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Pushing Back: Supporting Human Rights Defenders and Social Movements in Contexts of Shrinking Civic and Democratic Space

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The Human Rights Defender Hub Working Papers Series

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Executive Summary

The phenomenon of shrinking civil society space – a recent and dramatic escalation of repression of non-state actors – has been described by the UN as "an epic struggle... that could shape the course of our world for generations to come" (UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association 2017: 2). Despite decades of investment by human rights and development agencies into programmes to empower civil society and increase the space for participation, shrinking civil society space remains a challenge at a foundational level. Restrictions on freedom of information, expression, assembly, and public participation hinder the ability of state and non-state actors to recognise and collaborate on solutions to development challenges; disempower marginalised communities; limit creative problem-solving; and hinder inclusive transformative change (Gready 2019).

This paper responds to a request from the international development federation ActionAid to assist the organisation and its partners to identify concrete examples of push back against restrictions on civic and democratic space and make a contribution to the exploration of viable development alternatives that expand civic space. The paper presents a situated 'long view' on these concerns through the analysis of interviews with in-situ civic space specialists, Human Rights Defenders (HRDs), and empirical, evidence-based case studies of civil society resistance and resilience.

Civil, political, social and economic distinctions begin to fall apart, and we are left with active descriptions of the push for civic space in the face of lost livelihoods, criminalisation and government impunity. Claiming civic space from a situated perspective encompasses the political and physical capacity to lead a dignified livelihood, embedding the push for civic space in the political economies of the "real real world" (HRD, Guatemala).

In addition to highlighting the strategies and tools that are working for practitioners in the field, and contributing to lesson learning within ActionAid and other international non-governmental organisations, this grounded approach raises some useful questions about the way in which we understand shrinking civic space. Firstly, the research questions the extent to which shrinking civic space is new. Secondly, it brings into focus those who have never had any civic space. And thirdly, it opens up a useful debate about who should be responsible for expanding civic space and how to scale up the pushback towards more systemic change.

Implications for practice

There are four key findings in this paper that provide important insights for HRDs and social movements to consider in building resistance and resilience in relation to expanding civic space and socio-economic rights.

- Recent experience of shrinking civic space is linked to neoliberal development policies and is resulting in a reduction of socio-economic rights as well as civic liberties.

- Many countries have never had much civic space. Consequently they have a rich history of resistance and resilience, which can be used to build resistance. However, these histories can also constrain movements, and effort must be made to expand resistance scripts as well as bringing in the old.

- Some people have never had much civic space, and consequently shrinking civic space affects them more than others. People with intersectional identities such as migrant women, suburban minorities and indigenous communities require additional support to resist government and corporate resource capture or discrimination.

- Alternative political economies need to be explored and alternative governance models taken seriously to challenge shrinking civic space at a systemic level. To do so, HRDs need to move between global, national and local spaces to affect change. Alternative economic and political scripts define development possibilities and conceal a 'pluriverse' of alternatives that already exist and can be used to expand the political imagination.

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Introduction

From Reactive to Proactive Responses

International monitoring body, CIVICUS describes civic space as,

> The place, physical, virtual, and legal, where people exercise their rights to freedom of association, expression, and peaceful assembly." (2019: 4)

By contrast they define shrinking civic space as,

> [I]ncreased surveillance on ordinary citizens, activists and civil society organisations and targeted attacks and arrests [where] civil society activists, journalists and HRDs face escalating intimidation, harassment and reprisals, including imprisonment, for undertaking the work that fights for and protects human rights for us all." (2019: 4)

Shrinking civic space describes an ever increasing "thicket of laws and regulations" (Carothers and Brochenmacher 2014: 51) that condone the criminalisation of and violent acts on the bodies of dissenting citizens. The UK's Department for International Development, or DFID, recognised in its most recent civil society strategy that "around the world, civil society is facing unprecedented pressure, from violent attacks to attempts to close down the space for democratic dialogue and debate" (DFID 2016: 6). Incidences of people being surveyed, forcefully moved, beaten, arrested, tortured, or murdered by state and community endorsed agents on account of political dissent is increasing (CIVICUS 2019).

International and domestic institutions and organisations have been vigilantly reporting these phenomena, but their analysis often fails to engage with the materiality of the struggles that motivate shrinking civic space. In this paper, I argue that expanding civic space beyond reactive measures and exclusionary movements requires us to focus on the spaces that increase the capacity for pushback – the potent histories, solidarities and material circumstances that have informed previous change as well as cultivating an awareness that there is more yet to know. The space where Appadurai (2013) claims hope is sustained, following neither a utopian blueprint, nor a pragmatist's measured plan. Recognising the potential in persistent and new political economies and resistance scripts of the everyday makes space for a proactive 'waiting to' (make claims, demand rights) rather than a more passive 'waiting for' (ibid: 127) and activates change.

> However much the space shrinks, people always find a way, however many repressive laws, people will always find ways of organising through their family, church, through clans, so you can never totally erase that space. The space will change form and the challenge is how to discover that form, how that new space has emerged and how to create alternative spaces."
> (HRD, Uganda)

The Centre for Applied Human Rights and ActionAid have been working together since 2016 to develop a network of activists, academics and artists interested in disrupting the traditional performances of development by engaging arts-based participatory methods to reveal these hidden transcripts (Scott 1990), activate alternative epistemologies (Sousa Santos 2014), change oppressive narratives (Cooke 2019), and devise alternative disruptive practice (Gibson-Graham 2006). The research found a direct link between the capacity to produce alternative political imaginations and available civic space, as access to real and virtual public spaces provide a vehicle to circulate new ideas and the psychological space to reflect (Flower and Kelly 2019). The fear, urgency and time constraints of lives lived in a shrunken civic space may make it harder for people to imagine their way out of these situations. The applied methods used in this research have been designed to continue this collaborative learning towards the production of new political imaginations and alternatives to shrinking civic space.[1]

