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The Legitimacy Landscape

Saskia Brechenmacher and Thomas Carothers

Civil society is under stress globally as dozens of governments across multiple regions are reducing space for independent civil society organizations, restricting or prohibiting international support for civic groups, and propagating government-controlled nongovernmental organizations. Although civic activists in most places are no strangers to repression, this wave of anti-civil society actions and attitudes is the widest and deepest in decades. It is an integral part of two broader global shifts that raise concerns about the overall health of the international liberal order: the stagnation of democracy worldwide and the rekindling of nationalistic sovereignty, often with authoritarian features.

Attacks on civil society take myriad forms, from legal and regulatory measures to physical harassment, and usually include efforts to delegitimize civil society. Governments engaged in closing civil society spaces not only target specific civic groups but also spread doubt about the legitimacy of the very idea of an autonomous civic sphere that can activate and channel citizens' interests and demands. These legitimacy attacks typically revolve around four arguments or accusations:

- That civil society organizations *are self-appointed rather than elected*, and thus do not represent the popular will. For example, the Hungarian government justified new restrictions on foreign-funded civil society organizations by arguing that “society is represented by the elected governments and elected politicians, and no one voted for a single civil organization.”¹
- That civil society organizations receiving foreign funding are *accountable to external rather than domestic constituencies*, and advance foreign rather than local agendas. In India, for example, the Modi government has denounced foreign-funded environmental NGOs as “anti-national,” echoing similar accusations in Egypt, Macedonia, Romania, Turkey, and elsewhere.²
- That civil society groups are *partisan political actors disguised as nonpartisan civic actors*: political wolves in citizen sheep's clothing. Governments denounce both the goals and methods of civic groups as being illegitimately political, and hold up any contacts between civic groups and opposition parties as proof of the accusation.
- That civil society groups are *elite actors who are not representative of the people they claim to represent*. Critics point to the foreign education backgrounds, high salaries, and frequent foreign travel of civic activists to portray them as out of touch with the concerns of ordinary citizens and only working to perpetuate their own privileged lifestyle.

Attacks on civil society legitimacy are particularly appealing for populist leaders who draw on their nationalist, majoritarian, and anti-elite positioning to deride civil society groups as foreign, unrepresentative, and elitist. Other leaders borrow from the populist toolbox to boost their negative campaigns against civil society support. The overall aim is clear: to close civil society space, governments seek to exploit and widen existing cleavages between civil society and potential supporters in the population. Rather than engaging with the substantive issues and critiques raised by civil society groups, they draw public attention to the real and alleged shortcomings of civil society actors as channels for citizen grievances and demands.

The widening attacks on the legitimacy of civil society oblige civil society organizations and their supporters to revisit various fundamental questions: What are the sources of legitimacy of civil society? How can civil society organizations strengthen their legitimacy to help them weather government attacks and build strong coalitions to advance their causes? And how can international actors ensure that their support reinforces rather than undermines the legitimacy of local civic activism?

To help us find answers to these questions, we asked civil society activists working in ten countries around the world—from Guatemala to Tunisia and from Kenya to Thailand—to write about their experiences with and responses to legitimacy challenges. Their essays follow here. We conclude with a final section in which we extract and discuss the key themes that emerge from their contributions as well as our own research.

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Objectivity Without Neutrality: Reflections From Colombia

César Rodríguez-Garavito

Critics as diverse as postcolonial and postmodern scholars, authoritarian governments, conservative legal scholars, and some progressive social movements have objected to the activities of human rights organizations, claiming that these organizations lack legitimacy for their work. To complicate matters, this same charge—a lack of legitimacy—often encompasses diverse critiques: some critics point to *geopolitical* factors, such as the dominance of the Global North’s organizations in the field, or *cultural* attributes, such as allegations that human rights norms embody only Western values. Others highlight *political* factors, such as human rights organizations’ lack of public electoral accountability, and *social* concerns, including the allegation that NGOs have become professionalized and detached from the grassroots bases and communities they are meant to serve.

To find solutions to these real or alleged legitimacy shortcomings of human rights organizations, we therefore have to answer three key questions: What type of legitimacy is at stake? What is the organization’s nature, and what are its constituencies? And what context does the organization operate in? I discuss these questions here in light of the experiences of my own organization, the Center for Law, Justice, and Society (Dejusticia), based in Bogotá, Colombia. Although all four elements of legitimacy (geopolitical, cultural, political, and social) are relevant to Dejusticia’s work, this analysis addresses the organization’s political and social legitimacy—the main focus of this collection of essays.

With respect to the organization’s nature and constituencies, political and social legitimacy does not have a one-size-fits-all model—for the simple reason that there is no one-size-fits-all organizational structure for human rights actors. These actors range from large global membership-based organizations such as Amnesty International, to small local social movement organizations, to midsized “think-do tanks” such as Dejusticia that work both nationally and internationally. In addition to differences of scale and structure, human rights organizations vary widely in the tools they use. Different tools entail different expectations about legitimacy.

At Dejusticia, we define our approach and toolkit as action-research: a combination of academic research and advocacy strategies that feed into each other. Our research is geared toward unpacking and solving pressing human rights problems, and our advocacy is informed by the knowledge that we and others produce. What does this mean for our legitimacy? As scholar Martha Finnemore put it, legitimacy is “by its nature, a social and relational phenomenon”; it is given by others, including by peers and “by those upon whom power is exercised.”³ Our hybrid approach results in two different types of legitimacy expectations. First, for our research to be legitimate—that is, accepted by relevant audiences and constituencies—it must meet the rigor and objectivity standards demanded

of scholarly work. Second, for our advocacy to be legitimate, it must be impactful and must meaningfully engage with those whose rights we defend.

These two sets of expectations do not necessarily align. In fact, they may at times pull us in opposite directions. On more than one occasion, our allies in advocacy work—for example, a social movement organization that we represent in court—have asked us to join a public statement that includes assertions of fact that go beyond what we can confidently say based on available evidence. Similarly, our colleagues in academia are sometimes baffled by our direct engagement in high-stakes litigation and campaigning. Maintaining our legitimacy thus entails a balancing act. We meet this challenge by *being objective while not being neutral*. Our distinctive voice and our scholarly tools demand that we engage in careful and objective consideration of all the facts and points of view. At the same time, we openly take sides with the victims of human rights violations and marginalized populations.

This hybrid approach is not without risks. We navigate these risks by being transparent about our methods and goals, and by being radically collaborative with counterparts in academia, government, civil society, and grassroots communities. Most of our work is carried out in partnerships and coalitions rather than through arms-length representation. As theorists of collaboration have remarked, this approach requires investing considerable time and effort into communications and deliberation to build and maintain trust.⁴ For example, at the national level, we have developed long-term relationships with social movement organizations—from environmental justice collectives to women’s rights organizations to indigenous and Afro-Colombian communities—that include joint decisionmaking about priority issues for research and legal action. At the international level, our work is entirely demand-driven: we work only in countries where local partners request our contributions to specific issues, be it arbitrary detentions in Venezuela or closing civic space in India, Egypt, or Turkey.

Finally, the relevance of different sources of social and political legitimacy is always highly context-specific. For instance, in countries with a long history of nationalist politics, NGOs are under pressure to demonstrate that they are driven by local demands and priorities, as opposed to those of foreign funders. The national context in which Dejusticia carries out its domestic work is marked by low levels of nationalism, low social trust, and high political polarization. In this context, Dejusticia’s legitimacy hinges largely on preserving and demonstrating its independence with regard to other national political actors, including the state, political parties, corporations, and social movements. To do so, the organization must support strong institutional practices, from not taking government funds to denouncing human rights violations regardless of the perpetrators’ political affiliation. Maintaining an independent and balanced voice, one that shifts between confrontation and engagement, is vital for Dejusticia to be perceived as a legitimate actor that cannot easily be identified with either of the increasingly polarized extremes in Colombia’s public debates about human rights.

