

Advocacy non-governmental organizations (NGOs) resiliency to shrinking civic space in Tanzania

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Abstract

Purpose – The world is experiencing democratic backsliding such that the situation is down back to 1986. This has resulted in the global shrinking of civic space for civil society organizations (CSOs). NGOs engaging in advocacy activities are seen to be among the CSOs affected. Using four NGOs cases from Tanzania, the study contributes to the civic space debate by uncovering how advocacy NGOs become resilient.

Design/methodology/approach – The study is anchored in interpretivism and a cross-sectional case study design, following a qualitative approach path. Data were collected through interviews and a documentary review.

Findings – Results show that several strategies such as complying, building community back-up, collaboration, strategic litigation, using digital media and changing the scope are applied. However, strategies face obstacles including scope limitations, expected democratic roles, high cost, changes in the scope and being outsmarted by the government, and hence their effectiveness is questionable.

Research limitations/implications – This study focused on advocacy NGOs. More studies can be conducted for other advocacy-related CSOs on how they become resilient.

Practical implications – While NGOs are allowed to exist in the country, their freedom continue to be curtailed. Even the effectiveness of resiliency becomes temporary and depends on the political will of the existing regime.

Originality/value – Tanzania NGOs have to build strong bonds with citizens, expand the scope of strategies and use deliberative democratic principles to educate the government to change laws and tolerate plural political culture. Also, NGOs in other countries with confined civic space can apply the same.

Keywords Advocacy, NGOs, Civic space, Resiliency, Tanzania

Paper type Research paper

1. Introduction

Civil society organizations (CSOs) are crucial to governance and development process of the country (Hansson and Weiss, 2023; Brass, 2022; Cheeseman and Dodsworth, 2023). Their roles include delivery of public services, defending human rights, preserving the environment, influencing public policy and combating poverty (Gooding, 2017; Wachira and Karjala, 2016). They are also recognized for easing the transition to democracy by monitoring governmental decision-making processes and promoting greater civic engagement (Kaba, 2021; Cheeseman and Dodsworth, 2023). Although the term CSOs would mean different things to different people and in different languages, it is said to cover



array of groups such as NGOs, community groups, lobbying groups, interest groups and trade unions. This is to say, where the term CSOs is used, NGOs are implied. Again, while they are not the same, there is a close relationship between such concepts, and they are sometimes used interchangeably. They all mean a platform where citizens collectively come together to advance their common interest. Since the situation is that way and the focus for this study is NGOs, hence where the word CSOs is used, NGOs are implied (Meeuwisse and Scaramuzzino, 2019). Although there is an ongoing debate about such conceptualizations, they are said to play a major role in the development and democratic transitions.

These roles must be carried out in a civic space that is harmonic, healthy, cordial and tranquil. Hence, civic space for CSOs is an enabling environment or a set of legal, policy, institutional and practical conditions necessary for non-governmental actors to access information, express themselves, associate, organize and participate in public life. This is to say, CSOs require the presence of democracy for them to function effectively. This proves the existing relationship between democracy and CSOs civic space (Jeziarska, 2023; Kontinen *et al.*, 2022).

However, the global trend reveals that democracy is deteriorating, which affects the CSOs civic space. V-DEM (2023) shows that for the first time in 2022 in more than two decades, 28% of the world population lived in closed autocracies compared to 13% in liberal democracies. This makes democracy the way it was in 1986 due to the raise of authoritarian regime and democratic backsliding (V-DEM, 2023). This has been reported to affect the CSOs civic space.

Despite appreciations CSOs on playing the aforementioned roles, globally, their civic space appears to be constrained (Van Wessel, 2023; Pospieszna and Pietrzyk-Reeves, 2022; Jeziarska, 2023). Bethke and Wolff (2023) report that the situation was severe during COVID-19 pandemic where governments posed severe restrictions on civic freedoms to curtail the spread of virus.

Wiebrecht *et al.* (2023) further state that components of democracy such as freedom of expression, freedom of association and free and fair elections are all in decline across the world. Asia–Pacific, sub-Saharan Africa and Eastern Europe–Central Asia remain the global regions characterized by autocracies and limited civic space, whereby 89%, 79% and 73% of the populations of these regions live in a constrained civic space, respectively. From a peak of 71 with 29% of the world's population in 1999, the number of democratizing countries fell to just 14 in 2022, a low not seen since 1973. At this juncture, nearly 72% of the world's population live in autocracies and limited civic space. This implies that deterioration of democracy results into deterioration of CSOs civic space (Wiebrecht *et al.*, 2023; Berlucchi and Kellam, 2023; Tomini *et al.*, 2022).

Commenting further, CIVICUS (2022, 2023) reports that only 3.1% of the world population resides in countries with open civic space such as Finland, Germany, Portugal, Canada and Sweden, while in the remaining parts, the civic space appears to be narrowed, obstructed, repressed and even closed (Dupuy *et al.*, 2016). International Center for Not-for Profit Law (ICNL) reports that since 2016 there have been 265 legal measures impacting civic space in 91 countries. On the other hand, in 2019, a total of 357 human rights defenders were killed and 30 disappeared in 47 countries. This indicates how undemocratic practices impact CSOs civic space. This situation is said to affect more advocacy NGOs than other CSO categories (UNDP, 2022).

In Africa, over the past fifteen years, various governments have implemented undemocratic practices including enacting restrictive policies/laws that limit the CSOs' legal operations. MO Ibrahim Index (2022) on Africa democracy shows that in 2021, almost 70% of the continent population lived in a country where the level of security and rule of law is worse than 2012. As of 2021, Africa's rating on participation, rights and inclusion was 46.7%, which shows a deterioration of –0.8% from 2012, while the period from 2017 to 2021 experienced extreme deterioration (–5.5%) compared to former 10 years. This trend indicates that the more the democracy declines, the more the civic space will decline. The worry on such

deterioration is high in countries like Burkina Faso, Eswatini, Libya, Guinea, Guinea Bissau, Liberia, Madagascar, Namibia and Rwanda. Even in Africa, advocacy NGOs are said to be affected by shrinking civic space (MO Ibrahim Foundation, 2023).

