



The Rising Risks to NGOs in Africa: The Erosion of Democratic Spaces and the Challenges Ahead

Introduction

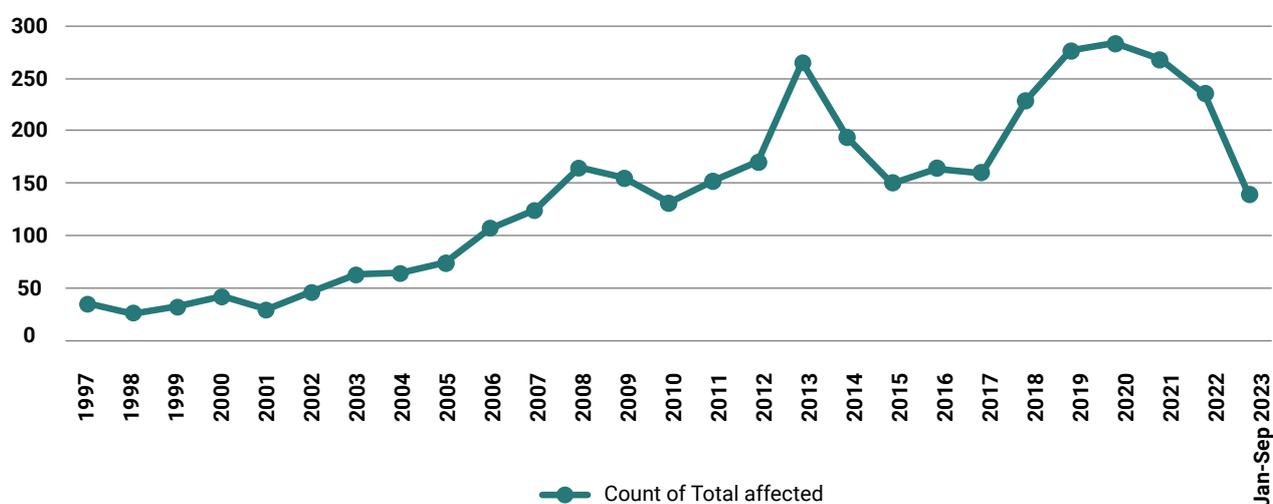
The political security landscape for large parts of Africa over the past few years has been characterised by growing instability, fermented primarily by violent extremism, climate change, piracy, poverty, and internal conflict. This instability routinely manifests in the form of power consolidation by ruling governments, including the closing of open spaces – suppressing alternative voices and actors considered threatening to ruling parties – and of course, violence, instigated by a broad range of actors that intentionally or unintentionally victimise non-governmental organisations (NGOs). The danger facing NGOs trying to operate safely and effectively in these unstable landscapes is visible in the data gathered by the Aid Worker Security Database – tallying total incidents of killed, wounded, or kidnapped aid workers in Africa between 1997 – Jan-Sep 2023 – showing a significant increase in incidents since the late 1990s. However, the impact of instability in Africa on NGOs’ capabilities to operate freely requires a more qualitative analysis.

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Figure 1: Total number of aid workers kidnapped, wounded, or killed between 1997-2023 according to the Aid Worker Security Database (AWSDB)¹



The Erosion of ‘Open Spaces’

Across West Africa in particular, the instability has catalysed a series of coups and democratic backsliding, presenting a daunting challenge for NGOs. This transformation, coupled with a broader trend of anti-NGO measures across Africa, has profound implications for these organisations, particularly concerning their ability to effectively continue their operations and the safety of their personnel and assets.

Historically, Africa’s democratic nations have been characterised by sufficient freedoms that allowed NGOs to operate without significant interference following the democratic gains that were made as part of the wave of democratisation in the early 1990s across the continent. This included freedom of speech, the right to peaceful assembly, basic human rights protection, and transparent governance. However, where political stability is wavering – and with it the ascendancy of military regimes and authoritarian governments – these liberties appear more threatened than ever, constricting the operational environment for NGOs through a myriad of direct and indirect means, with the overriding strategy aimed at preventing challenges to the rule of strongmen and governing parties. The issue is geographically broad, but most obvious in nation-states that are seeing rapid transformations into military juntas or a new brand of authoritarianism.

Regulatory Hurdles

One of the most commonly observed government directives is the introduction of regulatory hurdles to suppress undesired organisations and activities. This can make the legal and regulatory environment quickly become unpredictable. NGOs can face sudden policy changes, more stringent regulations, or even bans, disrupting their projects and future planning. When governments turn hostile to the NGO sector, they can often resort to arbitrary enforcement of overly complicated registration requirements open to wide-ranging bureaucratic discretion; restricting or banning foreign funding and staff hires, and/or permits the state to interfere directly in the day-to-day operations of organisations. The intention being to weaken unwanted NGOs and limit their influence, often by starving them of resources.

