Global Britain for an open world?

Examining the importance of open societies to the UK's 'force for good' ambitions

The Foreign Policy Centre

WFD

Executive Summary

Open societies around the world and the international system that supports them are under growing threat. This publication provides detailed analysis and practical ideas for how the UK can meet this challenge with a 'renewed commitment to (being) a force for good in the world-defending openness, democracy and human rights' necessary for 'shaping the open international order of the future'.

First, Britain must be consistent in its principles both at home and abroad. It must tackle corruption in the UK and its territories, protect the independent institutions crucial for its soft power and avoid restrictive new legislation that will harm human rights at home and undermine them internationally.

As part the UK's new approach to the world it should seek to be 'Doing Development Democratically' (DDD), a long-term integrated approach that understands the UK's impact on countries and incentivises change through a 'Democracy Premium'. UK engagement should build on a core of tacking corruption, promoting the rule of law and protecting media freedom, mutually reinforcing areas that can underpin a wider change to political cultures and quality of governance. The UK needs to be more outspoken in defence of open societies – bilaterally and multilaterally – both in public and private, using all the tools available to it, even as UK aid has been cut back. Working with like-minded donors, partners in the global south, and civil society the UK needs to seize democratic opportunities as they arise and protect progress in the regional leaders that can influence others.

Key Recommendations
- The UK must get its own house in order. A programme of domestic reform should include:
  - Delivering a beneficial ownership register for property; reforming and better resourcing Companies House, the National Crime Agency, Serious Fraud Office and HMRC; and transforming or abolishing Scottish limited partnerships;
  - Rethinking and revising the Police, Crime, Courts and Sentencing Bill and the Elections Bill over restrictions to the right to protest and vote; and
  - Protecting the UK's soft power strength and avoiding undermining UK institutions so that the UK can act as a 'Library of Democracy', a democratic resource for the world.
- The UK should commit to 'Doing Development Democratically'. This should include:
  - Acting with 'Democratic Sensitivity' by understanding the impact of UK decisions on a country's democracy, seeking to do no harm and instead supporting openness;
  - Creating a 'Democracy Premium' of incentives for governments committed to democracy and human rights. Offering additional foreign aid, trade preferences, international development finance, security guarantees, debt relief, technical support, diplomatic engagement and access to international agreements;
  - Responding to emerging opportunities for reform by delivering a 'Democratic Surge' of political, practical and financial support to buttress democratic openings; and
  - Ensuring women's political leadership plays a central role in the upcoming International Development Strategy and other FCDO policies.
- The FCDO should invest in UK election observation capacity, including a rapid response fund and push countries harder to deliver reforms on the basis of observation reports.
- Ambassadors and Ministers should speak out more on human rights abuses and use Magnitsky sanctions to go after abusers.
- The UK should support open data by creating 'Digital Open Champions' to drive reform at home and making it a key plank of its approach to aid and international regulatory bodies.
- Support the development, funding and mobilisation of the International Fund for Public Interest Media and the establishment of a Global Fund for the Rule of Law.
- Invest in UK democracy building capacity through a new Open Societies Fund, which could be delivered by a consortium of British NGOs and organisations (Team UK).
- Ensuring the UK has clear commitments to show leadership at the Summit for Democracy.

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1. Introduction: Examining the importance of open societies to the UK's 'force for good' ambitions

By Adam Hug and Devin O'Shaughnessy[1]

This publication comes at a moment of transition for UK foreign policy as Britain seeks to put into practice the Government's Integrated Review of Security, Defence, Development and Foreign Policy (Global Britain in a Competitive Age) and shape its future engagement with the world. The Integrated Review set the objective of the UK 'shaping the open international order of the future' as part of its strategic framework and made a 'renewed commitment to the UK as a force for good in the world – defending openness, democracy and human rights'.[2] The Government now faces the task of fleshing out its approach to key priorities such as open societies, international development and soft power as well as developing its country level decision-making, building both on past practice and the direction set by the Integrated Review, while needing to work with partners across UK society to achieve its objectives.

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[2] Cabinet Office, Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy, March 2021, https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy

2021 has seen the UK convene the leaders of the G7 in Cornwall and will shortly host the COP26 Climate Change Conference in Glasgow before participating in the Biden-led Summit of Democracies. The Summit is in fact two summits a year apart – taking place virtually in 2021 and in person in 2022 – with work expected to be done to deliver on commitments and operationalise new partnerships in the year between. While the importance of open societies was on the agenda at the G7, through the 2021 Open Societies Statement, there is a lot more to do to deliver the necessary response to a changing world where authoritarian powers are gaining influence.[3]

The global challenge

The COVID-19 crisis has not only dominated the international landscape for the last 18 months but has provided new opportunities and technologies for the extension of powers used by Governments to control their populations in both democracies and autocracies. The impact of the COVID crisis has further exacerbated the existing problem that the cause of liberal democracy and open societies has been in retreat for at least a decade and a half, as noted by Freedom House's 2021 Freedom in the World Report (Democracy Under Siege) and in many of the essay contributions in this collection.[4] There has been a retrenchment by authoritarians, backsliding from countries that had once been making progress (such as Hungary, Poland, Philippines, Sri Lanka and Bangladesh) and challenges at the heart of longstanding democracies such as the United States.

In the West, enthusiasm for democracy is in significant decline, as existing systems struggle to deliver for their citizens in the challenging economic conditions since the 2008 financial crisis.[5] Notably among young people, there is greater appetite for 'strong' leaders over protection of rights, increased radicalisation, and plummeting trust in government institutions (particularly political parties and legislatures).[6] Many fragile and least developed states – such as Iraq, Afghanistan, DRC, and South Sudan – have received billions in democracy assistance funding over decades with minimal results, undermining people's confidence in the value of these efforts.

Since 2012, particularly under Xi Jinping's leadership, China has been increasingly assertive both within its region and globally to push back against liberal democratic norms. Russia has continued to actively promote 'traditional' socially conservative values, particularly in its immediate neighbourhood, and engage in covert interference in elections. As addressed in James Rogers' essay both Russia and China are increasingly using disinformation and the manipulation of social media to fuel polarisation and undermine confidence in democratic systems across the globe. China in particular has significantly ramped up its investment in 'autocracy promotion', with foreign officials from many dozens of countries across every region receiving training from China on online 'information management'.[7] The behaviour of both countries has raised increasing concerns, both regionally and globally, because of disregard for treaty commitments (such as in Hong Kong or the South China Sea), through their actions towards their neighbours (Georgia, Ukraine), or because of threats to international norms in the areas of cyber security or copyright. At times aided and abetted

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[3] Cabinet Office, 2021 Open Societies Statement, G7 Summit in Cornwall UK, July 2021, https://www.gov.uk/government/publications/2021-open-societies-statement

[4] Sarah Repucci and Amy Slipowitz, Freedom in the World 2021: Democracy under Siege, Freedom House, 2021, https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege

[5] Philip Stephens, The west is the author of its own weakness, Financial Times, September 2021, https://www.ft.com/content/9779fde6-edc6-4d4c-b532-fc0b9cad4ed9

[6] Yascha Mounk and Roberto Sefan Foa, Opinion: Yes, people really are turning away from democracy, The Washington Post, December 2016, https://www.washingtonpost.com/news/wonk/wp/2016/12/08/yes-millennials-really-are-surprisingly-approving-of-dictators/

[7] Sintia Radu, China's Web Surveillance Model Expands Abroad, U.S. News, November 2018, https://www.usnews.com/news/best-countries/articles/2018-11-01/china-expands-its-surveillance-model-by-training-other-governments; According to Freedom House, the following countries have received surveillance training from China: They include: Bangladesh, Cambodia, India, Indonesia, Myanmar, Pakistan, the Philippines, Singapore, Sri Lanka, Thailand, Vietnam, Belarus, Georgia, Russia, Brazil, Venezuela, Egypt, Iran, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Syria, United Arab Emirates, Angola, Ethiopia, The Gambia, Kenya, Malawi, Nigeria, Rwanda, South Africa, Sudan, Zambia, Zimbabwe.

by Western approaches in response to the war on terror both countries have been able to promote narratives around state security and countering extremism (supported by institutions they lead such as the Shanghai Cooperation Organisation) that have been widely applied to peaceful critics of ruling regimes.[8]

However, even if Western politicians wished to engage in cold-War re-enactment as a response to China's rise, Russian spoiling and the actions of other authoritarian states, it would be far harder to quarantine them from the international system (than in the days of the Soviets) given their greater integration into the global economy. To fully isolate them would be fraught with difficulty given the need for collaboration to address the existential global threats posed by climate change, biodiversity loss, and COVID-19 response. A degree of decoupling may be possible, as evidenced by the decision to exclude Huawei from the telecoms networks of several countries, rethinking around the involvement of Chinese state firms in the nuclear industry, and efforts to reduce reliance on Russian gas (for both climate and energy security reasons).[9] Yet these steps, along with welcome measures such as individual Magnitsky sanctions and anti-corruption tools such as Unexplained Wealth Orders (UWOs), are unlikely to lead to a wholesale change of approach from Russia, China, and other authoritarians growing in confidence. It is important to recognise that through financial (such as China's Belt and Road Initiative), diplomatic (for example China's sponsorship of the G77 group of developing countries at the UN) and security (such as Russia's alliances and military intervention) means these states have significant global influence that shape the global balance of power. So with punitive measures somewhat limited in scope, the response from countries who support human rights, liberal democracy and good governance needs to place a greater emphasis on ways to proactively and positively promote the principles that underpin open societies and to support and defend measures to implement them in practice.

The case for open societies has to be a holistic and integrated argument that looks at the full range of benefits they bring to the fulfilment and flourishing of human capabilities. The economic benefits of an open society and the link between open societies and open economies made in the Integrated Review needs to be seen as part of a larger picture. This is not least because the precise linkages are contested, including around correlation and causation, with different perspectives outlined in this publication. The record of certain types of authoritarian systems (China and Vietnam today, Singapore and South Korea in an earlier era) that are able to curb some of the kleptocratic and nepotistic urges that underpin most autocracies towards goals of national self-development should dispel any magical thinking around a linear relationship between economic and political openness. However as the essay from Kim Eric Bettcher from Center for International Private Enterprise (CIPE) shows, there remains a strong correlation between openness and economic success. This positive correlation is not necessarily due to the extent of the private sector in the economy per se, but more to do with the institutions of open governance, rule of law and a pluralistic political environment.[10] Together, these institutions can support an open economy and prevent it being dominated by kleptocratic interests that capture control of economic opportunities, whether they be in the private sector or state-controlled firms.

In these troubled times, economic opportunity needs to be married with economic justice, greater opportunities and ensuring ordinary people have a stake in the economy. Otherwise, the causes of open societies and liberal democracy are unlikely to withstand erosion by populism. The right of

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[8] Edited by Adam Hug, Sharing worst practice: How countries and institutions in the former Soviet Union help create legal tools of repression, FPC, May 2016, https://fpc.org.uk/publications/sharingworstpractice/

[9] The latter objective not being helped by the finalisation of Nordstream 2.

[10] Bettcher eloquently argues the case for the private sector bolstering pluralism in his essay. However, it is important to recognise from a European perspective both Social and Christian Democratic political and economic models have achieved long-lasting open societies with a greater level of state engagement in the economy than a pure free market model would necessarily prescribe but they are marked by pluralistic politics, the rule of law, active civil society, as a well as freedom of expression and the press that can curb corruption and other distortions that harm both the economy and society.

independent trade unions and economically focused civil society groups to organise, hold the powerful to account and to mobilise civic activism is essential both to any coherent conception of open societies and to delivering more socially just outcomes. So when considering the link between open societies and open economies, there should be a focus from policymakers on institutions that empower citizens and rules that encourage public participation, enforced without fear or favour to ruling elites. This journey is far from complete even in established democracies.

The recent collapse of the Western-backed Government in Afghanistan and the return of the Taliban to power 20 years after the events of 9/11 has been a further blow to the prestige of the United States and its Western Allies. The collapse triggered belated soul searching about the effectiveness of international efforts to build state institutions and nurture democratic structures in a country blighted by conflict throughout those two decades (and for decades beforehand). While failures in Iraq and Libya had already turned public opinion against using force to achieve political and humanitarian goals, the Afghanistan debacle has further underscored questions over the West's sticking power in the face of persistent adversaries and the challenge posed by ungoverned and poorly governed spaces. Rt Hon. Alistair Burt in his essay makes a hugely important point that 'bad governance and corruption allow other actors into the space of delivering services, and again worldwide, insurgent movements and criminal gangs from the Sahel to Latin America gain influence over local populations by becoming the authority figures, before turning those populations either to their own ideologies or simply a shield against those who seek to reassert the monopoly of authority a legitimate government must possess.'

The UK's role in defending open societies
The Integrated Review and past research by the Foreign Policy Centre (FPC) and Westminster Foundation for Democracy (WFD) have made clear that as the UK is 'a middle power with an internationally focused economy and set of strategic assets, it is of critical importance to show support for shared and applied international rules and a system where the (global) balance of power remains with fellow democracies.'[11] The UK has benefited enormously from a rules based international system (or perhaps more accurately systems) that supports open societies, based on a presumption of the goal of liberal democracy, human rights, the rule of law, and free trade, combined with multilateral institutions that seek to protect these rights.[12] However, it is clear that this system that has been fragmenting and weakening as openness has declined in many nations around the world and both authoritarian and regional interests have become more assertive in international diplomacy. For countries like the UK that value open societies and open economies, it is clear that democracy and human rights should be seen as global public goods, which serve both national interests and global resilience. Therefore the UK and its allies must play an active role in shaping a future international order that delivers those public goods and while helping strengthen the development of well governed open societies at a country level. In the wake of some of the wrangling over the terms of Brexit and the Northern Ireland protocol, the UK should examine ways to show the international community that it is still willing to be bound by rules based frameworks if it wishes to encourage other countries to do the same.

At time of writing the Foreign, Commonwealth and Development Office (FCDO) is developing new departmental strategies and processes for the recently merged department that will flesh out the vision provided by the Integrated Review and include new thinking on how to support open societies and international development.[13] This work must seek to create some clear and measurable objectives for the UK's Open Societies Agenda which is likely to be focused on freedom of thought, expression, religion and belief; respect for human rights, including for women and girls; media freedom; a strong civil society underpinned by inclusive, democratic political and legal institutions; and resilience to corruption and illicit finance. This work also needs to fully examine the tools available to the FCDO and across Government to help achieve them, including how to use not only diplomacy but the UK's soft-power, trade and both Official Development Assistance (ODA) and non-ODA support (including debt relief and commercial lending) to support open societies and the desire to be a force for good in the world.

The Integrated Review described the UK as a 'soft power' superpower and this is a capability that needs to be nurtured and supported given that soft power has been a significant part of the UK's approach, both directly and indirectly, to values promotion over recent decades. The FCO's draft Soft Power Strategy highlighted the value of strengthening the UK's offer in the realm of democracy, human rights, and rule of law. The Strategy, and the 2014 House of Lords Report *Persuasion and Power in the Modern World* that helped inform it, noted that this engagement is often most effective when it is done independent from government. Evidence is also clear that soft power takes many years to create and is best built on a foundation of long-term trust – particularly in a realm as sensitive as politics, elections, and governance. As noted in DFID's Guide to Working with Parliaments and Political Parties, 'if development programmes are serious about creating sustainable changes to the performance of parties and parliaments they need to accept that this will take time, and design programmes accordingly.'[14]

Domestic political wrangling around the future of the BBC and the higher education sector have the potential both to hamper the UK's soft power attractiveness that builds on such institutions and to provide succour to illiberal populists such as Victor Orbán and authoritarians seeking to reign in independent institutions in their countries. The UK's role as a global centre of legal expertise, recognised as a soft power strength by the Government, should not mean it has to play host to attempts to bury international journalists and activists in legal costs through libel tourism and Strategic Lawsuits Against Public Participation (SLAPPs).[15] The UK's position as a global hub for NGOs and campaigning organisations dedicated to supporting open societies, a significant source of the country's soft power, risks being weakened due to a mix of aid cuts and increasing attempts to circumscribe the activities of campaigning organisations.[16] FPC research published ahead of the Integrated Review's launch made the case the UK should build on, rather than weaken, its soft power resources to play the role of a 'Library of Democracy', a globally connected soft power hub and resource centre to support the cause of open societies around the world.[17]

In order to advocate effectively for open societies, human rights and liberal democracy internationally the UK has to make sure its house in in order at home. Authoritarians around the globe are quick to pick up on any perceived hypocrisy or precedent provided by the West to justify

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[13] Created in September 2020 through the merger of the Foreign & Commonwealth Office (FCO) and the Department for International Development (DFID).

[14] DFID, Guide to working with parliaments and political parties for sustainable development, November 2017, http://data.parliament.uk/DepositedPapers/Files/DEP2018-0824/GUIDE_TO_WORKING_WITH_PARLIAMENTS_AND_POLITICAL_PARTIES__final_.pdf

[15] For more on SLAPPs see here: FPC, Unsafe for Scrutiny programme, https://fpc.org.uk/programmes/unsafe-for-scrutiny/

[16] Jonathan Freedland, In plain sight, Boris Johnson is rigging the system to stay in power, The Guardian, October 20201, https://www.theguardian.com/commentisfree/2021/oct/01/boris-johnson-rigging-the-system-power-courts-protest-elections

[17] Edited by Adam Hug, Projecting the UK's ability to defend its values, FPC, December 2020, https://fpc.org.uk/publications/projecting-the-uks-values-abroad/

or contextualise their actions, making the issue of maintaining internal and external consistency very important. To that end, as Joe Powell notes in his essay, progress has been delayed on implementing the anti-corruption measures needed to tackle the UK's central role in international kleptocratic networks, exposed once again by the recent Pandora Papers. Much has also been written by experts and civil society (including the FPC) on the extent to which authoritarian state actors have been able to influence political activity and issues in the UK as highlighted by the Intelligence and Security Committee's Russia Report.[18] With a raft of sensitive UK domestic pieces of legislation in the offing, including the Police, Crime, Courts and Sentencing Bill and the Elections Bill, there are a number of area of concern around protecting open societies at home.[19] As Powell points out the UK has been added to the Civicus global civil society watchlist for the first time ever in September 2021.[20]

The UK has yet to show a particular willingness to condition its approach to trade with conditions that prioritise the promotion of human rights (or for that matter political, environmental or social rights) as a key part of its strategy. There is definitely more that could be done to integrate these agendas, particularly given the new Foreign Secretary Liz Truss's previous role as trade secretary, though there remains civil society concern that it may be more likely that foreign policy priorities are reshaped to better fit the UK's trade promotion agenda than the other way around. Indications of greater UK interest in advancing the business and human rights agenda under new Foreign Secretary are however encouraging.

