




OCTOBER YEAR IN REVIEW




NOBEL PEACE PRIZE: Civil society's vital work received high-level recognition when the International Campaign to Abolish Nuclear Weapons (ICAN) was awarded the Nobel Peace Prize.



CATALONIA: The 1 October unofficial independence referendum saw violence as the police tried to stop people voting. Political deadlock followed.



BUSINESS AND HUMAN RIGHTS TREATY: Over 40 CSOs took part in talks to establish a treaty on transnational businesses and human rights; a draft of the treaty is now being prepared.



BOLIVIA: Thousands rallied against President Morales' campaign, ultimately successful, to overturn presidential term limits.

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The positive difference civil society makes to the world was recognised at the highest level in October, with the award of the **Nobel Peace Prize** to the International Campaign to Abolish Nuclear Weapons (ICAN) for its pioneering work in advocating for the Treaty on the Prohibition of Nuclear Weapons. The **Treaty** was adopted in July and opened for signature at the UN General Assembly in September.

Following revelations of extensive sexual misconduct in the US film industry, politics and beyond, the **#MeToo** campaign called attention to the widespread nature of women's experiences of sexual harassment and abuse. The campaign went viral at astonishing speed: within 24 hours, Facebook **reported** there had been over 12 million posts with the #MeToo hashtag, and 4.7 million people had taken part in a conversation about the issue. The hashtag travelled around the world and was adapted into local versions, and while it sparked some predictable backlash, the campaign exposed the sheer scale and everyday nature of the harassment of women, and the level of concern about it. The question however remained of how this viral moment could be transformed into a **movement**, and what civil society could do to capitalise on the momentum to achieve genuine and lasting change, including in laws and the workplace. The question was answered as 2017 turned to 2018, when the **Time's Up** movement was launched to advocate for action on sexual harassment, including by providing a fund to support women to take legal action against workplace harassment. As the revelations continued, organised civil society was not immune to charges of complicity in sexual harassment, long rumoured to be a problem in humanitarian response work in particular. In October, Oxfam revealed that it had **dismissed** 22 staff members in the past year over sexual abuse allegations. Civil society can expect to face further calls to lead practice by getting its house in order on sexual harassment.

In another civil society initiative, in Congo-Brazzaville, a group of CSOs launched a **campaign** to draw attention to and express solidarity with the country's estimated 100 political prisoners, detained during the 2015

referendum and 2016 presidential election campaigns. In Jordan, CSO Jordan Labor Watch launched a social media **campaign** – I demand working with dignity – to raise awareness of workers' rights and improve conditions for trade unions. A new need for civil society to mobilise was created when the government of Ecuador, under a new president, launched a **consultation process** on amending the constitution. Civil society called attention to the need to include civil society in the consultations, and for civil society to engage constructively and make recommendations. Towards the year's end and following civil society advocacy, Ecuador's government also **pardoned** several activists who were in jail. Four more imprisoned human rights defenders were **released** in Uzbekistan, after serving long prison terms. A presidential decree pardoned some 2,700 convicts in all, and a further decree the following month made evidence obtained through torture inadmissible. However, freelance journalist Bobomurod Abdullayev, arrested the month before, remained in detention at the end of the year.

At the Chinese Communist Party's 19th Congress in Beijing, President Xi Jinping **consolidated** his grip on power by promoting his supporters to the party's leading Politburo Standing Committee but identifying no obvious potential successor. In a moment that sent a chill through many in civil society, President Xi's keynote **speech** put forward a vision of a globally confident and more assertive China, explicitly offering the China model as an inspiration for global south countries. Underlining what this model means for civil society, the run-up to the congress saw a fresh **crackdown** on fundamental freedoms: in September, Zhen Jianghua, head of the Human Rights Campaign in China, was arrested and detained, and the encrypted messaging service WhatsApp was blocked. An estimated 14 activists were detained and two disappeared in the weeks ahead of the Congress. Following the Congress, the regime further reinforced its power by introducing **new punishments** for anyone deemed to have disrespected China's national anthem, emblem, or flag.

One of the problems that China's growing global role poses to civil society, particularly when other powerful states are retreating from their international

responsibilities, is that it acts as a source of aid and inspiration for other repressive regimes. One leader who has praised China and cultivated closer relations is Philippines President Rodrigo Duterte, who has been engaged since July 2016 in a deadly and self-proclaimed ‘**war on drugs**’. On 12 October, President Duterte finally ordered the police force to cease anti-drug operations. Since his violent crackdown began, between 7,000 and 12,000 people were killed, often on flimsy evidence, amid a vigilante culture with rampant impunity. President Duterte was chief cheerleader for the killings, and at the forefront of threatening CSOs, activists and journalists that tried to defend rights and assert accountability over police actions. Even in **August**, President Duterte urged more killings and said that human rights groups should be investigated and activists shot if they obstructed the police. While the police order offered some hope, **serious concerns** remained about human rights abuses in the Philippines, with martial law continuing in the Mindanao region, which experienced extremist violence but also military torture. Other major problems included numerous documented killings of environmental, land and indigenous peoples’ rights defenders, and a proposed new law on ‘fake news’ that could drive an increase in censorship and the criminalisation of investigative journalism.

Iceland held another election in October, almost a year to the day since its last, with the ruling coalition having fallen apart after Prime Minister Bjarni Benediktsson was **alleged** to have covered up his father’s role in wiping clean the criminal record of a convicted sex offender. During the election, Prime Minister Benediktsson was also alleged to have sold his assets in a collapsed Icelandic investment fund just before the government took control of the financial sector following the 2008 crash. He was not the first Icelandic politician to be implicated in corruption allegations by the Panama Papers leaks: his predecessor, Sigmundur Davíð Gunnlaugsson, was forced to **quit** in 2016 after his use of offshore schemes to shelter his wealth was revealed. The continuing revelations forced Iceland’s people to consider the apparent close links between its ruling politicians and opaque financial interests.

A snap election in Japan, called amidst rising fear about the North Korean nuclear threat and with a divided opposition, resulted in a renewed mandate for the ruling coalition, but on a low turnout. A change to Japan’s **pacifist constitution** to enable a more assertive use of its armed forces was deemed likely to result, although 40,000 people marched against the idea the following month. **Protests** also mobilised against US military bases in Japan.

Opinion poll predictions of a tight contest in Kyrgyzstan’s **presidential election** were defied by a comfortable win for the ruling party’s new candidate Sooronbay Jeenbekov, who **vowed to continue** the work of his predecessor. Election observers and civil society expressed concerns about the use of state resources in favour of the winning candidate, bias in public media, attacks on independent media, restrictions on the holding of public assemblies in key areas of the capital, Bishkek, and limitations on civil society’s ability to monitor the vote. The state announced that it was bringing a **lawsuit** against independent news agency **Kloop** after it unearthed alleged misuse of personal information and collaboration between the government and President Jeenbekov’s campaign.

