
Thinking democratically: recommendations for responding to the phenomenon of ‘shrinking space’

EXECUTIVE SUMMARY

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The phenomenon of shrinking space is primarily described as the restrictions placed on the space for civil society to operate, against a background of authoritarian pushback, autocratisation, attacks on ‘liberal’ values or attacks on fundamental rights. This note argues the phenomenon is integrally linked to democratic space, as the overarching objective for closing space is to reduce contestation and to neutralise rival centres of power or influence. It is therefore vital to be acutely aware of the political interests around shrinking (civic) space.

The Netherlands Institute for Multiparty Democracy (NIMD) asked local experts to conduct research in countries in Latin America, Eastern Europe and sub-Saharan Africa, on the state of democracy and human rights in the country, analysing the drivers and tactics employed for closing the democratic space.

WHAT TACTICS ARE USED TO CLOSE DEMOCRATIC SPACE?

Three broad tactics to close democratic space were identified in the case studies:

1. **Restricting civic space** (particularly freedom of expression, assembly and association) with various legal, administrative, extra-legal and political measures, and thereby inhibiting the proper functioning of media outlets, emerging political (opposition) forces, and civil society organisations (CSOs).
2. Changing of the rules of the game so as to create an **uneven playing field for political contestation**. This includes the abuse of state resources by the incumbent, skewed reforms in political party and electoral legislation, and one-sided private and illicit financing in campaigning.
3. **Undermining the separation of powers**, notably the independence of the judiciary, and thereby politicising legal processes, and allowing impunity and violence to shape the activities of citizens, media actors and CSOs.

WHAT DOES CLOSING DEMOCRATIC SPACE LOOK LIKE?

The case studies show that the attacks on civic space cannot be seen as separate from the wider trend of autocratisation occurring at a global and national level. Restricting civic space, closing the space for political contestation and stifling the rule of law are different ‘tactics’ to the same end: gradually silencing dissent and concentrating power in the hands of the few. This phenomenon is deeply embedded in a wider trend of regressing democratic space and authoritarian resurgence. In order to be successful, responses to the trend need to take this integrated nature of closing space into account.

Closing space is a multifaceted and non-linear phenomenon. Progressive changes on one level can exist in parallel to regressive changes on another level. Varying combinations of tactics are employed at different points in time. It is thus a multi-layered non-sequential phenomenon affecting the whole political system.

Space is being eroded gradually through subtle attacks or a protection of the status quo. It is the sum of both the blatant and the subtle restrictive actions that are detrimental to democratic space in the long run. Yet gradual erosion is harder to detect and call out than a singular attack, and the sum of such gradual erosive tactics seems to be harder to respond to in the long term. In addition, the prevention of change and a state of generalised impunity also greatly limit democratic space.

It is a global phenomenon, fuelled by authoritarian learning and autocratic influencing strategies. This implies global coordination is necessary in any effective response.

WHO IS CLOSING AND DEFENDING DEMOCRATIC SPACE?

While the ruling party is often the main perpetrator of autocratisation, the case studies illustrate the powerful role of criminal networks, business interests or other corrupt political parties in breaking down democratic space. Civil society, on the contrary, is the main target as well as defender of democratic space. In many cases, civil society was able to push back on shrinking strategies through advocacy, public litigation, demonstrations, and the building of strategic alliances. In other cases, civil society even managed to expand space for contestation.

Generally, civil society was much stronger in its defence of democratic space when the judiciary was still capable of upholding constitutionalism. Opposition parties, can also be an important ally for civil society, for instance in countering legislative proposals, or in frustrating political processes aimed at closing space – this is especially true of smaller political parties who have played an important role in cases where larger opposition parties contributed to the closing of space.

RECOMMENDATIONS FOR ACTION

1. Broaden the understanding of and response to shrinking space

- Adopt a clear **framework for identifying the closing of space** that takes into consideration the non-linear and gradual nature of closing space and its effect on the political system. This requires looking beyond only civic actors to look at the space for contestation more generally.
- Apply this framework in a **context-specific manner**. This means that, if one particular population group is under attack, such as journalists or LGTBI activists, this requires a careful analysis to understand if this is part of a broader pattern of closing space. If this is the case, specific responses aiding these groups might not be sufficient, and a broader, more structural response would be needed.
- Use an **index of independent metrics** that monitor political and civic space in order to avoid providing large scale support to countries that undermine human rights, democracy and the rule of law. This includes countries with elected governments that only very gradually regress.