The need for partnership working has been an important part of recent FPC and WFD research around how the UK can deliver on its force for good agenda.[21] It is important not to neglect regional bodies with a role to play in human rights such as the OSCE and Council of Europe, and there remains a need to find a new modus operandi for collaborating with the EU on shared objectives. However, it is clear that the UK would like to develop new bilateral and multi-country arrangements to meet specific objectives, for example building on recent UK-Canada Cooperation on Media Freedom and on diplomatic communiqués such as the G7 Open Society Statement. When identifying other likeminded partners to help it best meet its open society priorities, the UK should work with other OECD democracies – including members that are increasingly proactive in defending democracy internationally such as Japan, South Korea, Chile, Sweden, Switzerland, Norway, and the Netherlands. These efforts should also pull in developing democracies in equal measure when developing joint initiatives, as these countries often carry particular weight in their regions, and send a powerful message that open societies are not just a Western agenda, but a human one.

Doing Development Democratically and the 'Democracy Premium'
Much has been written about the Government's decision to reduce its ODA spending from 0.7 per cent of GDP to 0.5 per cent, which will only be reversed under the current Government if certain economic tests are met. This a rapid and hugely consequential cut exacerbated by certain long-standing financial commitments to multilateral bodies, which necessitates larger cuts elsewhere, particularly in bilateral aid. There are further concerns that the UK may pursue a technical manoeuvre to reclassify IMF special drawing rights as ODA, further restricting the real money that the UK has available to support its open society and international development objectives.[22] This

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[18] Edited by Adam Hug, Protecting the UK's ability to defend its values, FPC, September 2020, https://fpc.org.uk/publications/protecting-the-uks-ability-to-defend-its-values/; Intelligence and Security Committee of Parliament, Russia, July 2020, https://isc.independent.gov.uk/wp-content/uploads/2021/03/CCS207_CCS0221966010-001_Russia-Report-v02-Web_Accessible.pdf

[19] ICIJ, An ICIJ Investigation – Pandora Papers, October 2021, https://www.icij.org/investigations/pandora-papers/; Jonathan Freedland, In plain sight, Boris Johnson is rigging the system to stay in power, The Guardian, October 20201, https://www.theguardian.com/commentisfree/2021/oct/01/boris-johnson-rigging-the-system-power-courts-protest-elections

[20] Monitor: Tracking civic space, UK added to human rights watchlist over threats to peaceful assembly, September 2021, https://monitor.civicus.org/UnitedKingdom/

[21] Edited by Adam Hug, Partnerships for the future of UK Foreign Policy, FPC, December 2020, https://fpc.org.uk/publications/partnerships-for-the-future-of-uk-foreign-policy/

[22] Ian Mitchell, Twitter Post, Twitter, August 2021, https://twitter.com/econmitch/status/1427630587020468239?s=11

approach has already led to sweeping cuts to UK projects around the world and media reports have suggested it could equate to an 80 per cent cut in funding for the FCDO's thematic work on open societies and human rights.[23] A further consequence of the (broadly positive) drive to devolve more spending decision-making to local Embassies is a likely reduced focus on thematic and multi-country work streams, with the potential loss of best practice learning from comparative study and cross-country engagement.

So with financial capital increasingly limited, the FCDO and the Government as a whole should seek to be more explicit and specific about the areas where it is willing to spend a greater amount of political capital in defence of human rights, governance and democracy so that stakeholders and the public can hold it to account. There is a need for integrated cross-governmental campaigns using the full range of tools set out above to try to achieve its open society priorities in these straightened times.

Irrespective of the wider case for and against the merger of DFID and the FCO, if the process is delivered successfully, it does provide an opportunity for greater integration and coherence between development and human rights objectives. Graeme Ramshaw, WFD's Director of Research and Evaluation, has argued that 'the UK has long espoused democracy as a fundamentally British value, yet we have never made it a central theme of our aid policy. Contrary to much perceived wisdom, there need not be a trade-off between development and democracy – much of the evidence suggests they are mutually beneficial. Both can be pursued concurrently if the UK adopts an approach of 'doing development democratically.''[24]

'Doing development democratically' (DDD) will look different in each context, but has four fundamental components:
1) Committing to a DDD approach – ideally over a long-term period and in collaboration with other international stakeholders – with strong strategic, evidence-based, and cross-governmental underpinnings;
2) Investing in stand-alone democracy assistance programmes that strengthen bedrock democratic principles, institutions, practices, and skills, and ensure that any reforms are locally owned and led by a wide range of national stakeholders;
3) Acting with 'democratic sensitivity', an understanding that any UK initiative conducted in or with a country will interact with its political systems and that such interaction may have positive or negative effects for its democratic health. The UK Government should take a deliberate and systematic approach to understanding the impacts of its actions.[25] It should seek to ensure that foreign assistance programmes at a minimum, do no harm to a country's democracy, and ideally strengthens it by reinforcing local ownership, good governance, transparency, accountability, inclusion, and respect for human and democratic rights; and
4) Creating a 'Democracy Premium' of clear and visible incentives for governments showing a demonstrated commitment to democracy and human rights, by offering additional foreign aid, trade preferences on more beneficial terms, enhanced access to international development finance, security guarantees, debt relief, technical support, diplomatic

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[23] Peter Geoghegan, UK government plans 80% cuts to 'world-leading' anti-corruption work, Open Democracy, March 2021, https://www.opendemocracy.net/en/opendemocracyuk/uk-government-plans-80-cuts-to-world-leading-anti-corruption-work/
[24] Graeme Ramshaw, Doing development democratically, WFD, July 2020, https://www.wfd.org/2020/07/22/doing-development-democratically/
[25] Adapted from the UK Government's guidance on the concept of Conflict sensitivity, see: Stabilisation Unit, Conflict Sensitivity: Tools and Guidance, Gov.uk, June 2016, https://www.gov.uk/government/publications/conflict-sensitivity-tools-and-guidance; The 'Do no harm' principle is an important approach in this field and there are important lessons to be learned from work in this area. See also: CDA Collaborative, Conflict-Sensitivity and Do No Harm, https://www.cdacollaborative.org/what-we-do/conflict-sensitivity/#:~:text=Conflict%20sensitivity%20refers%20to%20the,development%20and%2For%20peacebuilding%20interventions; International Alert, Conflict-sensitive approaches to development, humanitarian assistance and peacebuilding, https://www.international-alert.org/publications/conflict-sensitive-approaches-development-humanitarian-assistance-and-peacebuilding

engagement and participation in sought after international and regional agreements (disincentives for backsliding should also be considered).[26]

When adopted and implemented together, each component complements the others, creating a virtuous circle that can advance both developmental and democratic outcomes.

The first component acknowledges that this approach requires political nous, cooperation, and commitment to succeed. Short-term, simplistic approaches will not work in political contexts that not only are by their nature fluid and unpredictable, but will cause stakeholders to adapt to and counter developments that they deem harmful to their interests. It also recognises that the UK should not take an approach that privileges supporting economic growth over democratic accountability and inclusion. The two can and should be mutually reinforcing.

The second is also critical, as there needs to be some baseline democratic capability – credible elections, capable and independent civil society organisations, a functioning parliament and political parties, and a diverse range of political actors – on which to build. Practically, it is also important to have a wide range of relationships with various democratic institutions – ideally built over time to establish understanding and trust – so that your efforts reflect a true spirit of partnership and collaboration, and not unwanted external interference.

The third component reflects a significant departure from most foreign assistance, and requires those providing other forms of support – security assistance, health and education programmes, economic growth and investment – to consider how their work impacts a country's democratic health. Many examples exist where donor countries support the rule of law and provide funding to human rights organisations, while simultaneously providing military hardware that governments use to repress their citizens. 'Doing development democratically' means working coherently across government (and with other donor governments) with an integrated approach to avoid working at cross-purposes. It may also require international actors to move more slowly and allow a country's democratic stakeholders to debate and influence policy direction, conduct oversight, and occasionally reverse course; getting a minister's sign-off would no longer be sufficient. The upside is sustainability and resilience of reforms; long-term impact is more likely if they are broad-based and legitimately agreed through domestic political processes.

The fourth component is potentially controversial, as it brings in elements of conditionality, which could be seen as counter to the spirit of the Paris Declaration on Aid Effectiveness and subsequent Accra Agenda for Action. However this is an approach that has a sound justification and must be delivered transparently.[27] The UK's recent approach to foreign assistance has shown limited linkages to a country's quality of democracy. Seven of the top ten recipients of UK bilateral aid in recent years are electoral autocracies — the other three were closed autocracies. Meanwhile, of the 32 countries that had DFID missions (before the creation of FCDO), only seven had improved democracy scores since 2009 — and those seven include Myanmar and Zimbabwe.[28]

As set out above, this approach should be framed in terms of a 'democracy premium', as clear incentives over and above a baseline level of development cooperation and a prioritisation of support to democracies where need levels are similar, rather than the exclusion of all authoritarian

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[26] For examples of doing trade to proactively support development see: Adam Hug, Projecting the UK's values abroad: Introduction, FPC, December 2020, https://fpc.org.uk/projecting-the-uks-values-abroad-introduction/

[27] A 'sound justification' and the need to be delivered transparently are the criteria set out in the Paris Declaration on Aid Effectiveness and Accra Agenda for such conditions. See The Paris Declaration on Aid Effectiveness and the Accra Agenda for Action, 2005-2008,https://www.oecd.org/dac/effectiveness/34428351.pdf

[28] Alex Thier, Opinion: Doing development democratically, devex, September 2020, https://www.devex.com/news/opinion-doing-development-democratically-97977

states from receiving development assistance necessary to alleviate endemic poverty among their citizens. Thinking around how best to provide development assistance in authoritarian states is evolving and should continue to change in response to the need not to actively entrench abusive political systems, with the nature and type of direct budget support sometimes provided a key area to review.

Finally, though there is clearly value in devolving decision-making on ODA to embassy and high commission level, resources should be allocated for robust regional and Commonwealth democracy and rights programmes. Research has shown the value of regional engagement and diffusion on democracy and rights issues in large part because political reform can often be dependent on political will of local elites and the incentives and pressures they face, with politicians and government officials often highly motivated to enhance their profile in regional and global forums.[29] Yet with most funding decisions made at country level, embassies have few incentives to devote resources to wider regional programmes. So London or FCDO regional hubs should make sure to retain enough resources to fund more robust regional and Commonwealth programming.

A model the UK may want to examine more closely is the US's Millennium Challenge Corporation (MCC). The MCC requires countries meet a certain standard of 'just and democratic governance, including a country's demonstrated commitment to promoting political pluralism, equality, and the rule of law; respecting human and civil rights; protecting private property rights; encouraging transparency and accountability of government; and combating corruption.'[30]

Women at the heart of democratic development
Though the UK's domestic track record on women's political representation puts it in the middle of the pack internationally, it had built up a strong development focused set of expertise to improve the lives of women and girls. Given the importance of women's leadership to achieving more accountable and effective democracy and development these are capabilities should not be lost as the Government's wider priorities evolve. The recent study by WFD and King's College London's Global Institute for Women's Leadership (GIWL) on the impact of women on democratic governance provides unequivocal evidence that 'when women are able to exercise political leadership in a manner that is authentic to them, there are gains not just for women and girls but for the whole of society...women are altering the political framework in a way that is bringing more robust consideration of issue areas that can deliver better outcomes for women and girls and that also directly benefit men and boys, such as improving public health services and access to clean water, expanding the provision and quality of education, and tackling violence in the home.'[31]

Expanding support for inclusive political systems is a force multiplier. Cumulative evidence indicates that women's political leadership can be a positive disruptor of stale governance arrangements where corruption and poor service delivery have become the norm.[32] The fifth pillar of DFID's 2018 *Strategic Vision for Gender Equality* on women's political empowerment, of which WFD was an advocate through the Gender and Development Network (GADN), has seen strong rhetorical support but requires a more politically-informed approach to be realised in a development context.[33]

[29] Scott Mainwaring and Anibal Perez-Linan, Why Regions of the World Are Importance: Regional Specificities and Region-Wide Diffusion of Democracy, ResearchGate, June 2007, https://www.researchgate.net/publication/265108633_Why_Regions_of_the_World_Are_Important_Regional_Specificities_and_Region-Wide_Diffusion_of_Democracy
[30] Millennium Challenge Corporation, Guide to the MCC Indicators for Fiscal Year 2021, October 2020, https://www.mcc.gov/resources/doc/guide-to-the-indicators-fy-2021
[31] WFD, The Global Institute for Women's Leadership and King's College London, Women political leaders: the impact of gender on democracy, 2020 https://www.kcl.ac.uk/giwl/assets/women-political-leaders.pdf
[32] Ibid.
[33] Gender & Development Network, Working Group: Women's Participation and Leadership, https://gadnetwork.org/participation-and-influence

In her essay Rt Hon. Maria Miller MP notes the Government's current lack of a comprehensive approach to gender equality and inclusion, particularly in the UK Government's policy on open societies, and the limited mention the issue received in the Integrated Review.[34] In all its efforts – and in line with the International Development Act – the UK should look for opportunities to strengthen the political inclusion of women, integrating this agenda into its wider work across open society priorities. The adoption of feminist foreign policies by Sweden and Canada provide useful examples of how this might be done and it is an agenda the new Foreign Secretary is known to have an interest in.[35]

Identifying the UK's open society priorities
While the case for increasing both the priority given to the Open Societies Agenda within Government and the funding for international aid and diplomacy remains strong and will continue to be argued for, policymakers have to grapple with the situation as it is today. The reality is that while the UK is and can be a leader on the Open Societies Agenda, it lacks the capacity to lead on everything. The task set by the current funding and political situation is how to be most effective with more limited resources than in the past. This will involve identifying where UK's comparative advantage in the promotion of open societies lies and working out where to prioritise. This will necessitate hard choices given both the UK's breadth of capability particularly within civil society and the interlocking nature of the challenging of supporting an open society. The essays in this collection give a strong guide to objectives that could and should be prioritised as the building blocks of an open society, highlighting how important each area is and indicating what the impact of making resource driven choices between them will mean. There are two main dimensions to address when considering how to prioritise: geographic and thematic.

Where to focus
When looking at where in the world the UK should focus its attention, the Integrated Review has already set down some fairly clear priorities for the Government's wider global strategy: increasing focus in the Indo-Pacific, retaining a role in the European Neighbourhood, pivoting from security to trade in the Middle East, prioritising East Africa as compared to the continent's other sub-regions (except Nigeria), and reducing its footprint across much of the rest of the global south. Irrespective the merits of these choices this geographic prioritisation will clearly influence the Government's response to open societies issues and where it invests resources. However, particularly in relation to the Open Societies Agenda, it will be important that the UK is able to think holistically about where the UK can do most as a 'force for good', both in terms of opportunities for progress and areas to defend.

The international community – and the UK – needs to be better equipped to respond quickly and decisively to bolster democratic opportunities when they present themselves, an entrepreneurial approach to embedding open societies. The failure to successful build on popular groundswells of support for democratic change in countries like Tunisia, Egypt, Sri Lanka, Malaysia, and Armenia have had a knock-on impact on the attractiveness of liberal democracy and open societies as hoped for reforms petered or were snuffed out, with economic woes often undermining hopes for political change. Working with its international partners, the UK should find ways to deliver a 'democratic

[34] Letter from Rt Hon Dominic Raab MP to Sarah Champion MP, December 2020, https://committees.parliament.uk/publications/3683/documents/38142/default/; Paul Abernathy and Abigael Baldoumas, What the integrated review means for international development, Bond, 19 March 2021, https://www.bond.org.uk/news/2021/03/what-the-integrated-review-means-for-international-development
[35] Government Offices of Sweden, Feminist foreign policy, https://www.government.se/government-policy/feminist-foreign-policy/; Government of Canada, Canada's Feminist International Assistance Policy, https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/priorities-priorites/policy-politique.aspx?lang=eng

surge' of political, practical and financial support to buttress democratic openings and sustain them until change becomes embedded over the long term.

The recent victories by reformist Presidential and Parliamentary candidates in Moldova provide perhaps one such democratic opportunity where there is a clear need for a surge of open societies support. As a country in the UK's priority 'European Neighbourhood', the UK should look to do more bilaterally than it has done in the past but it would also provide a wonderful opportunity to show the UK's ability to work collaboratively with its former EU partners given the EU's key role in supporting reform in the country. It is also a country where the expense of engaging should not be prohibitively high, as compared to contexts like Iraq, Afghanistan, or even Ukraine. While it is important to look for openings for change provided by new democratic leaning political leaders, the UK and other partners must not to forget the lessons of recent history by ensuring that support is focused on delivering systemic change rather than becoming intimately tied to a particular politician's political project.

The second potential approach is a more defensive one, focused around long-term strategic priorities more than emerging opportunities. The UK could seek to work in partnership with key emerging democracies at the heart of efforts to drive democratic reform in their respective regions. Leading proponents of conservative internationalism, an approach that may have an appeal for the current government, have recommended employing an 'inkblot' strategy to defending and advancing democracy, bolstering robust and influential democracies with open economies and supporting their ability to positively influence their neighbours.[36] Evidence points to significant value of this approach, particularly in a resource constrained environment, as regional diffusion appears to be effective in advancing democratic norms, even when direct bilateral aid is limited.[37]

These key regional influencers are truly global 'swing states': middle income, emerging countries across Africa, Asia, Eastern Europe, and Latin America that are increasingly influential in diplomatic, economic and security affairs at the regional and global level. Their success – economic, diplomatic, security-wise – has a significant impact on their neighbours and beyond, and if their political systems are open, democratic, and inclusive, this sends a powerful signal to other countries (and their citizens) that democracy is the best way forward. However, the size and often comparative prosperity of these countries means that to meaningfully influence their political trajectory towards more open societies will not only require the use of the UK's full range of political tools (particularly when ODA is not an option due to income levels), but also working closely in partnership with other like-minded established democracies as mentioned earlier to achieve a positive impact.

It is undoubtedly the case that ECOWAS's successful intervention in The Gambia, demanding the incumbent respect the results of the 2016 election and stand down, was bolstered by the leadership of influential democratic leadership in Ghana, Senegal, and especially Nigeria. Mexico's positive influence in the Americas, particularly in Central America, would be massively diminished if it were to become autocratic, as Venezuela's has seen the decline of its democracy over the past decades. Indonesia has worked diligently to encourage democracy in the region (and beyond), hosting an annual Bali Democracy Forum, which facilitates discussions by leading governments and civil society on the value of democracy without imposing its own views.

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[36] Not a philosophical school that the authors are part of themselves per se, but raise this inkblot strategy given the current Conservative government and the potential merits of the approach. Henry R. Nau, Conservative Internationalism, National Review, September 2013, https://www.nationalreview.com/magazine/2013/09/30/conservative-internationalism/
[37] Scott Mainwaring and Anibal Perez-Linan, Why Regions of the World Are Important: Regional Specificities and Region-Wide Diffusion of Democracy, ResearchGate, June 2007, https://www.researchgate.net/publication/265108633_Why_Regions_of_the_World_Are_Important_Regional_Specificities_and_Region-Wide_Diffusion_of_Democracy

As the UK Government has decided to make the Indo-Pacific a key focus for the UK, there is a strong case for much more intensive focus supporting the sustained establishment of open, inclusive, and peaceful democratic societies in the region. The UK's recently approved status as a dialogue partner of ASEAN is a golden opportunity to up its engagement. Yet UK democracy assistance to that region in the past has been particularly weak, especially in Southeast Asia, where there have been recent missed opportunities to support emerging democratic forces. Given its comparative absence from open societies work in the region and reduced funding envelope, the UK should seek to find ways to work with like-minded partners to bolster existing successful initiatives and identify gaps where the UK has particular capability that would add value, rather than duplicate existing work but with the addition of a Union Jack. Given the recent events in Afghanistan and political flux in Uzbekistan and Kyrgyzstan in particular, the UK should not neglect Central Asia, the hinge point between its European Neighbourhood and Indo-Pacific focus areas. So while it is to be expected that the UK's open society priority countries will be guided by the FCDO's wider strategy it must also be informed by where the UK can most effectively by a 'force for good' and to seize opportunities that arise.

