

Advisory Committee for Voluntary Foreign Assistance

Democracy, Rights and Governance Sub-Committee on Working in Closed and Closing Spaces: Programmatic and Operational Approaches and Guidance

January 2020

I. Executive Summary

The United States Agency for International Development (USAID) has responded to recent trends of democratic backsliding by engaging in closed and closing environments, consistent with the U.S. government's development approaches and priorities. This report provides programming examples and operational guidance for USAID to consider when working in these contexts and highlights potential risks involved for USAID and for implementing and local partners.

II. Introduction

USAID's January 2018 paper on "Working in Closing Spaces: Best Practices" notes global trends of restrictions against civil society, and offers general practices for engagement in these environments. Given these trends and the growing importance of the Agency's development efforts in closed and closing spaces, the USAID Administrator requested that the Advisory Council on Voluntary Foreign Assistance (ACVFA) further examine programmatic and operational issues, consistent with development approaches and priorities, that can help guide USAID's work and mitigate risks. ACVFA was also asked to pay special attention to election related programming in places where electoral outcomes are virtually predetermined due to misconduct and manipulation by the prevailing regime. This study and its recommendations are the Sub-Committee's response to this request.

This study focuses on two types of political contexts: closed environments and closing environments. Closed environments, such as Cuba and North Korea, are authoritarian regimes where the dominant political authority – whether it is a monarchy, party, military junta or dictator – is highly repressive and controls most aspects of political and economic life. In these contexts, independent institutions and organizations are nonexistent or anemic. If functioning, they may find it necessary to operate underground to avoid harassment or imprisonment.

Closing spaces would more closely resemble regimes that combine the features of authoritarian government with certain democratic forms. In these environments, civic groups can operate, some semblance of multi-partisan elections may be held, and some form of independent press exists. However, the executive, along with the judiciary and security forces, serve to maintain the power of the regime. Parliaments and courts tend to operate as rubber stamp bodies and elections are often marked by harassment and fraud. While these regimes have become more resilient over the past decade, they are vulnerable to popular unrest and elite defection – some recent examples include Armenia, Bolivia, Malaysia, Ethiopia, Sudan, Burkina Faso, The Gambia, and Algeria.

The term “closing spaces” encompasses a broad spectrum of countries which, on one end of the spectrum, resemble closed societies – Egypt, Cambodia, and Azerbaijan are but three examples. The other end of the spectrum includes countries that Freedom House might label as “partly free,” such as Bangladesh and Hungary. Both of these regime types can easily move one way or another along this spectrum. However, this study does not examine USAID programming in fragile or new democracies that may be suffering from significant democratic deficits, such as Georgia and Tunisia, even though some of the insights and lessons spelled out in this study may also apply in these contexts.

In both closed and closing spaces, governments often actively target non-governmental efforts, particularly democracy assistance programming, trying to constrain local groups receiving foreign assistance, international organizations delivering such assistance, and bilateral aid agencies, including USAID. This has been the case in Nicaragua, Venezuela, Egypt, Russia, and, until recently, Bolivia and Ecuador.

Program objectives in such closed spaces will be generally more modest, but no less important than in new and emerging democracies (which merit their own focused, significant support). Importantly, democracy assistance efforts should not be aimed at attempting regime change. Rather, they should be considered long-term investments – designed to demonstrate solidarity with pro-democratic forces, provide protection, and offer the resources and organizational skills necessary for citizens and activists to take advantage of whatever political space exists. Above all, they should aim to prevent atrophy among local democratic groups and to help sustain democratic subcultures, thereby ensuring greater civil society preparedness once a democratic breakthrough occurs. In closing spaces, democracy assistance efforts may also seek to prevent further backsliding by helping to strengthen existing checks and balances.

Any decision to engage should begin with a comprehensive political economy assessment, a sound program rationale and theory of change, and regular reassessments of that rationale. The doctrine of “first, do no harm” should serve as a guiding principle with respect to operational issues, in order to avoid the tendency to overestimate what can be achieved relative to the potential harm.

III. Democracy, rights, and governance programs in closed and closing spaces

Promoting democratic institutions, processes, and values has long been a U.S. foreign policy objective, though the priority given to this objective has been episodic and inconsistent. Section 7032 of the Department of State, Foreign Operations and Related Programs Appropriations Act is directly relevant to USAID operations and programs in closed and closing spaces. The term “democratic programs” means programs that support good governance, credible and competitive elections, freedom of expression, association, assembly, and religion, that support human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to promote the development of democratic states and institutions that respond and render accounts to citizens.

Section 7032 (d) includes Restrictions on Prior Approval (commonly referred to as the Brownback Amendment): With respect to the provision of assistance for democracy programs in

this Act, the organizations implementing such assistance, the specific nature of that assistance, and the participants in such programs shall not be subject to the prior approval by the government of any foreign country. Section 7032 (e) calls on USAID to implement civil society and political competition and consensus building programs abroad with funds appropriated by this Act in a manner that recognizes the unique benefits of grants and cooperative agreements in implementing such programs.

USAID officials should familiarize themselves with all the relevant congressional provisions relevant to working in these environments.

Section III of this report describes five core target areas of DRG programming: political parties/political leaders, parliaments, civil society, human rights, and independent media. Each section provides a short overview and highlights key best practices. The USAID Administrator requested that the ACVFA Sub-Committee provide more extensive analysis and recommendations on programming around elections in restrictive environments, which can be found in Section IV.

As the discussions below describe, implementing these programs in these constrained environments presents a challenging set of strategic issues for USAID and its implementing partners. These include:

- ***Understanding and addressing risks in order to “Do No Harm.”*** When working in closed and closing spaces USAID needs to ensure that it “does no harm” in two important ways. There is growing sophistication of regimes with regard to surveillance, data collection and analysis, etc. This requires significant investments in risk mitigation, for both USAID and its partners. Second, at a larger political level, USAID needs to do no harm by not inadvertently strengthening or legitimizing the institutions and practices of an authoritarian regime.
- ***Situating DRG programming and other development sectors.*** A strategic approach to DRG programming in an authoritarian setting has to factor in the hierarchy of USG priorities in the given country. It is important to ensure that USAID’s own programming across sectors is consistent. USAID’s programs in other sectors should avoid working with corrupt officials or those known for their authoritarian behavior. In their implementation, these programs should, to the extent possible, emphasize public participation, transparency and accountability.
- ***Having sufficient knowledge of what is going on inside the country.*** Compared to more open governments, authoritarian regimes typically present significant challenges in understanding dynamics within the regime. As a result, it can be challenging to understand both the opportunities for, and the barriers to political change. USAID also needs to be able to differentiate between cosmetic and meaningful liberalization or reforms. For this reason, USAID needs to think through assumptions regarding the likely direction and pace of political change. It then becomes incumbent to frequently reassess the validity of these assumptions and consider adjusting its programs accordingly.

- ***Ensuring that programs do not inadvertently shore up a repressive regime.*** In closed and closing spaces, support for the rule of law, anti-corruption initiatives, and service delivery - the “good governance” side of the equation - needs to be highly contingent on situation analysis. Efforts by non-governmental actors to provide and/or push for justice, integrity and improved service delivery may, over time, put pressure on authoritarian regimes. However, authoritarian regimes may also take limited steps to improve governance as a way to bolster their legitimacy. While “good governance” interventions may encourage the development of more autonomous and accountable institutions, these interventions also have the potential to strengthen authoritarian regimes.
- ***Developing new thinking and approaches to social media and social movements.*** The rapid rise in recent years of new social media and the related emergence of social movements that are in many cases amorphous and leaderless calls for new approaches to external DRG support. The agency and its implementing partners are advised to gather, analyze, and compare data on what types of interventions are productive in these settings.
- ***Developing a clear-eyed strategic objective.*** In countries where political liberalization seems unlikely in the short to medium term, USAID should (as noted in Section II above) confront the issue of what it expects to achieve through DRG programming and over what period of time. USAID needs to have a realistic set of expectations and time frames should be flexible.
- ***Determining the appropriate degree of flexibility.*** The difficulty of predicting what will happen in many of these contexts makes it hard to know whether to program DRG funds with a short-term or longer-term perspective. Opaque environments call for flexibility in order to respond to new opportunities or impediments, but shorter-term programming risks discontinuities and gaps. USAID Missions need to give careful consideration to the appropriate mix of short-term and longer-term projects and be aware of the potential trade-offs.

