34. The World Bank and shrinking civic space

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INTRODUCTION

The year 2023 positioned the World Bank on the precipice of change. In January, Bank management went public with its 'Evolution Roadmap', the response to the United States's call for the World Bank and other multilateral development banks to 'revamp their business models and dramatically boost lending to address pressing global needs such as climate change' (Lawder 2022). In February, as the Bank advanced this process to 'evolve' its mission and vision, operating model and financial capacity (World Bank 2023a), then-president David Malpass unexpectedly resigned. This surprise opening at the highest level of leadership added a new level of possibility for Bank reform. In June 2023 Ajay Banga, the first non-white non-American-born nominee, claimed the presidency. In President Banga's first official message to the Bank staff he encouraged them to 'double down on development and join him in tackling intertwined global challenges' (World Bank 2023b).

At the October 2023 Annual Meetings, where the Bank Executive Board endorsed the Evolution Roadmap's package of proposed reform, President Banga announced that the Bank would now follow 'an ambitious new program to quicken our pace, increase our efficiency, and simplify our processes' (Banga 2023). This 'new playbook' for 'doubl[ling] down on impact' emphasized priorities, including 'scaling up private sector enabling activities and private capital mobilization' (World Bank 2023c: 5). At the moment of writing, it is not possible to predict where this leadership transition amidst a shareholder-pushed reform process will ultimately lead the Bank. It does make this final section of this compendium, which explores the World Bank's potential for reform, particularly timely.

This chapter focuses on the potential – and necessity – for change in the Bank's treatment of *civic space*, defined as 'the place, physical, virtual, and legal, where people exercise their rights to freedom of association, expression, and peaceful assembly' (CIVICUS 2021: 4). The Bank has no requirements, nor does it provide incentives to consider the circumstances of a country's civic space when planning for engagement with civil society organizations (CSOs) and project-affected peoples. As a result, civic space is consistently overlooked in Bank strategic planning and operations (Donaldson et al. 2022). Neglecting the societal and contextual dynamics of the environment in which engagement happens can have dire consequences. According to Gaventa and Barrett (2010: 59):

> Citizen engagement – especially when citizens are challenging powerful interests in the status quo – gives rise to the risk of reprisals, which can range from state and political violence, to economic and social forms of recrimination against those who speak out.

A consequence of the Bank's blind spot regarding civic space is that, as an institution, it continues to be unequipped to prepare for or manage the fallout of civic space shifts, restrictions and outright closures.

This chapter builds from the 2022 Oxfam briefing paper 'Civic Space: The Missing Element in the World Bank's Country Engagement Approach',[1] (Donaldson et al. 2022) which made the case that the Bank could have a transformational impact by systematically assessing and addressing civic space in borrowing countries. This report identified the Bank's country engagement approach – the cyclical process for developing country-targeted development strategies adopted in 2014 – as the logical opening for civic space analysis and provided guidance and practical tools for how to overcome institutional barriers and accomplish this.

Since the Oxfam briefing paper's publication in 2022 and as a direct result of the Evolution Roadmap process having prioritized 'efficiency and expedience', the Bank is once again revising its approach to country engagement (World Bank 2023a: 6). These changes are relevant for this chapter, because they include removing the key analytic instrument (the Systematic Country Diagnostic, SCD), that Donaldson et al. (2022) identified for integrating civic space analysis into countries' development strategies (World Bank 2023a). This decision is a setback for civic space advocates. However, it neither invalidates Oxfam's fundamental arguments for why the Bank must assess and address civic space nor prevents the Bank from making this critical change. The 'how' must pivot from what Oxfam recommended in 2022, but the 'what' remains the same.