Elsewhere, political polarisation and protest marked the month. **Catalonia’s independence referendum**, held on 1 October in defiance of the Spanish government, saw the police use force against people trying to vote, mass pro-independence protests and the detention of independence movement leaders and politicians. **Protests surged in Bolivia** over the incumbent president’s ultimately successful attempt to challenge the constitution to stand for a fourth term. A new wave of political **protests** also occurred in Ukraine, demanding progress on stalled political reform processes, including changes to electoral rules and stronger anti-corruption measures, as well as economic issues. On 17 October, over 5,000 people gathered in a demonstration outside parliament, with clashes causing injuries to two protesters and a police officer. At the same time, a **bill** was put forward to give the National Guard greater powers to deploy force, detain protesters and use surveillance.

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Peaceful protests **mobilised** in Liberia against proposed amendments to laws on rape, which would enable rape suspects to be released on bail. In Bulgaria, over 8,000 people **protested** in Sofia, calling for better pay for graduates and greater legal protection of workers' rights. Panama saw a number of **protests** in October too, including against electricity shortages and overdue pay, along with a strike by transport workers over changes to transport provision. All these protests had a heavy police presence, and the transport strike led to several violent clashes and a reported 20 arrests.

Demonstrations in Niger against a draft Finance Law, which protesters feared would lead to higher prices and taxes, **turned violent** as some protesters defied a ban on marching to the square outside the national assembly. Police used teargas and some protesters burned tyres and threw stones. Following the protest, the government targeted the Association for the Rights of Consumers, Technologies, Information, Communication and Energy, the main CSO behind the protest, banning its activities and **arresting and detaining** three of its activists for around three weeks. Despite these protests, the Finance Law was passed, and another protest against it was held in December.

Reports filtered through from opposition groups that a **rare protest** in Asmara, capital of prison state Eritrea, was crushed with brutal force, with the use of live ammunition leaving a reported **28 people** dead, and other protesters reported **detained** and subjected to torture. The protest broke out over government interference in an Islamic school. Several people were also injured in **protests** in the town of Tadjoura, Djibouti, over the building of a port. Protesters were angry that local young people were apparently excluded from jobs in port construction. The police were alleged to have used live ammunition and teargas against the protest. **Student protests** over steep fee increases took place in the city of Owendo, Gabon, dispersed by police beatings and teargas, which resulted in several injuries. Teargas was also used to break up a **strike** by workers at the Ministry of Oil in Libreville the month before. Protests against a power plant in the Banyumas area in Indonesia were **brutally disrupted**, with 24 arrests and two people hospitalised, while

a journalist covering the protest was beaten and had his camera confiscated, in one of several attacks against journalists in Indonesia in 2017. The month before, a **meeting** organised by the Indonesian Legal Aid Foundation on 1960s massacres, for which justice is still denied, was violently attacked by anti-communist activists. In Belize, well-known social leader **Albert Cattouse**, who had been protesting about fuel prices, was shot dead, with many suspecting that his murder was linked to his activism.

Authorities in Ouagadougou, capital of Burkina Faso, **prohibited** protests in September and October. This meant that October protests over poor governance were banned, and protesters defying the ban were dispersed with teargas. Four protesters were detained. Protests the previous month by Togolese nationals demanding political change in their country (*see August*) were banned on the grounds of potential harm to Burkina Faso's relations with Togo. A demonstration was held as well by Togolese nationals in Ghana, resulting in 26 participants being arrested for holding an illegal protest. Protests were also held in Burkina Faso in November during the **visit** of French President Macron.

Following further protests against Poland's restrictive abortion laws, two women's rights CSOs that participated in demonstrations had their offices **raided**, with files and computers confiscated. That same month, a law was passed establishing a new body in the office of the prime minister, the National Freedom Institute, which will control government and EU funding to CSOs, raising the fear, as elsewhere in Europe (*see June*) that only CSOs sympathetic to ruling party causes will be supported. A potentially more positive **step forward** in cooperation came in Bosnia and Herzegovina, where the Council of Ministers adopted an **Agreement on Cooperation** with CSOs, potentially creating new opportunities for civil society to engage and seek influence.

The month sadly threw up several examples of the continuing repression of LGBTI rights. The sustained crackdown in Tanzania continued when 13 people

were **arrested** and detained on the grounds of ‘promoting homosexuality’ while attending a meeting in the city of Dar es Salaam to gather evidence for a lawsuit on the curtailment of health services. One of the organisations involved, Community Health Services and Advocacy, was subsequently told that its activities were suspended and it was being investigated for promoting homosexuality, consistent with a broader trend of subjecting CSOs to investigation and deregistration. Twenty people were arrested on the same charges at an HIV/AIDS awareness training programme in Zanzibar the month before.

The government of Azerbaijan’s violent crackdown on LGBTI rights saw **over 80 people** detained and tortured with beatings and electric shocks in September and October. The authorities attempted to justify the persecution on public health and public morality grounds. In Russia, activist **Evdokia Romanova** was found guilty of spreading “propaganda of non-traditional sexual relationships” – often referred to as ‘gay propaganda’ – and received a fine of around US\$865. She had shared information on Facebook about the **Youth Coalition for Sexual and Reproductive Rights**, an international network that advocates for young people to be able to access information about health and sexuality. More positively for LGBTI rights, in Pakistan, a **new network**, the Pakistan Transgender Election Network, was launched, bringing together a range of CSOs to challenge the invisibility of transgender people in electoral politics.

In spite of the increased attention being given to the protection of journalists in Kosovo (*see March*), investigative journalists continued to experience danger. In October, **Vehbi Kajtazi**, a journalist from the **Insajderi.com** investigative website, was attacked in the capital, Pristina. **Parim Olluri**, an editor from the same website, was attacked in August. Both were also accused by a prominent politician of being Serbian spies. Cronyism in public appointments is one of the subjects the website covers. Several journalists travelling in a convoy with members of the main opposition party in Bangladesh were **attacked** by

ruling party supporters, with at least five journalists injured, while the police reportedly acted as onlookers.

In Sudan on 14 October, copies of **Al-Jarida** newspaper were seized and taken out of circulation. The seizure of print runs is a commonly-used tactic in Sudan, and has the aim of costing newspapers valuable income as well as suppressing controversial stories. The following month in Sudan, journalists **protested** against a proposed new law that would give the state new powers to suspend publications and ban journalists. The president of the Association of Private Press Owners in Chad, **Juda Allahodoum**, was detained on charges of “pretending to be a journalist” after writing an article on the use of aircraft from Chad to transport weapons to Syria. His arrest brought protests from journalists, and he was released the following month.

In the Czech Republic, President Milos Zeman brandished a **replica AK-47** during a press conference, chillingly labelled “for journalists.” But there was better news for journalists in Europe, as the European Court of Human Rights ruled that Norwegian reporter **Cecilie Lagum Becker** did not have to reveal her sources, protecting an essential principle of journalism. She had previously been ordered to do so after writing a story on the Norwegian Oil Company.