The situation in Tanzania is comparable to other regions of the world where deterioration of democracy affects CSOs civic space (LHRC, 2015). CIVICUS (2022, 2023) rates the civic space in Tanzania as repressed. Surveillance, intimidation, incarceration, harm, death, deregistration and closure of NGOs and members who express opposition to the government are characteristics of the repressed space. Reportedly, repressions mostly affect advocacy-based NGOs (Nguyahambi, 2021; Bertelsmann Stiftung's Transformation Index, 2022). V-DEM (2023) rates Tanzania as among the bottom 40–50% in the growth of democracy from 2012 to 2022, scoring 0.25–0.5 out of 1.0 in Liberal Democracy Index (LDI).

In addition, the MO Ibrahim Foundation (2023) reveals that, in 2021, Tanzania scored 30.0% out of 100% of the situation of civic space. This is the deterioration by –20.2% from 2012. Supporting these facts, here are a few instances that demonstrate this deterioration. On January 24, 2023, the government through the NGOs coordination board's meeting of 19th January 2023, deregistered a total of 4,898 NGOs, whereby 4,879 were deregistered for failure to uphold laws regulating NGOs and 19 NGOs submitted to the government to stop their operations which might be a sign of escaping repressions. However, there were no further elaborations from the government on specific provisions of the law not upheld by these NGOs (MCDGWSG, 2023).

Advocacy NGOs are seen to be affected severely than other categories. It has been reported that this situation is occurring because advocacy NGOs are critical to the government, especially when the government acts in undemocratic manner. Hence, advising, watching and critiquing government when it acts against democratic norms put advocacy NGOs at danger (Toepler *et al.*, 2020; Lim, 2023; Cheeseman and Dodsworth, 2023).

Studies around the world have shown that NGOs apply various strategies to survive in a constrained civic space, such as complying or rejecting the constraints. However, generalization makes their findings fall short. Like many African and developing nations, Tanzania also has a restricted civic space where NGOs can be subjected to monitoring, harassment, intimidation, arrest, injury, death, deregistration and shutdown (Wiebrecht *et al.*, 2023; De Silva and Plagis, 2023). Despite this, advocacy NGOs continue to exist and conduct their varied operations (Nguyahambi, 2021). However, there are scanty insights specifically on how advocacy NGOs become resilient in a constrained environment in Tanzania. Hence, the key question for this study is: “*How advocacy NGOs become resilient in a constrained environment in Tanzania?*”

This study contributes and broadens the global discussion on civic space by uncovering the means by which advocacy NGOs in Tanzania have been able to exist and carry out their missions in an environment of oppression. It intends to address the problem of shrinking civic space and promoting democracy. The study takes the following path; it starts with introduction, followed by elaboration on contested civic space in Tanzania, the empirical review, theoretical review, study methodology, results and discussion, and then conclusion and recommendations.

2. Contested civic space in Tanzania

In Tanzania, the relationship between CSOs and the government has a peculiar history. Before independence, CSOs cooperated with political parties to fight for independence (Hunter, 2015). Up to 1959, there were 617 societies (Lange *et al.*, 2000). They cooperated with Tanganyika African National Union (TANU) to struggle for independence. Soon after independence in 1961, their relationship with the newly post-independence government changed (Rugeiyamu *et al.*, 2018).

CSOs were undermined, stopped and amalgamated with organizations under the ruling party (Morse, 2019; Green, 2014). They were re-welcomed in the 1980s under SAP conditionality (Lange *et al.*, 2000). By the late 1990s and early 2000s, the country experienced the mushrooming of CSOs, and their relationship with the government was positive at this time. For instance, in 1993, there were 224 registered NGOs in Tanzania. Seven years later, in 2000, the number was 8,499.

The government developed policies such as National Policy for NGOs of 2001, and laws such as [The Non-Governmental Organizations \(NGO\) Act of \(2002\)](#). This was due to several reasons. Firstly, there was no specific law to regulate, register, coordinate and ensure NGOs accountability. Secondly, some were registered under NGOs Act, 2001, Companies Act, Trade Unions Act and Societies Ordinance (Babeiya, 2011).

At the end of 2000 and early 2010s, NGOs experienced a change in their relation with the state. Government started to pose restrictions on NGOs (Jennings, 2013). The situation became critical in 2015 when severe restrictions were posed on NGOs. Example of laws developed by the government include the [Media Services Act \(2016\)](#) which limits the media to work with advocacy NGOs; [The Electronic and Postal Communications Act \(Online Content Regulations\) \(2018\)](#) posing fines to digital platforms users; [The Non-Governmental Organizations \(NGO\) Act of \(2002\)](#) as amended in 2019 (Kontinen and Nyuahambi, 2023) which requires NGOs to reregister after every ten years and giving the power to NGOs registrar to suspend the operation of NGOs any time; [the Statistics Act \(2015\)](#), amended in 2020 posing cumbersome procedures in conducting research and producing statistics on NGOs and Cybercrimes Act of 2015 prohibiting the publication of articles which are critical to the government (DefendDefenders, 2018).

There have been several practices to constrain the civic space. On August 2019, police detained Joseph Gandy, a journalist and production and associate head of *Watetezi TV*, an online channel run by Tanzania Human Rights Defenders Coalition (THRDC), an NGO, for defending human rights. This is because the TV published an investigation report of police brutality at Mafinga police station in Iringa region in 2019 (Committee to Protect Journalist, 2019).

Also, The National Electoral Commission (NEC) refused to grant some NGOs permission to observe general elections and conduct voter education in 2020 (Human Rights Watch, 2021). In the same year, the government amended the law to make it illegal for NGOs to file complaints against the government directly with the African Court of Human and People's Rights (CIVICUS, 2020). Again, some NGOs' leaders experienced restrictions. Immigration officers frequently visited the THRDC in 2017 and questioned Onesmo Olungurumwa, the organization's national coordinator, about his citizenship. Olungurumwa believes the reason he was questioned was because of his activism for land rights in the Tanzanian area of Loliondo. Likewise, in June 2017, minister of home affairs threatened to deregister organizations that spoke out against the president's controversial statement banning pregnant girls and teen mothers from attending school (Front Line Defenders, 2017).

This is to say, the relation between the government and CSOs has not always been compatible (DefendDefenders, 2018; Nyuyahambi, 2021). Kontinen and Guyahambi (2023) and Green argue (2014) that "in Tanzania, the lines between civic space characterized by civil society action, and political space occupied by elected leaders who civil society can support, contest, monitor or influence through advocacy in formal democracy, have always been blurred and unstable." The hegemony of political society has been constraining the civic space on advocacy and NGOs labeled as enemy to be crushed (Cheeseman, 2018).

