreign-funded CSO projects, require CSO registration, and leave much leeway for the suspension of organizations' registration. CSOs also suffer from

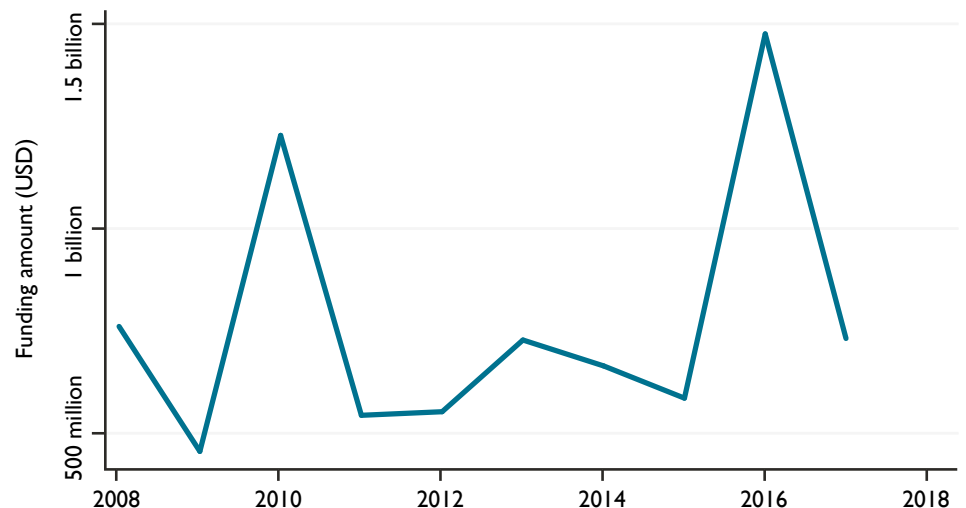


Figure 1: Bangladesh: Foreign funding flows channeled through civil society, all sectors. Source: OECD Creditor Reporting System.

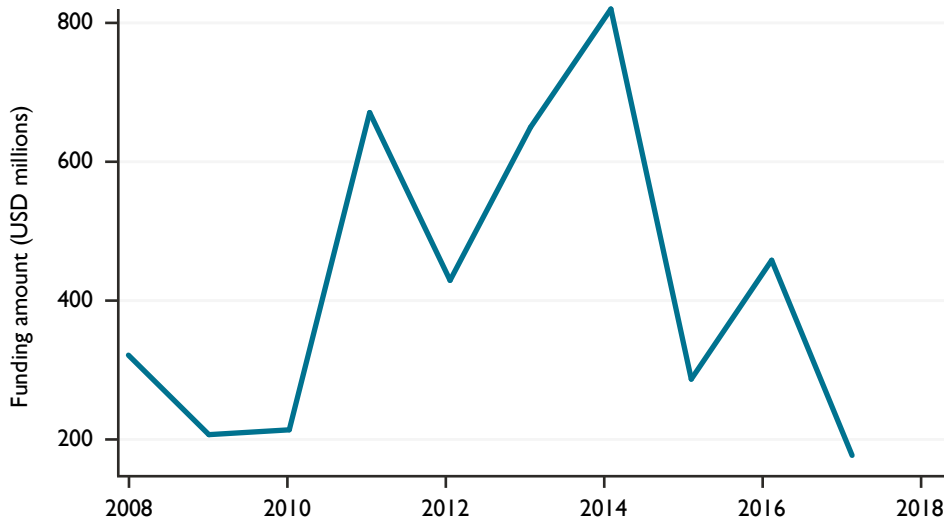


Figure 2: Zambia: Foreign funding flows channeled through civil society, all sectors. Source: OECD Creditor Reporting System.

extra-legal measures, such as digital and physical surveillance, as well as intimidation by the military and civil security agents. The Government of Bangladesh no longer protects freedom of association or expression, instead arresting people for posting statements online or for gathering in public.

A Backlash against Civil and Political Liberties in Zambia

Political repression of civil society in Zambia has been increasing since the mid-2000s. The restrictive 2009 Non-Government Organization Act increased state control over both international and local civil society organizations through new, burdensome registration requirements. The Act also established a government-led NGO registration board with a high degree of power over approving the work of CSOs and the power to enforce harmonization of CSO activities with government development plans. The Act requires CSOs to comply with cumbersome reporting requirements – including disclosure of funding sources – and to adhere to a government code of conduct. Government officials have wide discretionary powers over CSOs, including over registration approval.

