

Globethics Repository



Restricted spaces for forging peace

This page was generated automatically upon download from the Globethics Repository. More information on Globethics see <https://www.globethics.net>. Data and content policy of Globethics Repository see <https://repository.globethics.net/pages/policy>.

Item Type	Article
Authors	Flores, Luis
Publisher	Life & Peace Institute
Rights	With permission of the license/copyright holder
Download date	2026-09-26 01:08:12
Link to Item	http://hdl.handle.net/20.500.12424/203092

As an added burden to their delicate task, civil society peacebuilders often encounter governments' restrictions on their work, making it even more difficult, risky and demanding. The reasons for governments imposing these limitations are varied, but three sets of factors that restrict organizations' operating space can be identified: counterterrorism initiatives, oppressive legislation or governance, and organizational and psychological factors. A list of possible ways of coping with the problems of shrinking spaces is presented in the article

Restricted spaces for forging peace

Realities and responses

Luis Flores¹

Building peace in a world awash in conflict is no mean task. The causes and dynamics of violence can be complex, and the challenges huge. Many conflict actors prefer continued hostilities to putting an end to fighting. Resources for peace are scarce. The demands are abundant. Effective action depends on incisive and participatory analysis, acute sensitivity to context and culture, strong reliance on local knowledge and capacities, strategic timing – not to mention a healthy dose of grace or good fortune – and steadfast, long-term commitment.

To make the challenges even more daunting, many civil society peace practitioners confront growing restrictions on their operating space. Like colleagues in human rights, labor movements, emergency response or journalism, they face government actions in a number of countries that seek to contain or curtail their activity. Press reports in 2012 referred to regulations or pending legislation to limit the freedom of civil society organizations in a series of countries as diverse as Algeria, Bangladesh, Cambodia, Egypt, Ethiopia, India, Israel, Russia, Sudan, Venezuela, and Zimbabwe. As a recent ACT Alliance report, entitled *Shrinking political space of civil society action*, notes, even in many countries with elected democratic governments, civil society actors are finding it more difficult to work for social change.²

Governments have concerns vis-à-vis international actors in particular, a desire to know what humanitarian and development organizations are doing, and an interest in how particular initiatives relate to each other and to gov-

ernment priorities. Their officials may assert that civil society organizations are wittingly or unwittingly weakening the state, promoting culturally inappropriate values or practices, or benefitting a cadre of professionals to the detriment of those they claim to be serving. There are issues of national sovereignty at play as well as issues of project effectiveness and sustainability, and of course the exercise of political power. In any case, basic human rights must be universally respected, and governments called upon to follow sound principles of participation and to create enabling environments for civil society engagement.

In protesting government moves to restrict national and international Non-Governmental Organization (NGO) activities, the United Nations High Commissioner for Human Rights, Navi Pillay, noted last April: "A dynamic and autonomous civil society, able to operate freely, is one of the fundamental checks and balances necessary for building a healthy society, and one of the key bridges between governments and their people." She also expressed concern with official attempts to restrict NGO funding, adding: "Governments need to understand that collaboration with civil society is not a sign of weakness. It is the way to build a better, more inclusive society – something all governments should be trying to do, and something they cannot manage on their own."³

Disabled peacebuilding

In *Civil Society & Peacebuilding: A Critical Assessment*, editor Thania Paffenholz and her colleagues noted a series of "en-

abling and disabling" factors for civil society peacebuilding in particular, also referred to as "factors that can support or reduce the space for civil society to act". These factors include the roles played

Many civil society peace practitioners confront growing restrictions on their operating space.

by donors, external actors (including national diasporas), and the mass media, as well as the relative homogeneity or diversity of civil society actors. Chief among the *disabling* factors, however, are two: (a) extreme degrees of violence and insecurity, and (b) state behavior, particularly coercive action by governments.⁴

It goes without saying that intense or large-scale fighting, while it may motivate people to prevent the recurrence of massive death and destruction in the future, is not in itself conducive to building peace. As Paffenholz *et alia* put it, "The correlation is simple: the higher the level of violence, the more the space for civil society is reduced; violence destroys social networks and organizations. Additionally, civil society actors can themselves become targets of violence."⁵ One might consider a wide range of all-out wars; hot zones in countries like Iraq, Afghanistan or Somalia, or Rwanda at the height of the 1994 genocide. The best that peace

practitioners can do in such contexts or periods of time may be to sound urgent warnings, to urge humanitarian *jus in bello*, or give some degree of refuge or protection to the most vulnerable – and the latter may be carried out at great personal risk.