What to focus on
When deciding how to prioritise thematic areas, all of which are hugely important in and of themselves, it is worth considering how they fit together. This means trying to identify what are the foundations on which the other aspects of open societies can build, where the UK has particular expertise to draw upon and where other like-minded partners are showing leadership and expertise to avoid duplication. Rule of law and media freedom are two obvious areas of strength for the UK. Building on Britain's history and soft power assets, they form two of the key pillars that support and open societies by acting as a vital check on the political caprice and corruption that can erode civic space.

Traditional independent media models are collapsing around the world – an 'extinction level event' according to James Deane writing in this publication – while 'autocrats are playing the long game', shaping the global information landscape to fit their objectives. This collapse risks undermining investigative journalism – which is hard to do and even harder to monetise – but which is essential to holding the powerful to account and keeping societies open, as the Pandora papers most recently demonstrate. As Deane says the UK has a key role to play in convening dialogue between media, civil society, technology platforms, governments, international development banks, advertisers and the rest of the private sector to identify solutions but this alone will not be enough. The UK should provide support to the proposed International Fund for Public Interest Media, which could move fast, marshal resources, take risks and innovate. This is a crucial area where the UK can add value within the wider freedom of expression space that is crucial to the openness of a society.

The UK has understandably traded on the legacy of Magna Carta, a long legal tradition and London's position as the second largest global centre for legal services – both for good or ill – to position itself as an international player on rule of law issues.[38] Murray Hunt rightly argues for the integration of rule of law into whatever strategy the FCDO and Government develops on open societies, human rights and democracy, and for the adoption of and international promotion of the shared understanding of rule of law provided by the Council of Europe's Venice Commission.[39] Indeed in terms of bolstering support for the rule of law in the European Neighbourhood, it is important for the Government to reflect on the damage done already by its vocal criticism of the European Convention on Human Rights and the European Court of Human Rights. It should ensure future discussions around the precise nature of its incorporation into domestic law (such as the update of the Human Rights Act pledged in the Conservative's 2019 Manifesto) are not conducted in a way

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[38] The Economist, London's business courts face growing competition, April 2021, https://www.economist.com/britain/2021/04/24/londons-business-courts-face-growing-competition
[39] Venice Commission, Rule of Law, Council of Europe, https://www.venice.coe.int/WebForms/pages/?p=02_Rule_of_law&lang=EN

that further weaken adherence to these international rule of law norms.[40] Hunt also calls for the development of both a new 'Global Partnership' and a new 'Global Fund' to coordinate and support rule of law initiatives around the world. As set out above, more needs to be done, going beyond the 2013 Defamation Act, to stop the UK acting as a global centre for libel tourism and SLAPPs.

Rule of law and media freedom are essential tools in the fight to do more to tackle corruption both internationally and at home. The UK's record domestically and in its Overseas Territories undermine its past efforts at global leadership, providing a safe haven for the riches that help keep authoritarian regimes in power and closing civic space around the world. As Joe Powell notes the National Crime Agency argues that it is 'a realistic possibility that [money laundering through the UK] is in the hundreds of billions of pounds annually' because of 'the ease with which UK companies can be established, the broad range of professional services on offer and the access UK systems provide to higher-risk jurisdictions.'[41] The recent release of the Pandora papers have again drawn attention to the central role the UK and its territories play in facilitating global corruption by authoritarian leaders and their intimates.[42] Therefore, some of the most impactful work the UK can do to support the cause of open societies abroad would be to finally clean out the stables at home. This programme of domestic reform should include delivering on the long-promised beneficial ownership register for property; reforming Companies House; expanding the staffing levels of Companies House and of the National Economic Crime Centre constituent partners (such as the National Crime Agency, Serious Fraud Office and HMRC) to give them the capacity to check registry information and undertake enforcement action; and transforming or abolishing Scottish limited partnerships.[43]

Turning to what can be done by the UK acting internationally and through its aid programme to combat corruption, Phil Mason makes clear in his essay contribution that technocratic box-ticking procedures are not enough and that there is a need for wider reform to the political and social culture. When assessing corruption levels in the societies in which the UK operates, it is important for the UK to fully assess the extent of political control of economic opportunities within a country rather than just monitoring cash transfers made by the international community. This will require measures to improve the transparency of contracting and procurement as well as support for local civil society and investigative journalism to expose the nepotism and cronyism that curtail open societies.

Action on the three pillars of anti-corruption, rule of law and freedom of expression (with a UK focus on media freedom) are mutually reinforcing and can underpin wider progress towards other open societies goals in any country where the UK seeks to engage. Such an approach can provide a baseline framework for engagement with countries on improving governance that applies well beyond those countries which are or are genuinely trying to be democracies. However more thought needs to be given, on a country by country basis, to the utility of such governance reform work in partnership with the governments of authoritarian and semi-authoritarian states where there is no real prospect of shifting the underlying nature of power that shape their systems. It is imperative that such governance work to help achieve 'modernisation' or 'reform' that may potentially lead to some outcomes beneficial for local people are not mislabelled as democracy assistance. To do so plays into the narratives of regimes claiming to be 'emerging' democracies when they are not, devaluing the concept of democracy and feeds into the growing cynicism about the liberal democratic project. As set out above the UK and its partners need to show 'democratic sensitivity' in their approach.

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[40] Conservatives, Our Plan – Conservative Manifesto 2019, https://www.conservatives.com/our-plan

[41] NCA, National Strategic Assessment of Serious and Organised Crime, 2020, https://www.nationalcrimeagency.gov.uk/who-we-are/publications/437-national-strategic-assessment-of-serious-and-organised-crime-2020/file

[42] ICIJ, An ICIJ Investigation – Pandora Papers, October 2021, www.icij.org/investigations/pandora-papers/

[43] Adam Hug, Projecting the UK's values abroad: Introduction, FPC, December 2020, https://fpc.org.uk/projecting-the-uks-values-abroad-introduction/

On a similar note, Britain and other democracies need to be more willing to openly question the intentions of their interlocutors in authoritarian and semi-authoritarian countries. The UK should not deploy diplomatic pabulum about the reforming or democratic bona fides of primarily autocratic rulers, if the UK is going to be seen by the populous in those countries as genuinely acting as a 'force for good' rather than pursuing its economic and security objectives under the cover of 'democracy washing'. So honestly and rationally identifying the political intentions of potential partners rather than accepting rhetoric is key, recognising democracy and open societies rely on the political will to allow change (and accept defeat) rather than being reduced to discussions purely about capacity and technical compliance.

The UK should consider more thoroughly the political implications of providing security sector support in non-democracies, demanding clearer evidence that such work can deliver real improvements in their behaviour towards citizens, including political dissidents, rather than simply making the forces of political control in closed societies more efficient when this money in these resource constrained times could perhaps be better used elsewhere.[44]

The growing importance of open data is highlighted in a number of essays including by Catherine Stihler, Joe Powell, and Rafael Jiménez-Aybar. It is an approach that can provide the tools for journalist, activists and officials themselves to tackle corruption and improve service outcomes. It is an agenda which could give the UK much to say in the international rule setting bodies where it is interested in becoming a thought leader and rule maker. Country governments need both support and pressure to deliver on this agenda and to ensure that the data produced is credible as well as accessible.

The UK's recent funding decisions will have a regrettable impact on its ability to directly support civil society groups at the sharp end of efforts to shrink civic space, reducing its ability to provide the 'flexible and sustainable funding' for civil society rightly argued for by Iva Dobichina, Poonam Joshi, Sarah Green and James Savage in their essay. Given the funding position seems unlikely to change in the short-to-medium term, it is imperative that the Government finds other ways to 'proactively defend civic space and the people in it' as those authors request. Ambassadors should be proactively encouraged through FCDO policies to speak out more regularly on cases involving activists at risk, the unjustly imprisoned and to protect civic space more broadly. Minsters should also play a more active role to support such an approach and to escalate the pressure from officials on the ground.

Certainly there is little in the headline rhetoric on immigration coming from the Home Office that would suggest that the environment in the UK will become more conducive to providing emergency protection for civic activists at risk. However, if the Government showed political will in this area, given the overall political salience of immigration has declined since the 2016 referendum result, there might be room for more targeted measures to support asylum claims for known human rights defenders and other activists.[45]

Electoral processes around the world are under attack, as highlighted in the essay by Dame Audrey Glover, with disinformation and fake observers used to dilute criticism of election rigging. Western countries including the UK need to take action to protect credible election observation and this will require both investment and coordination. The FCDO could look at the option to maintain a rapid response fund for critical, unanticipated electoral and political processes worldwide, similar to USAID's Elections and Political Processes (EPP) Fund. In the past, snap elections (particularly in

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countries without DFID missions) would typically leave the UK flatfooted, with few readily available mechanisms for rapidly mobilising the resources (financial and human) necessary to launch timely, robust initiatives. A standing fund with resources set aside for these scenarios would be of great value, particularly in the event of important elections in locations where there are few FCDO governance advisers in country or in country ODA resources available. Recent examples of countries with these types of elections would include Malaysia, Bolivia, Armenia, El Salvador, The Gambia, and North Macedonia.

The global promotion of LGBTQ+ rights had been an area where the UK had shown leadership over a number of years but it is notable that that the only mention of the issue in the Integrated Review is in relation to Britain being a welcoming country for LGBTQ+ tourists. Given the conservative backlash against LGBTQ+ rights in many regions around the world, sometimes with narratives crafted by Russia and other revisionist powers, careful thought should be given how best to act politically and using UK soft power to respond to this challenge, recognising that whether or not the UK chooses to engage on the topic it will be used to delegitimise open societies and liberal democracies unless these narratives are countered.

COP26 (the United Nations Climate Conference taking place in Glasgow in early November 2021) has put the UK's climate change efforts at the front and centre of its recent diplomacy as it responds to perhaps the greatest threat humanity will have to deal with over the remainder of this century. However, once the UK's time in the spotlight on this issue has passed it will have to drill down on the areas within this debate where it should focus its political capital. This will not only be by taking action at a domestic level to deliver on its targets but to identify specific areas where it will seek to maintain a global leadership role. On potential area could be the promotion of environmental democracy work as outlined by in the essay Rafael Jiménez-Aybar, which would seem to be a good way to draw together these the environmental and Open Societies Agenda as they note that 'many of today's environmental concerns are, at their core, political issues, and failures of governance.'

Supporting British democracy assistance
There is an important role to be played by UK institutions in building partnerships with likeminded actors in countries looking to reform. The WFD, one of the two organisations responsible for putting together this project, has direct experience in building relationships between UK actors in the political system – parliamentarians, party and parliamentary officials, civil society organisations and others – and their counterparts in partner countries. WFD have found that the strong appetite for these relationships often derives from the respect and admiration for the UK's democratic culture and the experience in our democratic institutions and practices.[46] The Peer to Peer Community of Practice – established by the UK Stabilisation Unit's Global Partnerships International (GPI) – has circulated reams of research on the potential of this approach to deliver both soft power dividends *and* meaningful reform.

The numerous existing linkages between British actors and institutions are key mechanisms for exercising UK influence, contributing both to alliance building efforts and outreach to closed and autocratic regimes.[47] However, maximising the value of this wide-ranging engagement requires active brokering of relationships, and, when possible, better coordination and collaboration amongst disparate efforts, including between UK government ministries, subnational government, and soft power institutions (including leading internationally-oriented arm's length bodies such as British Council and WFD).

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[46] While often beneficial some caution must also be taken to monitor and evaluate the nature of the UK's institutional engagement to ensure it is delivering results from an open societies perspective, particularly when dealing with institutions in authoritarian and semi-authoritarian states to avoid adding international legitimacy to Potemkin Parliaments.
[47] Alistair MacDonald, Soft Power 30 2019, British Council, October 2019, https://www.britishcouncil.org/research-policy-insight/insight-articles/soft-power-30-2019

Maximising the developmental and soft power value of working with the wide range of innovative British democracy institutions will require a concerted investment, though not necessarily through more funding, but a change in how funding is allocated. Many UK democracy assistance organisations are undersized in comparison to their counterparts e.g. in Germany and the US, which have received decades of sole-source funding from their governments, often in the hundreds of millions per year. These organisations then utilise this capacity to win grants and contracts from foreign governments, including the UK, to expand their reach even further. By contrast:

- The 2015 International Development Committee report on Parliamentary Strengthening highlighted the lack of investment in 'Westminster organisations', such as WFD and the Commonwealth Parliamentary Association UK, with most DFID governance funding going to large for-profits and multilateral organisations (which provide minimal soft power benefits to the UK).[48]
- The UK's Electoral Commission, unlike most counterparts, has no legal mandate to engage internationally and the Local Government Association (LGA) scaled back its international work over the last decade.
- There has been no UK organisation providing significant levels of international election assistance since the bankruptcy in 2014 of Election Reform International Services (ERIS). Only in recent years has WFD begun to fill this void through targeted election support in contexts such as the DRC and the Western Balkans.
- The British Council's 2019 Tailored Review explicitly recommended the Council de-prioritise its work on justice and governance, while offering no alternative British institution to fill the gap.[49]
- BBC Media Action had its five year, £90 million Programme Partnership Arrangement (PPA) closed in 2017 and replaced by a smaller accountable grant, despite the PPA being rated A+ or higher each year.

Together these decisions, made separately over a number of years, have combined to undermine the UK's ability to advance democracy, rights, and governance. The FCDO – if properly resourced and operating under a robust strategic open societies framework – represents an opportunity to 1) develop long-term strategic relationships with leading British organisations already operating relevant programmes at scale abroad; and 2) commit to investing in developing the capacity of smaller British actors – particularly in the areas of political inclusion, rule of law, civic tech and innovation, and local governance – to play a greater role abroad. This building of UK based non-profit organisations must not come at the expense of but instead be complemented by greater direct investment in the capacity building of local partners to avoid unhelpful competition for resources and the fostering of collaborative relationships; a good example would be providing more funding directly to women's rights organisations in country, while offering technical support and two way learning with relevant UK organisations.

It is worth comparing the UK approach to supporting domestic democracy institutions with Germany, France, the EU, the US, with a deeper dive on the US experience. In Germany, most open

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[48] The report recommends "a joint DFID/FCO fund be established to commission expert organisations; this would also enable work to be commissioned at short notice when opportunities arise. A joint fund would combine the differing and important skills of the two departments. The fund could be on a similar scale to the £21.4 million which BBC Media Action received as a global grant from DFID in 2013–14." See: House of Commons International Development Committee, Parliamentary Strengthening, Ninth Report of Session 2014-15, January 2015, https://publications.parliament.uk/pa/cm201415/cmselect/cmintdev/704/704.pdf

[49] "Recommendation 10: The British Council should focus on its core objectives of promoting the English language, education and British culture, and reconsider all its non-core work, in particular its justice and governance work. Absent a strong rationale on the British Council's added value, it should consider withdrawing from these areas." See: FCO, British Council Tailored Review, 2019, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785297/British_Council_Tailored_Review.pdf

societies funding is directed on a sole source basis to either the state-owned GIZ (mainly for good governance) or to the party foundations (mainly for political systems and parties), in the hundreds of millions of euros (if not up to a billion or more) annually. In France, state-owned Expertise France received over 60 million euro in 2019 to implement democratic, financial and economic governance programmes. The EU is now backing Team Europe Initiatives (TEIs) – joint activities by the EU, its member states, and the European development finance institutions focused on a specific sector – with as many as 150 in development, most of which would likely be directed to EU – and member-state organisations.[50] The Netherlands, Denmark, and Finland are the largest investors in their own multi-party foundations, which also increasingly access EU funding mechanisms under which UK-based organisations are ineligible to participate.[51]

Meanwhile, the US established the National Endowment for Democracy, National Democratic Institute, International Republican Institute, and the International Foundation for Electoral Systems in the mid-1980s. For nearly 40 years, the US has invested substantial resources in these American democracy assistance institutions through a range of sole-source mechanisms, in particular the Consortium for Elections and Political Process Strengthening (CEPPS). Under President Biden, investment in these four institutions is expected to reach $700-800 million annually.

As part of the Global Britain approach outlined in the Integrated Review, there is clearly value in supporting highly capable (if undersized) British institutions to help deliver its Open Societies Agenda, while simultaneously enhancing UK soft power. While a new, stand-alone mechanism similar to the US CEPPS could make sense in the longer term, a shorter term fix is available. An Open Societies Fund could be ring-fenced from the Conflict Security and Stability Fund (CSSF) – a logical source given the contribution democratic societies can make towards long-term resilience and stability – and could be delivered by a consortium of British organisations (Team UK). These 'best of British' organisations would be capable not only of delivering impactful programming and generating soft power dividends, but would also be increasing competitive in securing EU, other European, and US-funding, further stimulating their growth and capabilities.

The next steps
As James Deane notes in his essay in relation to media freedom and one of the editors (Adam Hug) has argued in the FPC's 'Finding Britain's role in a changing world' project, there is a need for democracies to find a way to project strategic intent beyond the constraints of the electoral cycle.[52] This will require building cross party agreement on the nature of the challenge and on certain objectives, as well as the development of tools that will be sustained irrespective of who is in power. This long-term, cross-party approach is necessary to ensure that the cause of open societies and liberal democracies can withstand the pressure from authoritarian states and revisionist powers seeking to roll back the forces of freedom on the world stage. Germany and the US are notable for their strong cross-party commitment to democracy assistance. In fact, advocates from both leading

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[50] Samuel Pleeck and Mikaela Gavas, Getting to the Bottom of the Team Europe Initiatives, Center for Global Development, May 2021, https://www.cgdev.org/blog/getting-bottom-team-europe-initiatives
[51] While building UK capacity is absolutely crucial as argued with the Team UK approach below, there may still be scope for looking again the nature of UK participation in EU funding arrangements so that opportunities for fruitful and large scale collaborations are not completely excluded in future. It is worth noting that in the area of research the UK will remain an associate member of the Horizon 2020 scheme, enabling a degree of ongoing pan-European collaboration. European Commission, Q&A on the UK's participation in Horizon Europe, February 2021, https://ec.europa.eu/info/sites/default/files/research_and_innovation/strategy_on_research_and_innovation/documents/ec_rtd_uk-participation-in-horizon-europe.pdf
[52] Edited by Adam Hug, Finding Britain's role in a changing world, FPC, September 2020, https://fpc.org.uk/publications/the-principles-for-global-britain/

parties in the US Congress came together and pushed through increased funding during the Trump administration, despite initial plans to slash these budgets.[53]

This publication brings together a range of leading voices to draw attention to some of the most important challenges facing human rights, good governance and democracy around the world. They make the case for prioritising open societies in UK foreign policy and look at where Britain should focus its energy within the different areas that together comprise the Open Societies Agenda, areas that are almost all complementary in nature but which are competing for resources and attention. What is clear from all of the contributions is that the loss of funding provided by the UK's ODA cuts will have an impact on the UK's ability to deliver on its open society ambitions but it certainly is not time to throw in the towel. With a combination of the necessary amount of political will and an integrated strategy that brings together and uses all the tools at the Government's disposal to support the Open Societies Agenda the UK can make a real difference. So it is therefore imperative that the UK becomes more willing to aggressively tackle corruption both at home and abroad, to use trade incentives, to actively deploy diplomatic and political influence, to work with partners and reform how it delivers its international aid and democracy support to ensure the Government delivers on its commitment for the country to be a force for good in the world.