A new **security law** passed in France made permanent a range of additional powers assumed by the police since a state of emergency was declared in response to November 2015 terrorist attacks. While France has experienced several terror attacks, civil society and UN human rights experts expressed concern about the law’s impact on civil society freedoms.

The October meeting of the UNHRC saw a **number of states** with poor human rights records elected to membership of the body, calling into question its ability to offer adequate scrutiny over human rights compliance. Among those states elected that saw serious and multiple abuses of civil society freedoms during 2017 were the DRC, Mexico, Pakistan, the Philippines and Saudi

Arabia. The election of the DRC came in spite of a petition to UN member states from **157 human rights organisations** in the country urging them not to elect it, because of its numerous serious rights violations throughout the year, including the detention of activists and journalists, and the violent repression of peaceful protests (*see April, July, November*). In response, a minister called for CSOs that campaigned against its election to be **dissolved**.

The ability of the international system to transcend the manoeuvrings of states was further called into question by the announcement that Israel and the USA were to **pull out** of UNESCO, accusing the organisation of anti-Israel bias; UNESCO admitted Palestine into full membership in 2011, in response to which the USA stopped paying its contributions. As well as its work in culture, education, science and technology, UNESCO is the UN's lead agency on the protection of journalists, a target of frequent attack by President Trump. More positively, a further step was taken in Geneva towards the development of a **binding treaty to hold businesses to human rights norms** when the treaty's third Intergovernmental Working Group session was held.

CIVIL SOCIETY RECOGNISED WITH NOBEL PEACE PRIZE

Not for the first time, civil society's vital work received recognition at the highest level, when civil society coalition **ICAN** was awarded the Nobel Peace Prize in October. The award came in acknowledgement of its leading role in advocating for the Treaty on the Prohibition of Nuclear Weapons. Previous winners included the Tunisia National Dialogue Quartet, a civil society initiative that saw the Tunisian revolution mature into democracy rather than dictatorship, recognised for its work in 2014, and in recent years, several women's rights, child and youth rights and peace activists, including Leymah Gbowee from Liberia, Tawakkol Karman from Yemen and Malala Yousafzai from Pakistan.

Daniel Högsta of ICAN describes the process by which the network successfully advocated for a nuclear weapons treaty:

ICAN is a coalition of CSOs in one hundred countries advocating for a strong and effective treaty prohibiting nuclear weapons. ICAN was inspired by the tremendous success of the International Campaign to Ban Landmines, which a decade earlier had played an instrumental role in the negotiation of the anti-personnel mine ban treaty.

We have worked to build a powerful global groundswell of public support for the abolition of nuclear weapons. By engaging diverse groups and working alongside the Red Cross and like-minded governments, we reframed the debate on nuclear weapons and generated momentum for the start of treaty negotiations.

At a review of the Non-Proliferation Treaty in 2010, all nations expressed their deep concern at the "catastrophic humanitarian consequences" of any use of nuclear weapons – a collective statement that led to the convening of three major conferences in 2013 and 2014 focusing on the humanitarian impact of nuclear detonations. ICAN served as the civil society coordinator for these meetings, which brought together most of the world's governments, along with international organisations and academic institutions. In 2015 we helped garner the support of 127 nations for a diplomatic pledge "to fill the legal gap" in the existing regime governing nuclear weapons.

In 2016, our campaign lobbied successfully for the UN General Assembly to establish a UN working group to examine proposals for advancing nuclear disarmament and then to adopt the resolution in December 2016 to launch negotiations on "a legally binding instrument to prohibit nuclear weapons."

The negotiations culminated in the adoption by 122 states of a treaty that prohibits nuclear weapons. It opened for signature on 20 September and already has 56 signatories.

The importance of this initiative and our strategy looking forward was cited by the Norwegian Nobel Committee in awarding ICAN the Nobel Peace Prize.

The awarding of the Nobel Prize instantly raised the profile of ICAN's work. Daniel considers what the recognition conferred by the Prize might mean for them and their work:

We are both humbled and excited to receive this award. We are humbled because we know the breadth of actors that have been involved in making the treaty happen—from states to civil society to the international Red Cross and the Red Crescent movement to academics and researchers. We are excited because of the opportunities this presents us as campaigners to work for the universalisation of the Treaty and to work in nuclear weapon and nuclear umbrella states to change their policies related to nuclear weapons. We hope it will also allow us to further change the narrative around nuclear weapons.

All governments agree – at least nominally – that a world without nuclear weapons is a desirable goal. It's time to hold them to their words and force them to pursue this goal. With the achievement of the new treaty and of course the recognition afforded us by the Nobel Peace Prize we hope there can be a new dawn for disarmament and the beginning of the end for nuclear weapons.

To achieve the treaty breakthrough, ICAN had to overcome some major challenges, not least, describes Daniel, the battle to win attention and make the issue a priority in a crowded global marketplace of different issues:



Princess Mette-Marit of Norway congratulates Beatrice Fihn of the International Campaign to Abolish Nuclear Weapons on winning the Nobel Peace Prize

Credit: Getty Images

A major challenge has been public apathy around nuclear weapons and the fact that the media attention has centred on the same issues in the same way and has tended to reinforce the narrative that 'nothing is possible'.

We, along with many advocacy-oriented organisations in the field of disarmament, struggled with funding. In the push for the ban treaty and beyond we need to consider that civil society has been continuing to drive this initiative forward in spite of an alarming shrinking of resources devoted to advocacy in disarmament. Governments and foundations are quite keen to contribute to research and meetings, but there is a much smaller pool that are interested in funding civil society initiatives, or able to due to their technical regulations or traditions. There needs to be more of an institutional recognition of the indispensable role played by civil society, and that this is simply not possible without resources, among governments and within the UN. If we simply rely on the generosity of the governments with resources to fund civil society initiatives, would we get the progressive outcomes we need?

Another challenge has been the active opposition of the most powerful states in the diplomatic sphere, in particular the P5 states (the five permanent members of the UN Security Council: China, France, Russia, the UK and USA). It seems the only thing these five states can agree on is that they are against pursuing the prohibition of nuclear weapons. Fortunately, our strategy and the power of the treaty never relied on the participation of the nuclear weapon states – indeed it was born out of acknowledging that nuclear weapon states and their allies are blocking progress and waiting for them is not an option. But they are powerful opponents, capable of wielding significant behind-the-scenes diplomatic pressure that has proved to be too much to resist for several governments. Fortunately, it wasn't enough to thwart the process.

Significantly, ICAN is a coalition, bringing together a wide range of civil society. Daniel concludes by reflecting on the experience of coalition working, and the strategy the coalition pursued:

In the field of disarmament and arms control, coalitions have achieved remarkable successes. The International Campaign to Ban Landmines was key to the achievement of the 1997 Mine Ban Treaty, the Cluster Munitions Coalition saw the agreement of the 2008 Convention on Cluster Munitions and Control Arms provided momentum for the adoption of the international Arms Trade Treaty. With the successful adoption by 122 governments of the first prohibition treaty on nuclear weapons, ICAN has followed in a strong tradition of humanitarian disarmament coalitions.

