

Briefing Paper

Cooperation with German diplomatic missions for the protection and promotion of civil society space¹

In many countries, the space available to civil society is being restricted and human rights defenders (HRDs) are at risk. Since German diplomatic missions can make an important contribution to protecting space for civil society as well as HRDs, Brot für die Welt (Bread for the World), Konsortium ZFD (Civil Peace Service Consortium)² and MISEREOR have commissioned a study on good practices in the cooperation between diplomatic missions and civil society. With this study, the commissioning organisations pursue three goals: first, promoting a systematic exchange between diplomatic missions and local civil society actors, secondly, greater support for diplomatic missions in their commitment towards a positive environment for local civil society actors, and, thirdly, improving the protective mechanisms available to diplomatic missions on behalf of HRDs.

CENTRAL RESULTS AND RECOMMENDATIONS

Organising a more inclusive and intensive exchange

The interaction and exchange between diplomatic missions and local civil society actors does not follow a uniform pattern. It is sometimes sporadic, sometimes intense and mostly not inclusive, i.e. civil society actors from rural and marginalised regions have very little access to diplomatic missions and platforms for exchange. The personal commitment of diplomats to human rights and civil society plays a particularly important role. In this sensitive topic area, effective cooperation is based on mutual trust. Especially the opportunity for informal and confidential conversations with representatives of civil society is highly relevant.

German organisations are using their resources and networks to build bridges between local civil societies and diplomatic missions. This is particularly important for actors from rural areas, informal settlements in urban areas or other marginalised groups, as these are less able than established organisations in the capital cities to do this themselves. Inclusive and focused exchange both within Germany and on the ground abroad is

¹ Brot für die Welt, MISEREOR, Konsortium ZFD (2020): Bericht zur Studie „Zusammenarbeit mit deutschen Auslandsvertretungen zum Schutz und zur Förderung von zivilgesellschaftlichem Handlungsraum“. Internal paper based on a study by Martin Quack, inter alia (February 2020).

² The Konsortium ZFD represents the organisations that carry out Civil Peace Service (CPS). It consists of eight civil society organisations working in the field of development cooperation and peacebuilding, as well as the GIZ, see <https://www.ziviler-friedensdienst.org/de/konsortium-zfd>.

particularly successful when specific structures, such as civil society country networks, are in place for this purpose.

Good practices for such exchange include regular country round tables in Germany focusing on human rights, regular meetings in the diplomatic missions (e. g. as a quarterly round table on development cooperation involving local civil society organisations) and the use of project financing by diplomatic missions, also for organisations from rural areas, from informal settlements in urban areas or other marginalised groups, as an instrument for regular exchange.

Recommendations on interaction, exchange and analysis:

... for the German Foreign Office and diplomatic missions:

- Opportunities for trustful, informal exchange between representatives of civil society and staff of diplomatic missions should be maintained and expanded.
- The Federal Foreign Office should offer civil society regular formats for dialogue with a human rights focus, on relevant countries and regions. These dialogues should also be used to discuss the work of diplomatic missions to protect HRDs and civil society at the local level.
- The Federal Foreign Office should require its staff to work effectively and systematically on behalf of a functioning space for civil society and to protect HRDs. Both topics should be more strongly rooted in the training of attachés and their preparations for posting.
- Diplomatic missions should inform civil society about opportunities for contact and access and, when staff changes, guarantee that relations to particularly threatened and marginalised groups and HRDs continue to be maintained.
- Diplomatic missions should make increased use of their capacities for financing projects run by local civil society organisations as an instrument of regular exchange, above all with organisations from rural areas or informal settlements in urban areas.

... for German organisations:

- German organisations should raise awareness among their employees of the importance of space for civil society and of HRDs. They should qualify them for a trusting cooperation with diplomatic missions by engaging directly with HRDs and experienced colleagues and by providing guidelines.
- German organisations with external structures should utilise their overseas staff as a particularly valuable resource for exchange: focused dialogue with diplomatic missions should be clearly stipulated in the relevant job descriptions for overseas (and home-based) staff and the necessary working time should be allocated.
- German organisations should maintain and, if necessary, establish new strategic country networks in countries with particularly challenging human rights situations and severely restricted space for civil society to act.
- German organisations should act as a bridge between local partner organisations and diplomatic missions and promote a trustful dialogue between the two.

... for local civil society:

- Actors from civil society, particularly those from rural areas, informal settlements in urban areas and other marginalised groups, can actively inform diplomatic missions abroad about their work, seek dialogue and utilise low-threshold micro-project funds from the relevant diplomatic missions for this purpose.

Clear strategies on space for civil society

German diplomatic missions mostly work on the topic of civil society space in the EU Human Rights Group for a specific country. The study identified very few initiatives to support political latitude coming from German diplomatic missions. Germany and the EU often react cautiously and slowly, e.g., in regard to new legislative initiatives – also due to other foreign policy interests. Some local civil society organisations reported that they feel poorly informed about the work of diplomatic missions regarding the space for civil society. With respect to Germany, they perceive a degree of political restraint that limits the diplomatic missions in actively advocating for civil society space.

