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Civic engagement

# PWYP members' experiences of closing civic space

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Consultation report  
for 2019



## Why we need to address civic space

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**Recent years have seen a widely acknowledged trend of closing civic space across the world. The ability of civil society to organise, mobilise and take actions becoming increasingly constrained and deteriorating in much of the world.<sup>1</sup> Restrictions of civic freedoms in law and in practice are becoming increasingly common, preventing PWYP members from operating freely and independently, and from participating meaningfully in public spheres. In many countries, our members have been the target of rising numbers of direct attacks, such as harassment, verbal and physical abuse, criminalisation, threats, intimidation and smear campaigns. Their engagement in natural resource governance is increasingly difficult and dangerous.**

In response to these growing threats, PWYP has provided direct tailored support to members under attack. Our governance bodies have released statements against incidents of restricted civic space, often in alliance with partners worldwide. In 2016, together with CIVICUS, we published "Against all Odds", a report profiling the repression that natural resource activists face around the world daily, and in 2018, we released a guide to help civil society maximise its leverage within the EITI. However, it is clear that more needs to be done if we are to defend enabled civic space needed for our members to operate effectively.

Across the world, the PWYP movement is increasingly recognising that fundamental freedoms are a prerequisite to meeting our goals. Our new global strategy, Vision 2025, promotes members' need to be informed, influential and heard so that they can participate in public affairs and shape public debates and decision-making as central elements of its framework for change over the coming five years. This means the PWYP movement must develop better local, regional and international support systems to safeguard members more effectively from threats to civic freedoms.

Such systems must be based on deep understanding of the experience and views of coalition members on the front lines of closing civic space. During 2019, PWYP consulted with members worldwide to find out their needs, challenges, opportunities and priorities for engagement with civic space issues. Our findings, outlined below, will form the basis for PWYP's strategic response to protect the human rights and, especially, civic space of everyone working for transparency in the extractive sector.

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1. According to the CIVICUS Monitor, 3.2 billion people live in countries where civic space is either closed or repressed and just three percent of people live in countries where space for civic activism – or civic space – is truly open.



## Mapping PWYP members' front-line experiences

To understand members' experiences more fully and identify their challenges and needs around civic freedoms, the PWYP Secretariat carried out in-depth profiling of the situation in two countries: Niger and the Republic of the Congo. We then carried out an online survey to find out more about members' experiences facing increasingly restricted fundamental freedoms and multiple political upheavals on all continents.

PWYP members report that the growing global trend of closing civic space is exerting increasing pressure on them, undermining their activism and their ability to successfully deliver the people-centred extractive sector at the heart of our Vision 2025 strategy. Restrictions to civic freedoms in law and in practice mean many members struggle to participate meaningfully in public spheres and in decisions that affect them and the communities they represent. This restrictive environment, combined with the threats and attacks against them, have a chilling effect and generate self-censorship, as members are often afraid to openly oppose public policies or extractive companies, for fear of intimidation or other threatening consequences.

The findings in this report are limited in scope – geographically, as both fact-finding missions were carried out in Francophone Africa, and in quantitative terms, as the survey had 34 respondents (although these were distributed worldwide). They cannot capture the complexity of the diversity of situations on the ground in full detail, but they do paint a clear and valuable picture of widespread violations of civic freedoms, how these affect PWYP

members, and the support members feel they need in order to address these issues.

### Field visits to Niger and the Republic of the Congo

These countries were selected against a series of carefully designed criteria. Both have seen recent attacks by the authorities targeted against PWYP members. In 2018, in Niger, PWYP's national coordinator and Board member, Ali Idrissa and 26 other activists were imprisoned for several months on spurious charges for participating in peaceful protests. The same year, the PWYP Congo office in Brazzaville was raided at night – with no police investigation into the incident, despite repeated calls by PWYP. As a result of these direct attacks, members in Niger and Congo expressed their need for support from the Secretariat on civic space issues.