On this ground, political leadership has an impact on NGOs civic space in Tanzania. For instance, soon after independence, President Nyerere abolished all CSOs; then, NGOs were welcomed under President Mwinyi, though enough civic space was not granted. Under President Mkapa, NGOs' situation did not improve as expected. Under president Kikwete,

from 2005 to 2015, the situation was somewhat friendly, though some restrictions were maintained. Under President Magufuli, from 2015 to 2021, NGOs experienced the worst period of the shrinking civic space in history; under the period of President Samia, while there are promises that civic spaces will open up, constraints are maintained since laws restricting NGOs civic space are kept in place. Despite constraints, advocacy NGOs continue to carry out their varied operations. Hence, studying resiliencies they develop is essential. In this study, resiliency entails strategies applied by advocacy NGOs to survive in a constrained civic space.

3. Literature review

Civic space for NGOs has become a global discussion in recent time (Hummel and Strachwitz, 2023; Lindt, 2023). NGOs requires conducive civic space for them to function effectively. The current debate shows concern by uncovering how the civic space around the globe is shrinking progressively even in liberal democracies (Lutscher and Ketchley, 2023; Scaramuzzino, 2023).

The civic space for NGOs is shrinking due to emerging authoritarianism and democratic backsliding. The trend shows that democracy is continually shrinking than it was in more than the past two decades (V-DEM, 2023), and Pospieszna and Pietrzyk-Reeves (2022) state that the situation continues to worsen. It is without doubt that NGOs civic space is affected by deterioration of democracy. Nguyahambi (2021) and Buyse (2018) state that advocacy NGOs are seen to be severely affected. While the debate is ongoing, the key question around this debate is: “*How advocacy NGOs become resilient to shrinking civic space?*” This part uncovers previous studies on the resiliency strategies applied by NGOs to other parts of the world, which help to explore and relate experience of the same question in Tanzania NGOs.

NGOs have been searching for alternatives to the limitations on civic space on a global scale. The trend shows that accepting changing scope and opposing constraints are the two major approaches applied by NGOs. For instance, Way (2014) notes that some NGOs choose to defy government restrictions, whereas Lorch and Bunk (2017) show that NGOs abide to laws and procedures (Hudáková, 2021). Some NGOs have resisting government repressions. For instance, Carnegie Endowment for International Peace (2021) states that since 2017, there has been about 100 anti-government protests globally (Zihnioğlu, 2023). On the other hand, some NGOs choose to lie low until a better time comes, while others focus on less sensitive areas. NGOs in several countries apply several strategies focused on the above categorization, as revealed in the following text.

Zihnioğlu (2023) provides a good example of a NGOs in Turkey, called City Defences. In 2014, City Defences, as a coalition, emphasized the rights of local citizens to the city and aggressively opposed a number of developments in their neighborhood. But after 2016, the majority of district-level City Defences have decreased. While they lost a lot of their physical visibility, they are still operating as a “hidden network,” mostly using social media and messaging services.

Again, some NGOs in Ethiopia changed their vision and mission. For instance, Organization for Social Justice, an NGO founded in 2003 with a focus on advocacy for democracy, has changed its name to Ethiopian Resident Charity and is now devoted to conducting research on corporate social responsibility (CSR), educating the public about CSR, promoting CSR, involving the private sector in CSR and advocating for CSR laws and practices (Dupuy *et al.*, 2015).

Matelski (2016) describes how NGOs in Myanmar use self-organization, self-defense and resistance against governmental restrictions. Some NGOs respond to self-organization by acting within or from outside the nation. For instance, they obtain funding from the international humanitarian system and the power centers of the union government, Nay Pyi

Daw and Yangon. Some utilize automobiles to deliver aid. They respond by creating new terminologies for their efforts to influence the government and keeping low profile in order to protect themselves (Desportes, 2019).

Furthermore, in China, NGOs focus on developing institutional competence, reputation and strategic litigation that anticipates opportunities that may arise as state policies change (Deng and Menegazzi, 2018). Others utilize the media (Teets and Almen, 2018), alliances, experience and training (Froissart, 2019). For example, four environmental NGOs (All-China Environment Federation [ACEF], Guiyang Public Environmental Education Center, Chongqing Green Volunteer League and FoN) organized training and capacity-building in legal knowledge and practices on environment protection between 2008 and 2012, targeting young attorneys, judges and professionals from NGOs and academia (Zhuang *et al.*, 2022). Even more, NGOs in Russia register as businesses to secure international funds. Others redesign themselves to seem less threatening to the government (Smidt *et al.*, 2021).

In Kyrgyzstan, NGOs have been filing petitions against laws that impact the civic space. For instance, in 2014, a total of 231 NGOs signed and filed a petition to the supreme council against the “*foreign agents law*” bill which posed severe restrictions to NGOs’ functioning. In that petition, they collaborated with other NGOs such as Freedom House to lobby influential government actors. The move proved to be successful since, in 2016, the Supreme Council rejected the bill completely (Cheeseman and Dodsworth, 2023).

In Nicaragua, Reder (2023) entails that NGOs have been using international collaboration to pressurize the improvement. For instance, the Organization of American States has issued number of resolutions condemning the shrinking civic space done by President Ortega-Murillo’s regime. However, most collaborations fail such as the Columbian President Gustavo Petro’s recommendations for the release of 14 political prisoners in 2022. Ntini and Sooryamoorthy (2021) report that in Zimbabwe, NGOs uses collaborations, change of focus partnerships, cooperation and compliance.

In Tanzania specifically, NGOs make recommendations to the government on how to improve the environment. For instance, between 2016 and 2019, NGOs collaborating with the UN HRC and organized by the Tanzania Human Rights Defenders Coalition (THRDC) offered 227 suggestions, of which 130 were accepted, 72 were highlighted and 25 were left pending (Tanzania CSOs, 2019). On the other hand, DefendDefenders (2018) claims that some NGOs refrain from criticizing or advocating for the government publicly.

Even more, Nguyahambi (2021) notes that CSOs implement an impartial political stance, developing novel ways to demonstrate their contributions, adhering to government regulations and control mechanisms, negotiating their place in governance and development processes, strengthening organizational and coordination capacities and diversifying their sources of funding. However, the challenge with Nguyahambi’s (2021) finding is that it did not assess in detail the effectiveness of such strategies.