All issues and coalitions are unique and we shouldn't just simply copy past approaches expecting them to work again, but there is much evidence to suggest that working together makes us much stronger.

First we've tried to set the terms of the debate. Too often the conversation about nuclear weapons returns to the same topics over and again, without evolving or challenging what we see as the central question about nuclear weapons: is the catastrophic humanitarian harm that nuclear weapons pose acceptable or not? If not, then all discussions need to proceed from that starting point. Arguments that nuclear weapons confer security benefits or that there is value in 'nuclear deterrence' no longer stand up to logic, nor correspond to modern ethical and humanitarian values.

It is not always necessary to win an argument you are presented with; it can be better to reframe the problem in a way that gives you the upper hand. Legal and technical arguments can be important, but they can also be ways by which the unacceptability of the status quo gets obscured or lost sight of. The burden of proof needs to be pushed

onto those that claim reform is not needed or should only be limited and piecemeal.

Second, we have maintained a constant focus on the humanitarian impacts of nuclear weapons. A key part of reframing the debate is to move beyond the common legal framing of balancing humanitarian and military considerations and to focus on the human suffering as unacceptable.

Third, we have sourced leadership from communities that have been directly affected by nuclear weapons. The voices of the Hibakusha – the surviving victims of the 1945 atomic bombings of Hiroshima and Nagasaki – and of nuclear test survivors have been invaluable in bringing the issue of nuclear weapons back to what it should be about – people. It also provides many more campaigning opportunities as it broadens the spectrum of those who can speak to the issue. We cannot simply leave the conversation to supposed military or geopolitical experts.

Finally, while ICAN is itself a group of partner organisations, by working together ICAN can form strategic working relationships with other larger organisations or movements, including the Red Cross and the Red Crescent movement. This served to amplify our voice and relevance as an actor in the field of disarmament.

BUSINESS AND HUMAN RIGHTS TREATY: CIVIL SOCIETY PUSHES FOR PROGRESS

October saw a further step forward in the campaign to establish a global, binding treaty to hold transnational businesses to human rights standards,

when the **third session** of the treaty's Open-ended Intergovernmental Working Group was held in Geneva. Civil society's engagement in the process to develop a treaty, led by the Government of Ecuador, was described in the **2017 State of Civil Society Report**, and civil society has remained actively involved in negotiations since. Over 40 CSOs took part in the October session, which gave the go ahead for a draft of the treaty to be prepared by the next session, in October 2018.

Mónica Vargas Collazos of the **Transnational Institute** and **Global Campaign to Reclaim Peoples' Sovereignty, Dismantle Corporate Power and End Impunity** is one of those involved. As she sets out, civil society has developed its own bold and far-reaching vision of what it wants from the treaty, the contents and scope of which are still up for discussion. We asked her, looking forward, what she sees as the best and worst-case scenarios for the treaty:

*In 2017 we went to the **third session** of the Intergovernmental Working Group with our treaty proposal. This **proposal** is fully our own, from its preamble to its annexes, and was informed by the demands of social movements and trade unions and reviewed by experts.*

Several scenarios are possible. In the best scenario, our treaty proposal is accepted and ratified by all states, the resulting treaty is an instrument with a real capacity to impose sanctions on companies, and is actually implemented. Indeed, without sanctioning power we would not be able to speak of a binding treaty. The treaty should contemplate a mechanism to receive and process cases of violations after national and regional legal procedures have been exhausted.

Ideally, in the fourth session of the Working Group there will be a text on which to negotiate. The government of Ecuador will come to this session with a zero draft – having already presented some guidelines in 2017, which are being revised – and in the best scenario this draft will integrate as many of our proposals as possible.

The worst possible scenario is that those who lead the opposition to the treaty manage to delay the process by finding loopholes to question the validity of the 2014 resolution, and that they therefore manage to weaken and eventually dilute the process.

Between those two extreme scenarios lies the most likely one: the emergence of a toothless treaty, with little ability to bite but at least recognising fundamental principles, such as that transnational companies need to respect human rights throughout their productive chain or that states have the obligation to demand this from companies. The recognition of these principles would serve as a basis for further progress.

What increases the chances of success, and distinguishes this process from past attempts to hold big business to human rights standards, suggests Mónica, is civil society's proactive engagement. Civil society has had to learn, innovate and find new ways of working:

*In 2013, the government of **Ecuador** led a **statement** that initiated the process towards the treaty. By that time, the Global Campaign to Reclaim Peoples' Sovereignty, Dismantle Corporate Power and End Impunity had already moved to Geneva to put this demand forward, so this statement converged with what we were already working on and opened a window of opportunity for us. Our network is not very used to walking the hallways of the UN, so this was a very interesting learning process. We entered a dialogue with governments and remained present both inside and outside the UN, since we symbolically wanted to make clear that we came from the streets. We set up a tent in front of the UN headquarters and we carried out activities there while also working within the premises. We have done this since 2014, when the historic vote took place on the **resolution** that opened the way to the treaty.*

*Active since 2012, the Global Campaign is a network of more than 200 movements, social organisations and trade unions, united by their opposition to free trade agreements as they are being proposed and by the idea that it is necessary to go beyond the narrative of companies' voluntary codes. We have alternatives, which we have compiled in the **International Peoples Treaty**. The Global Campaign operates under the wide umbrella of the Peoples Treaty. We often meet virtually, and we do a lot of work at the regional level, using dynamics that are adapted to each region's characteristics. And at some point we come together in various spaces. In Geneva we have an annual event, the **Week of Peoples Mobilisation**, that coincides with the session on the treaty. One feature that characterises us, compared to other networks that promote the treaty, is that we consider ourselves a movement. Of course within our network there are social organisations as well as CSOs, but first and foremost we maintain the dynamics of a movement of communities affected by transnational corporations.*

Mónica reports on the new collaborations that have formed, and how these have helped to bring new voices into processes that are normally closed to them:

The process has been underpinned with much communication and publicity: we have organised a public communications campaign, we have shared information, and we have mobilised parliaments. This prevented actors who resist the process from stopping it.

*A **Global Interparliamentary Network** has been created in support of the treaty, and a resolution supporting the process was issued and has so far been signed by some 200 parliamentarians from around the world. Several parliaments – including in Brazil, El Salvador and Uruguay, as well as the European Parliament – held sessions on the issue. There is an additional broad network, the **Treaty Alliance**, that*

we contributed to establishing and that brings together human rights CSOs worldwide. This network is characterised by internal debate, but is nevertheless united in its support for the treaty.

The qualitative difference between current and previous experiences is gigantic. Unlike the fleeting and truncated attempts of the past, the current process has maintained its momentum for three years. And the reason why this happened is that for the first time the doors of the UN have opened and the people have come in. Affected communities have come in and as a result it has been possible to raise issues that governments had initially not intended to include, such as the trade and investment regime and international financial institutions.