Government officials in Zambia have increasingly engaged in negative behaviors towards both local and international CSOs, particularly those that are rights-focused. This includes harassment of, and interference with, organizational operations. This uptick in de facto

repression coincides with the rise to power of current President Lungu and his more general crackdown on the political opposition, independent media, and human rights defenders. President Lungu has increasingly clamped down on basic civil liberties through emergency decrees and increasing police powers of arrest and detention. The US State Department Country Reports on Human Rights Practices for 2017 and 2018 state that the government disrupted and prevented meetings of CSOs (GUSA 2017b & 2018b). Police have prevented CSOs from publicly protesting government actions, and government officials have gone so far as to intervene in the operations of prominent local CSOs critical of the government, and to try to shut them down. Recent Afrobarometer survey results show that Zambian citizens feel there is increased repression of rights to free expression and association, and that CSOs in particular have much less freedom than they did just a few years ago (Bratton, Dulani, and Nkomo 2017).

How Do CSOs Respond to Political Repression?

Our various data sources show that the number of NGOs, in particular – a narrower organizational category than CSOs – with international activities and membership has remained relatively stable over time in Bangladesh and Zambia, even after the installation of NGO regulatory restrictions. Repression does not seem to affect the number of internationally oriented non-governmental, non-profit organizations engaged

in some public cause that are at work in both countries. Bangladesh remains a country with a very large NGO sector implementing many activities across different regions, including in times of NGO restrictions. Zambia's NGO sector is smaller (as is the country's population), but it has been growing over the past decade. However, both countries have seen the amount of foreign funding (including that for CSOs) reduced over the past year, no doubt in large part a consequence of both countries' new status as lower-middle income countries (LMICs).

How can we explain this phenomenon of decreasing aid amounts, yet stable or even increasing organizational numbers? The data on organizational numbers is unfortunately not disaggregated by type of organization, and it is likely, based on earlier research, that advocacy and rights-focused organizations have been more impacted by the new repressive legislation in each country than have service delivery organizations (Dupuy, Ron, and Prakash 2015). Our interviewees informed us that many CSOs in Bangladesh and Zambia that engage in political advocacy have disappeared or gone 'off the radar', operating out of the public eye, in response to repression. CSOs formerly engaged in advocacy now focus on service delivery, or they have shifted from rights-based to needs-based advocacy. CSOs in our sample in both Bangladesh and Zambia have become more cautious in targeting the government when lobbying and in campaigns, but they have not moved away from advocacy in relation to the state altogether.

Generally, CSOs plea with their foreign partners for a depoliticized, toned-down approach to advocacy in their countries. CSOs also build alliances with each other to exchange information and coordinate their responses to repression. CSOs working on environmental and developmental agendas have found it easier to adapt their work to government agendas and continue advocacy. For CSOs working on these issue areas, there are opportunities for advocacy that are less contentious. This is less the case for human rights and labor rights CSOs.

In Zambia, the internet and social media are still venues where CSOs can exchange information and reach out to citizens, given how these media are not yet controlled by government. In Bangladesh, CSOs do not consider social media appropriate for this purpose, given the government's capacity for surveillance.

European-headquartered service-oriented CSOs operating in the two countries try to adjust to regulatory restrictions and maintain good relations with the host government. Advocacy-oriented European CSOs focused on labor, the environment, and human rights generally adjust to their local partners'/offices' demands by:

1. Using apolitical language in funding proposals and policy documents;
2. Discontinuing or delaying practices considered too dangerous for local partners;
3. Shifting to advocacy tactics that are more European policy-oriented than Bangladesh and Zambia-oriented;
4. Supporting a more toned-down approach to advocacy towards the government.

