

## **Civil Society Working Paper**

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### **The Backlash against Civil Society in the Wake of the Long War on Terror**

**Jude Howell, Armine Ishkanian, Ebenezer Obadare, Hakan Seckinelgin, and Marlies Glasius**

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## **Abstract**

The euphoria which emerged in the late 1980s with the collapse of the Berlin Wall and the spread of democratic regimes has been replaced in recent years by a sombre backlash against civil society on many levels and fronts. This has particularly intensified following the attacks on September 11 and the ensuing global war on terror. This working paper examines the causes of the backlash against civil society within the context of the War, describes the overt and implicit manifestations of that backlash, and reflects upon the implications for the future. It considers how the growing prominence of security concerns and the concomitant expansion of counter-terrorist measures across the world threaten the spaces for civil society to flourish and act. It argues that while the manifestations of the backlash, such as the crackdown on NGOs in Russia or the taming of NGOs by bilateral and multilateral agencies, may appear to be disparate, unconnected phenomena, on closer inspection it is clear that they are intricately intertwined.

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## **1. Introduction**

The euphoria which emerged in the late 1980s with the collapse of the Berlin Wall and the spread of democratic regimes has been replaced in recent years by a somber backlash against civil society on many levels and fronts<sup>1</sup>. This has particularly intensified following the attacks on September 11 and the ensuing global war on terror, which is increasingly being referred to as the ‘long war’ on terror (LWOT).<sup>2</sup>

The War has crystallized many pre-existing questions around civil society. Within the context of LWOT we can observe a spectrum of phenomena which point to a backlash. These range from at the one end the renewed, systematic repression of civil society in authoritarian states and ‘managed democracies’<sup>3</sup> (Colton and McFaul 2003) to at the other end a more general querying of the probity of civil society organizations, especially non-governmental organizations (NGOs).<sup>4</sup> The claims of NGOs to representativeness, comparative effectiveness, to operating democratically and their proximity to their constituencies/clients are being challenged not only by governments but also by social movements and non-NGO civil society organizations. In the meantime donor agencies are attempting to ‘tidy up’ their relations with civil society organizations through better- managed partnership arrangements, whilst the UN is promoting ‘disciplined networks’ (United Nations 2004: 32) to better handle the cacophony of diverse and sometimes conflicting civil society voices.

This essay examines the causes of the backlash against civil society within the context of the LWOT, describes the overt and implicit manifestations of that backlash, and reflects upon the implications for the future. It considers how the growing prominence of security concerns and the concomitant expansion of counter-terrorist

measures across the world threaten the spaces for civil society to flourish and act. It argues that while the manifestations of the backlash, such as the crackdown on NGOs in Russia or the taming of NGOs by bilateral and multilateral agencies, may appear to be disparate, unconnected phenomena, on closer inspection it is clear that they are intricately intertwined. Moreover, they may well intensify as the Global War on Terror transforms into the Long War on Terror and further calls into question the intentions and political loyalties of civil society actors.

The paper begins by examining the overt backlash against civil society organizations, and in particular NGOs receiving foreign funding, that is emerging in authoritarian regimes and reluctant or ‘managed’ democracies such as China, Russia, Kazakhstan, Uzbekistan, Nigeria. It then considers the more implicit forms of backlash such as the disciplining and taming of civil society, which began in the late 1990s but have intensified in the context of LWOT. We consider how the LWOT has implications for civil societies not just in new or emerging democracies but also in older, more established democratic states. We examine how this multi-layered backlash is manifested and how it is a product of local political developments as well as the policies, discourses, and practices of the LWOT. Furthermore, we consider how concerted efforts at ‘building civil society’ by development agencies from the late 1980s onwards have had unintended consequences. These include repression from host states that are increasingly suspicious of civil society as well as criticism from grassroots groups and social movements toward NGOs which consider the latter as having been co-opted by development agencies.<sup>5</sup>



## **2. The Rise and Fall of an Ideal**

Civil society was not used as an analytic concept or as a mobilizing discourse 25 years ago. It was dissident intellectuals in Eastern Europe who revitalized the concept of civil society in the 1980s to express their resistance to authoritarian rule and their aspirations for a more democratic polity with a continued role for state regulation. The concept of civil society soon became a rallying cry against oppressive regimes in Latin America, the Soviet Union and Africa. Development agencies gradually absorbed and appropriated the idea of civil society into their discourses and policies subsequently making it a central part of their aid programmes to developing and transition countries.