*What distinguishes us and confers legitimacy on us is the conviction that the law must be created from the ground up. We are creating law, and we cannot waver, because we will not always have an opportunity like this. If we have any chance of achieving our goals today, it is thanks to the presence of a combative and organised civil society on the ground working jointly with organisations like Geneva-based CSO **CETIM**, which has a lot of experience with the UN system.*

*The difference is being made by civil society involved in the UN system. And this is a grassroots, anti-establishment civil society. This is important because, generally speaking, in multilateral forums and multi-actor initiatives such as the **Forum on Business and Human Rights**, only the least questioning social actors are typically tolerated. This is not the case with the **Global Campaign**: we brought in a lawyer representing the 30,000 victims of Chevron-Texaco in Ecuador, a man of indigenous descent and a winner of the Goldman Prize, who knows exactly what he is talking about when he talks about the impunity of transnational corporations. And we brought in a fisherwoman who lost everything because of the collapse of a dam in Brazil. In the face of this type of testimony, companies do not find it so easy to disqualify and question the veracity of the allegations. If we accept a purely technical debate on abstract rights and legal norms, we enter an arena where it is not so easy for us to defend ourselves.*

Still, the prospects of achieving significant change remain uncertain because there are strong forces opposed to a treaty. In December, civil society **alerted** the world to an apparent EU attempt to stymie the process of treaty development by proposing a cut in the financing of the Intergovernmental Working Group. This offered the latest reminder of the entrenched and powerful interests that are organising to place obstacles in the way of a treaty. Mónica paints a picture of a diplomatic arena divided into two camps, but where there are complex dynamics at play that civil society needs to track and challenge:

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Our *analysis* recognises multinational corporations as a leading actor in the process of capitalist globalisation. Their power rests on a legal and institutional architecture that grants them impunity. This architecture involves, for example, states that uphold the trade and investment regime, including free trade agreements, investment agreements and a whole series of regulations that ‘compel’ other states to respect the interests of companies.

These interests have penetrated deeply into many institutions, including those of the UN, where we have long observed that they are being represented by the positions of some states and regional entities such as the EU. The penetration of these interests in international, regional, national and local institutional spaces has resulted in a privatisation of democracy, a process of great concern throughout the world.

Australia, Japan, the USA and the EU have all joined against the treaty. On the other hand, the intergovernmental work team is chaired by Ecuador, which has put a lot of energy into the process, and has, along with South Africa, been the driving force of the initiative.

If you map the states that accepted or opposed the 2014 resolution, you will clearly see a global north-global south cleavage. The 20 votes in favour of the resolution encompassed half the world’s population, since, in a quite extraordinary act, both China and Russia as well as India supported the treaty. There were 14 votes against it, all from global north states, and 13 abstentions, mostly from states, including Argentina and Brazil, that voted that way in the knowledge that abstention would still allow the process to move forward. Between then and today, the situation in the world has changed for the worse. The governments of Argentina, Brazil and the USA have changed. In the latest session, some important states such as Russia were more reticent than in the past. And the new members of the UNHRC

are not particularly attached to the initiative, so the context is less encouraging.

When it comes to the dialogue about the treaty, states have their own negotiations and tensions. In international diplomacy there is no watertight dialogue; instead, states negotiate simultaneously in different arenas; they may give way in one forum – for instance, with regard to the treaty – if their counterparts yield on another issue at, say, the Climate Change Conference or the World Trade Organization. This is a very complex and often quite opaque system. As civil society we have tried to deal with this, and our strategy has been to bring the affected communities to the negotiations, so they can directly take part in plenary sessions and meet with government representatives.

Civil society’s response to these challenges, concludes Mónica, is to continue the fight on several fronts, and to combine engagement in the conference rooms with modelling new ways of working:

What is required is precisely what is happening. A few years back, a moment came in Latin America when the belief system structured around neoliberalism broke – a moment when we stopped believing for good, and it was no longer possible to keep claiming that neoliberalism worked. Today we are reaching a similar moment, in the sense that the conviction has spread that we cannot afford to limit ourselves to voluntary norms for actors that have such power over the everyday lives of all of us. This rupture is happening. If we manage to keep up the attention and get people increasingly to question the idea of voluntary standards and demand binding rules instead, we will be able to keep moving forward.

Luckily for the Global Campaign, the fight against the impunity of transnational corporations is not limited to the UN nor to the scope of the negotiation of the treaty. This is a very important negotiating

*space, and we have and will surely continue to move forward in it. But we have simultaneously taken advantage to move forward in terms of organisation and mobilisation. For example, the programme that took place in the tent in front of the UN headquarters in Geneva during the week-long session of the Working Group included workshops organised by important groups such as trade unions and migrants' and peasants' organisations to tackle the whole productive chain and the rights of vulnerable populations. It also included numerous **parallel conferences** with testimonies from affected communities, presentations of the popular treaty proposal and dialogues between UN Special Rapporteurs and victims.*

In other words, our coalition is a living organism, and this is our great strength. We have not just a Plan B; we also have plans C and D, and up to Z. People already have the experience of facing transnational corporations and accomplice states in their own territories, and have long been building alternatives. This consensus that we have built is not so easily reversible.

CATALONIA: A PRO-INDEPENDENCE REFERENDUM AMIDST POLITICAL POLARISATION

Catalonia's independence referendum, held on 1 October against the Spanish government's wishes, produced a large pro-independence **vote of 92 per cent**, albeit on a low turnout of 43 per cent. Turnout may have been affected by the closure of some polling stations by the national police, and a boycott organised by anti-independence groups, which supported the Spanish government's position that the referendum was illegitimate. The day of the referendum saw police forces use violence to try to prevent people voting, and the period after the referendum was one of polarisation and turmoil, left

unresolved by December elections called by the Spanish government after it dismissed the Catalan government and detained many of its leaders.

We discussed the situation in Catalonia with **Anaïs Franquesa Griso** of **Irdia** and **Francesc Badia i Dalmases** of **democracia Abierta**. While disagreeing on some aspects, both highlighted the contribution of the economic crisis and the political misjudgement of the Spanish leadership in fuelling historical grievances and pro-independence sentiment; Francesc summarises these trends:

Economic crisis hit Spain quite hard in 2010. Unemployment was up to 25 per cent, and 50 per cent for 18 to 24 year olds, and there was not a quick response. This led to social unrest which, combined with historical grievances and a nationalist agenda, fuelled the Catalan nationalist movement. The centre-right Popular Party government in Madrid attempted to deal with the economic situation with one-size-fits-all formulas coming from Brussels and Berlin, such as harsh austerity measures and strict deficit control. This also meant closer control of the finances of Spain's autonomous regions. The Popular Party is also not keen on a federal idea of Spain and tried re-centralisation in order to keep the fiscal deficit at bay. This presented a great opportunity for supporters of Catalan nationalism to build up the support they need for their ultimate goal of independence.