The chapter begins by elaborating on civic space, the origins of the concept, and why it matters both at a universal level and specifically in relation to World Bank country operations. Next, is an overview of the Bank's most recent approach to country engagement (introduced in 2014, and now under revision as of 2023), focusing on the ways Donaldson et al. (2022) identified this as fit-for-purpose to analyze and then address countries' civic space dynamics. The chapter then presents Donaldson et al.'s (2022) text analysis of civic space in the core Bank country engagement documents published between 2018 to 2021, referencing insights from anonymized interviews with 16 key World Bank staff[2] to help understand the findings. The chapter concludes with practical guidance for how, regardless of how the Bank ultimately revises its processes, civic space analysis can be a standard part of Bank country engagement, reiterating the urgency of such a change.

WHY THE WORLD BANK'S CIVIC SPACE GAP MATTERS

Most simply, *civic space* can, first, be understood as 'the layer between state, business, and family in which citizens organize, debate and act' (Buyse 2018: 967). The concept does not simply identify the existence of overlapping activity and/or interaction between citizens, government, and the private sector. Delving further, civic space is an 'environment that enables civil society to play a role in the political, economic and social life of our societies' (OHCHR 2023) and provides 'practical room for action and maneuver for citizens and CSOs' (Buyse 2019: 15). These definitions highlight 'civic' as the key word in the phrase. Alternatively (and less frequently) referred to as 'civil society space' (Hossain et al. 2018: 12), civic space as a realm in which there can be practical room for action relies on the existence of enabling contextual and political economy factors for that action (Donaldson et al. 2022: 5). The most basic enabling factors include guaranteed protections for freedom of expression, peaceful assembly, association, participation and other core political rights as enshrined by the 1948 United Nations Declaration of Human Rights (Malena 2015; Buyse 2019; Donaldson et al. 2022; Biekart, Kontinen and Millstein 2023).

Civic space as an identifiable, bounded construct originated in the early 2000s, among progressive legal circles in the United States (Biekart, Kontinen and Millstein 2023: 28). The term steadily gained global currency and more frequent usage, with steady proliferation in development discourse during the 2010s, particularly among international pro-democracy, pro-human rights International Non-Governmental Organizations (INGOs) (Hossain et al. 2018).[3] This time is identified as the start of a two-decade period of 'democratic reversal' and increasing curtailment of civil society (Anderson and Gaventa 2023: 49). A growing number of governments globally have been restricting legal protections for organized actions like public protests, while instituting arduous bureaucratic requirements that limit or reduce access to funding and/or hamper organizations' capacity to operate (Hossain et al. 2018: 13). Civil society has come under assault from many directions at once, including executive overreach, securitization of public life, the constriction of online freedoms, sharpened social divisions and reduced official tolerance of criticism and open debate (Donaldson et al. 2022: 11). In a sense, the increased uptake of the term 'civic space' and spread of the concept is inversely proportionate to real global access to civic space. The previously unnamed domain required a moniker because of the perception of its receding. Identifying it has played an important role in the efforts to protect it.

The retreat of civic space that began to set off alarms more than two decades ago continues. Without understanding the dynamics of civic space, the World Bank risks harming the communities it pledges to serve and falling short of its own commitments and development goals. Without insight into the formal and informal regulations, official and unofficial discourses, norms and practices that characterize the size and nature of a country's civic space, the Bank cannot be equipped to identify constraints to safe engagement or opportunities to strengthen the enabling environment. Because civic space 'is not a static state of affairs but shaped as a product of continuous interaction and negotiation between governments, CSOs, and citizens' groups', the Bank has a responsibility to operate based on knowledge and understanding that is regularly refreshed (Kontinen and Nguyahambi 2023: 124).

The Bank refrains from using the phrase 'civic space' as conceived within the human rights community (whose language it also avoids; see McNeill, Chapter 25, and Sarfaty, Chapter 32 in this volume) in policies, publications and public statements. Terminology aside, some Bank policies require the institution to abide by related principles. A prime example relates to stakeholder engagement, which the Bank claims is key to achieving its development goals. As documented in the Bank's 'Strategic Framework for Mainstreaming Citizen Engagement in World Bank Group Operations', the World Bank commits itself to:

> build[ing] sustainable national systems for citizen engagement, and to mainstream engagement with civil society including community-based groups, women's groups, indigenous peoples, and other stakeholders […] within the scope of operations of the WBG to improve development results and contribute to sustainable development processes. (Qays et al. 2014: 123)

This passage notes that the Bank aims to be part of developing 'sustainable national systems for citizen engagement' (see Plummer, Chapter 29 in this volume). Working from a credible, in-depth analysis of civic space is crucial to understanding whether societal circumstances are conducive to effective engagement.