Research Methodology

This working paper is based on documentation from activists, organisations and social movements working with ActionAid in nine countries: Bangladesh, France, Kenya, Guatemala, Spain, South Africa, Uganda, Zimbabwe and Zambia. Nine audio-visual country case studies were collected by staff at ActionAid and nine in-depth Skype based interviews with national level staff were conducted by a Centre for Applied Human Rights researcher. In addition, a three-day participatory workshop was held with representatives from those country partners to verify and strengthen the results. The paper is also informed by a literature review of strategies used by other International Non-Governmental Organisations (INGOs), Civil Society Organisations (CSOs), HRDs and activists to pushback against shrinking civic space. In recognition of the need for a transnational exchange of experiences regarding resisting shrinking civic space (Comaroff & Comaroff 2011), the case studies have been drawn from a mixture of northern as well as southern countries.

The following section locates the research in a short literature review before presenting a summary of the research findings, followed by a thematic analysis of the case studies, interviews and workshop findings. The paper concludes with a discussion of the findings.

International and Local Responses to Shrinking Civic Space

Until recently, much of the 'heavy lifting' to protect HRDs pushing for civic space as individuals and communities, has been undertaken by specialised civil and political rights based organisations and associated INGOs such as Amnesty International, Human Rights Watch and Frontline. However, given increasing reports of aggression towards civil society, CSOs that would historically have avoided political and civil rights are now placing an emphasis on expanding civic space as a fundamental part of enabling people to secure and sustain

[1] For further information on these projects and the work of ActionAid, see *https://actionaid. org/politics-and-economics.*

social and economic rights (ActionAid 2018; Oxfam 2018). In so doing, the expectations of those working to expand civic space have shifted from the assurance of an open society to the realisation of a just society, where equality is taken as seriously as liberty. In this new framing, pushback is not just about opening civic space as we know it but opening political society for all. This represents a shift that brings HRDs and CSOs into more direct conflict with powerful and economic vested interests, necessitating a more urgent and proactive pushback for those involved.

> " When it shrinks you must push back. If you are not pushing back you are having a very nice moment, and you are probably irrelevant in what you do. You are not stepping on powerful forces and you have probably been co-opted or you have become an accomplice in the rights violation." (HRD, Kenya)

Our research joins a growing body of evidence describing the support that international CSOs offer national and local HRDs working at international, national and community level. Out of this global effort some tools have proven most effective in opening civic and political space. These include using domestic and regional legal frameworks (Baldus et al. 2019), linking local movements into broader international alliances (Dora et al. 2017), and creating and using peer to peer learning platforms (Hetz and Poppe 2018). At community level, organisations have successfully supported mobilisation, provided access to specialist knowledge and amplified campaigns. International support now seems to focus in on research and advocacy in specific legislative and judicial systems, new media online campaigns, diversification of funding and transparency of funding administration (Bishop 2017; Buyse 2017; CIVICUS 2018; TAI 2018; CSIS 2017).

Solutions to addressing conflict in the political economy of shrinking civic space are dominated by approaches aimed at reducing reliance on the state and external donors. New entrepreneurial models locate hope in new business and procurement models designed to strengthen and sustain existing CSOs by pursuing crowdfunding, developing a voluntary base, funding flexibility, ethical trading co-operatives and social enterprises (Okhotin 2017; WACSI 2016). Others emphasise new market-led instruments that enable individuals to buy civic space through hybrid 'micro-credit' and 'micro-justice' funding schemes (Teale 2016). These entrepreneurial solutions plug an economic short fall, but they do not promise to address structural inequalities in the long term and can place CSOs in the uncomfortable position of profiting from poverty.

In contrast, the alternative 'degrowth' models bring together critical political economists and practitioners in pursuit of more just and open societies. Their models are harder to access through conventional development agencies, and given their materialist associations with socialist economics can frighten off practitioners that prefer to remain politically neutral. This 'post-growth movement' comes together under labels such as 'critical management studies', 'décroissance', 'Postwachstum', 'steady-state', 'doughnut economics' and 'prosperity without growth', describing alternative ways of thinking about development and about uniting global solutions to global climate change.

> " Since 2008, regular de-growth conferences have gathered thousands of participants. A new global initiative, the Wellbeing Economies Alliance (or WE-All), is making connections between these movements, while a European research network has been developing new 'ecological macroeconomic models'. Such work suggests that it's possible to improve quality of life, restore the living world, reduce inequality, and provide meaningful jobs — all without the need for economic growth, provided we enact policies to overcome our current growth dependence."
> (wemove 2019)

Post-colonial critics such as Arturo Escobar maintain that we can find the answers regarding what change is actually possible, not in strategies and models designed by external organisations, but in the collective movements that have formed in resistance to globalisation. These "possibilist histories" (Sikkink 2018: 174 after Hirschman 1971) describe "community economies" (Gibson and Graham 2016), "alternative epistemologies" (De Sousa Santos 2014) and a "pluriverse of possibilities" (Openstein and Escobar 2019), that evidence fully functioning communally organised alternatives. Feminist geographers and political economists J. K. Gibson Graham cite the Mexican Chiapas Zapatistas liberation army as an example, having created viable "autonomous zones of counter power". For them, "the movement of movements" is full of such "anarchic situationists" who "toss us into the terrain of the possible" (2006: xix). They occupy a "place-based globalism" (ibid: xxi) that is simultaneously internationalist and locally specific.