What our authors say

Rt Hon Alistair Burt argues that open societies are a fundamental element in the answer to the challenge to democracy, which is real both from authoritarian alternatives and the fragility of existing democracies themselves. The UK has played a leading role in encouraging democracy around the globe, from institution and political development to the championing of vulnerable and neglected voices, fundamental in the building of civil society organisations without which open societies are doomed to fail. But existing democracies need to maintain vigilance in their own backyard, and never assume the security of what has already been achieved. Countering a narrative against open societies requires the like-minded to continually seek new allies, never give up on any, and robustly defend the values so hard won over the ages.

Stephen Twigg addresses the contribution of 'soft power' and 'people to people' engagement in the United Kingdom's international work. He emphasises the importance of government leadership in this area but also the vital role played by others, including civil society, diaspora communities and local government. He highlights the longstanding work of highly respected institutions like the BBC and the British Council. He focuses on the UK's diversity and the importance of different voices which contribute to 'soft power'. He welcomes the renewed commitment in the Integrated Review to multilateralism and gives the example of the Commonwealth as an institution and a set of networks which themselves exercise soft power – rooted in the values and principles set out in the Commonwealth Charter.

Graham Teskey and Tom Wingfield write that 'Open Societies' tolerate difference, debate and dissent. Politics lies at the heart of an 'Open Society'. It is where the interests of individuals and interest groups are mediated, negotiated and where compromise is reached. 'Good politics' is a battle of ideas as the basis for the allocation of resources. 'Bad politics' is a bidding war for patronage and largess, irrespective of principle or policy. Globally we are seeing a clash of ideas and institutions. Those working in diplomacy and development have no choice but to engage with ideas and institutions. While recognising change will be locally driven and humble about the influence of

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[53] Thomas Carothers and Frances Z. Brown, Three Ways the New Congress Can Defend Democracy Abroad, Carnegie Endowment for International Peace, November 2018, https://carnegieendowment.org/2018/11/16/three-ways-new-congress-can-defend-democracy-abroad-pub-77736

external actors, the FCDO has an important role to nudge (and avoid not unintentionally undermining) institutions in a more open direction.

Rt Hon Maria Miller MP believes that women's political leadership and representation should be the foundation upon which all other efforts to address gender equality is based on. Evidence unequivocally shows the impact of women political leaders on sustaining democracies, creating stable and open societies, and addressing human rights. The UK has a strong record of leading efforts on advancing the rights of women and girls that has made it a world leader in being a force for good. While strong gender equality commitments are lacking from Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy, the G7 Communiqué outlines a more integrated approach to gender equality, which the UK has opportunity to lead on. The DFID Strategic Vision for Gender Equality would be a good starting point for FCDO Ministers. And the new International Development Strategy, due to be released by FCDO in 2022, is an opportunity to expand the UK's focus on girls' education to one that is coupled with equal roles in political life. The role that women's political leadership plays in creating and sustaining sound governance, open societies and meaningful human rights is not a 'like to have' option – it is a need to have.

Joe Powell discusses the sustained crisis of global democracy, including the rise of authoritarianism, closing civic space and kleptocracy, which he argues require a much stronger response from countries that have traditionally stood up for open and democratic values. This has been reinforced by the experience of the pandemic, which has led to a further rollback of civil liberties in many parts of the world. The new foreign policy direction for Britain on open societies and human rights has the potential to make a real difference, especially working together with allies such as the United Stated where the Biden administration has set a similar set of priorities. This can only be achieved, however, with credible leadership on democracy domestically. Many facets of British democracy need urgent attention, including tackling illicit finance and corruption, protecting the right to protest, ensuring free elections, protecting freedom of the press, cleaning up politics and improving access to justice. British foreign and development work overseas on democracy will be more successful if in parallel the UK addresses its own challenges at home.

James Rogers draws attention to the growing threat to the international system posed by authoritarian powers, most particularly the revisionist powers of China and Russia, as democratisation around the world has stalled. He identifies a counter-systemic strategy being promoted by China in an attempt to supersede the liberal democratic international order and the anti-systemic approach taken by Russia that is more focused on undermining the current system. He argues for the UK and other liberal democracies to enhance their resilience and ability to compete with authoritarian powers.

Phil Mason argues that openness is one of the most powerful enemies of corruption. Wherever and however a society is more open, it tends also to be less corrupt. There is mounting evidence that suggests it is better, more open governance that reduces corruption rather than reduced corruption being the cause of improved governance. It follows from this that the route to successful anti-corruption lies in a different direction to the one typically being followed by current practitioners. This means a shift is required in conceptual thinking and practical responses, including in the type of support that donors offer.

Murray Hunt considers the implications of the Integrated Review for the UK's support for the rule of law abroad. The Review offers only cut-price continuity in relation to that support and risks missing an opportunity to supercharge it by connecting it to the commitment to be proactive in reshaping the international order through support for open societies. Hunt argues that the case for

supercharging is overwhelming. The geopolitical turning point marked by the US's withdrawal from Afghanistan shows that smarter rule of law leadership is required, relying on the soft power of influence and assistance, not military power. Smart global rule of law leadership is badly needed, to address both immediate challenges such as growing authoritarianism and chronic rule of law weakness preventing just and effective responses to global challenges. The UK is well-placed to provide such smart rule of law leadership, but to do so it must develop a long-term integrated strategy on human rights, democracy and the rule of law, grounded in a commitment to a robust definition of the rule of law but avoiding rule of law imperialism, and to an internationally collaborative, evidence-based approach capable of leveraging resources. Hunt makes some specific recommendations as to how the UK could dress its Global Britain rhetoric in some meaningful rule of law clothes.

Iva Dobichina, Poonam Joshi, Sarah Green and James Savage examine the UK Government's Integrated Review and look for where this policy framework may lead to the promotion and protection of civic space around the world, and where it may lead to harm. Highlighting the alarming trajectory of shrinking civic space – which is seeing attacks everywhere on the right to assemble and protest, on free expression on and offline, and on the ability of activists, journalists and NGO's to organize, travel and fundraise – the authors urge the Government to make good on its commitment to open societies by making a new high priority commitment of championing civic space. They make specific calls on the UK Government to call for safeguards for civic space at the UN Global Counter Terrorism Strategy level; expand its use of 'Magnitsky-style sanctions'; speak up against the use of indefinite emergency security powers for pandemic response; align its own domestic law and policies with its commitments to open societies in the recent G7 statement and Integrated Review; work multilaterally to put human rights at the centre of emerging cyberspace governance; be ambitious in making strategic funding commitments to protecting civic space and human rights defenders; and, critically, stick with 'force for good' intentions when pursuing investment in any new science and technology which may be used to violate human rights and further shrink civic space.

Kim Eric Bettcher argues that open economies help make democracy deliver on citizens' expectations and serve as a check on authoritarian tendencies. Integrating economic development strategies into democracy support can reinforce values such as transparency, open competition, and the rule of law while engaging the competitive private sector as a constituency for accountable government. Opportunities to promote open economies in ways that reinforce democracy include: fighting corruption, defending against authoritarianism, promoting respect for human rights, supporting civic engagement, and opening access to opportunity. Breaking the silos of democracy and development can sustain both democratic openings and more inclusive growth.

James Deane argues that current strategies to support independent media around the world are failing. Autocrats and authoritarians and others intent on unaccountable power are winning largely by controlling independent media. Information and communication environments are becoming increasingly dysfunctional. The prospects for democracies to navigate substantial societal and development challenges ahead are consequently diminishing. The UK is arguably in a good position to provide leadership to international responses to these challenges, but it will take resources, organisation and long-term strategic commitment (all of which many autocrats possess and deploy) to reverse the tide.

Catherine Stihler believes that an open reformation of our democratic systems and practices is required if we are to support and promote open societies. In a data driven society, digital democracy for open societies will only succeed if there is trust in the technology and its benefits. Open tools, whether Creative Commons (CC) licenses for content, open data or open software can foster trust in government information and data whilst also enabling public scrutiny and protecting human rights.

Dame Audrey Glover explains the importance election observation plays in protecting open societies and argues that the UK should play a more active role in supporting the sector. She notes the impact COVID-19 has had on the practice of election observation but that it had been under strain before that due to pressure from authoritarian regimes and lack of focus traditional supporters of independent observation. She recommends building UK capacity, working with local NGO partners and the international community doing more to push the governments to implement the findings of final election reports.

Rafael Jiménez-Aybar argues that across the development ladder, democratic institutions and open societies are under the stress of overlapping crises. Meanwhile, the urgency that they row in unison towards a safer future for all within the planet's biophysical boundaries is greater – and better understood – than ever. In this context, the environmental democracy approach offers practical solutions to reinvigorate open societies. This is so because strengthening the three pillars of environmental democracy – namely environmental openness, participation, and access to justice – allows the rise of an ever-growing share of the global population in favour of climate and environmental action to foster, and funnel it into the high-ambition; effective and inclusive policy and implementation required by the Paris Agreement and other major international frameworks including the post-2020 global biodiversity framework and the 2030 Agenda for Sustainable Development. He believes Global Britain is well placed to lead and scale up this approach.

2. The importance of open societies to the UK's 'force for good' ambition – A politician's perspective

By Rt Hon Alistair Burt[54]

If all politics is local, then it is also personal. I did not become a politician because of some abstract theory. I became a politician because I was free to do so, free to champion what I wanted to see in the world in which I was growing up, and free to complain about what I did not like and wanted to change. The world was not closed to me. When I was young, I had trusted news available which enabled me from my country to watch, with wide, wet eyes, tanks roll over my continent, in the Czechoslovakia where Alexander Dubcek was not as free as I was. Above all, as one born just a decade after the end of the Second World War, I was able to appreciate from an early age that my freedom had been dearly bought, and that the grotesque abuses of power during my century were within the memory of those around me, who still wondered how on earth it had been allowed to happen.

The UK does not support open societies because the Government tells it to do so. The people of the UK support open societies in practice through almost everything they do in their daily lives, where millions have a life in which the principles of association, information gathering, discussion, challenge, and political activity are geared not to defending some treatise, but to making their lives, and those of others around them, better. And they demand that their government takes heed, and commits itself also to building that world, and being a 'global force for good.'

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Let me set out why it is important to those in politics and Government to hear that call and offer conceptual and practical support to open societies; to demonstrate the approach I have seen the UK take to do so; to suggest what needs to change and be better done, and why it is important to be doing this now.

Why are open societies important to the UK?
In 2020, Anne Applebaum's work 'Twilight of democracy- the failure of politics and the parting of friends' encapsulated in a very personal way the sense of modern-day fragility of democracy, and the closing down of the democratic mind.[55] She focused attention on not just the growing confidence and assertion of existing authoritarian states, but on how both fledgling and established democracies were lapsing from the democratic ideals which had been so hard won. A combination of a perversion of nationalism, the abuse of faith, a re-invention of the 'strong man', and the undermining of critics as traitorous were all combining to dim the opportunity of openness which history had delivered. Her challenge was stark. "It is possible we are living through the twilight of democracy; that our civilisation may already be heading for anarchy or tyranny, as the ancient philosophers and America's founders once feared; that a new generation of advocates of illiberal or authoritarian ideas will come to power in the 21st Century, as they did in the twentieth; that their visions of the world born of resentment, anger or deep, messianic dreams could triumph."[56]

I do not believe such a warning is far-fetched. If what Applebaum, and others, fear is not to come to pass, then the underlying causes of those fears must be addressed, partly by reaffirming what it is we believe and stand for, and partly by action to promote what it is we say we believe. The UK's historical experience is that the basic buildings blocks of freedom and open societies combine to match the aspirations of human society and confer a degree of security and stability to allow individuals and communities to prosper. In a world now facing many challenges unknown to those who framed the Universal Declaration of Human Rights in 1948, the UK Government believes that open societies are best placed to meet them, from climate change to the digital revolution, and to possess the resources to be harnessed in combatting them.

For developing societies, who may be faced with choices of partners with whom to stand to tackle these challenges, we need to be unequivocal in asserting that open societies provide the best opportunity of success. That partnering with the UK and other leading democracies – from both the global North and South – is more beneficial than collaborating with China and Russia. A research paper for Westminster Foundation for Democracy (WFD) concluded: "In practice, the evidence also seems to support this theory. Stable, transparent governments built on respect for human rights and the rule of law tend to foster environments that are conducive to open and inclusive economic growth."[57]

Faced with this reality, that open societies and democracy are truly under threat, it was important to see the recent G7 statement of support for the principles of Open Societies at the June 2021 Summit in the UK. After a preamble setting out the basics of such societies, from the fundamentals of democracy to freedom of expression and the rule of law, the Statement concluded with commitments to, inter alia, "strengthen open societies globally by protecting civic space and media freedom, promoting freedom of expression, freedom of assembly and association, and freedom of

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[55] Anne Applebaum (2020). Twilight of Democracy-the failure of Politics and the Parting of Friends. London: Allen Lane.
[56] Ibid page 185/6
[57] Dr Graeme Ramshaw, Doing Development Democratically, The Foundations of Open Societies and Open Economies, WFD, September 2020, https://www.wfd.org/2020/09/15/doing-development-democratically-the-foundation-of-open-societies-and-open-economies/; See also :Daron Acemoglu, Suresh Naidu, James Robinson and Pascual Restre, Democracy and Economic Growth: New Evidence, Promarket, February 2018, https://promarket.org/democracy-economic-growth-new-evidence/

religion or belief, and by tackling all forms of discrimination, including racism."[58] Having seen what it is we are about, how do we fare in doing it?

What the UK has sought to do
As a Parliamentarian for over 30 years, and as a Minister, I have taken part in, and helped evolve approaches to, building open societies around the world. The UK's commitment has been developed in a variety of ways. Institution building, the creation and sustaining of the independent building blocks of authority, has been a key staple of it. The UK created programmes to transfer technical expertise of administration, or justice, or similar at all levels of Government, local and national, as well as supported democratic institutions such as political parties and elected legislatures. As well as delivering practical outcomes, the personal relationships created through this engagement have also added immeasurably to the UK's soft power.

There is much discussion on the efficacy of the work, which will vary depending on the climate it is reaching into. It is not unnatural that I would support the work of party-to-party exchanges, and Parliamentary engagement, through those like WFD or Global Partners Governance (GPG), with whom I travelled and worked recently. Some argue that dealing with parties, and indeed Parliaments, can risk unwise political involvement or be wasted time compared with working with governments directly to 'get things done'. But, as GPG explain in their Guide 'Why work with Parliaments', "a country in which government is not required to account for its actions or justify its decisions risks bad policy and poor administration. Put crudely, while support to the Executive is likely to produce some quick wins, working with parliaments offers far greater opportunities for long-term institutional, cultural and behavioural change".[59]

Parliamentary exchange has been enhanced through the Commonwealth Parliamentary Association (CPA UK) and through the Inter Parliamentary Union, of which the UK and France were the originator in 1889. The British Group of the IPU takes a leading role in its work, which not only drives mutual exchanges, but also in raising the protection of MPs within states to support them in pursuing accountability. In not all states is it comfortable or safe to be an MP, and the UK's participation in the IPU should also be seen as a vital element in our commitment to representative democracy.

There is a further element to the UK's work. Former Secretary of State DFID Penny Mordaunt, in her introduction to the Feb 2018 UK Government paper 'Open Aid, Open Societies' spelled out the importance of scrutiny in the democratic process, in explaining that a deliberate purpose of the UK's work was to "allow oversight agencies, citizens and the media to scrutinise how money is spent, and enable people everywhere to hold their governments to account". Justifying this further in a development context under financial pressure back in the UK, she explained that "open and inclusive societies have stronger growth" and that such openness crucially "close the opportunities that allow unscrupulous individuals to get away with corruption".[60]

That phrase 'hold to account' is important; both a light to some, and a threat to others. Effective Civil Society Organisations constitute a vital element in open societies. WFD has made a concerted effort in recent years to act as an honest broker, building more constructive relationships between civil society, parliaments, and political parties; this is particularly useful when it comes to protecting civic and political space from overbearing CSO legislation.

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[58] Cabinet Office, 2021 Open Societies Statement, G7 Summit in Cornwall UK, July 2021,
https://www.gov.uk/government/publications/2021-open-societies-statement
[59] Global Partners Governance, Guide To Parliaments series-Paper 1 Why Engage with Parliaments?, 2013,
https://gpgovernance.net/publications/paper-1-why-engage-with-parliaments-international-assistance-and-parliamentary-strengthening-an-overview/
[60] DFID and FCDO, Open Aid, open Societies: a vision for a transparent world, Gov.uk, February 2018,
https://www.gov.uk/government/publications/open-aid-open-societies-a-vision-for-a-transparent-world

The importance of promoting inclusive politics in this field cannot be overestimated. The commitment that the UK has made, through successive Governments, to champion women's rights, has been a powerful example followed through with equal determination in respect of other vulnerable or disempowered groups. No society is truly open if these are ignored. Examples such as the campaign to prevent sexual violence against women in conflict, the appointment of the UK's first special envoy for gender equality, and the UK's co-chairing of the International Equal Rights Coalition driving a comprehensive strategy to increase international action to defend the rights of LGBT people around the world have all added to the UK's expertise and ambitions for others.

What needs to change, and why now?
A recognition of why open societies are important to the UK and other like-minded, only takes us so far, in answer to Applebaum's warning of approaching twilight. What we must confront is that in many emerging democracies, institutions are struggling to survive and become influential. And in some formerly strong democracies, from India to Brazil, openness is being closed down overtly and covertly. Authoritarian regimes have gained sufficient strength from the problems of others to offer an historic challenge to those who believed that the sweep and arc of history would bend towards openness, democracy, and human rights.

In other words, what we have tried to do has not been good enough, and we need to re-engineer and re-invest. The concept of 'long-term and enduring' need recalibration. Whilst trying to deliver and support openness and democracy in states after a military intervention is now different in character today than it was in 1945, we need to recognise that even in those places where this has been the case there are those locally who share aspirations which are not 'western' but universal. To help them build a society which 'holds to account' the powerful, long term must be closer to 'forever' and sustained more than a maximum of 20 years. It is not an event, but a process, so funding, project building and working locally must be at the heart of permanent partnerships, not time constrained impositions.