Good practices in the cooperation for civil society space include regular trips by embassy staff to rural areas or informal settlements in urban areas, and the intensive use of the safe space of the diplomatic missions for conversations on sensitive topics. Despite common goals, the potential for cooperation between diplomatic missions and civil society for the protection and strengthening of civil society activity is not used sufficiently. There is often a lack of clear strategies for cooperation on both sides. Occasionally, also German organisations fail to pursue clear strategies to support their partner organisations in the defence of human rights and space for civil society.

Recommendations for supporting space for civil society**... for the German Foreign Office and diplomatic missions:**

- Diplomatic missions should make regular trips to rural areas or informal settlements in urban areas to meet marginalised groups.
- The Federal Foreign Office and diplomatic missions should advocate for civil society space systematically and effectively and, after consulting representatives of local civil society and together with EU delegations and other EU Member States, speak out against restrictive, repressive legislative initiatives and existing repressive laws.
- The safe space of diplomatic missions should be used in different ways: for sensitive talks with especially threatened civil society actors, for joint meetings between local civil society representatives and the government of the host country, and in order to moderate conversations on possible improvements in civil society space.
- In order to improve the systematic and effective intervention of the EU and EU Member States, the Federal Foreign Office should support the drafting, adopting and implementing of EU guidelines on freedom of assembly and association.
- The Federal Foreign Office should invest more personnel in countries where the human rights situation is particularly difficult and to take the strategies of local actors with respect to space for civil society in diligent consideration.
- The Federal Foreign Office and diplomatic missions should strengthen the self-help capacities of HRDs in the respective countries. Joint workshops on this could

contribute to further training, strategy development, confidence-building and pressure to act.

... for German organisations:

- German organisations should collaborate with their partner organisations to develop strategies for a conducive environment for civil society action and continue to invest in good personal relations with diplomatic missions and the German Federal Foreign Office.
- German organisations should increase their funding flexibility for partner organisations and their particularly challenging work with respect to the space for civil society and HRDs in repressive contexts.

... for local civil society:

- Following a risk assessment, civil society stakeholders, particularly those from rural areas, informal settlements in urban areas and other marginalised groups could consider inviting diplomats to events, site visits, welcome speeches etc.
- Whenever a company violates human rights, it is helpful for the local civil society to seek local media coverage and to make diplomatic missions aware of these reports (provided the risk of doing so is not too great).

Making greater use of protective instruments for HRDs

Diplomatic missions often use different instruments for the protection of HRDs, such as invitations, on-site visits or granting visas. Good practices for this include joint working groups of diplomatic missions and HRDs, ongoing contact to HRDs particularly at risk, cooperation with members of the Bundestag (German parliament) and joint HRD awards launched by diplomatic missions and civil society.

German organisations are trusted by their partner organisations and can contribute to their security. They can facilitate collaboration with specialised organisations and raise awareness among diplomatic missions or other state actors. In this context, the dedication, specific knowledge, and persuasiveness of employees of German organisations have a major influence on the preparedness of diplomatic missions to get involved. Clear advice and recommendations can help to convince diplomatic missions to take on and look into individual cases.

At the same time, it becomes clear that guidelines and instruments available in diplomatic missions are not very well-known by German organisations and local civil society. Above all, many of the HRDs interviewed are not very aware of the possibilities of support from diplomatic missions.

Recommendations for protecting civil society and HRDs

... for the German Foreign Office and diplomatic missions:

- Diplomatic missions should be accessible, in particular for HRDs from rural areas or from informal settlements in urban areas and other marginalised groups, actively offering contact opportunities and lowering the protocol barriers.
- With EU partners, diplomatic missions should draft implementation strategies for available guidelines, expand the sharing of work and thereby make greater use of more labour-intensive instruments like closely accompanying individual HRDs or observing trials.

- The Federal Foreign Office should adopt binding guidelines for the protection of HRDs, which the diplomatic missions should supplement by country-specific implementation strategies.
- At the European level, the German Federal Government should press for the granting of emergency visas to be listed as a possible category in the EU Visa Handbook.

... for German organisations:

- German organisations should provide qualification and strategy development workshops for HRDs, partner organisations and their own staff in selected countries.
- German organisations should establish or boost internal mechanisms to support HRDs under threat. In cases of emergency, they should refer HRDs to existing security mechanisms such as the German Bundestag's "Parliamentarians Protect Parliamentarians" programme.

... for local civil society:

- When HRDs develop strategies for their own (physical, psychological, digital) security, it is a good idea to work together with their German counterparts in order to identify key persons at the international level (e.g., certain diplomatic missions or members of parliament) and to lobby for their support.

For the two church agencies Misereor and Bread for the World, the present study and the recommendations set out here are premised on the provisions of the circular decree of the Federal Foreign Office RES 4-35 of 26.2.2018 on funding church development projects from federal sources. The circular decree describes the role and competences of embassies in this regard. In particular, the autonomous status of local project-executing agencies is underlined here. Accordingly, queries and requests for information on projects should not be addressed to the local project-executing agencies but go directly to the central office of the church agency responsible. Likewise, the first contacts with project-executing agencies should generally not be initiated directly with them; these should also be established via the competent central office.

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