Many activists and HRDs draw from these less orthodox approaches to opening space (IM–Defensoras 2013; Burnyeat 2013; Jaraisy and Feldman 2013; Bustos 2017), that are unlikely to propose a gameplay or blueprint of what success should look like (Bishop 2017; Mendelson 2015). They rely on the collective power in people to counter powerful interests as they emerge. "When we are asked how we are going to build a new world, our answer is, 'we don't know but let's build it together'" (John Jordon in J. K. Gibson Graham 2006: xix). Their research demonstrates that grassroots movements have succeeded in opening civic space, and that support and validation from international organisations was a crucial component for securing that space.

However, recent crackdowns on the capacity for international organisations to work directly with community groups, feminist critiques of traditional community power dynamics, challenges in scaling up local innovations, and the growth of populist movements that target minorities do limit the effect of such interventions. In her review of reactions to shrinking civic space, Dwyer (2019) argues that placing an overemphasis on international and community level spaces avoids the deliberative national conversations needed to legitimise and situate the values advocated by human rights organisations – such as equal rights for all. In many cases, shrinking civic space for particular minorities is supported by populist forces who are complicit in allowing governments to shrink civic space with impunity (ibid) and perpetuate the discourses that diminish civil rights.

Despite the magnetic positivism of their anarchist possibility, alternatives scholars tend to focus on autonomous local decision-making groups and environmental sustainability as opposed to countering human rights violations and holding powerful actors to account at a structural level – they open space for specific counter cultures. History suggests that state powers and machinery should not be underestimated in their capacity to impose dominant forms of development economics and politics onto fully functioning alternative, but less powerful, minority communities. The fusion of populism and autocratic governance produces a form of power that would threaten the success of any new or existing alternative political economies, however viable their model. The case studies in this paper demonstrate how vulnerable autonomous communities can be to their own governments, people and powerful business interests. The evidence presented re-emphasises the importance of designing proactive pushback to prevent continuing violations. In order to open space for a broader constituency of people to access socio-economic rights, shrinking civic space needs to be understood in broader discursive and material terms and understood through a political economy lens.

The following section describes some of the places and spaces where ActionAid HRD's and partners have managed to pushback successfully despite these overarching challenges.

Summary of Findings

There are two narratives that dominate the case studies: the story of an HRD or CSO fighting government hostility and the criminalisation of resistance (France, Guatemala, Spain, Zambia and South Africa); and the story of a community fighting the loss of land and livelihood (Bangladesh, Guatemala, Kenya, Uganda and Zimbabwe). All of the cases report an escalation of government violence or the threat of violence towards resistance leaders and an increase in government impunity.

Our interviewees confirmed that civic space is shrinking and that this is manifesting in several principle ways:

1) Closing of Space: The closure, privatisation and surveillance of public and virtual spaces where people meet and new laws that prevent, or require permissions for, assembly. In addition, cultural bodies and accountability forums such as public and private media organisations, courts, government commissions, CSO committees, religious organisations and arts bodies, have been co-opted or silenced.

2) Restrictions on CSOs: Governments have introduced new laws to suffocate organisations and reduce international support by limiting funding from international donors and introducing new forms of government surveillance.

3) Criminalisation: New and old laws are enacted that criminalise opposition voices. There is systematic removal and 'disappearing' of dissident or leading voices from the public sphere through threats, arrest or murder, that in turn lead to self-censorship and fear.

4) State-Sponsored Violence: An escalation in government violence towards citizens and activists during protests, which is carried out by police and military, alongside the increased use of private security forces and youth led cadres, and selective blindness to populist extremism to carry out policing with impunity.

5) The Impact of Neoliberal Development: Interviewees highlighted the significance of worsening economic conditions, austerity and the politics of neoliberalism and globalisation as a motivation for protest. Citizen responses to increasing inequality and economic crisis have been mixed but universally exploited by defensive politicians, resulting in a growth in nationalism and attacks on minorities, as well as polarising identity-based pushback and separatist movements. Interviewees contended that government impunity is exacerbated by nationalist, paternalistic and patriarchal movements that discredit certain people's claim for citizenship, and allow them to be side-lined, silenced, infantilised and criminalised by more powerful players.

The following thematic analysis explores the broader historical, geographical, political, economic and legal spaces that HRDs work within to sustain and scale up pushback in shrinking civic space.

Pushing Back

Historical Space

> " Historically this is nothing new... but shrinking civic space is new in a recent history" (HRD, South Africa)

All of the interviewees confirmed that they are currently experiencing a period of shrinking civic space, but they emphasised that their national histories have seen space shrink and grow over time: "space has been at its most open following liberation from an oppressive form of governance, and shrinks most during elections, dictatorships and war" (HRD, Uganda). In many of the case study countries, government impunity, institutional violence, the manipulation of nationalism and the implementation of restrictive laws are a standard approach to state governance: "in Kenya we have never had much civic space" (HRD, Kenya).

The interviewees located their current strategies for resisting shrinking civic space in an **ongoing historic battle of resistance**. This is a crowded history of sustained and successful pushback against authoritarian regimes, political and economic fusion, and repressive government legislation that has overcome

the risks of resistance (Sikkink 2018: 173). They reference the legacies of colonialism, the hope of liberation, free elections, new constitutions and economic crisis as foundations for rapid expansion or shrinkage in the civic psyche. Moments of liberation and state-making, of open civic space, have a powerful grip on public memory and imagination that can be recalled to hold governments to account. Several of the interviewees described how they work within the promise of these national and regional liberation scripts to engage and motivate communities, lever government responsibilities, and mobilise the technologies of state to pushback against shrinking civic space. Communal memory sustains rather than fades. It is this powerful force that many social movements draw from.