1) Political parties/political leaders

Political parties are often key institutions in both *contributing to* and *resisting* the closing of political space. Their dual role creates a complex and sometimes contradictory programming environment that exposes implementing organizations and their funders to specific risks.

Trust in political parties has declined across the globe, as parties struggle with a range of challenges and changes, including technological change, corrupt and kleptocratic governance, and outside forces seeking to build, buy, and own parties willing to do their bidding. Despite these challenges, support for the survival and development of democratically-governed, programmatically-focused political parties must be a key pillar of any USG strategy designed to open political space where it is closed and keep it open where it is closing. Parties have a specific role to play in the political process that cannot be supplanted by that of single-issue civil society organizations (CSOs). Rather, parties remain the primary channels through which political interests are aggregated and citizens can participate in formal political processes. Effective,

inclusive, and legitimate parties are also central to enabling peaceful competition for political power. Foreign assistance programs that blur the roles of parties with those of civil society all too often set CSOs up for failure, undermine the legitimate role of both CSOs and parties, and weaken democratic transitions. Programming should be consistent with USAID's Political Party Assistance Policy.

Best Practices:

General:

- Parties are uniquely positioned to respond to undemocratic behavior from other parties (either ruling or opposition) as well as non-state actors. Assistance providers must understand the strengths and weaknesses of pro-democratic parties under repressive conditions and what types of aid best support democratic party resilience in closed or closing environments.

Leveling the playing field:

- Public opinion always matters. In closing and closed societies, undemocratic parties may have access to public opinion data that democratic forces do not. In such cases, assistance programs should support the ethical collection, analysis, and dissemination of reliable data to a range of parties and help all competitors develop skills to analyze the polling data, which can help craft platforms and messages that are responsive to and popular with the public.
- Authoritarian governments and parties typically share insider information and governing experiences among themselves. Assistance programs should seek to connect opposition political forces and civil society to their international democratic counterparts to help counterbalance this growing trend.
- However, global and regional groupings of like-minded parties¹ can play an important role in constraining parties that are moving in a more authoritarian direction and in stabilizing and legitimizing parties fighting such closure. Assistance programs should take advantage of these organizations as peer support groups and outside influencers.

Preparing for political openings:

- Opposition parties in closed and closing spaces that themselves do not adhere to basic principles of women's inclusion and internal democracy are unlikely to be able to govern as democrats. Assistance programs should support the development of internal democratic structures in all parties with which they engage. They should also provide technical support to new pro-democratic parties as they emerge, as the early party formation process may be an opportunity to shape party rules and processes to support greater internal democracy and inclusion of marginalized groups.

¹ These groupings include the Social Democrat, Liberal, Christian Democrat and Conservative parties. Together, they represent more than 300 parties in more than 150 countries.

- No party – either in government or in opposition – is monolithic. All of them fracture, change, and break down over time. Assistance programs should keep open the possibility of – and even focus on – working with individuals and subgroups (such as youth and women’s structures) as potential partners in democratization processes. Yet, it is also important to ensure that some programming focuses on the parties as whole, and ensure mainstreaming of marginalized populations, such as women and youth, into broader efforts.
- Opposition parties in closed and closing spaces need to be prepared to govern in case the opportunity should suddenly arise, as in the case of Bolivia. Assistance programs should support the internal development of plans and policies to be implemented when a transition comes. Weak preparation for such events can considerably shorten the honeymoon period for new governments, leading public opinion to turn against them, just when they are getting started.
- Leaders of successful pro-democracy movements often come from outside established party structures. Additionally, political parties in closing spaces sometimes tend to isolate themselves and try to “wait it out” until a political opening occurs. In either case, such parties lose relevance over time. Assistance programs should focus, at least in part, on identifying possible leaders outside the centers of power, and work with them to identify ways to enhance their reach, even under restrictive conditions. Particular attention should be paid to ensuring that women activists and leaders are not pushed aside as political openings move from mass mobilization to institutionalization.
- If opposition parties are banned entirely, they can still benefit from technical assistance and the legitimization that external relationships bring. Assistance programs should not shy away from supporting political parties and structures that operate outside of the country.

2) **Parliamentary strengthening**

In closed and closing spaces, the decision to launch parliamentary programs should be guided by the respective political context. Programs that seek to provide skills and tools of democratic legislatures (i.e., oversight, independent research, law drafting, constituent services) rarely succeed where regimes refuse to devolve any real power to or respect the independence of the legislative branch. Regimes may use international support for a rubber stamp parliament for propaganda purposes or they can use it to gather information and intelligence.

The Common Principles for Support to Parliaments

(http://archive.ipu.org/pdf/publications/principles_en.pdf) is a useful guide which has been endorsed by more than 100 legislatures and international organizations. It recommends that parliamentary programs be “inclusive of all political tendencies” in a country (including extra-parliamentary opposition), and to be “grounded in emerging international democratic parliamentary standards.” In some cases, it may not be possible to operate a program consistent with these principles. If there is no genuine political will to pursue democratic reform, parliamentary strengthening may not succeed and may even be counterproductive.

Instead of trying to build a more pluralistic democratic institution, assistance providers should pursue more modest approaches and objectives. In some contexts, legislative programs can

provide a recognized, official vehicle for working with and nurturing small opposition parties in parliament, as well as reformist voices in the ruling party. Parliamentary programs may also be able to assist individual legislators who try to use the institution to expand political space. When opposition members/parties have their rights as legislators violated, assistance providers can engage in international advocacy to challenge regime behavior. There are international forums for addressing or raising the profile of cases that involve human rights violations against lawmakers that can benefit from international assistance.

In situations where there is a democratic legislative body representing a people in a closed or closing environment (i.e., the Venezuelan National Assembly or, in a different way, the Tibetan National Assembly), support programs should be a priority.

Best Practices:

- Focus in-country programs primarily on confidence- and relationship-building that create a basis for a time when these relationships may become key after a democratic opening. Operationally, such programs may permit a more transparent/open posture with respect to the government that will be monitoring the program.
- Strengthen democratic or opposition voices in parliament or create conditions for collaboration between opposition and reform elements in the ruling party with in-country “parties-in-parliament” programs. These programs may be acknowledged, while maintaining a low profile and distance from the hierarchy of the parliament. Where possible, avoiding constraining MOUs that tend to force programming through the parliament's Speaker or Secretary General. Potential missteps include overconfidence in the security of digital communications, underestimating the pressures on local staff, or failing to disclose important information or risks to partners.
- Assistance providers can also work largely off-shore, through in-country universities or CSOs, or through third-country intermediaries. In addition to all of the digital security issues and others risks, such programs must decide what information is disclosed and to whom.
- Offshore programs to support dissident legislators pose fewer operational risks for the implementers but can create new risks for the partners. Maintaining communications security, and particularly digital security is a priority issue with these programs.

3) Civil society

Civil society helps USAID achieve impact. This is true across every sector supported by the Agency. At the same time, governments are enacting laws and taking other measures that restrict civic space, thereby undermining development and making it harder for USAID to partner with civil society. Accordingly, USAID has prioritized programming to promote a more enabling environment for civil society.