**PWYP Secretariat Marion Mondain meets with members in Congo-Brazzaville to discuss key issues.**

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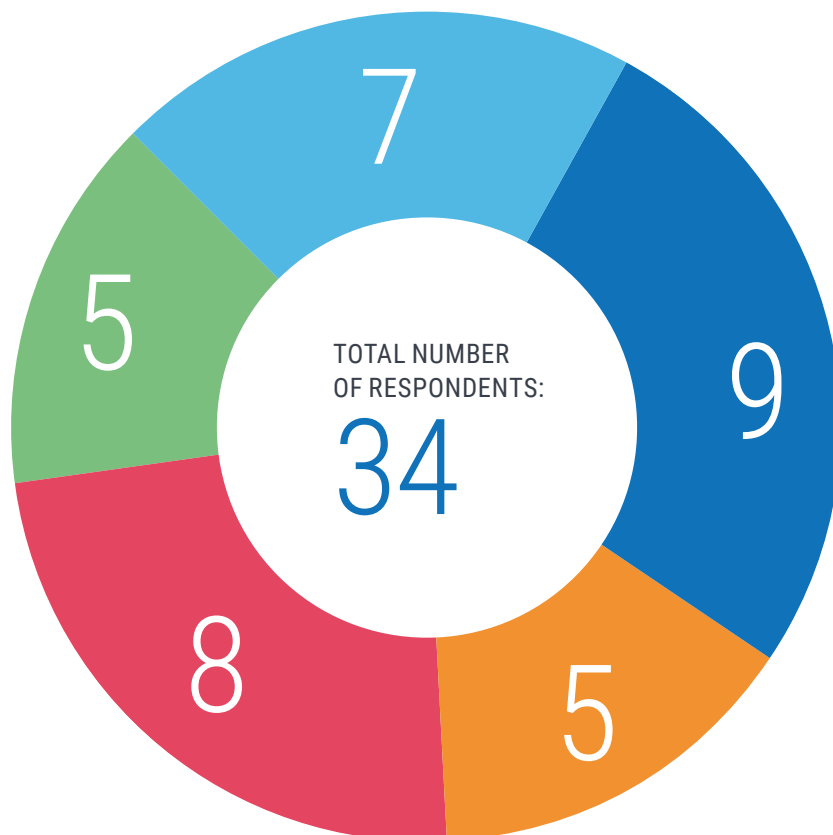
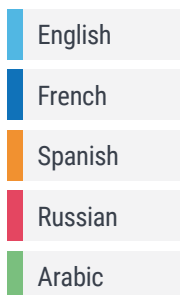
In both countries, the economy is highly reliant on the extractive industry, and fundamental freedoms are severely threatened. Civil society activists, including those focused on the environmental and human rights impacts of extraction, are subjected to threats as a result of their activism. Members in Niger and Congo are also deeply engaged with the EITI, suggesting potential for action against closing civic space (although Niger is currently suspended on the basis of inadequate progress in civil society participation; national stakeholders have recently resubmitted an EITI application).

During these visits, we held face-to-face interviews with members and stakeholders to assess their first-hand experiences of closing civic space, and find out their needs and priorities in this field.

## Online global survey of PWYP members

After the field visits, PWYP carried out an online survey to find out more about members' experiences. Detailed responses from 34 PWYP members and coalitions worldwide paint a picture of human rights abuses across our network in recent years, mainly due to closing civic space. The responses demonstrate both statistically and in quotes the extent of the struggles many PWYP members face in carrying out their work.

**Number of responses to the online survey by language**





# The impact of civic space closure on PWYP members

## Restrictions in law and in practice

With governments worldwide introducing new legislation or manipulating existing regulations to curtail fundamental freedoms, the law has become a major tool for undermining activism, widely used by state and corporate actors to suppress critical voices.<sup>2</sup> Members highlighted the legal constraints they face and identified legislation related to freedom of expression and assembly as particularly contentious when they carry out their activities. In practice, even in instances when the law provides for the rights to freedom of expression, peaceful assembly and association, the judiciary often manipulates existing legislation and the authorities frequently resort to restrictive administrative measures or decisions to curtail these fundamental freedoms.

The survey responses show the extent to which PWYP respondents face restrictions in law and in practice.

Members indicated that peaceful protests are often limited (geographically, timewise or in scope) or even prohibited when led by groups not affiliated to the authorities. The **right to freedom of peaceful assembly** is often denied – through “a very restrictive and controversial law...that prohibits the holding of any public meeting except of the government and associations or parties related to the regime”.

## Online or offline legal restrictions: a selection of survey responses

“ Authorities have repeatedly made statements with threatening tones, each time our organisation disclosed studies critical to official policies.

“ A recent law on cyber-security and cyber-crimes, allows the monitoring of communication in Whatsapp, which exposes those who share critical information with others and encourages self-censorship.

“ Over the last three years, the government has implemented an unprecedented repressive policy against civil society and human rights defenders in our country. [...]

A few are now living in hiding and fear for their safety. Some of them are still the subject of death threats, imprisonment and arrests.

2. In recent years, over 60 countries have passed or drafted legislation that obstructs CSO registration, funding and activities, *Against All Odds* report (PWYP and CIVICUS).



Members cited "...arrests, arbitrary detentions and disappearances of dozens of human rights activists", and the state "...suppressing demonstrations, beating down demonstrators, killing them in cold blood".

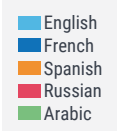
Members are often denied their **right to freedom to associate** – often through complex administrative measures: "We have had serious difficulties in completing CSO registration requirements, which are arbitrary and violate the right to freedom of association." One stated

that freedom to associate "is not an effective reality in our country". The authorities also often limit access to funding, in particular from international sources, "Financial investigations make banking procedures complex so that transfers of funds are sometimes impossible".

