Workshop Report

Closing Space for Civil Society and Media in East Africa: Forging a Collaborative Response

FEBRUARY 22-23, 2018

NAIROBI, KENYA

ICNL

Workshop participants in a breakout discussion.

EXECUTIVE SUMMARY

Background and Context

The East Africa region is vibrant with civic activity driven by diverse civil society formations. However, the region has not been spared from the closing civic space phenomenon that increasingly restricts people's rights to freedom of peaceful assembly, of association and of expression in many countries across the globe. The global democratic decline has not spared countries in East Africa.

It is against this background that civil society organizations (CSOs) and media practitioners from Kenya, Uganda and Tanzania working on human rights, democratic development, transparency, digital media, women and youth empowerment, legal aid, litigation and other issues of public interest convened in Nairobi to address the shrinking space for civil society and media. The objective of the meeting was to formulate joint strategies and share best practices for CSO-Media engagement in the context of increased government restrictions on both sub sectors.

Several themes emerged from the opening sessions, setting the tone for the rest of the workshop. It was clear that closing space affects not just civil society organisations and the media, but reaches ordinary citizens and impairs their ability to participate in public affairs in their countries. Violations that characterize shrinking civic space are perpetrated by both State and non-State actors and include suppression of pluralistic views through monopolistic ownership of media, attacks and reprisals against journalists and activists, targeting minority and marginalized groups, curtailment of internet freedom, censorship of social media, among others.

Civil society's inherent responsibility to keep government accountable was seen to be the key reason for the tension, resistance and repression against civil society result. The high stakes electoral context was singled out as particularly risk-filled for activists and the media. Further, the use of legislation to institute restrictive policies predominates across the three countries, as does the sharing of these laws and other bad practices by governments in the region.

Non-State actors were also identified as increasingly exercising power and influence sometimes at the expense of the government or in collusion with government to suppress civil society voices that would hold them to account.

The impact of these restrictions is the chilling effect that leads to activists and media personalities leaving the profession or leaving the country altogether to go into exile. Civil society leaders and influential voices in society such as academia are co-opted into government, thus eroding confidence in civil society. Fear and self-censorship mean that repression goes unchallenged and dissent is not supported or encouraged. There is limited participation in public policy and a lack of accountability resulting in unsustainable development efforts. Eventually a dormant civil society may culminate in the breakdown of laws, economic values and the social fabric and ultimately State collapse.

Enabling environments for civil society are embodied by the protection and promotion of universally accepted human rights norms and standards which allow people to organise, participate and communicate freely with each other and together effect change that benefits the society as a whole. Central to reclaiming civic space is defusing the often antagonistic relationship between government and civil society by forging strategic partnerships; accurate identification of potential political and policy spaces where there may be opportunities to influence decision-making; alliance-building and networking beyond mainstream civil society and traditional media platforms; strengthening peer accountability within the sub-sectors and across sectors; designing creative and innovative expressions of solidarity, communication and collaboration; joint advocacy strategies; identifying and scaling up of practices that are working well elsewhere; and leveraging the support of allies including development partners.

With this background participants identified several priority themes representing issues that confront civil society organizations and media to address in greater detail during breakout sessions. Participants developed some key recommendations focused how media and civil society organizations working together at the regional and national level can reclaim and expand civic space.

Key Thematic Recommendations

REGIONAL ADVOCACY

GOALS: Promote solidarity among all six East African Community States; develop analyses of the legal and regulatory environment to establish how these help or hinder the enjoyment of civic space.

RECOMMENDATIONS: Regular country visits to express solidarity with local civil society; development of guidelines on the rights to freedom of peaceful assembly and of association for the region and a regional law that incorporates a monitoring mechanism to assess the quality of civic space.

INNOVATIVE FUNDING MECHANISMS

GOALS: Develop capacity to respond to emergency situations, reduce over-reliance on traditional donor funding, develop innovative and creative fundraising strategies; develop policies that create incentives for social enterprises.

RECOMMENDATIONS: Convene donors and development partners to discuss sustainable financing of civil society; explore innovative investment opportunities; build social enterprises and cooperatives for civil society organisations.

USING AND PROTECTING DIGITAL SPACE

GOALS: Counter surveillance and targeting of users of online spaces; push back against restrictive laws and regulations and the lack of independent regulators.

RECOMMENDATIONS: Monitor and document instances and types of malware brought into the region; enhance digital security training for civil society and media.