Nor should we fall into the trap of accepting that a state is simply its authorities, who, if failing or turning against openness, should be judged as a no longer worth supporting. There are always people working in any society for the things we all hold dear and aspire to; we need to find ways to keep supporting them, whether it be parliaments, political parties, civil society, media, lawyers and judges, and human rights activists. The feeling of abandonment amongst women in Afghanistan is pertinent, as is the ongoing need to support those forced into exile, for example Myanmar and Belarus.

Institution building must continue its patient work, particularly in addressing poor governance, and, crucially, corruption. All over the world, wherever corruption is embedded into the systems of administration, efforts to build a more open society are already working on foundations of sand. Donors and supporters have too often failed to confront those most responsible – not least Ministers, who have to navigate conversations about corruption with those very leaders whose hands may be deeply immersed in it. Looking for the reasons why there was a vacuum of support for the Afghanistan government at a crucial time, the steady siphoning off of funds for development assistance by those in positions of authority will loom large. Whether or not the former President left Kabul with a helicopter stuffed with cash may or may not be true – the important point is that his people thought it might well be.

Bad governance and corruption allow other actors into the space of delivering services, and again worldwide, insurgent movements and criminal gangs from the Sahel to Latin America gain influence over local populations by becoming the authority figures, before turning those populations either to

their own ideologies or simply a shield against those who seek to reassert the monopoly of authority a legitimate government must possess. Building health and housing services and running local government competently may not create the same headlines and pictures as visits to refugee camps, but we need to value these things more.

These opportunities play into new possibilities to drive open societies. In a recent paper, the Carnegie Endowment for International Peace offered some useful suggestions to address current failings.[61] Firstly, by appealing to what they term 'Middle Powers' the paper addresses the elephant in the room, of the US current role in democracy assistance and wider international development. It would be a tragedy, and completely counterproductive, to lose the immense resource, financial and of goodwill, which has characterised the US commitment to open societies and democracies since 1945. The US is still the world's largest donor and engine of change for good, but the damage to reputation recently is significant. Whilst no one's government speaks for all, the Trump administration's handling of international alliances and relationships, and the President's obvious disdain for many developing parts of the world where US citizens and agencies were actively working to deliver openness and democracy, added significantly to a world view still disaffected by US military interventions, particularly in the Middle East.

This was compounded by the appalling events of January 6th in Washington. A prime tenet of an open society and democratic practice is the peaceful transition of power, where elections matter, and leaders depart. That the President of the United States was at the heart of attempts to frustrate the electoral process, or worse, at the Capitol, means that the US preaching to rulers who are getting tanks onto the streets to stay in office rings rather hollow. Couple that with the dismay over the new Administration's handling of Afghanistan and it is a weakened US which now confronts the many challenges facing democracy, not least in its own backyard, where efforts to restrict voting rights in a number of US States combine with an extreme and continuing polarisation of the political and media space.

There are challenges closer to home also. The UK Government's attempt to re-balance the powers of Parliament against the courts in relation to Judicial Review, or to ensure the integrity of the electoral process through the Elections Bill currently before Parliament rightly faces tough scrutiny from those who question these provisions. However well-intentioned measures may be to deal with a contemporary problem, or a potential one, a reading of proposed legislation in a more neutral context ought to be the test, and the UK Government must address such questions through a constitutional and not a political lens.

All this suggests that new and innovative ways are necessary to seek to roll back current challenges. The many 'Middle Powers' in the Carnegie paper, which they define as 'countries which regardless of their geopolitical weight have made democracy support a sustained component of their foreign policy', from Japan and Australia to the UK, can combine to lead initiatives whilst the US recovers. They can use a traditionally indirect approach, instead of direct confrontation, to support the essential infrastructure of openness, but they must work together. Media freedom, religious tolerance, youth engagement, gender inclusion, human rights, all working with the grain of those within states who want the same.

At the same time, challenges such as global warming, pandemics, and trade protectionism allow for interaction with authoritarian states, who will find it hard or impossible to meet not only international standards but the demands of their own peoples without the structure of an open

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[61] Rachel Kleinfield, Thomas Carothers, Steven Feldstein and Richard Younds, How Middle Power Democracies can help renovate global democracy Support, Carnegie Endowment for International Peace, February 2021, https://carnegieendowment.org/2021/02/04/how-middle-power-democracies-can-help-renovate-global-democracy-support-pub-83809

society. Global health security, climate change – and in particular the environmental threats which bring climate change directly to the streets, such as drought or extreme weather – none of these can be sensibly handled without mechanisms of scrutiny, challenge, media freedom and resource which go hand in hand with open societies, not those that close things down. The work will need to be patient, but urgency born of necessity will be an ally.

Finally, despite all the soft talk, those with values have got to be prepared to enunciate them, stand up for them, and resource them. The forthcoming Summit for Democracy called by President Joe Biden in December this year takes place under shadows unforeseen when planned. Afghanistan has given a boost to those who believe that what they need to do is wait, even generationally, to see all that has been advanced in terms of freedom over centuries swept away. The will of all those, worldwide, who believe in democratic values is being tested as never before, challenged by those who believe that such will, appetite and endurance no longer match those with seemingly longer timescales than democracies seem to allow.

Clear reassertions of values must continue to be backed up where necessary by tough actions, individually and collectively, on human rights abuses and sanctions. These must be increasingly smart, and reprisals against them, such as imposed on Australia in a dispute with China, should be collectively resisted.

The United Kingdom also needs to match with resource the words of support contained in the G7 Statement, the Integrated Review, and no doubt what will be added by a UK Statement to the December Summit for Democracy. It's worth remembering that this December is the first of two planned Summits; the second (in December 2022) will examine progress made over the past year, and the UK does not want to be seen as falling short.

The reductions to the Aid Budget this year affected all aspects of the work the UK is doing at Government level to tackle the crises facing democracy.[62] Whilst the overall contribution remains strong, as the Government is keen to explain, reductions at a critical time leave their mark, and again go to the heart of will and attitude. An up to 80 per cent reduction in support related to Conflict and Open Societies only gladdens those who believe that the tide for freedom is turning, and that despite efforts on sanctions and strong words from Dominic Raab on an issue for which he has a passion, he is ultimately undone by those with other motives elsewhere.[63]

The United Kingdom can neither escape its past, nor should it. The actions of yesterday have consequences today. But one of those consequences is the deep belief in the fundamentals of freedom and openness which have sustained us, and those who think like us, for centuries. The world is not irrevocably divided into those who are for and against such values*.* Hearts and minds must be won with some renewed urgency. The UK's struggles in these fields, and the uneven, but certain path forward, is a decent guide, if presented with humility as well as pride, to encourage more down a path which only they can decide if it is for them.

[62] FCDO Statement April 21 2021.
[63] Peter Geoghegan, UK government plans 80% cuts to 'world-leading anti-corruption work, Open Democracy, March 2021, https://www.opendemocracy.net/en/opendemocracyuk/uk-government-plans-80-cuts-to-world-leading-anti-corruption-work/

3. Soft Power and the UK's 'force for good' ambitions

By Stephen Twigg[64]

'Soft power' is defined by the Cambridge English Dictionary as 'the use of a country's cultural and economic influence to persuade other countries to do something, rather than the use of military power'. The Integrated Review describes the United Kingdom as 'a soft power superpower' that has been ranked third in the world for soft power. The 2021 Global Soft Power Index, published by Brand Finance, places the UK third behind Germany and Japan.

Soft power has long been seen as an important asset by successive UK governments and commentators. The Integrated Review highlights four key areas of the UK's soft power as media & culture, education, sport, and 'people to people' links. So, what are the challenges and opportunities in this area? I will draw upon my experience as the former Chairperson of the UK House of Commons International Development Committee as well as my current role as Secretary-General of the Commonwealth Parliamentary Association. I will focus on the area of political/constitutional systems and values. These have usually had prominence in discussion around soft power both in the UK and internationally.

The Integrated Review explicitly connects soft power with a set of values to which the UK is committed. In exploring the relevance of the concept of soft power to the quest for open societies, it

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is worth considering some of the values to which there is a shared commitment before looking at the various institutions and networks through which these values might be reflected and implemented.

The Charter of the Commonwealth sets out 16 core values and principles as follows:[65]
1. Democracy
2. Human rights
3. International peace and security
4. Tolerance, respect and understanding
5. Freedom of Expression
6. Separation of Powers
7. Rule of Law
8. Good Governance
9. Sustainable Development
10. Protecting the Environment
11. Access to Health, Education, Food and Shelter
12. Gender Equality
13. Importance of Young People in the Commonwealth
14. Recognition of the Needs of Small States
15. Recognition of the Needs of Vulnerable States
16. The Role of Civil Society

These universal values and principles provide a helpful and comprehensive framework which can assist in the development of a forward-looking soft power strategy and in our consideration of the role of institutions, networks and citizens both in the United Kingdom and globally.

The Integrated Review sets out some of the well-established UK institutions which contribute to its soft power – including the BBC, the British Council, sports bodies, UK universities and the Monarchy. It also emphasises that the roots of a country's soft power are often 'beyond the ownership of government'.[66] Indeed, discussion around this topic has long emphasised the crucial importance of non-governmental actors in a country's soft power strategy.

Nevertheless, there is no doubt that government priorities, policies and resources can help shape a country's soft power impact. Indeed, the UK Government has demonstrated this with a series of high-profile Summits and other events, for example:
- The 2016 Anti-Corruption Summit;
- The 2018 Global Disability Summit co-hosted with the Government of Kenya and the International Disability Alliance;
- The 2019 Global Conference for Media Freedom co-hosted with Canada and supported by Luminate;
- The 2021 Global Education Summit co-hosted with Kenya for the replenishment of the Global Partnership for Education; and
- 'Safe To Be Me – A Global Equality Conference' on LGBT rights which is planned for 2022 to coincide with the 50th anniversary of the first official London Pride March.

Each of these examples is rooted firmly in at least one of the values set out above – including human rights, freedom of expression, access to education and tolerance, respect and understanding. They

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[65] The Commonwealth, Commonwealth Charter, 2013, https://thecommonwealth.org/about-us/charter
[66] HM Government, Global Britain in a competitive age: The Integrated Review of Security, Defence, Development and Foreign Policy, March 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975077/Global_Britain_in_a_Competitive_Age-_the_Integrated_Review_of_Security__Defence__Development_and_Foreign_Policy.pdf

demonstrate that governments absolutely can show leadership on important issues, but they also reinforce the importance of other (non-governmental) actors in shaping and delivering effective impact via soft power. I would emphasise three crucial factors here:

1. The importance of multilateral action to bring together an alliance of countries, institutions and networks to take an issue forward;
2. The vital role of citizens, civil society organisations and other stakeholders in maximising the impact of any strategy built around the notion of soft power; and
3. The importance of sustainability, which is partly about resources, partly political will and partly about whether an initiative is relevant to the lives of communities/citizens who, therefore, have a genuine stake in its success.

People to people engagement has great potential to contribute to positive social and economic change around the world. Technology has, in some ways, made this kind of work easier to organise and the COVID-19 pandemic has, of course, made virtual engagement much more normal although the digital divide remains an important challenge.

The British Council, which works in over 100 countries, has undertaken excellent, pioneering work in this sphere, particularly with young people. It is one of several institutions and networks working to promote education and empower young people. Critical to these organisations' success is for them to be adaptable, agile and responsive to the needs of young people. Rightly, there is a strong desire for local ownership as communities and countries across the world address the question of how best to achieve shared commitments like sustainable development and tackling climate change. For the United Kingdom, its soft power will be exercised most fruitfully if it is listening to and engaging with citizens and communities both at home and internationally.

A strength for the United Kingdom's soft power is the country's diversity. As the Integrated Review points out, the UK's population includes around nine and a half million people who were born outside the UK whilst there are around five million UK citizens living outside the country. Diaspora communities have the potential to contribute hugely to soft power. One important example of this is the social and economic impact of remittances sent from the UK by diaspora communities. Another example is the advocacy efforts by diaspora communities around a broad range of issues, including the impact of climate change, responses to natural disasters and human rights.

In highlighting diversity, it is important that the UK is open about its contemporary challenges and historical legacy. The credibility of soft power and 'people to people' engagement risks being undermined if issues like racism and the legacy of Empire are not addressed openly. Dialogue is essential here as there will be different perceptions in different countries about these issues and, therefore, an opportunity for countries like the UK to listen and learn from other voices.

The key here is for soft power to be exercised democratically. The movement for disability rights has often used the phrase "nothing about us without us". If the UK (and others) are going to remain relevant global players, it is imperative that diverse voices are heard, listened to and acted upon – both in the UK itself and internationally. I hope that this will include a distinct recognition of the contribution made to soft power by all parts of the UK – Scotland, Wales and Northern Ireland as well as England; local government as well as central and, crucially, the work of communities at a local level. A brilliant example of soft power is the Scotland-Malawi Partnership which promotes friendship between the citizens and communities of Malawi and Scotland.

Encouragingly, the Integrated Review reaffirms the UK's continued commitment to girls' education. One of the highlights of my time as Chair of the UK House of Commons International Development Committee was to visit an inspiring Girls Education Challenge programme in Kenya which was

enabling disabled girls to have access to education. Such programmes are the very best of international development and I hope that lessons will be learned from them as the UK and others take forward shared commitments to global education. Crucially, the voices of young people themselves need to be heard, listened to and acted upon.

Two important tools here are programmes for Citizenship/Civic Education and Education for Sustainable Development. The British Council's "Connecting Classrooms through Global Learning" programme (supported by the FCDO) is a brilliant example of this work. With the International Development Committee, I saw many such examples where the UK's investment in development, and humanitarian assistance has made a real difference – for example in supporting the Rohingya in Cox's Bazar, Bangladesh or Syrian refugees in neighbouring countries.

Media freedom is emphasised in the Integrated Review including the Global Media Defence Fund co-founded by the UK and Canada. As the Review says, the BBC reaches a huge weekly audience and is an important strand of UK soft power. Its international charity, BBC Media Action, works in some of the world's poorest countries with local communities to support sustainable development, help build democracy and to challenge misinformation. This kind of work is more important than ever as countries and communities address the challenges arising from the impact of COVID-19 and seek to achieve the ambitious goals in the UN's Agenda 2030.

The Integrated Review emphasises the continued importance of multilateralism and the UK's commitment to multilateral institutions. Effective coordination with other countries and with multilateral organisation is essential if the fruits of soft power are to be maximised. This is particularly true in the light of the decision to temporarily reduce the UK's international development spending. Important opportunities arise from the focus on the Indo-Pacific. The renewed commitment to Africa is welcome and the document emphasises East Africa and Nigeria. Clearly, these are incredibly important partners for the UK, but so too are countries in Southern Africa, including South Africa, Zambia and Malawi, and West African countries like Ghana, Sierra Leone and Gambia. I hope that the UK will continue to engage throughout the continent and keep playing its part in supporting sustainable development across Africa as a whole.

This brings me to the Commonwealth. There is a huge opportunity here for the UK to give greater priority in its work to its relationships with Commonwealth nations, institutions, networks and citizens. The set of values and principles listed earlier are drawn from the Commonwealth Charter. I have highlighted areas in which the UK works closely with other Commonwealth countries such as global education with Kenya or media freedom with Canada. There is a diverse mix of expertise, talent and potential throughout the Commonwealth which is reflected in its institutions, networks and civil society organisations. The Commonwealth itself has significant soft power which it exercises across key areas of work including women's empowerment, tackling climate change, and supporting young people. Around 60 per cent of Commonwealth citizens are aged under 30.

Many of the countries in Asia and the Pacific are members of the Commonwealth including India, Pakistan, Bangladesh, Malaysia, Australia and New Zealand, as well as Small Island Developing States across the Pacific and elsewhere. There is a wealth of experience in these Commonwealth countries in addressing key challenges like poverty reduction, sustainable economic development and tackling climate change. There is a vibrant array of Commonwealth organisations and networks working to promote 'open societies' including the Commonwealth Foundation, the Commonwealth Local Government Forum, the Commonwealth Equality Network and the Commonwealth Human Rights Initiative as well as the organisation where I work, the Commonwealth Parliamentary Association (CPA).

In the same way that 'people to people' links are an important strand of 'soft power' so too are the connections between parliamentarians in different countries or between local government, business or trades unions at an international level. Networks within the Commonwealth provide excellent examples of how these links can be forged and the role that they can play in promoting shared commitments such as the United Nations Agenda 2030 Sustainable Development Goals. In the field of education, the Commonwealth Scholarships scheme is a superb example of best practice.

At the CPA, we deploy a variety of tools to promote mutual learning between our member parliaments and encourage the adoption of best practice in line with both the Commonwealth Charter and the UN's Agenda 2030. For example, we have three networks which address key priorities: our Small Branches serving jurisdictions with a population of up to 500,000; the Commonwealth Women Parliamentarians network; and Commonwealth Parliamentarians with Disabilities.

In conclusion, the United Kingdom has a diverse range of institutions and networks which contribute to its soft power. Many of these are highly respected organisations like the BBC and the British Council with a long-established reputation and wide reach. Nevertheless, it is important that institutions are agile and adaptable so that they can meet the challenges of today – and tomorrow. Governments have a vital leadership role to play, but a lot of soft power is exercised not directly by governments but by citizens, networks and independent institutions. For example, diaspora communities and young people should feature prominently in any future consideration of a 'soft power strategy'. Crucially, in a complex and interdependent world, 'soft power' will have more impact if it is shared both within countries and between countries through networks and institutions like the United Nations and the Commonwealth. By working with other countries, the UK is most likely to be able to fulfil the ambition to be 'a force for good'.

4. Bringing politics back in: The implications of the FCDO's focus on open societies for diplomacy and development

By Graham Teskey and Tom Wingfield[67]

What differentiates an 'open society'

What are open societies? The famed camel comes to mind: open societies may be hard to define but they are easy to recognise. Given the current importance of open societies in UK foreign policy, it is timely and important to consider a little more closely the nature of open societies, how they come

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about, and how external partners can support the long-run historical process by which societies become increasingly open.[68]

The term 'open societies' is a relatively recent one in political science, although it has some particularly influential proponents. It was first coined by the French philosopher Henri Bergson in 1932 (s*société ouverte*). He described it as a dynamic system inclined to moral universalism standing in contrast to closed societies, which have a closed system of law, morality or religion. It is static "like a closed mind". For Karl Popper, the single crucial distinguishing feature of an open society is the individual: he defined an open society as one "in which individual is confronted with personal decisions".[69] Popper added that only democracy provides an institutional mechanism for reform and leadership change without the need for bloodshed, revolution or *coup d'état*.