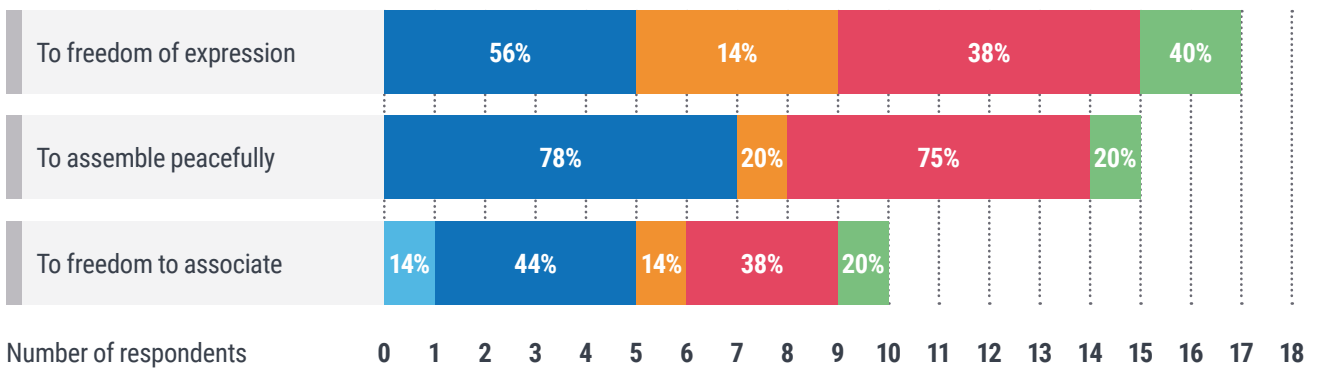
Many are also denied **the right to freedom of expression**, through "the closure of several independent media outlets and online media", or shutting down the internet. In some places, "the authorities monitor and control Facebook

### SURVEY QUESTIONS 1A/1B

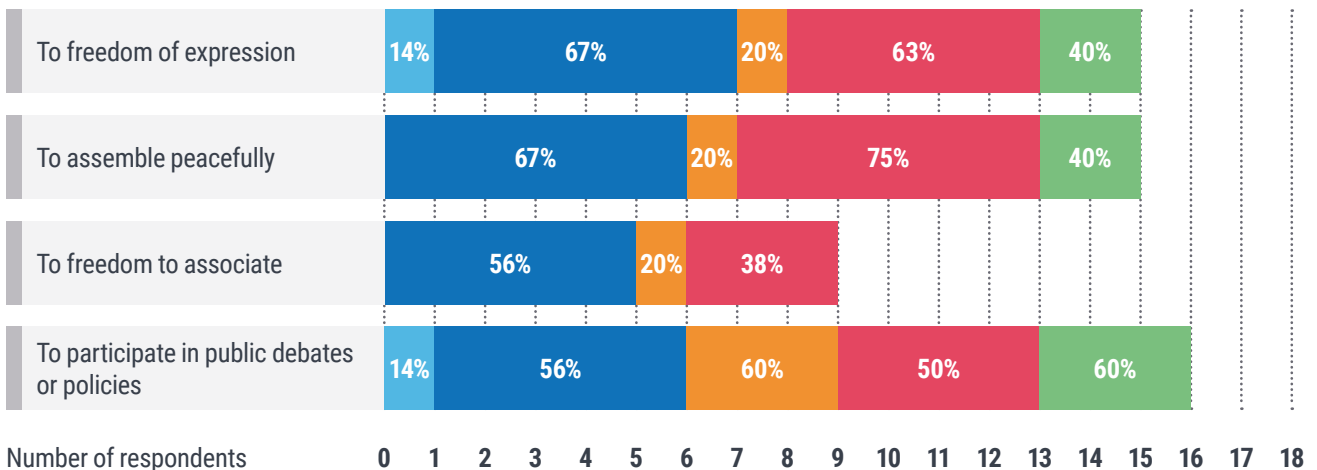
#### Have you faced any restrictions or human rights abuses in connection with your work on natural resource governance and transparency in the past three years?



#### Online or offline legal restrictions:



#### Online or offline restrictions in practice:







Civil society and citizens participate in a peaceful demonstration in Niger.

© ROTAB / PWYP Niger

posts, and those responsible are summoned if the posts challenge state bodies.” Legal action against journalists is also common: “Although freedom of expression is ostensibly available, many journalists have been referred to the courts because of a newspaper article or a television or radio interview.”

The consultations highlighted that civic space constraints represent the main challenge preventing members from **participating fully, independently and meaningfully in decision-**

**making processes and political affairs** at national, regional and international levels. The survey revealed widespread restrictions on the right to participate in public debates or policy formulation: “The government consults civil society generically on certain subjects...but opinions are rarely taken into account”, “Civil society is consulted when decisions are already taken and is not involved in the early stages of decision-making processes.”