Donors embraced the idea of civil society development as critical to democratization, good governance, and development. Their euphoria for civil society arose out of a combination of factors. These included the growing disillusion of Western governments and donors with state-led development in the newly independent post-colonial states, the ascendancy of the neoliberal paradigm of New Public Management which supported the roll-back of the state and the privatization of social service delivery, and the growing emphasis on democracy promotion in US foreign policy which advocated greater civic participation and good governance. In this context civil society promotion became a new mantra in both aid and diplomatic circles (Ottaway and Carothers 1998: 6) as the concept became part of everyday donor currency. Donor agencies began setting-up special civil society units, creating civil society liaison positions, and establishing programmes to strengthen civil society

(Howell and Pearce 2002). In doing so they defined civil society to include a larger array of organizations such as trades unions, professional associations, faith-based groups, media than just NGOs, though in practice they continued to work mainly with NGOs. In many transition and developing countries, where the infusion of donor funding led to an unprecedented growth in the numbers of NGOs, civil society came to be locally equated with the development and growth of NGOs.

Although the late 1980s and the 1990s were a honeymoon period for civil society and the aid industry, where civil society seemed to promise democratization and an alternative to the state and the market, this situation would not last long. From the mid-1990s onwards perceptions of civil society began to change for multiple reasons and there was growing unease about what civil society could realistically deliver. The threads of disquiet were ranged along a number of fronts. UN parliamentarians, national governments and southern NGOs were beginning to query the legitimacy of northern NGOs to represent and articulate the concerns of poor people in the South. As donor agencies began to channel more of their aid through northern NGOs, the demand for greater upward accountability to donors increased and provided a context for questioning the apparent efficiency, flexibility and probity of NGOs. Social movements became increasingly uneasy about the professionalization and deradicalization of NGOs as former activists now became consultants to governments and implementers or sub-contractors of donor and government funded projects. Though the end of the Cold War had heralded the emergence of a new paradigm of development that revolved around the trinity of state, market and civil society, the debate about the desired roles of these different actors was by no means resolved. As donors increased their engagement with civil society, they also struggled

to identify the appropriate modalities of engagement. Working with civil society proved far more complex and time-consuming than donors had anticipated. Donors lamented the apparent high transaction costs of dealing with a myriad of civil society organizations and monitoring the relatively small and dispersed amounts of money involved. Though newly emerging democracies and authoritarian regimes that were opening up were more tolerant than their predecessors to civil society actors and organizations, nevertheless they remained inherently uneasy about civil society, suspicious of its intentions and fearful of dissent and critique.

The September 11 attacks constituted a historical moment, a point of convergence and juncture where these growing threads of disquiet came together. Indeed the Global War on Terror, which was launched immediately following the September 11 attacks, provided a language for justifying a backlash against civil society (Howell 2006). It created a climate of fear and suspicion, the demonization and criminalization of particular communities and their organizations, and the partial silencing of political dissent in the US and in other Western states which had become or could potentially become targets of terrorist attacks. The launch of the Global War on Terror also provided fuel for certain regimes in various transition and developing countries to clamp down on the activities of civil society organizations by using the logic and discourses of the War to justify their actions. In the next two sections we examine more closely the overt and implicit expressions of this backlash against civil society.