Our starting point is defining 'society' and understanding the rights of citizens and the role of politics. There is indeed such a thing as society, but it is heterogeneous and made up of competing and contested interests. Sometimes these interests are individual, sometimes they are communal (i.e. they represent a particular community or group). The one thing that differentiates 'more' open societies from 'less' open ones is that these competing interests are mediated and negotiated through peaceful, transparent and (largely) respectful inclusive processes. In such societies, this contestation is managed through a *political* process where people feel their interests are represented and political choices are openly negotiated and, ultimately, made in some idea of the 'public interest'. The recent debate in the West on whether COVID-19 vaccinations should be mandatory or not illustrates the tension between individual rights (my right not to be vaccinated) and collective, public interests (our right not to be infected by the unvaccinated). This trade-off, this decision, in an open society is mediated through a political process, enshrined in law or government policy, and – it is hoped – accepted by citizens. Responding to COVID is thus an extremely current example of the tension that open societies must address: where does the interest of the individual end and the interest of 'society' (which is the aggregation of individuals/social classes/ethnicities in a polity) begin? Political philosophy and history will determine the answer to this question.

Where does politics fit in?
Open societies tolerate – welcome even – difference and diversity, debate and discussion, dissent, and discourse. The *explicit* adoption of the term 'open societies' suggests an *implicit* focus on 'society' rather than the 'state', with which the term is often paired in political science writing. History demonstrates that 'the state' does not necessarily pursue the interests of 'individuals' in society: rather it will privilege the interests of the state as interpreted by the political elite. In some – possibly many – developing countries the state is controlled by narrow sets of powerful interests and is often extractive and authoritarian. These states seem to be more 'closed' than 'open', which is often a clear choice as part of a strategy of ruling elites to maintain their dominance.

Politics lies at the heart of an 'open society'. Politics is where the interests of individuals and interest groups are mediated, negotiated and where compromise is reached. It is where decisions are made and where choices and trade-offs are managed. In 'open societies' individual citizens have a voice: the views of individuals are represented in the political decisions that affect their lives. This gives the individual a stake in the system – even when decisions taken in the broader public interest go against their individual preference. This creates a sense of belonging and social cohesion. By contrast, where individuals – or their representatives – do not have a voice or a stake, they may disengage, resort to violence, or find solace in extremism, either religious or nationalist.

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[68] This is not to say that history is teleological. It merely points out that modern day 'open societies' reached this point as the result of a centuries long, hard-won struggle.
[69] Karl Popper. 1945. 'The Open Society and its enemies'.

The UK has a long tradition of thinking about the relationship between the individual and the state, from the ending of feudalism, the people's movements at the end of the 17th century to the establishment of the commonwealth and the eventual restoration of the monarchy. Today this issue continues to play out in the US, the UK, Europe, and in many developing countries. States are now grappling with the COVID pandemic, and in the longer-term are grappling with the challenge of delivering economic and social development outcomes. As regards the former, some have argued that COVID has allowed states to extend their powers at the expense of 'individual freedoms'.[70] Regarding the latter, the 'China variant' (its political model and state-led approach to economic growth, not the virus…) has attracted interest from many governments. While the two things may not be connected, there certainly is convincing evidence that over the past two decades, the 'openness' of many societies has shrunk.[71]

'Open societies' carry two immediate implications, the one substantive and the other procedural. Substantively, open societies demand consideration of the norms and values that influence if not determine individual and collective human behaviour. These norms and values (difference, debate, and dissent) directly affect how we think and how we see the world. This substantive element is strongly normative: we believe these values are universal, and everyone, regardless of place of birth, deserves the right – if they so choose – to be different, to debate and to dissent.

But in order to function, open societies require a set of procedures – the settled 'rules of the game'. These rules of the game will structure and manage the processes and mechanisms whereby the different – and yes, competing – interests of diverse groups of individuals can be mediated and negotiated, and ultimately, where compromise and consensus can be reached.

At a high level, organic laws and constitutions determine how power is allocated. Other laws set out procedures under the principles set out in the constitution. In common law systems without a written constitution, 'precedent' is the critical factor ensuring every person receives the same justice.

Open societies are societies governed by consent rather than by command; by impersonal rules, rather than patronage and *ad hoc* favour. In open societies, citizens give their consent to those holding political power by means of periodic elections, held with universal suffrage. The *quid pro quo* underlying citizens granting powers to state authorities is that decisions are made in the interests of the common good; the so-called *public interest.* Despite being routinely abused by politicians pursuing their own narrow interests, there really is such a thing as the *public interest:* decisions and policies that benefit the many rather than the few. Further, citizens in open societies enjoys two sets of freedoms: first 'freedom to' express their views, practice their faith, keep the property they legitimately own, join a union, open

Freedoms to	Freedoms from
• Express one's views	• Fear of violence
• Practice one's faith	• Repression
• Join associative life	• Hunger
• Assemble in public	• Poverty
• Own property	• Expropriation of personal possessions
• Engage in trade	

businesses and reap the rewards of success (on indeed failure); and second, 'freedom from' fear of violence, persecution, and arbitrary state interference in their lives.

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[70] See The Economist, *The Long Goodbye*, 3 July 2021: p 11.
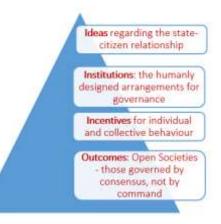[71] Carothers, Thomas and Benjamin Press. *Understanding Protests in Authoritarian States*. SAIS Review of International Affairs, vol. 40 no. 2, 2020: 15-24.

The importance of ideas and their impact on institutions

Open societies evolve because of ideas being debated, contested (which we know can be violent), and over time, accepted and absorbed into the body politic. 'Good politics' is a battle of ideas as the basis for the allocation of resources. 'Bad politics' is a bidding war for patronage and largesse, irrespective of principle or policy.

When ideas become shared and accepted within 'society', citizens collaborate to create *institutions* which enable those ideas to be put into practice and to handle diversity and choice. These institutions take two forms: first, the formal institutions such as constitutions, national assemblies, political parties, parliaments, local governments, electoral commissions, and ombudspersons; and second, the informal institutions, many of which are layered on previous formal and informal institutions, such as the norms and values that underpin the operation and functioning of formal institutions (losers' consent, tolerance and respect for the views of people that see the world differently, and the willingness to be held accountable for decisions or actions taken).

In turn these institutions create incentives and constraints on how citizens behave and which, in turn, deliver outcomes – in this case, functioning and sustainable open societies (see the schematic on the right).[72] This simple representation summarises why ideas are so important: ideas that become dominant in any society have a habit of being translated into sets of formal and informal institutions that create incentives for behaviour and thus societal outcomes. If dominant ideas in any society start with the state and its pre-eminence, then the institutions it creates tend to reflect this and reinforce incentives militating against openness.

Ideas regarding the state-citizen relationship

Institutions: the humanly designed arrangements for governance

Incentives for individual and collective behaviour

Outcomes: Open Societies - those governed by consensus, not by command

It is not melodramatic to argue that globally, we are currently seeing a battle for ideas and a clash of institutions. It was never likely that the fall of the Berlin Wall in 1989 would constitute the end of history; it's just that the battle of ideas and what institutions we want to live by has taken a new and different turn. Key to this is distinguishing between different types of political systems and the way decisions are made. This ranges from responsive, one-party systems with elite internal decision-making (China, Vietnam, Singapore), through hybrid regimes or 'flawed' democracies (Kenya, Tanzania, Nigeria), to rule by *dictat* (Myanmar, Russia) and on to associational democracy and political deliberation (Switzerland).

Those working in 'diplomacy and development' – by which is meant promoting a more equitable global economy – have no choice but to engage with ideas and institutions. It is likely that most practitioners already do so, but unknowingly. Worse, and unintentionally, actions can be taken which undermine open societies by meddling with the social contract and *working around* domestic political processes. In more authoritarian or predatory states, externally funded service delivery can take the heat out of the social contract and provide international legitimacy to illegitimate regimes. In more open political systems, it can undermine politics and political accountability by removing the discretion of elected leaders through earmarking funds and constructing parallel 'project implementation units' to deliver 'results'. It is time therefore to articulate how external partners can design and deliver investments which strengthen those institutions which that form the core of Open Societies.

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[72] Acknowledgement to Wayne A Leighton and Edward J Lopez for the original formulation of this schematic. See 'Madmen, Intellectuals and Academic Scribblers: The Economic Engine of Political Change', Stanford Economics, 2013, page 133.
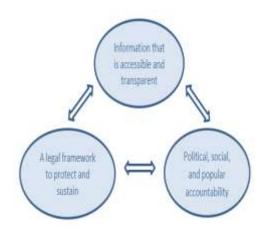
It falls to three sets of *institutions* to protect, deepen, and sustain open societies:

    i.   *The institutions and the organisations that produce, collate, analysis and disseminate data and information*. Data and information must be transparent and accessible to all. Disinformation will undermine open societies. Citizens need to be able to tell the difference and debate the data, and civil society needs the space and freedoms necessary to demand information and share their views;

    ii.   *Institutions that foster open, inclusive, transparent, contestable, and accountable political decision-making in the public interest based on evidence and reasoning*. Open societies are founded on open politics where political decision-making – and debates over options and trade-offs – are both transparent and inclusive. These are the *institutions that enable citizens to use information to hold public servants, the private sector, civil society leaders, and politicians (especially politicians) to account* for what they say and for what they do. At heart this constitutes the political process – where interests of all individuals and groups are mediated and negotiated. Open societies are founded on open, inclusive, and accountable politics; and

    iii.   *Institutions that foster the rule of law, not the rule by law.* In open societies rules and laws are impersonal and inclusive – they apply to all, regardless of status, sexual orientation, ethnicity, gender or religion. They are tabled, debated, and enacted by duly elected representatives in national and subnational legislatures, and such laws apply to all, regardless of status or rank. These laws codify the rights of citizens and are enforced by the 'coercive yet independent' infrastructure of the state – the police, the courts, and the judiciary. This is the opposite of states where the governed are ruled *by* law – where laws are issued by command of governors, usually to advance or protect their own interests.

These three sets of institutions are mutually dependent. Accountability requires that both information and the rule of law to be accessible, contestable, and transparent. They are also mutually reinforcing; and stand or fall together, as shown in the schematic on the right.

Neither can these institutions be bought. The UK's legal history runs to a thousand years. Free and fair elections under universal suffrage had to be fought for – especially for women. Emily Davison famously died for the vote.

The Open Societies Agenda has implications for the political process, how political decisions are implemented by the administration and how the state operates. It has implications for the economy, where the rule of law encourages entrepreneurs to start up business without fearing that the state will appropriate their assets or steal any profits they make. Open societies encourage business to engage in cross-border trade without having to bribe customs officers or port officials. Should businesses infringe against the rightful laws, rules, and regulations governing the economy, the owners of capital know they have access to fair legal redress.

Open societies have implications for how public services are designed and delivered. Open societies seek to engage public servants based on merit, rather than patronage or the 'old boys' network'. The governed expect equality of opportunity in accessing services such as education, health, water, and sanitation. The values and norms fostered by open societies generate expectations of fairness and equal treatment among the governed. If the governors do not meet these expectations, they will be held accountable at the next election.

It is in both the fact and functioning of these three sets of institutions that legitimate open societies. Citizens in open societies confer legitimacy upon not only the overall political system, but also on the current government of the day. They do this based on the *intrinsic* value of these institutions, as well as their *instrumental* value in leading to more and better development outcomes. However, it is in the instrumentalisation of open societies that their greatest challenge lies. It is clear from the evidence that, given the choice, most people prefer to live in open societies; they like to exercise their agency in choosing who rules them. But while being ruled by consent is more intrinsically appealing than being ruled by command, governance and institutional arrangements in practice reflect underlying economic and social power relations. As these underlying conditions change, they create a challenge to existing governance arrangements. Although open societies are often associated with high income countries, there is no intrinsic link between an open society and economic growth.

Few countries, if any, have reached high income status by first embracing the full (emphasise full) range of open society institutions outlined above. The UK, the US and Australia certainly did not. Historically, where and when new states have been formed – due to war and violence, urbanisation and migration, growth, new technology or the depletion of natural resources – demands for governance change is triggered. Political change often comes as new social classes seek a voice to match their new economic and social power.

The so-called 'third-wave' of democratisation that followed the fall of the Berlin Wall in 1989 has stalled. The 2020 Annual Report of the US-based Freedom House noted that 2019 was the fourteenth consecutive year of decline in global freedom. The many and various 'colour revolutions' failed to deliver the (admittedly unrealistic) developmental expectations of the governed in those countries.

Herein therefore lies the challenge facing societies governed by consent. On the one hand they may intuitively be more compelling: to a great extent they remove the threat of arbitrary, unjustified, and prejudicial interference in the lives of the governed. But on the other hand their record in delivering material progress and better development outcomes for the governed – today, in the here and now, and in the period demanded by duly elected by time-poor governors – is not as compelling.

The implications for FCDO and external actors
If external partners wish to promote open societies, they must focus on understanding – and if plausible – strengthening the institutions which characterise them**.** This is easy to say but hard to do. It requires:

- *Humility:* the influence of even the best external actors will be marginal. Diplomacy and aid cannot 'deliver' an open society. At best, external actors will start by understanding how power is organised, where the plausible sources of positive change lie; and tuck in behind locally-driven change processes. This also points to the value of developing long-term, trust-based relationships with key actors. It can provide the wisdom and legitimacy necessary for external actors to play a positive role;
- *Distinguishing the form of a formal organisation within a wider institutional setting (say an election commission) with its function* (how it delivers its remit, and if it has the independence, legitimacy, capacity, and authority to undertake its formal tasks);
- *Avoiding 'perfect institutions' or exporting neo-liberal, democratic models*: there is a vast graveyard of failed governance interventions based on externally-imposed solutions, hubris and optimism bias. The starting point should be understanding the context, what is locally relevant and building partnerships around shared interests (not assuming shared values); and

- *Focus on diplomacy and 'a whole of portfolio approach':* More often than not, external actors can undermine the basic elements of an open society with orthodox development programmes (health, climate, infrastructure, growth) that bypass the political process and provide unearned resources which 'take the heat out of' the social contract and reinforce patronage. Further, there are clear instances where corrupt and/or military dominated governments benefit from military/security assistance from one arm of an external partner government and democracy assistance from another, the former undermining the latter. To stay true to its foreign policy objective, the FCDO should start with country strategy, assess individual programmes for unintended consequences and commit to a time-bound, measurable realignment if required.

The 'new' agenda of open societies and the three institutions summarised above must not fully eclipse the 'old' agenda of effective states designed to improve policy settings, resource allocation, and public service systems functionality. The good news is that there is contemporary evidence which points towards one unequivocal starting point for donor policy formulation and programme design: that growing intra-state inequality undermines both the intrinsic values of open societies and the instrumental development outcomes delivered by effective states. By working in ways that supports partner country political processes and efforts to address collective, public interests and internal inequalities, external partners will simultaneously be legitimating and promoting the intrinsic values of open societies as well as helping reduce poverty.

5. The centrality of women's political leadership to democratic governance, open societies, and human rights

By Rt Hon Maria Miller MP[73]

Why does it matter

It matters who we elect to lead our communities and our country. Their values and priorities shape our future. If all of those leaders have the same experiences of life, went to similar schools or universities, then democracies not only miss out, they are weaker for it. The largest underrepresented group in every democracy in the world is women. As Julia Gillard said, "even if women did not bring new policy perspectives to the world of politics, I would still be an advocate of

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[73] Maria was first elected to represent Basingstoke in the 2005 General Election. Before entering Parliament, Maria worked for 20 years in marketing, including board level experience.

On becoming a Member of Parliament, Maria was appointed to the Trade and Industry Select Committee. David Cameron appointed her as Shadow Minister for Education in December 2005, then Shadow Minister for Family Welfare in the Department for Work and Pensions in November 2006. Maria moved back to the Education team as Shadow Minister for Family in July 2007 and remained in post until the 2010 General Election.

Maria was appointed Minister for Disabled People at the Department for Work and Pensions in the Coalition Government in May 2010 and was promoted to Secretary of State for Culture, Media and Sport, and Minister for Women and Equalities, from September 2012 to April 2014. In June 2015 Maria was elected as Chair of the newly established Women and Equalities Select Committee. Maria was nominated for the position by MPs across the House in 2017 and was re-elected unopposed.

In addition to her role as Chair of the All-Party Parliamentary Group for Women in Parliament, Maria is Co-Chair of the APPG UN Women, Chair of Conservative Women in Parliament, and Vice-Chair of the APPG on Digital Regulation and Responsibility. Maria is also a Director and Trustee of the Commonwealth Parliamentary Association, Patron of HCUK and serves on the Board of Governors for the Westminster Foundation for Democracy. *Image by Jessica Taylor / UK Parliament.*

gender equality in politics because I believe merit is equally distributed between the sexes."[74] And we should listen to her. Countries that are not actively seeking to ensure their democracies include the equal representation of women are tackling the challenges they face with one hand tied behind their backs. Candidate quotas can have a role in some cases, but if culture and working practices have not been challenged these will be a short-term fix with no lasting change.[75]

What have we done?
That is one reason why, for more than a decade, the UK Government has focused on the importance of getting women's voices heard through the issues that stop women's equal participation in society: in 2021 and 2017 taking on reproductive health at the Family Planning Summit; in 2013 a Call to Action on Gender-Based Violence in Emergencies;[76] the 2014 Girl Summit to mobilise action on Female Genital Mutilation and Early and Forced Marriage alongside the Global Summit to End Sexual Violence in Conflict;[77] and in 2016 supporting the UN Secretary General's High Level Panel on Women's Economic Empowerment.[78] Each action has been a building block to support women's basic equality around the world: improving access to financial services for more than 36 million women; helping 30 million children under five, and pregnant and breastfeeding women, through nutrition-relevant programmes; supporting 22.6 million women to access clean water, better sanitation, or improved hygiene conditions; giving ten million women access to modern family planning methods; helping over five million girls attend school; and supporting three million women to improve their land and gain property rights.

Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy, published in March 2021, included the FCDO's attempt at bringing two government departments into one. There was little room to reveal the Government's international commitment to gender equality, with only one reference in the document, which highlighted the UK's focus on and funding for girls' education. While this reflected the priorities previously articulated by the then Foreign Secretary in a letter to the House of Commons International Development Committee, international development organisations expressed their concerns about the lack of a comprehensive approach to gender equality and inclusion, particularly in the UK Government's policy on open societies.[79] This is very much out of line with peers such as Canada, France, Sweden, Mexico, and Spain, who are adopting or announcing intentions to adopt a feminist foreign policy and, in addition, the Biden administration's establishment of the Gender Policy Council in early 2021.[80]

The G7 Communiqué published earlier in the summer enabled the UK Government to articulate a much more developed narrative on gender equality and inclusion.[81] At the G7, the UK succeeded in getting the leaders of some of the world's largest economies to agree to a shared belief in Open Societies with the explicit need for the economic and political empowerment of women to be

[74] Gitika Bhardwaj and The Hon Julia Gillard AC, Julia Gillard on Breaking Barriers for Women in Politics, Chatham House, November 2019, https://www.chathamhouse.org/2019/11/julia-gillard-breaking-barriers-women-politics

[75] Sue Maguire, Barriers to Women Entering Parliament and Local Government, University of Bath, October 2018, https://www.bath.ac.uk/publications/barriers-to-women-entering-parliament-and-local-government/attachments/barriers-to-women.pdf

[76] Call to Action, see website: https://www.calltoactiongbv.com/who-we-are

[77] Home Office, Girl Summit 2014, Gov.uk, July 2014, https://www.gov.uk/government/topical-events/girl-summit-2014; Preventing Sexual Violence in Conflict Initiative, 2014 Global Summit to End Sexual Violence in Conflict, Gov.uk, March 2017, https://www.gov.uk/government/collections/2014-global-summit-to-end-sexual-violence-in-conflict

[78] UN Secretary-General's High-Level Panel on Women's Economic Empowerment, see website: https://hlp-wee.unwomen.org/en

[79] Letter from Rt Hon Dominic Raab MP to Sarah Champion MP, December 2020, https://committees.parliament.uk/publications/3683/documents/38142/default/; Paul Abernathy and Abigael Baldoumas, 'What the integrated review means for international development', Bond, March 2021, https://www.bond.org.uk/news/2021/03/what-the-integrated-review-means-for-international-development

[80] The Gender Policy Council's mandate is to 'advance gender equity and equality in both domestic and foreign policy development and implementation'. See: https://www.whitehouse.gov/gpc/

[81] Carbis Bay G7 Summit Communiqué, Our Shared Agenda for Global Action to Build Back Better, June 2021, https://www.g7uk.org/

inherent to achieving that goal.[82] The G7 communiqué signed up to in full by all members recognised the exacerbation of inequalities from the impact of the COVID-19 pandemic and emergency response, as well as the need to fully integrate gender-disaggregated data into global recovery efforts. It also had clear directives on sexual and reproductive health, addressing gender-based violence, gender integration in climate change, and importantly, recognised as a baseline that thriving democracies and open societies must be founded upon gender equality.

These strong commitments were amplified by work done by newly constituted groups, including the G7 Gender Equality Advisory Council, that called for women's voices to be 'hard wired' into the G7 decision-making process and to 'monitor' gender balance among leaders and their delegations in the future.[83] The first ever G20 conference dedicated to women's empowerment including increasing women's representation in leadership positions and called for 'a global transformative agenda', with appropriate monitoring and evaluation.[84] And the Generation Equality Forum co-hosted by France and Mexico launched a five-year action plan to achieve irreversible progress towards gender equality, including a call to provide more direct support to women's rights organisations.[85] The upcoming US-led Summit for Democracy – with an initial, virtual meeting planned for 9th-10th December 2021 and a follow up in person event a year later[86] – is another important moment for countries to make concrete commitments to enhancing women's political leadership and gender equality.

The development of the approach on gender equality between the Integrated Review document and the G7 Communiqué demonstrates the need for far more work to be done to articulate HMG priorities and the UK's positioning on democratic governance, open societies and human rights. And to then back that up with a clear strategy to deliver. While the UK Government remains committed to the Sustainable Development Goals with gender equality at their heart, neither development nor the aid budget were central to the *Integrated Review.*

The DFID *Strategic Vision for Gender Equality* would be a good starting point for FCDO Ministers.[87] It is an already developed comprehensive strategy, emerging from years of learning from the UK Government's investment in interventions to support the advancement of women and girls around the world, that made the UK a world leader in being a force for good. This strategy also drew from a forward-thinking approach to gender equality that targets whole of environment change, including an important pillar in the strategy on women's representation, rather than simply 'empowering' women and girls. This strategy needs budget and implementation mechanisms to turn words on a page into actions on the ground.

Recent global events, like the Taliban takeover of Afghanistan, makes it clear that the achievement of open – and stable – societies is reliant on genuine and consistent ambition for gender equality that creates real culture change in communities. The UK's positioning on girls' education is an essential first step – and a minimum requirement as part of international aid priorities – towards a fundamental pillar of stable thriving societies, which is women's political leadership. Ministers and

82 G7 Cornwall UK 2021, 2021 Open Societies Statement, Gov.uk, June 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001132/2021_Open_Societies_Statement__PDF__355KB__2_pages_.pdf

83 G7 Gender Equality Advisory Council, Recommendations of the gender equality advisory council 2021 to the leaders of the G7, Gov.uk, June 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/992410/RECOMMENDATIONS_OF_THE_GENDER_EQUALITY_ADVISORY_COUNCIL_2021_TO_THE_LEADERS_OF_THE_G7.pdf

84 G20 Conference on Women's Empowerment: Chair's Statement, G20 Italia 2021, August 2021, https://www.g20.org/wp-content/uploads/2021/08/Chairs-statement-ENG-26-August.pdf

85 Generation Equality Forum, see website: https://forum.generationequality.org/home

86 The Summit for Democracy, see website: https://www.state.gov/summit-for-democracy/

87 DFID, DFID Strategic Vision for Gender Equality: Her Potential, Our Future, Gov.uk, March 2018, https://www.gov.uk/government/publications/dfid-strategic-vision-for-gender-equality-her-potential-our-future

Officials in the FCDO now need to take that foundation and build a plan of action that fulfils the UK commitments in the G7 Communiqué.

When real progress is made on women's political leadership, the infrastructure for girls and boys, as well as women and men to flourish will exist, including on education indicators. As the events in Afghanistan have demonstrated, military solutions or negotiated settlements do not tackle the 'poverty and terrorism' that comes from failed states.[88] Advocates of open societies must work with a baseline that these cannot develop – let alone thrive – without gender equality and that there is no substitute for genuine progress in this area. This requires honest self-reflection and domestic work as well as genuine and enterprising commitment to the global community of practice on open societies.

What next

Looking at the last 25 years of women's political leadership, from commitments made at the 1995 Beijing Platform for Action to now, research unequivocally shows the positive impact on democratic outcomes by women political leaders, particularly when they are able to exercise their leadership in a manner that is authentic to them rather than being expected to adhere to political norms that limit women's influence.

For example, research shows that women legislators are considered to be more responsive to citizens' needs and better connected to their constituencies.[89] This contributes to greater perceptions of trust in political institutions and, in enabling contexts, more instances of women political leaders securing funding and sponsoring legislation that delivers better outcomes for citizens, such as access to healthcare, education, social and economic welfare and equality before the law.[90] The initiatives of women policymakers expand and reorder political agendas to include issue areas with significant impact on the quality of women and children's lives, but which were previously considered outside the realm of public policy, such as gender-based violence, sexual and reproductive health, childcare, maternity policies and female genital mutilation.[91]

In addition, scholars in the field of anti-corruption find a strong correlation between having more women representatives and lower levels of both petty and grand corruption across all levels of government.[92] The effect is both ways: low levels of women representatives are equally associated with higher levels of corruption.

The positive impact of women's leadership likewise extends into the realm of global politics. Women involved in foreign policy decisions are more likely than their male counterparts to make pro-equality statements and position legislation to benefit women globally.[93] Countries where women hold political power are less likely to commit human rights abuses and are more likely to have enduring peace settlements.[94]

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[88] BBC News, Afghanistan 'heading for civil war' says Defence Secretary, August 2021, https://www.bbc.co.uk/news/av/uk-58198080

[89] Minna Cowper-Coles, Women Political Leaders: The Impact of Gender on Democracy, The Global Institute for Women's Leadership King's College London and Westminster Foundation for Democracy, July 2020, https://www.kcl.ac.uk/giwl/assets/women-political-leaders.pdf

[90] Anzia, Sarah F. and Berry, Chrisopher R. (2011). 'The Jackie (and Jill) Robinson Effect: Why Do Congresswomen Outperform Congressmen?', American Journal of Political Science, 55(3), pp. 478-493, https://www.jstor.org/stable/23024932

[91] Minna Cowper-Coles, Ibid, pp. 53-54 and 57.

[92] Bauhr, Monika, Charron, Nicholas, and Wängnerud, Lena (2019). 'Exclusion or interests? Why females in elected office reduce petty and grand corruption', European Journal of Political Research, 58, pp. 1043-1065, https://ejpr.onlinelibrary.wiley.com/doi/full/10.1111/1475-6765.12300; and Minna Cowper-Cowles, ibid.

[93] Ibid, 54.; and Bashkevin, S (2014). 'Numerical and policy representation on the international stage: Women foreign policy leaders in Western industrialised systems', International Political Science Review, Vol. 35(4) 409–429. This is significant to addressing poverty and inequality globally as gender remains the most reliable predictor of disadvantage worldwide.

[94] Summary of evidence in Minna Cowper-Coles, Ibid, p.54

In short, it is women representatives who are at the core of creating more stable societies. With this evidence, why does attainment on women's political leadership remain so elusive some 25 years on from the Beijing Platform for Action?

Support for women's political leadership has, unfortunately, either been a secondary consideration in development policies or delivered in a way that assumes that women exercise political leadership in a vacuum. Most development actors working in this space have prioritised training for women to stand as candidates while doing little to challenge the very real barriers to their access to formal political spaces, which include opaque and often unscrupulous candidate selection processes within political parties. As well as the cultures of political parties and political institutions, majoritarian electoral systems significantly impede the ability for women to get elected, and where quotas exist, they need to be applied appropriately for it to be effective.[95] For women who do make it into politics, the increasing risk and exposure to violence, especially online abuse, is causing women to curtail their political careers, an unaffordable regression.[96]

Likewise, gendered norms remain a stubborn barrier to equal access to paid employment, decent work, sufficient social care support and political equality for billions of women.[97] Violence against women and girls remains pervasive and has long tentacles, with enduring consequences for women's health, wellbeing and economic stability, making the fundamental aspects of life more challenging let alone engaging in politics. Once layered with other intersectional identities, the attainment of gender equality becomes even more essential with violence and discrimination faced by LGBT+ populations, persons with disabilities and young people.

There has been progress since Beijing, but large social and economic segments of this have morphed or collapsed under the consequences of the COVID-19 pandemic. The World Economic Forum re-calculated that as a result of one year of the pandemic, achievement of global gender equality will now take a further 36 years to realise, expected in the year 2156.[98]

Better understanding of the current state of these issues, and subsequently better policy responses to address them, would be catalysed by far more robust and reliable data collection, identified at the Generation Equality Forum as a global priority.

The bottom line is that words need to be turned into actions by the world's most influential democracies if they are to be taken seriously by those we support. In the UK, just one in three MPs in the UK Parliament is female and just one in four in the largest governing party.[99] Despite affirmative action measures by some political parties and parliaments, political cultures still preference the leadership of men, evidenced both in the UK and abroad. Women face barriers in their pathways into politics – in accessing political apprenticeships and networks; fundraising for their campaigns; in managing perceptions of their caring and domestic responsibilities; and in facing violence from wider constituencies and from their own parties.[100] Crucial work needs to be done to re-frame political cultures to one that is more inclusive, and reflective of the ambitions of an Open Societies agenda.

95 Minna Cowper-Coles, Ibid, pp.41-43.
96 WFD, Stopping violence against women in politics: time for a new normal, March 2018, https://www.wfd.org/2018/03/21/stopping-violence-against-women-in-politics-time-for-a-new-normal/; Rebecca Gordon, Shannon O'Connell, Sophia Fernandes, Keerti Rajagopalan and Rosie Frost, Women's Political Careers: where do leader's come from?, WFD, March 2021, https://www.wfd.org/2021/03/25/womens-political-careers-where-do-leaders-come-from/
97 Caroline Harper, Rachel Marcus, Rachel George and Emma Samman, Gender, Power and Progress, How norms change, Advancing Learning and Innovation on Gender Norms (ALIGN) and Overseas Development Institute, December 2020, https://odi.org/en/publications/gender-power-and-progress-how-norms-change/
98 World Economic Forum, Global Gender Gap Report 2021: Insight Report, March 2021, http://www3.weforum.org/docs/WEF_GGGR_2021.pdf
99 Institute for Government, Gender Balance in Parliament, https://www.instituteforgovernment.org.uk/publication/gender/parliament
100 Ibid; and Women's Political Careers: where do leader's come from?.

The UK's commitment to international development puts them at the centre of tackling the global challenge of advancing women's political leadership. The track record on ground-breaking legislation on Modern Day Slavery, Domestic Abuse and more overarching work on Violence Against Women and Girls is a strong platform to re-invigorate the *Strategic Vision on Gender Equality* within the newly formed FCDO including specific commitments on women's representation.

The new International Development Strategy, due to be released by FCDO in 2022, is an opportunity to expand the UK's focus on girls' education to one that is coupled with equal roles in political life. While support to girls' education pays big dividends, this cannot be an end of itself and there are reasonable questions as to whether these gains can be sustained if pathways for these girls to move into political leadership as women are not likewise prioritised. A vision for women's political equality needs to be integrated into the International Development Strategy with funding commitments and monitoring of targets. The G7 Communiqué and Global Equality Advisory Council recommendations provide a clear and implementable roadmap for the UK Government. The evidence for women's political leadership is now beyond question and needs to be centred in any design and discussion of what democratic governance, open societies and a human rights agenda looks like for the UK government. The Summit for Democracy marks a critical moment to bring together leading democracies from the Global North and South to commit to concrete action – domestically and internationally – to advance women's political leadership; the UK should play a leading role in advocating for ambitious deliverables coming out of the Summit.

Conclusion

Out of 193 member states in the United Nations, there have never been more than 19 led by a woman at any one time. Just one in four political representatives around the democratic world is female. The role that women's political leadership plays in creating and sustaining sound governance, open societies and meaningful human rights is not a 'like to have' option – it is a need to have. Very little of the security and stability described in the Integrated Review can be achieved without women's equal and unapologetic participation.

Gender equality is not just good for women and girls: it is the foundation for building just and equitable societies, where everyone can thrive – open societies that are more stable and prosperous for everyone. That is why women's political leadership internationally is so important for Britain and why gender equality has to be central to the efforts of the new FCDO.

6. Leading by example: Renewing UK democracy at home

By Joe Powell[101]

The rationale for elevating open societies and human rights as a major British foreign and development policy priority is clear. There have been 15 consecutive years of declining civic space globally, and a sustained rise of authoritarian leaders projecting their power more assertively internationally.[102] Many of those leaders are kleptocrats who use open markets like the UK to launder their money, damaging those democracies including through opaque and possibly illegal donations to political parties. The pandemic led to a further rollback of civil liberties, with many emergency powers lacking time-bound end dates or proper democratic oversight.[103] The UK and other democracies urgently need to work together to address these trends, but that can only happen if leadership is credible and based on a foundation of leading by example. In recent years British democracy has faced major challenges of its own making. To lead globally, Britain now requires a cross-Whitehall and society-wide effort to ensure our own democracy is fit for purpose.

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[101] Joe Powell is the Deputy Chief Executive Officer of the Open Government Partnership. He joined OGP shortly after its founding, and has played a leading role in its growth to 78 member countries and thousands of civil society organizations, representing a strong global coalition for open government and democracy, and against authoritarianism and corruption. Joe leads the organisation's strategy development, global advocacy, fundraising, and a wide range of partnerships with multilateral organisations, civil society organisations and governments. He leads engagement with OGP's Steering Committee of ministers and civil society leaders, and is a regular spokesperson for the Partnership.

In 2020, Joe was named an inaugural Obama Europe Leader, as part of the Obama Foundation's mission to inspire, empower, and connect people to change their world. Joe also serves on the advisory council for the OECD Observatory of Civic Space, the advisory council of the Local Coalitions Accelerator, and on the Board of the Forum on Information and Democracy, an initiative of Reporters Without Borders.

[102] Sarah Repucci and Amy Slipowitz, Freedom in the World 2021: Democracy under Siege, Freedom House, https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege

[103] The Economist, Daily Chart: Global democracy has a very bad year, February 2021, https://www.economist.com/graphic-detail/2021/02/02/global-democracy-has-a-very-bad-year

Our experience of ten years of the Open Government Partnership (OGP) has reinforced that on democracy and open government issues, credibility is everything. Some of the strongest performers in OGP are countries who do not regularly sit at the top table of other international fora like North Macedonia and Uruguay. And yet, they are looked up to within the Partnership for their domestic leadership and willingness to share their learning with others. OGP's local and subnational members like Austin, Texas are also showcasing a different model of how to bring government closer to citizens.

Conversely, some of the traditional champions of democracy internationally have experienced significant backsliding in recent years. This includes the United States, where the January 6th 2021 insurrection was inspired by the refusal of some political leaders to accept the will of the people, and Britain where civil society has been raising the alarm about the conventions of democracy being eroded.

Internationally, both the US and UK are now elevating democracy as a major priority, but the approach of each government to these domestic challenges differs markedly. In President Biden's inaugural address he stated clearly "we will lead not merely by the example of our power but by the power of our example", and his administration is designing their flagship Summit for Democracy in December 2021 to include domestically focused US democracy commitments on issues like corruption.[104] In contrast, while the UK G7 did call on members to "address our own vulnerabilities" as part of the Open Societies Statement agreed in June 2021 there has been no similar recognition from Prime Minister Johnson that the UK has to strengthen its own democracy in order to lead globally on the issue.[105]

The Foreign, Commonwealth and Development Office's (FCDO) newly identified priorities under its open societies and human rights directorate provide a useful framework to analyse the extent of whether the UK can claim to be leading by example. These include: anti-corruption and illicit finance; civil society and civic space; democratic governance and media freedom; and the rule of law. While the FCDO's role does not extend to the UK's own domestic performance in each of these areas, international leadership will be significantly more credible if the UK is seen to be making progress on its own democratic journey.

Anti-corruption and illicit finance
Anti-corruption has risen up the political agenda in recent years, both in terms of domestic challenges in the UK and the role of the City of London, crown dependencies and overseas territories in enabling kleptocracy overseas.[106] The National Crime Agency judge that it is "a realistic possibility that [money laundering through the UK] is in the hundreds of billions of pounds annually" because of "the ease with which UK companies can be established, the broad range of professional services on offer and the access UK systems provide to higher-risk jurisdictions."[107]

Within this overall context, the British Government has taken some important anti-corruption steps in recent years, including on "beneficial ownership transparency". In 2013, Britain became the first country to commit to a public central registry of company ownership, designed to ensure the ultimate beneficiaries could not hide behind anonymous companies that are often misused for tax

[104] Inaugural Address by President Joseph R. Biden, Jr., White House, January 2021, https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/01/20/inaugural-address-by-president-joseph-r-biden-jr/
[105] 2021 Open Societies Statement, G7 Cornwall UK 2021, June 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001132/2021_Open_Societies_Statement__PDF__355KB__2_pages_.pdf
[106] National Crime Agency, National Strategic Assessment of Serious and Organised Crime, 2020, https://www.nationalcrimeagency.gov.uk/who-we-are/publications/437-national-strategic-assessment-of-serious-and-organised-crime-2020/file
[107] Ibid.

evasion, money laundering, and vehicles for financing organised crime and terrorism. Over 9.4 billion searches were made of the UK register in 2019, and there is evidence that these registers are being used to expose corruption and crime.[108] This has led to an impressive cascade effect, with over 40 countries now implementing similar reforms, including a European Union wide directive and recent progress in the right direction from the US and Canada.[109] The British Government also deserves credit for keeping this topic on the agenda for its 2021 G7 presidency, and for recently joining the Beneficial Ownership Leadership Group, which is designed for learning on effective implementation and to encourage other countries to adopt this emerging standard.[110]

Despite this progress, there remain major challenges with the implementation and scope of these anti-money laundering efforts. The Pandora Papers, the latest massive leak of financial data, confirm that Britain remains a destination of choice for corrupt money. Azerbaijan's ruling Aliyev family own 17 luxury London properties alone, with offshore companies used to obscure ownership.[111] A draft law on extending ownership transparency requirements to real estate was promised in the 2019 Queen's Speech, but has not been tabled despite urging from Transparency International and other civil society groups.[112] There are also further steps that should be taken to curtail the role of enablers of corruption, including the financial services industry, public relations companies and purveyors of luxury goods.[113]

The current policies also need strengthening with a greater focus on verification of information related to ownership and applying it across asset classes like trusts, which are a weak point for abuse. Companies House needs an overhaul to address this problem, with more staff and resources.[114] Leadership is also needed to ensure that the crown dependencies and British overseas territories, which have long been havens for tax evasion and money laundering, meet their commitment to create public company registers by 2023. Finally, Britain's voice is needed in the negotiations at the Financial Action Task Force to ensure a more progressive global standard is agreed.