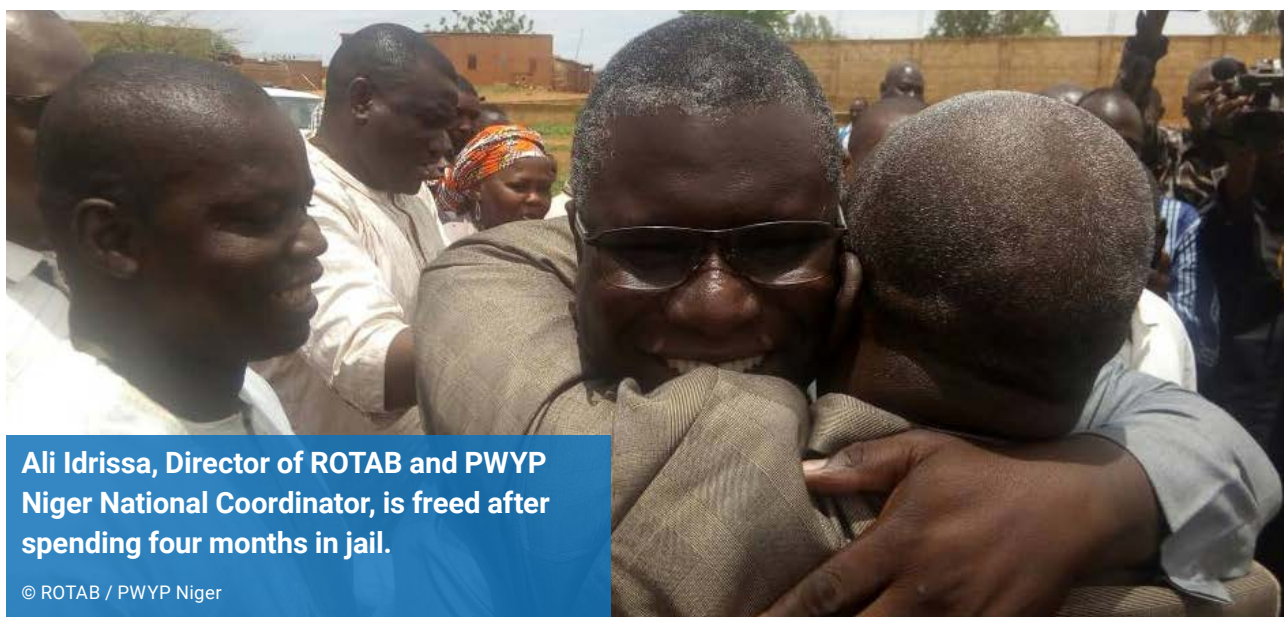
## Members' experience of threats and attacks

The consultations and the survey indicate that in many countries, members have been the target of **direct attacks, such as verbal and physical abuse, harassment and threats** (including against family members). Members have also faced **criminalisation, intimidation** (such as ransacking of offices), **surveillance and smear campaigns** aimed at discrediting and marginalising them. This creates a context of fear, making their engagement in natural resource governance increasingly high-risk.

Survey respondents face challenges including "... statements with threatening tones each time we disclose studies critical of official policies". One said: "Over the last three years, the government has implemented an unprecedentedly repressive policy against civil society and human rights defenders...". NGOs who advocate for participatory development can be "tagged by the government as 'communists', increasing the risk of military or police coercion and arrests, as well as social stigmatisation."

## Violations directly targeted at activists: a selection of survey responses

- Freedom of association law seriously threatened with revision with restriction of individual and collective freedoms.
- Activities and especially meetings are usually infiltrated.
- Conferences and events held by international and national NGOs on sensitive topics are monitored. Journalists, bloggers and activists are [...] fined.
- There is the government's abuse of rights and its appointment of representatives of civil society. State has a civil society which advocates for the non publication of the contracts.



Ali Idrissa, Director of ROTAB and PWYP Niger National Coordinator, is freed after spending four months in jail.

© ROTAB / PWYP Niger





Many members agreed that **activities related to natural resource governance and anti-corruption exposed them to higher levels of threat or risk** compared to activists working on other issues. They cited “the sensitivity of the sector and its link to the issue of national sovereignty over natural resources” as a contributing factor, along with the interests of powerful extractive companies, which “find government support as economic interests coincide. There is a big imbalance of power between government and industry on one side and civil society on the other.” Members also noted that the extractive sector is very politicised, due to the large sums of money involved, strategic interests and the involvement of senior state officials in the extractive industries: “There is an element of self-protection, due to the fear that these interests are publicly exposed.”