### **3. Overt Backlash: Pressure from ‘Managed’ Democracies and Authoritarian Regimes on Civil Society**

In the wake of the ‘color’ revolutions in Georgia, Ukraine, and Kyrgyzstan, Western support for civil society in these countries began attracting criticism from governments throughout the former Soviet states and led to the adoption of laws restricting NGO activity as well as more insidious forms of repression. The most notable example is that of Russia where in direct response to the color revolutions and using the language of LWOT the Russian Duma passed a bill that promises to greatly restrict NGO activity by providing the authorities with greater powers to regulate and monitor the work, expenditures and financing of NGOs. The Russian authorities maintain that their actions are not radically different from those taken by Western countries, such as the US, and that they are simply attempting to safeguard Russia’s national security by monitoring organizations which might be used for money-laundering or for fomenting political unrest (BBC 8/12/2005; RFE/RL 24/11/2005). While the growing backlash against civil society in Russia is justified with the logic and discourses of LWOT, there is also a historical tendency towards authoritarianism in Russia and some of the tactics employed by the Russian authorities are reminiscent of Soviet-era practices. For instance, immediately following the signing of the NGO bill in early January 2006 there was a scandal in which British diplomats were accused of spying in Moscow and of making clandestine payments to Russian human rights NGOs. The British government denied that it had been involved in any improper conduct with Russian NGOs. Hundreds of Russian NGOs meanwhile released a statement arguing that accusations made on Russian television by the authorities were reminiscent of Soviet-style denunciations (Human Rights in Russia).

Russia is not alone; there has always been and there continues to be a tendency for practices and policies in Russia to spread to the other former Soviet states and is most intensely manifested in many of the Central Asian countries. In Kazakhstan, for instance, President Nursultan Nazarabayev issued warnings to NGOs in September 2005 cautioning them from 'interfering' in local affairs and has pushed for new legislation that is similar to the Russian bill which will institute strict guidelines on the work of foreign and domestic NGOs (RFE/RL 13/9/05). In Tajikistan, a country which is highly dependent on foreign aid, the government is also proposing a law to regulate and monitor NGOs because of a growing concern over the political activities of NGOs (Pylenko 2006). Even in Kyrgyzstan, which had been considered one of the more democratic of the Central Asian states and which experienced its own color revolution in April 2005, there are also moves by the government to restrict NGOs. In January 2006 for instance the Kyrgyz Minister of Justice said that it was necessary to monitor the activities of NGOs because it was important for the Kyrgyz state security services to know if NGOs posed a threat to national security (RFE/RL 01/02/2006). The most extreme example of repression comes from Uzbekistan where the authorities have smothered the independent, domestic NGO sector and driven nearly all independent organizations underground following the violent events in Andijan in May 2005. With the passage of amendments to the Code of Administrative Liability by the Uzbek Parliament on 3 December 2005, many international organizations, both NGOs and media outlets including RFE/RL, the BBC, Freedom House, and the Eurasia Foundation, have also been closed while others are threatened with closure (IRINnews 9/5/06).

In China meanwhile, the government has since late spring 2005 begun to investigate foreign NGOs in China and domestic NGOs receiving grants from external sources. Conferences on topics perceived as sensitive such as labor issues that involve external sponsorship were postponed. Plans to draft a new law on social organizations in China were delayed again as the government looked afresh at the activities of NGOs, especially foreign or foreign-funded groups. Hopes that the constraining regulation requiring domestic social organizations to identify a supervisory agency (*guakao danwei*) were dashed as government anxiety about civil society groups mounted. Moreover a review of NGOs that registered under the Industrial and Commercial Bureau, not least so as to avoid the more stringent requirements for registration with the Ministry of Civil Affairs, led to the closure of several NGOs carrying out activities deemed politically sensitive. Even though the US government through its development agencies has not been able to carry out any extensive democracy promotion work in China compared with the ex-Soviet states, the Chinese government's concern about rising social instability has prompted an over-reaction to events in Russia and elsewhere. Like other authoritarian states it has also skillfully deployed the legitimating discourse of terrorism to counter secessionist movements on its western borders. In April 2005 it signed a memorandum of understanding with members of the Shanghai Cooperation Organization<sup>6</sup> and the Commonwealth of Independent States to cooperate amongst other things on counterterrorism, the chief target here being so-called East Kurdistan terrorist forces (Howell 2006).

