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PROFESSIONALISATION OF CIVIL SOCIETY: AN AID TO THE SHRINKING OF CIVIC SPACE AND THE TAMING OF DEMOCRACY PROMOTION? THE CASE OF ZIMBABWE

Author: Esnath Chambiwa
Supervisor: Prof. James Sater

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Abstract

With a general regression of democratic practices being observed globally, a lot of attention has been placed on external factors operating to close the room for civil society organisations to respond and act, such as restrictions on foreign funding, anti-terrorism legislation and judicial harassment of civil society actors. This symposium draws attention to the practice of professionalisation of the sector in response to donor funding practices in order to assess how this practice interacts with other factors and pressures to shrink civic space and tame the democratisation role of civil society. This study invites a reflection on the impacts of donor funding practices on civic space and democratisation through a case study of Zimbabwe. This paper argues that professionalisation prompted by donor funding practices introduces administrative and operational barriers on civil society similar to those imposed by state regulatory authorities and these practices are therefore equally restrictive on civic space particularly in the Global South. The study proposes use of funding practices that are tempered with geo-political contextualisation, and a reconfiguration of civil society models and roles in a new digitised and globalised world.

Keywords: professionalisation of civil society; shrinking civic space; civil society; democratisation

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Acronyms

ACHPR	African Commission on Human People's Rights
CSOs	Civil Society Organisations
CC	Constitutional Commission
ECOSOC	Economic and Social Council
ERC	Electoral Resource Centre
EU	European Union
FATF	Financial Action Task Force
ICNL	International Center for Not-for-Profit Law
LRF	Legal Resources Foundation
MOPA	Maintenance of Peace and Order Act
MoU	Memorandum of Understanding
MDC	Movement for Democratic Change
NANGO	National Association of Non-Governmental Organisations
NAYO	National Association of Youth Organisations
NCA	National Constitutional Assembly
NGO	Non-Governmental Organisation
PEPFAR	U.S President's Emergency Plan for AIDS Relief
PSEA	Policy against Sexual Exploitation and Abuse
PVO	Private Voluntary Organisations
SAPES	Southern Africa Political and Economic Series Trust
SIDA	Swedish International Development Cooperation Agency
TIZ	Transparency International Zimbabwe
UN	United Nations
UNDP	United Nations Development Programme
USA	United States of America
USAID	United State Agency for International Development
UDHR	Universal Declaration of Human Rights
UPR	Universal Periodic Review
WCOZ	Women's Coalition of Zimbabwe
ZANU–PF	Zimbabwe African National Union–Patriotic Front
ZAPU	Zimbabwe African Peoples Union
ZCTU	Zimbabwe Congress of Trade Unions
ZCC	Zimbabwe Council of Churches
ZESN	Zimbabwe Election Support Network

CHAPTER 1: PART 1

1. INTRODUCTION: THE NATURE AND ROLE OF CIVIL SOCIETY ORGANISATIONS

Civil society is generally presumed to be a democratising force and is often proposed as a remedy to the shortcomings of states.[1] Civil Society Organisations (CSOs) are frequently considered and relied on as key actors when building and consolidating democracies, and the state of civil society is said to be an indicator of the health of democracy in any country.[2] The establishment and growth of CSOs is therefore closely linked to the development of stable and sustainable democracies.

When entities are termed Civil Society Organisations, there is generally a focus on the "functions and purposes of individuals, organisations, associations, groups and social movements operating outside of the state where people come together in solidarity for a shared cause usually aimed at enhancing the public good."[3] Through their global efforts, CSOs have established credibility as key stakeholders whose views are critical and sought after for decision-making at several national, regional and international foras.

The role of CSOs in the internationalisation of human rights standards, protections and supervision can be traced back in recent times to the San Francisco Conference in April 1945[4] where the lobbying of CSOs at the Conference facilitated the inclusion of many human rights principles during the drafting of the United Nations (UN) Charter and the Universal Declaration of Human Rights (UDHR). United Nations Director of the Human Rights Division at the time of the drafting of the UN Charter John P. Humphrey stated that:

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[1] Ebenezer Obadare and Kelly Krawczyk, "Civil Society and Philanthropy in Africa: Parallels, Paradoxes and Promise," *Nonprofit and Voluntary Sector Quarterly*, 51(1), (2022): 76-102. https://doi-org.ejournals.um.edu.mt/10.1177/08997640211057453

[2] European Civic Forum, "Civil Society Report 2024," https://civic-forum.eu/civic-space-report-2024 accessed 05June24

[3] Nic Cheeseman and Susan Dodsworth,"Defending Civic Space: When are Campaigns against Repressive Laws Successful?" *The Journal of Development Studies*, *59*(5), (2023): 619–636. https://doi.org/10.1080/00220388.2022.2162882

[4] United Nations, "The San Francisco Conference," https://www.un.org/en/about-us/history-of-the-un/san-francisco-conference accessed 27April24

"*The relatively strong provisions of human rights in the Charter were largely and appropriately the result of determined lobbying by Non-Governmental Organisations (NGOs) and individuals at the San Francisco Conference.*"[5]

CSOs can also be seen playing a part in democracy promotion through implementing initiatives that promote citizen engagement, the rule of law, valid transfers of power and economic development.[6] The types of services provided, and activities conducted by CSOs to promote human rights and democratisation are wide and varying ranging from legal aid provision to humanitarian aid, to promoting democratic processes through election monitoring, to advocating for and empowering minorities and the marginalised.

CSOs are diverse in their formations, registration status and modus operandi. Some are formal NGOs, that is, "they are registered with local authorities, run by employed staff, well supported and are often large."[7] They may take the form of national, regional or international NGOs. Other CSOs are grassroots organisations who are usually "smaller, informal, membership and/or volunteer based, operating without paid staff and often reliant upon donor or NGO support."[8] With the advent of digitalisation, new typologies of CSO structures and Virtual Social Movements such as 'Black Lives Matter' are emerging presenting new opportunities and challenges with defining civil society and civic space. The United Nations, through the "General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms" in 1998 recognised civil society entities as human rights defenders regardless of their formation, and whether they function as individuals or in associations. Article 1 of the Declaration provides that:

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[5] John P. Humphrey, *Human Rights and the United Nations: A Great Adventure,* (Transnational Publishers, New York 1984) p13

[6] Nicola Banks, David Hulme and Michael Edwards, "NGOs, States, and Donors Revisited: Still Too Close for Comfort?" *World Development*, (2015): 707-718 https://doi.org/10.1016/j.worlddev.2014.09.028

[7] Mercer, Claire, "NGOs, Civil Society and Democratisation: A Critical Review of the Literature," *Progress in Development Studies* 2:1, (2002) p6 https://doi-org.ejournals.um.edu.mt/10.1191/1464993402ps027ra

[8] Ibid p6

"*Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels.'*'[9]

This Declaration effectively recognises civil society entities as human rights defenders regardless of their form and whether as individuals or in associations. Distinctions in service areas, typologies and functions of CSOs however play a role in determining the impact of their work, and in dictating CSO responses to changes in an operating environment and thus how they shape civic space and contribute to democratisation.

2. OBJECTIVES AND SCOPE OF THE STUDY

Although CSOs are undeniably conducting useful initiatives to promote human rights and democratisation, their efficacy has recently come under scrutiny.[10] The prevalence of crises and conflicts in Afghanistan, Palestine, Sudan, and Ethiopia, and the general global regression of democracy in countries such as Russia, Hungary and Poland and even the United States of America,[11] have triggered questions around the efficacy of CSOs in promoting democracy and the legitimacy of their structures.[12] Additionally, their ability to challenge the abuse of power and demand accountability from governments and elites has seen CSOs become both vehicles for building democracies, as well as targets of scrutiny and attacks around their practices and initiatives. The result has been the proliferation of a myriad of state-led mechanisms to repress the sector. These include delegitimising smear campaigns, judicial harassment and arbitrary arrests, promulgation of laws restricting freedom of association through intentional misuse of anti-terrorism legislation, and restrictions on the mobilisation of foreign funding.[13]

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[9] UN General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, 1998 A/RES/53/144

[10] Sarah S. Bush, *The Taming of Democracy Assistance: Why Democracy Promotion Does Not Confront Dictators,* (Cambridge: Cambridge University Press, 2015) https://doi-org.ejournals.um.edu.mt/10.1017/CBO9781107706934

[11] Thomas Carothers and Frances Brown, "Democracy Policy Under Biden: Confronting a Changed World," 6 Feb24, *Carnegie Endowment for International Peace*, https://carnegieendowment.org/research/2024/02/democracy-policy-under-biden-confronting-a-changed-world?lang=en

[12] Sarah S. Bush, *The Taming of Democracy Assistance,* p4

Externally led measures designed to shrink civic space and tame democratisation are well documented, but there is less extensive research on the existence or prevalence of internal factors and practices within civil society that shape civic space. Meanwhile, CSO responses to shrinking civic space are often reactionary and are therefore susceptible to criticisms of not always being fit for purpose.

Professionalisation is an example of a response mechanism to calls by governments for accountability, and by funders for results-based programming.[14] It reflects new developments, transformation and maturity in the CSO sector, and it involves the adoption of private sector practices such as the use of strategic plans, reporting templates, financial reporting frameworks and the hiring of specialised expertise. Professionalisation however being a response fuelled by the donor community's need to improve effectiveness and accountability, introduces a multitude of administrative, exclusionary barriers for grassroots organisations, and creates a culture whereby donors set the development agendas and shape civic space according to their priorities.[15] By its nature professionalisation can then be argued to be aiding in closing civic space and taming the legitimacy of CSOs to promote the democracy agenda. These contentions are under researched particularly in relation to civic space and the democratising role of civil society, and this research seeks to address that gap.

Traditional assessments position shrinking civic space as a phenomenon dictated and shaped primarily by external influences and government led crackdowns on civil society. This research will attempt to analyse how an internal factor, professionalisation, can contribute to shrinking civic space and reverse CSO gains despite its well-meaning intention. Professionalisation, a phenomenon promoted for its possible ability to improve efficiency and transparency in the delivery of CSOs' services, will be placed within the shrinking civic space and democratic backsliding discourse in Zimbabwe to assess whether it is compatible in all contexts, and how it interacts with other factors within the context to shape civic space and the democratisation agenda. Zimbabwe was selected due to the researcher's familiarity with the country's CSO sector, being Zimbabwean by nationality, and because it is a country currently facing extreme state-led pressures to restrict CSO operations with minimal inquiry on other contributing and maybe even triggering internal factors.

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[13] CIVICUS, "State of Civil Society Report 2023," March 2023, https://www.civicus.org/documents/reports-and-publications/SOCS/2023/state-of-civil-society-report-2023_en.pdf

[14] Nicola Banks, David Hulme and Michael Edwards, "NGOs, States, and Donors Revisited: Still Too Close for Comfort?" *World Development*, (2015): 707-718 https://doi.org/10.1016/j.worlddev.2014.09.028

[15] Willem Elbers, Bas Arts, "Keeping Body and Soul Together: Southern NGOs' Strategic Responses to Donor Constraints," *Revue Internationale Des Sciences Administratives*, vol. 77, no.4, (2011): 714 https://doi.org/10.1177/0020852311419388

This research will invite reflection on elements that create room for attacks on CSO legitimacy, accountability, efficacy and their ability to fulfil their human rights and democracy promotion mandates in the first place. It explores an inward-looking rarely investigated perspective on CSO practices and how they interact with other factors to shape civic space. It is hoped that the research will present an opportunity to begin to identify and address problematic sector practices and motivate practices that balance the demands and needs of stakeholders, and the efficacy and viability of the sector.

The study will primarily address institutional and donor professionalisation elements such as the integration of formalised rules and roles, the introduction of business-like decision-making practices and the use of specialised technical expertise or full-time paid employees, in assessing how these elements affect civic space.[16]

The research will therefore seek to answer the following question:

Does professionalisation play a part in shrinking civic space and aiding democracy regression?

Hypothesis 1: Professionalisation introduces new elements to the functions and purpose of civil society that operate to produce the unintended consequences of shrinking civic space and the weakening of the democracy promotion role of civil society.

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[16] Hokyu Hwang and Walter W. Powell, "The Rationalization of Charity: The Influences of Professionalism in the Nonprofit Sector," *Administrative Science Quarterly* 54.2 (2009): 268–298 https://doi.org/10.2189/asqu.2009.54.2.268

Derived Question: What characterises professionalisation of civil society and how do these new elements affect civic space and aid in facilitating the taming of the democracy promotion role of civil society?

Hypothesis 2: Professionalisation interacts with other exogenous factors in the operating environment to contribute to closing civic space and the weakening of civil society's democratisation role.

Derived Question 2: What separate factors play a role in shrinking civic space and compromise civil society's democratisation role, and how does professionalisation interact with them?

To answer these questions, the paper will be structured as follows:

1. Chapter 1 will provide a contextual background by discussing current global trends and contemporary challenges around civic space and the democracy agenda. This chapter will outline the current factors that are closing civic space and introduce the nexus between professionalisation and the current trends around civic space and democracy building.
2. Chapter 2 will define professionalisation within civil society structures particularly within the funding community to enable the identification of elements and pressures that predicate and/or problematise professionalisation. This chapter also explores some strategies employed to counter or adapt to the challenges posed by professionalisation in some contexts.
3. Chapter 3 will situate the history and evolution of Zimbabwean civil society for a foundation that will enable a contextual analysis and application of the challenges posed by professionalisation.
4. Chapter 4 will use data collected from case study interviews and academic literature to contextualise and answer the research question about whether professionalisation aids in shrinking civic space and taming civil society's role in democracy building. This chapter will also make recommendations for addressing the gaps and challenges presented.
5. Chapter 5 will consolidate the findings and propose areas for further research.

3. METHODOLOGY

The research will be exploratory as the researcher is seeking to explore and question elements not well researched. I start with a causal factor, X, and examine how it has affected Y. I begin with an observed phenomenon, the professionalisation of civil society globally (X), and assess how it has affected civic space and democratisation in Zimbabwe (Y).

The research was supported by a desk review of academic literature from online journals, reports of UN Special Rapporteurs on Freedom of Peaceful Association and Assembly, and reports of organisations who monitor civic space such as CIVICUS, Freedom House and the International Center for Not-for-Profit Law (ICNL).

Taking on board the recommendation by Maier, Meyer, and Steinbereithner[17] to broaden methodological approaches when researching CSOs' and professionalisation, this research employs a mixed methods research design. It drew on qualitative data from desk research to form the hypotheses, and quantitative data from interviews conducted in the case study of 10 CSOs in Zimbabwe. Applying the quantitative deductive approach, we will test the hypotheses set out in the research questions. Interviews provided the primary source of information for analysis and application of research questions.

Thematic and contextual analysis of the data collected was applied and literature review and field experience were relied on to guide the interpretation of the responses.

RESEARCH METHODS

Literature Review

Preliminary literature review was conducted using keywords such as 'professionalisation of civil society', 'donor funding practices' and 'shrinking civic space' online repositories and university databases such as the University of Malta's Hydi and ProQuest, the University Of Padova's Galileo Discovery, and on websites for organisations such as ICNL and CIVICUS and Freedom House. Articles were accessed online through online journals and libraries such as Voluntas, Sage, Taylor and Francis, Wiley and the Civil Society Journal.

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[17] Florentine Maier, Michael Meyer, and Martin Steinbereithner, "Nonprofit organisations becoming business-like: A systematic review," *Nonprofit and Voluntary Sector Quarterly*, 45(1), (2016): 64–86. https://doi.org/10.1177/0899764014561796

The searches produced hundreds of results for each keyword, and these results were initially filtered to include only results from the last 10 years with a focus on peer reviewed articles, books and theses, and a geographical focus on the Global South and Zimbabwe. All articles that best matched the keywords based on their abstracts were read in full and their references provided links to other connected sources of literature on the subject. This snowballing helped to build a library of articles on the research topic. Other articles were filtered out based on perusals of their abstracts, introduction and conclusions.

Literature review revealed that the subject of extensive academic inquisition in relation to shrinking civic space frequently pointed to external pressures. This prompted the question of whether there are any internal factors interacting with and/or enabling these external pressures. Literature review showed that past studies inadequately assess how internal practices such as professionalisation contribute to two specific aspects: shrinking civic space and democratisation particularly in the Global South. There were studies on the impacts of professionalisation on grassroots mobilisation, CSO legitimacy, innovation and ownership of CSO interventions-without connecting these very aspects to elements such as operating space and democratisation agendas. Literature review revealed a need for more evidence-based understanding and widened methodological approaches and conceptual interpretations of how professionalisation shapes civic space and interacts with democracy building initiatives. The book "The Taming of Democracy Assistance: Why Democracy Promotion Does Not Confront Dictators,"[18] was a highly cited reference and although the researcher could only access the first chapter, it provided a base understanding for this study of why civil society's democratisation role is under attack, and provided the founding principles explaining the linkages of professionalisation to democracy assistance. The researcher also relied greatly on the author Sarah Sunn Bush's PhD thesis which was the foundation of the book.[19] Hwang and Powell[20] were useful for laying out the key indicators and characteristics of professionalisation, and the legitimacy and civic space concerns resulting from the same.

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[18] Sarah S. Bush, *The Taming of Democracy Assistance: Why Democracy Promotion Does Not Confront Dictators*, (Cambridge: Cambridge University Press, 2015)

[19] Sarah S. Bush. "The Democracy Establishment," (PhD Thesis, Princeton University, 2011), https://ejournals.um.edu.mt/login?url=https://www.proquest.com/dissertations-theses/democracy-establishment/docview/961696315/se-2?accountid=27934

[20] Hokyu Hwang and Walter W. Powell, "The Rationalization of Charity: The Influences of Professionalism in the Nonprofit Sector," *Administrative science quarterly* 54.2 (2009): 268–298 https://doi.org/10.2189/asqu.2009.54.2.268

Participant selection

Quota sampling and dimensional sampling was employed as they ensure that representation of the various elements and key dimensions relevant to the study and research question are included. These elements included the size, age, number of donors and status (professional versus grassroots) of the organisation. The main sampling consideration was capturing a variety of CSO formations with diverse operational practices and organisation structures from 5 different geographical regions in Zimbabwe. Two organisations were selected from each region with the main distinction being the selection of a professionalised versus a grassroots organisation. Selection also considered primary intervention strategies (service providers versus advocacy organisations). To select the participants, the researcher relied on the expertise of the National Association of Non-Governmental Organisation's (NANGO) Regional Coordinators, but also guided the selection based on previous ethnographic experience gained whilst working with the local CSOs in Zimbabwe in the past 5 years. NANGO is the largest voluntary umbrella body of NGOs in Zimbabwe.

Semi-structured interviews

The data was collected through semi-structured interviews with NGO directors or high-level management within the selected organisations. Interviews were preferred as they allowed for better expression of the respondents' perspectives and for follow-ups if necessary. Interviews with practitioners in the sector mean that the views expressed are based on lived experiences and are specific to the geo-political context without generalisation. Respondents were sent the questions a week prior to their interview sessions to enable preparation. As physical access was not possible, all the interviews were conducted via Zoom and WhatsApp calls as these were the most accessible, and each interview lasted on average one hour. The researcher employed question sequencing and questions were centred around 3 main themes: 1.) the understanding of the concept of professionalisation and its prevalence in Zimbabwe; 2.) the respondents' perceived impact of the phenomenon on the organisation's operations coupled with the strategies employed to adapt; 3.) their perceived impact of professionalisation on civic space, CSO legitimacy and the democratisation agenda.

Interview Questions:

a. What do you understand about the concept of 'professionalisation of the CSO sector'?
b. Do you consider the organisation you belong to professionalised?
c. What characteristics do you base your categorisation on?
d. What are your thoughts on the prevalence of professionalisation in Zimbabwe?
e. Which factors do you believe have been driving professionalisation (or lack thereof) in Zimbabwe?
f. Which impacts on the sector can you foresee/anticipate as a result of professionalisation?
g. Have you been affected by any aspect of professionalisation or seen it affect other CSOs?
h. Can you foresee professionalisation affecting civic space, legitimacy or democratisation?
i. What strategies have you or other organisations employed to respond to any effects of professionalisation?
j. How would you recommend the sector approaches professionalisation in Zimbabwe or globally?

Data Analysis

Data collected was analysed using the content analysis and the category system. Data was categorised into themes based on the questionnaire such as 'characteristics of professionalisation,' 'perceived impacts of professionalisation on civic space/democracy,' and 'methods to counter professionalisation'. This categorisation enabled the easy distilling of the linkages between professionalisation and democracy building/civic space. Data analysis was also based on concepts and interpretations presented in the academic research reviewed. Previous experience working in the field with CSOs in Zimbabwe was also relied on for the analysis process.