State behavior, both national and international, is the factor that most broadly defines the contours of space for peacework. It is for that reason the main focus of this article on restricted spaces and responses. To be sure, not every country is experiencing small or shrinking room for civil society initiatives, human rights work, or peacebuilding in particular. In Burma/Myanmar, for example, a highly oppressive regime has given indications of a still-uncertain opening. But globally the pattern has been toward a greater reduction of space, rather than its expansion.

The forces that impinge on space

A. Global “War on Terror”

On an international level, the US-led campaign that George W. Bush dubbed a “war on terror” in 2001⁶ has led to laws and procedures that can greatly impede or impinge upon the spaces to work for peace.

*In striving for peace
in restricted spaces,
there is a particular
need to take risks.*

United States anti-terrorism legislation known as the “*Material Support*” Law, upheld by the US Supreme Court in its *Holder vs. Humanitarian Law Project* decision of June, 2010, is high among them. It hinders the ability of humanitarian and other civil society organizations to carry out their missions. It jeopardizes the provision of relief in geographical areas controlled by designated “foreign terrorist organizations (FTOs)” and prohibits even contact that would urge armed groups to respect humanitarian principles or to cease fighting and negotiate. As explained by the American Civil Liberties Union, under this law “individuals face up to 15 years in prison for providing ‘material support’ to FTOs, even if their work is intended to promote peaceful, lawful objectives. ‘Material support’ is defined to include any ‘service,’ ‘training,’ ‘expert



Exactly two months after the 11 September 2001 attacks against the United States, United Nations Secretary-General, Kofi Annan, accompanied US President George W. Bush to the “ground zero” site at the World Trade Center in New York.

advice or assistance’ or ‘personnel’.”⁷ In places like Gaza, Colombia or Somalia, among others, the Material Support Law ties the hands of many peace practitioners.⁸

A distinct but related policy involves the careful scrutiny of key individuals who would partner or sub-contract with international NGOs in certain countries or regions, when project funding comes from the US Agency for International Development. Extremely time consuming, and considered by many to be excessively intrusive, insulting, and/or dangerous in terms of organizations’ perceived neutrality, the “*Partner Vetting System*” requires the collection of detailed personal data and its sharing with intelligence agencies. Partner Vetting has impeded or discouraged international cooperation in a variety of cases, particularly in the West Bank and Gaza.

In many parts of the world, moreover, the official blacklisting of armed organizations and even totally nonviolent organizations or individuals as “terrorists” has gone hand-in-hand with harsh government crackdowns on opposition, and the curtailment of human rights and citizen freedoms. Waging war on “terrorism” has at times been a convenient smokescreen for oppression.

B. Oppressive national legislation and policies

Authoritarian governments, whether or not they have been fairly elected, tend to use undemocratic methods to exercise social control. They stifle political op-

position and curtail legitimate criticism of their policies and practices, including critiques of their use of state violence.

The ACT Alliance report referred to above draws on case studies in ten countries, including six from Latin America. It discusses a variety of forms in which even so-called “partial democracies” tend to restrict democratic space for civil society organizations (CSOs) and NGOs. It also draws on background research carried out by Chris van der Borgh and Carolijn Terwindt that describes a continuum of five distinct sets of “policies, laws and measures that can restrict or influence the operational space of CSOs and NGOs”.⁹ These are:

- physical harassment and intimidation, including even injury and killings;
- criminalization of organizations’ action, including investigation and legal prosecution;
- administrative restrictions, with rules for registration and norms for operation;
- stigmatization or negative labeling; and
- cooptation and closures of space.