The World Bank further affirmed these principles when it adopted the 2018 Environmental and Social Framework (ESF), which establishes ten mandatory Environmental and Social Standards (ESS), including ESS 10 dedicated to stakeholder engagement and information dis-

closure (World Bank 2018). Critically, ESS 10 mandates that all Bank projects include meaningful consultations with communities and relevant civil society as part of project preparation (World Bank 2018). However, ESS 10 alone is not enough to generate meaningful stakeholder engagement because it does not tackle the conditions in which stakeholders will engage.

The ongoing curtailing of civic space worldwide continues to directly affect the World Bank's capacity to appropriately adapt its projects and programs to local contexts and meet the real needs of communities. There have been moments when the World Bank itself has recognized the harmful impact of shrinking civic space, though not using that exact language. As the World Bank braced to confront the impacts of the Covid-19 pandemic, in March 2020 management issued the public statement, 'Commitments Against Reprisals' (World Bank 2020). This was the first of its kind for the Bank because it acknowledged that risks of reprisals can chill speech and thus impede the Bank's ability to implement effective projects. Per the statement, 'people's voices are critical to our work, and we have high standards of stakeholder engagement to ensure that our clients achieve the best possible development outcomes' (World Bank 2020). While representing progress, a single statement against reprisals is far from enough. The Bank will not successfully meet 'high standards of stakeholder engagement' without instituting processes that produce accurate understandings of the constraints, challenges, gaps and opportunities that enable or constrain participation.

THE CIVIL SOCIETY CASE FOR HOW THE WORLD BANK'S CYCLICAL PROCESS FOR ENGAGING PARTNER COUNTRIES COULD ADDRESS THE CIVIC SPACE GAP

In 2014, the Bank adopted a new approach to country engagement, replacing its long-standing Country Assistance Strategy (CAS)/Country Partnership Strategy (CPS) process (Qays et al. 2014). With the CAS/CPS model the Bank had provided countries with generalized support for growth and poverty reduction (World Bank 2009, 2017). In 2014 the Bank pledged that its 'country-driven model' would be better grounded in evidence and operate both more systematically and selectively (World Bank 2014d). This would, according to the Bank, equip all five branches of the World Bank Group to better 'address areas that have the most impact in supporting countries achieve the twin goals' (World Bank 2014d: 2).

The 2014 country engagement model centered on the SCD and the Country Partnership Framework (CPF), both of which would be proactively disclosed to the public. Like the CAS/CPS that preceded it, the CPF served as the official guide for medium-term Bank interventions in client countries, giving management and the Executive Board their main tool 'for reviewing and guiding the WBG's country programs and gauging their effectiveness' (World Bank 2014c: 4). Therefore, the SCD, a then-new diagnostic process for undertaking critical analysis of a country, is what represented the Bank's innovation (World Bank 2017). The 2014 protocols required that the SCD and its 'systematic and evidence-based analysis' be conducted independently of and before CPF preparation, so that it could then provide 'the analytical foundation for the CPF' (World Bank 2014b: 2). Furthermore, while the 2014 country engagement policies required that the Bank and client countries negotiate all CPF content, the SCD only required Bank input and approval and not 'formal clearance from the relevant country governments before public disclosure' (World Bank 2014b: 4). These characteristics made the SCD far more influential than previous analytics. As a standalone product that Bank policy

mandated be made available to the public, the SCD had the potential to bring to light the critical issues that a government might prefer to suppress and exclude from the negotiated CPF.