Limitations and Ethical Considerations

Limitations

Literature review on the research question presented challenges in that it is limited in diversity of geographical context with less studies and alternative interpretations of the impacts of professionalisation from a Global South perspective. Moreover, most findings were based only on qualitative methodologies. This research hopes to expand on all these aspects.

A major limitation of the research outputs could be the sample size of the respondents. Although it is small due to time constraints, the project is designed to capture a wide range of views on concerns associated with professionalisation through the diversity in the structure, functions, size and geographical spread of the sample respondents. The size of the sample was also compensated for by targeting heads of coalitions when selecting professionalised organisations. Heads of coalitions are likely to provide perspectives of many of their member organisations.

Moreover, the research could have benefitted from the perspective of funding partners; however, securing respondents was not feasible due to time and access challenges.

The researcher was unable to employ new methods of collecting empirical data or analyse less researched aspects of professionalisation beyond donor conditions and CSO implementation strategies. This research will therefore be exploratory, relying on limited dimensions to draw overall conclusions about the effects of professionalisation on civic space and democratisation mandates.

Practical and Ethical considerations

Zimbabwe is a country fraught with electricity and connectivity challenges. Reliance on online platforms for communication came with connectivity challenges and perhaps expectations for data reimbursements; the researcher did not have a budget for any part of this research project and provided no incentives to respondents. Moreover, as the participants are directors of organisations, availability and time afforded for the interviews and follow ups was limited due to their busy schedules.

There is inherent trust present between the researcher and respondents from a previous working relationship and the researcher ensured not to misuse it. Ethical considerations such as confidentiality and respect were acknowledged and always employed.

The country of the case study is volatile with a constantly evolving operating environment. This called for political sensitivities and diplomacy when communicating and when re-telling the perspectives of the CSOs as one must ensure limited risk of damaging relationships with other stakeholders and funding partners. Participants were provided with assurance of this aspect to avoid reluctance to open up or withdrawal of consent.

The research proposal was subjected to review by the University of Malta's Ethical Committee for adherence with requisite standards such as the privacy of participants and the data management plan. Interview and research outcomes were sent to the participants as a form of transparency, to secure validation, to invite feedback and to indicate appreciation for their input and participation.

CHAPTER 1: PART 2

CONTEXTUAL BACKGROUND

The closing space phenomenon

CIVICUS, an organisation dedicated to monitoring civic space globally publishes an annual "State of Civil Society"[21] report and the 2023 report highlights that civil society globally is under pressure. Civil society therefore often finds itself adopting reactive positions to the myriad of state-led pressures designed to repress the sector that include the waves of laws that restrict association and assembly; laws that prohibit foreign funding; and they find themselves being the subject of delegitimising smear campaigns,[22] amongst other restrictions. Many of the challenges faced by civil society, often the result of external pressures, have been the subject of extensive academic inquisition. Research has however often neglected to address internal pressures contributing to shrinking civic space. These internal pressures, this researcher would argue, include factors such as questionable CSO accountability practices, weak self-regulation implementation and monitoring practices, and for the purposes of this study, the adoption of practices such as the professionalisation of the sector. In this study, these pressures are considered internal when the new practices are adopted voluntarily for reasons such as institutional growth, and external when adoption is motivated by external elements such as political calls for improved transparency and accountability of the sector.

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[21] CIVICUS, " 2023 State of Civil Society Report" March 2023, https://www.civicus.org/documents/reports-and-publications/SOCS/2023/state-of-civil-society-report-2023_en.pdf

[22] ICNL, "Civic Space 2040: Bellagio Outcome Report, International Center for Not-For-Profit Law 2020," March 2020, https://www.icnl.org/wp-content/uploads/CS2040-08.2019-Outcome-Report-vf.pdf

The object of this research paper is to test in what ways professionalisation of not-for-profit organisations can contribute to shrinking civic space and declining CSO legitimacy which leads to reduced efficacy of CSO interventions in promoting democracy.

This shift towards professionalisation has been more prevalent and evident in donor operations, but it is also evident in the systems and structures of CSOs who have adopted processes such as fundraising templates, financial reporting frameworks, using strategic plans, and hiring of officers with specialised expertise such as monitoring and evaluation officers.[23]

Professionalisation has been promoted for its benefits in terms of providing measurable results within prescribed timeframes,[24] and it fosters positive accountability practices often associated with the private sector. Moreover, professionalisation has been linked with increased access to policy making bodies and other relevant actors in the sector, and it is also credited for reflecting that civil society can reconfigure and move with the changes in time. Adoption of this trend however raises questions about civil society's legitimacy and the ability of CSOs to meet their long-term goals. It has been criticised for providing "palliative over transformational change," narrowing the operating space by excluding grassroots organisations whilst prioritising professional 'elites' who adopt similar operating structures and procedures to funding partners,[25] and limiting innovation and ownership of interventions by promoting primarily actions prescribed in donor conditions. Although it can be argued that the impacts of professionalisation (as an internal pressure) on civic space and democratisation are minimal in comparison to external factors, there is a possibility that it mutually reinforces the other factors that it interacts with within the operating context and the real impact is likely truly observable when placed in a specific context. This study will place professionalisation within the Zimbabwean context to highlight how socio-political contexts either delimit or exacerbate the impacts of professionalisation on civic space and democratisation, and why caution must be employed when transplanting practices in a sector as diverse, fluid and non-uniform as civil society.

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[23] Hokyu Hwang and Walter W. Powell, "The Rationalization of Charity: The Influences of Professionalism in the Nonprofit Sector," *Administrative Science Quarterly* 54.2 (2009): p272 https://doi.org/10.2189/asqu.2009.54.2.268

[24] Nicola Banks, David Hulme and Michael Edwards, "NGOs, States, and Donors Revisited: Still Too Close for Comfort?" *World Development*, (2015): 707-718 https://doi.org/10.1016/j.worlddev.2014.09.028

[25] Andrew Heiss and Judith G. Kelley, "Between a Rock and a Hard Place: International NGOs and the Dual Pressures of Donors and Host Governments," *Journal of Politics* 79 (2) (2017): p734 https://doi.org/10.1086/691218

Concurrently, there are parallel external pressures which are common to many CSOs globally, particularly those referred to as "pushback factors whereby governments erect legal and logistical barriers to civil society operations"[26] with a view to push back on the democracy and human rights agenda. Although the impacts of pushback factors differ according to different geo-political and socio-economic contexts, the following sector will highlight a few which are common to many regions. These have been the subject of much academic review, and this study will therefore not delve into them in depth. They are however important because they represent the other factors that professionalisation interacts with to shape civic space and the democratisation discourse.

1.1 Funding restrictions

Following the 9/11 attack in the United States of America (USA) in 2001, there has been a heightened international focus on counterterrorism. The Financial Action Task Force (FATF), "an international body tasked with monitoring states' efforts to curb illicit transnational financial crimes"[27] such as terrorist financing and money laundering, introduced FATF Recommendation 8 in 2001. Recommendation 8 designated Not-for-Profit Organisations as 'particularly vulnerable' to Terrorist Financing, and obliged states around the world to domesticate mitigating measures or face unfavourable evaluation rankings which would negatively impact a country's investment portfolio.[28] The result has been unintentional, and sometimes intentional misuse of FATF

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[26] Thomas Carothers and Saskia Brechenmacher, "Closing Space: Democracy and Human Rights Support Under Fire," *Carnegie Endowment for International Peace - Reports* (2014) https://ejournals.um.edu.mt/login?url=https://www.proquest.com/reports/closing-space-democracy-human-rights-support/docview/1692430872/se-2.

[27] Lia van Broekhoven, Sangeeta Goswami and Thalia Malmberg: "The Future of FATF Recommendation 8: A Foresight Piece," *Human Security Collective* (2023) https://www.hscollective.org/assets/Final_R8-Foresight_.pdf

[28] ibid

Recommendation 8 to impose restrictions on freedoms of association through legislation to prohibit access to foreign funding and resources. Until Recommendation 8 was amended in 2016, countries were being assessed and graded positively by the FATF's evaluation system for enacting restrictive measures on their Not-For-Profit sectors.[29] Zimbabwe for example, gazetted the Private Voluntary Organisations (PVO) Amendment Bill in 2021, supposedly to comply with FATF Recommendation 8. The PVO Amendment Bill was criticised for not incorporating the FATF guidelines such as employing risk assessment processes before and when formulating counterterrorism strategies; for placing burdensome and vague administrative requirements and terms around access to funding; and for giving the parent Ministry extensive discretionary powers and control over CSO operations. Critics have therefore contended that the Zimbabwean government intentionally misused claims of Recommendation 8 compliance as a tool to shrink civic space.[30]

It is reported that "between 2001 and 2018, at least 140 governments adopted counterterrorism legislation."[31] Over the past five years, it is reported that "76 countries have proposed more than 275 legislative initiatives, more than 85% of which include measures that restrict access to funding"[32] and claim to tackle the war against terrorism or alleged concerns around political interference. States are duplicating and transplanting legislative instruments restricting funding from one jurisdiction to another, regardless of the criticisms attached to the founding legal instruments. In May 2024, Georgia adopted a "Foreign Influence Law"[33] which strongly resembles Russia's "Foreign Agents Law"[34] enacted in 2012. Russia's 'Foreign Agents Law' for example requires CSOs mobilising resources from foreign donors to register as 'foreign agents,' a notoriously stigmatising label often associated with international espionage and spies. Similarly, under the European Commission's "Democracy Defence Package"[35] the Commission has proposed a directive to promote "transparency in the reporting of interests of third countries and foreign influence" within civil society. This directive has raised alarm amongst activists, academics and practitioners within the European Union (EU) as they contend that its framing may be misinterpreted to encourage more restrictions against foreign funding in the region.[36]

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[29] ibid p6

[30] NANGO, "CSOs Joint Submission on PVO Amendment Bill 2023," June 2023, pp 21-22 https://www.nangozim.org/wp-content/uploads/2023/06/CSOs-Joint-Submission-on-PVO-Amendment-Bill.pdf

[31] Anne Charboard and Fionnuala Ni Aolain, "The Role of Measures to Address Terrorism and Violent Extremism on Closing Civic Space," ICNL, (2018) https://www.icnl.org/wp-content/uploads/civil_society_report_-_final_april_2019.pdf; CSIS/iCON, Aligning Security with Civic Space: Database of Legislation on the Definition of Terrorism https://www.csis.org/programs/human-rights-initiative/legacy-works/closing-civic-space/aligning-security-and-civic-0

[32] ICNL, "Defending Civil Society 2024," https://www.icnl.org/our-work/defending-civil-society accessed 13May24

[33] ICNL, "Overview of Georgia's Foreign Influence Law," May 2024, https://www.icnl.org/post/analysis/draft-law-of-georgia-on-transparency-of-foreign-influence

1.2 Judicial harassment

Used in conjunction with other repressive measures, criminal proceedings are utilised to target civil society and international providers of democracy aid. This was witnessed in 2011 when Egypt prosecuted United States agencies operating in the country,[37] and in Italy in cases such as 'Sea Watch 3'[38] NGOs working to rescue maritime migrants are criminally charged with illegally trafficking individuals. In Zimbabwe similar tactics are employed where activists are subjected to arbitrary arrests, prolonged pre-trial detention[39] and CSO activities are regularly attended by law enforcement officers and openly monitored to intimidate, instil fear and promote self-censorship.

1.3 Legislative and administrative requirements

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[34] ICNL, "Civic Freedom Monitor: Russia," 10Feb24, https://www.icnl.org/resources/civic-freedom-monitor/russia#reports

[35] European Commission, "Defence of Democracy Factsheet," 12Dec23, https://ec.europa.eu/commission/presscorner/api/files/attachment/877028/DoD_Factsheet.pdf

[36] European Civic Forum, "What is the Defence of Democracy Package?" https://civic-forum.eu/our-work/defence-of-democracy accessed 24May24.

[37] Ahram Online, "Egypt sentences 43 NGO staffers to 1-5 years in prison," 04 June 2013, https://english.ahram.org.eg/NewsContent/1/64/73129/Egypt/Politics-/BREAKING-Egypt-sentences--NGO-staffers-to--years-i.aspx

[38] Lorenzo Tonto, "Italy adopts decree that could fine migrant rescuers up to €50,000," *The Guardian*, 15Jun19 https://www.theguardian.com/world/2019/jun/15/italy-adopts-decree-that-could-fine-migrant-rescue-ngo-aid-up-to-50000

[39] Emma Nhancumba, "Stop Judicial Harassment of Rights Defenders: UN," 26May23, *Newsday Zimbabwe* https://www.newsday.co.zw/local-news/article/200012080/stop-judicial-harassment-of-rights-defenders-un

Legislation designed to undermine the independence of the sector is increasingly commonplace in democratic, hybrid and authoritarian regimes. The legislations impose burdensome registration processes, funding caps, onerous reporting requirements, and other mechanisms designed to increase government control over many aspects of CSO activities. Proponents for restricting foreign funding like Russia and Georgia argue that civil society organisations are under the influence of foreign entities through their funding and therefore should be subjected to additional administrative checks. In other jurisdictions, legal instruments adopted to indirectly curtail civil society activities and restrict civic freedoms have been loosely based on national security or public order arguments. Zimbabwe passed the "Patriotic Act" in 2023 which has broad provisions which criminalise CSO interactions with foreign entities if they "undermine the state's sovereignty."[40] Hungary has recently been in the spotlight for its "Law on the Protection of National Sovereignty"[41] whilst globally there have been wider legal measures restricting freedom of expression, internet activism or increasing digital surveillance to curtail the activities of human rights defenders and activists.

1.4 Media Campaigns

Many of the above measures are reinforced by government led smear campaigns through state controlled media and statements by public officials with a view to delegitimise civil society, control public perceptions, and justify labelling CSOs as threats to national security. Péter Szijjártó, Hungary's Minister for Foreign Affairs and Trade in 2016 publicly accused CSOs of being used by international donors to attempt to influence Hungarian policies; he denounced CSOs' legitimacy stating that CSOs are not legitimate representatives of society as they are not elected into power by anyone.[42] CSOs are also often the target of disinformation or hate speech, especially when they stand for the rights of excluded or minority groups such as women's rights or sexual minority groups. All these factors foster intolerance and hostility towards CSOs, increasing their vulnerability within their constituencies and resulting in narrowed operating space and reduced power to influence.

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[40] Columbus Mavhunga, "Zimbabwean Opposition, Rights Groups Bemoan Passing of Patriotic Bill," 02Jun23, *VOA News* https://www.voanews.com/a/zimbabwe-opposition-rights-groups-bemoan-passing-of-patriotic-bill-/7120292.html

[41] Human Rights Watch, "Hungary: EU needs to urgently protect Civic Space," 28Jun24, https://www.hrw.org/news/2024/06/28/hungary-eu-needs-urgently-protect-civic-space

[42] The Budapest Beacon, "Szijjártó accuses the United States and George Soros of meddling in Hungary's domestic affairs," https://budapestbeacon.com/szijjarto-accuses-the-united-states-and-george-soros-of-meddling-in-hungarys-domestic-affairs/ accessed 24Apr24

1.5 Accountability and transparency

Until recently, CSOs had been able to successfully leverage their purpose as advocates for activities aimed at enhancing public good as a sufficient basis for their accountability. This narrative was sustainable partly as a recognition of their role as key actors in the governance and development agenda, and partly because of CSOs' watchdog initiatives challenging the accountability practices of governments and the corporate sector,[43] but this perspective has shifted. Key stakeholders such as "governments and funders have led the charge for greater accountability and efficiency in the nonprofit sector."[44] Political pressures have pushed for CSOs to increase their accountability practices. Proponents for improved accountability contend that CSOs prioritise upward accountability to their donors, neglecting accountability to other stakeholders such as their intended beneficiaries, their sectoral peers, and in the case of Zimbabwean CSOs, neglecting accountability to the parent Ministry. This neglect resulted in the deregistration of 291 PVOs in Zimbabwe in January 2023.[45] Moreover, donor dependence feeds into accusations that CSOs are conduits for foreign entities and thus CSO require more monitoring for governability and to restrict interference in local politics.

1.6 Linkages between professionalisation, civic space and democracy promotion

It is evident from the above discussion that civic space and civil society efficacy in promoting democratic practices is under threat from various mutually reinforcing factors. External pressures closing operating space hinder civil society's ability to fulfil their mandates, triggering certain responses which this symposium will argue are not always fit for purpose or universally applicable, but may in fact work to aid these same external pressures to close civic space.

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[43] Robert Lloyd, "The Role of NGO Self-Regulation in Increasing Stakeholder Accountability," July 2005, *One World Trust* (2005) p2 https://www.oneworldtrust.org/uploads/1/0/8/9/108989709/2005_07_the_role_of_ngo_self-regulation_in_increasing_stakeholder_accountability.pdf

[44] Hokyu Hwang and Walter W. Powell, "The Rationalization of Charity: The Influences of Professionalism in the Nonprofit Sector," *Administrative science quarterly* 54.2 (2009): p271 https://doi-org.ejournals.um.edu.mt/10.2189/asqu.2009.54.2.268

[45] Rejoice Sibanda, "291 Private Voluntary Organisations Deregistered," *Chronicle Zimbabwe* 23Jan23 https://www.chronicle.co.zw/291-private-voluntary-organisations-deregistered/

For CSOs to fulfil their mandates, they require resources and an enabling operating environment. The growth in the number of CSOs, particularly following the end of the Cold War,[46] has impacted access to and competition for resources. Challenges to mobilising resources through legislations and funding restrictions pose an existential threat for CSOs. Traditionally however, the CSO sector is dependent on external aid, and relationships between donor agencies and CSOs are characterised by power imbalances. These power imbalances have forced civil society to adopt practices that make them favourable for donor aid. Dependence on external aid however raises questions about CSO legitimacy and CSO eligibility to challenge states' claims of sovereignty. Through donor dependency, areas of civil society interventions and programs are dictated and delimited by funders and these donor conditions are not always sustainable or reflective of beneficiary needs. Governments have often questioned to whom CSOs loyalties lie, the donor or the cause? These concerns have been the basis for calls for more accountability and transparency, and in some cases have resulted in the accelerated promulgation of repressive legislation against CSO activities. To counter this, CSO have employed professionalisation practices such as self-regulation mechanisms, internal audits, and internal governance structures.

Under the new professionalisation systems, the democratisation role civil society is systematically tamed[47] by donor conditions that prioritise measurable results and outputs, and by virtue of the very nature of the programs that donors prefer to support which offer palliative rather than transformative development.[48] Professionalisation practices are capable of weakening CSO effectiveness in promoting democratic practices. One can foresee how through professionalising, CSOs inadvertently erode the very elements that made them a powerful democratisation force such as innovation and citizen agency through linkages to grassroots organisations. Democracy academics such as Sarah Sunn Bush and Anna Khakee suggest that donors contribute to this taming of CSO effectiveness and subsequently the legitimising of autocratic regimes, by choosing to refrain from funding projects and CSOs that are vocal and aggressive, preferring those that are non-confrontational.[49] They acknowledge that sometimes funding partners choose this route to maintain relations with host states, but raise caution to the converse effects of such donor strategic choices which manifest in the programs and organisations selected for funding.

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[46] Nicola Banks, David Hulme and Michael Edwards, "NGOs, States, and Donors Revisited: Still Too Close for Comfort?" *World Development*, (2015):707-718 https://doi.org/10.1016/j.worlddev.2014.09.028

[47] Sarah S. Bush, *The Taming of Democracy Assistance: Why Democracy Promotion Does Not Confront Dictators*, (Cambridge: Cambridge University Press, 2015)

[48] ibid

This chapter briefly highlighted existing external pressures that shrink civic space and tame democracy promotion efforts by civil society. The chapter also introduced professionalisation as a response to external pressures for more effective and transparent programming and as a mechanism to adapt to changes in the operating environment such as new funding requirements. The next chapter considers in more detail what characterises professionalisation of both donors and CSOs; we identify some common strategies adopted by civil society to counter some adverse effects of professionalisation before applying these concepts to the subsequent chapters in the case study of Zimbabwe in order to answer the research question.

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[49] Anna Khakee, "Democracy Aid or Autocracy Aid? Unintended Effects of Democracy Assistance in Morocco," *The Journal of North African Studies*, 22(2), (2017):238–258 https://doi-org.ejournals.um.edu.mt/10.1080/13629387.2017.1279971

CHAPTER 2:

CHAPTER II: FORMS AND CHARACTERISTICS OF PROFESSIONALISATION

This chapter will attempt to position the phenomenon of professionalisation within the civil society realm and unpack how the trend has a direct downstream effect on CSO legitimacy, effectiveness, democracy promotion and overall civic space. The chapter intends to show that amongst the multitude of factors causing shrinking civic space, professionalisation is little talked about, but should command more consideration as its side effects are equally impactful on civic space and the democratisation role of civil society. The chapter will conclude by showing how although power dynamics prevail between civil society and funding partners, limiting CSOs' negotiating power, civil society is not powerless to counter some of the challenges that result from professionalisation.