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Legitimacy From Below: Supporting Indigenous Rights in Guatemala

Walter Flores

As part of an aggressive set of neoliberal policies, the Guatemalan government of the late 1990s privatized major public assets and subcontracted the delivery of many basic public services to nongovernmental organizations, especially in the areas of health, education, and the administration of public infrastructure. This led to an exponential growth of civil society organizations (CSOs) whose main aim was to become government contractors. Not surprisingly, this contracting model for basic public services and infrastructure facilitated corruption. Public officials allocated contracts to CSOs that they either had founded themselves or indirectly controlled, which resulted in contracts being given to groups with no actual capacity or experience delivering health or education services. Their poor performance delegitimized CSOs—particularly those holding public contracts—in the eyes of the public.

My organization, the Center for the Study of Equity and Governance in Health Systems (Centro de Estudios para la Equidad y Gobernanza en los Sistemas de Salud; CEGSS), was founded in this context. Because our aim was to promote inclusion, equity, and democratic governance, the issues of legitimacy and political independence were of utmost importance to us. The executive board decided from the outset that CEGSS would neither seek nor accept any public funding from the Guatemalan government to implement its activities, a decision that remains in place today. This is particularly important given our core constituencies. The rural indigenous populations that are the main target of CEGSS's work are often skeptical of CSOs, viewing them as government-contract profiteers with little real commitment to helping indigenous populations. The fact that we at CEGSS did not have any contractual relations with the government helped us gradually gain the trust of these communities.

A second key challenge for CEGSS was to build our legitimacy in the eyes of public officials. This approach was crucial to effectively fulfill our mission: in order to promote greater accountability in health service delivery for indigenous populations, we had to engage public officials at all levels of government. Our first strategy in this regard was to collect evidence of failing public services in indigenous rural areas and present it to public officials. CEGSS experts, who were nonindigenous, urban, and internationally educated professionals, were tasked with presenting the data. We thought that our expertise and academic background would give our cause and demands greater credibility and legitimacy. Yet the reality was that officials accused us of being politically motivated and having no real legitimacy because we were not from indigenous communities ourselves.

In response, we revised our strategy. Rather than using our theoretical expertise to speak on behalf of the communities we aim to support, we provide capacity-building services to community-elected

representatives so that they can engage with government officials at different levels themselves. We also cover the costs of transport, food, and accommodation incurred by community representatives who attend meetings with government officials. This strategy has worked well. For example, we have trained, advised, and provided logistics for the Network of Community Defenders for the Right to Health, which includes elected representatives from the thirty-five municipalities where we work. The network engages with authorities at different government levels, as well as with the media, and organizes campaigns on health-related policy issues. CEGSS purposely maintains a low profile to lower the risk of government officials using the argument of “civil society manipulating poor and marginalized communities” to discredit accountability demands. In addition, community representatives are empowered and learn how to navigate the state apparatus. Whereas other CSOs working on accountability are constantly subject to government attacks on their basic credibility, CEGSS usually is not. We believe that this is partially the result of the strategy described above.

In the past two decades, many elected Guatemalan officials have emerged from CSOs that are active in the media and development realms. Some of those officials clearly used civil society as a launch pad for their political careers. After they were elected, the organizations they left behind often lost credibility and faded away. Politicians have used this phenomenon to accuse all CSOs of being political projects in disguise. Taking this concern into account, CEGSS has never used the problems facing indigenous populations, such as exclusion, poverty, and racism, as a platform to launch the political career of CEGSS members. We also do not take sides or align with any political party during election campaigns.

Lastly, CEGSS strives to “walk the talk” when it comes to our work with indigenous communities. Currently, half of our staff is of indigenous origin. Every year, we carry out a national assembly that includes the whole CEGSS team and representatives from all thirty-five municipalities where we work. Together, we review successes, failures, and future plans. Our effort to include our local partners in our planning, monitoring, and evaluation process also contributes to our local legitimacy.

Of course, our approach also involves some trade-offs. For example, by choosing not to receive any Guatemalan public funding, CEGSS has ended up 100 percent dependent on international grants. Some public officials and media outlets have accused other organizations receiving international funding of political bias. So far, this has not happened to CEGSS, possibly owing to our strategy of keeping a low organizational profile and uplifting the role of mobilized communities instead. As the municipalities we support make progress in their demands for greater transparency and accountability, we anticipate that CEGSS will face greater public scrutiny. However, we are convinced that the local legitimacy we have built with indigenous communities will help us to confront any negative campaigns.

The need to compete for international grants is another major burden on senior staff as well as a constant challenge to organizational stability. We are currently discussing new funding strategies that may include seeking donations from urban, middle-class professionals to support the health

accountability demands of rural indigenous populations. This could take the form of a campaign through which better-off citizens can support the efforts of worse-off populations to exercise their rights as citizens. However, moving toward such funding strategy also means making CEGSS highly visible, which would be a clear departure from our strategies to date. The likelihood that CEGSS will deploy these alternative strategies for funding and implementing our activities will depend to a large extent on whether and how civic space in Guatemala continues to close.

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Pushing Back: Lessons From Civic Activism in Uganda

Arthur Larok

On September 20, 2017, Ugandan security officials launched an unprecedented raid on the offices of ActionAid Uganda, a nationally registered antipoverty and human rights nongovernmental organization (NGO) affiliated with a global federation working in forty-six countries. The siege lasted two full days. Officials cordoned off the offices and confiscated laptops, personal mobile phones, and several organizational documents. Two weeks later, the Bank of Uganda froze ActionAid's bank accounts, having received allegations from the Criminal Investigations Department that ActionAid was being investigated for money laundering and conspiracy to commit a felony.

The attack on ActionAid Uganda was part of a wider crackdown on legitimate citizen protests against ongoing efforts to remove the presidential age limit from the Ugandan Constitution—a move that would allow sitting President Yoweri Museveni to remain in power indefinitely. The cordon-and-search operation was clearly aimed at delegitimizing ActionAid's work by framing it as dangerous and subversive.⁵ It was followed by a relentless propaganda campaign, including by the government spokesperson and the head of Uganda's media center, accusing ActionAid and several other civil society organizations of being agents of imperialism.⁶

Three months after the attack, ActionAid Uganda took the Finance Intelligence Authority, under whose instruction ActionAid Uganda's bank accounts remained blocked,⁷ to court. These legal efforts proved successful: on December 23, 2017, even before the end of the court case, the Finance Intelligence Authority decided to unfreeze ActionAid Uganda's accounts. What happened between September 20 and December 23 is in many ways a story of effective pushback to an affront on civil society's legitimacy.

What lessons can be drawn from ActionAid Uganda's experience? What sources of legitimacy could ActionAid draw upon to achieve a turnaround? And what does this mean for its future work?

As noted by Saskia Brechenmacher and Thomas Carothers, civil society organizations draw their legitimacy from five major sources: *who they are*, *what they do*, *how they do it*, *with whom*, and *what their impact is*. In the case of ActionAid Uganda, our response to the attack on the organization's legitimacy played out in the following ways.

To demonstrate one source of legitimacy, ActionAid drew on its track record of long-term, locally rooted programs with demonstrable impact on the communities that we work with. As we engaged the authorities in the aftermath of the raid, we drew officials' attention to our many decades of development interventions in the education, health, agricultural, and other sectors. ActionAid's

legitimacy in this sense was based not only on its work challenging vested political elites, but also on its long-standing contributions in more traditional service delivery fields. This reality challenges the often sharp distinction made between traditional charity work and civil society advocacy on more systemic issues—our work proves that it is possible and productive to do both!

The organization's second source of legitimacy was, somewhat surprisingly, its history of working with the same government that it was now up against. ActionAid's approach to its projects—regardless of whether they involve working in rural communities responding to livelihood threats emanating from climate change, addressing gender-based violence, or even partnering with the Ugandan police to fight corruption—has always been to communicate and coordinate with government actors, even in some cases through memoranda of understanding with local governments. An attack on an organization that was open to and worked with the government turned out to be difficult to sustain.