Anaïs emphasises that Catalans have historically thought of themselves as a nation, and over time reclaimed autonomy in some areas, including on cultural and financial issues. Under the current Spanish government, Catalans have increasingly come to believe they are being treated unfairly in comparison with other Spanish regions:

Around 2002, debate began on a new statute of autonomy for Catalonia. The Popular Party led by Spanish President Mariano Rajoy launched a ruthless campaign against the Catalan Statute. They



A woman protests in Barcelona for the release of detained pro-independence political leaders

Credit: Getty Images

collected signatures against it and appealed before the Constitutional Court against several articles of the Statute that were identical to those in the statutes of Andalusia and Valencia, which were being discussed around the same time – but which were not questioned. In 2010, the Constitutional Court suppressed some articles from the Catalan Statute, even though similar articles remained unquestioned in the statutes of Andalusia and Valencia. The Catalan public perceived this as a targeted attack against Catalonia.

Economic disparities between the various territories of Spain also increased, made worse by the lack of transparency. The amounts each territory contributes to and receives from the Spanish state were never made public. While the Basque Country retains the power to collect taxes and deliver an agreed percentage to the Spanish state, most taxes in Catalonia are collected directly by the Spanish state, which returns only a fraction of the money. Added to a quite palpable lack of investment in infrastructure, this created a feeling of imbalance between what Catalonia contributes and what it receives. This translated into the idea that ‘Madrid is stealing from us’; in the rest of Spain this was perceived as a lack of solidarity.

For Anaïs, the 2010 Constitutional Court ruling was a turning point, and mass pro-independence demonstrations became commonplace. As hundreds of thousands – sometimes millions – took to the streets, including in large-scale demonstrations held each 11 September to mark the National Day of Catalonia, Catalonia’s ruling party shifted to become more receptive to pro-independence demands and a shared sense of grievance built towards the Spanish government:

Every attack by the Spanish government inclined more citizens towards independence and strengthened the consensus regarding Catalonia’s right to decide on its territorial and political organisation. I think Rajoy and his Popular Party are the ones who have done the most to favour

the growth of the pro-independence movement in Catalonia: they have done nothing but antagonise the most reasonable demands for autonomy and rights, generating a massive radicalisation that did not exist just a few years before. Every attack by the Spanish government has inclined more citizens towards independence and strengthened the consensus regarding Catalonia's right to decide on its territorial and political organisation. The repression that took place on 1 October also increased participation, since many indignant people took to the streets and to the polls that under different conditions might not have.

On referendum day, 1 October, violence erupted as national police tried to prevent people from voting, after Catalanian police refused to intervene. Images went viral of police using batons and shields against peaceful voters and firing blanks into the air to disperse crowds. The number of those injured was **disputed** in an increasingly polarised environment. This is reflected in the diverging views of our interviewees. Anaïs, whose work focuses on police violence in the context of protests, locates referendum day repression within a longer-term process of protest restriction in Spain, with recent anti-protest laws drafted directly in response to the protest and social movement actions that followed the financial crisis. But looking at the repression around the referendum, she finds some troubling new tactics:

*The violence we saw on 1 October had novel characteristics. For one, it had a clear **gender component**. Repression was harsher against women. There were cases of sexual harassment, which we had not seen before.*

*In addition, rubber bullets were used, although they had been **banned** in Catalonia in 2013. The ban was made effective thanks to the work of many organisations and social movements. As well as costing one person, Roger Español, his vision in one eye, the **use of rubber bullets** had great symbolic importance, because it was a setback on an issue that we thought was already won. We are now*

clear that we need to keep working so that Roger is the last victim of rubber bullets in our country.

Our generation had never witnessed such widespread repression against the civilian population, and much less for something as basic as wanting to vote.

However, Francesc Badia, while condemning the episodes of repression, also suggests they played into the hands of and were exaggerated by the independence movement:

*Police officers trying to get into polling stations and people trying to stop them inevitably resulted in the use of force. This vote was not allowed by the regulations and was inconsistent with the rule of law – but this was not enough reason to use force against voters. At the same time, the media hugely exaggerated the violent episodes. Nationalist propaganda speaks of more than a thousand people injured, including children and older people, but there was no independent count of the injured. At the end of the day there were **only two people** in hospital. However, the images of the repression were devastating, and rightly so.*

Using riot police was a huge mistake and it was a trap the authorities fell into. Pro-independence forces wanted so badly to get that picture of the police trying to stop people from voting in the referendum, to send the message that the state was against democracy. It worked: the images of people being violently evicted from polling stations were very disturbing.

While international civil society called for an independent investigation into the use of force, the Spanish government's subsequent actions did nothing to calm a tense and polarised situation: within weeks of the referendum the Spanish High Court **detained two leaders** of pro-independence civil society

movements. After the Catalan government made a unilateral independence declaration, the Spanish government dissolved it and detained many of its leaders on rebellion and sedition charges. Catalan government leader Carles Puigdemont, dismissed from his role by the Spanish government, fled into exile in Brussels to avoid being jailed. Anaïs expresses concern about court procedures, including the detentions, which she sees as calling into question the neutrality of those enforcing the law:

There are people who have been imprisoned on charges of sedition and rebellion, despite the fact that all mobilisations have been remarkably peaceful, a fact that all these rulings have recognised. Even so, the fact that the mobilisations were so massive was interpreted as implying ‘intimidation’, and the violence of state security forces on 1 October was deemed the responsibility of Catalan political leaders. Their argument is that if they had not encouraged and organised an illegal referendum, the Spanish state would not have ‘been forced’ to use force.

The Spanish government called new **elections**, held in December, which failed to break the deadlock: on a high turnout of 81.9 per cent, pro-independence parties collectively won the most seats, although a pro-unity party emerged as the single biggest party. Large-scale protests continued in Barcelona throughout this period as the question of Catalonia’s status remained unresolved, and concerns grew about worsening **media freedom**. Anaïs describes the climate in which the election took place:

*Before the elections, the Spanish government warned that if the pro-independence parties won, the administration would continue to be controlled from Madrid; that is, they announced they would not recognise the results if they did not favour them. During the pre-election period, the **Central Electoral Board** defined the words and concepts that could be used in the campaign, and numerous acts of censorship took place. Monica Terribas, one of the best-known*

*journalists in Catalonia, stated in her radio programme that an election held with half of the government in prison, the other half in exile, and the media and protesters under attack, could in no way be described as ‘free’. The station was **sanctioned** as a result of her words.*

Civil society can play an important role in bridging between different factions in politically polarised contexts, but at the same time civil society can itself be divided. While Anaïs emphasises the progressive leanings and autonomous quality of Catalan civil society, Francesc believes that a prominent part of civil society was co-opted by pro-independence political groups:

The role of civil society is quite complex. The two civil society leaders detained in October are the heads of two very strong movements that are very closely connected with the agenda of the Catalan government, so the distance between government and civil society is quite blurred.