All of these factors together rendered the 2014 country engagement model a logical and strategic entry point for civic space analysis. Since the Bank first introduced the approach in 2014, distinct actors and entities within the Bank itself had begun to identify the CPF-SCD process as a logical entry point for analytical work on a country's enabling environment for engagement. The most prominent include the Bank's 2014 strategic framework for citizen engagement (CE), the Independent Evaluation Group's 2017 'Engaging Citizens for Better Development Results' report, and, as conveyed by its title, the 2019 technical note, 'Mainstreaming Citizen Engagement through the Country Engagement Approach' (World Bank 2014a, 2017; Masud, Kumagai and Grandvoinnet 2019). All three proffer arguments for how the World Bank-board approved process at the basis of country engagement could readily incorporate country context and political economy factors that affect CE. The 2019 technical note goes the farthest, proposing that CE assessments should be undertaken and 'geared toward mapping existing legal and regulatory frameworks, sector-specific processes and the existence of [citizen engagement] mechanisms' (Masud, Kumagai and Grandvoinnet 2019: 5).

With the Bank's removal of SCD as 'a stand-alone prerequisite of a CPF in each country' advocates lost the clearest opening for civic space analysis (World Bank 2023c: 6). At the same time, the Bank maintains that even without the SCD, CPFs will still 'draw on a synthesis of [an] enhanced set of core analytics' (World Bank 2023c: 6). At the time of writing, it is not known whether any of these 'core analytics' will have the autonomy from government scrutiny and sanction as the Bank intended for the SCD or if they will proactively be disclosed. Whether or not the opening for civic space analysis has narrowed, it has not disappeared.

To try and understand the Bank's treatment of civic space in the CPF-SCD process, Donaldson et al. in the 2022 Oxfam study included a text analysis on the inclusion (or lack of inclusion) of issues related to civic space in all SCDs (51) and CPFs (47) produced (and made public) by the World Bank between 2018 and 2021. Semi-structured, anonymized interviews with current and former long-time World Bank staff complemented this analysis, providing insider knowledge of the institutional environment, including opportunities and constraints, in which country engagement planning takes place.[4]

The text analysis identified that even among those SCDs and CPFs that included references to issues related to civic space, the discussions were extremely limited and inconsistent. The role of civil society, consultation processes and even CE road maps were, in most cases, ad hoc and not tied to a thorough assessment or understanding of the civic space context. Most did not identify whether the country had a restrictive context for civil society participation. Even minimal discussions on these issues were generally at the margins of the analyses.

The analysis identified four of the 51 SCDs that addressed civic space related concerns with a degree of depth and insight that, when compared to the rest of the sample, stood out. However, even for those few more robust analyses, these insights were not then applied to the corresponding CPFs to determine risks or barriers, or to interpret potential implications for the Bank's program and strategy. In some cases, SCDs featured civil society analysis, but then civil society was virtually omitted from the corresponding CPF. In other cases, CPFs contained some programmatic commitments to engage with civil society, yet their corresponding SCDs had no relevant assessments that could have demonstrated what approaches would be most conducive for that context. While the four 'better' SCDs did not offer examples of exemplary civic space analyses, the fact that they explicitly touched on and included some analysis

of key civic space related issues demonstrated untapped potential to integrate analytical work on a country's enabling environment for CE.

To help explain the text analysis findings and identify factors and conditions that can determine whether and how the World Bank considers civic space, Donaldson et al. (2022) held in-depth interviews with former and current World Bank staff. Informants consistently identified four challenges: (1) the absence of a corporate mandate, and the lack of emphasis in institutional guidance; (2) insufficient financial and human resources; (3) no consensus within the institution, including management and highest level of decision-making, that civic space matters for development outcomes; (4) and concerns that such analyses put the Bank's image of 'political neutrality' at risk.

Several interviewees explained the low profile of CE and civic space in strategic documents as a result of a perception that limited evidence exists of their impact on developmental outcomes, for example, with regard to poverty reduction, shared prosperity, improved public services, etc. As claimed by one interviewee, 'the Bank listens to data and needs an empirical argument, but civic space is floating somewhere up in the ecosphere' (Donaldson et al. 2022: 19).