Hence, NGOs in many nations have developed a variety of mechanisms to escape, survive and respond to the limited civic space. Regarding effectiveness, some scholars have viewed NGOs’ resilience effectiveness to be temporary and ineffective, while others like Gaventa (2022) view such strategies to be less visible and hidden from government authorities. There are several ways to assess effectiveness of NGOs’ resiliency strategies; however, this study considers six factors: scope of strategies implementation, strategies operational cost, strategies not colliding with NGOs democratic aims, strategies not changing the scope of NGOs operations, government reaction on the strategy and strategies’ capacity to expand the civic space.

4. Theoretical review

The study is built along liberal theory of CSOs. Many world nations continue to apply and aggregate CSOs in liberal ways. Nations, particularly developing ones, are progressively

claiming to practice liberal thoughts on CSOs (Williams, 2008; Young, 2002). For that matter, although subject to cascading, many nations follow willingly or by force the liberal practices of CSOs because it is seen to fit in and considered as the modern practice on the matter. On the other hand, developed nations and international organizations continue to support civil society, which promotes liberal democracy by increasing funding to CSOs, especially in authoritarian settings (Banks and Bukenya, 2022). For liberalists, CSOs are all organizations including community groups, lobbying groups, interest groups, trade unions, NGOs, churches and so forth that are considered to be in charge of bringing civility closer to the average person and promoter of democracy (Grande, 2022). It is mostly used to mean associations where individuals collectively come together to advance their common interest/goals (Meeuwisse and Scaramuzzino, 2019).

Due to that, liberalist's ideas on civil society is built on the following assumptions. First, civil society is a realm of organized social life standing between individuals and political institutions, as Alexis de Tocqueville considers (Diamond, 1994). Second, there is the interaction between civil society and the state in ways that allow aggregation and articulation societal interests, as insisted by John Locke (Laine, 2014). Third, civil society are necessary organizations and oversight bodies to check the power of the state to advance rights and liberties and calls for active engagement of civil society in democracy, as Thomas Paine insists (Hyden, 1997). Fourth, the state has the role to play in the development of the society and should allow its plurality (Nguyahambi, 2021). Fifth, CSO is a condition of democracy and a rich network of associations, as Putnam (1993) states. Hence, democratic government is strengthened and not weakened when it faces vigorous civil society. CSOs are said to be good guardians of good governance (Putnam, 1993). Based on these assumptions, the central idea of liberal democracy to advocacy NGOs is that, for them to flourish, governments should create a conducive space that would allow them to interact, express, associate and assemble for democratizing it and attaining development.

Globally, most states would perpetuate themselves as democratic such that they guarantee freedoms, that is expression, assembly and association; protection of human rights, rule of law and constitutionalism. However, experience reveals that in most of countries in the world, except for few like Canada, Norway, Finland, Sweden and Germany, their perpetrations are theoretical because the civic space appears to be constrained (Nguyahambi, 2021; Toepler *et al.*, 2020; Roggeband and Krizsán, 2021).

It has been constrained because most countries view that conceptualizing NGOs as arena of free and autonomous actors is Eurocentric, neocolonial and problematic (Escobar, 2020; Obadare, 2013). Hence, countries continually develop laws that end or constrain the effective functioning of NGOs (CIVICUS, 2022). This study contributes to the liberal debate on the modalities where advocacy NGOs try to survive in a constrained operational environment.

5. Methodology

The study was conducted in Tanzania involving four advocacy NGOs that were purposely selected. Reasons for selection include the following: they operate on a nationwide scale, and they apparently faced operational limitations when putting their plans into action. These NGOs included Legal and Human Rights Centre (LHRC), HakiElimu, Twaweza and Tanzania Human Rights Defenders Coalition (THRDC). Unfortunately, as part of resiliency, Twaweza was not ready to share primary information in this study, and hence it was included through secondary materials review. The study targeted 20 interviews with NGO staff. Staff targeted include national coordinators, directors, legal officer, program coordinator, advocacy officer, policy officer, research officer and project officer.

The study was anchored along interpretivism philosophy which allowed interpretation of experiences, thoughts and ideas to reach a meaningful conclusion. Again, a cross sectional

case study design was applied where data for the case studied were collected at once, hence following a qualitative approach path. Data were collected through interviews between June and August 2023, and documentary reviews. Interviews lasted between 30 and 50 min anchored along general theme of the study.

The thematic approach was applied in data analysis. Some steps were used in data analysis. The first step was reading transcribed interviews to check recurring themes. Developing broad categories for the study was step two. The third was creating subcategories or coding to offer more detailed information. Fourth step was double-checking and reclassifying as necessary. The data analysis was done using the NVivo computer program (Simister & James, 2020; Trochim, 2006). Lastly, report was written in a meaningful way. All ethical clearances were sought, and consent was taken from participants.

6. Results and discussion

6.1 *Complying with existing laws*

This was revealed as one of the resiliency mechanisms for NGOs to survive the constrained civic space (Lorch and Bunk (2017). NGOs had to comply with laws and policies developed by the government to ensure their survival. NGOs which failed to comply with developed laws were banned by the government (Kambole, 2018). NGOs chose to comply as they thought that it was better to do so than to be deregistered. This was revealed during interviews with THRDC, where one of the participants said,

Even if the rules that govern our behavior are stringent, we usually establish the capacity in our members to abide by them. It is preferable to be alive than to be dead. If you don't comply, you'll lose your registration and your problem won't be fixed (THRDCR1, June, 2023).

This technique is still in operation because laws and regulations that were enacted and amended are still in operation. The survival of NGOs depends on how well they adjust themselves to complying with every section of the law. Although NGOs get a chance to give opinions in law-making, the government becomes hesitant and does not change major issues proposed by them. Hence, after the law has been passed, NGOs have to comply because the government has them power to enforce them on NGOs. Arguably, this is the most relevant and first strategy that NGOs have to consider for the sake of ensuring their survival. Dupuy *et al.* (2015) state this strategy is used by Ethiopian CSOs. It is also used by CSOs in other countries with constrained civic space.

6.2 *Community awareness and capacity-building*

Citizen capacity-building is used as a shield by NGOs so they become aware of their activities (Nguyahambi, 2021). This is done physically and through digital platforms. Many Tanzanians, accounting to more than 34 million (50%), have access to the Internet (TCRA, 2023); hence, through social media, NGOs are able to provide education to citizen on issues of liberty, especially when they fail to do so physically. This was revealed during interviews with THRDC. “*We think that if we inform the public about the state of civic space, they will band together to hold the government responsible*” (THRDCR3, June, 2023). Teachings include defending rights and responding when they are violated. This emancipates citizens to speak out when NGOs are attacked, and NGOs to speak out when the rights of citizens are abused because their statements are circulating throughout different digital platforms; however, not all digital platforms post NGO statements, and hence they do not reach to all citizens. They also train the citizens physically; for instance, in 2022 LHRC collaborated with the commissioner for coastal region and members of parliament in the region to provide training to women councilors in Kisarawe district on gender violence and joint leadership opportunity to motivate them economically. On August 3, 2023 LHRC visited women councilors at

Kisarawe to get feedback on such training and to strategize, so that those who received training could train other women. This strategy made LHRC visible, creating bond with community so that they can defend each other in the time of repression.