Governments themselves are often parties to conflict, and space-restricting policies and practices take place in that context. To take only one example, actions against civil society organizations in Zimbabwe have led organizations like Human Rights Watch (HRW), Freedom House and others to voice grave concerns. A November 2012 government raid on a center that treated victims of po-

litical aggression and torture “raises fears of a broader crackdown on perceived opposition activists ahead of elections due in 2013”, warned HRW.¹⁰ And the January 2013 arrest of a prominent civil society leader there “reflects a troubling trend of increased harassment by state security forces against civil society working in the country ...”, said Freedom House.¹¹

C. Organizational and psychological factors

An additional set of factors that merit some mention with regard to restricted space for forging peace is internal rather than contextual in character, though it is related to and often a consequence of antiterrorist or oppressive government actions. The first is the “project mentality” of many NGOs and their partners, with almost complete dependence on steady donor funding. If the latter is imperiled or cut off, organizational leaders may see no alternative to rapidly closing down operations or pulling out of a country or a region.

A second factor is fear. In situations where rumors are rife and local populations as well as civil society organiza-

tions are being intimidated by those in power, there is a natural tendency to enhance security by engaging in personal and/or organizational self-censorship. In such cases, individuals and entire organizations may impose upon themselves even stricter limits on discourse and action than those which authorities are actually imposing or are ready to enforce.

Responding positively to restricted space

What do peacebuilding and other civil society organizations do to respond when their operational spaces shrink, or institutional wiggle room is hard to find? How can they seek to enlarge spaces, or at least make tight spots more bearable? There are no rigorously tested remedies to be sure, and the plausibility and relative chances for the success of each depend undoubtedly on locus and timing. Nonetheless, a number of measures and combinations have been and may be taken into consideration.

Avoiding rigid operational planning. Be creative. Think in terms of possible scenarios. Develop possible alterna-

tive initiatives. Shorten the length of planned interventions when a context is extremely fluid. Cautiously explore operational boundaries (seeking realism at same time).

Being transparent. Avoid cat-and-mouse games. In most cases security services know an organization’s personnel and partners and are well aware of its projects and programs. Be forthright but without being foolish, betraying confidentialities, or unnecessarily putting people at risk.

Learning to live with ambiguity. Working for human rights or peace in a restricted space can involve hard choices and even ethical dilemmas. Consider your overarching mission and key objectives. Reflect on organizational principles. Decide what is and is not negotiable. Remember that limited cooperation with an oppressive force is not always cooptation.

Looking for some protective umbrellas. Organizational isolation can be problematic. Have a broad diversity of partners. Work in tandem with or under the aegis of respected international or regional



PHOTO: ACT ALLIANCE/ PAUL JEFFREY

Children in Khan Younis in the Gaza Strip have a discussion in a centre run by the Palestinian NGO Culture and Free Thought Association. It offers counselling and support for children affected by the Israeli blockade of Gaza and provides a safe space to play, learn, and make friends. This work is critical for providing new hope to damaged children, both for their own sakes, and for the Palestinian society and a future peace with Israel.

bodies including United Nations organizations.

Operating in or from relatively safe spaces. Partner with national institutions that enjoy relatively broad autonomy. Focus on local-level conflicts rather than those with national or international visibility. Operate in zones that are free of intense violence.

“Waging war on ‘terrorism’ has at times been a convenient smokescreen for oppression.”

Taking advantage of hegemonic holes. Take note of different interests, tendencies and positions on issues where these may exist. Governments are not always monolithic.

Adapting nomenclature. Avoid the use of terms that are officially prohibited or frowned upon or that could lead to negative reactions in communities. Create a space-specific “thesaurus”.

Providing proposal-free data. Provide select authorities with objective information about negative perceptions or effects of restrictions, but without making proposals or recommendations. Communicate widespread community concerns to authorities (with strict confidentiality as to sources, and with permission)

Producing win-win outcomes. Provide services that are beneficial to populations in need and simultaneously valued by governments (such as new or renovated infrastructure), in tandem with the promotion of dialogue or community capacity building.

Forging broad consensus for greater space. Multiply the number of voices for change. Where possible, leverage the power of credible spokespersons such as traditional elders or esteemed religious leaders.