### Exposure to higher levels of risk from activities related to natural resource governance and anti-corruption: a selection of survey responses

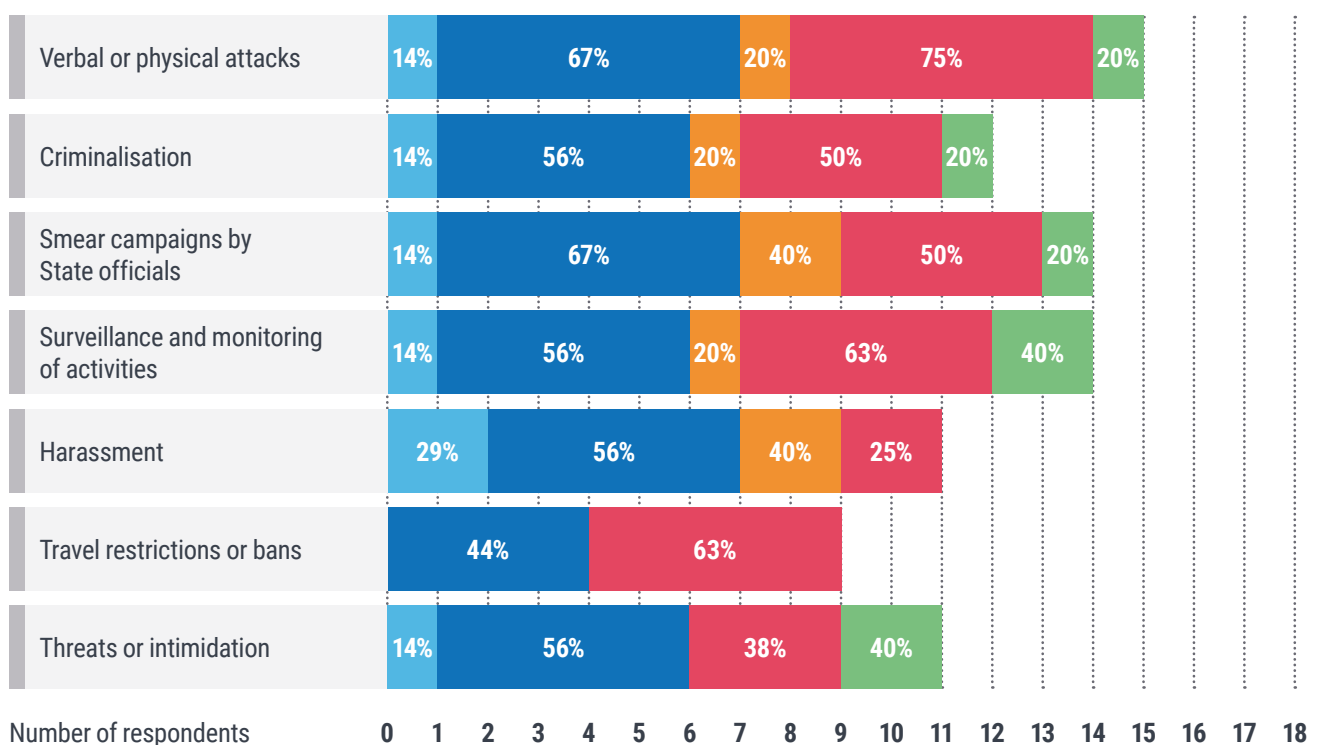
“Strong interests of powerful extractive companies find government’s support as economic interests coincide. There is big unbalance of power between government and industry in one side and civil society in the other”

“It’s a highly sensitive topic and there are senior state officials involved in the extractive industries, a lot of interests are at stake”

#### SURVEY QUESTION 1C

**Have you faced any restrictions or human rights abuses in connection with your work on natural resource governance and transparency in the past three years?**

#### Types of violations directly targeted at activists:





# What would help?

## Members' recommendations for protecting civic space

During the field visits and survey, we asked PWYP members about their key needs in protecting themselves and defending civic space. Members stated that the Secretariat's **priority should be to develop a long-term strategy to support their work by anticipating and mitigating the risks they face before they happen**. They have clear ideas for measures that could strengthen their resilience in the face of human rights abuses and especially threats to civic space. These fall into four key categories:

### Capacity-building and information-sharing

Members repeatedly expressed their need for **capacity building, to increase coalitions' resilience against threats to civic space**. As a priority, members in both Niger and the Republic of the Congo expressed the need to receive capacity-building training in digital and physical security, including risk assessment and mitigation, and in human rights norms and advocacy, including regional and international human rights protection mechanisms. There is a need to "increase legal knowledge, which always protects members". Strengthening members' resilience "requires specific training on real advocacy tools to influence decision-makers". Members also highlighted the need for training in collecting information related to human rights violations faced by local communities and activists. Besides training, building resilience should also involve ongoing information sharing, covering protection tools, grants, training opportunities and relocation programmes.