Multiple informants identified that neither SCD nor CPF processes require analyses that cover issues related to civic space and that no institutional champions advocate for better understanding of the impacts of civic space on engagement. Yet several informants asserted that among many working in operations, it is understood that, without a clear awareness of the enabling environment for engagement, consultations, 'tend to be very tokenistic'. According to one informant, without an understanding of the context in which participation takes place, 'consultations turn into transactional issues, they can be done very well, but it turns into a checklist, and then you say you discussed it with civil society' (Donaldson et al. 2022: 20).

Interviewees also noted that budget and capacity represented major barriers. Bank staff are required to charge most of their working time to a specific project or program. However, while contributions to CPFs and SCDs are widely requested from various units, budget allocations are typically only made for larger pieces of work, rather than for every input received from contributors. As a result, there are often no resources to allow significant amounts of time to be spent on analysis related to civil society and civic space, unless such analysis is already in the annual work program.

Respondents consistently mentioned that the World Bank's internal competition and incentive-to-lend structure limits staff motivation to engage in civic space and other similar kinds of analysis. As one informant shared:

> is this civic space stuff going to lead to some type of investment? If not, then I don't need to do it. Just give me a little paragraph for the CPF to have it covered, and that's it. If there is no investment potential, there's not much of an interest. (Donaldson et al. 2022: 20)

Finally, several interviewees shared concerns related to how the civic space agenda could damage the World Bank's carefully maintained image of 'neutral technocracy', something cited within and outside the Bank as essential for the institution's legitimacy and relationships with client countries. Others called out the inconsistency of this objection, given that other agendas, such as corruption or climate change, are just as politically sensitive, yet have been enthusiastically pursued at the highest levels of Bank leadership. One interviewee expressed that 'you cannot do development without political engagement – the problem is partisan polit-

ical engagement' (Donaldson et al. 2022: 20). Another interviewee complemented this point by saying that there is a need to recognize that 'the Bank will always be called to speak to this issue [civic space], but nobody in leadership is thinking strategically about what the messages from the Bank are on civic space' (Donaldson et al. 2022: 21).

CONCLUSION: PROPOSITIONS FOR A BETTER WAY FORWARD

The World Bank has repeatedly acknowledged that to be successful, development must be inclusive of and responsive to stakeholders and gives lip service to building sustainable national systems for stakeholder engagement. However, these goals cannot be accomplished without having first determined whether the state of civic space in a country will allow for effective participation in open dialogue, without fear of retaliation.

As discussed above, the Bank is again revamping its process for creating operational plans for country clients, including removing the SCD – originally a central component – from the process. Objectively, this is a procedural setback. As the text analysis showed, the Bank only minimally used the SCD opening to incorporate civic space analysis during the ten years it had been available. Finding this entry point was just one strategy. Bank institutional shifts have often required civil society advocacy to pivot – this is just the most recent example. There is no less urgency now that the Bank includes civic space analysis when developing country development plans, therefore reform is possible because it must be possible.

Even without the SCD as part of the country engagement approach, it will be possible for the World Bank to incorporate civic space assessments into existing analytics. There are credible external resources that the Bank could consult. CIVICUS's State of 'Civil Society report analyzes events and trends impacting civil society globally. The International Center for Not-for-Profit Law's 'Civic Freedom Monitor' (2023) provides information on legal issues affecting civil society and civic freedoms, including freedoms of association, expression and peaceful assembly. Global Witness's 'Last Line of Defence' (2021) Report also reports on a wider range of threats against civil society, community leaders and Indigenous peoples including intimidation, surveillance, sexual violence and criminalization.