2.1 What does professionalisation of civil society mean?

'Civic space' is considered as the space for the general public and civil society to get involved in, and to act on any issues concerning their interests without cumbersome restrictions.[50] Academics and practitioners note that this space is never a given, but is created in the interactions between CSOs and others.[51] Despite the multitude of challenges illustrated in Chapter 1 that the sector faces, civil society actors still have the force and power (albeit minimal), to shape civic space and create an enabling environment for themselves. One way they have been taking action to influence and shape civic space has been through becoming more business-like in their practices.

Driven in part by the need to demonstrate effectiveness,[52] by growing concerns about legitimacy and accountability,[53] and by political pressures and counterattacks from entities that have been the target of CSO campaigns, professionalisation is both a response mechanism and a vehicle to construct sector driven accountability and legitimacy systems that shape and influence the operating environment for civil society.

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[50] Antoine Buyse, "Squeezing civic space: restrictions on civil society organisations and the linkages with human rights," *The International Journal of Human Rights*, 22(8),(2018): 966–988. https://doi.org/10.1080/13642987.2018.1492916

[51] ibid

[52] Andrew Heiss and Judith G. Kelley, "Between a Rock and a Hard Place: International NGOs and the Dual Pressures of Donors and Host Governments," *Journal of Politics* 79 (2) (2017): p733 https://doi.org/10.1086/691218

[53] David L. Brown, *Creating Credibility, Accountability and Legitimacy for Transnational Civil Society,* Kumarian Press, 2008: p11

Adopting business-like practices is therefore an exercise of CSOs' power to shape civic space through incorporating strategies that reflect the changes and challenges within their operating environment. Professionalisation could also be interpreted as civil society nurturing their growing political and social influence in the development and democracy ecosystem. They have a bigger platform to exert their influence and their practices must therefore match their growing influence.

Professionalisation, Legitimacy and Accountability

The nature of civil society, as an entity between government and society; programming on diverse and sometimes contentious issues; taking different formational structures and comprising multiple stakeholders (the state, funding partners, beneficiaries, peers) with differing interests, contributes to questions about legitimacy, accountability and effectiveness of the sector.

Legitimacy refers to a point of view by relevant parties that actors are legal, and their contributions are necessitated and justified by the beliefs and circumstances of their social context."[54] Accountability entails "the duty to account for one's actions and results to interested parties who can assess and place a value judgement on them."[55]

Clear accountability to all stakeholders can improve an organisation or sector's reputation with stakeholders; this positive perception can create or reinforce an organisation's legitimacy. Conversely, ignoring the interests of other stakeholders such as beneficiaries in favour of donor needs, as is often the case with civil society, can undercut the ability for civil society to gain legitimacy and agency with communities, and subsequently weaken their ability to connect with local communities to promote democratic practices.[56] CSO legitimacy and accountability, is therefore difficult to construct due to diverse stakeholders, but can impact support for CSO causes, their ability to effectively influence, and ultimately the nature and size of their operating space.

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[54] David L. Brown, *Creating Credibility, Accountability and Legitimacy for Transnational Civil Society,* Kumarian Press, 2008: p2

[55] ibid

[56] ibid pg. 7

Growing concerns about civil society legitimacy and accountability are said “reflect a general crisis of governance in many institutions,”[57] both in business and government institutions. This crisis can also be attributed to a general observed trend of democratic backsliding as briefly discussed in Chapter 1, where we noted several efforts to restrict civil and political freedoms such as freedom of peaceful assembly and association, and freedom of expression. The result has been the closing of operating space for civil society actors.

Concurrently, funding practices are also contributing to shrinking civic space. These funding practices include funding short term ‘niche’ projects which compromise the long-term effectiveness of interventions and erode organisations’ social capital with their local beneficiaries due to lack of consistency.[58] A similarly problematic funding practice is the lack of core funding which renders organisational sustainability difficult and motivates the adoption of professionalisation mechanisms such as commercialisation and social entrepreneurship to supplement organisational resources.[59] Diversifying funding portfolios is however not an option in all socio-economic contexts where civil society operates particularly in the Global South; CSOs therefore tend to remain donor dependent and this dependency subsequently adds to questions about the legitimacy of their internationally funded initiatives, particularly advocacy or democracy promotion initiatives. These legitimacy and accountability questions have partly contributed not only to the prevalence of legislation to restrict access to international funding, but also to the adoption of professionalisation practices to counter some of the challenges faced.

These funding practices, professionalisation practices and the external factors discussed in the preceding Chapter all interact to change the face of civil society practice and shape civic space and democratisation agendas.

2.2 Categorising professionalisation:

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[57] ibid

[58] Andrew Heiss, and Judith G. Kelley, “Between a Rock and a Hard Place: International NGOs and the Dual Pressures of Donors and Host Governments,” *Journal of Politics* 79 (2) (2017): p734 https://doi.org/10.1086/691218

[59] ibid

Academics have over the years formulated many concepts which are said to indicate that civil society is becoming more business-like. Maeir, Meyer and Steinbereithner's contribution included an analysis of a composition of academic literature which has over the years attempted to explain the ways in which civil society organisations are becoming business-like.[60] In the analysis, they outline 3 categories as typologies of becoming business-like within civil society as initially advanced by Dart:[61]

a) CSOs adopting business-like *rhetoric;*

This category refers to organisations who emphasise communication narratives that frame the organisational identity in a business-oriented manner

b) CSOs adopting business-like *goals;*

This category involves organisations commercialising and in some scenarios, becoming for-profit through converting their legal status. More often this is when organisations define their goals and set strategies on how to achieve them

c) A business-like *organisation of core and support processes;*[62]

Organisations restructure their internal structures and systems to match private sector practices such as through incorporating hierarchical management structures and standard operating procedures

Although CSOs tend to embody all the above three typologies concurrently, the last category fits closest to the criteria that is most adopted within civil society. This category includes organisations incorporating the following processes within their operations:

→ Corporatisation, whereby an organisation's governance structure such as its board or management structure, favours corporate models.

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[60] Florentine Maier, Michael Meyer, and Martin Steinbereithner, "Nonprofit Organisations Becoming Business-like: A Systematic Review," *Nonprofit and Voluntary Sector Quarterly*, 45(1), (2016): 64–86. https://doi.org/10.1177/0899764014561796

[61] c.f Raymond Dart, "Being 'Business-Like' in a Nonprofit Organization: A Grounded and Inductive Typology," *Nonprofit and Voluntary Sector Quarterly* 33(2), (2004): 290-310

[62] Florentine Maier et al, "Nonprofit Organisations Becoming Business-like" (2016) https://doi.org/10.1177/0899764014561796

→ Marketisation, where an organisation's relationship with its core beneficiaries is transformed into a ‘client’ and ‘service provider’ nature. This could be through commodification or adoption of entrepreneurial orientations whereby work provided by the organisation is defined as goods for service to be outsourced and compensated for;[63] this could be through providing price-tagged trainings or networking conferences, or outsourcing organisational experts for paid consultancies;

→ Professionalisation, which Maier et al restrictively refer to as becoming more business-like in the selection of personnel.[64]

Noting that in practice these categories and concepts are interconnected and mutually reinforcing, for this symposium, these categories are consolidated and branched into what is popularly referred to under the general umbrella term ‘professionalisation’.

The Sequence and Characteristics of Professionalisation

The process of professionalisation happens in tandem with other factors within the operating environment; professionalisation has been described as “both a sequence of meaningful events and an evolving form of social organisation.”[65]

Hwang and Powell advance Wilensky’s[66] formulation involving five steps observed in the sequence to professionalisation:

(1) the introduction of full-time employment;

(2) the creation of a capacity building institution or system;

(3) the establishment of a governing body;

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[63] Julia Evetts,“A New Professionalism? Challenges and Opportunities,” *Current Sociology* 59.4 (2011): p407 DOI: 10.1177/0011392111402585

[64] Florentine Maier et al, “Nonprofit Organisations Becoming Business-like” (2016) https://doi.org/10.1177/0899764014561796

[65] Hokyu Hwang, and Walter W. Powell, “The Rationalization of Charity: The Influences of Professionalism in the Nonprofit Sector.” *Administrative Science Quarterly* 54.2 (2009): 268–298 https://doi.org/10.2189/asqu.2009.54.2.268

[66] Harold L. Wilensky,“The professionalisation of everyone?” *American Journal of Sociology*, 70.2 (1964): 137–158

(4) the monopolising of jurisdiction through government regulated licensure;

(5) the creation of a Code of Ethics.[67]

Similarly, Mcgrath[68] endorsed this formulation by Wilensky and made further reference to Grunig and Hunt's[69] characterisation of the process of professionalisation as including the following: "i) a set of values attached to the profession; ii) belonging to a recognised professional association; iii) compliance with professional values and practices; iv) an academic based culture and an established body of knowledge; and v) technical expertise acquired through skilled training."[70]

Practice has therefore shown that there are often similar identifying traits that are adopted when civil society shifts towards professionalisation. Professionalisation however looks different for different actors within civil society. Its impacts on civic space are mostly evident on CSOs as they are often the subjects of, and not necessarily voluntary proponents of professionalisation.

This symposium will now draw attention to how some of these traits manifest in two of the main actors within civil society, i.e. Civil Society Organisations and Donors.

2.2.1 CSO Professionalisation

Although the patterns of, and the characteristics of professionalisation are similar as identified above by scholars such as Hwang and Powell; McGrath and more recently, James,[71] there is no one-size-fits-all template for CSO professionalisation due to the different socio-economic and geo-political contexts that civil society operates within. The manifestation of similar patterns across regions may be attributed to the tendency for the sector to transplant and apply practices that are considered best practices from one region to another, particularly from the Global North.

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[67] Hokyu Hwang, and Walter W. Powell, "The Rationalization of Charity" (2009): p273 https://doi.org/10.2189/asqu.2009.54.2.268

[68] Conor McGrath, "Towards a Lobbying Profession: Developing the Industry's Reputation, Education and Representation," *Journal of Public. Affairs*, 5.2 (2005): p127 https://doi-org.ejournals.um.edu.mt/10.1002/pa.14

[69] c.f J.E. Grunig, and T. Hunt, *Managing Public Relations,* Harcourt Brace Jovanovich: Fort Worth, TX,1984.

[70] Conor McGrath, "Towards a Lobbying Profession: Developing the Industry's Reputation, Education and Representation," *Journal of Public. Affairs*, 5.2 (2005): p125 https://doi-org.ejournals.um.edu.mt/10.1002/pa.14

[71] Eric James, "The Professional Humanitarian And the Downsides of Professionalisation," *Disasters*, 40 (2016): 185-206. https://doi.org/10.1111/disa.12140

CSOs have therefore almost uniformly taken on the professionalisation elements discussed above as follows:

Full time work:

In Wilensky's formulation, this step is described as the commencement of full time employment and a key identifier is the reduced use of volunteers.[72] For the hiring organisation, full-time staff is supposed to improve perceptions within the sector and amongst peers and advance the legitimacy of the organisation.[73] These professionals begin to rely on civil society work as a livelihood and a career path, and work is undertaken in exchange for monetary compensation.[74]

Training Schools

Many tertiary institutions now have modules and training programs on subjects such as Human Rights or Humanitarian Action, and some modules are carried out in collaboration with actors within civil society. There is increased use and preference of sector specific knowledge and training of those entering the field, or capacity building workshops for those within the sector led by sector experts.[75]

Professional Associations

CSOs begin to organise themselves into support networks with the aim of bringing members of the sector together or dealing with cross-cutting concerns such as self-regulation, knowledge sharing or mutual support. These associations may also develop sets of values for the sector through tools such as Codes of Conduct as a form of governance for the sector, and these tools of 'self-regulation' are tailored to enhance legitimacy accounts and present a picture of professionalisation often associated with other traditional ‘professions.’ Affiliation with the body improves legitimacy with stakeholders.

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[72] Darryl Humble, "Recasting Professionalisation: Understanding Self-legitimating Professionalisation as a Precursor to Neoliberal Professionalisation," *Geoforum,* vol 106 (2019): 135-143 https://doi.org/10.1016/j.geoforum.2019.07.023

[73] ibid

[74] Eric James, "The Professional Humanitarian And the Downsides of Professionalisation," *Disasters*, 40 (2016): p189. https://doi.org/10.1111/disa.12140

[75] ibid

To further support legitimacy claims, CSOs may join other ‘legitimate’ actors such as regional or international bodies that can enhance their access to policy makers and improve their visibility. This may take the form of partnering with the private sector on initiatives such as corporate social responsibility; receiving accreditation for subscribing to certain standards such as the Humanitarian Accountability Project or the Sphere Project,[76] or obtaining observer status with a body like the “African Commission on Human People’s Rights (ACHPR)”[77] or the UN Economic and Social Council (ECOSOC).

Furthermore, the internal structure of organisations may be altered usually for resource mobilisation purposes as donors prefer to work with organisations that have similar operating structures. Sectoral competition for funding ultimately shifts missions away from organisational preferences toward donor priorities, creating links tilted towards donor preferences and “projecting visions of development that have minimal linkages to local roots.”[78] Internal changes such as adopting more formalised rules for reporting and decision-making can also be made to enhance legitimacy claims.[79]

Monopolised Licensure

CSOs have also demonstrated professionalisation by ensuring compliance with legal norms, such as registration as required under national laws. Licences to operate are often regulated by governments, and when provisions in the regulations are not oppressive or burdensome, compliance not only reduces confrontation with regulatory authorities, but it also reinforces the legitimacy of the organisations.

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[76] The Sphere Standards (online) https://spherestandards.org/ accessed 05May24

[77] ACHPR, Obtaining Observer status for NGOs (online) https://achpr.au.int/index.php/en/network/ngos accessed 05May24

[78] Andrew Heiss, and Judith G. Kelley, “Between a Rock and a Hard Place: International NGOs and the Dual Pressures of Donors and Host Governments,” *Journal of Politics* 79 (2) (2017): 732-741 https://doi.org/10.1086/691218

[79] Hokyu Hwang, and Walter W. Powell, “The Rationalization of Charity” (2009): p273 https://doi.org/10.2189/asqu.2009.54.2.268 https://doi.org/10.2189/asqu.2009.54.2.268

Given the diversity of stakeholders that CSOs are accountable to, it is questionable whether CSOs' strategic choice to professionalise allows for accountability and legitimacy to all stakeholders. Professionalisation prioritises upwards accountability to donors as funding needs are a priority. Horizontal accountability to states and peers is activated and enabled through registration with local authorities or affiliation with professional associations, but downwards accountability to beneficiaries is compromised.[80] It is debatable whether professionalisation adequately balances stakeholder needs, challenges from external pressures, and internal institutional needs.

These concerns go to the root of the questions within this research paper-how is professionalisation problematic to CSO legitimacy, democracy promotion and civic space? Can CSOs still promote the democracy agenda when they professionalise and become distanced from and unaccountable to beneficiaries? when they have reduced citizen agency, are disconnected from the constituents and when they program on areas dictated by foreign donor agencies that may not necessarily be responsive to urgent local needs? Are states partially justified in questioning CSOs legitimacy and restricting access to foreign funding? These concerns suggest that professionalisation can contribute to shrinking civic space and will be tested in the case study of CSOs in Zimbabwe. These questions beg introspection from the sector as to the unintended consequences of professionalisation on the sector's identity, legitimacy and civic space.

2.2.2 Donor Professionalisation

As alluded to in the preceding discussions, states and philanthropic funders have been leading the campaigns for more efficiency and accountability of the sector; and concurrently, "competitive pressures to mobilise resources have resulted in the adoption of more systematic models for funding."[81] These new models demand formalised procedures from implementing partners and they are “designed to measure performance and enable appraisers to evaluate organisations on common metrics.”[82]

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[80] David L. Brown, *Creating Credibility, Accountability and Legitimacy for Transnational Civil Society,* Kumarian Press, 2008: p11

[81] Hokyu Hwang and Walter W. Powell, "The Rationalization of Charity: The Influences of Professionalism in the Nonprofit Sector." *Administrative science quarterly* 54.2 (2009): p271 https://doi.org/10.2189/asqu.2009.54.2.268

Donors are those actors within society that provide development funding. This could be through direct private philanthropy, or funds channelled through recognised international donors and government agencies.

Data sourced from tools such as the World Bank’s Governance Indicators,[83] and indicators outlined in the 2015 United Nations Development Programme’s (UNDP) Human Development Report[84] form part of the structures that have accelerated professionalisation by donors. They have redefined the standards that influence how donor organisations, whether international governmental donor agencies or philanthropic foundations distribute funding.[85] Policy makers rely on these indicators to evaluate, reform and improve their development policies. They also rely on them as part of the drive towards evidence and results-based policy making and accountability.

Whilst there will always be differences between donor agency funding practices, the emphasis and intended outcome of professionalisation is improved transparency, accountability and effectiveness of programs, and planning for foreseeable results.[86] To facilitate this, donors place conditions that recipient organisations must adhere to in order to qualify for financial support. These conditions could be requirements prior to receiving funding; conditions during or post project implementation, and the conditions could specify themes, locations and target groups; they could also highlight preferred intervention strategies. Elbers and Arts found that donor conditions are usually set in three main areas summarised in Table 1 below:

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[82] ibid

[83] Daniel Kaufmann and Aart Kraay, “Worldwide Governance Indicators,” 2023 Update (online), World Bank Group, www.govindicators.org accessed 06May24

[84] UN Development Programme 2015 Human Development Report http://report2015.archive.s3-website-us-east-1.amazonaws.com/

[85] Andrew Heiss, and Judith G. Kelley, “Between a Rock and a Hard Place: International NGOs and the Dual Pressures of Donors and Host Governments,” *Journal of Politics* 79 (2) (2017): 732-741 https://doi.org/10.1086/691218

[86] Darryl Humble, “Recasting Professionalisation: Understanding Self-legitimating Professionalisation as a Precursor to Neoliberal Professionalisation,” *Geoforum,* vol 106 (2019): 135-143 https://doi.org/10.1016/j.geoforum.2019.07.023

Table 1. The Main Areas of Donor Conditions

Project design & planning	Accountability	Funding
Theme	Narrative and financial reporting	Project funding
Target group	Reporting format	Earmarking
Strategy	Indicators for M&E	Length of funding
Geography	Evaluations	Branding
Gender	Separate bank accounts	
Logical framework	Independent auditing	

Source: Elbers, Willem, and Bas Arts. (2011) "The Main Areas of Donor Conditions"[87] p. 719

Civil society joins other agencies in the wider field of international development, which are not governed by a transnational set of laws, and for whom "there are no transnational standards of legitimacy and accountability."[88] The diversity of the sector, geo-political differences, economic inequalities and the ever-changing operating environment means that "there are few authorities that can develop widely accepted and representative norms that can articulate commonly held values."[89] An exception to this lacuna is noted in International Humanitarian Law which codified best practices for humanitarian actors in the revised 2014 Sphere Standards which are now known as the "Core Humanitarian Standards."[90]

This means that generally donors abide by the national laws in the country they work in, and by laws in their sending countries. The lack of institutions that define expectations and regulate civil society standards sets the stage for challenges to civil society legitimacy and accountability at a transnational level and the proliferation of haphazard donor conditions. This gap also conversely represents an opportunity for innovation in response, and responses have included the development of self-regulation mechanisms, and more related to this study, the acceleration of the professionalisation agenda.

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[87] Willem, Elbers and, Bas Arts, "Keeping Body and Soul Together: Southern NGOs' Strategic Responses to Donor Constraints," *International Review of Administrative Sciences*, vol. 77, no.4, (2011): p719 https://doi.org/10.1177/0020852311419388

[88] Heike Klüver and Sabine Saurugger, "Opening the Black Box: The Professionalisation of Interest Groups in the European Union," *Int Groups Adv* 2, (2013): 185–205 https://doi-org.ejournals.um.edu.mt/10.1057/iga.2013.2

[89] ibid

[90] Sphere Standards, "Core Humanitarian Standard," https://spherestandards.org/humanitarian-standards/core-humanitarian-standard/ accessed 14May24

Tensions are however revealed in the purpose versus the unintended consequences of professionalisation. These tensions are particularly evident in the Global South where the democracy agenda is newer, where civil society is dependent on donor aid, and where economic inequalities shape the power dynamics between funding partners and local CSO implementers.

Perhaps there is cause to pause and reflect on the need to balance between diligence in responses to external pressures and contextualisation of the impacts of response strategies such as professionalisation on all actors, particularly those actors that will be most affected. There is a risk that professionalisation may be construed in the Global South as a Western practice that perpetuates neo-colonialist power structures.