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¹ <https://aidworkersecurity.org/incidents/search?sort=desc&order=Year>

Some of the most recent cases highlight the propensity with which some unelected governments use these measures. In November 2022, Mali – which has seen three coups take place in ten years, with the latest taking place in May 2021 and subsequently resulting in the breakdown of relations with France² - banned the activities of all NGOs financed or supported by the country,³ this disqualified not only French-led NGOs but many other INGOs that had been receiving funds from the French Development Agency (AFD). For those that remained, the introduction of a commission, attached to the Ministry of Territorial Administration – whose role is to closely monitor the funding of all NGOs based in Mali and ensure that the French ban is respected – has frustrated NGOs, who have complained of the administrative burdens that come with having to rigorously adhere to the new time-consuming bureaucracy.⁴ In Uganda, the government of Yoweri Kaguta Museveni – a military officer and autocrat leader of Uganda since 1986 – banned a total of 54 NGOs in one day in August 2021 for a range of reasons, including non-compliance with regulations.⁵ However, the sudden suspension of NGOs on the ground is not a strictly authoritarian tendency, democracies, such as Tanzania and Nigeria have also been guilty of it. In March 2023, the government of the northeastern Nigerian state of Adamawa suspended all NGOs – both local and international – accusing some of them of political interference ahead of gubernatorial elections in the state.⁶

Sudan has frequently been accused in recent years of actively persecuting NGO and even UN personnel. It has used a combination of security-related legislation to hold NGO leaders without charge or have them arrested for crimes including terrorism, disrupting constitutional order and national security, and espionage. Two months after the outbreak of war in April 2022, the Sudanese government designated Volker Perthes, the Special Representative of the UN Secretary-General of the UN Integrated Transition Assistance Mission in Sudan (UNITAMS), who was mediating for the ceasefire, as ‘persona non grata’ for “aggravating the military clashes in Sudan” and Perthes was barred from entering Sudan. As a result, the UN was unable to exert as much pressure for a ceasefire in Sudan.⁷

The spread of anti-NGO measures across Africa is prevalent – over the last 20 years the following countries have either adopted, proposed, or stopped one or more types of anti-NGO legislation: Algeria, Angola, Burundi, Chad, Republic of the Congo, Egypt, Ethiopia, Kenya, Malawi, Mozambique, Niger, Nigeria, Rwanda, Sierra Leone, South Sudan, Sudan, Tanzania, Tunisia, Zambia, and Zimbabwe.⁸ Whilst the list above shows a mix of authoritarian and democratic led nation-states engaged in NGO suppression, for democracies, the use of anti-NGO legislation to suppress NGOs is often the only legitimate measure at their disposal, whilst authoritarian states are not only capable of successfully legislating much broader and disruptive laws, but are more likely to engage in a myriad of disruptive and violent extrajudicial actions.

Restricting Access

Many of the coups that have taken place over the past few years in West Africa have been prompted or justified by the insecurity brought about by the violent extremism taking place in the Sahel region. Incidentally this tends to result in frequent curfews, roadblocks, and restricted zones, all of which are used to conveniently impede the mobility of ‘unwanted’ actors, such as NGOs, that typically operate in these conflict-affected areas and may be witness to issues and crimes that the government prefers to hide. Naturally, these restrictions can disrupt supply chains, impede access to beneficiaries, and hinder emergency response efforts. The most recent case was in September 2023 – just over a month after the 26-28 July coup in Niger – the new military-junta in charge imposed a ban on NGOs, UN agencies, and international organisations from working in ‘military zones’⁹ – where humanitarian aid is often needed most – “Due to the current security situation and operational commitment of the Nigerien armed forces”¹⁰.

² <https://www.aljazeera.com/news/2022/5/5/how-malis-military-fell-out-with-its-french-ally>

³ <https://www.voanews.com/a/mali-orders-french-ngos-to-stop-activities/6845205.html#:~:text=Mali's%20military%20government%20has%20ordered,stop%20activity%20in%20the%20country>

⁴ <https://www.rfi.fr/en/africa/20230526-six-months-mali-banned-french-funding-for-ngos-aid-groups>

⁵ <https://www.reuters.com/world/africa/uganda-suspends-work-54-ngos-increasing-pressure-charities-2021-08-20/>

⁶ <https://www.trtafrika.com/insight/why-some-african-countries-are-vigilant-on-foreign-ngos-13755556>

⁷ https://www.spf.org/iina/en/articles/sakane_07.html

⁸ <https://freedomhouse.org/report/special-report/2019/spread-anti-ngo-measures-africa-freedoms-under-threat>