Additionally, NGOs train citizens to participate in community plans so that they are informed of government doings. They advocate for citizen participation in planning and budgeting, especially at community level. This would make community members become part and parcel of development plans. Hence, NGOs are doing undercover advocacy by providing citizen with necessary skills to speak for themselves. Hence, NGOs continue to survive with this undercover. A participant at HakiElimu said, “*You train citizens to be aware and advocate for changes. Advocate for them to participate in planning and budgeting such as through O&OD*” (HER1, June, 2023). O&OD is a methodology to build and sustain collaborative relationship between local government authorities (LGAs) and community for better service delivery and local development by empowering communities and promoting community initiatives (CIs).

This strategy is used in China where some NGOs train attorney, judges and academia. Some of the NGOs implementing this include All-China Environment Federation [ACEF], Guiyang Public Environmental Education Center, Chongqing Green Volunteer League and FoN (Deng and Menegazzi, 2018; Zhuang *et al.*, 2022). Although this methodology is used by NGOs, it is not seen to be much effective, because community members are still reluctant to raise their voices to hold the government accountable or act as a backup to NGOs.

6.3 Engaging and collaborating with the government

This strategy is used especially in the current regime where there is at least some opening up of civic space and the government is seen willing to work with NGOs once again. Some responses revealed during interviews are provided below for each NGO.

The tactic of bringing up the topic for improving civic space with the government is highly helpful. Despite their attempts to avoid the conversation, at least they listen (THRDC1, June, 2023).

We had to advocate for MOUs with various LGAs . . . We have also collaborated with ministries on researches and policy directives (HER1, June, 2023).

We worked along with the ministry of internal affairs, the commission for human rights and good governance, the ministry of legal and constitutional affairs, and the law reform commission. They might advise us to quit what we are doing since it is against the law (LHRCR4, June, 2023).

HakiElimu revealed that they even collaborated with National Bureau of Statistics (NBS). Collaborating with NBS ensures research permits are granted easily. Again, working with Ministry of Constitutional and Legal Affairs ensures that NGOs’ submissions are taken to considerations. Again, LHRC signed a memorandum of understanding (MoU) with the police to ensure that both parties collaborate on every aspect of human rights violations and LHRC capacity-building to the police officers on human rights and gender. To evidence this collaboration, Plate 1 shows the Inspector General of Police (IGP) on behalf of Tanzania Police and LHRC director signing the MoU, as was revealed in the LHRC annual report (LHRC, 2022). This proves the existing collaboration between LHRC and government institutions. The LHRC’s annual report is available for public consumption.

Additionally, in 2021, Twaweza was invited to present their views on the legal amendments, including those that outlawed public Internet litigation. They submitted their analysis to the parliamentary committee, religious leaders and editors. Their submissions was supported by the coalition of over 200 NGOs in the country. Even though the effort to regulate the NGO sector is still underway, some early successes have been made, such as the president’s recognition of the significance of NGOs’ contributions to the nation and a

softening of rhetoric (Twaweza, 2021, p. 17). The challenge that can be existing in this strategy is selective collaboration where government agencies may choose where to collaborate and where not to collaborate, making it ineffective.

6.4 Strategic litigation

NGOs involved in this study revealed that they were filing cases to the high court of Tanzania, regional and international human rights instruments against some of provisions within laws enacted which violates human rights and constrain the civic space. LHRC and THRDC participants testified this.

In order to change laws, we are also engaging in strategic litigation. We currently have a case on human and people's rights in the African court in Arusha. Because the verdict is scheduled for tomorrow, our attorney has traveled to Arusha for that (THRDCR2 June, 2023)

A participant at LHRC said,

We file cases against the government on some of legal provisions which constrain the civic space or violates human rights (LHRCR1, June, 2023).

The study revealed various petitions opened by these NGOs in collaboration with other actors on provisions of several laws which are restrictive in nature. For instance, Freeman A. Mbowe, Zitto Zuberi Kabwe, Hashim Rungwe, Salim Mwalim and LHRC opened a petition at the East African Court of Justice (EACJ) against the government of the United Republic of Tanzania provisions of Sections 3, 4, 5, 9, 15 and 29 of the Political Parties (Amendment) Act which amended the Principal Act, the Political Parties Act, Cap 258, violate the Articles of the Treaty for the Establishing of the EAC. On March 25, 2022 the EACJ First Instance Division issued the judgment declaring the provisions of Sections 3, 4, 5, 9, 15 and 19 of the Political Parties (Amendment) Act, No.1 of 2019, contain unjustified restrictions on the freedom of association, is discriminative, restricts people's rights to participate in public affairs and therefore violates the Treaty. Aggrieved by the judgment, the Attorney General of the United Republic of Tanzania appealed at the Appellate Division of the court. After verdict, the government appealed against such decisions. However, on May 26, the EACJ appellate dismissed the appeal against the government, hence giving petitioners a win.

Again, on June 13, 2023, the African Court of Justice and Human Rights (ACJHR) declared the provision allowing District Executive Directors (DED) to be returning officers in general elections violates the African Convention, which gives rights of everyone to participate in the



Note(s): The collaboration between police and LHRC is seen to be in operation. For instance, on 15th June 2023, LHRC trained the police on human rights and gender in the West Pori Camp in Moshi district, Kimanjaru

Source(s): LHRC (2022, 31)

Plate 1.
IGP. Wambura (on the
left) and LHRC's
Executive Director Dr
Anna Henga (on the
right) signing the MoU

leadership of a country by elected or through representatives. This petition was filed by a human rights defender Bob Wangwe and LHRC against the United Republic of Tanzania. In their petition, they claimed that Sections 6(1), 7(1), 7(2) and 7(3) of the National Elections Act, which permits DEDs to act as the returning officers during elections, violated various sections of the Charter establishing ACJHR. The court ruled that the clause breaches the Charter's founding provisions and demanded that Tanzania alter the law to comply with the Charter.