Resistance is fused with **historically situated identities**, powerful enough to ignite youth-led street level protests, fuel territorial disputes and frighten governments into backlash that makes no sense outside their historical context. In Bangladesh, young protestors rioted in 2013 when the government threatened to free war criminals from a war that took place in 1971; in Spain, they recently jailed a cartoonist for a joke about a man who died 40 years ago; in Kenya, land disputes and counter struggles still reference the civil war heroes of the Mau Mau (Pommerolle 2017); in Guatemala, indigenous communities marched in a Pan-American celebration of 500 years of indigenous resistance. Communal memories spill out onto walls, virtual and real, into music and conversations, in informal and formal spaces. Linking social movements to existing liberation scripts, including those of constitutional promise and cosmopolitan guarantee, is one way that social movements have gained traction, in particular in identity-based territorial disputes.

HRDs operate on these vivid civic stages, and much of their strategic work takes place with reference to this contextual knowledge and memory. However, they do not view histories of resistance as a panacea. While these scripts can be used to undermine power, **historically legitimised nationalist, patriarchal and fundamentalist scripts are also mobilised to justify inequality for certain groups**. Our research showed that liberation scripts that prop up states are powerful advocates for majority interests but rarely provide for minority voices or claims, and do not address community prejudices. When the claim for equal access to socio-economic rights is fused with a need for civic space, it becomes increasingly clear that there are several groups in society who have never enjoyed any civic space on account of their identity. Labourers, women, young people, migrants and indigenous people fare particularly badly on account of traditional paternalistic attitudes that sanction inequality (Bishop 2017). For our Ugandan interviewee, the unequal gender and age roles that are taught in the family prop up a history of institutionalised authoritarian impunity. In addition, intersectional identities and geographies exacerbate the impact of these shrunken spaces (ActionAid 2017).

These culturally endorsed exclusions are an area in which HRDs working on socio-economic rights focus much of their attention by supporting emerging community groups with rights-based training, media visibility, legal support, and linking them into other geographical spaces and communities that lay claim to broader rights. Several interviewees located their pushback in mobilising new and old cultural scripts to support resistance, and **actively**

re-writing and resisting historical scripts that undermine minorities. In Uganda, the occupation of UN headquarters was led by a display of female nudity, an age old protest tradition that can only be enacted by women; in Spain, young people have actively rejected the old, using the language of new world feminism and militant particularists to distance themselves from the disappointment of their tired and male-dominated socialist resistance scripts. Forms of resistance borrow from the past and bring in the new.

> " Ways of resisting are very new, very fresh, the words they use are different, feminism is key, pro LGBTQi rights and sexual freedom. The way they do activism is horizontal, not respecting traditional institutions. They question everything, and the language they use is postmodern, the images they relate too are not Che Guavara, they are marginal old icons. Technologies are a big part of it, and doing it in an unplanned way, very – you just feel it and you do it. It is good and bad, but it is different. They don't share the language or the way, and they definitely don't admire what was done before." (HRD, Spain)

Addressing the historical repression of certain voices has led to the emergence of new autonomous protest movements, the recognition of new histories and new forms of resistance. Once pushback is situated within the unwieldy multi-temporal and spatial dimensions of the political imagination, rather than losing all contours, it becomes increasingly site specific and focused. Civic space is affected by spatial and temporal dimensions that are different for different people within the national constituency. The HRD interviews emphasised the importance of this historical and geographical detail.

Geographic Space

Attending to the politics of different geographical arenas requires a heightened awareness of the politics of scale, from territorial struggle to international decision making. HRDs need to understand how processes and performances operating at different geographical scales might interact to form pushback (Miller 1994). As such, defenders work within communities, supporting territorial struggles, in international arenas and in intersectional spaces.

Much of the work that ActionAid does situates their international rights work behind communities and the social movements they form, alternating "when to be behind, when to mobilise, when to hold back and when to lead" (HRD, Kenya). 'Rootedness' in the community is used to legitimise HRD's lobbying and keeps their rights-based work relevant. "We make use of 'the power in people to challenge the people in power'...the one thing that really scares governments is the power in people and people are sometimes surprised at how much power they have" (HRD, Uganda).

With reference to **territorial struggles and the defence of land**, several of the case studies report on marginalised communities resisting government development projects or land seizures. In Zimbabwe, the case study concerns the eviction of the Vhimba people from community land under the pretext of state endorsed wildlife conservation, to clear the area for mineral prospecting. In Northern Uganda, a community displaced by the Lord's Resistance Army (LRA) insurgency eventually returned to their land in 2008 to find that it

had been leased to a private conservancy. There followed years of resistance against the police, army and wildlife services to reassert rights to the land. They claim they now have "nothing left to lose". In Kenya, the community have also been evicted to make way for a wildlife reserve, in Guatemala for an agribusiness, in Bangladesh for a power station. In Kenya, ActionAid partners have been fighting a land case in court. They petitioned the relevant committee and discovered that the title deed was fake, trained local community members to become HRDs to secure deeds, and accompanied victims to police stations and courts. In addition, they invited the Kenyan Human Rights Commissioner to the site and developed rapid response partnerships with organisations and the Governor of Taita-Taveta County, who announced that there should be no more arrests. These territorial battles are by no means unique to our research. Commodity boom and agribusiness fuelled landgrabs have been on the rise in Africa, Asia and South America (Cotula and Berger 2017) and are the arenas in which the apparatus that shrink civic space are frequently employed. The main strategy used by communities to secure their 'territory' has been to occupy the land, leading to forced evictions, arrests and criminalisation. In addition, they have staged protests and organised resistance. ActionAid has supported these communities by providing access to national and international rights-based information, strengthening evidence gathering, supporting legal challenges and increasing media visibility of their cases. All these cases remain precarious, but the engagement of key regional and national players and instruments has stalled evictions.