The drivers of shrinking civic space are complex and require a thorough analysis of the local political context. Nevertheless, several principles apply across country contexts. First, protecting civic space requires long-term engagement. Emergency assistance, while crucial, is not enough

to tackle the scope of the problem: a strategic response to the closing of civic space should include programs focused on prevention of restrictions, civil society adaptation to closing space, and support to civil society resilience. Second, programs aimed at warding off country-level restrictions are most likely to be effective if they are locally driven. However, external donors and implementers can provide useful technical assistance, capacity development, and diplomatic backing. Third, donor efforts should ideally address multiple levels of governance, including national, regional, and local levels.

Two additional principles should guide decisions on funding and/or providing technical assistance to local CSOs. First, priority should be given to groups that operate independent of the state. Second, genuine CSOs are often in the best position to gauge risks that they may incur in receiving outside assistance. Therefore, the decision to receive funding and technical assistance is ultimately theirs to make.

Best Practices:

Achieving new liberties:

- Support efforts to revise or eliminate restrictive NGO registration requirements; this could be in the form of advocacy efforts by non-governmental efforts or working with democratic opposition.

Prevention of new restrictions:

- Engage quickly when new threats to civic space arise – or when windows of opportunities for positive reforms open.
- Ensure that programs consider civic space as a construct, incorporating both online and offline spaces, in which both environments merit targeted analysis, engagement and attention.
- Empower civil society to engage with key policy actors shaping the enabling environment for civil society, including parliaments, government agencies, regulatory bodies, and the private sector – particularly information and communications technology (ICTs).
- Provide technical assistance to governments (if possible and appropriate) and civil society so that they develop, through participatory mechanisms, legislation and policies consistent with international best practices.
- Support efforts to build coalitions that include CSOs, social movements, labor unions, independent media, the private sector, and, when appropriate, the diplomatic community.
- Support national and international learning opportunities and communities of practice on civic space and support the consolidation of lessons learned and successful practices by CSOs operating in closed or closing spaces to share with each other, recognizing that many government restrictions on CSOs are modeled off of other repressive contexts.

- Promote civil society input into corporate sector standard-setting, for example in the IT and extractive sectors.
- Support the development and implementation of international norms that protect civic space, including norms relating to AI, digital technologies, effective development, and counterterrorism.

Adaptation to restrictive environments:

- Help CSOs navigate complex legal environments and reduce compliance burdens.
- Help CSOs develop safe ways to receive international funding, as the environment demands.
- Monitor and share information on the implementation of legislation, regulations and policies and its impact on civil society, including its specific impact on already marginalized groups or groups facing targeted violence and harassment.
- Provide emergency assistance to help cover legal fees, new administrative costs, medical services, temporary relocations, and other urgent needs to protect activists.

Supporting civil society resilience:

- Support organizations to enhance their digital and physical security.
- Support efforts to improve the legitimacy and public image of civil society, strengthen civil society associations' linkages to their local constituencies, and support sound communication practices.
- Help develop the local philanthropic sector, local fundraising models, and models of effective international development cooperation.
- Support civil society to work remotely and travel abroad for exchanges, conferences, and learning.
- Provide continued political backing for activists and organizations facing harassment, shutdowns, travel bans, and arrests.
- Support multi-stakeholder coalition-building and other initiatives that align divergent civil society sectors around shared, common goals, such as an open internet and increased accountability.

4) Human rights

In conducting human rights programming in closed and closing environments, the most important objective, is, to do no harm. Human rights defenders and activists from marginalized groups are often the first to be attacked by a government seeking to shut down civic space. Human rights activism in these contexts thus often carries greater risk of both physical and psychological harm than for other civil society actors. However, there are ways that donors can support informed risk-taking. Enhancing the physical, digital, and psychological security of human rights defenders and other vulnerable groups should be the top priority.

Second, in closing environments, backlash against human rights defenders should be assumed and planned for as part of the development of program activities. Backlash often takes the form of state media and security services targeting CSOs and marginalized groups with smear campaigns, restrictive legislation, the seizure of physical assets, and arrests. In some cases, paramilitary groups or ultra-nationalist/anti-democratic social movements also intimidate or harm human rights defenders, and benefit from impunity from the state.

One way to protect human rights CSOs from backlash is to assist them in expanding their base of support, which is often eroded through a state discourse that frames human rights as a “foreign imposition.” For example, programs can help CSOs develop innovative communications and collective action strategies that deepen their connections to the grassroots and connect human rights issues to issues of broader societal concern. Gaining the support of high-profile champions or groups with a special social status (e.g. mothers) can also reduce the likelihood of a crackdown on human rights defenders. Connecting local CSOs with recognized international bodies can also afford them some measure of protection depending on the circumstances.

In closed environments, important activities that donors can support include the documentation of human rights abuses and preserving or expanding human rights defenders’ access to local and international networks, including media channels through which the human rights situation in the country can be communicated. Any support from abroad that is responsive to the physical and psychological needs of human rights defenders and marginalized groups in closed spaces can also make a difference in their ability to continue advocating for their rights. Supporting civil society to leverage sources of information that exist outside of the physical environment is an increasingly powerful tool; such responses could range from measuring and analyzing connectivity metrics to harnessing open data that implicates activities by the authoritarian government.

Best Practices:

General:

- Provide protective actions for human rights defenders in physical danger, for example through emergency response funds. However, ensure that emergency assistance delivery systems have vetting and monitoring procedures to prevent fraud and abuse. Emergency assistance to individuals sounds straightforward but is actually quite complex. Badly delivered assistance can do more harm than good.

- Support CSO awareness-raising and training on digital security and psycho-social health, ensuring training methodologies that prioritize knowledge transfer and successful adoption of new practices.
- Enhance donors' and implementers' own digital security practices. Donors should be responsive to the digital security policies of their implementing partners who may have greater awareness of what the current and potential threats are.
- Call on other members of the international community to increase their support for human rights defenders and to put pressure on governments perpetrating human rights violations.
- While protecting human rights and support human rights defenders is often a priority in closed and closing spaces, it is also important to support efforts to advocate for more and new human rights.

Program design:

- Program objectives should be adaptable, reflective and attuned to complexity. Consider approving a menu of potential outcomes that support overarching objectives, or an adaptive learning model, rather than imposing an inflexible framework or overly burdensome administrative requirements.
- Encourage tactical innovation, reward experimentation, and budget for good monitoring so that it is clear what worked. This can be coupled with a flexible results framework and work plan where outcomes are not determined in advance but are developed in response to quarterly or bi-annual “pause and reflect” sessions.
- Include programmatic objectives around building grassroots constituencies and broad coalitional support for human rights.
- Ensure flexible funding, for example through small grants and rapid response funds that can be deployed for different purposes within the broad objectives of the program as the landscape of threats and opportunities shifts.
- Create funding mechanisms that do not put activists in greater danger.
- Be open to and invite diverse approaches. In restrictive environments, non-traditional human rights approaches may be needed, mobilizing different advocates, and/or utilizing different or less adversarial approaches.

5) Independent media

When societies begin to close, repressive regimes almost always target the media and platforms where people try to express their opinion. Regimes in closed and closing spaces strive to control the information flow, monopolize public dialogue, and frame issues in such a way that protects

their political and economic control. The media (includes both formal and traditional journalism as well as non-traditional forms of media including online media, social media and citizen journalists) becomes a key government target – both as a resource to exploit and a voice to muzzle.

Governments in closed and closing environments may: 1) employ overt propaganda through state and allied media; 2) use disinformation campaigns to sow distrust, confusion, and apathy about politics and corruption (particularly in areas where literacy and internet use are high and online narratives are contested); and 3) disseminate misinformation, falsehoods that the public comes to believe. This is a particularly effective technique in places where news outlets and libraries have been shuttered due to economic or political attacks, and where rural, impoverished, and low-literacy communities remain particularly vulnerable.