2.2.3 Neo-liberal professionalisation

From the preceding chapters, one can foresee how pressures from the operating environment may force professionalisation. The concept of neoliberalism is often described as a state of affairs in the socio-economic and political spheres that is driven by the market.[91] It is based on an ideology that emphasises free market competition and "values and supports the free interaction and response of CSOs to external pressures."[92] We have highlighted how political pressures, calls for accountability, donor dependency and donor conditions all influence the decision to professionalise. A combination of these factors amounts to a domination of forces external to the organisation that culminate in neo-liberal professionalisation.

Common perspectives often portray professionalisation as a result of neoliberal forces, and from the preceding discussion, it is evident that external pressures are strong, varied and are arguably the biggest driver of professionalisation.

As an illustration of the strength of these external market forces, we assess the European Union's (EU) drive to improve the participation of various stakeholders in its processes. With a goal to improve the legitimacy of the EU's institutions, EU institutions have over the years encouraged participation of interest groups. Access to these institutions and decision makers however demands that civil society modify their organisational structures and professionalise (an external market force) for "efficient, coherent and professional representation."[93] There is evidence that EU institutions understandably rely on professionalised organisations for input, information supply and expertise.[94] Lake and Newman write that:

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[91] Darryl Humble, "Recasting Professionalisation: Understanding Self-legitimating Professionalisation as a Precursor to Neoliberal Professionalisation," *Geoforum,* vol 106 (2019): 135-143 https://doi.org/10.1016/j.geoforum.2019.07.023

[92] ibid

> *"Internal organisational characteristics . . . are a symptom rather than a cause, . . . and are themselves a function of the larger social, political and institutional context situating the non-profit sector, allocating its resources, and delimiting its programmatic capability.*[95]"

Formalisation therefore is a reflection of responses to market forces, and a tactic to maintain or upscale interventions such as engaging in legislative lobbying;[96] and it enables the exercise of greater influence within institutionalised politics such as within EU institutions. Restructuring can therefore be made with the aim to more effectively pursue an organisation's overall goal, to maintain an organisation's standing within society or to expand and grow as an entity.[97] This suggests that formalisation is not always negatively influenced by exogenous factors, nor does it always result in outcomes removed from the sector or the organisation's goals. However, given that the effects of professionalisation triggered 'from above' and from external pressures are not always positive, a comparative analysis with self-legitimising professionalisation is warranted.

2.2.4 Self-legitimising professionalisation

Self-legitimising professionalisation is an alternative to neoliberal professionalisation and it "recognises the autonomy of development professionals to make decisions around professionalisation that are driven not by neoliberal forces alone but by the needs of the organisation."[98] It is a manifestation of a CSO successfully using organisational strategic choices as a vehicle to frame its identity with stakeholders, in some instances to enhance its legitimacy, and to indicate to the regulator the sector's ability to remain self-governing.[99]

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[93] Heike Klüver and Sabine Saurugger, "Opening the Black Box: The Professionalisation of Interest Groups in the European Union," *Int Groups Adv* 2, (2013): 185–205 https://doi-org.ejournals.um.edu.mt/10.1057/iga.2013.2

[94] ibid

[95] Robert W. Lake and Kathe Newman, "Differential citizenship in the shadow state," *GeoJournal* 58, (2002): p117 https://doi-org.ejournals.um.edu.mt/10.1023/B:GEJO.0000010830.94036.6c

[96] Suzanne Staggenborg, "The Consequences of Professionalisation and Formalisation in the Pro-Choice Movement." *American Sociological Review*, *53*(4), (1988) 585–605. https://doi.org/10.2307/2095851

[97] Heike Klüver and Sabine Saurugger, "Opening the Black Box: The Professionalisation of Interest Groups in the European Union," *Int Groups Adv* 2, (2013): 185–205 https://doi-org.ejournals.um.edu.mt/10.1057/iga.2013.2

Pursuing professionalisation can become a part of an organisation's best interests, and also a means to uphold and defend the public's interest.[100] One can foresee instances of professionalisation prompted by virtue of an organisation's involvement in a particular jurisdiction (sciences or health care systems) which undoubtedly require the hiring of more credentialed personnel for the public's interest and better service delivery.

Professionalisation can also be driven by an internal desire to be professional to reach organisational goals, as was described above when European interest groups professionalise to facilitate access to European institutions. It can also be triggered by an organisation's internal desire to establish legitimacy, an element which is crucial for CSO work and is not necessarily triggered by external pressures. Humble demonstrated this internal desire to improve legitimacy with a case study of an education NGO in the United Kingdom whose change in structure had its initial roots in self-legitimation prior to market forces reinforcing the push.[101] He illustrated how the organisation's desire to be perceived as legitimate by peers and other stakeholders in the education industry was the initial push towards more formalised systems. He warns against a general presumption that professionalisation is always prompted by external forces and suggests a more holistic approach to the study of the phenomenon through appreciating that "self-legitimising professionalisation could precede, coincide with, or be completely removed from neoliberal professionalisation."[102]

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[98] Darryl Humble, "Recasting Professionalisation: Understanding Self-legitimating Professionalisation as a Precursor to Neoliberal Professionalisation," *Geoforum,* vol 106 (2019): 135-143 https://doi.org/10.1016/j.geoforum.2019.07.023

[99] ibid

[100] Julia Evetts,"A New Professionalism? Challenges and Opportunities," *Current Sociology* 59.4 (2011): p407 DOI: 10.1177/0011392111402585

[101] Darryl Humble, "Recasting Professionalisation," (2019) https://doi.org/10.1016/j.geoforum.2019.07.023

[102] ibid

Organisations can and do restructure deliberately with their own end goals in mind, and more studies of the professionalisation of civil society should recognise the connection and sequence between self-legitimising and neoliberal professionalisation.

2.3 Opportunities, Risks and obstacles for professionalised and non-professionalised CSOs

Understanding the opportunities and challenges presented by the professionalisation phenomenon, whether motivated internally or by external pressures will allow for an understanding of their practical implications on civic space and democratisation. The discussion below on the opportunities and risks follows the characteristics identified in earlier discussions on the process of professionalisation for both the CSOs' and the donors.'

Opportunities

→ Institutionalised activities

Through institutionalisation, activities can be planned and approved in advance; the amount and type of resources expended for activities can be controlled, results are measurable, and it is possible to monitor and evaluate underperforming team members.[103]

→ Formalised staff with full time employment

Full time staff can be relied on to ensure continuity in the maintenance of tasks and they can more effectively recognise and take advantage of operating environment opportunities on an on-going basis, unlike with volunteers. Moreover, organisational activities are minimally affected by changes in leadership and therefore formalised organisations have more stability."[104] Formalised CSOs are democratic and have standardised procedures in place to reduce the possibilities for leaders to wield excessive power.[105] Importantly, whilst professionalised CSOs have less flexibility, formalised organisations do not necessarily become less radical or innovative by virtue of formalising.

→ Joining associations and other legitimate regional actors

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[103] Suzanne Staggenborg, "The Consequences of Professionalisation and Formalisation in the Pro-Choice Movement," *American Sociological Review*, *53*(4), (1988) 585–605. https://doi.org/10.2307/2095851

[104] ibid

[105] ibid

When CSOs strengthen their legitimacy and accountability, they enhance their capacity to challenge and cooperate with other transnational actors. Collaborating with other "legitimate actors" improves organisational legitimacy and social standing. Professionalisation enables the sector to join other legitimate actors in exerting influence. Moreover, Kluver and Saurugger reason that growing competition between CSOs encourages them to adapt and push their capacities to secure organisational resources and to become global actors.[106]

For instance, a key goal of advocacy CSOs is to influence policy making. Supplying information to policy-makers is a crucial tool through which civil society can influence political decisions and also bolster their own legitimacy, but these civil society actors must have sufficiently adequate organisational infrastructures to meet the information supply requirements of an entity such as the European Commission. A study conducted by Kluver in 2012 demonstrated that the quantity of organisational resources and the internal organisational structure largely explained variations in information supply to EU institutions.[107] The study found that the more professionalised an interest group was, on average, they tended to supply more information to the European Commission.[108] Professionalisation can therefore enable the sector to join with other global actors and exert more influence on key issues.

→ Education and training and codes of ethics

Education benchmarks entry to the sector; it enables managers to demand high-quality service provision.[109] Meanwhile, professional Codes and regulatory standards indicate good will to operate at a set standard, promote legitimacy and shield the sector from invasive state regulations.

Risks

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[106] Heike Klüver and Sabine Saurugger, "Opening the Black Box: The Professionalisation of Interest Groups in the European Union," *Int Groups Adv* 2, (2013): 185–205 https://doi-org.ejournals.um.edu.mt/10.1057/iga.2013.2

[107] Heike Klüver, "Informational Lobbying in the European Union: The Effect of Organisational Characteristics," *West European Politics*, 35.3, (2012): 491–510. doi: 10.1080/01402382.2012.665737

[108] ibid

[109] Julia Evetts,"A New Professionalism? Challenges and Opportunities," *Current Sociology* 59.4 (2011): p407 DOI: 10.1177/0011392111402585

Professionalisation, particularly that which is prompted by external pressures, presents equally challenging risks to the work and the operating environment for civil society. Some well documented risks are described below:

Legitimacy and Accountability

One of the biggest criticisms against neoliberal professionalisation has been the "resultant loss of cultural sensitivities, participatory approaches, and grassroots linkages."[110] As discussed above, professionalisation motivated by the need to meet donor conditions or to fulfil compliance obligations restructures the ties between civil society and their beneficiaries and disconnects interventions from local needs. This disconnect adversely affects the sector's legitimacy claims and its efficacy in promoting democracy.

Results based orientation increases the demand for time and funds spent on accountability requirements such as monitoring and evaluation and financial management, whilst reducing the operating space for CSOs who program in activities which do not produce short term measurable results such as democracy promotion initiatives; changes in democratic practices are often seen over long term periods.

The criteria and standards by which civil society is evaluated on performance is not set by beneficiaries who receive the service, but rather by the donors. This evaluation criteria invites scrutiny and contestation around whether beneficiary inputs are considered and whether their interests are properly served.[111] This contestation is a huge challenge to the legitimacy agenda as societal perceptions frame legitimacy conversations.

Autonomy and Ownership

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[110] Andrew Heiss and Judith G. Kelley, "Between a Rock and a Hard Place: International NGOs and the Dual Pressures of Donors and Host Governments," *Journal of Politics* 79 (2) (2017): 732-741 https://doi.org/10.1086/691218

[111] Hokyu Hwang and Walter W. Powell, "The Rationalization of Charity: The Influences of Professionalism in the Nonprofit Sector." *Administrative Science Quarterly* 54.2 (2009): p292 https://doi.org/10.2189/asqu.2009.54.2.268

“Donor conditions are often motivated by the need to improve effectiveness and efficiency, but they may have a paradoxical effect in practice.”[112] Donor conditions limit the room for CSOs to pursue people-centred and locally driven solutions. The interventions implemented are tightly defined in donor criteria and CSO ownership, flexibility and responsiveness to changes in the project environment is undermined.[113]

Innovation

As more organisations professionalise, the sector loses diversity in its ways of operating and organisational structures and systems begin to resemble each other creating isomorphism and weakening the possibility of innovation in interventions. Both donors and CSOs become risk averse, preferring predictable outcomes and turning a “heterogeneous collection of organisations into a distinct, coherent sector with a common set of organisational routines.”[114]

Resource Mobilisation and Sustainability

Donor funding practices contribute to sector fragmentation, donor dependency and shrinking operating space. Professionalisation can have exclusionary effects for grassroots organisations who often do not and cannot professionalise; who are rendered incapable to access funding, and who are ‘othered’ in comparison to ‘elite’ professionalised CSOs. Research suggests that financially stable interest groups are more professionalised than those who face financial constraints regardless of the interest they represent.”[115] Tensions between different organisational types may cause disenfranchisement within the sector, limiting opportunities for coordination between grassroots and professional organisations and further restricting an operating space which is already fraught with challenges.

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[112] Willem Elbers and Bas Arts, “Keeping Body and Soul Together: Southern NGOs’ Strategic Responses to Donor Constraints,” *International Review of Administrative Sciences*, vol. 77, no.4, (2011): 713-732, https://doi.org/10.1177/0020852311419388

[113] ibid

[114] Hokyu Hwang and Walter W. Powell, “The Rationalization of Charity: The Influences of Professionalism in the Nonprofit Sector.” *Administrative Science Quarterly* 54.2 (2009): p271 https://doi.org/10.2189/asqu.2009.54.2.268

[115] Heike Klüver and Sabine Saurugger, “Opening the Black Box: The Professionalisation of Interest Groups in the European Union,” *Int Groups Adv* 2, (2013): 185–205 https://doi-org.ejournals.um.edu.mt/10.1057/iga.2013.2

Donors can inadvertently "distort NGO behaviour and promote fragmentation by fostering competition for resources."[116] Donor practices such as the lack of or unwillingness to fund core costs such as administrative costs, incentivises organisations to inflate expenses and budgets to cover these core costs. CSOs may withhold information or exaggerate a crisis to secure more funds. Lack of core funding threatens the ability to sustain organisational activities beyond project periods, the ability to maintain consistency with service provision, or the ability to build and maintain legitimacy and credibility with community members.[117] Funds secured are usually earmarked to each project activity, rendering diversification of CSOs' resource portfolios difficult. As a not-for-profit sector, generating the capital to sow into other supplementary income generation is difficult and the funding community must take this into consideration in its funding practices. Civil society remains donor dependent and unable to effect transformative change.

Short funding periods fail to provide the incentives to attract or retain expert staff, or the stability necessary to grow as experts in a certain field or to invest in staff development. It is not possible to make long term plans; and this applies to both the organisation and its employees. Employees are subject to program-based contracts which do not offer security.

Local ties to beneficiaries:

Institutionalised actions are guided by procedural processes and may no longer onboard the input from locals. Local ties are particularly crucial for CSOs who take on advocacy activities that require participation of the citizenry. Meanwhile, grassroots organisations with stronger ties to local communities are disenfranchised and left without access to funds or the voice or space to operate.[118]

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[116] Andrew Heiss and Judith G. Kelley, "Between a Rock and a Hard Place: International NGOs and the Dual Pressures of Donors and Host Governments," *Journal of Politics* 79 (2) (2017):732-741 https://doi.org/10.1086/691218

[117] Willem Elbers and Bas Arts, "Keeping Body and Soul Together: Southern NGOs' Strategic Responses to Donor Constraints," *International Review of Administrative Sciences*, vol. 77, no.4, (2011): 713-732, https://doi.org/10.1177/0020852311419388

[118] Nicola Banks, David Hulme, and Michael Edwards, "NGOs, States, and Donors Revisited: Still Too Close for Comfort?" *World Development*, (2015): (707-718). https://doi.org/10.1016/j.worlddev.2014.09.028

Use of Professional Staff

Professionalisation excludes as much as it includes and every profession inevitably creates a gap between itself and the people for which it provides a service; it creates barriers to entry for volunteers or those without the requisite educational credentials, an element which significantly changes the sector's root identity as a field known for volunteerism and a training ground for grassroots activism and citizen participation.[119] The value of volunteerism against professionalisation should not be understated. In instances where an acute disaster such as a hurricane strikes, full-time professional humanitarians would be insufficient to address the disaster, whilst grassroots volunteers can easily overcome challenges such as language barriers and accessibility of certain places.[120] Additionally, caution must be employed to ensure that the professionals' voices do not silence or ignore other actors' voices which may not have the same platforms or access.

When using professional staff, the traditional relationship of employer–employee is engaged, necessitating supervision and assessment and triggering a "discourse of competition or individualisation."[121] The implementation of professionalisation may threaten both teamwork and collegial support in a sector that already requires solidarity, commitment and passion for the cause from its implementers.[122]

> *"Accounts of change describe a shift from notions of partnership, collegiality, discretion and trust to increasing levels of managerialism, bureaucracy, standardisation, assessment and performance review."*[123]

Civil society organisations face a "considerable tension between being effective and efficient, and being able to provide the organisational infrastructure for civic engagement and representation."[124] Many elements that distinguish CSOs from other development actors such as innovation, volunteerism and linkages to local constituents are stripped away by professionalisation. It is necessary to consider whether these changes in the nature of civil society introduced by professionalisation - a mechanism introduced to strengthen civil society practices and counter efforts to shrink civic space - does not paradoxically curtail civic space and weaken civil society's democratising role, and if it does, to what extent? Does it balance the needs of all stakeholders involved and does the sector remain fit for purpose?

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[119] Hokyu Hwang and Walter W. Powell, "The Rationalization of Charity: The Influences of Professionalism in the Nonprofit Sector." *Administrative Science Quarterly* 54.2 (2009): p270 https://doi.org/10.2189/asqu.2009.54.2.268

[120] Eric James, "The Professional Humanitarian And the Downsides of Professionalisation," *Disasters*, 40 (2016): 185-206. https://doi.org/10.1111/disa.12140

[121] Julia Evetts,"A New Professionalism? Challenges and Opportunities," *Current Sociology* 59.4 (2011): p416 DOI: 10.1177/0011392111402585

[122] ibid pg. 411

[123] ibid pg. 407

2.4 Strategic responses to challenges presented by professionalisation

All the above factors attempt to answer the research questions and reveal the direct linkage between professionalisation and legitimacy, democracy and civic space.

The contention at the beginning of this chapter was that CSOs are not merely at the mercy of funders or external pressures that shape operating space but that they also play a role in shaping civic space through their practices or response strategies such as professionalisation. We have seen that CSOs professionalise for self-legitimating reasons and as a result of market forces. The biggest factor from within the sector that triggers professionalisation is donor conditions and these have played a huge role in shaping not only civic space, but also civil society's responses to the impacts of donor conditions as a donor dependent sector. Table 2 below presents a summary of strategies usually employed to counter the internal sectoral pressures caused specifically by donor conditionalities as identified by Elbers, Willem and Arts:

Table 2: Strategies Employed to Adapt to Donor Conditions

Strategy	Aim	Tactic	Description
Avoiding	Prevent exposure to donor conditions	Selecting Rejecting Exiting	NGO limits contact to compatible donors NGO turns down funding offers NGO terminates funding relations

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[124] Jennifer Dodge, "New Participatory Dimensions in Civil Society: Professionalization and Individualised Collective Action," *Public Administration Review* (2013): 203–206.

Influencing	Change content of donor conditions	Negotiating Persuading Involving	NGO uses mutual dependence as leverage NGO uses convincing arguments NGO personally engages donor representatives
Buffering	Mitigate impact of unavoidable donor conditions	Shielding Compensating	NGO insulates key parts from exposure NGO offsets problems with discretionary funds
Portraying	Pretend compliance with donor conditions	Window Dressing Withholding Misrepresentation	NGO conforms superficially NGO selectively releases information NGO forwards inaccurate information

Source: Elbers, Willem, Arts (2011), "SNGOs Strategic Responses to Adverse Donor Conditions"[125] p. 725

1. Avoiding organisational exposure to adverse pressures-it is not always a viable option, especially when an organisations is facing funding constraints;
2. Influencing-Organisations may try to change the nature of the donor conditions through negotiation or persuasive arguments;
3. Buffering-Organisations may try to weaken, or minimise the unfavourable effects of unavoidable donor conditionalities;
4. Portraying- these are responses intended to deceive funding partners regarding implementation of donor conditions.[126] This strategy is utilised conservatively because of its potential to compromise the CSO's reputation and future opportunities.

These strategies are not universally applicable and they suggest the availability of subsidiary sources of funding, a well established record of service delivery, or a level of trust and personal connection between the organisation and the donor. When these are not present, when focal persons within a donor agency change, or when there is no trusted long term funding partner, CSOs may have limited options but to resort to "deceptive portraying practices."[127] Overall, it is evident that CSOs have some authority not only to shape their operating environment through their practices but also to limit the negative effects of professionalisation that have a downstream effect on legitimacy, civic space and other CSO values.

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[125] Willem Elbers and Bas Arts, "Keeping Body and Soul Together: Southern NGOs' Strategic Responses to Donor Constraints," *International Review of Administrative Sciences*, vol. 77, no.4, (2011): p725. https://doi.org/10.1177/0020852311419388

[126] ibid

[127] ibid

This chapter has defined the professionalisation agenda within the CSO sector and supported the assertion that CSOs can proactively shape their operating environment and professionalisation is one way they have been doing so. The chapter also linked the professionalisation phenomenon to CSO legitimacy and democracy promotion by outlining some risks and opportunities arising from its application. Furthermore, this chapter considered the motivations behind professionalisation and highlighted how they could be a result of both internal strategic choices and external pressures. Professionalisation practices of two actors within civil society were analysed: CSOs and Donors, and the strategies popularly employed to counter the negative effects of professionalisation through donor conditions were outlined. The next chapter will apply this theory and these concepts to a case study of Zimbabwean civil society to assess the practical impact of professionalisation on the legitimacy of civil society, their role in democracy promotion, and overall civic space.