The HRDs also make use of **international arenas**. In Bangladesh, a coal-fired government priority power station constructed on Matarbari Island near Cox's Bazar has resulted in long-term flooding, causing loss of livelihoods and serious health impacts, as well as loss of access to services including health and education. In addition to encouraging media coverage of their case, and supporting government meetings with the community, ActionAid brokered linkages between national and international NGOs to campaign directly with the Japan International Cooperation Agency (JICA), who are co-funding the project. This targeted international campaigning has resulted in dialogue with the community and mitigation of some of the impacts. Linking communities to broader constituencies of support helps to put pressure on the government by influencing flows of financial resources, planning decisions and political alliances that favour people who live outside the localities effected.

Alliances across civil society have formed to disguise, protect and scale up locally isolated claims. Rights-based groups have organised internationally under umbrella movements in Spain, South Africa and France, and built visibility around community groups with social media campaigns. Our Spanish interviewee highlighted the significance of building a global citizen coalition that supported the anti-racist movement with campaigns, advice and money, "[t]heir rights are still ignored, but in the space of only two years they have come from -20 to +2 percent visibility, this is progress". The French case study describes a similar journey. Together CSOs are able to learn from each other and share resources. As isolated groups they have been too easy to target through the use of Strategic Lawsuits Against Public Participation, known as SLAPPs. In terms of the movements informing activism and their targets it

seems increasingly that "community, national and international space should be treated as one compressed space" (HRD, Kenya).

A linked point is that protecting human rights needs to take place at different scales through multi-level solidarity between local, national and international actors. But the results of this hybridised meeting of agendas brings about a politics of scale that provides unpredictable results, effected by the different " [i]ntra- and inter-scaler socio-political contestations" over power and resources (Hemeiri and Jones 2017: 74). All territorial spaces have their own peculiarities that play out through the mixed agendas of those individuals in the location, and much of this politics of scale and place are then reframed through a historical lens of received exclusions and entitlements. Several of the HRD interviewees expressed sensitivity to these **intersectional spaces** where the politics of history and geography collide with economic agendas.

In South Africa, women's advocacy movements have been deliberately marginalised. More radical oppositional voices are kept out of participatory forums, organisations closed down and individuals threatened by intelligence services. They describe how their language has been co-opted by government sanctioned forums and their demands watered down by service providing CSOs and media. South Africa has wartime levels of violence against women, and for lesbian women their risk of violence is still higher; 1 in 5 lesbians are killed in the townships of South Africa, usually by people who they know. Despite these statistics the government dismisses LGBTQi issues as marginal. Simultaneously, women's rights have fallen out of fashion in international assistance circles, where rapid impact and 'gender' have taken centre stage, causing a reduction in funding for women's rights-based activities.

In this context, pushback is about gaining visibility, legitimacy and solidarity between groups. The '#totalshutdown' intersectional women's march against gender-based violence was celebrated as an example of successful pushback in South Africa. A group of unaffiliated women who had survived domestic violence and were spurred into action by the global social media campaign, 'me too', led a march to demand their constitutional rights. Women's advocacy groups, including the Rainbow Alliance and the Forum for the Empowerment of Women (FEW), organised online and off to produce a memorandum of demands based on constitutional rights. This was presented to the government Union Building, waiting outside their townhalls until their message was received. The coordinated size of the movement, visibility of the march and the community legitimated memorandum resulted in a written commitment from the government to eradicate gender violence. This marked the termination of a legislative process that women's groups have been trying to finalise since the new Constitution was approved in 1996. Having pulled international rights into a national promise, and activated legal protections through local mobilisation, they are a step closer to realising the rights they enshrine.

In Guatemala, the Maya Q'Echii have mobilised a linguistic identity to link the individual land struggles of a dislocated group of people living over an expanded territory into a pan-American indigenous rights movement. They have claimed back a celebrated indigenous identity, now underpinned by reference to national and international instruments they encountered during the Peace Accord Process.

> One of the Peace Accords signed in 1996 addressed precisely the 'Identity and Rights of Indigenous People'. This accord is a wide road to travel through for their recognition, respect, participation and inclusion as part of Guatemalan citizenship. You will find it in the internet. This was a very BIG step forward." (HRD, Guatemala)

Having re-formed their territorial identity as a political force, community vigils held to press for the release of the Q'Echii HRD, Abelino Chub Caal, have worked to strengthen their identity and land claim. ActionAid partners have supported this territorial claim by strengthening community organisation, recuperating traditional and ancestral practices and supporting a university to promote education with indigenous communities.

These communitarian turns, where people look to place and communal traditions to determine their political claim can leave communities vulnerable. In Spain, our interviewee noted that while social movements increasingly build their politics around identity, 'my' nation, 'my' town, 'my' people, 'my' country, it was important to also look out for international allies.

> Right wing conservative movements like CitizenGo have actually been more successful at mobilising international space than the left wing groups that support minority rights" (HRD, Spain).

In Guatemala, our HRD interviewee warned that territorialised resistance movements have been very difficult to scale up. Unifying identity politics with expanding national level civic space is a challenge and translating these struggles back into the languages of national and regional legislative scripts is necessary to fight the roots of authoritarian pushback. In France, new alliances address this issue by being "intentionally vigilant against an identity-based politics that is not vigilant against authoritarian control" (HRD, France)

They are forming an alliance between the traditionally marginalised black youth groups of the suburbs and the middle classes of central Paris in defence against increased police brutality towards protesters and opposition voices.

> Now big INGOs are feeling solidarity with small suburban groups...daily life working for an NGO is becoming more complicated, more individuals are facing charges, so they are feeling the criminalisation first-hand. This is a time to build bridges between all the people, those who have always been suffering this level of persecution and those for whom this is new." (HRD, France)

In response to the need to work across and between various spaces (local, national, international) ActionAid's main strategy has been to organise, increase representation and campaign to change government frameworks and decisions that perpetuate inequality. The organisation addresses unequal representation by using strategies that push forward and reinforce minority representatives in decision making spaces; from local committees to county courts, media organisations, government parliaments, corporate meetings, street protests and global economic forums. These include political, economic and legal spaces, and mobilise identities, histories and imagined futures to challenge power.

