

*Civil society helps unlock  
a country's most  
valuable resource –  
its people.*



PHOTO: MCKAY SAVAGE



**Civil society organizations (CSOs) are fundamental to inclusive growth and sustainable development. Among other contributions, CSOs help:**

- Enhance the inclusion of women, people with disabilities, and other vulnerable individuals;
- identify, aggregate, and mediate community needs;
- generate innovative solutions;
- mobilize resources;
- enable cross-sectoral partnerships for development;
- deliver services; and
- enhance accountability for development results.

To advance these objectives, CSOs require an enabling legal environment.

The challenge is that the laws of many countries impede the ability of CSOs to contribute to development.

## Discussion Issues

How should an enabling environment for civil society be integrated into the post-2015 development agenda?

What indicator(s) should be used to measure the enabling environment for civil society?

How can political will be enhanced to promote an enabling environment for civil society?

## About ICNL

The International Center for Not-for-Profit Law (ICNL) is a global organization that has helped develop the legal framework for civil society, public participation, and philanthropy in over 100 countries. Our partners include representatives of civil society, government, the corporate sector, and the international community.

## For more information

Please see the accompanying background paper. Please also visit us online at [www.icnl.org](http://www.icnl.org) or contact Douglas Rutzen, ICNL's President and CEO, at [drutzen@icnl.org](mailto:drutzen@icnl.org).

*In recent years, more than 50 countries have introduced restrictions on civil society. These constraints impede the ability of people to work together to promote development and improve their daily lives.*

## Background

Civil society legal constraints take a variety of forms.

### *Barriers to the Establishment of CSOs*

In some countries, the law limits the ability of people to establish civil society organizations (CSOs) promoting development and other objectives. For example:

- In one of the poorest countries in Latin America, virtually no national-level CSO working on development has been registered by the government in nearly three years.
- In a Central Asian country, 500 citizens are required to establish a national association pursuing development or other goals.
- In one of the poorest countries in Africa, citizens must accumulate the equivalent of \$1 million to establish a CSO engaging in relief or rehabilitation, including the provision of food or medicine. International CSOs must have the equivalent of \$2 million for in-country activities.

### *Restrictions on Development Activities*

- In a Latin American country, a CSO was prevented from carrying out an HIV/AIDS prevention program because the activities were deemed "immoral." In other countries, leaders of HIV/AIDS organizations have been imprisoned or killed.
- Some countries impose bureaucratic burdens on CSOs operating in areas where development is needed most. For example, one country requires seven days' notice for a CSO to make contact with people in rural parts of the country.
- Around the world, CSOs are legally precluded from providing public health services, including maternal health and child health services.

### *Restrictions on Resources and Global Partnerships*

A number of countries impose constraints on cross-border funding and global partnerships for development. Among other issues, these constraints impede a "whole of society" approach to development and limit the ability of

CSOs to serve as "development actors in their own right" as recognized in the Accra Agenda for Action.

- A government in the Middle East rejected the registration of a foreign CSO working with local orphanages to promote education and break the cycle of poverty, asserting that these activities were in "conflict with state sovereignty."
- In a country in Africa, CSOs advancing various objectives, including human rights, children's rights, disability rights, and gender equality, are prohibited from receiving more than 10 percent of their funding from foreign sources.
- Another country bars funding from the United Nations, and in scores of countries governments have blocked or stigmatized the receipt of international funding by CSOs.
- Some countries burden the outflow of resources. For example, a country in North America enacted counter-terrorism measures that impede peacebuilding, cross-border philanthropy, and other activities important for development.

### *Recommendations*

The following actions should be taken to help ensure that the legal framework enables civil society's contributions to development:

1. The post-2015 development agenda should include a target and indicator(s) to promote an enabling environment for civil society.
2. The target and indicator(s) should be linked to an analogue to MDG 8 focusing on partnerships for development or to a new goal, such as good governance, human rights, or the enabling environment for development *writ large*.
3. A core group of countries and other stakeholders should assume leadership for ensuring that the enabling environment for civil society is a priority in the post-2015 development agenda.