CHAPTER 3:

CIVIL SOCIETY IN ZIMBABWE

3.1 Key Terms and Concepts

Civil Society in any country will undoubtedly always be shaped by the country's socio-political context. As alluded to in Chapter 2 by Lake and Newman, "the internal structures of civil society are a symptom of the larger socio-political context that civil society finds itself operating in."[128] Although generalisations can usually be made about civic space, civil society and their role in democratisation, there will always be context specific factors distinguishing one civil society from another. These factors could include the geo-political environment; historical contexts; international political shifts; social factors such as cultural beliefs; as well as institutional elements such as access to funding or legitimacy concerns within a community. Sara Dorman, a leading academic on the Zimbabwean political space post-independence reminds us that civil society actors are not "uniformly democratic or 'progressive' but are implicated in society and political culture; such realisations must be taken into consideration when theorising about 'democratisation' and civil society in Africa or elsewhere."[129] Recent academic thinking therefore tends to support "the Gramscian perspective that proposes that civil society is a contested space and NGO struggles reflect struggles within wider society."[130]

In assessing the impacts of professionalisation on civic space and civil society's role in democratisation in Zimbabwe, this thesis takes into account the considerations advanced by Dorman and also by Tvedt who submitted that "... development NGOs must be analysed not only, or perhaps even primarily, from a national, third-sector perspective, but rather as an outcome of complicated processes where international ideological trends, donor policies, NGO agendas interact with national historical and cultural conditions in complex ways."[131] This chapter will unpack the evolution of civil society in Zimbabwe and the role it has played in the democratisation agenda post-independence in 1980. This discussion is necessary to contextualise how the professionalisation agenda plays into this history and current socio-political context to influence civic space and the democratisation efficacy of CSOs. This chapter will show that contextual backgrounds influence how CSO and donor practices play a role in shaping civic space. The research therefore hopes to challenge the tendency to duplicate and transplant civil society practices into all contexts. Below are some key concepts informing this symposium:

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[128] Robert W. Lake and Kathe Newman, "Differential citizenship in the shadow state," *GeoJournal* 58, (2002): 109-120 https://doi-org.ejournals.um.edu.mt/10.1023/B:GEJO.0000010830.94036.6c

[129] Sara Rich Dorman, "'Rocking the Boat?': Church-NGOs and Democratisation in Zimbabwe." *African affairs (London)* 101.402 (2002): 75–92 https://www.jstor.org/stable/3518658

[130] Claire Mercer, "NGOs, Civil Society and Democratisation: A critical review of Literature," *Progress in Development Studies* 2:1 (2002): p7 https://doi-org.ejournals.um.edu.mt/10.1191/1464993402ps027ra

[131] Terje Tvedt, *Angels of Mercy of Development Diplomats?: NGOs and Foreign Aid*, (Oxford: James Currey 1998), p4

Civic Society

As discussed in Chapter 1, the most widely accepted definition of Civil Society Organisations focuses on the functions and purposes of individuals, organisations, associations, social movements and groups operating outside of the state. These people and groups usually come together in solidarity for a shared cause that usually seeks to enhance the public good. Obadare and Krawczyk "conceive of civil society as a realm of freedom in which everyday citizens pursue infinite political, cultural, and economic opportunities—both individually and in groups—without any anxiety about state intrusion."[132]

For this study, there is a need to note that CSOs are diverse in their formations, functions, structures, size, reach, areas of specialisations, interventions employed and modus operandi. Although the strength of civil society lies in its diversity, there will be inherent difficulties in defining civil society and its role in democratisation given the diversity. This symposium supports both a Tocquevillian liberal democratic perspective which argues that "democracy requires a vibrant and autonomous civil society and a state which can balance the demands of different interests," and the Gramscian position that argues that "the democratic role of civil society is a delimited by wider societal cleavages."[133]

Civic Space

Civic space can be defined as "the space for civil society actors, whether as individuals or organisations to get involved, act, or pivot to navigate the changes in their operating environment."[134] Civic space is shaped by several factors such as political contexts, geographic location, social contexts such as cultural beliefs, and international political shifts. This study puts forward the contention that civic space is also heavily influenced by civil society actors through their practices. Organisations such as CIVICUS and the International Center for Not-for-Profit Law (ICNL) have developed monitors and indicators to track civic space. The CIVICUS monitor "tracks and classifies 198 countries as having either 'open,' 'narrowed,' 'obstructed,' 'repressed' or 'closed'" operating spaces based on factors such as freedom of association, expression and peaceful assembly."[135]

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[132] Ebenezer Obadare and Kelly Krawczyk, "Civil Society and Philanthropy in Africa: Parallels, Paradoxes and Promise," *Nonprofit and Voluntary Sector Quarterly*, 51(1), (2022): 76-102. https://doi-org.ejournals.um.edu.mt/10.1177/08997640211057453

[133] Claire Mercer, "NGOs, Civil Society and Democratisation: A critical review of Literature," *Progress in Development Studies* 2:1 (2002): p7 https://doi-org.ejournals.um.edu.mt/10.1191/1464993402ps027ra

Democratisation

Democracy is commonly defined as "an institutional framework in which people gain the power to decide through a contest for the public's vote, or a 'free competition for a free vote.'"[136] This definition focuses on the process of elections, however more recent definitions of democracy incorporate all the practices of those in power beyond arranging free and fair elections to determine whether a country is democratic or not. Mere reliance on the presence of elections as an indicator for democracy is increasingly insufficient as elements such as growing mistrust of electoral systems, voter apathy and the rise of populist leaders such as Donald Trump are observed. Glasius contends rather for recognising that the institution of elections has always represented the accountability of elected candidates to the populace; she contends therefore that the presence or absence of democracy should be deduced from practices intended to sabotage accountability.[137] Laws that hinder the watchdog position of CSOs within societies can therefore be argued as an example of a deficit in democratic practices. Democratisation would therefore refer to the process of introducing and applying democratic principles.

Professionalisation

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[134] Antoine Buyse, "Squeezing Civic Space: Restrictions on Civil Society Organisations and the Linkages with Human rights," *The International Journal of Human Rights*, *22*(8) (2018): 966–988.

[135] CIVICUS Global Findings 2023, "CIVICUS Monitor" https://monitor.civicus.org/globalfindings_2023/ accessed 27Apr24

[136] Joseph Schumpeter, *Capitalism, Socialism and Democracy*, (London: Allen & Unwin, 1943), p260

[137] Marlies Glasius, "What Authoritarianism is... and is not; A Practice Perspective." *International Affairs,* 94: 3, (2018): 515-533

Professionalisation refers to the adoption of "standardised business-like structures and decision-making practices, business-like rhetoric and communication practices, and business-like targets and goals"[138] by CSOs and funding partners as key actors within civil society.

Civil society transitioned to professionalisation in the 1980s following a shift towards results-based programming by donors in response to criticisms around the effectiveness of CSOs in effecting change.[139] This shift also came amid increased calls for accountability, transparency and productivity of the sector, and professionalisation enables eligibility for donor funding [140] as a highly donor dependent sector.

Professionalisation introduces new operational elements and practices within civil society that improve transparency and accountability processes, result in measurable performances and outputs, and it enables standardisation of operating procedures within the sector. Conversely, as discussed in Chapter 2, professionalisation has its challenges. It is often criticised for "shifting the focus of organisations from external relationships with the public to internal organisational demands,"[141] thereby transferring "the source of power and legitimacy of the sector from its connection to the masses to expert knowledge."[142] Additionally, the focus on short-term measurable goals presents challenges in creating long-term impact, fails to ensure sustainability of project results or provide financial sustainability of the implementing organisations. All the above elements work to reduce the efficacy of the sector.

This paper attempts to draw attention to certain elements of professionalisation that may aid in weakening democratic practices and shrinking civic space in the specific context of Zimbabwe. Such an analysis may encourage caution and contextualisation when introducing measures to respond to challenges within the sector as we have noted that civil society's diversity makes it difficult to ascribe a blanket approach in any given situation. The discussion below introduces the state of civil society, civic space and democracy in Zimbabwe in order to understand how professionalisation interacts with the context.

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[138] Florentine Maier, Michael Meyer, and Martin Steinbereithner, "Nonprofit Organisations Becoming Business-like: A Systematic Review," *Nonprofit and Voluntary Sector Quarterly*, 45(1), (2016): 64–86. https://doi.org/10.1177/0899764014561796

[139] ibid

[140] Jennifer Alexander and Kandyce Fernandez, "The Impact of Neoliberalism on Civil Society and Nonprofit Advocacy," *Nonprofit Policy Forum* 12, no. 2 (2021): 367-394. https://doi.org/10.1515/npf-2020-0016

[141] ibid

[142] ibid

3.2. The Evolution of Civil Society in Zimbabwe

Since attaining independence from settler governed Rhodesia in 1980, the political discourse in Zimbabwe primarily centred around unity.[143] The liberation struggle had forced two factions, the Zimbabwe African National Union–Patriotic Front (ZANU–PF) and the Matabeleland based Zimbabwe African Peoples Union (PF–ZAPU) to come together to build a new nation, not because of a meeting of minds on policies and ideologies, but to consolidate the recently acquired independence. "The regime's politics was rhetorically supported by a discourse and coercive strain that emphasised reconciliation and unity."[144] Popular narrative by political leaders therefore suggested that development hinged on 'unity' between all parties under the leadership of the ruling ZANU PF.

In the early years post-independence, CSOs were focused mainly on humanitarian work, and some academics argue that civil society was supportive or even impartial to the regime's policies; they were therefore not a cause for concern for the government.[145] Between 1983 and 1987, ethnical and political differences within the Unity Government that had been formed by the two factions of ZANU PF and ZAPU culminated in army led genocidal attacks of rival party ZAPU supporters and civilians in the Matabeleland region, claiming almost 20000 people.[146] Although these attacks affected the work of civil society, civil society still remained reluctant to interfere in the regime's politics.[147] Raftopolous contends that "their accommodating role stemmed from a perspective of shared goals and from a belief of having emerged from a common struggle."[148]

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[143] Raftopoulos, Brian, "The Crisis in Zimbabwe, 1998–2008." In B. Raftopoulos and A.S. Mlambo, eds, *Becoming Zimbabwe: A History from the Pre-Colonial Period to 2008*. (2009) Weaver Press and Jacana

[144] Sara R. Dorman, "NGOs and the Constitutional Debate in Zimbabwe: From Inclusion to Exclusion," *Journal of Southern African Studies* 29.4 (2003): p846 https://www.jstor.org/stable/3557390

[145] ibid p847

[146] Siri Gloppen, Marja Hinfelaar, and Lise Rakner, "*Zimbabwe: Contested Autocratisation*," in Leonardo R. Arriola, Lise Rakner, and Nicolas van de Walle (eds), *Democratic Backsliding in Africa? Autocratisation, Resilience, and Contention* (Oxford, 2022; online edn, Oxford Academic, 19 Jan. 2023), https://doi.org/10.1093/oso/9780192867322.003.0010, accessed 9 June 2024

[147] Sara R. Dorman, "NGOs and the Constitutional Debate in Zimbabwe," (2003) p847

Two significant events shifted civil society's approach towards politics and the regime. The first was the extreme economic hardships in the late 1990s when the health, education and social welfare systems started failing.[149] Actors such as the Zimbabwe Congress of Trade Unions (ZCTU) started to question the government's susceptibility to the demands of the war veterans and the rampant nepotism and corruption within the government. The second event was when in 1997, a church-based organisation, the Zimbabwe Council of Churches (ZCC) started to organise meetings with grassroots NGOs, unions and churches who were interested in pursuing a cause to review the Lancaster House Constitution, an instrument which was a remnant of colonisation.[150] These meetings led to the formation of a coalition of at least 100 NGO organisations including the ZCTU and the coalition became known as the National Constitutional Assembly (NCA). The coalition criticised amendments made to the Lancaster House Constitution as inadequate patchwork, whilst the ZCTU, led by Morgan Tsvangirai, challenged the lack of transparency and accountability in the drafting of the amendments. The Constitutional debates normalised conversations that had never been addressed on a public forum before,[151] and the NCA garnered support both locally and internationally. For the first time, civil society was seen to be taking an active stand against the regime.

In response, the government introduced its own Constitutional Commission (CC) in March 1999 which originally intended to leverage on the NCA's Constitution agenda, but the two parties failed to agree on whether the independence of the Commission from the state would be guaranteed, resulting in the two parties taking oppositional positions. The CC was proposing and pursued an agenda to draft a new home-grown Constitution. The emergence of the CC created tensions within the NCA as some members of the NCA left to join the CC, and others refused to legitimise the government's CC initiative through engagement or cooperation.[152]

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[148] Sam Moyo, John M. Makumbe and Brian Raftopoulos, "*NGOs: The State and Politics in Zimbabwe*," (SARIPS Governance and Human-Rights Research Programme 2000)

[149] Sara R. Dorman, "NGOs and the Constitutional Debate in Zimbabwe," (2003)
[150]ibid
[151] ibid p 849
[152] ibid

Within the NCA itself, fractures were beginning to emerge. The ZCC led NCA was disagreeing on whether the coalition should take part in what some members considered as political activities, such as joining in the protests against Zimbabwe's military intervention in the Democratic Republic of Congo conflict in 1998. In March 1999, the ZCC and the NCA split, and the NCA continued its campaigns against the Constitution, albeit not alongside or in support of the CC.[153]

In September 1999, the Movement for Democratic Change (MDC), led by the former leader of the ZCTU Morgan Tsvangirai and other former members and leaders of the NCA was formed. The MDC was the first meaningful opposition political party that ZANU PF faced since independence and since ZANU PF had joined forces with ZAPU to end the liberation struggle.[154] The Constitutional Reform agenda (both the CC and the NCA) and the new opposition political party quickly secured funding from international donors and gained momentum from local urban communities.

The NCA's main contention against the CC's constitutional campaign was that the CC's draft Constitution was not reflective of the will of the people and had not been participatory in its development. The NCA therefore called on the nation to vote 'No' to the draft, and the CC was calling on the nation to vote 'Yes.' The 'no' campaign won the referendum by 54% over the Commission's 44%, signalling a turning point for civil society, the citizens and the ruling party.[155] The outcome of the referendum confirmed not only that citizens and civil society could hold and express opinions contrary to the government's, but that they could initiate the conversations too.

Emboldened by this outcome, Tsvangirai's MDC party contested in the June 2000 Parliamentary elections, and so began a history of contested electoral practices and electoral results between MDC and ZANU PF. Robert Mugabe and ZANU PF's government, unprepared and surprised by the outcome of the Constitutional referendum took to authoritarian practices to coerce support,[156] to silence opposition and maintain power, and the government closed all previously opened channels for the participation of communities and civil society actors in what Dorman labelled as "a shift from the tactics of inclusive politics to exclusive politics."[157]

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[153] ibid

[154] ibid

[155] ibid

[156] Siri Gloppen, Marja Hinfelaar, and Lise Rakner, "*Zimbabwe: Contested Autocratisation*," in Leonardo R. Arriola, Lise Rakner, and Nicolas van de Walle (eds), *Democratic Backsliding in Africa? Autocratisation, Resilience, and Contention* (Oxford, 2022; online edn, Oxford Academic, 19 Jan. 2023), https://doi.org/10.1093/oso/9780192867322.003.0010, accessed 9 June 2024

In the lead up to the elections, international elections observers were restricted from monitoring the elections, and local CSOs were obstructed by bureaucratic processes and rhetoric to refrain from interfering in politics. Civil society's connection to the formation of the MDC and the financial support from foreign funders was framed to legitimise the regime's claims that civil society was advancing the politics of the opposition and/or foreign colonial interests to compromise Zimbabwe's sovereignty. It is worthy to note that the CC had also received considerable funding from international donors. "The CC was reported to have received Z$22.8 million from the Ford Foundation, and Z$19 million from the Kellogg Foundation; the United Nations Development Programme facilitated donations of Z$20 million from the Netherlands, Sweden, Norway and Denmark."[158]

"The success of the vote 'no' campaign on the referendum worked to legitimise the NCA and civil society as representative of the voice of the people and introduced a new range of actors outside of the state in the political discourse."[159] Concurrently, civic space shrunk considerably as the government denounced all other actors as illegitimate political actors and threatened civil society to stay out of politics. Opposition supporters were targeted, harassed at their homes and workplaces, others were tortured, and some activists fled the country.[160] Civil society, which had once turned a blind eye to the regime's autocratic tendencies, were forced to act and speak up when they became victims of attacks.

This history has shaped the subsequent relationship between civil society and the state, and although often unsupported, the lingering scepticism from political leaders about the role and independence of civil society in Zimbabwe. The NCA challenged a dominant presumption that only the state could initiate conversations and initiatives around politics. Civil society has since been vocal, active and when necessary confrontational on various civil and political issues, despite facing increased polarisation between the state and civil society with each election cycle, and despite facing several constraining challenges discussed below.[161] This history also creates a foundation to support the premise of this thesis that professionalisation which is born of donor dependency may aid in shrinking civic space in Zimbabwe; the government continues to contend that civil society is aligned with the opposition and is susceptible to foreign actors' political agendas through their funding.

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[157] Dorman, Sara Rich, "NGOs and the Constitutional Debate in Zimbabwe," (2003) p856

[158] Dorman, Sara Rich, "NGOs and the Constitutional Debate in Zimbabwe," (2003) p 850

[159] ibid p856

[160] Brian Raftopoulos, "*The crisis in Zimbabwe, 1998–2008,*" In B. Raftopoulos and A.S. Mlambo, eds, *Becoming Zimbabwe: A History from the Pre-Colonial Period to 2008*. (2009) Weaver Press and Jacana, pp. 227–232.

3.3. Current trends in Civic Space in Zimbabwe

Whilst the role of civil society in democracy promotion in Zimbabwe has since evolved to a more active position since the Constitution referendum, civic space has become increasingly repressed.[162] CIVICUS currently rates Zimbabwe's civic space as repressed.[163]

The number of CSOs, although difficult to ascertain, has generally increased over the years. In contexts such as the Global South this is often attributed to decolonisation, conflicts and natural disasters, and the acceleration of globalisation. In certain cases, the number of CSOs increased as states' social welfare systems collapsed and the situation demanded that CSOs step in to complement the government's efforts.[164] This was the case in Zimbabwe shortly after independence, and the state recognised umbrella body for NGOs in the country, the National Association of Non-Governmental Organisations (NANGO), reports at least 1200 CSOs on their database,[165] excluding organisations who have chosen not to register with the Association as registration is voluntary.

Although civil society now advances causes beyond humanitarian services and conducts advocacy initiatives, the relationship between civil society and the state remains checkered by mistrust and is characterised by combative and oppositional positions depending on the issue at hand. The relationship confirms Mati's contention that "political regimes and civil society...embrace each other as partners in 'development' while being adversarial on 'politics.'"[166]

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[161] Gloppen Siri et al, "*Zimbabwe: Contested Autocratisation*," (2022)
[162] Zimbabwe Lawyers for Human Rights, "Zimbabwe 3rd Cycle United Nations Universal Periodic Review: CSO's Stakeholder Report," 18Jan22, *Kubatana* (2022): p12-16 https://kubatana.net/2022/01/18/zimbabwe-3rd-cycle-united-nations-universal-periodic-review-csos-stakeholder-report/
[163] CIVICUS Monitor: Zimbabwe https://monitor.civicus.org/country/zimbabwe/ accessed 21Jun24
[164] Dorman, Sara Rich, "NGOs and the Constitutional Debate in Zimbabwe," (2003) p856
[165] NANGO, "Scenario Mapping and Strategic Planning Report for the PVO Amendment Bill 2023" https://www.nangozim.org/publications/scenario-mapping-and-strategic-planning-report-for-the-pvo-amendment-bill/

The external pressures highlighted in Chapter 1 as commonplace in globally shrinking civic space are also prevalent in Zimbabwe. Coercive tactics to silence critics and civil society are rampant and these tactics have included the use of intimidation[167], arbitrary arrests and detention of human rights defenders,[168] repressive laws to restrict freedoms of expression and assembly and association;[169] barriers to entry and activities of CSOs, and the capture of the judiciary.[170]

Engagements between the state and CSOs for example indicate partial inclusion, where although engagements are possible and can be prompted by either of the parties, they are haphazard and implementation of CSOs inputs is selective. CSOs bemoan that their participation is merely a system of box ticking to legitimise the government's initiatives.[171] Brass contends that this state of affairs between the state and civil society where there is some collaboration despite inherent tensions can be attributed to two factors; a.) bilateral donors require that there is an element of working together between civil society and the government; and b.) social learning has over time revealed that working together benefits both parties.[172] Therefore, although tensions remain, collaboration between the two parties is increasingly mainstream and even "institutionalised due to donor conditions and changing socio-political environments."[173]

Below is a brief synopsis of the current state of civic space and democratisation in Zimbabwe, which will be followed by an overview of the state of professionalisation of civil society in

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[166] Mati Jacob Mwathi, "Civil Society in 'Politics' and 'Development' in African Hybrid Regimes: The Kenyan Case," *Voluntas* 31, (2020): 674–687. https://doi-org.ejournals.um.edu.mt/10.1007/s11266-020-00211-y

[167] Zimbabwe Lawyers for Human Rights, "Zimbabwe 3rd Cycle United Nations Universal Periodic Review: CSO's Stakeholder Report," 18Jan22, Kubatana.Net, https://kubatana.net/2022/01/18/zimbabwe-3rd-cycle-united-nations-universal-periodic-review-csos-stakeholder-report/

[168] ibid p14

[169] ibid p13

[170] Ibid p14

[171] ibid p12

[172] Jennifer N. Brass, "NGOs and State Development," In: *Allies or Adversaries: NGOs and the State in Africa*. Cambridge University Press; (2016): 1-27, DOI: https://doi.org/10.1017/CBO9781316678527.002

[173] ibid

Zimbabwe before analysing the feedback from CSOs on the effects of professionalisation on civic space and democratisation in Zimbabwe in Chapter 4.