These governments also target journalists and media businesses. First, they can promote self-censorship and systemic bias in the media by acquiring independent outlets or pressuring owners to acquiesce to new, more draconian rules. In underdeveloped markets where jobs and resources are scarce, this strategy is often enough to dominate the information landscape. Second, state actors and their supporters can escalate attacks on independent journalists by using *malinformation*: true news of little value that is meant to be private, but instead is collected and disseminated with the intent to harm the subject. This can include the personal life details, photos, addresses or embarrassing facts, ties to opposition politicians, or activists. Finally, governments can use censorship and repression, including a mix of legal action, physical intimidation, digital threats, and attacks aimed at silencing independent voices. This can include the adoption of widespread surveillance technologies and restrictive policies that allow governments to control the internet within their borders with different models for restricting how and what their citizens can post and see online, and promoting “digital authoritarianism” in other countries.

Despite the perilous state of free media and credible information flows, experience has shown that press freedom can rebound even from lengthy stints of repression when given the opportunity and that creative tactics can maintain credible information flows even in anti free-media environments. Indeed, protecting and rebuilding media and information spaces is not only possible in closed and closing spaces, but also an important component of any broad strategy to respond to a closing space. It is important to note that there are critical needs to protect the broader information space, which includes citizen journalists and modern information dissemination efforts. Citizens’ desire for democratic liberties, including access to honest and fact-based journalism, has proven incredibly resilient. Responses to repression must address the context and capacity of media outlets, as well as the overall legal and regulatory environment for media and the internet. When possible, it is important to support efforts to advocate for media protections, including if possible, new laws. However, in these environments, journalists and information activists need targeted, sustained support to withstand authorities’ tactics to censor, distort, and block information. They require cutting-edge security skills and technologies to safely sustain the production and dissemination of independent, uncensored information. Meanwhile, citizens and civil society leaders themselves need tools, resources, and know-how to overcome information blockades, sustain their free flow of information, and uphold their basic rights to know.

Best Practices:

- Support local partners' efforts to maintain as open a legal and regulatory operating environment for media and the internet as possible.
- Support local media and content producers and increase their capacity to produce professional, locally relevant, and evidence-based news and information that is an alternative to disinformation and propaganda.
- Support local media and content producers and increase their capacity to produce social impact entertainment, which can often find itself outside of the crosshairs that target traditional news-focused media. Reality shows, media magazines, and other creative platforms allow sharing of information, fostering difficult discussions and contributing to social norms.
- Ensure that media outlets have appropriate business models to be resilient in a challenging market, but also understand that in closed space a market-based model for commercial independent media may not exist, hence the need to develop off-shore methods of financing.
- Help local media partners increase their audience reach, for example through digital development, optimization, and analytics to boost their understanding of audience needs.
- Support media literacy efforts and public demand for high quality, independent reporting as an important step in combatting disinformation.
- Ensure that independent information providers receive training on digital and physical security, as well as psycho-social support, as quickly as possible when space is closing. Training should ensure a specific focus on the needs of women, youth and other marginalized groups.
- Connect technologists with media experts and information providers, including journalists, to develop resilient, local information platforms; inform stronger reporting on the connection between locally relevant issues and emerging/global technologies; and to broaden the base of evidence that can inform analysis and reporting about a particular space.
- Recognize that sustainability is out of reach for outlets facing the most severe repression and in the most closed environments, adjust programmatic expectations and practices accordingly.
- Support flexible, rapid response mechanisms for relocation, legal representation, equipment replacement or other urgent needs to those under attack.

IV. Elections in Restrictive Environments

Overview

In closed and closing space environments, those in power have traditionally rigged election day voting and the tabulation of results. In recent years, they have increasingly learned to manipulate elections far in advance of the balloting and have dedicated considerable resources to predetermining electoral outcomes. These are elections in name only. They violate international norms and standards and, in most instances, the principles of intergovernmental bodies to which many of these regimes belong.

Electoral playing fields can be tilted through structural and institutional means and technology-based tactics. Common strategies including changing legal frameworks, employing unfair ballot designs, controlling the offline and online information space by using bots, trolls, disinformation, and hacking; using various forms of corruption and merging the ruling party with the state to divert resources for re-election campaigns; interfering in opposition party governance and activities; restricting opposition candidates; and engaging in coercion and violence against opponents. In an increasing number of countries, external malign actors, most notably Russia and China, as well as non-state actors, have played roles in undermining elections and broader political processes, while stifling pro-democracy campaigns.

In closed societies, election management bodies (EMBs) and state institutions that play supporting roles in elections typically have little to no independence. They are often used to rubber stamp sham elections or to help manipulate the process. Meanwhile, the political opposition may be hampered or denied the right to participate, while nonpartisan democratic voices, including citizen election observer groups, face increasing threats, imprisonment, and shutdown. These threats also include disinformation warfare tactics, such as so-called “zombie” international observers groups and government-organized nongovernmental organizations (GONGOs) that are used to obscure credible voices; online attacks; restrictive cybersecurity laws aimed at silencing critical reporting; and other increasingly sophisticated tactics.

These conditions do not mean that the international community must, for fear of legitimizing a flawed process, withdraw from engagement in these types of elections. Election-related programs can be designed and implemented to achieve different objectives – not to promote confidence in a flawed process or support the administration of unfair elections, but to assist the efforts of civil society and democratic parties to use the political space, albeit limited, afforded by elections to gain organizing skills. As one prominent democratic activist in Russia noted, “We participate in elections not to win, but to learn.”

Elections also provide opportunities to build toward democratic reform, even in restrictive environments. Elections focus citizens’ attention on issues of governance and create an opportunity for mobilizing popular participation. They also provide an opportunity for independent media and independent voices to demonstrate their power and worth. This can accelerate democratic change and/or expose regimes that resist it, thereby working to change the nature of a regime. At the same time, there are moments, albeit infrequent, when an electorate can overcome even a highly managed and controlled election process to defeat an incumbent regime.

Outside electoral interventions are not designed to support a particular candidate or to seek a particular electoral outcome. Rather, such interventions seek to assist citizen participation in the

electoral process, to protect and expand political space, and to defend fundamental human and political rights.

Guiding Recommendations

While there are some guiding principles that are relevant for most closing and closed political contexts, there is no one-size-fits-all model for engagement around elections in restrictive environments. Program strategies and theories of change in closed societies will be different than those in semi-authoritarian contexts. In the most closed contexts, direct support for elections is not advisable, as it may help to inadvertently legitimize a failed process. In these contexts, supporting demand-side efforts (including civic and opposition movements) focused on providing alternative viewpoints and exposing the regime's lack of political legitimacy is more appropriate. Likewise, program strategies and theories of change in countries where regimes try to suppress underlying societal divisions will differ from those that exploit fault lines and divide communities to maintain power. Assessing the country context and nature of the regime should include applied political economy analysis and public opinion research, although the latter can be extremely challenging in more closed contexts.