MEDIA AND CIVIL SOCIETY IN POLITICAL SPACES

GOALS: Strengthen freedom of expression and opinion and independence of the media in political contexts; increase solidarity and collaboration amongst media and civil society.

RECOMMENDATIONS: Increase use of alternative media to critique issues; map actors in both sub-sectors and encourage effective communication amongst them; Increase interaction between media and civil society to encourage alignment of ideas and goals.

CSO-MEDIA ACCOUNTABILITY/REDEFINING NARRATIVES AND PUBLIC PERCEPTIONS

GOALS: Enhance mutual understanding between media and civil society and with the general public; increase financial openness and accountability within the sector; improve CSO internal governance and compliance with regulatory requirements; establishment and adherence to self-regulatory mechanisms.

RECOMMENDATIONS: Develop efficient mechanisms for information-sharing; encourage sustained engagement and collaboration; conduct civic education campaigns to increase public awareness of CSO and media work.

USING KNOWLEDGE FOR GOOD - MOBILIZING ACADEMIA

GOALS: Redefine academia's role in view of increased co-optation into government ranks; encourage robust support from academics for individuals and institutions defending civic space.

RECOMMENDATIONS: Engage in research to better understand the closing space phenomenon and how to interface with government; engage in skills development and collaboration amongst academics, civil society and government; identify and generate necessary knowledge resources to support defenders.

PROTECTION MECHANISMS (LEGAL AID AND LITIGATION)

GOALS: effectively leverage legal responses in aid of victims of restricted space; strengthen weak judicial institutions in their efforts to protect civic space.

RECOMMENDATIONS: Engage in sustained strategic and public interest litigation in key regional and national courts; develop media strategies around litigation; build capacity of all relevant actors including judicial officers on civic space issues.

MEDIA-CSO RELATIONS

GOAL: Develop strong and sustained collaboration between media and CSOs

RECOMMENDATIONS: engage and interact with a diversity of media not just mainstream; initiate and maintain regular communication and ongoing dialogue; build capacity to foster better mutual understanding of each sub-sector.

Key Country Level Recommendations

An emerging consensus during the workshop highlighted absence of a strong mutual understanding and ongoing collaboration between CSOs and media. In breakout sessions, participants considered in greater detail how this challenge could be addressed in each of the three countries. Strategies across all three countries emphasized continuous engagement between the two sub-sectors through capacity building of both civil society and the media on respective roles; ensuring inclusivity of the wide spectrum of media and civil society associations; and the establishment of joint working groups to lead implementation of joint actions.

A few initiatives considered to be good practice and with potential for scale-up, were identified as a potential means of promoting collaborative engagement. These include convening events such as media award ceremonies, joint press conferences, platforms such as Maskani ya Taifa that promote conversations nationwide in Kenya on issues of public interest and other fora that bring together media and/or civil society

organisations to promote public awareness of civic space issues. It was agreed that public interest litigation is an important avenue to promote progressive jurisprudence in the fight against closing civic space. To this end, litigation teams including paralegals should be strengthened with both knowledge, financial and other resources to enable them take on the task.
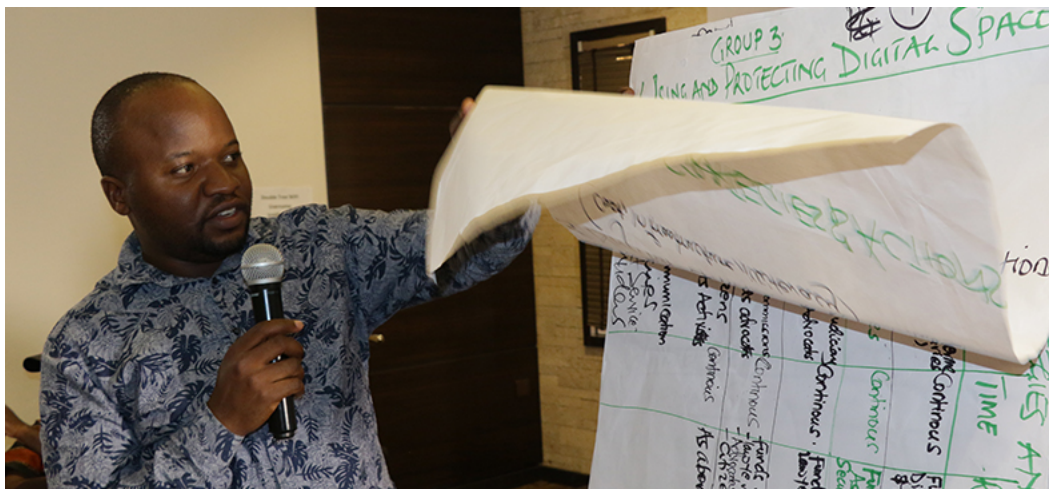
Participants suggested several concrete actions they could undertake to advance the goal of mutual understanding and collaboration.