Possible actions

- Develop and adopt an **analysis framework** (based on existing indices) as a reference point to assess a country's democratic space.
- Provide a **joint training day for donors and policy-makers** on how to detect tactics for closing democratic space, to introduce a framework of analysis, and use good practices to show how to respond to regressions in a pro-active and effective manner.
- Encourage **EU delegations and/or EUMS embassies to organise workshops** on detecting and responding to closing space with a broad range of in-country actors from both civil and political society. This is relevant both in countries where space is closing, as well as countries where space for contestation is (still) relatively open.

2. Respond with a multi-level whole-of-society approach

- **Civil society** needs reliable, core long-term support, particularly in engaging in grassroots outreach and involving citizens in their activities, especially when faced with targeted smear campaigns.
- **Political parties** can play a key role in defending democratic space, particularly when in opposition or outside parliament. Effective party regulation related to transparency, campaigning, and financing are bulwarks against a closing space or routes towards an opening-up of contestation. Support to internal party democracy and smaller non-parliamentary political parties are of particular relevance in contexts of shrinking space.
- Donors need to have clear positions on working with **business** in the context of closing space as it is important to avoid working with businesses that may benefit from weaker transparency or widespread impunity.
- **Independent media** need to be recognised as playing a vital role in responding to all three tactics but also in engaging with citizens. Evidence shows that it is necessary to explain the value of different interest groups to the general public in a much more systematic manner.
- The cases show that already **disadvantaged groups**, particularly women, suffer disproportionately from measures to close democratic space. This should be taken into account in both policies and programming priorities.

Possible actions

- **All these actors should be consulted** and engaged with when addressing or analysing the closing (or opening) of space in a particular country. While this is often time consuming and tricky from a practical point of view, there could be a small dedicated team or facility that brings together expertise and supports donors in their engagement in particular countries.
- Use a '**political economy analysis**' framework that takes into account the varied positions of all the above actors in society in order to identify entry points (or priority sectors) for donors in supporting an open political system.
- Hold targeted meetings with all actors addressed in the recommendations in **EU Election Mission reports** in order to follow-up and address possible issues around the closing of democratic space, including the three tactics mentioned above.

3. Adapt donor support to the reality of gradual non-linear regression globally

- Political tools and emergency funding need to be combined with **long-term structural support** to civil society, parties and parliaments (in a non-partisan manner), and media who can monitor, identify and counter both blatant attacks and more subtle erosive actions.
- Create incentives for EU delegations and European embassies to conduct **innovative pilot projects** aimed at defending and expanding democratic space.
- Develop flexible funding instruments that allow for a **rapid response to regressions or opportunities** for opening democratic space. This includes acting on closing space at an early stage, using the plethora of political and financial tools.

Possible actions

- Ensure that **geographically allocated funding** reflects the recognition that civil society organisations and other independent oversight actors are integral to democratic politics. Donors should consider a minimum percentage of funding for these groups under geographic funds.
- Earmark funding and develop programmes specifically for **middle income countries** (MICs) where space for contestation is under threat but funding is often less easily available.
- In terms of **incentives**, out-of-the-box thinking should be encouraged given the complexity of the problem. Ideas for this include: innovation bonuses for projects, human resource incentives for staff or additional support by dedicated experts under a facility.
- Ensure a more robust use of the human rights clause in **EU budget support** contracts with partners. As noted above, major funding should not be given directly to states that are undermining human rights, democracy and the rule of law.

4. Global coordination and political leadership for the EU

- The EU has the potential to be a **leader on defending democratic space** globally. The ability of the EU and EU Member States to harness this potential depends on their ability to overcome internal divisions and adopt a joint problem assessment and strategy.
- The EU and European states should **build strategic partnerships** with other international actors with the political will to defend democratic space.

Possible actions

- Create an **international mechanism** that can be triggered by like-minded partners to convene emergency meetings upon sudden deteriorations in democratic space, as well as regular exchanges on gradual closing.
- **Share stories of successful attempts** to counter closing space. The EU and EU member states need to jointly make the case for democracy more clearly and persuasively in their public communication. Such a communication campaign would need to be sustained over time, consistently drawing from changing experience.



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