Administrative Barriers to Entry and Activities

In Zimbabwe, entry into the CSO sector is regulated by legislation, and thereafter entry into the field and communities is controlled by local authorities. National laws, through section 2 of the Private Voluntary Organisations Act (PVO) Act make registration mandatory for any organisations that seek to carry out activities classified as charitable and for public benefit.[174] CSOs must register as: 1.) PVOs under the PVO Act; it is cumbersome and protracted 2.) registration as a Trust, regulated under the Deeds Registries Act; although it is more expensive as it requires the use of lawyers, this is a preferred alternative as it is faster and simpler; and 3.) recognition as a “universitas” whereby membership-based entities operate based on the existence of a constitution which guides the carrying out of initiatives to benefit their members.[175] This last option is less understood and therefore rarely used.

In March 2022, a report by an undercover journalist claimed that the government issued a directive to the Deeds Office to suspend the registration of Trusts in a move designed to restrict the political activity of CSOs in the 2023 elections; the relevant Minister denied these allegations.[176]

Recently, local authorities have been gatekeeping access to the communities by requiring local organisations to secure a Memorandum of Understanding (MoU) with their offices before they can operate or implement projects in any district. The source of law empowering the local authorities to implement this provision for local organisations is unclear and the legality of these orders was challenged in the courts by civil society.[177] In June 2021, two Provincial Development Coordinators, ordered all directors of CSOs and PVOs in their regions to submit work plans and activities for 2021, to submit annual reports, and cautioned CSOs to abide by their intended mandates and refrain from interfering in local politics or face de-registration.[178]Despite the courts invalidating these orders, local authorities have continued to demand these MoUs or restrict entry and activities of civil society in their districts. The challenge with these MoUs is exacerbated by the haphazard nature in which they are implemented (sometimes not implemented at all) in each district. There is a lack of uniformity in their implementation, validity periods and fees required for obtaining them. Fees charged range from USD50 to USD1000,[179] and many organisations do not have a budget for this expense as it is not a standardised expense.

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[174] Private Voluntary Organisations Act 1967, as amended in 2002, Section 2 https://www.veritaszim.net/node/259

[175] ICNL, “Civic Freedom Monitor: Zimbabwe,” 18 Sep 23, https://www.icnl.org/resources/civic-freedom-monitor/zimbabwe#

[176] Melody Chikono, “Govt Suspends PVO Registration,” 25Mar22, *Zimbabwe Independent*, https://www.newsday.co.zw/theindependent/news/article/3478/govt-suspends-pvos-registration

[177] Miriam Mangwaya,“Court reserves judgement in NGOs case,” 18Aug21 *Newsday*, https://www.newsday.co.zw/2021/08/court-reserves-judgment-in-ngos-case

These systems and administrative barriers amount to mandatory registration which act as an external contributor to the professionalisation of the sector and the reduced prevalence of informal grassroots organisations. If an organisation fails to register or acquire these MoUs, this is tantamount to operating illegally; the organisation's access to the field or local authorities for engagement can be restricted, additionally eligibility for funding opportunities is limited. This is in addition to the fact that mandatory registration is against international human rights best practices on the freedom of association which encourage states to let people organise themselves and carry out human rights promotion activities regardless of registration status and by virtue of simple "notification procedures."[180]

Barriers to Assembly

Freedom of assembly is a contested right in Zimbabwe particularly for civil society. The legal requirement under sections 2 and 7 the Maintenance of Peace and Order Act (MOPA)[181] to

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[178] ibid

[179] ICNL "Civic Freedom Monitor: Zimbabwe" 18Sep23, https://www.icnl.org/resources/civic-freedom-monitor/zimbabwe#

[180] United Nations: Best practices related to the rights to freedom of peaceful assembly and of association: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, Human Rights Council Twentieth session, General Assembly (A/HRC/20/27) 21May12 https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F20%2F27&Language=E&DeviceType=Desktop&LangRequested=False ; Report of the UN High Commissioner for Human Rights, "Practical Recommendations for the Creation and Maintenance of a Safe and Enabling Environment for Civil Society, Based on Good Practices and Lessons Learnt," A/HRC/32/20, 11Apr26: p5 https://documents.un.org/doc/undoc/gen/g16/073/52/pdf/g1607352.pdf?token=N70uD0FGIh124rNOdc&fe=true

[181] Zimbabwe: Maintenance of Peace and Order Act 2019, *ICNL*, https://www.icnl.org/resources/library/maintenance-of-peace-and-order-act accessed 19Jun24

‘notify’ the police of any intentions to gather in certain circumstances has often been utilised as a tool for discretionary misuse and misinterpretation by the police. “Law enforcement officers have broadly defined ‘notification’ to mean ‘submitting an application’ for gatherings including private gatherings.”[182] Civil society, particularly advocacy organisations and opposition parties have routinely been ‘denied authorisation’ to meet under the Act particularly towards critical periods such as elections.[183]

This interpretation is against international best practices and principles which require “any restrictions on any freedoms must be necessary and proportionate, prescribed by law, and promulgated in pursuit of clearly defined interests.”[184] Moreover, spontaneous gatherings are not protected and there are excessive criminal sanctions for organisers of gatherings. When ‘unauthorised’ gatherings have occurred, the response is usually the excessive use of force by the police resulting in deaths or injuries of protesters.[185] Finally, the police often send their representatives to survey and monitor CSO meetings, making their presence known, resulting in intimidation and self-censorship during the engagements.

Lawfare

The most common challenge to civic space has been the promulgation of a plethora of mutually reinforcing laws that restrict CSO operations and threaten democracy. These include the Cyber Security and Data Protection Act[186] which can be misused to threaten the privacy of activists; the

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[182] ICNL, “Civic Freedom Monitor: Zimbabwe,” Legal Analysis-Advance Notification, 18 Sep 23, https://www.icnl.org/resources/civic-freedom-monitor/zimbabwe#

[183] ibid

[184] African Union, African Charter on Human and Peoples Rights, Article 10 &11 https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf Zimbabwe ratified in 1986; Amnesty International, “A Guide to the African Charter on Human and Peoples Rights” (2006) https://www.amnesty.org/en/wp-content/uploads/2021/08/ior630052006en.pdf Accessed 19Jun24; International Covenant on Civil and Political Rights, Articles 21& 22, Zimbabwe acceded in 1991,

[185] Amnesty International, “Zimbabwe: Human rights under attack: A review of Zimbabwe’s human rights record in the period 2018-2023,” 29Sep23, https://www.amnesty.org/en/documents/afr46/7221/2023/en/ p.24

[186] Zimbabwe: Cyber Security and Data Protection Act 2021, *Veritas*, https://www.veritaszim.net/node/5522 accessed 19Jun24

Maintenance of Peace and Order Act,[187] which regulates gatherings and public demonstrations and thus directly impacts the freedoms of assembly and expression in Zimbabwe; and the Criminal Law Codification and Reform Amendment Act ("Patriotic Act"),[188] which criminalises acts such as interactions with foreign actors "that result in the 'undermining of state sovereignty.'"[189] The 'Patriotic Act' directly hinders the ability of CSOs to interact and engage with funding partners, (these are usually international foreign funders) on any issues that might be deemed to 'undermine national interests.' The 'Patriotic Act' has particularly been criticised by prominent human rights activists as the country's most "draconian and unconstitutional" law yet.[190] This vague Act may be used to restrict CSOs' access to foreign funding without state approval; it therefore threatens civil society's functionality and survival.

Citing recent calls to comply with FATF Recommendation 8 to implement anti-terrorism and anti-money laundering laws, the government has proposed and duplicated restrictive legislative measures implemented by other countries in the region and internationally through the PVO Amendment Bill. Since the unsuccessful Constitutional referendum in 2000, the regime has at different junctures attempted to increase regulation of the sector. The first attempt was through a failed NGO Bill in 2004, which sailed through all the Parliamentary stages before church leaders and NANGO reportedly engaged the then President Mugabe on the possible negative impacts of the Bill on the economy and diplomatic relations, resulting in his rejection to sign it into law.[191]

A more recent attempt to regulate civil society has been through two consecutive PVO Amendment Bills which were gazetted in November 2021 and March 2024[192] respectively. Both

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[187] Zimbabwe: Maintenance of Peace and Order Act 2019, *ICNL*, https://www.icnl.org/resources/library/maintenance-of-peace-and-order-act accessed 19Jun24

[188] Zimbabwe: Criminal Law Codification and Reform Amendment Act ("Patriotic Act") 2023, *Veritas* https://www.veritaszim.net/node/6459 accessed 19Jun24

[189] ibid

[190] Columbus Mavhunga, "Zimbabwe Opposition, Rights Groups Bemoan Passing of 'Patriotic Bill,'" 02Jun23, https://www.voanews.com/a/zimbabwe-opposition-rights-groups-bemoan-passing-of-patriotic-bill-/7120292.html

[191] ICNL "Civic Freedom Monitor: Zimbabwe," 18 Sep 23, https://www.icnl.org/resources/civic-freedom-monitor/zimbabwe#

[192] Judicial Services Commission, "Private Voluntary Organisations Amendment Bill H.B. 2, 24," https://www.jsc.org.zw/upload/Gazette/H.B.%202,%202024%20Private%20Voluntary%20Organisations%20Amendment%20Bill,%202024.pdf

Bills have been criticised for having provisions which amount to interference in the internal governance of civil society organisations; they propose to empower the Minister to suspend members of an organisation's executive committee under certain vague circumstances and they have excessive criminal sanctions for failure to comply with provisions. The Bills also proposes to shift the power to authorise registration applications from a board of representatives to a Registrar, who is a government appointed official[193] and may therefore be biased.

The first Bill successfully went through all the Parliamentary stages despite several advocacy efforts against the Bill by local civil society, regional and international actors including the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.[194] It failed at the final stage where it was returned to the House by the President for revisions following a direct engagement between the President and civil society representatives who lobbied for the withdrawal of the Bill. The returned Bill was constitutionally invalidated when Parliament was dissolved the night before the July 2023 harmonised elections; the Zimbabwean Constitution provides that all draft pieces of legislation expire when the outgoing Parliament is dissolved the night before elections. A replica of the expired PVO Amendment Bill was then gazetted again by the incoming Parliament with provisions almost identical to the original Bill.[195] The new Bill is currently undergoing Parliamentary debate and if approved, the new PVO Act would work to further squeeze an already restricted operating space and strain already fractured relations between the government and civil society.

Donor Fatigue

Like many other regions, the functionality of many CSOs is facing serious threats due to funding constraints. In the past few years, funding constraints were attributed to the COVID-19 pandemic, however funding cuts have remained post the COVID-19 critical period, affecting even the health sector organisations, possibly as a result of the redirecting of funds to other urgent humanitarian crises and conflicts around the world.[196] As an illustration, the U.S President's Emergency Plan for AIDS Relief (PEPFAR) reduced its commitment to the Zimbabwean health system from USD 210 million for the 2023-24 period, to USD 200 million for the following year.[197]

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[193] Amnesty international, "Zimbabwe: Further Information: Civil Society Under Attack with New Draft Law," 19Apr24, https://www.amnesty.org/en/documents/afr46/7957/2024/en/

[194] United Nations OHCHR, "UN Experts urge President of Zimbabwe to reject Bill restricting Civic Space," 14Feb23 https://www.ohchr.org/en/press-releases/2023/02/un-experts-urge-president-zimbabwe-reject-bill-restricting-civic-space

[195] Zvamaida Murwira, "Parly gazettes revised PVO Bill," 06Mar24 https://www.herald.co.zw/parly-gazettes-revised-pvo-bill/ Amnesty international, "Zimbabwe: Further Information: Civil Society Under Attack with New Draft Law," 19Apr24, https://www.amnesty.org/en/documents/afr46/7957/2024/en/

Governance and human rights organisations have also felt the pinch and election financing in 2023 was reportedly lower than during previous election cycles. The Legal Resources Foundation's (LRF) long-term funding partner since 1995, the Swedish International Development Cooperation Agency (SIDA), is reducing its funding to the organisation forcing it to close some regional offices around Zimbabwe.[198] SIDA's other longterm implementing partners such as Transparency International Zimbabwe have also reportedly recently closed some regional offices.

SIDA commented that its decision was "driven by strategic imperative to create space for the pursuit of new strategic areas particularly within (the) Economic Empowerment and Environment and Climate Change".[199] SIDA's mandate in Zimbabwe covers 3 thematic areas namely 'Human Rights, Democracy, the Rule of Law, and Gender Equality;' 'Environment, Climate and Sustainable Use of Natural Resources;' and 'Economic Empowerment for All.' Under the thematic area of human rights and the rule of law, in addition to LRF, it partnered with other organisations such as the Zimbabwe Election Support Network (ZESN), a network of organisations who support free and fair elections, and Transparency International Zimbabwe

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[196] Miriam Mangwaya, "CSOs Fret Over Donor Fatigue," 15Dec21, *Newsday*, https://www.newsday.co.zw/local-news/article/18405/csos-fret-over-donor-fatigue

[197] Michael Gwarisa, "Breaking: Donors about to Pull the plug on Condom Funding in Zimbabwe," 22Jun24, *HealthTimes*, https://healthtimes.co.zw/2024/06/22/breaking-donors-about-to-pull-the-plug-on-condom-funding-in-zimbabwe/

[198] LRF Zimbabwe, "The Legal Resources Foundation (LRF)'s Announcement Regarding Ongoing Operational Adjustments," 30 March 2024, *Legal Resources Foundation* https://lrfzim.com/the-legal-resources-foundation-lrfs-announcement-regarding-ongoing-operational-adjustments/

[199] ZimFact, "Fact Check: Did Sweden's SIDA stop funding Zim NGOs in protest over PVO Bill?" 04Apr24, https://zimfact.org/fact-check-did-swedens-sida-stop-funding-zim-ngos-in-protest-over-pvo-bill/

(TIZ), which focuses on anti corruption.[200] Given the prevailing politically charged operating context in Zimbabwe, civil society immediately questioned whether SIDA's strategic shift was prompted by donor fatigue due to the reintroduction of the PVO Amendment Bill, or whether this was a strategy where donors simply choose to pursue issues which are less confrontational of the democratic practices of the government in power? These allegations prompted a statement by SIDA clarifying that reduction of funding to the 'Human Rights, Democracy, the Rule of Law, and Gender Equality' thematic cluster was simply a shift in priorities for the agency.[201] It is reported that legal aid services in Zimbabwe are primarily provided by NGOs such as LRF,[202] and this shift in donor priorities illustrates perfectly how donors' strategic choices affect civic space, dictate the projects implemented and negatively prejudice CSOs who have little say in these choices. Civil society must always be aware that "donors can leave a state, but the government is there to stay."[203]

3.4. Civil Society and Democracy Promotion in Zimbabwe

Following the Constitutional Referendum, there was a huge shift by both old and new NGOs from primarily humanitarian programming towards addressing issues to do with democracy, governance and an increased demand for democratic space and democratic reforms in Zimbabwe. The regime has consistently defended its tactics to control civil space and silence opposition parties as a battle to defend the sovereignty of the nation. "The crisis in Zimbabwe, at least in its political and ideological aspects, placed discourses about sovereignty and democracy in opposition to one another... depicting civil society and the opposition as imperialist forces working for colonial powers."[204]

The Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association in his report at the end of his visit to Zimbabwe in 2019 confirmed that democratic processes in the country are regressing.[205] In a country that has been labelled a 'contested autocracy,'[206] CSOs have been using several tools locally and regionally to promote the implementation of the substantive principles of democracy beyond the minimum standards of conducting elections. They have used regional and international platforms such as the Universal Periodic Review (UPR) to highlight violations of human rights and demand accountability from those in power, they have promoted constitutionalism and citizen participation through civic education, they have encouraged citizen participation in processes such as elections through voter education and election monitoring, they have advocated for electoral and legal reforms, and litigated to promote democracy.[207]

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[200] SIDA's work in Zimbabwe, https://www.sida.se/en/sidas-international-work/countries-and-regions/zimbabwe accessed 19Jun24

[201] ZimFact, "Fact Check: Did Sweden's SIDA stop funding Zim NGOs in protest over PVO Bill?" 04Apr24, https://zimfact.org/fact-check-did-swedens-sida-stop-funding-zim-ngos-in-protest-over-pvo-bill/

[202] SAPES Trust, "Deepening Crisis and Closing Space: Is it Time for Civil Society to Step up Again?" 18Feb21, https://youtu.be/NOXFb_eHHCM?si=T4BfATuH82u7kSPS minutes 45-61

[203] Jennifer N Brass, "NGOs and State Development," In: *Allies or Adversaries: NGOs and the State in Africa*. Cambridge University Press; (2016):1-27, DOI:https://doi.org/10.1017/CBO9781316678527.002

[204] Gloppen Siri et al, "*Zimbabwe: Contested Autocratisation*," (2022)

CSO Legitimacy to Promote Democratisation

Civil society's legitimacy to represent the voice of the people is still questioned by the state based on its historical connection to the opposition party and its dependency on international donor funding. The narrative that civil society is a conduit of regime change through the influences of the West remains, with the sector constantly accused of 'meddling in politics', threatening state sovereignty and nation building and being a front for opposition politics.[208]

In the August 2023 elections, CSO efforts to promote democracy were hindered by red tape as several vocal activists were denied accreditation for voter observation. Election observation organisations such as the Electoral Resource Centre (ERC) and ZESN were raided and accused of conducting illegal voting tabulation and their employees were arrested despite being some of the few CSOs who had received voter accreditation.[209] Meanwhile, only a small number of CSO representatives could conduct election observation as there was a charge of USD10 fee per election observer requiring accreditation. As many CSOs reported limited donor funding during this election cycle, a limited number of CSOs could train, pay for or deploy election observers at all the voting stations around the country. Those with funding could not carry out voter education as accreditation to do so was not approved until 2 weeks before elections,[210] by which time the operating environment was not conducive for any gatherings.

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[205] UN OHCHR, "End of Mission Statement of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Mr Clément Nyaletsossi Voule on his visit to Zimbabwe (17-27 September 2019)," 27Sep19 https://www.ohchr.org/en/statements/2019/09/end-mission-statement-united-nations-special-rapporteur-rights-freedom-peaceful

[206] Gloppen Siri et al, "*Zimbabwe: Contested Autocratisation*," (2022)

[207] Zimbabwe Lawyers for Human Rights, "Zimbabwe 3rd Cycle United Nations Universal Periodic Review: CSO's Stakeholder Report," 18Jan22, Kubatana.Net, https://kubatana.net/2022/01/18/zimbabwe-3rd-cycle-united-nations-universal-periodic-review-csos-stakeholder-report/

[208] Harare Post, "NGOs warned against meddling in politics," https://www.hararepost.co.zw/en/the-news/local-news/5374-ngo-warned-against-meddling-in-zim-politics accessed 22Jun24

[209] Human Rights Watch, "Zimbabwe Events of 2023," https://www.hrw.org/world-report/2024/country-chapters/zimbabwe#c526ca accessed 22Jun24

Proposed amendments to the PVO Bill will prohibit CSOs from taking part in 'political activities', and the vagueness of the provisions create uncertainty as to the delimitations of what amounts to political activities. The PVO Amendment Bill is suspected of having contributed to the generally decreased funding reported for electoral processes during the 2023 election cycle. CSOs therefore continue to promote democratisation, although their efficacy is limited by funding constraints and socio-political contexts. Given the economic situation in Zimbabwe, it is inevitable that CSOs must professionalise to access donor funding and support from platforms and actors at a regional and international level.