In Kenya, participants agreed to create spaces for CSOs and media to jointly work together; to jointly engage in structured and formal dialogue with the government and regulating agencies; and increase joint efforts to continuously monitor the civic space environment.

In Uganda, it was agreed that there is need to clearly identify threats to civic space and to develop clear mitigation measures. In view of the increasing break-ins affecting media and civil society organisations' premises it is important to establish disaster-recovery sites to assist in the aftermath. Co-operation between civil society and the government authorities requires strengthening. Further, CSOs and media could greatly benefit from training in the use of digital technologies.

Participants from Tanzania agreed to increase mutual understanding by raising media's awareness of the legal environment affecting their work as well as civic space issues. They proposed to undertake risk analysis and provide security training; enhance engagement and use of internet media platforms to promote national conversations on civic space and to build alliances with academia to advance civic space issues.

WORKSHOP REPORT

Edrine Wanyama of the Centre for International ICT Policy in East and Southern Africa (CIPESA) reports back to the plenary.

1.   About the Workshop

The workshop brought together CSOs and media practitioners from Kenya, Uganda and Tanzania working on human rights, democratic development, transparency, digital media, women and youth empowerment, legal aid, litigation and other issues of public interest, to address closing space in East Africa, especially crackdowns on media outlets and critical NGOs. The closing civic space trend is characterized by increasing impunity; repressive tactics perpetrated by state and non-state actors and will require a commitment to collaboration and mutual support by civil society actors at the national and regional level. The objective of the meeting was to formulate joint strategies and share best practices for CSO-Media engagement in the context of increased government restrictions on both sub-sectors.

Closing civic space is a global phenomenon. While focusing on the particular challenges that civil society faces in the East African region, the meeting did not lose sight of the context of democratic decline worldwide and potential lessons that emerge from diverse efforts to combat shrinking space. Workshop participants resolved to stand together in solidarity, to remain vigilant against threats to civic space and to collaborate and provide support to each other at the national and regional levels.

A SOLIDARITY STATEMENT (full text – Annexure 1), agreed on and issued at the end of the meeting, highlights the trend of closing civic space that afflicts the three countries and enumerates some of the repressive tactics perpetrated by state and non-state actors. Participants recognized that the trend not only affects their organizations and sub-sectors, but also other sectors, the ordinary citizen and society as a whole. Participants' contribution to reversing this trend lies in the regional and national

strategies and interventions identified during the meeting and extend to engagement with other actors all of whom have a key role to play in ensuring a safe and enabling space for civil society and media in the region.

A public forum "Regulating Civic Space and Media in Law and Practice" addressed timely issues facing Kenyan civil society and media. This forum was especially relevant in view of the government shut down on 30 January 2018 of broadcasts by three largest media houses following their defiance of government warnings against live broadcasting of the opposition leader's mock swearing-in as the people's president.

Mercy Munduru from FIDA Uganda and Robert Mugisa from Human Rights Centre (Uganda) deep in discussion.

2.   Setting the Scene:

A. KEYNOTE REMARKS

The Keynote Speaker, Mr. George Morara, Vice-Chair and Commissioner of the Kenya National Commission on Human Rights in his reflections, affirmed the dire situation of closing space that civil society and the media in Kenya, Uganda and Tanzania find themselves. The ideal parameters that define open space for the operation of civil society and media, he emphasized, are created by:

> *"... universally accepted rules and principles which allow people to organize, participate and communicate with each other freely and without hindrance, and in so doing influence the political and social structures around them".*

Mr. Morara also said that states have a duty to protect citizens and institutions such as media and civil society within their jurisdictions while respecting, facilitating and respecting fundamental rights to assemble, freely associate and express views and opinions. The norms enshrined in international human rights instruments to which each of the States has subscribed, underpin a democratic society.

Having set out these important standards to which open societies are held, Mr. Morara invited participants to join him in evaluating their countries and the actions of governments against these principles. He shared examples of violations that are perpetrated by State and non-state actors, including suppression of pluralistic views through monopolistic ownership of media, reprisals against journalists and activists, curtailment of internet freedom, censorship of social media content and so on. Using ICNL's Civic Freedom Monitor that includes analyses of the legal framework for civil society in 54 countries along with country rankings measuring development, rule of law, accountability and transparency, political rights and civil liberties, he found a common trend of poor performance in both Kenya and Uganda (Tanzania is not yet covered by the Civic Freedom Monitor). He attributed this in part to governments learning and sharing bad practices in the region.

