

Funders'
Initiative for
Civil Society

at
Global Dialogue

What is closing space grant-making?

An emerging framework from the
Funders' Initiative for Civil Society



What is closing space grant-making?

How do we support civil society in a restrictive environment? Can civil society be supported to resist regressive laws and push back against closing space? Purposeful grant-making strategy can bring more success in dealing with the closing space trend. Closing space is characterised by growing legal restrictions on civil society, foreign funding barriers, intimidation and, in more severe cases, arrests and detentions of local civil society actors. The trend often mirrors and exacerbates long-standing structural discrimination and stigmatisation of marginalised groups and communities.

FICS has grouped strategies to support civil society into two broad categories: **resistance** and **resilience**. **Resistance strategies** are those that support specific efforts to resist closing space and create a more enabling environment for civil society overall. **Resilience strategies** are those strategies that help ensure civil society continues to operate even if space is closing or closed. Some resilience strategies are critical to enable pushback over time.

As a Russian activist, interviewed for a 2017 Mama Cash and Urgent Act Fund report, said: “*when they shut the door, we come in the window.*” Resilience strategies are supporting window entries, whereas resistance strategies are about keeping the door open.

Resistance strategies

- Influencing
- Shaping public opinion
- International norms
- Coalition and alliance building
- Economic actors
- Legal strategies

Resilience strategies

- Civil society security
- Administrative compliance
- Strengthening CSO institutions & constituency building
- Local philanthropy
- New organisational forms

Things to consider

Success in pushing back against closing space is far more likely if approached through a focussed grant-making strategy. What are the elements of a grant-making strategy on closing space?

- Are you setting up a new dedicated programme to address civil society pushback? Or do you want to mainstream elements of closing space across your portfolio?
- At what level – international, national or local do you want to be working? What will be more effective in different national contexts? Supporting activism inside the country? Or outside the country?
- What support can you make available for organisations under threat – either as individual entities or for coalitions to mobilise rapidly against incoming laws? How do you sustain any coalitions that have come together, to maintain support over time?
- Is your own house in order, such as digital or other security measures so as not to put your own grantees or staff at risk?
- What level of risk as a funder are you prepared to make? How can you take your own trustees and wider staff team on that journey? If you are an intermediary funder, how are you discussing this with your donors?



Resistance strategies: case study

Influencing – supporting grantees' advocacy efforts

The government of Uganda proposed new regulations for non-governmental organisations (NGOs) in 2015 that included broadly worded provisions NGOs feared could be used to target them and criminalise their activities. The proposed NGO Act reflected a growing and interconnected challenge to civil society by Ugandan government officials, as evidenced by several pieces of restrictive legislation.

The Fund for Global Human Rights provided support for the overall response of the Ugandan NGO community to the proposed Act. Through its close relationship with its grantees, the Fund understood that communities located in oil producing regions and marginalized grantees in the NGO community – specifically those representing LGBTI populations and sexual workers – were concerned they in particular would be targeted under the law. The Fund provided targeted support to these grantees to document the concerns and priorities of their constituents and engage with parliamentarians.

Ultimately, some of the original language was amended in the final version of the 2016 NGO Act, leaving NGOs less vulnerable but far from safe. The Fund followed up its support for advocacy around the Bill with grants that enabled NGOs to consult marginalised communities on the implementing regulations for the Act, which can often be the stage at which officials will add more restrictive requirements. The regulations were published in Summer 2017, and work to monitor and organise around their implementation has continued through the Autumn. During this period, parts of the NGO sector – notably campaigning NGOs with international links – have come under increased pressure, including asset freezes, disrupted activities, and accusations of acting in the interests of foreign governments. Efforts to maintain solidarity, and build strategies to ensure NGO voices continue to be heard on key issues, are on-going.



Resistance strategies: case study

Economic actors – making a business case for a robust civil society

The Business & Human Rights Resource Centre is an independent source for evidence and analysis of companies' human rights impacts worldwide, both positive and negative. The Centre's briefings and publications – including an annual data review of global trends across big issues from attacks on human rights defenders to tax avoidance to modern slavery – are informed by deep relationships with local communities, businesspeople, and government officials.

The Open Society Foundations' Human Rights Initiative has an on-going partnership with the Centre, supporting convening, research, and tools development to enable businesses to understand and promote the protection of human rights defenders. As part of this work, the Centre is developing a new tool to help businesses craft a strong

business case for promoting an enabling environment for civil society. Rather than taking a corporate responsibility angle, the guidance will draw on over 70 interviews with business and civil society leaders to provide practical insight into the business risks and opportunities, linked to civil society, that it would benefit companies to consider when making decisions as part of, for example, investment negotiations, lobbying activity, or reviewing supply chains.

In addition, the Business & Human Rights Resource Centre is collaborating with FICS to develop a new, cross-sector working group to explore how philanthropy and business can work together to foster a more enabling environment for civil society. Contact FICS@global-dialogue.eu if you are interested in learning more about or joining this group.