Political Space

> " Information is not enough, it must fall into the right hands and influence the right people, this is the politics of pushback." (HRD, Kenya)

Our Kenyan and Ugandan interviewees described how 'civic space' is only ever a backdrop, an important but passive 'enabling environment'. For our Ugandan interviewee, expanding civic space goes beyond acting in the civic arena. Civic space is only animated by political intention and challenge that takes place in political space, "I prefer to use the term political because just using that term is a pushback. I am intentionally saying I have the right to engage politically. In my mind I prefer to use political so that I speak to power" (HRD, Uganda). Pushing back regarding political space was understood as expanding and claiming alternative representative spaces; **employing a more proactive strategy than defending civic space**; shifting between invisible and visible political arenas; and putting your own house in order as a political act.

ActionAid Bangladesh have used both virtual and real platforms to expand representational space and provide participatory platforms to influence state decision making. Given the impending Digital Security Act, the imprisonment of well-known activists like Shohidul Alam under the Information and Communication Technology (ICT) Act, and the disappearances of bloggers, they facilitate rather than lead pushback. HRDs focus on **creating alternative spaces** outside government that strengthen participatory representation for specific groups such as women, workers and indigenous peoples. A participatory 'book of accounts' was developed online to increase rural reach and capture diverse opinions with some success. In the cities, women friendly spaces have been set up to protect women in factories and provide childcare during trainings, alongside workers 'cafes' that are used for skills based trainings that include labour rights. CSOs have formed an alternative parliamentary committee and lobbies parliament with new regulations passed by the parliament. However, their impact on policy remains illusive:

> " We have managed to get people to come and at least listen to the people's voice, but we are struggling to jump to the next level. After listening they fail to place the people's demands in the real parliament – they are not prioritised. We are raising our voices and inviting them, they are listening to our demands, but they are not committed or accountable to the people's demands...I myself am frustrated by this." (HRD, Bangladesh)

Our Bangladeshi interviewee warns that pursuing civic space in isolation locks expression and assembly into space that is unlikely to influence the root causes of shrinking civic space. Where there is no social contract between people and government, the people's parliament may have succeeded in ensuring government ministers listen, but it has not ensured they change their policies as, "they are still not accountable to the people's will" (HRD, Bangladesh). Most of the actual decisions about how public funds will be spent are made in the ministries or business board rooms. These spaces are referred to frequently by interviewees as 'closed spaces', 'the inside tracks', occupied by closed groups, from international banks and INGO financiers to business cartels such as

CASIF[2] in Guatemala, organised criminal gangs and 'secret societies', where state capture and corruption manifests.

Where democracy has broken down and government spaces have closed, formal avenues may not be enough to address government impunity. Just as there are some citizens that have never had any civic space, there are some spaces that have never had room for 'ordinary' citizens. While the majority of ActionAid's work pushes resources through partners, there is a role as lobbyist – attempting to make change inside closed spaces, maintaining a network of relationships and allies within government to steer policy, press the army and the police for information and with lawyers, journalists and international colleagues for financial and legal support.

Like South Africa, the Kenyan's have a very progressive constitution but much of it has not been put into practice. ActionAid uses a diverse range of tactics to aid cases and prevent evictions, where they play on the political and business motives of the actors involved as well as supporting demonstrations, occupations, court processes and embedding campaigns in women and youth movements.

> " It is not useful to distil the space. If we want to push it back, the more we are able to conceal the force behind the push or the expansion of the space the better. The more visible the force that is actually pushing to expand the space the more difficult it is to drive any tangible change...yes you are visible, but you also have a track that is quite invisible that is doing significantly quite a lot." (HRD, Kenya)

Working in closed political arenas is the traditional territory of resistance movements and risks a backlash from those who are excluded or threatened by secrecy. HRDs are increasingly vigilant about the risks they take and **innovative in the logistics of activism**, alternating periods of lobbying, with open resistance during elections and 'hibernation' after significant events. The extent to which campaigns are made visible is carefully managed, meeting agendas are not always as they seem and strategic decision making bodies within activist groups are also increasingly closed or carefully invigilated. In Uganda, activists trade false identities to access government social media accounts, in Zambia young people use google maps to arrange meetings rather than texts, in South Africa meetings are held with 'blanket agendas', and unaffiliated INGO's or churches are increasingly seen as safe spaces. Increases in closed spaces drive pushback underground. In Zimbabwe, our interviewee told us there was no visible strategic push back, "we can't organise to push back. If they are, it is not visible. Pushing has too much backlash. INGOs are having meetings, conscientising and building citizen agency, but most citizens will still be locked in previous fear" (HRD, Zimbabwe).

Several of the interviewees also prioritised **keeping their house in order**. On the surface this means keeping to the national laws and keeping track of budgets, particularly given the increasing use of financial mismanagement accusations to delegitimise CSOs that threaten government interests. In addition it means protecting staff through adequate safeguarding and predicting risks, monitoring data within the organisation, as well as attending

to the personal needs of HRDs so that they stay healthy and avoid activist 'burnout'. At a deeper level it means introducing structural change within CSOs that models a new politics. In ActionAid Uganda, they recruit people who are interested in challenging power as well as holding the relevant skills for the job, embedding commitment to pushback at every level of the organisation.

Fusing Economic and Political Space

In many of the countries, our interviewees described the significance of the fusion between the economic and the political. Where governments have become profit making entities, their accountability to people is further compromised, government decision making shifts to the economic arena and representative politics can become a disconnected performance of democracy (Bayart 1989).