Our third source of legitimacy was the partners we work with, and their understanding of and unrelenting support for our joint cause. ActionAid is well connected within Ugandan civil society. The attack on our work therefore attracted immense solidarity from peers and communities. A community- and partner-led petition to unfreeze ActionAid Uganda's bank accounts generated more than 17,000 signatures from across the country in less than two weeks. On the day of the scheduled court hearing for ActionAid's legal suit against the continued blocking of its accounts, 300 ordinary citizens and civil society leaders packed the courtroom and later marched through the capital to deliver a petition to the prime minister. This wider public support for our work represented an important source of legitimacy, as it showed that we had a strong local constituency.

Our efforts to remain cooperative and transparent throughout the process emerged as another key source of legitimacy. Throughout the siege and the police investigations, ActionAid offered as much information as was demanded. The organization's aim was to prove that it had nothing to hide. It kept an open dialogue with the investigating agencies while retaining its right to explore other defense strategies, such as protesting and litigation.⁸

The fifth and final source of legitimacy was the credibility of ActionAid Uganda's leadership. Government officials repeatedly have accused civil society leaders of being opposition politicians in disguise, of being corrupt, and of receiving outside money to destabilize the country. However, these attempts to taint the civil society leaders' image have largely failed to gain traction, mostly because the leaders are locally known and respected figures. Civil society organizations need credible leaders in order to build and maintain legitimacy in a context of shrinking civic space.

After four turbulent months, ActionAid Uganda has emerged as a stronger organization. We have a better understanding of how to operate in a difficult political landscape that requires civil society actors to be agile and adaptive. Above all, the ActionAid experience shows that civil society

legitimacy comes from multiple sources—no single source is sufficient to withstand relentless efforts to delegitimize the sector.

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Confronting Partisanship and Divisions in Kenya

Kimani Njogu

Kenya is often lauded for promulgating one of the world's most liberal constitutions. Passed on August 27, 2010, it radically devolves power to county governments, ensures the separation of powers, and entrenches a progressive bill of rights. This would have been impossible without the work of robust, courageous, and independent civil society organizations (CSOs). Civic actors first laid down their recommendations for constitutional reform in the document “Kenya Tuitakayo” (The Kenya We Want), which became a crucial resource for the Constitution of Kenya Review Commission. After former president Daniel Arap Moi asked at a public rally what “Wanjiku”—a common name, meant to refer to ordinary Kenyans—could possibly know about constitution-making, civil society appropriated the term, popularized it, and turned it into an organizing symbol for the constitutional reform process.

Throughout the 1990s and 2000s, the legitimacy of Kenya's civil society stemmed from its engagement with key issues that all citizens cared about. Following the liberalization of political space, CSOs undertook extensive civic education on basic rights and how public sector corruption affects citizens' access to health, food, shelter, and education. They provided a link between citizens' daily lives and the people who occupied leadership positions in government. Faith-based organizations offered sanctuary to those targeted by the state and used their platforms to speak about the need for political change.

Yet over the past ten years, the political climate has changed. A number of politicians have publicly questioned the legitimacy of CSOs, especially those engaged in governance and human rights. Some have referred to civil society as “evil society,” a label used to rationalize new restrictions on civic space.⁹ These attacks have their roots in the 2007–2008 electoral crisis. In the aftermath of the violence, CSOs worked closely with public institutions and international agencies to collect evidence against those suspected of having orchestrated unrest. When the International Criminal Court (ICC) indicted several senior political leaders, the latter used ethnic identity and nationalism to mobilize their followers to fight back. State functionaries accused CSOs of working with foreigners to undermine the sovereignty of the nation. Although the ICC later dropped the cases, the “foreign agent” label stuck. It has undermined CSOs' relationship with the wider population and weakened their claims to legitimacy. Political elites' incessant instrumentalization of ethnic identity has further exacerbated the problem. They have tried to paint civil society as ethnically biased in order to erode public trust in their positions. As a result, it has become harder for civic actors carry out their work.

Kenyan CSOs also have been tainted by the perception that they are partisan political actors. This perception is particularly damaging in a context of high ethnic polarization where oversight institutions are weak. During the 2013 and 2017 presidential elections, the incumbent government

accused some civil society actors of siding with particular opposition candidates and political parties. This perception stemmed from the fact that parts of civil society voiced their opposition to politicians who had previously been indicted for crimes against humanity by the ICC and who were viewed as intolerant to the civil liberties enshrined in the constitution.¹⁰

Perceptions of partisanship have not only alienated some civil society stakeholders but also fostered ideological divisions within civil society. Of particular concern, for example, are tensions over electoral justice between development and peace-building groups on the one hand and human rights organizations on the other. Whereas the latter emphasize that electoral justice is essential for sustainable peace, the former have argued that in a highly polarized nation like Kenya, electoral justice can only be realized in a stable, calm, and nonviolent atmosphere. The fact that some human rights actors have used labels such as “peacepreneurs” to categorize organizations working to prevent election-related violence does not help build the legitimacy of the sector. Instead, divisions among CSOs only serve as fodder for attacks by the political elite.

In the current hostile political context, public officials have also exploited administrative rules to crack down on civil society. As a result, it has also become crucial for all organizations to ensure they are properly registered and meet all statutory requirements. In August 2017, for example, the NGO Coordination Board set out to deregister the Kenya Human Rights Commission. It also instructed the Directorate of Criminal Investigations to shut down the operations of the African Centre for Open Governance (Africog) for allegedly operating without a registration certificate. Individuals from the Kenya Revenue Authority raided Africog’s offices over claims of tax noncompliance.¹¹ Although these allegations were later debunked through the judicial process, it is noteworthy that the state had launched the attack based on alleged noncompliance with legal and regulatory processes.¹² Kenya has hundreds of community-based organizations that generally are viewed as highly legitimate because they are known by their immediate constituencies, from the household to the village. They speak the language of their communities and undertake activities viewed as local priorities. These organizations can easily lose their legitimacy if they are no longer viewed as accountable and transparent in their work.

Kenyan CSOs face a delicate balancing act as they try to build legitimacy while facing continuous attacks by the state. To survive, they should continue to demand accountability in the use of public resources by leaders and public officials. Internally, they ought to build governance and monitoring and evaluation systems that enhance their transparency and advance their mission. They also have to engage with the issues that directly affect their constituencies. When the state seeks to limit civic space, our stakeholders in the communities we serve ought to be our first line of defense.

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Delegitimizing Civil Society in Tunisia

Youssef Cherif

To address the legitimacy of civil society organizations (CSOs) in non-Western contexts such as Tunisia, two major factors must be taken into account. The first is the pervasive willingness of ruling elites to crush dissident voices and curb civil society oversight of their work. The second is the intrinsic weaknesses of most CSOs, which often make them easy targets for detractors.

A Hostile Context

Tunisia has long had civil society in different forms, including the network of trade unions that won the 2015 Nobel Peace Prize for their prodemocracy work. But in the decades of dictatorial rule before the popular uprising that ousted president Zine el-Abidine Ben Ali in early 2011, the government co-opted most civic organizations and prevented them from working in fields that it considered politically sensitive. Thus, while thousands of civic organizations existed, they were usually government-affiliated, with a reputation for corruption, nepotism, and progovernment zeal.

After the 2011 uprising and the start of the attempted democratic transition, activists launched large numbers of new, genuinely independent CSOs, often with the support of foreign donors and mentors. Many of these new groups aimed to tackle human rights issues, security sector reform, civil-military relations, and other systemic problems. Some remained small and operated with limited reach, while others gained national and international profiles.

Nevertheless, the Tunisian public, still influenced by years of government propaganda about the supposed evils of foreign-funded CSOs as corrupt, decadent agents of the United States, Israel, and other hostile powers, has met this burgeoning set of new groups with skepticism. And even though the new Tunisian leaders initially welcomed foreign donors and organizations seeking to support the transition process, large segments of the bureaucratic “establishment”—namely, the hundreds of thousands of public sector employees who kept their posts after the fall of Ben Ali—resisted this trend.