Judicial Independence

"Judicial independence is a fundamental principle reinforcing values consistent with a democratic society."[211] Throughout its period in power, the regime has managed to politically capture the judiciary at crucial moments. In the early 2000s soon after the regime's loss of the Constitutional Referendum, the regime, through a mixture of threats and coercion, forced the resignation of some judicial actors who ruled against the fast tracked Land Reform Program.[212]

Recently, Constitutional Amendment number 2 of 2021 saw a reversal of gains made in the first Constitutional Amendment in 2013, to extend presidential powers to now enable the President to directly promote judges from lower courts to higher courts, and it enabled extension of the tenure of office for judges in the higher courts, subject to approval by the President and following mental and physical tests. Previously, the Judicial Services Commission would advertise the vacancy, accept nominations and conduct interviews and the age of retirement was set at seventy years.[213] With the new changes, there are concerns that judges who get their tenures extended will have their loyalties aligned to the president who extended their tenure. Civil society challenged the legality of these amendments through the Constitutional Court, contending that the independence of the judiciary is crucial to provide checks and balances for the legislature and executive when other measures fail.[214] The strength of the judiciary in this regard was illustrated in the period post the Constitutional referendum and the fast tracked Land Reform Program, when some judges bravely ruled against the regime's programs, although this resulted in their forced resignations shortly after.[215] The independence of the judiciary can therefore not be understated in maintaining civic space and promoting democracy. The new amendments to the Constitution fall short of democratic requirements for transparency, accountability and public participation in processes that fortify judicial independence and promote a vibrant democratic society such as the selection of judges.

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[210] African Union, "AU-COMESA-EOM Preliminary Statement on 2023 Harmonised Election," 25Aug23 Elections https://www.peaceau.org/uploads/final-au-comesa-eom-preliminary-statement-on-2023-harmonised-elections.pdf p5

[211] Fungai Chimwamurombe, "Unpacking Constitutional Amendment No. 2 Act: Implications on the judiciary," 14 May 21, *Mondaq*, https://www.mondaq.com/constitutional-administrative-law/1069156/unpacking-constitutional-amendment-no-2-act-implications-on-the-judiciary.

[212] Gloppen Siri et al, "*Zimbabwe: Contested Autocratisation*," (2022)

3.5. Professionalisation of Civil Society in Zimbabwe

The discussion above has created the foundation for understanding the elements that professionalisation in Zimbabwe will interact with to shape civic space and define the role of civil society in promoting democracy. Professionalisation in Zimbabwe can be prompted by 3 factors:

1. The *historical evolution of the sector* and the relationship between CSOs and the state influences the legitimacy concerns and the politicisation of the work of CSOs resulting in pushes to formalisation of civil society for more 'governability.' The foregoing portrays a struggle that explains the regime's motivation to regulate the sector to maintain power. It

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[213] Fungai Chimwamurombe, "Unpacking Constitutional Amendment No. 2 Act: Implications on the judiciary," 14 May 21, *Mondaq*, https://www.mondaq.com/constitutional-administrative-law/1069156/unpacking-constitutional-amendment-no-2-act-implications-on-the-judiciary.

[214] Zimbabwe Human Rights NGO Forum, "Case Alert: NGO Forum Challenges Attempt to Extend Chief Justice's Tenure," 11May21, *Kubatana.Net,* https://kubatana.net/2021/05/11/case-alert-ngo-forum-challenges-attempt-to-extend-chief-justices-tenure/

[215] Gloppen Siri et al, "*Zimbabwe: Contested Autocratisation*," (2022)

also sets the stage for an expectation that CSOs are always accountable and above reproach. Professionalisation provides processes for responding to these concerns, for proving accountability and efficacy and for documenting successes.

2. *National laws and regulations* and barriers to entry such as MoUs demand professionalisation. The prescriptions of the PVO Act leave little recourse for civil society organisations but to employ some form of registration or face incapacitation to operate. As noted in previous chapters, the regime has at several instances deregistered CSOs for non-compliance with registration requirements. Moreover, mandatory registration requirements have an unintended effect of minimising the presence of grassroots organisations. Organisational survival in the new ecosystem which is changing, competitive for space, a voice and funding forces professionalisation.
3. *Donor Conditions* favour professionalised organisations for allocating funding, whilst demands for collaboration amongst CSOs themselves and partnerships between CSOs and their governments mean that effective programme implementation requires adoption of uniform and standardised operating practices; these are donor conditions are met through reporting templates and standard operating practices and the hiring of competent stuff; all elements of professionalisation discussed in Chapter 2

The relationship between Zimbabwean civil society and the state therefore reflects the characteristics described by Najam as “the 4Cs in relationships between the state and CSOs;” these are “confrontation, cooperation, complementarity and co-optation.”[216] These elements further support why a balance of interests must always be struck when incorporating new CSO practices; a blanket approach to implementing professionalisation might be too inflexible for a sector whose relationship with the regulator takes on many faces depending on the time and circumstances.

The next chapter will focus on donor conditions as the premise for professionalisation as this paper seeks to assess how sector driven actions such as donors shifting goals as was the case with SIDA discussed above, can affect civic space and the democratisation agenda. The researcher contends that some actions such as SIDA’s shift to new priorities which are less threatening to the regime, maintain the status quo and legitimise the regime in place by complementing autocracy through becoming part and parcel of the public service provision structures. The researcher also contends that donors dictating mandates has a negative effect on CSO legitimacy and thus it threatens the civil society’s democratisation role in Zimbabwe. The next chapter supports these contentions using the lived experiences of ten CSOs from around Zimbabwe on the effects of professionalisation on civic space and democratisation in the country.

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[216] Adil Najam, “The 4 Cs of Government Third Sector-Government Relations: Cooperation, Confrontation, Complementarity and Co-Optation,” *Nonprofit Management and Leadership, 10*(4), (2000): p383 https://doi-org.ejournals.um.edu.mt/10.1002/nml.10403

CHAPTER 4:

SITUATING PROFESSIONALISATION IN ZIMBABWEAN CIVIC SPACE: A CASE STUDY

4.1. Fighting to Survive or Adapting?

Chapter 1 introduced the various challenges that civil society is facing globally to enable the assessment of how and whether the various elements that characterise professionalisation as laid out Chapter 2, interact with these external factors to aid in the shrinking of civic space and the weakening of democratic practices. Chapter 3 contextualised these challenges to Zimbabwean civic space having understood that civic space is a reflection of the context and operating environment at play. A study of the impacts of professionalisation on elements such as civic space and democratisation, elements which are often context specific, must incorporate a study of each context, and that is the purpose of this Chapter.

In the case of Zimbabwe, professionalisation is debatably both a self-legitimating action and a result of neoliberal market forces. It can be considered a self-legitimating measure following the loss of legitimacy that resulted from the sector's historical connection to the formation of the first opposition party, the MDC. It is therefore possibly a tool CSOs proactively pursue to counter a checkered historical narrative and strained relationships with the state. Part of the professionalisation movement is also involuntary and neo-liberal, prompted by statutory measures and administrative barriers demanding mandatory registration and programmatic and financial reporting at multiple levels. Shifts in donor agendas and donor conditionalities have also played a part in pushing civil society to professionalise.

The discussion in this Chapter is based on feedback from interviews with directors and high-ranking officers of ten CSO across five regions in Zimbabwe about the nature and impacts of professionalisation in the country. Four of the respondents were heads of coalitions organisations from women's, youth and governance organisations, and the remainder were medium sized organisations who considered themselves grassroots by virtue of working directly within the communities despite possessing professionalisation characteristics such as the hiring of professional staff and having management boards and donor specific reporting templates.

Professionalisation in Zimbabwe is currently most visible through state-imposed compliance regulations. As participant P5 noted in the interviews referring to the government's proposed move to enforce mandatory registration of all Trusts and other charitable entities through the PVO Amendment Bill:

"Streamlining or regulating civil society is perhaps not the worst thing. We already submit reports and financial statements to donors, and we have our own internal accountability structures required by our donors and our boards; we must not however forget the reason the government wants to increase control over us. Is this PVO Bill proposed in good faith?"[217]

There is a clear relationship of mistrust between the state and civil society which invites professionalisation through regulation to govern the other, and conversely professionalisation through compliance or implementation of transparency and accountability practices to counter negative narratives. Concurrently, professionalisation is demanded by donors to reflect the changes in the sector towards results-based programming.

Speaking on a panel which was discussing the challenging state of civic space in Zimbabwe in 2021, a prominent human rights lawyer and former director of the Zimbabwe NGO Human Rights Forum Dr Musa Kika invited local practitioners to question why civil society was constantly under attack in Zimbabwe.[218] He posited that civil society in its current state is not fit for purpose because it is disconnected from its beneficiaries; he points out that "civil society in Zimbabwe has been taken over by lawyers, is professionalised and has become elitist"[219] creating a disconnect between CSOs and the communities they claim to serve. He challenges civil society to "regenerate, give back agency to the people and adapt to the changes in the operating environment whilst remaining true to their core nature and mandates."[220] The reasoning is that if this disconnect is addressed, local civil society can regain their legitimacy from the support of their constituents, countering negative narratives advanced by the state to justify extensive regulation. A question that follows then is whether professionalisation is a part of this reconfiguration of the sector or simply a method to survive? if professionalisation is a way of reconfiguration of the sector, can citizen agency and grassroots connection still be reclaimed in this new arena?

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[217] Interview with P5, 26Jun24

[218] SAPES Trust, "Deepening Crisis and Closing Space: Is it Time for Civil Society to Step up Again?" 18Feb21, *YouTube*, https://youtu.be/NOXFb_eHHCM?si=T4BfATuH82u7kSPS minutes 45-61

[219] ibid

[220] ibid

The researcher submits that perhaps it is valid to argue that the professionalisation of CSOs in Zimbabwe is both an adaptation mechanism and a survival mechanism and both aspects are mutually reinforcing. Failure to adapt results in organisations and a sector that is not fit for purpose, and as an extension, the organisations/sector face an existential threat upon failure to meet donor eligibility requirements or national regulatory requirements. When professionalising, the sector is rewarded the benefits of professionalisation such as the production of measurable outcomes, but also compromises some of its values for which it is highly regarded, such as ownership of interventions, subsequently shrinking civic space and weakening efficacy to promote democratic principles. It is also equally valid to consider the two aspects of survival versus adaptation as individual proponents triggering different forms of professionalisation and mutually exclusive impacts on the sector.

Survival

The survival approach shifts the thrust of the organisation's focus from external community needs to internal organisational survival. The choices and strategies that civil society adopts cannot be removed from the contexts that they are working in. Participants interviewed shared the belief that addressing this element demands that frank conversations about donor practices are tabled for discussion between donors and civil society. Participant P7 emphasised that donors must be engaged more openly and regularly about the impacts of donor conditions on civil society structures and civic space particularly in the Global South; he said:

"We are all aware of how professionalisation has impacted our operations, and we speak about it honestly amongst ourselves; it is time we were upfront in having conversations with donors regarding the impacts of some of their conditions. This issue of MoUs for example was only mainstreamed because donors started demanding them as part of their eligibility criteria to access funding...local authorities started assuming it was a best practice; but there is actually no legal instrument providing for this requirement for local civil society actors."[221]

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[221] Interview with P7 27Jun24

Additionally, the survival aspect of professionalisation has a direct impact on civic space and democratisation as it has a direct bearing on the nature of activities that CSOs work on, the methods that they employ to implement activities and the impact and sustainability of these activities. In terms of activities conducted, when CSOs have no choice but to follow donor priorities (which may not always respond to urgent local needs or align with organisations' core priorities and missions), and as was seen in the SIDA withdrawal case, when donors choose to program on less contentious areas, the choice on what areas to program in is limited. This is in itself a restriction on operating space. When civil society is obliged to follow defined donor goals and targets, flexibility to adapt changes in the operating environments is limited, whilst ownership and innovation of interventions is equally compromised. These survival triggered professionalisation attributes bring into contest CSOs' agency and representativeness of local constituents cultivating the disconnect from communities.

Unlike governments which can always be engaged and lobbied both publicly and privately for reforms in policies, the same cannot be said for donors. Although the availability of options to engage with the state is there, it is noted that this does not always result in changes demanded for. Contrastingly, civil society is often at a power disparity with donors, possessing little negotiating power, facing limited alternatives for funding and also facing little-known access or platforms to engage with donors at a large scale. Participant P6 stated that her organisation no longer attempts to respond to calls for funding from "big donors like United State Agency for International Development (USAID), we just know we do not qualify; we only target calls by Foundations."[222]

Adapting

The adaptation aspect has a positive impact on CSO practices and therefore on civil society narratives and civic space. When civil society adopts self-regulation mechanisms through their internal policies and management structures, through "independent evaluation and standard setting mechanisms,"[223] these structures provide self-sustaining evidence against allegations of impropriety, abuses or lack of accountability. They result in more transparent practices and measurable outcomes to support claims of efficiency and impact of the sector. In 2022, local

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[222] Interview with P6 26Jun24

[223] Interview with P7 27Jun24

CSOs used evidence-based data to support advocacy efforts against the 1st PVO Amendment Bill by showing how CSOs contribute to the Zimbabwean economy through employment, foreign remittances and taxes, and why restrictive measures would have impacts far beyond the CSO sector to the country's economy. Civil society is reported to be the country's "3rd biggest foreign currency earner after export proceeds and diaspora remittance, with tax revenues generated by NGOs ranging from USD4000 to USD35000 per month."[224] Adapting to changes in a sector is therefore both necessary and welcome as it invites growth. Indeed, participant P4 noted that:

"This organisation would not have achieved the success it has now had we not adopted some of the practices the donors expected us to have. We have evolved and upgraded ourselves. We have been able to secure funding regularly and we have access to other similarly aligned organisations that we share and learn from."[225]

P5 contended that "the more you professionalise the better access you have to funding and the more accountable you are to the people you are serving and the stakeholders financing you."[226] Whilst P5 referred to policies like the Policy against Sexual Exploitation and Abuse (PSEA) which is now commonplace amongst local CSOs in Zimbabwe and is designed to protect beneficiaries from exploitation and abuse by civil society and aid providers, it remains uncertain whether in practice, these policies actually improve accountability and protection to beneficiaries. There is an unsupported presumption that organisations have adequate measures in place to monitor implementation of policies incorporated through professionalisation and the sanctioning of violations. This presumption requires further interrogation for two reasons: a) Having the policies in place does not necessarily translate to implementation and there is not enough research or evidence regarding the monitoring, implementation and efficacy of self-regulation mechanisms, management boards and operating procedures implemented primarily for compliance reasons; b) Academics and practice have often revealed that professionalisation promotes upward accountability to donors, than horizontal accountability to the state or downwards accountability to beneficiaries.[227] Adapting has also meant that the sector is transformed into an isomorphic sector where organisational practices are duplicated. Whilst this works to streamline the sector for easier programming, governance and monitoring, it also diminishes civil society's diversity, innovation and ownership of responses to community needs.

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[224] Prosper Chitambara, Clinton Musonza and Phillan Zamchiya, "Punching Holes into a Fragile Economy?" 02Mar22, *Kubatana.net*, https://kubatana.net/wp-content/uploads/2022/03/Research-Repoort-Punching-holes-into-a-fragile-economy-Possible-economic-impact-of-PVO-Amendment-Bill.pdf

[225] Interview with P4 25Jun24

[226] Interview with P5 26Jun24

The thrust of professionalisation in Zimbabwe is therefore difficult to attribute to one aspect between survival and adapting, but generalisations may be drawn that as a donor dependent sector, there is an inclination to adapt especially to donor conditions in order to survive. Governments' restrictions which attempt to shape civil society and civic space can be and indeed are often challenged, whilst donor funding practices are subject to less scrutiny.

4.2. Locating the Nexus Between Professionalisation, Civic Space and Democratisation in Zimbabwe

Based on the interviews conducted and the characteristics of professionalisation outlined in Chapter 2, the researcher confirmed that the global phenomenon has manifested in similar fashion in Zimbabwe. Perhaps this is unsurprising as the funding community is characterised by well-known and established funding agencies from the Global North with similar practices which they export to African contexts. When participants were asked of the characteristics signalling professionalisation, all the participants referred to the use of policies to guide standard operating procedures, the adoption of advisory and management boards, the hiring of professional staff and the adoption of practices that promote accountability and safeguard employees and beneficiaries. Participant P6 acknowledged that "our funding partners derive most of their funds from their governments, and although audit culture is a shift in the way we operated previously, it is understandable that we need to be accountable to them to enable them to account to their governments."[228] Participant P3 emphasised communicating a certain way as a signal of professionalisation, proudly highlighting that his organisation has a communication policy, noting that this is a policy which is not popular amongst civil society in Zimbabwe as compared to other policies such as the PSEA Policy or Child Safeguarding policies; he said:

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[227] David L. Brown, *Creating Credibility, Accountability and Legitimacy for Transnational Civil Society*; (Kumarian Press 2008) p11

[228] Interview with P6 26Jun24

“Communicating professionally with your stakeholders, be it funding partners or beneficiaries is a key indicator of an organisation’s level of professionalism; you will see this in how our officers interact with our beneficiaries, in the language we use in our emails or the posts on our organisation’s social media pages...”[229]

P5’s position supports Maier et al’s submission discussed in Chapter 2 that professionalisation sometimes manifests in the rhetoric and communication style of the organisation.

All the participants believed that professionalisation is prevalent in the country with little room left for the existence of grassroots organisations in their traditional form, which was highly informal and strongly connected to the communities through incorporation of community actors in the organisation’s structures. There was a general consensus that the operating environment requires that organisations adopt professionalised forms and structures, although some organisations considered themselves hybrid between professionalised through their structures and practices, and grassroots by virtue of their existing community-based activities. P7 contends that “the architecture around development hinders the nurturing of community-based organisations; funding conditionality delimits their ability and space to operate because they are not formalised; community-based organisations are however the face of resilience in Zimbabwe and their work on the ground informs the work of elites.”[230]

When asked what factors are contributing to professionalisation, the most common answers were the need to meet donor conditions and to ensure accountability of the sector amid “reports of gross violations of labour rights, sexual abuse and involvement of sector leaders in illicit financial dealings. There is a background to these new concepts such as professionalisation which we should be alive to.”[231] Participant P1 submitted that professionalisation is “a way of incorporating the Istanbul Principles in our programming, particularly the transparency and accountability principle.”[232] The “Istanbul CSO Development Effectiveness Principles”[233] underpin effective and accountable CSO action and are considered as a means to benchmark the elements which must be present within civil society for effective development work. The 8 principles are: "Respect and promote human rights and social justice; Embody gender equality and equity while promoting women and girl's rights; Focus on people's empowerment, democratic ownership and participation; Promote environmental sustainability; Practise transparency and accountability; Pursue equitable partnerships and solidarity; Create and share knowledge and commit to mutual learning; and commit to realising positive and sustainable change."[234]

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[229] Interview with P3 25Jun24
[230] Interview with P7 27Jun24
[231] ibid
[232] Interview with P1 24Jun24
[233] Concorde Europe, “The Istanbul Principles,” 21Sep12 https://concordeurope.org/2012/09/21/istanbul-principles/

Responses from the participants reflect and confirm Maier et al's categorisation of professionalisation that involves adoption of business-like goals, structures and rhetoric.[235] Further analysis of the Zimbabwean context corroborates Hwang and Powell's[236] formulation of the sequence of professionalisation whilst the feedback from the participants confirms that the process of professionalising, whether for survival or adaptation, has indeed been aiding in shrinking their already constricted operating space and weakening their democratisation role.

a. The mainstreaming of full-time employment.

Participants admit that as their organisations formalised, they started hiring specialised staff and securing offices where they could be housed full time. Participant P6 stated that:

"There have been times when donors have asked whether you have a certain officer in your organisation such as a grants manager; other times they ask for the resumes of people within the organisation or those that will be assigned to the project they will be funding; and in extreme circumstances, they want to be part of the interview panel when selecting personnel for their project."[237]

The effect of using full time staff is that "NGOs become sites of employment rather than activism."[238] The interests of staff begin to dominate those of the constituents as the sector begins to concern itself with organisational interests over community interests.[239] In Zimbabwe where employment rates are low, full-time employment is welcomed because it aids the job market and the economy; NGOs tend to operate and pay in foreign currency, which is preferred to the inflation-ridden local currency. The danger however is the risk that people flock to work for NGOs for the allowances and benefits and not for the change they could effect. Volunteerism, belief in the organisation's cause and interest in development work characterised traditional civil society, legitimised their citizen agency and strengthened commitments to pursue democratisation and any organisational initiatives aggressively. Whilst full time staff ensure provision of quality services and continuity upon changes within the organisation, small informal organisations are marginalised and left with marginal room to compete or operate due to lack of resources to support full time employees. Use of full-time staff therefore has both negative and positive effects on civic space and democratisation in Zimbabwe.