The way forward, he suggested, needs to include a common framework to define the civic space and a basis for common action such as the Civic Charter developed under the auspices of the International Civil Society Centre. He encouraged workshop participants to use all available means to push for progressive change including through litigation and to forge coordinated strategies to reclaim civic and media freedoms in the region.

B. OPENING PANEL

The opening panel drew from the experiences of three panelists, one each from Kenya, Uganda and Tanzania, engaged in civic space and media issues. The discussion aimed at providing the background and context to closing space, and to introduce the questions, challenges and themes to be considered by participants during the rest of the meeting.

Panelists were united in their assessments – that serious challenges exist in each of the three countries. The panelists emphasized that space was closing not just for NGOs and media but also, and more importantly, for ordinary citizens who are unable to express their sovereignty and participate in public affairs in their countries. This was illustrated by the annual falling rankings of Kenya, Uganda and Tanzania in press freedom in the world. In Tanzania, the government is increasingly clamping down on freedom of expression through a litany of laws restricting journalists and ordinary citizens from freely using social media and expressing themselves.

As to triggers and context, a tension was noted to exist between state and civil society because of the inherent responsibility that civil society particularly, has to hold government to account. Demands for accountability are a key reason why repression follows. Accountability extends to individuals within government such as elected representatives who may be singled out for pursuing personal rather than constituency interests. Government consequently, often targets civil society for repression, particularly when civil society objectives align with those of the political opposition. The electoral context is thus particularly risky for civil society to demand

accountability. Throughout the region, repressive leaders appear to be learning from each other as evidenced by common trends such as violent repression of peaceful protests and the closure of civil society organizations and media (including social media) outlets.

Panelists pointed out that the locus of power does not always lie with the state; increasingly non-state actors such as criminal gangs are hijacking and wielding power normally held by state institutions. This is characterized for example, by the infiltration and influence of cartels in government processes, and politicians' use of armed gangs during election campaign periods. Appropriate responses need to be fashioned to address such situations.

Panelists noted that governments often use legal tools to institute restrictive policies, especially where laws are archaic, and where courts undermine the laws they should uphold. In Uganda for example, courts issued orders to prevent media coverage of opposition rallies, and the Executive arm of government subsequently reinforced this through an executive order.

The disrespect of court orders, such as in Kenya with regard to the PBO Act, and the failure to implement the Constitutional two thirds gender representation rule, and the closure of four television stations despite court orders to lift the ban, were identified as key legal challenges. A need to maintain and support the judiciary and independent institutions to prevent erosion of their authority was emphasized as well as solidarity amongst regional civil society, taking action where others are unable to act. Such joint solidarity action might include dissemination of information through email alerts or tweets. An online platform where civil society groups can share resources on issues of common concern would also strengthen synergies.

The absence of a human rights jurisdiction in regional courts e.g. the EACJ was identified as a gap in strengthening accountability for repression, but also an advocacy opportunity.

The impact of restrictions is felt in the chilling effect that leads to activists and media personalities leaving the profession, or leaving the country to go into exile. A climate of fear and silence/self-censorship prevails within media, civil society, the ordinary citizen, politicians and also extends to development partners who do not speak out against repression or offer other expressions of support for dissenting voices. Civil society organizations are de-registered, shut down, civil society leaders and members of academia who are influential in society are co-opted into government, thus eroding confidence in civil society. There is limited public participation in public policy and a lack of accountability leading to unsustainable development projects. The bigger picture is a dormant civil society, a regressive society as a whole and even state collapse due to a breakdown in laws, economy, values and social fabric.

Central to resolving the crisis, is defusing what is often an antagonistic relationship between government and civil society. A shift of focus towards strategic partnerships – government perceiving civil society as key allies in achieving common goals - would be beneficial. Correct identification of power brokers, political and policy spaces where decisions are made e.g. Open Government Partnership and African Peer Review Mechanism could help create opportunities to input decision-making. Broadly, these mechanisms seek commitments by governments to strengthen democratic governance and to empower citizens. These mechanisms encourage the creation of formal public participation opportunities through which civil society can engage in developing and implementing national action plans and in country self-assessments.