What Can Be Done? Policy Recommendations

What can donors do to enable CSOs to survive, and even thrive, in contexts of political repression? We suggest several concrete steps:

- **Actively intervene and apply diplomatic pressure:** Civil society organizations would welcome more active intervention from donor governments in repressive contexts. Most European CSO respondents (both inside and outside the Dutch funding framework, and operating inside and outside of the Netherlands) have reached out to embassies and the Dutch Ministry of Foreign Affairs to lobby for some kind of diplomatic response toward repressive governments. In terms of supporting civic space in Bangladesh, the EU should be considered a promising avenue for diplomatic activities on behalf of civil society. Given the EU's trade agreement with Bangladesh and its importance as an export destination,

the EU has considerable leverage to address some of the issues outlined here.

- **Continue funding independent CSOs:** CSOs in both countries fear a funding squeeze in light of restrictions on civil society and they welcome continued foreign funding. Ideally, funding should be channeled in ways that allow for flexibility in funding activities (in this respect, Dutch government funding is applauded by most respondents for its flexibility). The civil society space in both Bangladesh and Zambia is increasingly being co-opted by the government and business organizations, which fund 'their' CSOs, so that they speak for the status quo and against dissent.

- **Engage well-known CSO leaders:** In some cases, the personal reputation and celebrity of CSO leaders can prevent intimidation, repression, and prosecution, because the government fears a backlash when it clamps down on these individuals. Northern CSOs and donors could use this to their advantage when partnering with, and funding, local CSOs.

- **Address civil society repression holistically:** For both countries, repression of CSOs takes place alongside other governmental and non-governmental measures and practices that are authoritarian in nature, but not explicitly focused on CSOs. These measures include obstruction of fair and open elections, unconstitutional measures with regard to leadership selection, obstruction of freedom of expression, unlawful arrests and prosecution, surveillance, and censoring of media. Foreign policy responses should seek to address the multi-faceted forms that authoritarianism by government actors is taking, and stress the importance of democracy for sustainable development. ■

Further Reading

Bratton, M., B. Dulani, and S. Nkomo (2017) 'Zambia at a Crossroads: Will Citizens Defend Democracy?' *Afrobarometer Dispatch* No. 157. Available at: afrobarometer.org/publications/ad157-zambia-crossroads-will-citizens-defend-democracy

Dupuy, K. & Prakash, A. (Forthcoming, 2019) 'Backlash and Resistance to NGOs Globally', in P. Bromley & W. Powell, *The Non-Profit Research Handbook*, 3rd edition. Yale: Yale University Press.

Dupuy, K. E., Ron, J., & Prakash, A. (2015) 'Who survived? Ethiopia's regulatory crackdown on foreign-funded NGOs', *Review of International Political Economy*, 22(2): 419–456.

Government of the United States of America Bureau of Democracy, Human Rights and Labor (GUSA) (2017a) 'Country Reports on Human Rights Practices for 2017: Bangladesh'. Available at: www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/

GUSA (2017b) 'Country Reports on Human Rights Practices for 2017: Zambia'. Available at: www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/

GUSA (2018a) 'Country Reports on Human Rights Practices for 2017: Bangladesh'. Available at: www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/

GUSA (2018b) 'Country Reports on Human Rights Practices for 2017: Zambia'. Available at: www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/

Human Rights Watch (HRW) (2016) 'Bangladesh: New Law Will Choke Civil Society'. Available at: www.hrw.org/news/2016/10/19/bangladesh-new-law-will-choke-civil-society

THE AUTHORS

Luc Fransen is an Associate Professor of International Relations at the University of Amsterdam. Kendra Dupuy is a Senior Researcher at PRIO. Marja Hinfelaar is Director of Research and Programs at Southern African Institute for Policy and Research (SAIPAR). Sultan Mohammed Zakaria Mazumder is an independent researcher based in South Asia.

THE PROJECT

'Adjust, Resist, or Disband? The Effect of Political Repression on Civil Society Organizations in Bangladesh and Zambia' is a project funded by the Government of the Netherlands, examining the impact of repressive legislation on civil society organizations (CSOs) in Bangladesh and Zambia, and the ways in which CSOs respond to legal repression.

PRIO

The Peace Research Institute Oslo (PRIO) is a non-profit peace research institute (established in 1959) whose overarching purpose is to conduct research on the conditions for peaceful relations between states, groups and people. The institute is independent, international and interdisciplinary, and explores issues related to all facets of peace and conflict.