The terrain therefore remains fertile for political actors to sow distrust about civil society. Since 2011, each government has responded to civil society criticism with attacks against these groups, or has relied on government-affiliated media and social media outlets to attack civil society as well. This trend has intensified, as the economic crisis has increasingly tarnished the image of democracy—and, by extension, civil society—in the eyes of many Tunisians.

Tunisian civil society now is stuck between a hostile bureaucracy, a suspicious security sector, a skeptical population, and an irritated government. In many cases, it is simply the weakest foe that the “system” can attack. The shifting tide of the international context toward increased authoritarianism and nationalism, as well as Tunisia’s own faltering economy, have only fueled these attacks on independent civil society.¹³

Weak Spots

But critiques of Tunisia’s civil society are not completely unfounded. Foreign funding is a real issue. At the end of the day, these are Tunisian organizations working for the Tunisian people with Tunisian teams, but they owe their continued existence to foreigners’ money. This state of affairs cannot easily be explained to the general public, in part (as noted above) because of the suspicions fostered by years of autocratic rule. When asked about foreign funding to local CSOs, Tunisians often reply with a popular saying: “No cat hunts for God’s benefit”—that is, nothing comes for free. Even though only a handful of local funders are willing to sponsor CSOs, and these funders usually ask for something in return when they do so, some domestic funding sources do exist, be it philanthropists, local foundations, and other private sector funders. But many Tunisian groups have gotten used to the far more generous funds they can raise from foreign donors. Their heightened expectations lead them to favor foreign donors over potential local supporters.

Some foreign-funded organizations have also damaged their credibility through wasteful spending. Grants paid out in foreign currency typically are significant amounts of money once converted to Tunisian dinars. CSOs frequently must spend this money in a short period of time, which leads them to throw useless conferences in lavish hotels. An influential Tunisian activist is known for cracking jokes about the “*pauses cafés*” (coffee breaks) that CSOs are now famous for organizing, and which for many participants seem to be the most important part of a conference. Additionally, some CSO members—who are dubbed activists but often are well-paid consultants or staff members—do not shy away from showing off their newly acquired “wealth.” Some younger CSO workers, for instance, use their Facebook or Instagram profiles to promote themselves and to show off their travels, new clothes or laptops, and other signs of lavish living.

Lastly, the issues that some of these newer CSOs tackle, as well as the methods used to do so, also contribute to their estrangement from the wider public. Because CSOs already are perceived as foreign entities with little connection to their people, those that debate culturally sensitive issues such as homosexuality or drug use, using primarily Western idioms and strategies, are easily dismissed as an elitist, Westernized minority. Either their intentions are misunderstood, or their work backfires.

Solutions

In all likelihood, political efforts to delegitimize civil society in Tunisia will continue for years to come. To counter this trend, we need to continue raising awareness about the importance of civil society and how it works, in parallel to supporting democracy and human rights in the country. And although the criticisms of CSO members' misbehavior may on occasion be legitimate, unfounded conspiracy theories and false claims should be openly confronted.

A number of young activists have tried to do this by systematically mocking CSO-related clichés, be it on their own Facebook profiles and pages or by commenting with fake self-criticism on the usual inflammatory anti-CSO posts. These types of efforts should continue, coupled with sustained campaigns to debunk conspiracy theories and myths surrounding CSOs and promote democracy. Nevertheless, CSO members also need to address the criticism they receive and change their behavior accordingly.

Closing space for civil society is not a uniquely Tunisian phenomenon, but a global trend.¹⁴ Members of the international community that still support democracy around the globe needs to adjust their ways of working accordingly. Aid, first of all, should be well coordinated to avoid duplication. CSO funding should be audited more frequently, and projects need to be customized to a local audience. There should also be greater flexibility in project timelines to ensure that they match local realities rather than the demands of the donor country. Such initial steps would help ensure greater civil society sustainability.

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The Legitimacy Deficit of Thailand's Civil Society

Janjira Sombatpoonsiri

Thailand's civil society has been fragmented by the country's protracted political conflicts and high levels of polarization. Traditional elites have used this fragmentation to further attack civil society's legitimacy. Overcoming this crisis of legitimacy will require civil society actors to build a political vision that cuts across the main sociopolitical divide.

Traditionally, nongovernmental organizations (NGOs) advocating for community development, sustainable growth, and equitable resource distribution formed the core of Thai civil society. However, during the 1990s, many new prodemocracy and rights-based civic groups with a more urban support base, as well as nonstate religious organizations, emerged on the scene. These groups came together around the 1992 mass demonstrations against military rule that paved the way for democratization. They gained legitimacy from a shared political vision that brought together an incredibly diverse range of actors.

Yet in the years that followed, Thai civil society suffered from several weaknesses. Some groups pursued single-issue-based campaigns that were blind to the intersections of different social problems. Many competed for resources and prestige rather than cooperating with each other, and a number of organizations lost their political independence by relying on state funding. Others adopted a patronizing stance toward grassroots communities and became increasingly detached from the changing needs of rural populations, which organized instead into bottom-up social movements. Efforts to address these shortcomings remained limited. Together with Thai society's authoritarian political culture, which views NGOs' contentious politics as a driver of political instability, this failure to self-reflect reduced the legitimacy of NGOs in the public eye.

Thailand's recent political conflicts have exacerbated this trend. These conflicts generally pit the old elites (the palace, army, and allied businesses) and their Bangkok-based, middle-class supporters against democratically elected yet autocratic-leaning leaders and rural constituents who seek greater equality through electoral representation. The former—who have come to be known as the “yellow shirts”—view representative democracy as an existential threat to the feudal order and as a source of moral corruption. The latter—known as the “red shirts”—emphasize elections as the only game in town.

When the red shirt-backed government of then prime minister Thaksin Shinawatra turned increasingly autocratic in the early 2000s, union activists and development NGOs sided with traditional elites in an attempt to “cleanse” Thai politics. In 2006, this coalition gave rise to a palace-endorsed army coup that overthrew the democratically elected Thaksin government. Prodemocracy NGOs, rights advocates, and progressive academics felt betrayed by the undemocratic stance of

their fellow civil society activists. Many became active supporters of the red shirt movement. As a result, civil society became increasingly polarized around two ostensibly opposing visions of Thailand's political future: undemocratic but "clean" (noncorrupt) governance versus electoral but possibly illiberal democracy. Unlike in the 1990s, when different segments of civil society shared a common political dream, these two camps came to epitomize different moral crusades, unwilling to find common ground.

After several years of impasse, the 2014 coup was a wake-up call for many civil society groups. Traditional elites exploited high levels of societal polarization to topple yet another red shirt-backed government. They did so by orchestrating mass demonstrations buttressed by some segments of civil society. Nationwide protests paralyzed the government and generated public fears that the country was on the brink of civil war. Claiming to restore security and order, the junta then took over and set in motion a swift crackdown on dissidents, targeting even those who had supported their takeover.

All the same, this crackdown proved insufficient to bridge the deep divisions within civil society. Civil society groups critical of the autocratic and corrupt tendencies of the red shirts' political leadership do not respect the latter's calls for electoral democracy. Meanwhile, the prodemocracy movement deeply mistrusts those organizations that were sympathetic to the military coup, which they view as a clear violation of the "one man, one vote" principle. Certain development NGOs' patronizing stance toward rural communities does not ease this already conflictual relationship.

Thailand's civil society is thus divided into two camps, and each side considers the other to be illegitimate. This polarization makes it difficult for civil society groups to form broad-based coalitions that would be powerful enough to counterweigh the state. Instead, the junta and its associates have been able to present themselves as the only unifying entity that can effectively advance citizens' well-being. The junta has also appropriated civil society spaces by redefining the term "civil society" (*pracha-sangkehom* in Thai) as "state-society" (*pracha-rat*)—which implies that citizens are supposed to follow and obey the state, without an autonomous sphere of organization.

Yet there is still some hope to rebuild the legitimacy of Thailand's civil society. First and foremost, each side needs to recognize the others' grievances as legitimate. Both of their opposing visions—clean politics without democracy and electoral democracy without checks and balances—have serious flaws. Second, in a divided Thailand, different civic groups need to come together and formulate an alternative political vision that lays out specific ways to overcome these flaws. The ruling junta will continue to lose popular support—but without a competing political narrative, it can conveniently cling to power by pointing to the lack of alternatives.