The problem is that civil society has lost independence and has been co-opted. Their leaders participated in Catalan government decisions and in mobilisations supporting independence, while those opposing it have no agency and lack government support. Whether in favour of or against independence, it’s difficult for CSOs not to fall into one of two camps, which are asymmetric due to one camp having been favoured by the Catalan government. The danger is that civil society, having lost its neutrality and independence for moving forward and offering solutions for all, loses its legitimacy in the eyes of many.

The bigger question is how the burgeoning of the Catalonian independence movement connects to broader political trends at play across many countries, in which people are rejecting conventional party loyalties and embracing identity-based politics, including nationalist politics. Francesc believes the connections are clear:

Generally speaking, we are seeing trust in politicians very much degraded over the past couple of decades. We have seen the collapse of the middle ground and a polarisation of positions, and the rise of movements and narratives that give simple answers to very complex questions.

The very active and diverse movements of 2011 were captured by the Catalan nationalist parties. As a result, a lot of their diversity disappeared under a single nationalist flag. All the different grievances that motivated people for taking to the streets received the same answer: independence – without any elaboration of what independence might look like. We can see the strong connection with the populist trends on the rise elsewhere in Europe and the world, characterised by politicians providing simple albeit false answers to complex questions.

The main idea – that we have seen at play in the UK as well – revolves around building a new country and taking back control. What they are saying is that recovering control will automatically bring a better, more prosperous and ordered state of affairs. This is the kind of narrative that wins lots of minds... People don't trust classic politics any more. These narratives are widespread across Europe and elsewhere, and in Spain they have materialised in a strong independence movement.

Anaïs, however, emphasises the radically democratic thrust of much of the Catalan independence movement, which she sees as distinct from the xenophobic nationalism seen elsewhere in Europe:

*Grassroots social movements in Barcelona are quite autonomous, and a part of them did not identify with the pro-independence cause, because a very large portion of civil society is not nationalistic. Many who are pro-independence claim themselves to be non-nationalists, and instead view independence as a strategy to achieve greater democracy and rights rather than as a nationalist issue... The demand for independence has a democratising component, and that is why many social movements have joined in, even though independence is still not a priority for them. Catalonia has undergone democratising processes that have not occurred in the rest of Spain, from the **annulment of the summary trials of the Franco regime** to the prohibition of rubber bullets and the demand for **closure of detention centres for foreigners**. While massive demonstrations took place for Catalonia's independence, Catalonia also hosted Europe's largest **demonstration** in favour of welcoming refugees.*

Where Anaïs and Francesc agree is that it will take time and effort by all involved to find a way out of stalemate. The situation in 2017 seemed locked in a cycle, with the state's repressive reactions to independence

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demands only fuelling the anger driving the independence cause. But with the Spanish government unwilling to countenance the break-up of Spain, the independence movement facing humiliation if it withdraws its demands, and the presence of pro-union voices in Catalonia generally under-recognised, something has to change. For Francesc, both sides need to recognise that they both have legitimacy and negotiate:

Those backing independence are highly mobilised. They are disciplined, well organised, and well choreographed, so their images are very powerful. But they need to recognise that not enough people currently back independence. On the other side of the political divide, it is also necessary to obtain the recognition that even if it does not have a majority, the pro-independence movement is now very strong and highly mobilised. Both sides need to sit down at the table. The way out is to open a discussion on the reform of the constitution... Everyone needs to sit down in parliament and try to build consensus around a new constitution that integrates some of the demands of Catalonia and others, and which has a more federal structure. Like it or not, the solution will be federal, maybe not out of will or conviction, but out of necessity.

Anaïs also concedes that the independence movement, while it has grown, does not have majority support, meaning that dialogue is the only way forward; but the voices of Catalan people must be heard in that conversation:

Where there is overwhelming consensus among Catalans is around the conviction that any decision must result from a consultation with citizens. The ability of the Catalan people to decide must be recognised, and therefore a referendum must be held. An election will not suffice; getting out of this situation requires a genuine act of sovereignty, a lot of dialogue and, above all, respect for fundamental rights.

BOLIVIA: FOURTH-TERM MOVE BRINGS PROTESTS

Thousands rallied in **Bolivia** in October in **protest** against President Evo Morales' move to extend his term in office. President Morales is already serving his third term, but evidently he wants to continue.

President Morales first came to power in 2006, and won a Constitutional Court ruling in **2013** that his first term did not count towards the constitution's two-term limit, which enabled him to stand and win again in 2014. But in February 2016 he lost a **referendum** on the question of whether he should be allowed to override the constitution and stand for a fourth term at the next elections in 2019. Although President Morales initially said he would accept the referendum result, his Movement for Socialism (MAS) party subsequently nominated him as their candidate for 2019. In September the party brought a legal case to remove the constitutional term limit on the grounds that it contravened his human rights, and in November the Constitutional Court ruled in his favour, **rescinding limits** barring elected authorities from seeking indefinite re-election. The referendum had counted for nothing, and the independence of Bolivia's judiciary was further called into question. The concern among many was that Morales will become a permanent president.

Ramiro Orias, of the **Due Process of Law Foundation**, describes the argument made by MAS, and the October protests that surged in response:

According to the President, the prohibition from running again affected the principle of equality and discriminated against current elected representatives, and would therefore be contrary to the American Convention on Human Rights. This is the same argument used in Nicaragua by Daniel Ortega, who managed to have the Constitutional Court declare his own constitution unconstitutional and

allow him to get re-elected. It is a rather forced argument, because the rights that it invokes are not absolute, but allow for regulation on the basis of the common good and the general interest – the right to run for president includes restrictions of citizenship and age, among others – as well as for limitations in the name of the higher values of a democratic society – such as alternation in power and the strengthening of democratic institutions.

*On 10 October, the 35th anniversary of the restoration of democracy in Bolivia, a national **demonstration** was held against indefinite re-election and in defence of the will expressed by the citizenry in 2016's referendum. The protest was summoned by various CSOs, citizen platforms and opposition parties. It was a massive street demonstration, with the biggest crowds in the cities of La Paz and Santa Cruz and smaller ones in Cochabamba, Oruro and Potosí.*

*The freedom of peaceful assembly was fortunately respected, in the sense that there was no violence nor attempts to suppress the protests. However, the police's **intelligence division** followed and closely monitored the protests in general, and opposition leaders in particular, to the point that they gathered detailed recordings of their conversations. This is unacceptable in the context of a democratic society.*

The move to engineer a fourth presidential term, and the corresponding protests, came against a backdrop of political polarisation that saw division into pro and anti-MAS camps. As Ramiro explains, civil society is not immune to these trends:

Civil society is indeed divided. As happens with any process of political change, there have been winners: there are sectors that received significant benefits and therefore support continuity, including some trade unions, such as the Trade Union Confederation of Bolivia's

Settlers. On the other hand, there are sectors that initially felt represented by MAS but ended up losing.