The following recommendations are relevant to all restrictive environments:

- **Take a long-term approach to program goals and objectives**, particularly in more closed contexts. Theories of change for election-related programs in restrictive environments often focus on long-term efforts to build capacities, relationships, and citizen preparedness for potential political openings. As a result, such programs can take longer to yield results than programming in other situations.
 - Subnational elections can be a starting point: in some contexts, political leaders view them as less threatening to the regime. Therefore, they might be conducted more fairly. However, since there is less scrutiny of local elections, there also could be greater fraud and intimidation. Programming in these circumstances can be impactful and, over time, influence the conduct of national elections.
- **Focus on the demand side of political and electoral reform**, particularly in supporting citizen election observers, rights defenders, civic tech activists, independent media/journalists, and labor or religious groups. Programs that focus on the supply side (i.e., state institutions that are the most vulnerable to cooption and political pressure by the ruling regime) are unlikely to be effective -- especially in more restrictive environments.
 - One possible exception to this demand-side approach is support for future change agents within election management bodies (EMBs). In order to mitigate risks, however, consider cooption and political pressure in risk management assessments; avoid co-branding of events and keep engagement low-key and behind the scenes as much as possible; encourage reformists within EMBs to maintain contact with civil society and democratic parties; and maintain control over the content of the program. Finally, establish benchmarks before the inception of the program to determine when and if to disengage. This will avoid what one implementer called the “frog in the boiling water” syndrome –that is, being unaware of when it is best to disengage.

- **Focus on exposing the regime’s lack of genuine political legitimacy**, not just the lack of electoral integrity, particularly in the most closed environments. In these more closed environments, many aspects of elections may be conducted smoothly from a technical perspective, but they are devoid of competition and are only held to provide a veneer of legitimacy. *Thus, in the most closed contexts, caution should be taken not to support election-related programs that may inadvertently legitimize fatally flawed elections.*
 - Programs that aim to reverse the false narrative being pushed by authoritarians can expose fundamental flaws in elections and political systems and help raise awareness of international standards for democratic elections.
 - Support for boycotts or efforts to reduce voter participation (turnout) in flawed elections should be carefully assessed based on specific contextual factors.
 - In contexts where a genuine opposition candidate and/or party can gain access to the ballot, boycotts may adversely affect the long-term credibility and development of a democratic opposition. Boycotts of parliamentary elections have had worse consequences for the opposition than presidential elections, since boycotting parliamentary polls has resulted in a lost opportunity to at least gain *some* seats in the legislature where their voices could be raised and heard.

- **Support efforts to defend and, when feasible, expand existing political space** for democratic activism, independent media, and election monitoring efforts. Elections provide a critical entry point that can be used as an opportunity to organize different types of intervention. These include:
 - Building civil society capacity to protect and advocate for fundamental rights of expression, assembly, and association. In this context, enhance the digital know-how and resilience of civil society activists by promoting digital security, and by strengthening the capacity of activists to network online as well as to circumvent internet shutdowns. Such programs can also be helpful to political parties seeking to participate in the electoral process. Programming should focus on transferring knowledge and skills to local actors and measuring adoption of new practices. Efforts should consequently begin far in advance of elections and place a high premium on assessing and addressing the needs of marginalized and at-risk actors.
 - Supporting democratic political parties to protect their space and communicate alternative viewpoints. For example, providing support for parties to push for reforms that enable greater electoral competition, as well as to build parties’ capacities to document electoral abuses and pursue remedies through poll watching, complaint mechanisms, and in the court of public opinion. When possible, supporting candidate forums that expose the public to alternative viewpoints can help level the playing field.
 - Training for party agents (poll watching) at all levels is a way to support nonpartisan efforts by democratic political parties. Credible poll watching programs provide longer-term organizational development for parties and enable those parties to credibly document electoral problems before the courts and the public. Consideration should be given to stipends for party agents to help them monitor the campaign, election day voting, and the

tabulation of results – all labor-intensive activities. Such stipends would cover food and transportation costs. However, these monitoring efforts should not replace the need for parties, particularly urban-based parties, to build nationwide networks of volunteers for campaign and other purposes.

- **Prioritize capacity building for citizen election observers to monitor pre- and post-election processes.** Citizen observer groups can develop methodologies to observe legal frameworks; political context; voter registration and voter lists; boundary delimitation; election commission independence, composition and formation; candidate and party registration; campaign finance; use of state resources; violence, intimidation, coercion and harassment, including gender-based violence; legal enforcement and dispute resolution; and media and online information space, including disinformation. Citizen observer groups that abide by established principles for nonpartisan election monitoring can also expose groups, often supported by the regime, that masquerade as nonpartisan observers.
 - Support the capacity of observer groups to push for the release of and to analyze official election data (such as voters lists, election results, and campaign finance data) to help expose any fraud and manipulation. Support observer groups to develop gender-sensitive data collection methodologies to be able to observe specific obstacles women (and other marginalized groups) may face in the voting process, including targeted types of harassment and intimidation.
 - While election day problems might be less prevalent than challenges in the pre-election period, support and capacity building for citizen observers to monitor election day is still an essential component of citizen oversight of the electoral process. This work helps to build the capacity of local groups and helps to deter or expose fraud when it does occur.

- **Assist a credible citizen observer group to carry out a comprehensive, statistically-based observation effort, including a parallel vote tabulation (PVT).** A PVT collects both qualitative and quantitative data that can not only verify accurately the official results of an election but also gather information on turnout, voter registration, and the conduct of the campaign and voting. [The public release of PVT numbers on election results may not be advisable in places where conditions prior to polling day might predetermine election outcomes and/or when election-day irregularities significantly undermine the process]. Innovative efforts should be made to help expand the scope and coverage for PVTs. PVTs are designed to verify official results for national-level elections, but consideration should also be given to “oversample,” or to conduct separate PVTs at the constituency level, particularly in places where the elections are expected to be hotly contested or where fraud is most likely to occur.
 - If allowed by local authorities, support for an international observation effort might be justified if such a mission could serve to protect and reinforce the work of local groups and to expose credibly electoral misconduct before, during, and after election day. One possible approach is to support one or more pre-election assessment missions to highlight what would be necessary to conduct democratic elections based on international norms. In more closed environments, international observation, based on recognized norms and standards, may not be appropriate, unless it was determined that such an effort was needed to counter claims by the regime and their

- supporters of a legitimate electoral process.
 - Similarly, independent media, including investigative journalism, should be supported to report (online and offline) on electoral events and happenings, especially on campaign finance.
- **Counter authoritarian dominance of the information space** in elections and politics by supporting efforts to:
 - Conduct public opinion research (where possible) to ascertain genuine voter support for the ruling party and citizen attitudes toward the credibility of the process. Polling or focus groups can help assess the impact of disinformation on the electoral environment, identify populations that are more vulnerable, assess which messages, messengers, and mediums of disinformation and propaganda are more or less likely to be believed, and the extent to which disinformation influences voter participation. This research can inform civic and voter education efforts, as well as information space monitoring efforts.
 - Monitor and respond to disinformation and broader propaganda efforts, including on social media platforms. Invest in accurate, evidence-based information as a counter to propaganda efforts.
 - Monitor traditional media to identify media bias, government influence on and/or control of state and private media outlets, inaccuracies, and misuse of state media resources.
 - Monitor and expose efforts to restrict, disrupt, and shut down online activity, including internet, social media, and messaging platforms, as well as restricting mobile-based communication such as SMS.
 - Promote media literacy among populations vulnerable to mis- and disinformation.
 - Support advocacy for internet freedom and connections with global networks of internet freedom advocates.
 - Monitor and report financing of the information environments, from foreign influence in media coverage to ad buys and other manipulations of private information platforms.
 - Utilize creative approaches for information sharing via trusted, non-traditional messengers of information.
- **Promote and leverage regional and global solidarity, networks, and intergovernmental bodies.**
 - Assist the engagement of civil society networks, such as regional and global networks of citizen election observer groups, including the Global Network for Domestic Election Monitors (GNDEM).
 - Engage with and support local partners in reaching out to regional intergovernmental organizations and human rights bodies, such as the OAS, ECOWAS, OSCE/ODIHR, European Court of Human Rights, and the Lima Group. Regional groupings of election management bodies (EMBs), such as the Association of Central and Eastern European Election Commissions (ACEEEO), can be a way of fostering in-country change agents within election commissions even when direct country support is not possible.