Beyond government/civil society relations however, the panelists suggested a need to build alliances and networks that go beyond the mainstream civil society and media to include groups such as faith-based organizations and trade unions and to leverage social and other online media. Civil society needs to strengthen peer accountability to obviate the need for external monitoring. Initiatives like VIWANGO in Kenya and QuAM in Uganda seek to develop peer accountability standards but have unfortunately, not received sufficient support or uptake.

Panelists also recommended that civil society actors exert peer pressure on those co-opted into political leadership positions to adhere to acceptable norms and values; design creative and innovative ways of expressing solidarity, communicating and working together as CSOs and media; and scale up practices that are working well elsewhere, such as the efforts to develop co-operatives of activists and innovative funding initiatives. The panelists agreed on the need for CSOs and media to work with donors and development partners to come up with appropriate responses to closing civic space.

Prof. Sam Kamau of the Aga Khan University School of Media and Communication (Kenya) moderates the opening panel.

ICNL INTERNATIONAL CENTER
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CIVIL SOCIETY
REFERENCE GROUP (CSRG)
In quest for a Conducive and
Enabling Environment for CSOs
in Kenya and the Region

C. PLENARY DISCUSSIONS

Plenary discussions elicited additional areas of concern that illustrate shrinking space, including institutions and regulatory bodies whose practices and operations do not conform to constitutional requirements. As an example, the Communications Authority of Kenya was recently involved in shutting down media houses arbitrarily. Other concerns raised touched on the targeting of minority and marginalized groups in Tanzania for allegedly tarnishing the image of their country by advocating for their rights; the role of development partners in Uganda who exclude organizations registered as limited liability companies as potential grantees due to their registration status; and restrictions on organizations freedom of movement, limitations to immigration processes, break-ins, surveillance, raids, confiscation of materials and equipment, among other infringements of rights.

Participants suggested that collaborative responses might include joint litigation strategies by civil society when media is under threat and media widely highlighting and publicizing attacks on civil society. Further, a joint advocacy strategy that empowers human rights defenders and builds resilience to attacks, educates media on civic space issues and increases civil society and media engagement with government officials was deemed useful.

The need to strengthen joint action and collaboration is imperative. Several opportunities exist to achieve this. Participants committed to civil society and media integrating each other in their activities to increase mutual understanding of each sub-sector's respective roles and strengthening mutual solidarity. Joint engagement in policy and legal reform in anticipation of restrictive laws would draw on the strengths and relative advantages of each sub-sector – capacities to analyze and conceptualize issues at stake, publicize and advocate for or against those issues, mobilize and convene stakeholders around the causes. Participants noted the need for further capacity building especially for young professionals in both media and civil society, especially with a view to contextualizing current struggles and documenting the historical role that both sub-sectors played in democratization efforts. Participants agreed on the utility through public awareness raising, of changing the public's perception of civil society and media as unpatriotic or an extension of opposition political formations by anchoring their work in universal norms and values that States have agreed to. Further participants agreed to engage in joint advocacy strategies that bring on board a wide array of supportive stakeholders faith based organizations, East African Community organs, and the diplomatic community. It was agreed that innovative funding methods need to be cultivated and implemented.

Perpetua Adar of Kenyans for Peace with Truth and Justice and Andrew Karamagi of ActionAid Uganda participate in a breakout discussion.

3.   Workshop Outputs

A. THEMATIC OUTPUTS

From the opening segment of the workshop several key themes emerged as areas where media and civil society could work together across the region. For each theme, participants identified the central challenges that urgently need to be addressed and suggested concrete actions that the group would jointly undertake to address the challenges. Each group considered potential actors relevant to the strategies they had identified and thought about the skills and resources that might be necessary to accomplish the goals. The next steps primarily involved plans to keep participants in touch with a view to further developing their suggested strategies.

What follows is a brief overview of the key challenges identified under each theme and key strategies to address these challenges.

REGIONAL ADVOCACY

In order to facilitate mutual support and learning around efforts to counter closing space, participants agreed that regional advocacy is a crucial element of the joint interventions proposed. Participants identified some of the pressing issues that would benefit from joint regional advocacy to include creating solidarity among all six East African Community States; examination of the legal and regulatory frameworks to establish how they support or hinder civic space; analyses of several issues that affect the effective operation of civil society such as anti-terrorism measures, governance systems and institutions, financing and the security of human rights defenders.

As to strategies, participants agreed to make country visits to each of the countries to promote solidarity and provide support for civil society and media under attack. Participants proposed to develop guidelines on the rights to freedom of peaceful

assembly and of association for the region, and establish psychosocial support for affected human rights defenders. In the longer term (5 years), participants suggested the development of a regional law on civic space as well as a monitoring mechanism to assess civic space.