Among the newly emerging democracies or democratic movements in Africa, the resurgence of civil society epitomized a new *language* of engagement with the state, in particular the diffusion of apparently new principles on the basis of which aspirations

to social justice, democracy, human rights, and equitable economic opportunities could be launched. In many cases, this new idiom was articulated by service-oriented NGOs, many of which had arrived on the public scene primarily to complement state provision of crucial social infrastructure. By the late 1990s, multi-party democracy had become the norm in the majority of African countries. More crucially, civil society itself had become part and parcel of the vocabulary of politics, and such, it seemed, was its newfound significance that when no one was watching, governments even sought civil society's input on the direction and content of public policy. Anyone faintly familiar with the nature of politics in postcolonial Africa might have known that this new marriage would not last. As such, the backlash against civil society had started almost about the same time that civil society had wormed its way into the mainstream of the social and political process. LWOT has thus played into the hands of some states in Africa, such as Uganda, Nigeria, Zimbabwe and Benin, where at the best of times, the resurgence of civil society has tended to be viewed with barely disguised unease.

The events of 11 September 2001 and the ensuing LWOT were, therefore, for many African states, a godsend. Specifically, the LWOT has been used as a license to criminalize the opposition and clamp down on civil society. This criminalization has involved, but not been limited to, the (judicial) persecution of human rights and pro-democracy organizations and individuals who have often been accused of either sponsoring terror or fomenting treason. Perhaps reassured by its excellent standing with western governments and international donors, Nigeria's civilian government, for example, has clamped down on ethnic based associations whose leaders and suspected followers have endured extended spells in jail. In Nigeria, ordinary membership of

groups such as the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) and the O'dua People's Congress (OPC) is sufficient to earn the wrath of the state (Bah 2005, Agbu 2004). In return for becoming an ally in the War on Terror the then US Secretary of State, Colin Powell agreed in December 2001 to Uganda President Yoweri Museveni's request to list the Lord's Resistance Army as a terrorist organization. According to a 2004 Christian Aid Report on Aid in the new Cold War the introduction of the 2002 Anti-Terrorist Act in Uganda, which amongst other things brands any organization establishing a dialogue with the Lord's Resistance Army as a collaborator, has stifled the initiatives of groups such as the Acholi Religious Leaders Peace Initiative to resolve the conflict through peaceful means. Other examples of backlash include the constant changing of the rules of the game by some African governments (as in Zimbabwe, South Africa and Nigeria) in relation to the functioning of civil society organizations (CSOs) and the demonization of NGOs and other CSOs as Western agents sponsored by foreign interests with dubious agendas, Namibia, South Africa and Uganda being cases in point.

These cases discussed above illustrate the growing, overt clampdown on civil society. The authorities in various 'managed' democracies or authoritarian states are justifying their actions using the logic of LWOT and in the name of protecting national security and preserving political stability. What is worrying is that this backlash against NGOs in particular, and civil society in general, threatens to close off the spaces where alternative ideas may be expressed, where genuine dialogue may emerge, and where democracy may flourish. While it remains to be seen how these events will develop in coming years, the prognosis is not very optimistic.



## **4. Implicit Backlash: Reining in and Rethinking the Usefulness of Civil Society**

Unlike the overt backlash in which civil society is monitored, demonized and repressed, there has been a less obvious, but nonetheless insidious form of backlash against civil society which can be observed in certain donor policies and practices that began in the late 1990s and are intensifying in the post September 11 context. In their effort to promote the development of civil society and to improve the effectiveness and accountability of civil society organizations, donor organizations have implemented certain policies and practices, such as an emphasis on coordinated and centralized aid delivery, the funding of certain civil society organizations over others, and a growing focus on technical service delivery. The efforts of coordination and disciplined networking, which are aimed at improving aid delivery and also the advocacy work of CSOs, are to some extent informed by the needs of international actors to focus their access points within countries and to minimize transaction costs. The policies and practices have inadvertently restricted the diversity of civil society by putting an emphasis on the technical service delivery functions of civil society organizations at the expense of their potential emancipatory and political roles. These policies and practices present an implicit backlash that is less obvious and more tempered than the manifestations described in the previous section.

For instance, while on the one hand donors were trying to support the development of civil society and the growth of democracy, on the other hand they were also attempting to if not regulate, then at least to monitor and evaluate what CSOs were doing and how they were doing it in an effort to ensure that money was being

well spent and that the objectives agreed upon were being met. With these important and valid concerns over accountability and effectiveness, however, a tendency emerged among donors to work with a limited number of organizations as the representatives of civil society in a given context. Donors particularly funded those organizations that were seen as amenable to regulation. Grants were repeatedly given to those organizations that had proven their ability to follow procedures and reporting requirements established by donors while newer, smaller, less recognized, and more politically active organizations were left without funds. Organizations that were able to communicate using the language and discourses current amongst donors were also more likely to be successful in their grant applications.