Any such political vision would need to guarantee the principle of electoral representation and equal life chances for all citizens. However, it must also assure Thailand's anxious middle class and elite interest groups that majoritarian rule can be counterbalanced through democratic means rather than

through authoritarian channels. Finally, linking this narrative to Buddhist teachings and Thai national myths could help immunize democracy against xenophobic critiques of its Western origins. “Vernacularizing” democracy would not only ensure greater popular legitimacy by increasing local ownership but could also help bolster civil society legitimacy amid the authoritarian tendencies of Thai political culture.

Such a broad-based coalition and shared political vision will be particularly crucial ahead of the upcoming election. If any such coalition succeeds at restoring meaningful democratic governance, it can push back against the regulations and constitutional clauses that the junta has enacted to undermine civil society. By reclaiming civil society spaces, civic groups will be able to reverse the authoritarian relationship between state and society that has been intensified by the military regime.

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Navigating Politics and Polarization in Turkey

Özge Zihnioğlu

In Turkey, the public generally accepts the idea of civil society and views its actors positively. This is not to suggest that *all* civic actors are readily recognized for their work. On the contrary, building legitimacy for civil society and more specifically for advocacy groups presents many challenges.

First, a key determinant of the legitimacy of civic actors is the issues they work on. The Turkish public has a particular understanding of what civil society should do. People mainly associate civil society with philanthropy, relief work, and social services. The kinds of groups that initially come to peoples' minds when they think of civil society are charities and humanitarian aid organizations. These groups enjoy relatively high levels of public support. They typically are seen as entities that should be active in areas that the government or official social welfare mechanisms cannot reach. In terms of public support, social service organizations and charities are followed by organizations working on environmental issues and education, although their approval ratings are lower.

Second, Turkish society does not necessarily feel that civil society organizations must be completely detached from the state. The links that civic organizations develop with public institutions often lend the former greater legitimacy in the public eye. Again, this is based on the widespread notion that civil society should complement rather than challenge the state. Although civic organizations across the ideological spectrum can seek to enter into such partnerships, it naturally is easier for those ideologically closer to the government to do so. This discrepancy only reinforces the divide between civic organizations. However, there are certain risks to keeping close links with public institutions. With no legal framework for and no tradition of cooperation between the public sector and civil society, civic organizations are likely to benefit from indirect access and participation at best. In some cases, such links appear to be only for show, used by government actors to signal their openness to civil society without making any real changes.

Third, a major challenge for advocacy groups has been that most of the Turkish public believes that civil society should refrain from becoming politicized or acting ideologically. Any organization that challenges government policies and practices in its focus areas is considered to *be doing politics* and *being political*. These politicized organizations then attract criticism for abandoning the civic space and entering the zone of political parties. In the eyes of the public, these organizations serve specific interest groups, and therefore not only go beyond their organizational objectives but also lose their impartiality and legitimacy. Civil society organizations often take this sensitivity into account; even groups that work on political issues tend to emphasize that they are nonpolitical or seek to demonstrate that they are above party politics.

Finally, civil society's legitimacy in Turkey cannot be considered without factoring in the highly polarized political environment, one in which all actors are divided into "us" and "them." This polarization extends to civil society. Civic actors position themselves by setting themselves apart from other groups, often not recognizing one another's legitimacy. Even in areas of shared interest, civil society organizations tend to position themselves in reference to the overarching axis of polarization and find it difficult to sit around the same table with those from the opposite pole. For example, all women's organizations share the goal of improving girls' education, but conservative and secular groups diverge over whether girls should be allowed to wear the veil in high schools. Conservative organizations argue that this option will increase girls' schooling rate, whereas secular activists object that doing so will impede the same girls' empowerment. Such ideological divides make effective cooperation difficult.

Together, these constraints on civil society allow the government to more easily dismiss and delegitimize unwelcome criticism. This is an uphill battle for advocacy groups in particular, as they challenge public policies or practices on a regular basis.

How can civic organizations build and defend their legitimacy in this fraught sociopolitical context? In Turkey, civic organizations draw their legitimacy primarily from their members or support base. For most advocacy groups, this is a limited part of the public. Building resilience against delegitimization thus requires these groups to reach a wider audience. Advocacy groups can take a number of steps to broaden their audience without losing sight of their core positions and values.

First, advocacy groups can focus on crosscutting problems that bring different segments of society together. Such an approach would encompass campaigns organized jointly by groups working in different policy areas. For instance, a recent campaign against the construction of a new hospital in Istanbul in a public land area brought together city planners, doctors, environmentalists, archaeologists, and the local community around a common cause.

Second, advocacy groups can reach out to divided constituencies. Unless civil society organizations from opposite ends of the national polarization axis recognize each other's suffering, they cannot hope to win wider public support or counter the government's delegitimization efforts. Of course, reaching out across the divide is easier said than done. Doing so effectively will require advocacy groups to reframe existing social and political problems in ways that open space for new alliances. To go back to the example of girls' education, in the early 2000s, several groups took up the issue by framing it more as an extension of welfare services for deprived families, rather than as an effort aimed at women's empowerment. This repositioning enabled different constituencies to come on board.

Such a modified approach will also require a better communication strategy for advocacy groups. Most civil society organizations in Turkey do not pay attention to how their work is perceived. Instead, communication currently often implies either relations with their own members, supporters,

and the constituencies they aim to represent, or one-sided awareness-raising activities. To maximize their impact, advocacy groups should establish a long-term mutual dialogue with the parties they seek to persuade.

Finally, civil society organizations should not shy away from cooperating with business and the media. Effective advocacy often depends on gaining momentum. Stronger support by private sector actors along with media interest and coverage would strengthen advocacy groups' hands. This strategy, of course, could risk triggering government backlash if civil society is seen as serving specific interest groups. However, such cooperation would nevertheless enable advocacy groups to better communicate their cause to a larger audience and make it more difficult for the government to dismiss their work.

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Beyond Apathy and Mistrust: Defending Civic Activism in Hungary

Stefánia Kapronczay

“We are dealing with paid political activists. And in addition, these paid political activists are political activists who are being paid by foreigners.”¹⁵ These words from Hungarian Prime Minister Viktor Orbán’s infamous “illiberal democracy” speech, delivered in Hungary in 2014, are crucial to understanding the ongoing crackdown on independent civil society organizations in Hungary. The key part of this excerpt, however, is not the reference to foreign funding (as often assumed), but to political activism.

The Hungarian government argues that independent human rights organizations have no legitimacy to influence public policies because they are not democratically elected. The implicit assumption is that only elected officials have the privilege of voicing opinions about public affairs. Foreign funding plays an important part in this critique. However, only a small subset of all Hungarian organizations receiving foreign support have been vilified in government-friendly media outlets—namely, those whose mission is to foster active citizenship and hold the government accountable. I believe that even if my organization, the Hungarian Civil Liberties Union, were funded only by Hungarians, the current government would still target us as undesirable.

When discussing the sources of legitimacy for civil society organizations, I partially agree with our populist critics: we have to focus on what resonates with citizens.¹⁶ Instead of polishing the perfect counterargument to the government’s attacks, we need to focus on why these arguments are so effective. One of the main goals of the human rights movement is to empower people to represent their own interests and to demand answers from their political leaders. Understanding citizens’ concerns is thus not only a strategy to fight back against repression, but also a return to the very core of our mission. Understanding why governments’ attacks on civil society legitimacy resonate with ordinary people also helps us identify potential solutions rather than diagnosing the symptoms.