- Engage with international civil society networks such as Forus International and CIVICUS.
- **Consider program strategies to support marginalized populations that are targeted by and/or disproportionately impacted by authoritarian tactics.** All electoral programs in restrictive environments should integrate marginalized populations to ensure that the disproportionate impact of closed or closing space on these populations is addressed in program activities. In addition, these communities (including women, LGBTI, youth, and ethnic and religious minorities) are often specifically targeted by regimes (violence, intimidation, online and offline harassment, voter suppression), and/or are used as scapegoats to foster division, distract from the weaknesses of the regime, and drum up support among certain groups of voters.
- **Assess the risks and potential repercussions for local partners,** who are by far at the greatest risk. All programs in restrictive contexts should include a thorough risk assessment to ensure that the program’s anticipated results are weighed against potential risk to local partners and beneficiaries, as well as to implementers of programs. However, as noted earlier, decisions on whether or not to engage should be locally-driven, with local partners determining the risks they are willing to assume.

Considerations for offshore versus in-country programming

Offshore programming should be considered when security threats to beneficiaries and implementers pose imminent danger to freedom, personal safety, and the accomplishment of program goals. Moreover, in a deteriorating environment, Missions should be prepared to prioritize program effectiveness over existing equities in branding and government cooperation when those functions pose risks to implementers, beneficiaries, and ultimately, program objectives. When an authoritarian government begins to tighten its grip, it rarely eases up and goes back to the status quo. Where protests may be involved, the regime will use the situation to unmask opponents and dissenters, creating new dangers for CSOs that once considered themselves “safe.”

- **Weigh the benefits and risks of supporting offshore programming versus in-country programming (or mixed approaches).** No two cases are alike, and choices to on- or offshore programming must be made after careful deliberation between DRG donors, implementers, and (if possible) beneficiaries to assess which approach or mix truly maximizes benefits and minimizes risks.
- **In-country programming in closing or semi-closed societies can help program implementers better assess and understand the context** and connect better with activists in a light to moderately repressive environment. However, it can also cause implementers to become more risk adverse, fearing pushback from the host government, being forced out of the country, or expose implementers and beneficiaries to the dangers of manipulation and detention.

- **Offshore programming can allow for flexibility and open engagement** with partners operating in closed or highly repressive environments if they can travel to locations less vulnerable to security and surveillance. Donors and assistance providers should exercise due diligence to collect information from as many sources as possible to compensate for the lack of in-country presence.

V. Operational Recommendations

This section aims to provide operational recommendations across all DRG programming areas in closed and closing spaces. These recommendations aim to balance transparency with the need to protect the security of implementers and local partners and beneficiaries, while also safeguarding financial accountability and ensuring accurate and timely reporting by implementers to USAID. The guidelines below present opportunities to address some of these challenges and establish efficient and secure practices across procurement, administration, security, communications, monitoring and evaluation (M&E), and transparency/branding. A general recommendation for all operational aspects is to consider developing an advisory or working group of grants officers from partner organizations with expertise in closed and closing spaces, who could work with USAID colleagues to inform responsive, critical procurement and operational reforms.

Procurement

This section describes funding to primary implementers as well as to secondary partners and/or beneficiaries.

- **Give preference to issuing Assistance vs. Acquisition mechanisms.** Acquisition mechanisms, which are used to procure specific services for the benefit of USAID can prove challenging to use in closed and closing spaces where conditions and needs can change rapidly. Assistance mechanisms, however, possess characteristics that make them particularly appropriate in these contexts. The objective-driven nature of cooperative agreements provides implementers greater flexibility to craft and amend the terms of the agreement around innovative endeavors that aim to fulfill a specific objective rather than simply provide a specific service, while still allowing the donor to maintain substantial involvement. This relationship allows implementers and donors to more creatively, flexibly, and effectively respond to local partners in changing political environments. At the same time, the distinction between providing a service to the U.S. government vs. working together toward a common objective can be an important point for local groups that may be anxious about being perceived as too closely affiliated with foreign governments as the political space around them closes. Moreover, in countries where one of the primary obstacles to democratic change is the paucity of autonomous civic and political institutions, the fundamental notion that government ought not to control or manage all aspects of society can be undermined by a too-direct donor government hand in the development and implementation of democracy programs. In these instances, ‘USAID-supported’, rather ‘USAID-run’ programs are generally more appropriate.

- **Ensure flexibility.** As the political context changes, some activities or projects may no longer be feasible or relevant, while others become more urgent. Organizations need to be able to redirect their funding based on changing priorities/challenges.
 - Allow implementing partners to do closed universal solicitations or non-competitive solicitations.
 - Permit other flexible procurement mechanisms such as Statements of Objectives, Annual Program Statements, and Broad Agency Announcements. See: [Permit<https://www.usaid.gov/partnership-opportunities/respond-solicitation/broad-agency-announcements>](https://www.usaid.gov/partnership-opportunities/respond-solicitation/broad-agency-announcements).
 - For partners or recipients of funding in the restrictive environment, be mindful of what documents (stemming from subawards or contracts) they need to sign and send back to the donor or primary implementing partner, and consider having them sign a document with minimal amount of detail possible rather than sign the full subaward or contract.

- **Explore new funding models.** One good practice is to ensure resourcing decisions are made close to the ground, for example by supporting “fundermediaries” that can issue smaller and more flexible and innovative grants to local organizations. Another is to provide core funding over a longer period of time (multi-year) – such as the Understanding Activism research survey – to help build internal capacity, resilience, and become more adept at strategizing. **What to avoid in dealing with these organizations:**
 - Non-project-based support models that force them to jump from project to project without having the resources for long-term strategic planning;
 - Perpetuating impressions that local organizations are more risky, further restricting support to informal organizations and movements;
 - Reporting obligations that are difficult to fulfill and tend to give an advantage to familiar Western-style CSOs.

- **Use frequent and flexible installment schedules.** Implementers should adopt a policy that allows for funding to be paid out in smaller, more frequent installments and help organizations minimize the potential risk of having their bank account frozen and help them stay below the radar. Flexibility should be built in to allow funder and grantee to adapt to sudden new regulations that may require the grant to be paid out more quickly, or to be paid through another channel (e.g. allowing the parties to a grant agreement to be modified, or ensuring that the same individual can receive the funding through a sister organization/new legal entity).
 - For secondary implementing partners, in Fixed Amount Subawards (FAS), include language stating that deliverables be provided “when possible, by no later than...” and that milestones can be paid non-sequentially.
 - If recipients in country have limited access to other funding, thus contract terms should consider transferring a significant part of the entire FAS through the first two or three milestones, so that in case of a delay with processing or receiving payments, the partner has sufficient funds to implement the programming.

- **Special clauses in flowdown to secondary implementing partners.** Implementing partners should consider including special clauses in subawards and contracts to secondary partners, for examples: electronic communications protocol agreement, data storage agreement, etc.
- **Connect grantees to new funding sources.** If restrictions are imposed that make continued funding more difficult, donors can also play a role in helping organizations adapt. They can connect them to online brokerage models that list alternative funding sources (GlobalGiving.com) or to local and international philanthropy. See: <https://www.transparency-initiative.org/civic-space-compendium/#easy-footnote-bottom-36-3374>
- **Non-financial support and solidarity.** USAID should also consider what type of assistance it can provide to civil society beyond financial support, particularly in a highly restrictive environment. This could include supporting opportunities for stakeholders to participate in exchanges or global conferences. It could also include supporting (and then providing civil society access to) broad-based mechanisms for technical assistance, such as identification and adoption of digital safety practices; cross-regional reporting or free expression initiatives; audience engagement and strategic communications; or other areas.