On the same day (June 13, 2023), the African Court on Human and Peoples' Rights (the Court) delivered a judgment in the case of Legal & Human Rights Centre and Tanzania Human Rights Defenders Coalition v. United Republic of Tanzania. LHRC and THRDC alleged that by enacting Section 148(5) of the Criminal Procedure Act (CPA), which provides for non-bailable offences, the government of the United Republic of Tanzania violated Articles 1, 2, 6 and 7 of the African on Human and Peoples' Rights (Charter). The court further found that as a consequence of finding other violations of the Charter in the present case, Article 1 of the Charter was also violated. The court mandated the government to take all necessary legal and constitutional steps, within a reasonable period of time, not to exceed two (2) years, to ensure that Subsections 148(5) (b)-(e) of the CPA are changed and in accordance with the Charter's requirements in order to abolish, among other things, any infraction of the Charter and other documents the government of Tanzania has ratified.

Having assessed most of verdicts of petitions opened by human rights defenders and NGOs, most of the petitions that they won have not impacted anything in laws that they are filing against. This is because the government has not been ready to change such provisions. Again, it look like the government has not been happy with the NGOs and human rights defenders filing petitions against it at the regional and international levels.

To prove this, Tanzania ratified both the African Charter on Human and People's Rights and its Protocol on October 21, 1986, and February 10, 2006, respectively. On March 29, 2010, the nation deposited its declaration, which is a requirement under Article 34(6) of the protocol, accepting the court's jurisdiction over claims brought by individuals and NGOs. But Tanzania filed a withdrawal of the aforementioned declaration with the African Union Commission on Human and People's Rights on November 21, 2019, but the court ruled that the action would not have an impact on proceedings that are already in progress. Although President Samia Suluhu Hassan promised to reverse such decisions, until now the promise has not been realized (De Silva and Plagis, 2020, 2023; Adjolahoun, 2020).

Another notable strategic litigation was reported by Twaweza (2020), which they called it "*finally. a passport returned*," this came following the Twaweza program called *Sauti za Wananchi* survey on citizen assessment of councilors, MPs and the president performance, which showed a marked decline in approval ratings across all three levels and resulted in the confiscation of Twaweza's executive director's passport by immigration officials. In November 2018, Twaweza sought a judicial review at the high court against the Commissioner General of Tanzania immigration services and the Attorney General for withholding Aidan Eyakuze's passport and denying him the right to travel. In August 2019, the High Court ruled in favor of the government, claiming that it could not interfere in the ongoing investigation and the immigration could continue to withhold the passport (Twaweza, 2020). Justices of Appeal overturned the High Court's ruling in December and mandated that the Immigration Services return Aidan Eyakuze's passport within 60 days as well as accept and handle his legitimate application for a new passport (Twaweza, 2020).

This strategy is also applied in Kyrgyzstan (Cheeseman and Dodsworth, 2023), Nicaragua (Reder, 2023), Kenya (Flower, 2019; Brett, 2018) and Russia (Smidt *et al.*, 2021). Despite such efforts, there have not been legal changes. This is because these regional and international human rights instruments have no power of intimidating the government to do or not to do

anything. They still look like advises only and not binding to the government (Daly and Wiebusch, 2018; Possi, 2017; De Silva and Plagis, 2023).

6.5 Change of focus

Expanding NGOs' functional and strategic horizons has been employed as a resilience tactic to get around restrictions. NGOs realize that the government favors charity than advocacy NGOs. As a result, they choose to combine advocacy and charity. HakiElimu confirmed this. They narrated that they encountered challenges because they are concerned with advocating for basic education in Tanzania by calling on the government to change laws, policies and practices in order to improve the learning environment for students pursuing basic education. Instead of that, they had to embrace a new model.

They may construct a class with needed standards, give it to the government and explain that this is how classrooms ought to be. The government believes that they are genuine allies. On this, a participant at HakiElimu said,

We had to add service delivery. You go out and construct classrooms, train teachers, and then inform the government that you can do the same because we've done it before and it worked (HER2, June, 2023).

On the other side, some NGOs focusing on human rights broadened focus to advocating for strong institutions. They believe that if the country has strong institutions, human rights will be protected. To prove this, an LHRC participant said, "*We began also advocating for strong governmental institutions that will protect the human rights*" (LHRCR1, June, 2023). Expanding NGOs scope is reported in countries like Ethiopia (Dupuy *et al.*, 2015) and Vietnam (Crabtree-Condor, 2020). Change of focus is also revealed by Van Wessel (2023) and Fransen *et al.* (2021) to be used by many NGOs. However, Gaventa (2022) views that these strategies tend not to be effective. When you change the focus, it means you are moving from advocacy to charity, meaning NGOs will not become strong advocacy institutions. This is to say, although change of focus is used as a resiliency strategy, it negatively affects NGOs because they fail to uphold their aims of establishment which is advocating for changes in their areas of focus.

6.6 Coalitions and collaboration with like-minded organizations

Some NGOs establish some coalitions and collaborations with like-minded NGOs for togetherness. This is for solidarity and joint power in order to condemn the government misconducts. It helps NGOs to raise voice through joint statements and submitting recommendations to the government. To testify, an LHRC participants said,

In order to survive, we had to build a coalition with like-minded organizations on a local and global level. Together, we worked with the THRDC, Policy Forum, the Media Council of Tanzania, CIVICUS, and Amnesty International (LHRCR6, June, 2023).

Impliedly, NGOs think that they alone they cannot change the situation. Cementing on this, between 2016 and 2019, CSOs, collaborating with the UN HRC and organized by the Tanzania Human Rights Defenders Coalition (THRDC), offered 227 suggestions, of which 130 were accepted, 72 were highlighted and 25 were left pending (Tanzania CSOs, 2019).

Twaweza (2021) report shows that they entered into partnerships with two brand media. First is Tanzania Editors' Forum (TEF). They convened four joins sessions with TEF to examine key national issues from a media perspective. They had a discussion with this organization on key issues facing the media, including the right to bail in Tanzania, laws impacting the media and access to information. Twaweza also entered into partnership with The Chanzo Initiative. Twaweza committed to assist the creation of a streamlined set of financial standards, the hiring of an accountant, the creation of a risk register, advice for

fundraising, certain equipment and the hiring of four correspondents based in various parts of the nation (Twaweza, 2021). On the other hand, Twaweza (2021) reported a good insight which shows collaborations cited here.