The ruling party has cultivated a pro-government wing of civil society, leading to the creation of some pseudo-civil society forms intimately interlinked with the ruling party. This is something raised by **Marco Antonio Gandarillas** of the **Centre of Information and Documentation Bolivia (CEDIB)**:

There is now a large set of CSOs that are actually para-governmental organisations and survive on contracts, consultancy work and other state resources. In addition, there are a number of CSOs that have been founded and are directed by high state authorities. All senior public officials, starting with President Morales, manage CSOs that have been set up in order to run government programmes with international cooperation or public funds. It has been reported, for instance, that a foundation run by the president has its own TV channel and handles large state advertising contracts.

However, Ramiro indicates that among many in genuine civil society who once identified with President Morales, disenchantment has set in:

The government is finding it increasingly difficult to act as the representative of social movements. Many civil society actors that at some point viewed the process of change led by President Morales with sympathy now see it with concern because it has become a process of accumulation of political power and does not offer guarantees for them to carry out their work freely anymore.

The Bolivian government has lost support, especially among its indigenous constituencies, due to some measures that resulted in setbacks for the indigenous agenda, such as the decision to build a road across the protected area of the Isiboro Secure National Park and Indigenous Territory (TIPNIS) without following the process for

a prior, free and informed consultation of the indigenous peoples who inhabit the territory. The government also authorised the exploitation of hydrocarbons in protected areas. This resulted in the alienation of some constituencies that initially gave the government a broad majority.

The August approval of an **act** withdrawing protected status from the TIPNIS was indeed controversial, sparking protests about the likely economic exploitation of the territory, and its impacts on indigenous peoples. Under the new rules, CSOs and foreign citizens will need permission to visit the area, and following the move, journalists were prevented from travelling to the territory. October protests against road construction in the TIPNIS were **forcibly dispersed** and journalists trying to cover the protest complained of being **harassed**.

Amidst increasing civil society disenchantment, the ruling party's evident determination to hold onto power has resulted in the degradation of Bolivia's civic space, suggests Ramiro:

The president's attempt to seek another re-election is part of a broader process of erosion of democratic civic space that has resulted from the concentration of power.

As cracks deepened in their basis of support, the government imposed regulations aimed at demobilising that part of civil society that does not actively support the government's project. The situation has become quite difficult for human rights defenders, and particularly for indigenous peoples' rights advocates and environmental defenders, who have been on the receiving end of various challenges and pressures.

There have also been major changes in the regulation of national CSOs. The main change, which left CSOs in a position of great

vulnerability, is Law No. 351 on Legal Personalities (2013). This law requires CSOs to align their objectives and activities with government policy, and replaced the principle of recognition of the legal existence of an organisation with the granting of legal status by the state, an administrative act that puts a great deal of discretionary power in the hands of federal authorities. Legal personality can be revoked through an administrative procedure, without any due process guarantee. At the same time, CSOs that are not aligned with the government are publicly stigmatised.

Marco Antonio describes some of the impacts of these restrictions on civil society:

More than the forcible shutting down of organisations, the new legal framework has resulted in 'silent suicide'. With judicial authorities now elected by popular vote, the judiciary has become subordinate to the executive, and due process guarantees fail, so civil society has felt intimidated. Many organisations have decided to either close their doors or change their goals and lower their profile so as not to disturb power. In doing so, civil society has lost strength and independence.

Over the past few years, my organisation, CEDIB, has undergone countless inspections by various state agencies. Neither public offices nor private companies are subjected to the kind of controls that this small organisation has had to submit to. We have had audits of all kinds, including some that are blatantly illegal, such as when we had to respond to a requirement to submit accounting documentation dating back more than 20 years, even though the Commercial Code requires organisations to keep records for just five years.

As well as the impacts on the freedom of association, violence and conflict resulted from the pressure on civic space. When **three days of protest** followed November's Supreme Court verdict, protesters were met with violence, the confiscation of documents and at least 37 arrests.

Other 2017 protests resulted in violence and arrests. In February, government supporters **broke into** the office of CSO the Permanent Assembly of Human Rights of Bolivia and angrily disrupted a press conference on violations committed by state-owned companies against indigenous communities. The organisation experienced another such **interruption** in September. Also in February, protesting farmers experienced police aggression when they demonstrated in the National Assembly Square, with 40 arrested. Four participants in a feminist protest in July were arrested, and an anti-corruption protest in August was dispersed with teargas. Violence and arrests were used to disperse **roadblock protests** demanding the removal of local officials in September, while a **clash** between striking healthcare workers and the police in December left two people injured and led to four arrests. A sharp **increase** in the number of attacks on journalists was also documented.

Marco Antonio points to the challenge of impunity, and the ruling party self-confidence that underlies this, which cause socioeconomic conflicts to be overlooked:

It has become commonplace for conflicts to be contained by heavy police intervention, often resulting in fatalities. The security forces, and particularly the police, enjoy total impunity: no cases of deaths caused by repression have truly been probed, and perpetrators have never been prosecuted.

The increase in conflict levels is the result of growing social unrest, which has surprisingly not expressed itself at the polls. From President Morales' solid 2014 victory – he was re-elected with about 60 per cent of the vote – the government deduced that society supported its economic model, regardless of the fact that according to the available data, the main reason for most conflicts was socioeconomic issues, revolving around wages, land, natural resources, public services and the allocation of public funds.



Bolivians protest against President Evo Morales

Credit: Getty Images

Therefore, as he was inaugurated for the third time, President Morales embraced the deepening of the government's model as his main objective. This triggered new conflicts and worsened existing ones. I think this is at the basis of the high levels of violence that now characterise social conflict, along with the impunity with which repressive agencies act.

Given these challenges, Ramiro considers what it would take to restore faith in the progressive promise that many in civil society once saw in President Morales, and what civil society's role can be:

Contrary to the dominant tendency to give more power to a single person, one of the main pending issues in the Bolivian democratic agenda is the re-channelling of political representation through a pluralistic, institutionalised party system with internal democratic practices. If the issue of presidential re-election is on the agenda at all, it is precisely because of a lack of institutionalisation: the ruling party does not have a replacement leadership. More than a political party, the ruling group is a coalition of heterogeneous interests that only President Morales could manage to keep together. The government uses democratic mechanisms when they find them useful, but when they don't, they move away from them and try to modify them for their own benefit.

In the context of a weak party system, civil society takes on particular relevance. It fulfils a role as the watchdog of the freedoms of association, peaceful assembly and expression through which it is able to promote its ideals of social change. Civil society works for a democracy that is not only more representative but also more participatory.

Finally, Ramiro sets out what he thinks civil society needs to be able to play these important roles in democracy:

The most important thing civil society needs is to be able to continue its advocacy for human rights is an independent justice system. The executive has pursued the weakening of judicial institutions, and this is a process that we will hardly be able to reverse in the short term in the absence of cooperation from other actors at a national and international level. We need international solidarity. We also need support for CSOs to be empowered, improve their internal accountability processes and guarantee the transparency of their own institutional governance. But the truth is that as long as there isn't an independent judiciary capable of protecting fundamental rights, the situation of civil society will remain one of extreme defencelessness.