INNOVATIVE FUNDING MECHANISMS

Civil society and media efforts to counter closing civic space are affected by the limitations of donor funding and the environment created by a reliance on this type of funding. These limitations include inflexibilities built into funding arrangements that may constrain civil society's ability to respond to emergency situations; under-development of innovative and creative ways to raise funding such as through developing entrepreneurial skills; community attitudes that perceive civil society organizations as providers of free services thus resistance to payment for services; and the lack of favorable policies that incentivize social enterprises.

Participants agreed to convene a Donor Roundtable Meeting that will discuss sustainable finance for organizations. They proposed to engage in innovative investments opportunities, to build social enterprises, and to establish co-operatives for civil society organizations.

USING AND PROTECTING DIGITAL SPACE

In the digital sphere, closing civic space is characterized by among other things, targeting of online users through digital surveillance, the pervasiveness of fake news that spreads disinformation, increasingly restrictive legal rules to regulate use of digital space, the lack of independence among regulators and an increasing digital divide particularly between rural and urban communities.

Participants resolved to respond to these issues by monitoring and documenting malware brought into each country and enhancing digital security training for civil society and media. In order for new media to reach a wider audience, participants recommended advocating for increased accessibility to infrastructure such as electricity and smart phones. They also agreed to increase engagement at the regional level in order to contribute to legal initiatives on digital space.

SPEAKING TRUTH TO POWER: MEDIA AND CSO ACCOUNTABILITY IN A POLITICAL SPACE

A recurring theme during the workshop discussions was the restrictions that confront media and civil society actors when they express their views, critiques and dissent as independent actors in political spaces, for example during election periods. Often criticism and dissent is erroneously perceived to be support for opposition political actors and therefore, biased and partisan.

Participants identified state ownership of media and CSOs as potentially problematic because it may lead to censorship, disinformation and curtailment of the freedom of expression, dissent and speaking out against wrong actions by those in authority. Other challenges were identified as the failure of government to appreciate the roles and value of media and civil society and the disempowerment and demoralization of civic actors arising from the suppression of their views.

In response to these concerns, participants suggested actions that increased interaction and collaboration within the media fraternity and alignment of goals; use of alternative media as a means of critiquing sensitive issues to overcome mainstream media aversion to covering those issues; mapping of actors in both sub-sectors and better communication of their value to society; and encouraging those affected by shrinking space to push back against the repression;.

STRENGTHENING CSO/MEDIA INTERNAL ACCOUNTABILITY/ REDEFINING NARRATIVES AND PUBLIC PERCEPTIONS

Participants felt that the respective roles of media and civil society are not well understood by either sub-sector or by the public in general. Further, a focus on the bottom-line prevents media from supporting CSOs in their work if no revenue will be accrued. Other challenges include increased threats against journalists and activists including from political players; the influence and impact of media ownership on editorial policies; the lack of financial openness and accountability amongst some CSOs; challenges in CSO's internal governance e.g. fusion of management and governance structures which should be independent. Inadequate compliance with regulatory requirements by CSOs leading to threats and deregistration and reluctance by CSOs to establish and adhere to self-regulatory mechanisms contributes to public misconceptions about the role of CSOs.

In terms of strategy, participants resolved in the short term – to develop a mailing list of CSOs and media to enable information sharing. In the medium to long term the plan is to engage in capacity building for both media and CSO, encourage sustained engagement, information sharing and development of joint projects. To change the narrative and public perceptions, the group proposed to conduct civic education campaigns in order to raise awareness of CSOs and media's work.

USING KNOWLEDGE FOR GOOD – MOBILIZING ACADEMIA

Academia was identified as a potentially key player in efforts to counter closing civic space. Participants recognized the need to re-define academia's role in response to the changing nature of government that increasingly incorporates academics within its ranks. It was felt that academia often falls short when it comes to leveraging its role in society to robustly support actors and institutions engaged in defending civic space.

Suggested strategic interventions would involve identifying and generating necessary knowledge resources to support actors and institutions engaged in defending civic space e.g. courts, both in the long term and in rapid response situations. A more thorough understanding of the closing space phenomenon in order to identify appropriate and effective responses would be necessary. In addition, a better understanding of how government works and increasing interactions amongst academia, government and civil society, skills development amongst academics were all identified as key needs that require to be addressed.

