[**Curbs on civil society**](https://www.dawn.com/news/1664722/curbs-on-civil-society)

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A DIALOGUE, “I am beating you not for what you have done. I am beating you for what you’re going to do” was Eduardo Galeano’s metaphor for oppressive systems of pre-emptive punishment.

If the government believes that civil society is a pillar of democracy, why are rights-based organisations such as NGOs, trade unions, journalists’ bodies and fledgling students unions continuously under fire? Let us be candid. They have been under fire whether during the dictatorship of Ayub Khan or Ziaul Haq or under democratic dispensations in the 1990s and more recently since 2011. Just because of the alleged involvement of one particular INGO in Abbottabad, the entire INGO and NGO community has had to bear the brunt of the state’s overreaction under one garb or another. It is like the application of collective punishment — the infamous FCR!

By 2015, NGO registration had become a security issue; instead of the social welfare ministry, the interior ministry and home departments and the Economic Affairs Division became the custodians of registration. ‘Foreign funding’ became suspect, bank accounts came under scrutiny with threats of closure. Plainclothes personnel visiting INGOs and NGOs would often whisper, ‘you don’t know…’, but would not share any concrete evidence for what one didn’t know. Meanwhile, the spin doctors spun their tales and spewed baseless charges on various television channels. The Financial Action Task Force requirements for preventing terrorist financing and money laundering are cited in order to justify retrogressive measures globally. However, FATF’s recommendation that the work of civil society organisations (CSOs) should be protected remains ignored.

The National Action Plan of 2015 aimed to delegitimise extremist values and hate speech. Instead, democratic values such as freedom of expression and association were being delegitimised. CSOs had to obtain permission for implementing each project while the government failed to issue timely NOCs. Such requirements were only for Fata and Balochistan but are now applied to the entire country.

Equality and mutual respect must be the basis for discussion between the government and CSOs.

Security issues have posed a serious challenge globally to independent voices. Post 9/11 a majority of states have passed laws that curtail the freedom of expression, assembly and association. Typically, human rights and development work related to a) government accountability b); justice (eg women’s rights, prisoners’ rights, protection against torture, refugees, etc); c) critique of counterterrorism policies; and d) economic and environmental policies that are seen as threatening state and corporate interests, have come under attack. Such attacks come from authoritarian as well as democratic regimes whether in Europe, North America, Asia or Africa.

In Pakistan, sometimes new policies for CSOs are introduced without any operational law, or legislation is enacted arbitrarily sans debate. The new legislation might be at odds with the Constitution or clash with existing laws. For example, the charities commissions’ laws treat all organisations whether charitable or welfarist (that receive donations), and rights-based organisations (that receive grants) as a single category. Similarly, organisations registered with the Securities Exchange Commission of Pakistan as not-for-profit companies are also (wrongly) placed under the newly formed charities commissions. Any organisation in receipt of more than $50,000 has to undergo various financial checks and is liable to be taxed. The result is that many NGOs are placed in the same category as terrorist-financed organisations.

The government’s scarce capacity and labyrinthine process to register CSOs quickly impedes CSO work. For example, it created online portals that seldom worked, and the shifting requirements for documents in new formats within impossible deadlines served no purpose. Bureaucrats lacked time to read the annual reports, audits and project evaluations or check work plans and sources of funding for each and every project etc. When renewal or NOC was finally granted after inordinate delays, often it was time to restart the annual application process or deal with angry bureaucrats because funds had lapsed for projects they had cleared. Alternatively, the cherry on top for some was a rejection letter stating ‘not approved’ sans proof of wrongdoing by an INGO or NGO. NGOs and INGOs must be accountable but MoU and NOC processes must be transparent and streamlined. Currently, the legal and financial framework alongside the operating environment has turned the exercise into a nightmare.

If the government believes that an independent civil society is necessary for democracy, it must create an enabling environment. CSOs must have structured engagement with government representatives. For example, when the National Assembly enacts laws for CSOs, can the parliamentary committees ensure that CSO feedback is sought at committee meetings or through holding public hearings? National and provincial assemblies must resist the ad hoc introduction of policies without legislation. If they exclude the primary stakeholders from discussion and debate about the very laws and policies that affect them, what then is the difference between the benevolent colonial rulers of the past and an elected government?

Equality and mutual respect must be the basis for discussion between the government and CSOs, with tolerance for dissent. Difference of opinion can help prevent faulty legislation and policies. For example, active NGO input and collaboration has provided solid women’s rights legislation that benefits women.

Engaging with the government is a citizen’s right, best exercised through civil society. Today, less than one per cent of workers are unionised thanks to policies that have pushed labour into the informal sector. This has repercussions both for workers and for government. A labour union at the factory where Priyantha Kumara, the Sri Lankan citizen who was brutally lynched and burned by a mob, could have averted his murder or of others in the past.

A robust civil society leads to a robust system of governance. Structures for continuous interaction between the government and the CSOs can lead to mutual trust. This can overcome the need to beat CSOs in advance out of the haunting fear of what they might do wrong.

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