### The need for capacity building and information sharing to mitigate specific civic space issues: a selection of survey responses

“ It requires specific training on real advocacy tools to influence decision-makers. We will need training on illicit financial flows, CSR, provide CSOs with warning and protection tools

“ It is necessary to investigate the problems of affected NGOs and create a protective mechanism.

“ Increase the legal knowledge that exist to protects members.



**In the village of Velikie Sorochinci in Ukraine, citizens share their views on which extractives related issues need to be solved first in the village.**

© DixiGroup / PWYP Ukraine member



## Solidarity and practical support

Both the survey and the field interviews stressed the **need for alliances and solidarity**: “Being part of a network of actors working in synergy helps reduce vulnerability, risks and threats. We should make the chain of actors we interact with visible, including through strategic alliances.” This need for solidarity was echoed in calls for “collective responses in the event of abuse”, and “collective defence, legal follow-up and investigations”.

Members pointed out that **being part of the PWYP network gave them a degree of protection and legitimacy, and that the solidarity factor should be further leveraged to enhance the protection of members facing threats or attack**. Members felt that the PWYP Secretariat’s responses to individual attacks should be continued and enhanced in terms of resources, tools and impact. They highlighted their need to quickly access funding when under attack, including financial support and assistance to victims’ families. Suggestions resources such as an emergency fund, the

## The need for alliances and solidarity to mitigate specific civic space issues: a selection of survey responses

“Being part of a network of actors working in synergy is an opportunity to reduce vulnerability, risks and threats. It is therefore necessary to make visible the chain of actors with whom interacted, including strategic alliances.

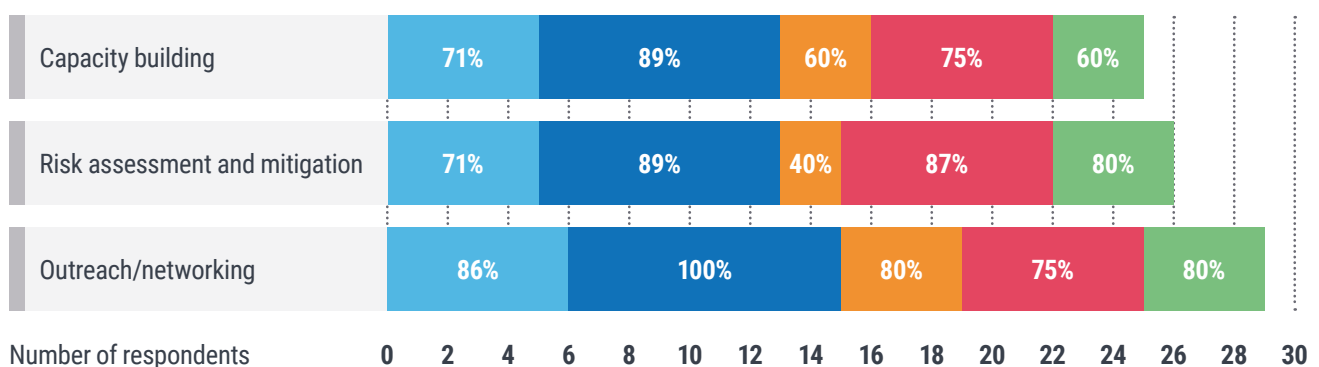
“Support international solidarity [...] Amplify the efforts of one another.

development of protection tools covering legal expertise to provide assistance directly to the victims and relevant domestic legal frameworks related to civic space. Some members stressed the urgency of these needs, making it clear that they will be unable to continue their work without improved capacity and resources.