Despite being members of the European Union, Central European democracies are still relatively young. Until the end of Communist rule in 1989–1990, governments in these countries treated citizen participation in public affairs as undesirable meddling. Those who expressed their opinions publicly could expect surveillance, threats, and even arrests. The legacy of this era is still reflected in most people’s attitude toward active citizenship: it is viewed as having a finger in every pie and yet being futile at the same time. We also still witness low levels of trust in most institutions compared to Western European countries. This is particularly true for state institutions but also for corporations and civil society organizations. Citizens in the region often view their governments as corrupt and authoritarian, although most citizens who hold these opinions consider it to be business as usual.¹⁷

To strengthen the legitimacy of human rights organizations in this context, we have to focus on explaining what “political activism” means and why it benefits most citizens. First, human rights organizations, especially those targeted by the government, represent the powerless. They regularly report on the situation of disenfranchised people, such as those in prisons, institutions for the disabled, and refugee camps, and those mired in deep poverty. Even if human rights groups do not have a broad membership, their field experience and relationships with grassroots partners provide them with unique insights into the situation of these vulnerable groups. Giving voice to viewpoints that are rarely represented in politics thus represents a core source of human rights organizations’ legitimacy. To strengthen the representation of these voices, organizations should be more transparent about how they collect their data and how the data shape their policy recommendations.

Through smart and innovative communication strategies, organizations also can show that their work is relevant to the majority. This is not to suggest that we should tailor our communications to the principles of populist politics. But human rights organizations should be able to demonstrate why human rights are beneficial for all people who are not in positions of power; why they also protect “someone like us.” They should educate the public about their values by tackling issues that affect a wider constituency, while not losing sight of the systemic problems that the human rights movement is meant to address. An important caveat is that vulnerable groups often do not enjoy the sympathy of the majority. A narrow focus on constituency-building can lead human rights organizations to neglect the interests of these marginalized groups.

Second, human rights organizations should emphasize the fact that they do not represent foreign values, but values that in most cases their own states adopted through sovereign decisions. For example, Hungarian groups arguing for compliance with international human rights law as codified in the European Convention on Human Rights are in fact arguing for compliance with laws agreed upon and implemented by the Hungarian state. This fact provides domestic legitimacy to organizations that are holding governments accountable to human rights and other international legal norms.

Lastly, the lack of sectoral equity can play an important role in fighting back against delegitimatization. In its 2017 position paper on foreign-funded nongovernmental organizations (NGOs), the government-funded think tank Századvég Foundation laid out the motivation behind the Hungarian Law on Transparency of Foreign-Funded Organizations, an anti-NGO law passed in 2017.¹⁸ This paper argued that it is important to register foreign-funded organizations because NGOs operate as de facto lobbyists. However, the anti-NGO law requires only foreign-funded civil society organizations to register with the government, fulfill stricter administrative criteria, and display the “foreign funding” label. The so-called Stop Soros legislative proposal, currently under public consultation, also targets only civil society organizations. Even though corporations and businesses also engage in lobbying activities and influence public policies while lacking electoral legitimacy, there has been no parallel legislation on lobbying in force in Hungary since 2012. This situation is not unique to Hungary: around the world, many governments unduly differentiate

between businesses and civil society associations, imposing burdensome restrictions on the latter while failing to regulate the former.¹⁹ Arguing for equal treatment between NGOs and other organizations, like businesses, and greater overall transparency in the state decisionmaking processes could help diminish the lack of public trust in civil society so common in Central European societies.

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On Our Own Behalf: The Legitimacy of Feminist Movements

Zohra Moosa

Mama Cash is the oldest international women’s fund, founded in the Netherlands in 1983. The feminist groups, organizations, and movements that we partner with are among those civic actors most vulnerable to repression—because of who is leading the work and because of the issues they address.²⁰ We deliberately work with groups led by women, girls, and trans and intersex people. Moreover, our grantee-partners typically focus on issues that are critical for advancing social justice, but that are neglected or contested in their local contexts and insufficiently prioritized by other funders.

This combination of factors makes it particularly challenging for these groups to establish their legitimacy. They are unlikely to enjoy a wide base of support in either mainstream society or within social justice and human rights movements. Whereas other civil society actors may more easily band together in solidarity against attacks, our partners are often fighting to have their voices, issues, and agendas recognized as legitimate even within civil society.

Being Self-Led as a Source of Legitimacy

Yet these groups and movements do possess an important source of legitimacy: they are organized and led by people from the communities they seek to represent. This makes them powerful advocates: they are speaking for and about themselves, without mediation or interpretation by others. It is more difficult to dismiss a demand for change as illegitimate when it comes from those directly affected by the issue. Self-led groups and movements, even when marginalized from the mainstream, can credibly assert that they are experts on their own realities. Our partners often use the phrase “nothing about us, without us” to emphasize the importance of inclusion in achieving just and legitimate sociopolitical change.

We recently published research with fifteen partners exploring the strategies that they use to advance their agendas. We found that working with and from within their communities was vital for effecting change.²¹ Activists worked to deliberately build alliances within their contexts to demonstrate community support for their positions. They noted that their position as “insiders” has enabled them to leverage personal relationships and use culturally specific messaging. For example, they knew when and how to challenge restrictive social norms because they had been raised with the same narratives as those whose minds they were seeking to change.

Mama Cash’s legitimacy, meanwhile, stems from our identity as a women’s fund created *by and for* feminists.²² We maintain our legitimacy by engaging in open dialogue with and being accountable to

feminist movements. We regularly solicit their feedback on how we can improve our work. Since 2014, for example, we have conducted a biannual survey of grantee-partners and grant applicants (through the Center for Effective Philanthropy), asking them to assess our practice as a feminist grantmaker and reporting what we have learned from this feedback.²³ In 2017, we also reviewed our support to and engagement with other women's funds, through interviews as well as an anonymous survey. We also actively seek to partner with diverse actors within and beyond exclusively feminist movements, which contributes to our identity as a recognized movement actor. In sum, our legitimacy derives, in part, from belonging to the movements we serve and taking accountability to them seriously.

Promoting Feminist Movements

Our recent efforts to bolster the legitimacy of feminist movements and women's funds may offer some ideas for how to build the legitimacy of other parts of civil society in the eyes of the general public or specific institutional actors. Our approach consists of

1. resourcing self-led groups because we recognize their ideas as legitimate and believe that they should be funded,
2. documenting our partners' realities and showing their (and our) track record of achievements,
3. pointing to external research that demonstrates the efficacy of self-led feminist advocacy, and
4. supporting governments and other donors to pilot new approaches to establish a track record.

First, we have made approximately €60 million in direct grants to self-led groups of women, girls, and trans and intersex people since we were founded. We are also encouraging other donors to make more and better funding available to support this type of work.

Second, we have documented the changes our partners are making on the ground and analyzed whether and how Mama Cash's support contributes to their efforts.²⁴ This review and analysis has allowed us to pinpoint the ways that our funding sustains the work of feminist groups, which in turn helps build our legitimacy.

Third, our efforts have been reinforced by external research showing that feminist movements are critical to enabling women's empowerment. For example, based on data collected over four decades across seventy countries, we now know that autonomous feminist movements are the single most important variable in advancing policy change to tackle violence against women.²⁵

Finally, we push governments to pilot new approaches. For example, we supported the Dutch government in launching the Leading From the South Fund, which empowers a coalition of four women's funds from the Global South to independently manage €40 million in Dutch aid designated for women's rights.²⁶ This previously untested model aims to establish women's funds as legitimate, valuable partners in the eyes of other governments. The initiative will also seek to bolster the legitimacy of women's funds from the Global South, including in their respective contexts.

Our approach thus consists of resourcing self-led actors, highlighting the value of their work, and supporting other stakeholders to engage them, too—while seeking direct feedback from our partners to ensure our work promotes their goals.

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All for One, One for All: Protecting Sectoral Legitimacy

Nilda Bullain and Douglas Rutzen

The International Center for Not-for-Profit Law ([ICNL](#)) is different from many of the other organizations discussed in this collection. It is not a domestic nongovernmental organization (NGO) focused primarily on one country, but a transnational NGO, headquartered in the United States, that has worked in more than 100 countries around the world. Like any international organization, we had to work hard to establish our legitimacy with local stakeholders. Over the years, we have received feedback from our partners in civil society, government, academia, and other sectors that revealed what they see as the key sources of our legitimacy.