More worrying for civil society actors involved in development is the shift in donor aid policies towards budget support, whereby funds are given directly to national governments or particular sectors of government. This shift, which will reduce the amount of direct funding from donors to CSOs, is poignantly exemplified in the 2005 Paris Declaration on Aid Effectiveness.<sup>7</sup> The Declaration refers to civil society only once throughout the entire document and only then it is to urge the governments of recipient countries to co-ordinate aid at all levels and to encourage the participation of civil society in development initiatives (2005: 3). NGOs, which in the 1990s were active in all forms of development work are not even mentioned once in the ten page Declaration. The Declaration is an indication that donors are beginning to move away from their focus on civil society and are returning to a policy of providing direct aid to governments. The latter policy had been abandoned in the late 1980s following concerns among donors that the governments of developing countries were too corrupt and inefficient to promote development. The drive to (re)centralize

development funding threatens to marginalize civil society and diminish its ability and role to act as an important check upon state power (Lönnqvist 2006: 1).

The case of civil society involvement in HIV/AIDS policies in Africa is an area where some of the policies mentioned earlier, such as coordination and technical service delivery, have been put into practice. First, the shift in approach from framing HIV/AIDS as a disease requiring medical and social solutions to an emergency requiring immediate attention has affected the work of CSOs in HIV/AIDS in Africa. This shift has gradually become instrumental in turning civil society activism into an apolitical service delivery tool because the logic of emergency suggested that immediate needs should take precedence over larger structural and political issues. Questions about the rights of the people living with the disease, their access to resources, the structural dimensions of poverty, and related issues came to be seen as less relevant because the first order of business was to provide people with what is required for them to survive.

Second, the adoption of the Three Ones<sup>8</sup> principles at a meeting of UNAIDS in 2004 is an indication of the shift by governments and international institutions to regulate, and better manage civil society. Under the Three Ones, there is one agreed HIV/AIDS action framework that provides the basis for coordinating the work of all partners; one national AIDS coordinating authority, with a broad based multi-sector mandate; and one agreed country-level monitoring and evaluation system (World Health Organization). The national AIDS Councils that have been created under the Three Ones principles are seen as platforms for civil society and other actors to coordinate their work and to link the international policy interventions and ideas with civil society organizations. While they may lead to some coordination of efforts, albeit

this is not proven, there is no doubt that they also act as a centralizing and filtering force because recognition by the Councils has become an important factor determining access to and eligibility for receiving funding.

These efforts at coordinating and reining in the different and often competing segments of civil society are an indication of the concern among donors over the diversity of civil society and the politicized nature of certain CSOs. Even the most civil society-friendly of international organizations, the United Nations, has, under the banner of 'regulating' civil society input, begun to espouse similar inhibiting measures. The Panel on UN-Civil Society Relations, which advised Kofi Annan in 2005, argued that "if the United Nations brought everyone relevant into each debate, it would have endless meetings without conclusion" and recommended 'disciplined networking and peer review processes of the constituencies' (United Nations 2004:32) in order to streamline consultation. It also encouraged higher consultation status for coordinated networks, which would 'have the greatest right to speak, distribute statements and interact with bureaux and substantive secretariats in influencing agendas' (United Nations 2004: 79).

While it remains to be seen whether this new drive toward coordination and harmonization will lead to more effective aid delivery and development programmes, one thing which is clear is that some of these coordination and disciplining efforts are threatening to stifle the expression of diverse voices within civil society. Yet diversity and debate are essential elements of deliberative democracy. As Iris Marion Young puts it, 'Confrontation with different perspectives, interests and cultural meanings teaches individuals the partiality of their own, and reveals to them their own experience as perspectival' (1997: 403). From a policy perspective, such listening

‘across differences’, Young maintains, allows people to understand something about the ways that policies affect others that are differently situated.

