



Maina Kiai

UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

Maina Kiai tells conference that civil society is “under attack” in Africa

Blantyre, Malawi (Nov. 25, 2013) – Maina Kiai told a conference of civil society leaders in Malawi today that African civil society is “under attack” from all angles and facing a crisis of shrinking space, as underscored by recent developments in Kenya and South Sudan.

“Governments across the region are moving rapidly to squeeze civil society out of its rightful place in the public sphere,” Kiai said after the speech. “They see civil society as a competitor, challenging their authority. And they are attacking from all angles – cutting off their ability to seek funds, imposing improper registration requirements, and harassing people who speak out.”

Kiai, the United Nations’ Special Rapporteur on the freedoms of peaceful assembly and of association, spoke of the attacks during a keynote address on the first day of the [ACT Alliance](#) regional consultation on civil society space in Blantyre. The consultation was convened to explore ways that civil society groups in the region can ensure their ability to operate in a so-called “enabling environment.” Such an environment includes a functioning democratic judicial system, vibrant freedoms of expression, assembly and association, and the ability to secure funding and participate in public affairs.

Kiai pointed to numerous examples of shrinking civil society space, including proposed legislation in Kenya that he said would effectively “control and finish off independent civil society.”

The draft legislation would amend the Public Benefit Organization Act of 2012 and grant the government sweeping and potentially arbitrary powers to deny registration for Public Benefit Organizations, a category that includes NGOs. The same proposal would cap foreign funding for PBOs at 15% of their total budgets. In addition, all funding to PBOs would be channeled through a government body, rather than going directly to beneficiary organizations.

“Foreign funding – in Kenya and elsewhere in Africa – is essential for every sector, not just NGOs,” Kiai said. “The biggest corporations are foreign funded. Most governments in the region receive significant foreign funding. They would never even think of cutting off that aid. Why should they then cut off foreign funding for civil society?”

“Of course this is really about more than foreign funding,” he said. “The goal of this type of legislation is to silence civil society, to eliminate independent voices that might diminish their authority, even if unwittingly.”

Kiai also warned that cutting off foreign funding to service delivery organizations – working in the fields of health and education, for example – would have a devastating impact, not only on the organizations themselves, but on the clients they serve.

The Kenya PBO legislation comes on the heels of similar legislation limiting foreign funding already on the books in [Ethiopia](#). Meanwhile, [Zambia](#) is pushing forward to implement an NGO law that gives the government excessive powers to control where NGOs work and to enforce mandatory registration.

South Sudan is also considering legislation that could impose mandatory registration for NGOs and give the government wide-ranging control over the operations of independent civil society. Worrisome provisions include limits on the areas in which civil society could work, burdensome registration and re-registration requirements, broad grounds for the revocation of registration status, and criminal penalties for non-compliance with the law. The law also proposes to create a government-led NGO “coordination board.”

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