Administration of Programs

This section describes the overall environment to administer programs, including program management and legal requirements and barriers, such as the legal enabling environment.

- **Donor organized country ‘implementers meetings.’** Some USAID program teams have established regular “implementers meetings,” in which implementing organizations receiving USAID, and sometimes State Department, funding for programs in sensitive operating contexts meet to share expertise, discuss challenges, and coordinate activities. These forums also provide a venue for briefing non-USAID program staff, such as new Embassy staff prior to deployment and senior-level USAID staff. This practice should also be encouraged and replicated. Certain USAID and DRL program teams have established reporting processes in which summary written reports are provided each quarter, followed by in-person meetings between the AOR/GOR and the implementing program staff to verbally provide additional activity/partner details. This practice should be encouraged and replicated. USAID should consider supporting the inclusion of other major funders, either within the USG or from other governments or private funders.
- **Support flexible responses to rapidly changing contexts,** particularly if space is closing and grantees need to adjust approaches or activities, or if space is opening and there is an opportunity for greater action. These circumstances often provide little or no time to amend an award following standard procedures and as such can require creativity from USAID program teams to identify alternative mechanisms for approvals.
- **Seek out already-existing administrative and operational mechanisms that reduce the need for sharing financial information,** which can be dangerous or difficult for groups in closed and closing spaces to obtain, while still allowing for programmatic and financial

accountability and oversight. This could include, for example, Fixed Amount Awards (FAAs), to reduce the need for tracking detailed financial compliance.

- **Establish alternative processes** for providing subgrant, procurement and key personnel approvals in closed or significantly closing spaces to maintain USAID oversight of programming in spaces where naming local partners and staff could present a security risk. Consider creating processes that will allow these names to be shared informally with USAID program staff.
- **Establish new processes for quarterly reporting.** Naming local partners or providing identifying detail in closed and closing spaces often presents a security risk; USAID partners should be required to report with sufficient detail to keep USAID appraised of key updates and results but should be granted the flexibility to provide additional detail to USAID via less formal methods (such as quarterly in-person meetings).
- **Ensure some funding for administrative/legal support.** In order to deal with new regulations, organizations often face a heightened administrative burden: they have to file new types of reports, ensure compliance, sometimes defend themselves in court. Small organizations in particular may struggle to adapt, and often benefit from support for technical assistance (e.g. tax professionals, legal assistance). If possible, consider supporting legal costs for subrecipients (including individuals employed by subrecipient organizations) for legal defense purposes.
- **Ensure greater flexibility regarding organizational models.** In countries where governments have enacted legislative or administrative restrictions that make it harder for CSOs to operate, some organizations may decide to change their organizational form. For example, they may try to register as social enterprises, LLCs, research institutes, or law firms. Allowing grants to these types of entities can often be a significant source of support, particularly if it enables the grantee to circumvent certain approval/reporting requirements. In some cases, it may be helpful for grants to be channeled to a fiscal sponsor as an intermediary.

Physical Security

This section describes the physical security issues related to both implementing partners and direct and indirect beneficiaries.

- **Creating a degree of separation between the primary implementing partner and program beneficiaries through an intermediary partner may be beneficial.** An intermediary partner may be in a better position to pass along funds to a program beneficiary; work through an organizational partner to provide logistics for the program; or serve as an intermediary for communications between the primary implementing partner and in-country partners. However, the direct beneficiary of the program should know the origins of the funding.

- **External trainings/programming.** An alternative (or supplementary) to working through intermediary partners is conducting trainings or other direct programmatic activities in third countries. Implementation in third countries can provide more flexibility to discuss topics that may be too sensitive to bring up in the country or region of interest. Such interactions may be necessary to build trust between the primary implementing partner and secondary partners/beneficiaries before such relationships can be handled through an intermediary. Specific sites should be evaluated for presence of and proximity to hostile intelligence services and front organizations.
- **Location of interaction.** Recognize that partners and local groups may not wish to meet at the Mission, Embassy or other locations that would identify them too closely with the U.S. government. Whenever possible and if safe for USAID program staff, meet at a location of the partner or local groups' choice.
- **Informed risk protocols.** Direct program beneficiaries should be informed of the origins of the funding. USAID should require implementing partners to have informed risk protocols in place for each country and project. As mentioned above, direct program beneficiaries should be informed of the origin of the funding.
- **Flexibility in implementation is critical to protecting physical security.** Partners and local groups may have different security concerns and analysis of the security situation than the USAID Mission. In-country partners and local groups may decide to remove, temporarily or permanently, key personnel from the country even if the Mission may not agree with the risk assessment. Providing flexibility on this and similar points can allow partners and local groups time to demonstrate that key relationships can be maintained and programs can be conducted in-country even if staff are not.

Information Security

This section describes aspects of information security between both donors and implementing partners and between implementing partners and beneficiaries.

- **For proposals to operate in closed and closing spaces, require that applicants submit a digital risk mitigation strategy, and accompanying budget, laying out the risks as they perceive them and addressing how they will mitigate those risks throughout the project.** Such plans should take the elements below into account, as well as local surveillance capabilities, the most effective categorization of information and information security protocols, and the communications methodologies that will govern implementation. This information should remain confidential.
- **Encourage implementing partners to define sensitive information.** Implementing partners and donors should define early on what is considered sensitive information for their programs. Generally, sensitive information is data that can identify individual beneficiaries or partners and dates or locations of program activities. In more restrictive country contexts, sensitive information may also include methods of sending payments and methods of

communicating with in-country individuals so that those countries do not block these methods. From there, appropriate communication plans should be developed and adhered to.

- **Identify specific communication channels and procedures to ensure the security of digital communications and anonymity of activists and participants.** Many international implementers and local groups now prefer to utilize end-to-end encrypted communications even for everyday purposes. USAID may wish to reconsider its policy on this practice to facilitate information sharing with USAID program staff and establish alternative information sharing methods so that partners can clarify for USAID program staff the identities of local individuals and groups and details of their activities without specifically naming them in writing. For personal security reasons, local groups in closed or rapidly closing spaces often request not to be mentioned by name when partners communicate in writing with USAID. USAID should also then consider what information it provides regarding sensitive programs internally and in external briefings and materials.
- **Carefully consider requirements and procedures for communicating results to the donor.** The primary implementing partner's primary responsibility is to report results to the funder. However, implementing partners need to ensure that the contractual obligation to report results is balanced by the partners' responsibility to protect the safety of in-country beneficiaries. It is recommended that at a minimum, reports be sent to donors by secure channels based on prior agreement.
 - Be flexible to allow partners to provide specific information to the funder via an in-person briefing to supplement redacted public reports or to share information too sensitive to be sent in writing.
- **Accept greater limitations on communicating certain types of information about program participants.** In general, pictures of beneficiaries can be used by security services to identify beneficiaries, partner's staff and training locations, which can be used by security services to threaten the individuals themselves or their families. Due to these risks, local partners may not want pictures of events in restrictive environments to be publicly posted. In less sensitive environments, pictures of participants should only be posted with explicit written consent from participants.
- **Carefully consider waivers and/or encourage review of exemption requests** for uploading information to various foreign assistance databases, such as the Development Experience Clearinghouse (DEC).

Monitoring and Evaluation

- **Allow for flexibility** in program budgets, activities and award agreements to support adaptation of monitoring and evaluation (M&E) tools and methods when needed. This will enable implementers to adapt and compensate for changing abilities to maintain a public profile, and remote monitoring. For example, as space closes, implementers may not be able to collect data every quarter. Instead, bi-annual or annual collection, or activity-based collection during off-shore events, trainings and workshops, may be the primary space for capacity and technical assessments and program feedback.