> " Even the parliament are not powerful, the executive organs are more powerful, it is the ministries that are powerful – the energy, commerce, environment and finance ministries... they have good relationships with international businesses, whether a French company, or a Chinese or Indian bank... they bypass the parliament... piloting their own laws and also the local criminal factions that are known to the people also have an invisible hand."
> (HRD, Bangladesh)

This fusion manifests as the power of corporations over governments, the privatisation of public space and land, and more positively, as the possibilities presented by decentralisation, devolution and other alternative forms of governance.

The HRDs at our workshop located the cause of the problem in their government's approach to development. Several of the workshop participants concluded that under a neoliberal development model, their governments "have become brokers rather than regulators...there has never been any social contract between the government and the people" (HRD, Bangladesh) and described governments that have been co-opted by overseas investors, corporations and internal criminal gangs. This sentiment was echoed by our Guatemalan, Kenyan and Zimbabwean interviewees. Our Ugandan interviewee concluded that where **business interests and politics fuse**, politicians need to remain in power in order to keep their business interests sustained. Much of a HRD's work at state level is focused on sustaining democracy that is accountable to the people rather than development that is accountable to the banks. This battle extends into France, South Africa, Spain, Zambia and Zimbabwe.

In Zambia, the political class is accused of corruption, impunity and co-option by foreign corporations, in particular the Chinese banks. Despite having a democratic government since the 1990s, political leadership is difficult to depose through a democratic system where young unemployed political cadres are easy to buy in. ActionAid support activists exposing the direct links between the lack of social services and corruption. Recently a contract for new fire trucks, which ran into the millions, caused a storm of protest on social media under the name #42for42 that spilled onto the streets. The police reacted by arresting protestors, closing down online platforms and pressing

criminal charges through new regulatory cyber laws that echoed recent government clampdown throughout the region.

Under neoliberal economic growth policies, **public spaces are being privatised**, while denial of livelihood is used to punish opposition voices. People need common places to meet, deliberate and resist, and they need space to earn a living. Public spaces are sold off to developers causing the closure of arts institutions, the privatisation of national heritage, deliberate compartmentalisation of and exclusion from urban gathering spaces, while rural populations are being evicted from their common lands. The interviewees emphasised the material consequences of shrinking civic space, and how the fused political economy of shrinking civic space is disrupting livelihoods and perpetuating inequality.

More hope is being placed in the traditional response to top-down governance – **devolution of power to regions**. The establishment of indigenous territories or municipal political economies[3] were referenced as alternative ways of leveraging economic resources from the government. In Bangladesh, they have rekindled the old strategy of pushing power to the local government as a means of mitigating bulk corruption and capital flight. Where local governments take over redistributive civic operations, such as social security payments and contracts, any resulting corruption is more likely to circulate in the local economy. This is a pragmatists approach to creating a circular economy by pushing corruption into the regions.

> **"** The yellow vests are people who are exhausted with politics. They are fed up, they're not a movement but are people who are angry that society is unfair, and need to change the structure of democracy and power. They live in a society that is always creating inequality. There's a sense that another world is necessary, but it's really not capitalism that is at fault – they want to change the system." (HRD, France)

Legal Space

Given the difficulty of tackling these macro-political and economic conditions, legal avenues were cited by many of our interviewees as their only formal recourse for addressing government impunity and expanding civic space.[4] "In terms of changing the context, this is where the law steps in." (HRD, Kenya). In response, 'legal consciousness' (Merry 1990) and constitutional reference is building in social movements (Brett 2018; Pommerolle 2017) and used by CSOs to make a claim for expanding civic space. As well as paving the way for freedom and justice, and a blueprint for alternatives to the present, constitutions can act as a domestically sanctioned gold standard with which to lever open more civic space in other parts of the legislative framework. HRDs focus their energy in five areas: leveraging positive change by implementing laws, raising legal consciousness, supporting cases with legally binding evidence, changing the law, and referencing the potential of national constitutions.

Many of the interviewees talked about a misalignment between their often progressive constitution and a retrogressive criminal legal framework. New restrictive laws sit alongside progressive laws and constitutions in Kenya,

[3] Municipalite Libertaire in France, or municipal libertate in Spain.

[4] Supported by in-depth case studies of successful pushback in Baldus et al., 2019.

South Africa, Uganda, Zimbabwe, Zambia, France and Guatemala. These are often underpinned by criminal laws that have not changed since colonial times and were designed to administer law and order rather than justice. Much of the work to change laws is about releasing authoritarian grip over the law, untangling the legislative regime and exposing its intention to public interrogation. As our South African interviewee said, "Changing the law requires research, analysis and evidence building. Anything in a legal space is hard to change, as there is a feeling that the law is sacred, it is so hard to touch."

Historically law does not have a particularly glowing record with regard to resistance. In Uganda, penal laws introduced by colonial governments are increasingly being embellished and recalled to undermine progressive constitutions.

> Right from pre-independence, the laws that were put in place were there to restrict the opportunity for citizens to organise and challenge power… if you talk about the Penal Code of 1958 this is a very old law that was left by the British and is applied today. At independence we just changed the leaders who took over the same way the colonialists were governing the citizens… What they defined as illegal society is freedom of association. This law, written by the British, was to curtail space for citizens to challenge those in power." (HRD, Uganda)

The case studies describe how often changes in the law that criminalise solidarity, legitimate government violence and reduce access to justice have also gone unnoticed. Most people assume they have freedom of assembly, association and expression until they are directly involved in protest. Where communities have never had any rights in practise, they often remain unaware or unable to claim them. In this context ActionAid have campaigned to make unconstitutional laws more visible and prevent them from being enacted. In addition, they work to make progressive laws visible, such as the new law to protect freedom of speech in Zimbabwe, and new constitutions in South Africa, Kenya and Zambia. HRDs provide **training to increase legal consciousness**, provide legal support and representation, move cases to more sympathetic courts, engage specialist researchers and lawyers to decipher the utopian promise of new constitutions and interrogate repressive laws and legal cases.