As part of our reflections around our capacity and space to influence Tanzanian democracy and governance under the previous administration, we came to realise that some of Twaweza's strengths also put us at risk. (Twaweza, 2021, p. 6)

To mitigate the risk of being isolated, and to strengthen the civil society ecosystem, we have invested in strengthening a selection of more aligned organisations. We worked with a broad coalition of youth organisations coordinated by Tanzania Bora Initiative; political parties through the Tanzania Centre for Democracy (a forum of all political parties in the country); and with Equality for Growth who have an exciting and seemingly successful model for movement building, mobilising and conscientisation among market women traders (Twaweza, 2021, p. 6)

Twaweza reported that it is prepared and eager to collaborate with these groups to help them realize their full potential, which will strengthen the battle for open civic space. On the other hand, Twaweza offered another account in their 2019 reports of how they worked together with other NGOs and groups who had similar goals to attempt to change the Written Laws (Miscellaneous Amendments) (No.3) Act, 2019. In that bill, it was proposed to amend eight important laws: the Companies Act, Cap. 212, the Copyright and Neighbouring Rights Act, Cap. 218, the Films and Stage Plays Act, Cap. 230, the Non-Governmental Organizations, Act Cap. 56, the Societies Act, Cap. 337, the Statistics Act Cap. 351, the Tanzanian Shipping Agencies, Act Cap. 415 and the Trustees' Incorporation Act Cap. 318.

They worked with Centre for Strategic Litigation; Change Tanzania, HakiElimu, JamiiForums, Legal and Human Rights Centre (LHRC), Tanzania Gender Network Program (TGNP), Tanzania Human Rights Defenders Coalition (THRDC), Tanzania Women Lawyers Association (TAWLA), TIBA and Twaweza (Twaweza 2019). They presented their submissions to the parliament. Up until that point, MPs seemed to value their opinions, justifications and ideas for changes. Even though some of the most important suggested changes (such prohibiting Companies Limited by Guarantee from engaging in "NGO type" work) were passed into law, the definition and scope of NGOs were amended to allow NGOs focusing on human rights and governance concerns (Twaweza, 2019).

The strategy is also seen to be a practice in Uganda where NGOs joined forces with opposition political parties to oppose the rules which constrained the civic space (Sjögren (2022). Kyrgyzstan organizations like Freedom House collaborated with 231 CSOs to file a petition against the foreign agents law in 2014 (Cheeseman and Dodsworth, 2023).

6.7 The use of online/digital platforms

Despite restrictions on online content, LHRC has been using the online platforms to implement its functions. This came as a result of restriction on traditional media outlets to work with advocacy NGOs. This came into discussion with LHRC, where one of the participant said,

We had to change our approach to begin utilizing online platforms to carry out our activities. We established our own online television, known as Haki Tv, and tried to update and modify our social media accounts (LHRCR1, June, 2023).

It should be remembered that in 2017, five televisions were fined by TCRA for airing LHRC programs, which led the media to cut relations with it. One of the notable online platform is the online TV known as Haki TV. This study reviewed some of online videos posted by the TV. For instance, on February 23, 2021, LHRC posted the online video through its YouTube

channel “Haki Tv,” showing that it had prepared a two-day meeting in collaboration with THRDC, and saved children by inviting more than 100 CSOs to attend and discuss state of human right in Tanzania. To evidence this, Figure 2 is the picture captured from the video posted by Haki TV, showing the two-day meeting prepared by LHRC and other CSOs on the state of human rights. This proves that NGOs’ activities are posted in their digital media to make them visible to citizen and other CSOs rather than depending on traditional media which become hesitant to work with them. The TV posts are available for public consumption.

Another example is the video by LHRC on the continued killing and torture of citizens by government officials. LHRC gave its declaration to rebuke the continued killings and other violation of human rights. They cited example of a case that took place May 6, 2023, at Mwanavala village of Mbarali district of Mbeya region, where five citizens were beaten, harassed, injured and intimidated by Tanzania National Parks Officials. Haki TV had 5.5 K subscribers and had posted more than 500 videos.

Also, THRDC was seen to be using online platforms to ensure that their work is disseminated and known to stakeholders. They have established an online TV channel known as Watetezi TV for communicating and doing their advocacy activities. During interview with THRDC, a participant narrated, “*Traditional media could not work with us, we established Watetezi tv and instagram account*” (LHRCR1, June 2023). It has 34 K subscribers, and up to the time of data collection, it had posted 2.5 K videos.

One of the notable posts in the WATETEZI TV is that which was posted on February21, 2018. This video shows a statement that was given by the association of civil society organizations (AZAKI) of Tanzania on the ongoing violation of human rights, good governance and insecurity. This came after the death of a National Institute of Transport (NIT) student who was shot to death by the police when she was in the public transport at Kinondoni, Dar es Salaam. To prove this post, Figure 3 is the picture captured from the video post , showing AZAKI leader reading statement on the ongoing violation of human rights in Tanzania. This is to show that NGOs are using digital media to make their work visible by posting on their digital platforms rather than depending on traditional media. The TV posts

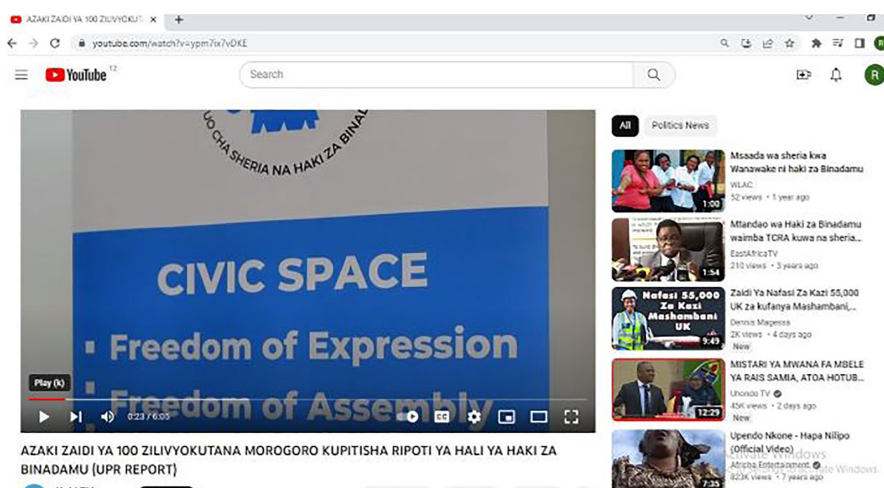


Figure 2.
Haki TV post on LHRC
in collaboration with
THRDC and Save the
Children, inviting CSOs
to attend meeting on
the state of human
rights

Source(s): LHRC (2021); Watch the video at: <https://www.youtube.com/watch?v5ypm7ix7vDKE>

Figure 3. National coordinator of THRDC reading the AZAKI statement on the ongoing violation of human rights in Tanzania on February 21, 2018



Source(s): THRDC (2018); The video can be viewed at: https://www.youtube.com/watch?v=gKAMrhO8jo&list=PLNi_f1RB3jAi5QIvovMQrqGbwIMXSghPY&index=4

are available for public consumption. The video until the data collection time had 34 K subscribers (THRDC, 2018).