- **Triangulation of data.** It is critical to try to get perspective and data from as many different sources as possible through different means (mixed methods) as the nature of closed and closing spaces is such that stakeholders often do not have the full picture and perspective of the system (sometimes implementing partners intentionally silo them for their own protection). Thus, looking at the system/sector through multiple means/approaches is important. USAID should accept multiple data collection tools, methods, and sources to respond to a single indicator/data point.
- **Include costs for and invest in building local M&E capacity.** Because donors and/or primary implementing partners do not always have direct access to program beneficiaries/stakeholders, conducting effective M&E in closed and closing spaces often relies on secondary implementing partners and direct beneficiaries to do much of the data collection and data analysis. Thus, investments must be made in building their M&E and learning capacity and their ability to think critically about success, failure, results, adaptive management (etc.), as well as building their data literacy skills to understand what is quality/reliable data and what is not. Investing in their ability to design results-based projects/initiatives and to create meaningful indicators/benchmarks of progress along the way, make it more likely that useful data will be produced.
- **Accept qualitative forms of monitoring that go beyond performance indicators and quantitative methods.** In closed or closing spaces, qualitative data can be gathered through methods such as most significant change, outcome harvesting and media monitoring. These methods do not fit into the standard performance indicator template but can gather results-based information on program outcomes and impacts that is often not collected with traditional methods, and provide a strong alternative to performance indicators. In some cases, these methodologies may require additional resources and technical expertise that should be incorporated accordingly into program budgets and work plans.
- **Encourage implementers to incorporate alternative M&E tools into program design and PMPs instead of following the traditional method of one indicator for each output.** A mix of performance indicators and qualitative methods listed above under each IR or sub-IR, will yield better data than a lengthy list of indicators that cannot be reliably and safely collected and verified by limited or remote project staff.
- **Security of partners and beneficiaries trumps all.** There would be no M&E/data to collect without a project and there would be no project without partners/beneficiaries who can operate safely. It is still possible and useful to do “good” M&E in closing spaces, but extra precautions for data security/storage/transmission should be carefully considered at the outside of the project and revisited periodically as the environment might change (will likely change) over the course of the project.
- **Consider requests to limit reporting requirements on personally identifiable information.** Implementers may not be able to safely collect and share certain types of personally identifiable information (such as names of participants, disaggregated data on gender, age, ethnicity, religious affiliation) due to safety concerns of participants and

partners. In cases when collecting and storing this data poses a risk to partners or participants, USAID should consider accepting anonymized data and waive standard reporting requirements. This could include waiving the standard requirement for inclusion in the Development Experience Clearinghouse (DEC) and other similar platforms.

- This should flow down to third party MEL contractors and external evaluators; implementing partners need to know what their approach and methods/procedures are to carefully consider security implications, especially for reports that are intended to be publicly available, for example on the DEC.
- **Support modes of communication appropriate to the security needs of the implementing environment.** External analytics may provide important support for local data gathering and analysis without increasing risk to implementers or beneficiaries. In addition, encrypted communication tools (such as Signal) can aid in the safe communication of data from a closed or closing space, assuming that these communication protocols have been developed in full consultation with local partners and can be explained/supported through an informed risk management analysis and plan.
- **Be thoughtful and judicious in the data collected.** This means thinking about how the data will be used, either by the partner/beneficiary, the implementer and/or the funder. Data unused are data (and resources) wasted and increases the risk that that data, which can be sensitive, is not stored or protected properly and can be harmful to beneficiaries.
- **Document alternative M&E method and tools used in closed/closing societies.** These should be communicated to new staff, such as AOs and AORs, and formalized through modifications to award agreements and/or documented PMP revisions.
- **Collecting and maintaining data:** Most indicators used to monitor progress on a program require some kind of input from a beneficiary that is then tied to identifying information through use of a key in order to analyze the results. For example, responses on pre and post surveys at each workshop in a training series are tied to beneficiary's gender/age/ethnicity and other information by cross referencing the names written on the survey sheets with an attendance sheet or some other document. Data recorded for monitoring and evaluation purposes should be anonymized to protect beneficiary privacy by using an alternative key, such as a number used only for tracking beneficiary data over time.
 - Require that digital risk plans reflecting M&E practices (among other implementation areas) be incorporated into proposals to operate within closed or closing spaces, and that such practices be incorporated into budgets accordingly.
 - Mandate information security discussions and decision-making at the outset of any project in a closed or closing space, and revisit programmatic practices on a routine basis throughout program implementation.
- **Monitoring and evaluation tools.** Implementing partners should develop program specific evaluation tools tailored to the operating environment of the country of interest and the reporting requirements of the funder. Implementing partners should explore and potentially prioritize tools that are more suited to qualitative analysis like open ended questionnaires or interview guides, journal prompts, rapid feedback surveys, after action reviews and other

reflection tools, etc. These tools can include scorecards to validate beneficiary qualifications, pre/post-test knowledge gain assessments during trainings, a scorecard to assess the feasibility and quality of action plans produced by the end of trainings, a cash grant distribution policy memorandum that established baseline requirements prior to distribution of small grants, and outcome harvesting matrix to capture outcomes during beneficiary action plan implementation.

- In cases where the primary implementing partner operates through a secondary implementing partner, program staff should work closely with implementing partners to develop appropriate tools for monitoring and evaluation and that the partner follows its own internal and funder regulations for storage and usage of personal data.
- **System-aware and complexity-aware monitoring and evaluation approaches are helpful.** Because information can be scarce and/or of questionable credibility and because access to stakeholders/partners/beneficiaries can be limited and unreliable/unpredictable, such approaches can be useful. USAID has a good complexity-aware monitoring toolkit: <https://usaidlearninglab.org/complexity-aware-monitoring/basics>.
 - One of the core principles of complexity-aware monitoring is to focus on: 1) relationships, 2) perspectives, and 3) boundaries. This can be a useful framework for tracking/monitoring change, or lack thereof, in closed and closing spaces, and should inform the kinds of indicators or benchmarks implementers develop and monitor.

Branding

Branding requirements should strike a balance between the need for transparency in terms of foreign assistance support with the need to protect partners and beneficiaries so as not to interfere with the delivery of foreign assistance or the realization of its objectives. The goal here is mission effectiveness, in light of the need to be transparent.

- Respect that some local groups in certain adverse security situations may not wish to publicly acknowledge the support they receive from the U.S. government. In other circumstances, some local groups may find it advantageous to acknowledge such support because it may help protect them from some forms of repression.
- Events and materials should not be branded in the most sensitive of country contexts, where the partner is formally banned from operating in the country or where activities are not approved by the government or if a direct and public association with the partner and the donor would endanger partners/beneficiaries. Instead, USAID should approve waivers at the start of projects and/or during the course of project implementation.
- For trainings in third countries, branding and marking requirements should be waived. In these cases, program staff should follow their donors' specified branding requirements, but it is advisable to not publicly post pictures concurrently displaying participants with branded materials (banners, folders, etc).

VI. Acknowledgments

The co-chairs of the ACVFA Sub-committee on Democracy, Rights and Governance, Kenneth Wollack and Kimber Shearer, are grateful to ACVFA Chairman Dan Runde, and the Sub-committee members for their valuable contributions to this report: Doug Rutzen, Paula Dobriansky, Mike Abramowitz, Shamil Idriss, Shawna Bader-Blau, Jeanne Bourgault, Lana Baydas, Tom Carothers, and Sam Worthington. The Sub-committee also thanks the following experts for their important contributions to this report: Laura Adams, Saskia Brechenmacher, Lisa Dickieson, Kathleen Duffy, Katherine Ellena, Scott Hubli, Michael McNulty, Pat Merloe, Vasu Mohan, Adam Nelson, Silja Paasilinna, Kira Ribar, Marjorie Rouse, Jan Surotchak, Dave Timberman, and Natalie Trisilla.