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[234] ibid

[235] Florentine Maier et al, "Nonprofit Organisations Becoming Business-like," (2016): 64–86. https://doi.org/10.1177/0899764014561796

[236] Hokyu Hwang and Walter W. Powell, "The Rationalization of Charity: The Influences of Professionalism in the Nonprofit Sector." *Administrative Science Quarterly* 54.2 (2009): 268–298 https://doi.org/10.2189/asqu.2009.54.2.268

[237] Interview with P6 26Jun24

[238] Sara R. Dorman, "Inclusion and Exclusion: NGOs and Politics in Zimbabwe," PhD Thesis, University of Oxford (United Kingdom), (2002): p270.

b. The introduction of a training academy

In Zimbabwe and internationally, several tertiary education institutions are teaching developmental studies and human rights courses. Umbrella organisations such as NANGO collaborate with training institutions in academia and the private sector to support capacity building of civil society on topics such as corporate governance or financial management and there is a general move towards enhancing the capacity of the sector and its practitioners. New positions within civil society are being created such as Monitoring and Evaluation Officers and Communication Officers. These new positions require specialised expertise on the subject matter.

c. Formation of a professional association

Affiliation to associations like NANGO, which was formed 62 years ago with a mandate to be the voice of civil society and is widely accepted as the largest representative body of NGOs in Zimbabwe, is voluntary. There has been an emergence of sector specific associations and coalitions that set standards for and represent specific sectors within civil society. The Women's Coalition of Zimbabwe (WCOZ) is one such network supporting women's organisations, whilst

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https://ejournals.um.edu.mt/login?url=https://www.proquest.com/dissertations-theses/inclusion-exclusion-ngos-politics-zimbabwe/docview/2341889120/se-2.

[239] ibid

the Zimbabwe NGO Human Rights Forum supports governance focused organisations, and the National Association of Youth Organisations (NAYO) supports youth organisations.

d. Control of jurisdiction through state authorised licencing

The sector, through NANGO, has over the years advocated for and attempted to develop self-regulation mechanisms recognising that self-regulation may reduce the risk of uninformed, restrictive, government led regulatory mechanisms.[240] Currently, authority to work as a public benefit organisation is secured through mandatory registration of the organisation with the relevant Ministries and the local district offices prior to operating. Under the current regulatory framework, this could be either according to the PVO Act or the Deeds Registries Act. As discussed above, this mandatory registration aspect restricts freedom of association and places as targets for intimidation, harassment or deregistration, advocacy entities who program on sensitive or contentious issues such as corruption or democratisation.

e. Development of a formal Code of Ethics

The sector has also made headway to develop a Code of Ethics. Participant P1 indicated that in 2023 CSOs from different regions in the country took part in consultations for the development of a voluntary self-regulatory mechanism in the form of a Code of Ethics with support from ICNL, NANGO and NAYO in an effort to promote CSO accountability and legitimacy.[241] Participant P1 echoed that proactive initiatives to develop such mechanisms will improve CSO legitimacy as these efforts indicate to the regulator goodwill to operate transparently and in turn may reduce the inclination or justification to promulgate restrictive legislation.[242]

Discussion

We can see therefore that Zimbabwean civil society exhibits all the signs of professionalisation discussed in the literature review in Chapter 2. In assessing how professionalisation impacts civic space and democratisation, all except one respondent believe that professionalisation negatively impacts civic space and CSO legitimacy. Participant P3 believes that professionalisation primarily works to improve the sector. When asked about its exclusionary effects on grassroots organisations, he submits that it is “simply a push factor for grassroots organisations to evolve and keep up with the changing times.”[243] Participant P3 credits his organisation’s awarded performance on professionalisation and pointed to similarities for demands to professionalise within expert specific sectors such as the health and legal sectors; he contends that quality service provision demands professionalisation of organisations and their employees.

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[240] Interview with P1 24Jun24, Interview with P7 27Jun24

[241] Interview with P1 24Jun24

[242] ibid

Although Participant P2 partially supported this submission that professionalisation is for the good of the sector, he also added that organisations are not mere victims of donor conditions; he adds that “money follows ideas; without ideas you chase money haphazardly and lose your organisational identity.”[244] Participant P2 accepts that the phenomenon has resulted in compromised activism as “practitioners work for the money and not for improving the lives of the communities, organisations blindly conform to donor agendas and survival mode has killed the citizen agency of the CSOs.”[245]

The researcher noted that these two organisations are both ‘high performing’ organisations in their regions, with one having recently won the NGO Director of the year award. Moreover, both organisations program in similar sectors where they promote economic empowerment of their constituents and are often collaborating, complementing and sometimes confronting local authorities. The similarities in their perspectives and submissions prompted questions about whether the impacts of professionalisation must be studied not only from a geographical or contextual point of view, but also from a sectoral one. There is already some literature suggesting that the impact of professionalisation on advocacy organisations differs from the impact on humanitarian organisations, who are seldom in confrontation with the state, but almost always, complementary to or collaborating with the government.[246] These questions in themselves point to challenges with the blanket application of professionalisation and support this paper’s contention that its unfettered application aids in the closing of operating space and the taming of the democratic practices. Brass posits that when humanitarian organisations are co-opted into professionalised partnerships with the government, filling the gaps in the regimes' failures, they become part of the state apparatus and work to maintain the status quo and legitimise the regime.[247] Continued pouring of financial support to these activities does the same.

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[243] Interview with P3 25Jun24
[244] Interview with P2 24Jun24
[245] ibid
[246] Brass N. Jennifer, “Allies or adversaries? NGOs and the State in Africa,” Cambridge University Press (2016) p1-27 DOI: https://doi.org/10.1017/CBO9781316678527.002 ; Sandy Zook, Kelly Ann Krawczyk, and Franklin Oduro, “Exploring Service-providing Non-governmental Organisation Perceptions of Shifting Civic Space in Ghana: Impacts of Government and International Actors,” *Public Administration and Development* 43.5 (2023): 343–354.

When discussing some of the foreseeable and experienced consequences of professionalisation on the organisations and civic space, Participant P4 bemoaned lack of core funding for administrative expenses and worried that "...what will I do with people's children that I have hired once a short-term project ends and I no longer have funding to pay their salaries?"[248] Participant P4 added concerns related to staff retention and program efficiency recalling a project her organisation implemented for one year and were unable to return to conduct an impact assessment because the funding had ended and the organisation could not afford to carry out the assessment unassisted. She comments that the organisation accepted the project regardless because "it is better than not having an ongoing project and closing our office doors until we get substantial long-term funding."[249] Participant P2 concurred that it is difficult to program outside the funding cycle having observed that "organisations go quiet when they no longer have money and resurface when they secure funding again. This breaks the cycle of engagement with duty bearers and weakens the efficacy of our interventions."[250]

P6 echoed these sentiments and bemoaned salary and funding conditions stating that:

"If I tell you my salary given my position and my qualifications you will laugh; this habit of paying according to level of effort is another way in with which donors are making operations difficult for us; moreover, I don't know how or from where they expect us to implement when they choose not to fully support administrative and overhead costs such as rent."[251]

Professionalisation can therefore be seen to introduce new expenses such as rent for professional premises and salaries for specialised staff, which funding partners are unable or unwilling to cover adequately, compromising the sustainability of organisations, the livelihoods of its employees and the overall efficacy of the sector in effecting impactful change.

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[247] ibid

[248] Interview with P4 25Jun24

[249] ibid

[250] Interview with P2 24Jun24

[251] Interview with P6 26Jun24

Participants could also foresee how the disconnect with local communities and failure to negotiate with funding partners for home grown solutions that prioritise local needs would weaken CSO legitimacy and therefore their efficacy as a democratising force. Participant P7 highlighted the need to "shift from 'localisation' of ideas and advance to 'locally led solutions' where communities are part of the conceptualisation and designing of solutions."[252] The participant criticises that professionalisation is applied from the top down, with no consultation between donors and civil society, and an expectation that it is effective in all contexts. Although the participant encourages sector practitioners not to resist change, he also proposes that "drivers of change must ensure that change is tempered with a decolonisation mindset that incorporates contextual perspectives and ideologies."[253] This is an ideology shared by P2 who recommended what he termed "human centred approaches" and "indigenous knowledge systems in programming."[254]

4.3. Summary of Findings and Recommendations

Democratisation

Much like any new intervention in the development cycle, professionalisation is seen to present its own challenges and limitations. Professionalisation manifests differently and for different reasons. In Zimbabwe, the adaptation or survival narratives dominate the reasoning, with one reason often overlapping with the other. However, the political history and the socio-economic context of the country interacts with the characteristics of professionalisation to create operating space challenges specific to Zimbabwe that might otherwise have minimal impact in other jurisdictions.

Minimised decision-making power or ownership of interventions due to donor conditionalities are used to justify allegations of foreign interference with local politics and questions as to civil society's representative nature. Even though funding partners often try to align their focus areas with national objectives, this has failed to deter the government in power from delegitimising civil society or their international partners' advocacy initiatives. Democratisation in Africa can and is contested particularly because its promoters (usually civil society actors) are supported by the same countries whom African states took up arms to gain their independence from,[255] and Zimbabwean leaders have persistently relied on this narrative. Any interventions in Zimbabwe must be alive to these contextual realities. Furthermore, promoting democracy in Zimbabwe is challenging when the country has been adopting a 'Look East' policy since 2003; the government is heavily supported by countries like China for economic investments in mining, infrastructure and energy supply.[256] The attitudes towards democracy of the country's biggest investors in the East, are incompatible with the practices of Western donors who form the majority of funders for democracy assistance in the Global South.[257] Continued blanket enforcement of Western practices such as professionalisation with little support for the sector to incorporate and sustain the same may result in the crippling of civil society and at worst, pushing civil society to mobilise resources from the East and implement programs detrimental to democratisation or entirely neutral to authoritarian practices.

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[252] Interview with P7 27Jun24
[253] ibid
[254] Interview with P2 24Jun24

Philosopher Karl Marx contended that civil society consists of 'elitist' groups who represent the views of those in power, whilst Antonio Gramsci suggested that civil society is a battlefield for the expression of the interests of different powerful actors such as the state, civil society and funding partners.[258] This constant struggle for power and space compromises the representativeness of civil society. Donor conditionalities undeniably result in the prioritisation of donors' interests over the locals' interests, whilst calls for partnership, complementarity and collaboration between states and civil society legitimise the regime in place and dilute the democratising effect of civil society through reducing confrontation.[259]

Civic Space

Politicisation of the sector already delimits the sector's access and influence on policy makers and professionalisation exacerbates this challenge. 'Elitist' professional groups, disconnected from the communities, have the loudest and sometimes the only voice at the table with policy makers and funding partners. They are entrusted involuntarily and perhaps undeservingly as representative of grassroots organisations' and communities' views. The divide between 'elite' professionalised organisations and smaller grassroots organisations results in uncoordinated positions within civil society, increased competition for funding and fragmentation within the sector. The disconnection from grassroots organisations who have a direct connection to members of the communities means that civil society lacks the support of the citizenry. A participant suggested that the lukewarm citizen support observed during the lifespan of the first PVO Amendment Bill reflected the loss of agency with communities and a commentator attributed the citizens' distance from civil society challenges to the sectors' minimal attention to socio-economic rights, and more on civil and political rights as a result of donors' preferences.[260] In a paper aptly titled *'"You Cannot Eat Democracy': A Study of Civil Society's Role in Zimbabwe from 2008 to 2013,*"[261] the author suggested that in a low-income, poverty-stricken country like Zimbabwe, programs that support socio-economic rights might resonate more with the masses. This research project can envision how democratisation agendas that incorporate and balance the promotion of both socio-economic rights and civil and political rights would yield greater citizen connection and participation both on civic space issues and overall democratisation agendas.

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[255] Ruvimbo N. Mavhiki, "Does Democracy Promotion Promote Democracy? The Zimbabwean Case," PhD Thesis, Lingnan University, Hong Kong: Department of Political Science (2016).

[256] Siri Gloppen et al, "Zimbabwe: Contested Autocratisation," (2022) https://doi.org/10.1093/oso/9780192867322.003.0010

[257] Sarah. S. Bush, "The Taming of Democracy Assistance," (2002)

[258] Julie Hearn, "The 'Uses and Abuses' of Civil Society in Africa," *Review of African political economy* 28.87 (2001): 43–53. https://www.jstor.org/stable/4006692

[259] ibid

Furthermore, practitioners point to a double standard applied by international funding partners: on international platforms, they call for governments to promote civic activism by ensuring that civil society can operate with minimum registration or administrative barriers, but they in turn impose burdensome conditionalities and barriers in their funding architecture.[262]

The relationship between the state and civil society in Zimbabwe is reflective of Najam's "four-Cs (cooperation, complementarity, co-optation and confrontation) model;"[263] civil society can be seen to either cooperate, complement, confront or be co-opted into the government's structures and the state of civic space is dictated by the method employed at any given juncture.

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[260] Kari Eliassen, and Universitetet i Oslo, "'You Cannot Eat Democracy': A Study of Civil Society's Role in Zimbabwe from 2008 to 2013," PhD Thesis, University of Oslo, Oslo: Department of Political Science, (2014). http://urn.nb.no/URN:NBN:no-45826

[261] ibid

[262] Interview with P7 27Jun24

[263] Najam Adil, "The 4 C's of third sector-government relations: Cooperation, confrontation, complementary, and co-optation," *Nonprofit Management and Leadership, 10*(4), (2000): 375–396

Donor dependency coupled with the constant shifting of donor priorities delimits both areas of programming and the type of organisations who can access funding; it forces organisations to program in alignment with donor goals abandoning core missions. Donor shifts to less aggressive, non-confrontational programs either to maintain relations with host governments or to adapt to the changes in the host nation's operating environment, threaten civil society's watchdog role. As a watchdog, civil society is able to provide "checks and balances to state power, protect citizens from state oppression" and promote democratic practices."[264] Academics such as Tocqueville have argued that civil society's watchdog role is what makes them effective democratising agents.

In answer to the research question, this study has shown that professionalisation does indeed interact with these and other socio-political, economic, legal and cultural factors to aid in shrinking both civic space and civil society, and in framing the current weakened democratisation discourse. Acknowledging the well-meaning foundation of professionalisation and noting the challenges discussed in this paper, the researcher submits the following recommendations:

Recommendations to Donors

1. The May 2022 "Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Clément Nyaletsossi Voule on 'Access to Resources'"[265] made recommendations that funding partners should engage with civil society about challenges and opportunities in the development architecture. Implementing this recommendation will allow for agile reviews of funding processes according to shifting times and fluid operating environments.
2. Adopting a form of 'cultural relativism' in applying professionalisation; failure to make contextual considerations and introduce flexibility in funding conditionalities risks compromising civil society's democratisation efficacy in certain geographical contexts.

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[264] Kari Eliassen and Universitetet i Oslo, "You Cannot Eat Democracy," PhD Thesis University of Oslo, (2014). http://urn.nb.no/URN:NBN:no-45826

[265] UN OHCHR, "'Access to Resources': Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Clément Nyaletsossi Voule," (2022) A/HRC/50/23 https://documents.un.org/doc/undoc/gen/g22/337/82/pdf/g2233782.pdf?token=gO2w3BWdjxxK6A387m&fe=true

Civil society should be included in the designing of new concepts to the sector and interventions should ideally be locally led, people-centred and context specific.

3. Provide long term grants and invest in initiatives that reduce donor dependency such as CSO social entrepreneurship to foster both interventions and organisational sustainability. Consideration must be had that concepts such as democracy consolidation require citizen inclusion through grassroots participation and they happen over time; and short-term projects with specific measurable goals are incompatible with effective democratisation initiatives or effecting transformative change.

Recommendations to Civil Society in Zimbabwe

1. Civil society must produce leaders who can coordinate the sector and create platforms to engage with the donor community frequently. Messages and Calls to Action must be representative of all organisations within civic space including grassroots organisations and social movements.
2. The sector must leverage on organisational strengths such as knowledge of and experience in the field or reports from international actors such as the UN Special Rapporteur to influence favourable donor conditions.
3. Civil society must not resist change, but must reconfigure and determine what changes are required to make the sector fit for purpose; this could include taking up new models or hybrid formats where some organisations are professionalised and others are purely movements; or by strengthening support to grassroots organisations through co-financing provided through professionalised organisations who have the structures in place to access funding.
4. Connect and engage with academia as academics can provide a hub for innovation and rethinking of civil society; this will also enhance civil society's knowledge on their rights and approaches to fundraising.
5. Return agency to the people through improving connections to the grassroots, educating the citizens about the importance of civil society and civic space to mobilise citizen support during times of need.
6. Rethink the sector's funding structures and create alternative sources of funding such as social entrepreneurship to reduce donor dependency.

CHAPTER 5:

CONCLUSION

Although there are significant commonalities in the factors acting to shrink civic space globally, and in the factors characterising professionalisation, the ideologies that formed 'civil society' in the West - the concept of people power, differ significantly from those that form 'civil society' in the Global South - addressing anti-colonial struggles and these historical contexts have shaped how civil society looks in different regions. Other factors such as the political context and the level of economic stability in the country will also come into play in affecting civic space and the democratisation role of civil society. The donor community must be alive to these foundational differences and their impacts on civic space.

Professionalisation risks perpetuating colonial biases which assume and posit Western frameworks as neutral or universal. It involves the use of indicators, tools and mechanisms that are defined primarily by external "experts" with minimal to no input from local implementers, and these indicators evaluate outcomes through a Western cultural lens, marginalising non-Western ways of operating and reducing civil society to implementers rather than partners in development and democratisation.

Regardless, sectoral responses to external pressures and questions about CSO efficacy have seen the introduction of results-based programming and the application of business-like practices through professionalisation. The motivations for the adoption of professionalisation (survival versus adaptation) and its impacts on civic space have been shown to vary depending on factors such as the nature of the organisation, the services they provide (humanitarian versus advocacy organisations) and the geo-political context. Organisations working in conducive political environments, stable economies and with access to alternative funding structures may have less grievances with funding conditionalities and may not fear politicisation of their work due to donor dependence, as is the case in a contested autocracy like Zimbabwe. The country's post-independence political history was significantly shaped by civil society and civil society remains flagged as a training ground for future politicians that must be monitored and governed. This history, context and case study of Zimbabwe helped to illustrate why professionalisation should not be approached as a blanket solution to civil society challenges.

It was beyond the scope of the research question to not assess whether the intended purposes of professionalisation are being achieved, and how these outcomes weigh against the challenges it presents. This perspective could have been presented by including the input of funding partners, however this could be an area for further research.

The case study has shown that professionalisation has had far reaching consequences on CSO operating space and the democratisation agenda in Zimbabwe, both negative and positive. It has been shown to promote growth, evolution, agility, transparency and accountability of the sector. This accountability is however contested as being primarily vested in the funding partners than in other stakeholders such as the constituent beneficiaries or the state. Civil society also reported increased operational expenses compounded by funding instabilities, which in turn caused inconsistent engagements with communities and duty bearers; disenfranchisement of grassroots organisations and loss of citizen agency; lack of ownership of response initiatives; and limited programming options or diversity in the sector due to limited operating space induced by donor preferences and prioritisations.

The paper also showed that civil society needs coordinated opportunities and platforms to engage with donors on a local, regional and even international scale regarding challenges with funding practices. With limited recourse and funding alternatives, civil society in Zimbabwe has tended to comply with donor conditions, but encouraged the donor community to consider different geographical contexts when exporting best practices to the Global South, and to include the inputs of local organisations in designing and formulating practices that will be applied in a sector as diverse as civil society.

The successes of civil society are based on its diversity, flexibility and adaptability. Shaping civil society into an isomorphic sector based on best practices in one context is counterproductive to the development and democratisation agenda, perpetuates the power asymmetries that frame the current relationships between the Global South and the Global North and reflects double standards by the international community of demanding that governments provide minimal barriers to civil society operations whilst being less critical of a funding community that places several burdensome conditionalities for the same. Reports and recommendations by UN Special Rapporteurs and other regional and international bodies should be leveraged on to begin to advocate for change in funding practices as this study has been shown that practices that push for blanket professionalisation, do in fact aid in shrinking civic space and weakening democracy promotion through taming civil society's role.

The researcher acknowledges that this paper lacks the perspective of donors on the effects and impacts of professionalisation. Further research is therefore required on donor perspectives and donor approaches to professionalisation with a focus on donor conditionalities, the history of the architecture of these conditionalities and the measures funding partners employed or are employing to assess efficacy and applicability in differing contexts and across the diversity of the sector. Furthermore, the sector could benefit from research on what platforms and structures are needed or are currently available for civil society to caucus with funding partners on any challenges, grievances and even successes resulting from practices within the sector. Further research could also be conducted on the efficacy of professionalisation in improving civil society practices; whether professionalisation is achieving its intended objectives and whether the outcomes outweigh the challenges presented in this paper. The sector could also benefit from research on what new models civil society must take to thrive and deliver on its mandates in a brave new digitised and globalised world.

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