On the side of HakiElimu, they also focused on online media such as Facebook, Instagram and Twitter. It was revealed that they also used YouTube to post their advocacy activities. This was revealed during interviews with HakiElimu, where one of the participant said,

To promote our activities, we need to spend a lot of money on internet channels like social media and online TVs. Even though we weren't ready for that call at the time, we had to make that decision (HER1, June, 2023).

HakiElimu have social media accounts such as their Facebook account called "HakiElimu," where up to the time of data collection it had 331 K followers; Instagram account called HakiElimu with 74.7 K followers and 1,717 posts up to the time of data collection; and Twitter account "HakiElimu" with 155.7 K followers. They have also been posting various videos on YouTube for informing and advocating education in Tanzania. During review of HakiElimu Twitter account, it came across a post (cited in YouTube references list) informing the public that they are going to release their statement on the death of Gloria Faustine (14 years), a form one student enrolled at Mwinuko secondary school in Mwanza. She died after being hit by a stone while digging rubble as part of punishment for speaking Kiswahili in school. Despite the use of online platforms, subscribers are still few compared to the existing number of Tanzanians with access to Internet, hence making their coverage meagre. Online media is also featuring resiliency strategy in China (Teets and Almen, 2018) and Kenya (Houghton and Muchai, 2014; Berger-Kern *et al.*, 2021). Moreover, they are mostly used in Southeast Asia, Saudi Arabia, Egypt and Turkey (Lutscher and Ketchley, 2023).

7. Study implications

Attaining open civic space for advocacy NGOs is still challenging. It is cumbersome to practice democratic principles, especially those relating to freedoms such as association, expression and assembly. While NGOs are allowed to exist in the country, their freedoms have continued to be curtailed. The President Magufuli leadership period (2015–2021)

experienced severe constraints for advocacy NGOs in history, both legally and practically. In the leadership of President Samia Hassan (2021 to date), there are improvements in practice, while laws developed under Magufuli period remain in place. This has made Tanzania remain in the process toward development rather than attaining development itself. Although NGOs have a long way to go to play their democratic role effectively due to several challenges such as internal accountability and beneficiaries participation, the government treatments impede their effective functioning.

Advocacy NGOs have been applying several strategies to survive. However, looking at the nature of resiliencies, it could be said that their effectiveness is questionable due to several reasons. Firstly, their effectiveness depends on the political will of a particular regime. This is because every strategy NGOs develop becomes outsmarted by the government to undermine them. For instance, under President Magufuli, after the government realized that NGOs have started using online platforms, it developed laws to limit their online conducts. Again, it threatened NGOs' survival by amending registration law in 2019, requiring them to reregister after ten years, with the option of being denied reregistration. Moreover, after realizing that NGOs continually file petitions against the government to the African Charter on Human and People's Rights, in 2019, it withdrew petitions and prohibited NGOs to file them to this court. This shows little government tolerance to pluralism culture. Under President Samia Hassan, due to her political will, some strategies are seen to be somehow working such as using the media, petitions to the High Court of Tanzania and issuing statements, though laws curtailing these practices are still in place.

Secondly, the scope of some strategies became limited; for instance, subscribers of digital media are still few, hence have meagre impact. Thirdly, some strategies such as building community awareness collide with NGOs' democratic aims, hence applying them visibly put them at danger. Fourthly, there is high cost of operating strategies such as litigation, and some litigations have less impact in changing the situation. Some NGOs changing the scope of functions put their vision at danger, and those deciding to comply with government restrictions become silent, hence failing to play CSOs' democratic roles. Sixth, strategies are seen not to expand NGOs' civic space since the situation has not greatly improved, such as not being able to change constraining laws. Hence, advocacy NGOs in Tanzania still face difficulties in accessing their space smoothly, which limits their effective functioning and undermines the democratic idea requiring governments to supply maximum space for NGOs.

8. Conclusion and recommendations

Advocacy NGOs have been responding to confinement by developing resiliency mechanisms to survive and work within the situation by applying different strategies. Most strategies are meant to escape repressions or trying to find another way of working with the government, but hardly change the situation. Hence, most of the strategies used are not effective. On the side of NGOs, most of resiliencies have limited scope in operationalization, lack enough fund and do have not strong bond with many citizens. On the side of government, effectiveness of NGOs strategies depends on the political will of the existing government regime to tolerate and allow them work. This means that effectiveness of strategies become temporary, hence NGOs face continuous restrictions.

Advocacy NGOs have to build strong bond with as many citizens as possible for building a backup especially in rural areas where they have meagre bond, broaden the scope of strategies and diversify their funding sources. Moreover, NGOs have to be strategic by encouraging a deliberative democratic way in interacting with the government. NGOs should also continue building government awareness for changing laws and tolerating plural political culture. This would capture a deliberative process of public reasoning focused on achieving common good and motivates inclusive decision-making.

Acknowledgment

The authors acknowledge the support received from Legal and Human Rights Centre (LHRC), Tanzania Human Rights Defenders Coalition (THRDC) and HakiElimu.

Funding: No fund was received in this study.

Financial statement: This study received no financial assistance.

Research involving human participants and/or animals: Authors solicited all ethical clearances in this study. Ethical clearances were granted by the University of Dodoma where one of the author is a PhD candidate and the other author is a senior lecturer, head of department and supervisor of the first author. The university ethical clearance was granted on behalf of Tanzania Commission of Science and Technology (COSTEC), which is mandated to issue ethical clearances.

Again, research permissions were granted for involved NGOs, except Twaweza, which was not to be ready to share primary information. Hence, Twaweza was involved through secondary data which are available for public consumption.

Conflict of interest: No potential conflict of interest to declare.

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