Resilience strategies: case study

Local philanthropy – fostering local ownership through community philanthropy

Community Philanthropy Organisations (CPOs) are locally designed and led philanthropic initiatives, where grant-making and governance are overseen by the communities they serve. An important part of their purpose is to mobilise local financial and non-financial assets – drawing on the community's own resources to help improve its members' lives. Community philanthropy, with its focus on local constituency-building, is one strategy that rights-based or campaigning organisations can draw on to counter criticisms that their foreign-funded work doesn't represent citizens' interests. There are more than 1,500 CPOs operating in some 50 countries around the world, but this shift from external to local resources takes time and capacity. International donors can be valuable partners in this journey.

The Charles Stewart Mott Foundation has a long-running commitment to community philanthropy, seeing it as both a strategy to increase community participation in decision-

making and a means of ensuring greater sustainability of civil society organisations. It has seed funded the founding of new community foundations and supported a wide programme of research – including as a founding partner of the Global Alliance for Community Philanthropy (GACP). The GACP is a multi-donor and multi-stakeholder collaborative led by the Global Fund for Community Foundations, in partnership with the Charles Stewart Mott Foundation, the Aga Khan Foundation, Ford Foundation, Inter-American Foundation, Rockefeller Brothers Fund, and USAID. Together, they are engaged in joint research and learning activities which aim to advance the practice of community philanthropy and influence key actors in international development – including private funders – to better understand, support, and promote the roles that community philanthropy can play.

Find out more at:

globalfundcommunityfoundations.org/about-the-gacp/



Resistance strategies

Influencing

Using influencing strategies to shift government action, such as through diplomatic channels, national governments, or relevant inter-governmental bodies.

A combination of domestic and international pressure can work to create better understanding of the need for an enabling environment for civil society – as well as what optimal regulation could look like.

- Grants can include time and capacity for coalition building, meetings, analysis and writing documents, translation, or advocacy training.
- There are also times when philanthropy should consider its own levers of influence. Do we as funders have access to policymakers in human rights, aid or other areas, that would be difficult for our grantees alone? Ask grantees what would be helpful. Consider convening and one-to-one meetings.

Shaping public opinion

Using narratives through mass communication to reinforce a positive role for civil society or to counter defamatory campaigns.

Increasingly, civil society and any foreign funding associated with it are vilified in the press. Arguments used against civil society are that “they bring foreign (often western) values”, that “they impede economic growth”, or that “they lack legitimacy”. This becomes magnified if there is no independent media, or when civil society lacks local grounding (i.e. INGOs are the main representatives of civil society, without local constituency).

- Elements of grant-making to inform public opinion include framing strategies, storytelling, public opinion, surveys, cultural funding or, for a long-term strategy, support for an independent media.

International norms

Ensuring global frameworks underpin free and open civil society and cross-border philanthropy.

International norms, such as the Financial Action Task Force or the Sustainable Development Goals, can provide impetus. Where international norms come aligned with public funding, such as bilateral aid funding, they may be more likely to receive traction on the ground.

- Grant-making should include influencing and participation opportunities for civil society in international norm setting.

Coalition and alliance building

Creating and supporting alliance building across civil society groups and/or philanthropy to develop coordinated strategies to push back against closing space.

Solidarity among the different actors facing restrictions – such as environment, development or humanitarian actors, trade unions, or the media – is an important resistance strand. Coordinated action can help ensure that governments are less able to divide civil society and is more likely to provide the grounding for a reasonable outcome.

- Grants can include explicit resources for coordination and convening. Providing key actors with core operating support can provide valuable capacity to engage.

Economic interests

Influencing business actors and using economic arguments, such as the rule of law and anti-corruption, to bring pressure on government through business and investment decisions.

Finding common points of interest has the potential to activate the business community. Well-functioning markets, a stable financial system, and an enabling business environment founded on the rule of law, are most likely to encourage strong business. A situation in which civic and press freedoms are under threat could undermine these conditions, fostering corruption or limiting free and fair competition. A ‘corporate social responsibility’ or accountability lens may also have mileage, activated through pressure such as risk and reputation-based campaigning.

- Grants can include research and convening. Funders may also consider what access they have to influence economic actors through, for example, members of their own trustee boards.

Legal strategies

Undertaking litigation that can challenge unfair laws or promoting legislative efforts to strengthen the regulatory environment for civil society.

Supporting groups to acquire legal advice, underwriting legal challenges, or strengthening legal capacity to understand civil society laws, are important elements of resistance strategies. The power of legal approaches will depend on the legal and political context: where there is an independent judiciary, these are more likely to be successful.

- Grant-makers can support individual legal cases where an organisation has been threatened, or challenge restrictive legislation where it is relevant and viable to do so.



Resilience strategies

Security

Ensuring civil society has the capacity to protect its safety and security, such as digital security or other safety measures.

Elements of security include proactive support such as training, as well as practical support when an organisation or individual activist (and/or their family) is under threat. A number of international funders are supporting collective protection approaches, including local protection networks.