⁹ <https://www.rfi.fr/en/africa/20230901-niger-junta-bans-un-agencies-and-global-ngos-from-military-zones>

¹⁰ <https://www.agenzianova.com/en/news/la-giunta-militare-nigeriana-ha-sospeso-le-attivita-dellagenzia-onu-in-aree-operative-militari/>



Surveillance and Harassment

Part and parcel of the regulatory measures taken by governments is to justify a ramping up of surveillance and monitoring mechanisms, one of those being the intense bureaucratic requirements of NGOs. These organisations may also find their activities the target of constant monitoring, interception of communications, and intimidation of staff. In March 2023, representatives from 20 Ugandan NGOs assisting EACOP-impacted communities reported having experienced office break-ins, theft of computers and phones, staff monitoring, threats to freeze bank accounts, and digital intrusions, including email and website hacking attempts. State-run media has also targeted some of these organisations, attempting to tarnish their image. These NGOs have highlighted that over the past year, more than 30 human rights and environmental activists have been detained by Ugandan authorities for opposing EACOP or offering support to the affected communities. Often, these activists have been held beyond the legal 48-hour limit before release. They have been illegally detained in unauthorised locations, prevented from contacting their families or organisations, and in some instances, have suffered physical harm.¹¹

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¹¹ <https://justfinanceinternational.org/2023/03/06/growing-number-of-human-rights-defenders-harassed-after-monitoring-ugandas-oil-pipeline-project/>

Aside from the usual communication blackouts that often take place in the aftermath of a coup – which in itself can trigger a crisis for international NGOs desperate to know the status of their staff on the ground – subsequent shutdowns of internet services, not only affect NGOs’ internal communications but also their ability to disseminate information, report on the ground realities, and mobilise resources.

As is to be expected, communication blackouts are most common in states suffering serious bouts of instability – primarily conflict and/or civil unrest related. Libya, Sudan, Burkina Faso, Sierra Leone, Algeria, Ethiopia, Nigeria, Mauritania, Guinea, Somaliland, Uganda, and Zimbabwe have all been guilty of internet shutdowns over the past two years.¹⁵ When NGOs have called this out, it can place them in the crosshairs of actors responsible for the communications shutdown, setting the path for ever more problematic relations with those in charge. We have seen this take place on several occasions in Sudan over the years.¹⁶

Socio-economic Implications and Local Dynamics

Political and security instability tends to bring with it economic instability, exacerbating existing financial woes of citizens and organisations in the affected country. Coups in particular can trigger sanctions, reduced foreign investments, and inflation can ensue. We have seen this most prominently following the coup in Gabon earlier this year which was subsequently followed by the African Union’s Peace and Security Council deciding to “immediately suspend” Gabon of participation in “all activities of the African Union, its organs and institutions”.¹⁷ While the US Secretary of State Antony Blinken announced the suspension of what he called certain foreign assistance programs to Gabon.¹⁸ Niger, a suspended member of the Economic Community of West African States (ECOWAS) was not only threatened with military intervention but had sanctions imposed on it,¹⁹ akin to other former ECOWAS member states that went

through coups.²⁰ For NGOs, a declining national economy not only means increased demand for their services, it often translates to increased operational costs, challenges in resource procurement, and potential funding cuts, with international donors potentially hesitating to fund projects in junta-controlled countries due to governance concerns or sanctions. This can strain NGOs financially and rapidly limit their operational scope.

Governments in charge of unstable nations, in particular those taken over by a military-junta, have a tendency of placing blame on a myriad of internal or external factors ‘outside’ of their control, especially when things are not going well for them, and NGOs are sometimes in the firing line. Language used by ruling governments can be outright hostile to NGOs operating in their borders. In Mali, following the ban on French funded NGOs, the language used by the Malian government politicised NGOs and used dangerous rhetoric that inevitably would place them at risk of attack at worse or simply unwanted/unaccepted by communities – a fundamental pillar for many NGOs’ security approach. The initial statement instituting the ban claimed that France’s aid to Mali was “dehumanising” and “used as a means of blackmailing rulers and actively supporting terrorist groups operating on Malian soil.”²¹

Democracies are also guilty of this, the elected Kenyan government complained about a lack of transparency with NGOs in the country, stating that the lack of compliance with the existing legal and regulatory frameworks, adding that it is enough reason to infer that the culprits are involved in shady activities, including terrorist financing.²²

In any atmosphere rife with propaganda and mistrust, NGOs might be perceived as foreign agents or destabilising elements. As such, engaging with local communities, a cornerstone of NGO operations, can swiftly become challenging.