Engaging in policy work. This can be done in different arenas, at different levels and in different ways. Advocate for policy changes, quietly or publically, either directly or indirectly through the voice of others. Appeal to compli-

ance with international human rights instruments from 1948 forward, or to regional agreements such as the 2008 Accra Agenda for Action that recognized the legitimate and effective roles of civil society. Examples include the recent defeat of proposed NGO bills in Peru and in India that were declared unconstitutional¹², and the joint work of the Charity and Security Network and the Alliance for Peacebuilding to modify the “Material Support Law”.

Engagement vs. exit

At some point many international organizations – if not expelled or forced out of a given site – need to carry out a serious cost/benefit analysis. They need to ask whether exiting is preferable to remaining, to determine how effective they can be in a tightly restricted space, to examine their ability to demonstrate at least modest results. They need to assess the risks to and possible burnout of staff. And they need to reflect on whether their organizational resources might be used more effectively elsewhere.

The decision to abandon a restricted operating space almost never comes easily. A small consolation however may be the realization that an organization can continue to work *on* a country – and particularly on behalf of its people – even without working *in* that country.

Unavoidable risk

In striving for peace in restricted spaces, there is a particular need to take risks. This is deftly described by peace theorist and practitioner John Paul Lederach, and framed as an invitation to would-be artisans of peace:

“Risk means we take a step toward and into the unknown. By definition, risk accepts vulnerability and it lets go of the need to a priori control the process or the outcome of human affairs. It is the journey of the great explorers for it chooses, like the images in the maps of old, to live at the edge of known cartography. Risk means stepping into a place where you are not sure what will come or what will happen.”¹³

Whether hunkered down for a time or plodding along within small operating spaces, pushing at boundaries or seeking ways to get beyond oppressive confines, human rights and peace practitioners need – and must often come up with – some indispensable courage. 🌿

- 1 Because of the sensitivity of the topic the author has chosen to use a pen-name.
- 2 ACT alliance. *Shrinking political space of civil society action*. June, 2011
- 3 United Nations News Centre, April 25, 2012, “Restrictions on NGOs worldwide undermining human rights, says UN senior official.” <http://www.un.org/apps/news/story.asp?NewsID=41858> Accessed January 2, 2013
- 4 See Chapter 17, “Enabling and Disenabling Factors for Civil Society Peacebuilding”, by T. Paffenholz, C. Spurk, R. Belloni, S. Kurtenbach and C. Orjuela in Thania Paffenholz, ed., *Civil Society and Peacebuilding: A Critical Assessment*. Boulder and London: Lynne Rienner Publishers, 2011
- 5 Ibid., p 409.
- 6 The term itself is no longer part of official government parlance in the United States or the United Kingdom (the Obama administration has spoken instead of counterterrorism and “Overseas Contingency Operations”), but it endures in popular and public discourse.
- 7 <http://www.aclu.org/national-security/supreme-court-rules-material-support-law-can-stand> Accessed Jan 9, 2013
- 8 A critical discussion of the law with regard to al-Shabaab in Somalia is John Paul Lederach et al., *Somalia: Creating Space for Fresh Approaches to Peacebuilding*. Life & Peace Institute, 2011.
- 9 ACT Alliance, op. cit., pp 8-9. The background study was published as *Making Claims, Negotiating space, Shrinking operational space of NGOs in Partial Democracies*. Utrecht, ICCO and CCS, 2010.
- 10 <http://www.hrw.org/print/news/2012/11/09/zimbabwe-police-raid-threatens-broader-crackdown> Accessed Jan 28, 2013.
- 11 “Freedom House Condemns Arrest of Zimbabwean Civil Society Leader”, January 15, 2013 <http://www.freedomhouse.org/country/zimbabwe> Accessed Jan 29, 2013
- 12 ACT Alliance, op. cit., p. 17, and case studies on India (56 ff) and Peru (86 ff)
- 13 John Paul Lederach, *The Moral Imagination: The Art and Soul of Building Peace*. Oxford and New York: Oxford University Press, 2005: 163