- Grants could include support for personal security, as well as organisational capacity such as investing in digital security. Training, relocation, or other front-line practical support, such as laptops to enable staff in high risk contexts to work remotely, may be required.
- Funders should also look at their own digital security measures.

Administrative compliance and capacity

“Know your rights.” Enabling civil society understanding of the legal environment, and ensuring capacity to meet these.

In part because of the dependency on project-based funding, Civil Society Organisations (CSOs) often lack the core capacity or knowledge to meet regulatory needs. Since 2015, more than 10,000 Indian CSOs have failed to meet new administrative requirements, meaning they have become unable to accept overseas funding. For many organisations focused on rights and campaigning, this presents a significant threat.

- Funders can offer core support or access to local expertise or relevant training. At times laws can change overnight, so rapid reaction may be key.

Strengthening civil society institutions

Supporting CSO platforms, dialogue or convenings to strengthen cooperation and resilience of the sector as a whole. This includes constituency building at the local level or supporting activism.

CSO platforms are effective means to support the sector – both in pushback against closing space, but also as a means to strengthen the cooperation and resilience of the sector as a whole. Individual organisations or groups of organisations should also have stronger capacity to undertake local constituency building to ensure they are rooted in their communities.

- Funders can support CSO strengthening platforms to provide a voice for the sector as a whole, encourage collaboration, and offer training and support to others.

Local philanthropy

To build domestic support and ownership for civil society, especially those working on rights, advocacy, or campaigning.

Building a local supporter base for civil society is an important antidote to the negative “foreign agent” lens. Local philanthropy isn’t necessarily about generating wealthy philanthropic support – it is as much about small, local giving, through direct giving or crowd-funding type campaigns or community philanthropy organisations. This can be powerful in ensuring CSOs are more deeply rooted in their communities. Support should enable local partners to understand and consider risk. In some countries, for example Russia, individuals giving to human rights groups may themselves be targeted.

- Grant-making in this area should be coupled with other strategies, including strengthening the legal framework for philanthropy, constituency building or communications.

New organisational forms

Funding new types of organisations that can enable civil society actors to continue their valuable work, even in the face of restrictive environments.

In countries that have closed or narrowed, civil society doesn’t necessarily disappear altogether – it may seek to continue its activity through different means: social enterprises, not-for-profit businesses, the media, or academia, for example. Foundations are often restricted to funding charities, however increasingly philanthropy is finding ways to support groups that are working on civil society activities through non-traditional business models.

- Funders can support groups to review their organisational forms, or support civil society actors who may be working through other types of non-charitable institutions.

Established in 2016, the Funders' Initiative for Civil Society (FICS) brings together private philanthropy from around the world to help ensure that the space for civil society is free and open, with engaged citizen participation that is free of restriction from governments.

Across the globe, threats to civil society are increasing in both depth and intensity. Through learning, innovation in grant-making, and collective action, we aim to build our capacity as a sector to respond to this closing space trend – and find innovative ways to support a healthy civil society in which we can all thrive, now and in the future.

Find out more at

global-dialogue.eu/funders-initiative-for-civil-society/

Email

FICS@global-dialogue.eu

Further support and resources

Donor community on the enabling environment for civil society

A private online community for funders to share intelligence and new strategies for taking action in support of civil society with their peers. This community is jointly supported by FICS, Ariadne: European Funders for Social Change and Human Rights, the Human Rights Funders Network, and the European Foundation Centre. Email FICS@global-dialogue.eu to request access.

Working groups: building alliances across sectors

FICS' working groups bring the funder community and its allies together to develop targeted strategies that meet the needs of particular sectors or constituencies. We are currently co-convening members of the environmental funder community with Global Greengrants Fund, and working with Business & Human Rights Resource Centre to explore new ways to activate the business community. Email FICS@global-dialogue.eu to find out more.

Why shrinking civil society space matters in international development and humanitarian action

Published jointly by FICS and the European Foundation Centre in November 2017, this paper explores what development actors and funders are doing to engage around re-opening space for civil society and the impacts of the development community's approach to civil society as a whole.

efc.be/programmes_services/operating_environment/development-and-closing-space/

The Funders' Initiative for Civil Society is a donor collaborative, overseen by an Advisory Board, which includes representatives from American Jewish World Service, Arcus Foundation, Ariadne: European Funders for Social Change and Human Rights, Asfari Foundation, Azim Premji Philanthropic Initiatives, the Charles Stewart Mott Foundation, the Euro-Mediterranean Foundation of Support to Human Rights Defenders, the Ford Foundation, Fund for Global Human Rights, Global Dialogue, Human Rights Funders Network, Oak Philanthropies, Open Society Foundations, Sigrid Rausing Trust, and Wallace Global Fund.

FICS is a programme of Global Dialogue, a registered charity (1122052) and limited company (5775827) promoting human rights and social change through innovative and collaborative philanthropy.