In Guatemala, ActionAid have **supported CSOs to pass new laws** that push forwards the peasant coalition and agrarian organisations' coalition in Congress, and in registering the recognition of individual communities and agrarian authorities to communal land using Free Prior Informed Consent.[5] Now they are focusing on a new legal campaign. ActionAid will be publishing the expert witness reports used for the Abelino trial to highlight what was not followed through from the Peace Accords. This national legislative framework has already recommended that an agrarian court be established to deal with land disputes to stop them from going through the penal courts, but the recommendation has never been enacted.

In South Africa, FEW[6] describe an unpredictable "love-hate" relationship with the police, who provide protection at protests but also abuse their rights by disregarding their cases, harassing them at the station and disrespecting

[5] ILO Free Prior Informed Consent is the international rights instrument adopted at the Guatemalan Peace Accords to guide land claims and negotiations with indigenous communities.

[6] Action Aid Partner organisation, Forum for the Empowerment of Women (FEW)

court orders. Much of their **pushback takes place within the criminal justice system**. They highlight prejudice surrounding sexual orientation in rape convictions, provide paralegal training, monitor court cases and train police and court officials to open civic space in the patriarchal communities in which they live. HRDs are expected to develop an understanding of legal mechanisms and systems and keep a watchful eye on the legal horizon.

In Zambia, ActionAid have been publicly monitoring the legislative regime and over the last five years the legal framework has improved. They are now pushing to revise the local government act to include young people on local level ward development committees and have proposed revisions to the Public Order Act[7] to enhance civic space. However, "the challenge is the violation of these laws. The legislative framework has improved but the government acts with impunity" (HRD, Zambia). Legal instruments need constant monitoring and international solidarity with individuals, communities and organisations to raise awareness and push for change.

Conclusion

The case studies that inform this paper show how targeted and evidenced campaigns, supported by community alliances and specialist allies, have mitigated the impact of shrinking civic space for vulnerable and marginalised groups. In addition, setting up other forms of space for dialogue, representation and debate have resulted in alternative voices being heard by their communities and by government. The research also demonstrates how historical legacies, counter-narratives, national legal responsibilities and social movements have mobilised people to expand space in increasingly hostile environments. The examples of successful pushback have relied on the presentation of carefully constructed counter-evidence in the right forums, alongside highly visible campaigning through direct protest in significant places; people's fields, homes and workplaces; on the streets and social media; in court houses, parliament and corporate business meetings. The strategies employed by ActionAid to expand civic space have therefore focused on producing visible local protest to build public support, and moving professionally authenticated evidence from the ground into the places where decisions are made, populating closed spaces with evidence and voices that would not usually be invited or considered. A process that requires high levels of political as well as civic dexterity and commitment from HRDs.

The analysis reveals a few overarching findings. Firstly, that shrinking civic space and economic state capture are not a new phenomenon, and as a result have a history of resistance and resilience that can be mobilised to strengthen movements. Secondly, that particular categories of people in society have never enjoyed much civic space or claim on citizenship, and require additional support in order to access civil, political, social and economic rights. Thirdly, civic space is currently shrinking in many countries around the world and much of it is being driven by a neoliberal economic model. Fourthly, that activists and HRDs are calling for increased emphasis on the political economy of shrinking civic space to expand the possibilities for expansion, and clarify the models that may present viable alternatives.

[7] The Local Government Act, 2019 Act Number: N.A.B.No 2 of 2019

Pushback takes place against a system that perpetuates inequality through remote governance over local decisions and remote asset stripping of local resources. Neoliberal market economics and aggressive resource capture have forced many local populations into political pushback. It is the effort to contain this protest that has resulted in many of the examples of shrinking civic space that we encounter in the ActionAid case studies. The economic and political freedoms of movement and business, and associated benefits that are celebrated in many liberal democracies, are only available to some and often disregard or undermine local political economies. Populist pushback, leftist and rightist, fascist and socialist, is a call to change the system. Something that neither the conservative nor cosmopolitan elites have a vested interest in doing. Maintaining and expanding civic and socio-economic spaces in the face of this form of dispersed economic pressure requires a continuing vigilance, strategic agility and concerted allied vision.

Political difference, alongside fear, economic inequality, normative diffusion and political exclusion easily distract from the alternative political economies that are available for forming open and just societies. When some people shout, 'we want to change the system', others see the fists of communist revolution or fascist extremism, allowing their histories to mask any other possible futures. Discourse surrounding shrinking civic space can flatten socio-economic differences and assumes political consensus between different HRDs and activists fighting to expand change. This exposes a well-worn schism between the proponents of socio-economic and civil and political rights whose models for development leave freedom and equality in opposition. Both perspectives have their own viable positions for expanding civic space, but the distinction presents an additional political challenge for HRDs that may need to be acknowledged, accepted or resolved to drive forwards a united pushback.

Alternative political and economic systems and governance models do exist. The most radical involve dissolving the state to anarchist reform or a multiplicity of municipal cooperatives, or, fortifying the state in a programme of forced re-nationalisation and national extremism. The least radical promote devolution, pushing power back to regional governments, increasing economic regulation and reforming the electoral systems. Running alongside are the new circular economies, participatory co-operatives, and indigenous governance models – what Arturo Escobar (2018) refers to as the pluriverse of possibilities. These alternatives are not utopian communities, they too have their own histories. However, they provide a counter-force to the pessimism of shrinking civic space that can all too easily dominate the psychological space we need to put into play the multiple, possible situated political economies that can challenge systemic inequality and expand civic space.

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