Prioritizing Local Capacity and Impact

Although there is certainly no magic bullet to defeat legitimacy attacks, a combination of institutional attributes and approaches has been crucial in supporting our position. The first is our accumulated expertise, drawn from detailed, in-depth research, knowledge production, and advocacy on civil society legal issues over the past twenty-five years. Second, our international character helps to defend us against challenges to our legitimacy: the members of our board and advisory council come from thirty-seven countries, and the vast majority of our staff come from the countries and regions in which they work. Third, we are careful not to act like a law firm advocating on behalf of a client, but rather as a values-based organization standing for principles rooted in international law, good practice, and practical experience. Fourth, our work on civil society issues in the United States, where we maintain a robust civic freedom program, helps strengthen our legitimacy to pursue international work, especially in today's troubled U.S. political climate.

We have also thought carefully over the years about the question of local rootedness and legitimacy. Our aim is to support local capacity, not to supplant it by rooting ourselves in a particular country. As a result, we work in over 100 countries, but by design have relatively few offices on the ground. We want to institutionally constrain ourselves from leading local initiatives. Our goal is to help in-country stakeholders make fully informed decisions, not to impose our solutions. In short, we prioritize local relevance rather than local rootedness.

One of our toughest organizational dilemmas has been whether to formalize our constituency, specifically whether to institutionalize our partner network. Ultimately, we decided not to do this. Given that we focus on the legal environment for civil society, we have a wide range of allies in governments, parliaments, and judicial sectors who are helpful in achieving our mission. Many of these stakeholders told us that they would be prohibited from joining a civil society network. Some said that they would engage less as a result; others said that ICNL would undermine its honest-

broker role and be viewed as a trade association if our network members were almost exclusively civil society organizations (CSOs). Accordingly, we had to make the difficult choice to sacrifice a possible formal constituency in order to enhance our impact.

The Limits of Local Constituency-Building

When it comes to civil society legitimacy more broadly, we often hear that the best way for a CSO to withstand legitimacy attacks is to develop a local constituency. According to this common theory of change, if the CSO comes under attack by the government or other hostile actors, the constituency will defend the organization, thereby ensuring adequate space for the CSO to operate. We agree that it is important for CSOs to develop strong constituencies and other sources of support. But we worry that this will not be a sufficient defense for many of our partners operating in hostile political contexts.

Illustrating this point, in November 2017, our Hungarian partners awoke to find their names blasted across newsstands. The cover of a government-friendly magazine showed a black flag of the self-proclaimed Islamic State. The words in the middle of the flag had been changed: instead of the Islamic State's slogan, the flag contained the names of two Hungarian human rights organizations written in Arabic-style font. The magazine's headline roared, "Fighters are coming to Europe."

One of the CSOs named on the Islamic State flag was Migration Aid, an organization that grew out of a self-organized network of hundreds of volunteers during the 2015 refugee crisis and maintains a strong and active supporter base today. Despite having a genuine local constituency and deep domestic roots, Migration Aid is a regular target of the government's propaganda campaign.

Or consider the environmental movement in Latin America, LGBTI groups in Africa, or Muslim-American charities in the United States. They all have vibrant, dedicated constituencies. Yet power-holders frequently disregard—or aim to trample—the interests of these constituencies.

Strengthening Sectors, Not Just Organizations

It is therefore crucial for concerned international and domestic actors to supplement efforts focused on bolstering the legitimacy and local rootedness of individual organizations with initiatives aimed at strengthening the legitimacy of a pluralistic civil society sector overall. This, of course, is a difficult task. A recent U.S. case helps illuminate one potential way forward.

In 2017, U.S. Congressman Ron DeSantis proposed an amendment to an appropriations bill that would have banned Islamic Relief Worldwide (IRW) from receiving any funding from the federal budget. The U.S. civil society sector collectively responded. Faith-based organizations, including

Catholic Relief Services, American Jewish World Service, American Hindu World Service, and Mercy Corps, joined with other CSOs, including InterAction, One Campaign, and ICNL, to support IRW. In the end, nearly fifty of the world's most prominent humanitarian relief and development groups voiced their opposition to the amendment, which they saw as threatening the sector as a whole. The amendment was defeated.

It would be interesting to extract lessons learned from this successful campaign, including the role of the Together Project and other civil society umbrella organizations in coalescing the sector around common values. It would also be useful to research and document other case studies from around the world where multiple actors within civil society work together to advance the rights of the sector as a whole.

Reaffirming the importance of freedom of association will be crucial to the success of such sectoral approaches. It is essential not to conflate good practice, such as not being dependent on foreign support, with legislative requirements, such as placing restrictions on foreign funding. International law enumerates narrow grounds to restrict civic actors' freedom of association, and a lack of legitimacy is not one of these narrow grounds. This seems like an essential point to highlight as many governments use concerns about legitimacy as a pretext to impose constraints on civil society. We need to make sure that the sector's important introspection about legitimacy does not inadvertently fuel further restrictions on citizens' right to freedom of assembly and association.

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The Legitimacy Menu

Saskia Brechenmacher and Thomas Carothers

As the different contributors make clear, the closing space for civil society presents a minefield of legitimacy challenges. Governments hostile to independent civic groups have become experts in sowing public doubts about civic actors' identities and agendas while squeezing them with legal and regulatory restrictions and informal but punishing methods of harassment. They are able to use the global rekindling of nationalist sovereignty and renewed emphasis on traditional values to paint in dark colors civil society organizations' reliance on an international framework of rights and norms and the contributions they receive from international funding partners.

In most newly democratic countries, as well as ones still gripped by authoritarian leadership, citizens start from a natural skepticism about civil society advocacy. They welcome charity and service delivery work, but perceive civic groups that engage in governance and policy issues as part of the dirty terrain of partisan politics. Government efforts to portray civil society as pursuing subversive geopolitical or oppositional agendas without electoral accountability only add fuel to the fire. Civil society actors face the dual challenge of having to defend their right to engage on political issues while fending off accusations of being partisan actors in disguise.

The rising political and societal polarization in many countries, often reproduced within civil society itself, complicates efforts by civic actors to build broad coalitions for change. Civic actors in deeply divided societies often struggle to overcome mutual mistrust, even on crosscutting issues and concerns. As a result, they fail to form a strong countervailing force to government abuses. Governments in turn can exploit cleavages within civil society to delegitimize challengers, co-opt others, and pit different factions against each other. In a context of mistrust and fear, it becomes easier to discredit critical voices as somehow inauthentic or illegitimate because of their identity, international ties, or alleged ulterior motives.

Civil society organizations navigating these uncertain waters have to balance different legitimacy risks in every element of what they do and how they do it. This is especially true with respect to funding. Receiving foreign funding can play into government narratives of foreign subversion and reinforce public mistrust. Within civil society, competition for resources and prestige often impedes effective cooperation. Yet accepting public funding can also jeopardize organizations' independence and reputation. Moreover, it is often unclear whether foregoing international support would necessarily protect civic activists from attacks, or whether the attacks simply would take a different form.

Approaches to Building Civil Society Legitimacy

How can civic actors build and defend their legitimacy in this challenging political context? What sources of legitimacy can they draw on, and what approaches have proven most effective at countering government narratives and building public support?

The contributors to this collection offer a varied picture of the challenges to the legitimacy of civic actors. Many context- and capacity-related factors shape the sources of legitimacy that civic groups can draw on and build for themselves. Yet despite considerable variation, a number of recurring themes suggest a core set of “legitimacy sources” that organizations can cultivate and highlight, as well as specific strategies to strengthen both individual organizations and the civic sector as a whole.