¹⁵ <https://www.accessnow.org/wp-content/uploads/2023/05/2022-KIO-Report-final.pdf>

¹⁶ <https://www.accessnow.org/internet-shutdowns-2022/>
<https://english.alarabiya.net/News/middle-east/2022/10/23/Sudan-suspends-NGO-that-took-government-to-court-over-internet-access>
<https://www.france24.com/en/africa/20230714-khartoum-faces-communications-blackout-as-fighting-intensifies-in-sudan>

¹⁷ <https://www.aljazeera.com/news/2023/8/31/african-union-meets-on-gabon-situation-after-military-coup>

¹⁸ <https://www.voanews.com/a/gabon-pm-says-sanctions-could-be-damaging-military-junta-needs-time/7288812.html>

¹⁹ <https://www.reuters.com/world/africa/what-sanctions-have-been-imposed-niger-since-coup-2023-08-08/#:~:text=Niger%20had%20planned%20to%20raise,and%20exports%20of%20Nigerien%20goods.>

²⁰ <https://www.idea.int/blog/new-model-coups-detat-africa-younger-less-violent-more-popular>

²¹ <https://www.voanews.com/a/mali-orders-french-ngos-to-stop-activities/6845205.html#:~:text=Mali's%20military%20government%20has%20ordered,stop%20activity%20in%20the%20country>

²² <https://www.trtafrika.com/insight/why-some-african-countries-are-vigilant-on-foreign-ngos-13755556>

Outlook and Conclusion

Looking Ahead

Large parts of Africa are likely to remain prone to instability as a result of the many drivers that continue to impact the continent. The cycle of instability is more likely to be made worse by the propensity of coup attempts that take place in the region – more than double that of the second most affected region, Latin America.²³ More are likely to see more take place, with the region still rife with typical drivers for coups – e.g. high inequality, precedent for coup attempts, massive insecurity levels, and/or ineffective governance/leadership.

Reduced foreign aid can be detrimental, especially in countries where the economy and security is dependent on it. In the absence of a robust local economy, sustaining democracy becomes challenging due to its high costs. A nation needs resources not just to maintain its government and a professional military, but also to strengthen national institutions and assimilate its population into a stable economy. Moreover, without comprehensive and consistent investment in a country's institutions, relying solely on foreign aid can jeopardise its democratic foundation. This is particularly true when autocratic powers are ready to fill the void.

Where foreign aid from Western democracies begins to falter, or the political and military elite of a country begins to develop new links with autocratic governments, these nations will be less compelled to fulfil their democratic processes, and instead more likely to be encouraged to provide long-term confidence to their new international partners and investors by asserting themselves as the sole authority for the long-term.

Conclusion

Countries suffering political, social, and/or economic instability, with existing restrictions on public gatherings and associations, and a history of relapse on democratic principles during transitional periods – most typically associated with military/authoritarian-run governments – are often more inclined to implement measures against NGOs. However, as discussed throughout this report, democracies can also bring about anti-NGO actions. Observations from Tanzania and Zambia indicate they might be among such nations. In CAR and Kenya, previous legislative attempts against NGOs were unsuccessful in the Senate and National Assembly respectively. However, renewed efforts might emerge following strategic pullbacks by governments confronted with significant resistance.²⁴

The evolving political landscape in Africa, particularly West Africa, marked by the rise of military juntas, necessitates a paradigm shift for NGOs. While they have been instrumental in fostering development and advocating for rights, the current scenario demands risk managers of NGOs to come up with adaptive strategies, robust security protocols, and a nuanced understanding of local dynamics. As the open spaces diminish, NGOs must navigate the constantly developing geopolitical situation, ensuring their mission's continuity while safeguarding their most valuable assets, their people.

²³ <https://www.vox.com/world-politics/2023/9/10/23866908/africa-coup-gabon-niger-mali-burkina-faso>

²⁴ <https://www.vox.com/world-politics/2023/9/10/23866908/africa-coup-gabon-niger-mali-burkina-faso>

Contacts:

Europe

Richard Scurrell

Head of Special Crime

richard.scurrell@scr-ltd.co.uk

Asia-Pacific

William Miller

Head of Crisis Management, Asia Pacific

william.miller@scr-ltd.co.uk

Nordics

Anna Carlberg

Head of Special Crime, Nordics

anna.carlberg@scr-ltd.com

Iberia and Latin America

Diego Gomez-Arroyo

Head of Special Crime, Iberia and LatAm

diego.gomez-arroyo@wtwco.com

North America

Philipp Seel

Head of Special Crime, North America

seelp@scr-ltd.com

Africa and Middle East

Mark Doust

Head of Special Crime, Africa and Middle East

mark.doust@scr-ltd.co.uk

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