### SURVEY QUESTION 5A

**What do you think the PWYP Secretariat could do to help address civic space challenges and needs?**

**In terms of prevention:**





## Consolidated advocacy

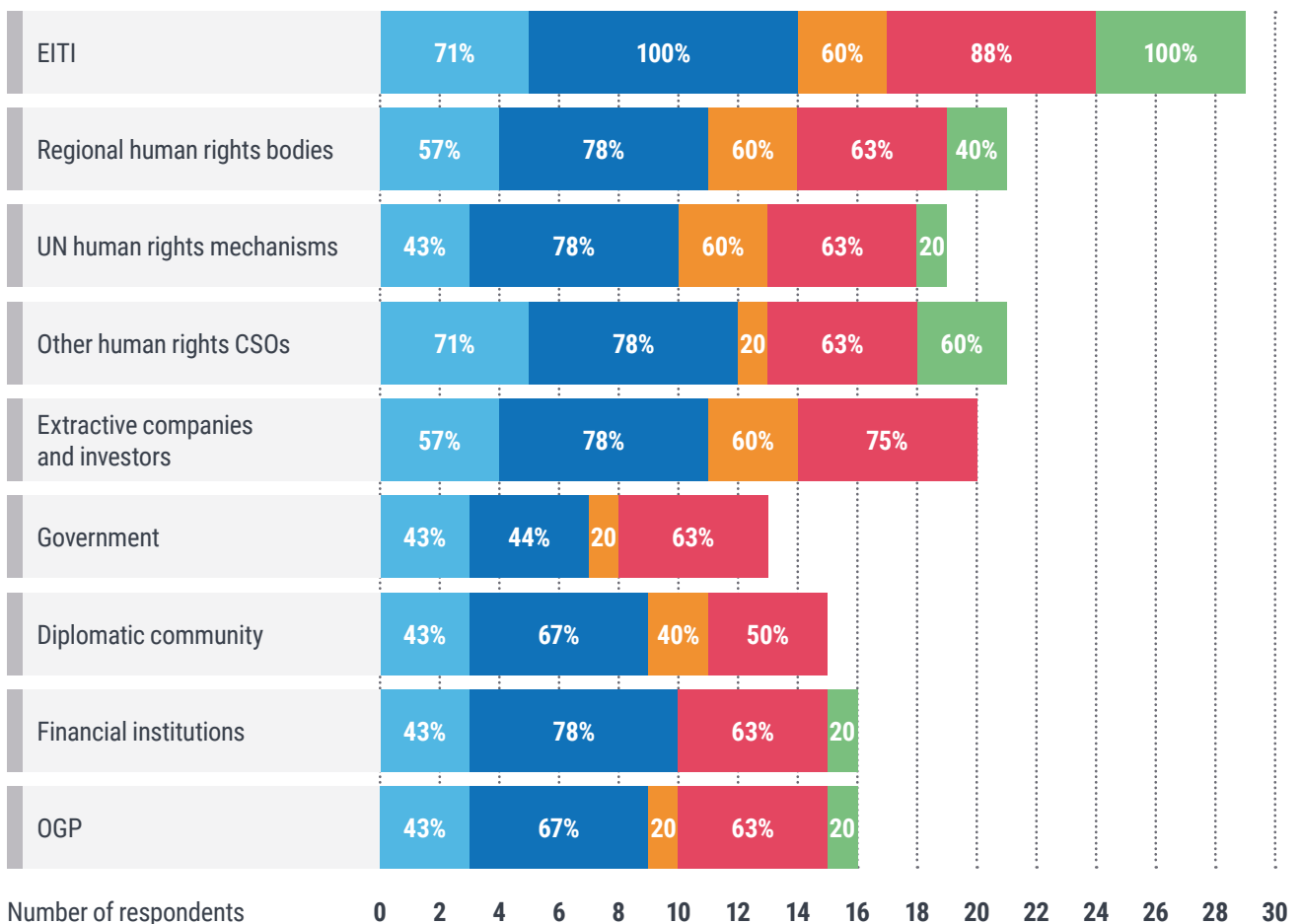
The consultations in Congo and Niger highlighted that **the PWYP movement should be more visible at the regional and international levels and that we should increase our focus on advocacy around civic space.** The survey emphasised that “the mobilisation of partners must be global...” and that “all possible instruments should be used”. Members identified priority targets for the Secretariat’s advocacy on civic space:



### SURVEY QUESTION 5C

*What do you think the PWYP Secretariat could do to help address civic space challenges and needs?*

**In terms of advocacy:**







## The EITI

**Members view the EITI as a key leverage mechanism on human rights.** The initiative's Requirement 1.3 and Civil Society Protocol provide that implementing countries must provide an enabling environment for meaningful civil society participation in natural resource governance. PWYP members in Niger and Congo described the EITI as a leading strategic stakeholder when activists are attacked, highlighting its strong potential to advance human rights issues on the ground. In some instances, the prospect of jeopardising a country's current or future EITI membership over issues related to civic space has been a major incentive for the government to reverse a controversial decision or situation affecting fundamental freedoms.

Members in Congo highlighted that "in 2018, and in 2020, when there was a wave of arrests of activists from the Ras-le-Bol movement, the EITI Civil Society Protocol and requirements were used as leverage mechanisms to convince the authorities that they should be released". Survey responses declared "the EITI Civil Society Protocol is a deterrent measure," and that "Being an EITI implementing country is often used by the government as a guarantee of its compliance with good governance and transparency standards. The government needs it, and it can be used as an important leverage tool to advance civic space issues."

Members identified opportunities to leverage the EITI over civic space at three key junctures: sign-up (when applicants' compliance with Requirement 1.3 is assessed by the EITI Secretariat), validation (when compliance is re-assessed by an external validator) and during ad-hoc reviews (which take place between validations if concerns about breaches to Requirement 1.3 are raised with the EITI's Rapid Response Committee).

## Increasing visibility and focus of PWYP: a selection of survey responses

“ The mobilization of partners must be global, therefore holistic.