First, legitimacy for civic groups can stem from *who they are*: their basic identity as societal actors. Groups can bolster their identity-based legitimacy in several ways:

- *Practicing direct representation*: A key theme of the contributions is that organizations based in and led by the communities they seek to represent are often more difficult to dismiss as illegitimate than those that advocate on behalf of others. They can speak directly and expertly about their own realities, and thus cannot easily be discredited as ignorant or as having an ulterior agenda. They also tend to have in-depth knowledge about the attitudes and norms among the wider communities they need to win over, and the messages that are most likely to be effective. Of course, local rootedness is not necessarily a sufficient defense in hostile political contexts: from Central Europe to Latin America, locally driven movements with active support networks have faced sustained repression.
- *Cultivating ethical leadership*: Identity also matters for civil society organizations that are not based in or represent one specific constituency. Activists who enjoy local credibility and respect are much better positioned to fend off government attempts to taint their image. Conversely, wasteful spending, extravagant lifestyles, and other behaviors that set civic leaders apart from the communities they seek to represent can damage their image as serious drivers of political change.
- *Shaping counternarratives*: Civil society groups should try to address conspiracy theories and rumors that misrepresent their identity head-on. Humor may be an effective way of debunking some of the myths surrounding civil society, as Tunisian activists have tried to do online. Other contributors have suggested highlighting inconsistencies in government attitudes toward civil society advocacy versus private sector lobbying: the latter is often poorly regulated and nontransparent, while restrictions only apply to civic groups. Similarly, civic activists accused of pursuing foreign agendas can stress that they represent norms that governments themselves have signed up to and which are, in most cases, embedded in domestic legal frameworks.

Second, civic organizations' legitimacy is shaped by *what they do*; namely, the issues that they work on. Organizations can shape their thematic focus and expertise to bolster their legitimacy in the following ways:

- *Ensuring local relevance*: Several contributors emphasize the need for civic actors to work on issues that directly impact people's lives. Rather than only focusing on responses to government smear campaigns, civic actors should seek to understand and tackle the root causes of citizen discontent, and demonstrate why their work is relevant to ordinary citizens. In some cases, this approach may mean reframing specific social or political causes in ways that are more locally resonant or culturally appropriate, rather than simply adopting international frameworks and discourse.
- *Giving voice to the powerless*: At the same time, not all civic actors work on issues that have majority appeal. In fact, their legitimacy may stem from giving voice to marginalized issues and groups that otherwise are excluded from the political sphere—provided that, as noted above, they build on and cultivate genuine linkages to the communities they seek to represent.
- *Having a diverse portfolio*: In some cases, working on service delivery or other more “palatable” issues can give civil society organizations space to address more politically difficult topics. For example, combining traditional development work with advocacy can lend added legitimacy: it allows organizations to point to concrete achievements they have helped to produce in areas such as health, education, or agriculture. In the case of the International Center for Not-for-Profit Law (ICNL), having a U.S.-focused advocacy and research program gives the organization a stronger basis to engage in similar work abroad. Of course, having a diverse portfolio can also mean having to reconcile competing objectives: for example, groups like Dejusticia in Colombia that engage in both research and advocacy have to balance different legitimacy expectations for different areas of their work.

Third, civil society organizations also accrue legitimacy based on *how they do their work*. Three core principles stand out:

- *Strengthening downward accountability*: Even civic organizations that did not emerge as grassroots actors can prioritize local capacity-building to enable their key constituencies to advocate for themselves, rather than speaking on their behalf. Such an approach, if applicable, helps to ensure that their efforts have popular buy-in, and makes it harder for governments to dismiss demands for change. For example, ICNL has specifically chosen not to have local offices in the countries where it works to avoid hijacking local initiatives. In Guatemala, the Center for the Study of Equity and Governance in Health Systems similarly found that lobbying the government on behalf of indigenous communities quickly backfired. The organization has since moved toward providing lower-profile support for indigenous activist

networks. Taking local legitimacy seriously can also mean fostering strong downward accountability mechanisms, whether by involving constituencies in key organizational decisions or regularly soliciting feedback from stakeholders and partners.

- *Maintaining political independence.* Advocacy work is of course inherently political. Yet as noted above, perceptions of partisanship can easily undercut an organization’s legitimacy in the eyes of the public, particularly in polarized contexts. Potential mechanisms to avoid accusations that political work is partisan work include embedding advocacy in international or domestic legal principles, eschewing government funding, not taking sides in election campaigns, and refraining from using nongovernmental organizations as launch pads for political careers. Groups can also try to explicitly bridge political divides by fostering campaigns around crosscutting issues and reaching out to new allies—a strategy discussed in greater detail below.
- *Ensuring transparency about objectives and methods.* Although government restrictions can naturally push organizations to work under the radar, several contributors highlight the importance of organizational transparency to preempt potential attacks. Financial and operational transparency—“bringing your own house in order”—can help counteract government accusations of corruption or subversion, and build public trust by showing that an organization and its members have nothing to hide.

Fourth, civic organizations draw legitimacy from those *with whom they work*, whether this includes other civil society actors, allies in related sectors, or even government officials and institutions. Many contributors highlight the importance of fostering broader alliances within civil society and bridging existing divisions to build more countervailing power, such as in the following ways.

- *Investing in sectoral cohesion.* Long-term partnerships and alliances within society allow civic groups to expand their support base and tap into each other’s networks and expertise. Strong coalitions and a sense of solidarity within civil society can also help push back against attacks on individual organizations or the sector as a whole. For example, in the United States, a broad coalition of humanitarian aid organizations rallied behind Islamic Relief Worldwide after the latter was threatened in Congress. Activists therefore should not only consider the legitimacy of their own organizations but also join forces to build public support for associational freedom as a core political right.
- *Bridging societal divides.* In polarized political contexts like Kenya, Thailand, and Turkey, building stronger alliances may require explicitly reaching out to partners across the divide. As a first step, this will require recognizing each other’s grievances and concerns as legitimate, and being open to reframing issues and causes in ways that ensure broader buy-in.

Another potential avenue forward may be to focus on crosscutting issues that bridge existing axes of polarization.

- *Finding new allies:* Civic actors can try to build public support by finding new allies in the media or private sector that can disseminate their message in novel ways. They can also invest in communications to show the relevance of their work to a broader audience. This approach will require them to show why their work should matter to ordinary citizens, thereby moving beyond one-sided awareness-raising activities toward a more sustained dialogue with those parties they seek to persuade. Nevertheless, there can be real tensions between trying to grow a wider constituency and sticking to a core mission or maintaining a low organizational profile, and groups have to carefully navigate potential trade-offs.
- *Building partnerships within government:* In some contexts, good working relations and a history of collaboration with state institutions can be another important source of civil society legitimacy. In Uganda, for example, ActionAid's past experience of working with the government on development issues made it more difficult for state actors to frame the group as dangerous and subversive. In Turkey, the public often views organizations that work closely with the state as more legitimate and effective than those that try to preserve their autonomy. Yet in many contexts, collaborating with state actors is practically impossible for civic organizations that are not ideologically aligned with the government—or entails high risks of cooptation and instrumentalization.

Finally, civil society organizations build legitimacy based on ***what impact they have*** and what they achieve. Several contributors have pointed to their track record of successful advocacy as well as their accumulated subject matter expertise as key sources of legitimacy, both in the eyes of local partners and of government actors and funders they are trying to influence. Mama Cash, for example, purposefully invested in research examining the local impact of their work, and leveraged external research to underscore the importance of its core mission. International organizations like ICNL have built up their reputation and access based on years of knowledge production, best-practice development, and legal advisory work. Of course, effective advocacy and coalition-building can also make organizations more of a target, particularly if their work goes against core political and economic interests. In such contexts, strong support networks within civil society and allies in other sectors will be particularly important.

In sum, multiple strategies exist for civic actors seeking to build legitimacy or defend it in the face of attacks by hostile governments or other actors. Not all of the strategies are available or feasible in every context. None of the available strategies is a silver bullet. But it is important for all civic actors to assess their legitimacy vulnerabilities carefully and think through the full range of possible actions they can take either to build legitimacy before attacks come or to respond effectively if attacks are already underway. Given that the punishing global wave of attacks on civil society legitimacy grows out of larger changes in power relations and patterns of domestic governance that are likely to define

the international landscape for the foreseeable future, the legitimacy challenge is here to stay. In some contexts, the forces arrayed against civil society are overwhelming. Yet as the contributions here highlight, even under adverse circumstances, thoughtful approaches and hard work can make a positive difference.

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