PROTECTION MECHANISMS (LEGAL AID AND LITIGATION)

Increasing restrictions on civic actors necessitate prompt legal responses; as such participants were keen to develop strategic interventions that would strengthen legal aid and litigation. The key challenges to the effectiveness of legal aid and litigation mechanisms arise from the failure to strengthen key institutions such as the judiciary, the high cost of obtaining justice through the courts, lack of awareness by victims of potential remedies. Authorities may also take advantage of the legal avenues to intimidate media and civil society for example by instituting criminal defamation cases.

Participants stressed the need for sustained strategic and public interest litigation in constitutional and regional courts to develop favorable jurisprudence around key concerns. They recognized the need for capacity building on civic space issues for all relevant actors, the need for development of media strategies around cases in order to keep the issues alive in the public domain, collaboration amongst like-minded actors and strategic engagement with authorities to explore other avenues of protecting civic space.

MEDIA/CSO RELATIONS

Media and civil society interests have converged on several occasions in the different countries. However, participants noted that this has not resulted in strong and sustained collaboration between the two sub-sectors. As such, they discussed ways to overcome or work around what they felt underlies this disconnect - the overwhelming media focus on stories that make headlines.

Participants resolved to engage with the diversity of media, not just mainstream and not just those covering stories that drive the headlines. Further, the need for regular communication and ongoing dialogue was stressed. Capacity building that would foster a better mutual understanding of issues that affect each sub-sector was also suggested as a key strategy to maintain productive relations between media and civil society organizations.

Catherine Anite of Uganda's Freedom of Expression HUB reports back to the plenary.

B. JOINT CSO AND MEDIA COUNTRY LEVEL STRATEGIES

Participants had the opportunity on the second day of the workshop to convene in country groups to discuss previously developed civic space national action plans and the progress thus far.

In Kenya, consultative forums on civic space were convened, such as the PBO Leaders Summit held in July 2017 at which six presidential candidates for the August elections signed a pledge to operationalize the PBO Act, protect Civic Space and hold dialogue between civic space actors and government. Initiatives were planned to partner with county governments to strengthen the protection of civic space by engaging the county governments and Council of Governors to develop a formal working relationship to this end. Plans to develop a mobile application as an urgent response mechanism for civil society actors at risk are currently underway. There is ongoing engagement between civil society and the judiciary and other policy institutions to enhance compliance with laws and policies. There are plans to monitor, document and research legal cases affecting CSO actors, and to bring together regional civic space actors to strategize and share best practices e.g. from Horn of Africa. The Civic Space Protection Platform also developed the Know Your Rights as a CSO Handbook to train and enhance capacity of civic space actors.

In Uganda, civil society was engaged in developing a more efficient use of social media, and better co-coordinated responses to threats by legal aid service providers; more incisively identifying the different threats that may confront CSOs and media such as online, legal, physical threats and what the appropriate responses should be; widely disseminating research and relevant information and better implementation of recommendations; strengthening of regional alliances e.g. the coordinated legal

response to Ugandans arrested in Tanzania; and developing mentorship and skills development programs through exchange programmes such as amongst universities.

In Tanzania, CSOs established a Working Group on Civic Space that works on five strategic areas; freedom of information, freedom of assembly and associations, citizen participation, non-discrimination/inclusion and human rights/rule of law. The Working Group is analyzing challenges faced by media and CSOs and developing advocacy strategies for each of the key areas. The Working Group is also in the process of reviewing the NGO Policy together with other stakeholders.

The need for mutual understanding and ongoing collaboration between CSOs and Media was repeatedly reaffirmed during the course of workshop proceedings. Participants therefore, spent time deliberating on how this goal could be achieved, to identify the key priorities at the national level to protect and expand space for CSOs and media, to identify best practices that could be scaled up and to suggest national strategies that CSOs and media in each country could undertake jointly in pursuit of expanded civic space.

Strategies across all three countries emphasized continuous engagement between the two sub-sectors through capacity building of both civil society and the media on respective roles; ensuring inclusivity of the wide spectrum of media and civil society associations; and the establishment of joint working groups to lead implementation of joint actions.

A few initiatives considered to be good practice and with potential for scale-up, were identified as a potential means of promoting collaborative engagement. These include convening events such as media award ceremonies, joint press conferences, platforms such as Maskani ya Taifa that promote conversations nationwide in Kenya on issues of public interest and other fora that bring together media and/or civil society organizations to promote public awareness of civic space issues. It was agreed that public interest litigation is an important avenue to promote progressive jurisprudence in the fight against closing civic space. To this end, litigation teams including paralegals should be strengthened with both knowledge, financial and other resources to enable them take on the task.