There are also tested analytical frameworks, diagnostic tools and other analytic instruments that the Bank could use and/or adapt. For example, Oxfam's Civic Space Monitoring Tool provides a flexible resource designed to be adjusted to different contexts. The flexibility comes from a set of guiding questions intended to identify the nine core dimensions of civic space (Oxfam 2019).[5] The tool aims to provide a structure to qualitative and perception-based assessments and possesses the flexibility to incorporate other civic space reports and analyses.[6]

Malena (2015) offers a different approach, proposing four methodological options that can serve as a guide to generate a globally relevant index of government performance protecting and enabling civic space. The first approach suggests the creation of a composite index because 'despite the availability of a significant amount of civic space-related data, there are nevertheless important gaps in the content and coverage of existing datasets' (Malena 2015: 36). The second option suggests creating an index based on experience-based surveys of civic space actors, while the third focuses on generating a qualitative description and analysis of a country's civic space by basing the index on new participatory, in-country research. The fourth is the most comprehensive, suggesting that all three previously presented approaches be combined into a single index.

Conducting civic space assessments at the country level would establish a baseline of information about the environment in which engagement happens. This baseline could then be used as a core resource when developing new country programs. For example, Bank teams could consult these findings to flag potential risks to Bank projects and identify project-specific opportunities to strengthen civic space. When fed into contextual risk assessments, the results could be used to develop reprisal-sensitive design approaches for stakeholder engagement plans and project components. More broadly, a civic space assessment would inform decision-making, strategy, programming and risk management that can then enable citizen and stakeholder engagement to be safer and more impactful.

There are practical steps towards reform that the Bank can take immediately. Key recommendations based on those put forth by Donaldson et al. 2022 include:

- Conduct rigorous and regularly updated analysis of civic space for each country where the World Bank plans to operate, and include implications of that analysis when assessing the constraints and opportunities for poverty alleviation, a key element within the World Bank's model for country engagement.
- Allocate adequate budget and build staff expertise to effectively and sensitively conduct civic space analysis that will then be used to inform country partnership and project decisions.
- Include findings from country-level civic space analysis in dialogues between the World Bank and borrower governments, including when developing the country-targeted development strategies that will underpin the Bank's interventions for years at a time.
- Develop new guidance for project teams to use baseline data from country-level civic space assessments when screening for project risks relevant to stakeholder engagement and when designing and reviewing borrowers' plans for quality stakeholder engagement, so that risks associated with restricted civic space, such as reprisals against project stakeholders, can be mitigated.

The arguments and practical recommendations laid out by Donaldson et al. 2022 are as salient as ever. They are not likely to lose their relevance in the foreseeable future.

NOTES

1. One of the authors of this chapter (Nadelman) was a co-author on the original Oxfam report.
2. The findings of the text analysis referenced here directly correspond with what is presented in the 2022 Oxfam study on which this chapter is based. We were able to conduct three additional interviews for this chapter that augment the 13 conducted for the original study. As with the original 13, we promised the additional interviewees anonymity.
3. More recent scholarship has introduced the argument that to more accurately gauge the dynamic nature of civic space it must be recognized as encompassing all CSOs and citizen groups no matter the nature of their stance and actions on human rights, including those that are explicitly anti-democratic, neo-populist, those made up of constituencies who support autocratic and authoritarian regimes (Biekart and Fowler 2023: 28).
4. All those interviewed specialized in issues related to citizen engagement, civil society, SCD/CPF development and/or civic space. To enable an open and candid conversation, the names of these informants have been kept confidential, and any identifying details are omitted.

5. The nine dimensions include: (1) regulatory framework: laws/regulations defining civic space size/nature; (2) CSO access to funding (domestic and foreign); (3) administration/bureaucracy: processes enabling/limiting CSO operations; (4) safety/wellbeing: legal and illegal means to threaten organizations and activists; (5) access to information and public voice; (6) freedom of assembly, association and dissent; (7) dialogue and consultation: CSO involvement in decision-making/consultation; (8) access to justice/legal services; and (9) legitimacy/accountability of civil society.
6. Oxfam regularly applies this tool to inform country-based work. These results are highly sensitive and thus for internal use only, meaning that they are not publicly available and therefore cannot be showcased here.

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