Finally, the tendencies to support particular organizations, attempts at coordinating civil society and focusing on technical rather than political and structural issues, have in turn led to another, related, backlash that has emerged from the grassroots, smaller organizations and social movements. Given the fact that many NGOs in developing and transition countries are not membership organizations and are largely reliant on foreign funding, they often do not enjoy broad based support from within their communities. Very often smaller, grassroots organizations and social movements view the larger, well-funded NGOs as being donor-driven, Western-oriented, self-serving organizations that are far more accountable to foreign donors than their local communities and beneficiaries. Subsequently, many organizations that are consistently awarded grants have come to be seen as Western ‘pawns’ or ‘agents’ by the local press and public. This has meant that as the pressure from governments has increased, many NGOs in developing and transition countries now find themselves between a rock and a hard place in that as they are increasingly encountering repression from their governments, they are simultaneously not receiving support from their communities.

## 5. Conclusion

Having examined the various overt and implicit forms of backlash against civil society, what then are the implications of this multi-layered backlash and what should civil society(ies) do? First, if we accept the assertion that vibrant and independent civil societies are essential for democracy, then it is important to protect the space where such civil societies may flourish and develop. This space, as we have maintained in this essay, is increasingly shrinking in the wake of the Long War on Terror. The various anti-terror laws and anti-money laundering regulations that have been passed since 11 September have been intended to enhance national security and to provide greater oversight over funds collected and distributed by civil society organizations. The general querying of civil society and the passage of anti-terror legislation is creating a chill factor which leads to self-censorship among civil society organizations and greater conservatism, regulation, and oversight from donors. Obviously some regulation and accountability is important for ensuring the probity of CSOs and is indeed welcomed by CSOs. However, too much control threatens to stifle healthy debate and lead to fear, alienation, and self-censorship, which are all antithetical to democratic governance. What is most worrying is that these tendencies are not just occurring in ‘managed’ democracies or authoritarian states, but that they are occurring in some of the developed democracies as well such as the UK and USA. Even a civil society haven such as the UN has begun to use the discourse of ‘disciplining’ and ‘regulating’ civil society. If civil society is to retain its emancipatory dimension and its role in deliberating on the values governing society, it will need to respond

strategically and pro-actively to the emerging backlash in the context of the Long War on Terror.

## Notes

- 1 This essay is the product of ongoing discussions amongst the five authors. The main draft of the essay was written by Jude Howell and Armine Ishkanian, with written contributions on Africa from Ebenezer Obadare, on HIV/AIDS from Hakan Seckinelgin and on global civil society from Marlies Glasius.
- 2 The phrase 'long war' came into use in 2005 and now appears to have been adopted by the Bush Administration in referring to the global war on terror. Bush first used the new name in his 2006 State of the Union address when he said, "Our own generation is in a long war against a determined enemy." [emphasis added] <http://www.whitehouse.gov/stateoftheunion/2006/index.html> Given the increasing usage of the phrase 'long war on terror' we decided to use it instead of 'global war on terror' throughout the article.
- 3 'Managed democracy' (*upravlyayemaya demokratiya*) is a phrase that was introduced by the Russian authorities in the early 2000s and is now increasingly being used to describe the situation in other former Soviet states (e.g., Kazakhstan, Kyrgyzstan etc.). It refers to a situation in which the formal institutions and practices (e.g., elections) of democracies exist but are controlled and managed by the authorities.
- 4 Non-governmental organizations are formally registered organizations that may be small or large, which may or may not be membership based, which are engaged in development, humanitarian relief, advocacy, and poverty reduction work at local, national, and global levels around the world. NGOs are part of civil society, but civil society is much more than NGOs. Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women's organizations, faith-based organizations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy group (LSE Centre for Civil Society).
- 5 This is a pre-print of an article submitted to *Development in Practice*, which is available at <http://journalonline.tandf.co.uk/openurl.asp?genre=journal&issn=0961-4524>.
- 6 The country members of this organization are Kyrgyzstan, Kazakhstan, Uzbekistan, China and Russia.



- 7 The Paris Declaration on Aid Effectiveness is a document that was adopted at the High-Level Forum on Aid Effectiveness held in Paris from 28 February – 2 March, 2005.
- 8 The Three Ones agreement promoting universal coordination in the fight against AIDS was adopted at a meeting held by UNAIDS, the UK and the US on 25 April 2004 in Washington D.C.  
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