Participants suggested several concrete actions they could undertake to advance the goal of mutual understanding and collaboration.

In Kenya, participants agreed to create spaces for CSOs and media to jointly work together; to jointly engage in structured and formal dialogue with the government and regulating agencies; and increase joint efforts to continuously monitor the civic space environment.

In Uganda, it was agreed that there is need to clearly identify threats to civic space and to develop clear mitigation measures. In view of the increasing break-ins affecting

media and civil society organisations' premises it is important to establish disaster-recovery sites to assist in the aftermath. Co-operation between civil society and the government authorities requires strengthening. Further, CSOs and media could greatly benefit from training in the use of digital technologies.

Participants from Tanzania agreed to increase mutual understanding by raising media's awareness of the legal environment affecting their work as well as civic space issues. They proposed to undertake risk analysis and provide security training; enhance engagement and use of Internet media platforms to promote national conversations on civic space and to build alliances with academia to advance civic space issues.

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ANNEXURE 1: SOLIDARITY STATEMENT

Closing Space for Civil Society and Media in East Africa: Forging a Collaborative Response

23 FEBRUARY 2018 (NAIROBI, KENYA)[1]

We, more than 60 civil society organisation and media representatives from Kenya, Tanzania and Uganda working on human rights, democratic development, transparency, digital media, women and youth empowerment, legal aid, litigation and other issues of public interest are gathered in Nairobi to express our firm resolve to stand together in solidarity as civil society and media.

We will remain vigilant against threats to civic space. We commit to collaborate and provide support to each other through individual and joint efforts at the national and regional levels to combat shrinking space.

We note with concern a trend of closing civic space in the three East African countries characterized by increasing impunity. This has been evidenced by repressive tactics perpetrated by state and non-state actors, including among others:

- Intimidation of and reprisals against journalists and activists through smear campaigns, arrests, detention and disappearances;
- Enactment of restrictive laws and policies;
- Disregard for the rule of law such as the continued failure in Kenya to operationalize the PBO Act despite several court orders;
- Constraining financing of civil society organisations and media;
- Curtailment of civil society's and media's freedom of movement and ability to freely operate especially in electoral contexts;
- Restrictions on access to information through banning of newspapers and shutting down of media outlets and civil society organisations as has happened in Tanzania;
- Surveillance of activists and journalists in physical and digital spaces;
- Criminalization of dissent;
- Use of excessive force to disperse peaceful protests and demonstrations;
- Intimidation of the judiciary and other governance and oversight institutions that should be independent; and

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[1] The civil society and media leaders were convened for a two- day strategic workshop hosted by the Civil Society Reference Group, a Kenyan coalition whose role is to protect and enhance an independent and effective civil society voice and agency for public benefit, and the International Center for Not-for-Profit Law (ICNL), a US-based organisation that has provided technical expertise on laws that govern civil society in over 100 countries worldwide and more than 20 in Africa.

- Harassment of civil society organisations by raids, break-ins, confiscation of documents and equipment as has been experienced in Uganda.

We are cognizant that shrinking civic space is not unique to the region but is contextualised by the decline in democratic ideals globally. Governments seem to adopt repressive tactics from each other and use similar justifications to shrink civic space including national security prerogatives and promotion of accountability within the media and civil society sectors.

Further, as civic space advocates, we note that a repressed civic environment adversely affects not only civil society organisations, the media and ultimately other sectors, but also the ordinary citizen, and leads to cultural, economic, political and social decline of a society.

As a coalition, we have identified areas in which joint interventions are necessary and have developed regional strategies and interventions to maintain and claim civic space. We resolve:

- To take joint actions to build mutual understanding and ongoing dialogue between media and civil society;
- To engage in regional advocacy;
- To strengthen protective mechanisms, including litigation and legal aid;
- To develop innovative funding and revenue streams;
- To increase the use and protection of digital space;
- To enhance civil society and media accountability internally and within the political context;
- To work towards redefining narratives and public perceptions of the sector; and
- To mobilize academia in order to leverage knowledge and research outputs.

At the national level, we identified several initiatives to enhance civil society organisations and media cooperation including establishing ongoing dialogue platforms, developing joint capacity building initiatives, building trust, addressing mutual security concerns online and offline, and mitigating risks.

We will engage with other actors including academia, professional associations, young people, and state institutions, to cultivate a broader understanding and appreciation of the role of civil society and media in a democratic society.

We pledge to continue collaborating towards ensuring a safe and enabling space for civil society and media in East Africa.

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