“ The necessity of joining the open government partnership and identifying its specificity and objectives in case the countries join it.

“ We are part of the OGP and EITI groups, so we have access to information directly with the government, which can make it easier for them to be part of any activity on the subject.

## International and regional human rights mechanisms

**Members stressed that the Secretariat should increase its advocacy to external regional and international human rights protection mechanisms,** with a view to bringing the perspectives of people affected by extractive governance to forums where they are currently not visible. PWYP members in Congo and Niger suggested that UN mechanisms should be better used to amplify the voices of vulnerable groups and activists working on extractive governance, as well as affected communities. The survey answers emphasise that "the work of human rights organisations can be so crucial", and that members are aided by "carrying out work through the prism of international standards". Members highlighted that regional mechanisms, such as the African Commission on Human and Peoples' Rights Working Group on Extractive Industries, Environment and



Human Rights Violations, should be leveraged more consistently by civil society for greater impact, as they “encompass human rights issues more specifically and have a major impact in the region” and that PWYP is uniquely positioned to do so.

## Private companies and investors

**Members noted the significant potential of extractive companies to advance civic space and other human rights issues:** “We need to think strategically as a movement about how to work with the private sector.” In Congo, members indicated that extractive companies have been useful allies in protecting activists on the ground. “PWYP Congo has always had a good relationship with TOTAL. In 2007, some of us were released from jail thanks to the company’s intervention with the President”. Members in Niger reported that the private sector has not necessarily stood up for activists in the past, but they consider advocacy with companies an area to invest in: “The Finance Law adopted in 2018, which many of us protested against, had a detrimental impact on several companies. Some of them left the country. In such circumstances, it could have been useful to work together.” Overall, members felt that private companies can play a crucial role in promoting activists’ security, and that the Secretariat should lead on PWYP’s work in this area: “PWYP should definitely try to work with the private sector to protect civic space.”

## Other advocacy targets

**Other advocacy targets identified by members as key mechanisms for protecting activists’ rights include financial institutions, in particular the IMF and the World Bank.**

Members in Congo stated that “The negotiation of the loan with the IMF has enabled us

to obtain a few positive steps to progress on civil society participation – at least on paper.” Survey responses suggested that the diplomatic community and the **Open Government Partnership** could also be fruitful advocacy targets. Members in Niger and Congo highlighted that **local authorities and embassies** should be leveraged on civic space issues, especially in cases of threat or attack against activists. Members in Congo also pointed out that PWYP needs to increase its **presence in the media:** “We speak about civic space issues when people die, but very little about what those issues mean on a daily basis.”

## Strategic alliances and partnerships

PWYP members stressed the **need for alliances and solidarity among civil society organisations and beyond**, to mutually reinforce each other’s activities: We should “support international solidarity... and amplify each other’s efforts”, creating “alliances with high-level statesmen and influential people at national and international levels”. So far, PWYP has had limited engagement with human rights organisations, through ad hoc projects or in response to attacks against members. The field visits to Niger and Congo confirmed the need for extractive governance and human rights CSOs to **work beyond traditional silos, reflecting the interrelation of issues related to transparency, governance, development and human rights.** Members want the Secretariat to work closely with human rights organisations in order to improve support for victims of violations and enhance advocacy at regional and international levels. In Congo, members highlighted that, **beyond increasing relationships with CSOs bilaterally, “it is important to be part of networks of human rights defenders”.**



## Conclusion

# Shaping a strategic framework for defending civic space

**PWYP's consultations with members during 2019 confirmed that constraints to civic space are the main challenge preventing them from operating freely, meaningfully and independently, including within the EITI. Without the freedoms to associate, assemble, speak out or take part in key decisions affecting them and those they represent, PWYP members cannot achieve an extractive sector that benefits everyone, now and in the future.**

If unchecked, the increasing limitations to fundamental freedoms will have a serious impact on PWYP's ability to deliver our Vision 2025 global strategy. This puts forward a people-centred agenda for the extractive sector – one where we are better informed, more influential, widely heard and well connected across our network, to effect even greater change. Open civic space is a prerequisite for

meeting these global goals, with members' right to access and share information, participate in public affairs and to be heard as central elements.

As the only global civil society network campaigning for transparency in the extractive sector, PWYP is in a unique position to tackle issues of civic space in natural resource governance. Doing so will strengthen us, both as a network and in terms of our impact worldwide, helping ensure that we deliver Vision 2025 over the coming five years. Our consultations in 2019 identified many opportunities for PWYP to help secure civic space for natural resource activists. Building on these findings, we will develop an effective, long-term strategic framework for promoting and defending the open civic space that underpins all our work for an equitable extractive sector. ■



**PWYP members at the PWYP Global Assembly 2019 discuss how to be better Heard and Connected.**

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