In addition to taking stronger action on money laundering, there is a need for the UK Government to tackle the inefficiencies and waste in public procurement that have been so clearly brought into the public eye by the pandemic.[115] In relation to personal protective equipment (PPE), the former Health Minister Lord Bethell recently announced that "1.9 billion items of stock were in the 'do not supply' category...equivalent to 6.2% of purchased volume with an estimated value of £2.8 billion."[116] This number is expected to rise further, amounting to a staggering loss of taxpayer money. The use of 'VIP lanes' for well-connected individuals to win contracts, and the fact that many COVID related contracts are still unpublished, stands in direct contradiction to the types of practices UK embassies and development programmes have supported overseas in recent years.

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[108] Open Ownership, Early impacts of public registers of beneficial ownership: United Kingdom, April 2021, https://www.openownership.org/uploads/OO%20Impact%20Story%20UK.pdf; Transparency International, Out in the own: How public beneficial ownership registers advance anti-corruption, September 2021, https://www.transparency.org/en/news/how-public-beneficial-ownership-registers-advance-anti-corruption
[109] Open Ownership, Worldwide commitments and action, https://www.openownership.org/map/
[110] Beneficial Ownership Leadership Group, Open Ownership, https://www.opengovpartnership.org/beneficial-ownership-leadership-group/
[111] Pandora Papers reporting team, Pandora Papers: Secret wealth and dealings of world leaders exposed, BBC Panorama, October 2021, https://www.bbc.com/news/world-58780465
[112] Transparency International UK, Queen's speech a missed opportunity to strengthen UK's defences against dirty money, May 2021, https://www.transparency.org.uk/queens-speech-2021-uk-procurement-bill-property-register-companies-house-reform
[113] Joseph Rudolph, Regulating The Enablers, Alliance for securing democracy, September 2021, https://securingdemocracy.gmfus.org/regulating-the-enablers/
[114] Transparency International UK, Company law overhaul signals boost to fight against dirty money, September 2020, https://www.transparency.org.uk/companies-house-reform-latest-money-laundering-economic-crime
[115] Centre for the Study of Corruption, To fix procurement, the UK has to open it up, University of Sussex, November 2020, https://blogs.sussex.ac.uk/centre-for-the-study-of-corruption/2020/11/30/to-fix-procurement-the-uk-has-to-open-it-up/
[116] UK Parliament, Coronavirus: Protective Clothing – Question for Department of Health and Social Care, August 2021, https://questions-statements.parliament.uk/written-questions/detail/2021-08-18/hl2327

The impetus for radical procurement reform must now be taken, building on the Green Paper on Transforming Public Procurement.[117] The UK Anti-Corruption Coalition's recommendations point the way to a system based on open data and civic engagement that could be an engine for government innovation, improve infrastructure, drive social and economic inclusion including through small business growth, and transition to net zero.[118] Internationally, the G7 committed to open contracting for the first time in September, 2021, an important win for the UK presidency that now needs rapid implementation with support of civil society groups like the Open Contracting Partnership.[119]

The Greensill lobbying scandal involving former Prime Minister David Cameron also exposed weaknesses in the UK political system that should be addressed. The subsequent Boardman review makes recommendations that if implemented in full would make a significant improvement to the status quo.[120] This would include unpaid advisers being subject to a clear code of conduct, a requirement for any former minister or civil servant to formally declare themselves as a lobbyist if trying to influence a government decision, and broadening the definition of an official meeting for reporting purposes to include more informal communications such as text messages. This is part of a wider effort needed to uphold the Nolan principles, and properly follow the latest recommendations of the committee on standards in public life, which include reform to "the Ministerial Code and the Independent Adviser on Ministers' Interests; the business appointment rules and the Advisory Committee on Business Appointments; transparency around lobbying; and the regulation of public appointments."[121] This is a crucial set of issues to strengthen British democracy, and protect its customs and conventions from abuse.

Civil society and civic space

An active civil society is essential to any well-functioning democracy. The pandemic showed the essential value of civil society, as community groups and national charities came together to care for the most vulnerable and provide mutual aid to those in need. Britain based charities have also long been at the forefront of tackling global poverty, climate change, and strengthening democracy and open societies. Much of that work requires vocal advocacy, policy influencing, monitoring government action and mobilising citizens. The FCDO have been increasingly vocal in support of civil society and human rights in some parts of the world, including Hong Kong and Belarus in recent months. There have also been important UK efforts to promote open civic space in multilateral settings, like the United Nations.

Unfortunately, British civil society has been experiencing its own shrinking of civic space. On September 23rd 2021 Civicus, the global civil society alliance, placed the UK on its watchlist for the first time.[122] The watchlist is made up of countries where civic freedoms are in rapid decline, and

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[117] Cabinet Office, Green Paper: Transforming public procurement, Gov.uk, December 2020, https://www.gov.uk/government/consultations/green-paper-transforming-public-procurement
[118] UK Anti-Corruption Coalition, Briefing on Transforming Public Procurement, April 2021, https://www.ukanticorruptioncoalition.org/work/briefing-on-transforming-public-procurement
[119] 2021 Open Societies Statement, G7 Cornwall UK 2021, June 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001132/2021_Open_Societies_Statement__PDF__355KB__2_pages_.pdf; Open Contracting Partnership, G7 commits to open and participatory public procurement reforms essential to ensure trillions of dollars for recovery aren't wasted, September 2021, https://www.open-contracting.org/news/g7-commits-to-open-and-participatory-public-procurement-reforms/
[120] Gov.uk, Review into the development and use of supply chain finance (and associated schemes) in government, Part 2: Recommendations and suggestions, August 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1018176/A_report_by_Nigel_Boardman_into_the_Development_and_Use_of_Supply_Chain_Finance__and_associated_schemes__related_to_Greensill_Capital_in_Government_-_Recommendations_and_Suggestions.pdf
[121] Committee on Standards in Public Life, Standards Matter 2: The Committee's Findings, Gov.uk, June 2021, https://www.gov.uk/government/publications/standards-matter-2-the-committees-findings
[122] Monitor: Tracking civic space, UK added to human rights watchlist over threats to peaceful assembly, September 2021, https://monitor.civicus.org/UnitedKingdom/

currently includes Afghanistan, Belarus and Nicaragua, alongside the UK. This is a warning sign that needs urgent addressing if the UK is to credibly engage internationally on civic space. Central to these concerns are the Police, Crime, Courts and Sentencing Bill, which contains provisions that restrict the right to protest and has been opposed by over 350 UK civil society organisations and leaders.[123] These organisations point to "draconian new police powers to decide where, when and how citizens are allowed to protest and have their voices heard by those in power", with particular concerns about how those powers will be used on those critical of government policy and underrepresented communities. If the bill were to pass unchanged, it would clearly undermine the ability for the UK to advocate against similar laws proposing restrictions on civic space around the world, such as those in Hong Kong.

The British Government has also been urged to reverse recent cuts to the aid budget, which has been a major funder of civil society in low income countries. The UK was the first G7 country to reach the 0.7 per cent of gross national income target for overseas aid spending, and this also helped support UK based charities to become world leaders in their fields. The recent cuts to the aid budget put much of this work at risk and the sooner they can be reversed, the less long-term damage will be caused.

Democratic governance and media freedom
The global paradox of incredible bright spots of democratic innovation existing alongside worrying signs of backsliding is a trend that exists in the UK too.[124] The number of democracies globally has continued to decline, and illiberal democratic models such as Hungary, Turkey and Poland have increasingly worked together to share lessons. This includes restrictions on freedom of the press and attacks on journalists. In 2021 only 12 countries globally were ranked as having a favourable environment for journalists.[125] The vital role journalists play in a well-functioning democracy, both in holding the powerful to account and informing the public, has also been undermined by the digital monopolies and underfunding of journalism.

In Britain during the pandemic there have been incredible examples of participatory democracy where citizens had direct involvement in decisions affecting their lives, and deliberative democracy where people were able to join inclusive processes to share their ideas and learn from each other.[126] Citizens assemblies in the UK on climate change and the future of Scotland have all managed to adapt and thrive despite the shift to online meetings. There have also been pioneering local authorities such as Preston, which have sought to build a more democratic economy that keeps value and skills in the community.[127] A new Democracy Network has been launched to capture and share these learnings across the UK, coordinated by Involve, one of the leading charities focused on public participation.[128] Grassroots energy to forge a more inclusive version of UK democracy has the potential to help rebuild trust between government and citizens.

This progress does risk being undermined by the proposed new UK elections bill, which would make voter ID mandatory despite miniscule evidence of fraud and over two million people lacking the

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[123] Friends of the Earth, Open letter to the Home Secretary and Secretary of State for Justice, March 2021, https://friendsoftheearth.uk/system-change/open-letter-home-secretary-and-secretary-state-justice

[124] Tim Hughes, Democracy in flux: Reflections on a decade at Involve, Involve, September 2021, https://www.involve.org.uk/resources/blog/opinion/democracy-flux-reflections-decade-involve

[125] RSF, 2021 World Press Freedom Index: Journalism, the vaccine against disinformation, blocked in more than 130 countries, 2021, https://rsf.org/en/2021-world-press-freedom-index-journalism-vaccine-against-disinformation-blocked-more-130-countries

[126] Tim Hughes, Available now! Democracy in a pandemic: Participation in response to crisis, Involve, July 2021, https://www.involve.org.uk/resources/blog/news/available-now-democracy-pandemic-participation-response-crisis

[127] CLES, The Preston Model, August 2013 – Ongoing, https://cles.org.uk/the-preston-model/

[128] Tim Hughes, The democracy network: What it is, how it'll work, and answers to other FAQs, Involve, June 2021, https://www.involve.org.uk/resources/blog/project-updates/democracy-network-what-it-how-itll-work-and-answers-other-faqs

correct photo identification.[129] This mirrors similar efforts at the state level in the United States to make voting harder for political reasons, especially for racial minorities and recent immigrants. The bill also waters down the independence of the Electoral Commission, while doing little to tackle the problem of dark money in UK politics and political donations being exchanged for honours and titles.

On media freedom within the UK, some vital tools for journalists need protecting or improving. Freedom of Information implementation should be better resourced to prevent long delays, more information should be proactively disclosed, and the Government should cease the use of lawyers to challenge claims except in the most sensitive national security cases.[130] Proposed reforms to the Official Secrets Act could also undermine independent journalism, by increasing penalties on whistleblowers and making it easier to prosecute journalists for any story judged capable of causing damage to the state.[131] This would have a potential chilling effect on journalists' sources and reporting, and would be inconsistent with the goals of the global media freedom campaign which has been a highly welcome FCDO run effort to draw attention to attacks on journalists and the undermining of independent media happening in many countries.

Digital democracy is another FCDO priority area where there are opportunities for showcasing British successes, but also improvement domestically. The UK's Government Digital Service (GDS) set a strong precedent for prioritising responsiveness and access to citizens when it was launched, and is still seen globally as a pioneering model to emulate in terms of open government. The pandemic has also shown the immense potential of using digital tools to deepen democratic engagement and opportunities for civic participation. The organisers of the Climate Assembly UK demonstrated how this could be done in an inclusive manner, with citizens able to participate without meeting in person.[132]

At the same time, the last few years have shown how the lack of adequate policy safeguards and regulation make digital technologies prone to misuse, and make democratic processes vulnerable to attacks by illiberal influences. Insufficient regulation contributes to the lack of public trust in government and exposes citizens to data privacy and security risks. The new National Artificial Intelligence Strategy presents useful information on how the Government hopes to bolster AI research and technology.[133] While it unpacks the immense regulatory challenges, more work is needed to identify a suitable regulatory framework, including by working with strong civil society partners such as the Ada Lovelace Institute. As the British Government begins to lay out its own path on data and digital governance, it must show its commitment to principles of data protection and management that protects its citizens and businesses.

A positive space to deepen dialogue between the UK Government and civil society on domestic democracy is the OGP forum, coordinated by the Cabinet Office with cross-Whitehall representation, including from the FCDO. A highly committed group of reformers in government have been working to reboot this forum, after the UK was placed under review by OGP for failing to meet its commitments to running a truly inclusive co-creation process with civil society and submitting the

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[129] The Cabinet Office, Photographic ID Research – Headline findings, IFF Research, March 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/984918/Photographic_ID_research-_headline_findings_report.pdf

[130] Jenna Corderoy, UK government spent half a million pounds on lawyers to fight FOI disclosures, Open Democracy, September 2021, https://www.opendemocracy.net/en/freedom-of-information/government-spends-hundreds-of-thousands-of-pounds-blocking-information-requests/

[131] Paul Seddon, Official Secrets Act: Do government plans threaten investigative journalism?, BBC News, July 2021, https://www.bbc.co.uk/news/uk-politics-57998950

[132] Sarah Allan, How we moved Climate Assembly UK online, Involve, May 2020, https://www.involve.org.uk/resources/blog/project-update/how-we-moved-climate-assembly-uk-online

[133] Office for Artificial Intelligence, DCMS and BEIS, National AI Strategy, Gov.uk, September 2021, https://www.gov.uk/government/publications/national-ai-strategy

OGP action plan on time.[134] The former lead Minister in the Cabinet Office issued a strong public pledge to "meet and exceed expectations of transparency and inclusivity in the development of our next generation of [open government] commitments."[135] Publishing an ambitious new open government action plan would be a strong signal to civil society that the Government is prepared to co-create reforms that address domestic democratic challenges, and work with non-government actors in a collaborative effort to improve. There are also opportunities to expand the OGP forum. In many countries parliaments are playing an active role in making their own commitments to be more open, holding the executive to account, and helping pass relevant legislation. The UK Parliament should be encouraged to become more actively involved. OGP in the UK also extends far beyond Westminster, with Glasgow, Northern Ireland and Scotland all members in their own right with their own OGP fora and commitments. This creates an opportunity for truly collaborative learning and cooperation on open government across the country.

Rule of law

On access to justice and the rule of law in Britain, there are pandemic related backlogs that need resources to clear, but there are also opportunities through court modernisation programmes to try and bolster the principle of open justice. This means ensuring there is easily accessible data and information about the justice system, so citizens can understand the law and realise their rights. In recent years, the decline of funding for court reporters, closure of physical infrastructure, weak systems for storing data and documents, and digitisation of some justice processes, have all contributed to the challenge. There are now proposals being considered to improve access to court data, create space for feedback from citizens and civil society on what could improve in the system, and building a better system for sharing when court hearings are taking place.[136] The Justice Committee has also launched a new inquiry into open justice and court reporting in the digital age that will make recommendations on the media's role.[137] Following through on these proposals would help to build trust and confidence in the courts, and could also inform the UK's global work on access to justice.

Conclusion

The global trend of democratic backsliding and closing civic space requires urgent political action. It is welcome that the FCDO has chosen to prioritise open societies and human rights as part of its new agenda as an integrated department. Working with allies, Britain can help to build a stronger global coalition for open government and democracy, and take on the rise of authoritarianism. But this can only be successful if Britain has a credible story to tell about its own democracy. In many of the areas prioritised by the FCDO, the UK has not been immune from the global backsliding trends.

There is now a major opportunity for the UK to turn the page on the democratic turmoil of the last several years, and build back a better version of UK democracy that can in turn underpin a strong foreign policy push on open societies and human rights. Increasingly, domestic and foreign policy lines are blurred. Leadership at home and abroad could put standing up for democracy and human rights at the heart of the UK's future identity.

[134] Rowland Manthorpe, UK government censured for a lack of transparency and accountability, Sky News, March 2021, https://news.sky.com/story/uk-government-censured-for-a-lack-of-transparency-and-accountability-12234248

[135] Letter from Julia Lopez MP to Sanjay Pradhan, March 2021, https://www.opengovpartnership.org/wp-content/uploads/2021/03/United-Kingdom_Response-to-Under-Review-Letter_20210305.pdf

[136] Kevin Keith, NAP 5 – Open Justice – Wk4 – Readout, UK Open Government, July 2021, https://www.opengovernment.org.uk/2021/07/20/nap-5-open-justice-wk4-readout/

[137] Committees, New inquiry – Open Justice: Court reporting in the digital age, UK Parliament, September 2021, https://committees.parliament.uk/committee/102/justice-committee/news/157579/new-inquiry-open-justice-court-reporting-in-the-digital-age/

7. Countering authoritarianism

By James Rogers[138]

Since the Financial Crisis in 2007-8, democratisation has stalled and even gone into reverse. Authoritarianism is proliferating worldwide, including even at the heart of Europe. According to Freedom House, a non-governmental organisation that measures the health of democracy around the world, the number of democracies peaked in 2007 and has not recovered.[139] Indeed, almost 75 per cent of the world's population has experienced democratic backsliding over the past year.[140]

For most of human history, authoritarian governments have been the norm. It was only in 1984 that the number of full democracies began to outnumber those of authoritarian regimes for the first time, and even then, the majority of the world's countries were still governed by 'partially free' political systems.[141] From that point on to 2008, democratisation spread around the world, particularly after the fall of the Soviet Union.[142]

Autocracies are particularly afraid of liberal democracy, to say nothing of the universalistic ethos (albeit within the particularity of the nation) behind it. If democracies ought to make the world safe for themselves, autocrats have to do the same. This results in a perpetual struggle between

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[138] James Rogers is Co-founder of the Council on Geostrategy, dedicated to help make the United Kingdom, as well as other free and open countries, more united, stronger and greener.
[139] Freedom House, Country and Territory Ratings and Statuses 1973-2021, 2021, https://freedomhouse.org/sites/default/files/2021-02/Country_and_Territory_Ratings_and_Statuses_FIW1973-2021.xlsx
[140] Sarah Repucci and Amy Slipowitz, Democracy under siege, Freedom House, 2021, https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege
[141] Freedom House, Country and Territory Ratings and Statuses 1973-2021, 2021, https://freedomhouse.org/sites/default/files/2021-02/Country_and_Territory_Ratings_and_Statuses_FIW1973-2021.xlsx
[142] Ibid.

democracy and authoritarianism. Authoritarian regimes will always be a threat to democratic nations, particularly when they take control of large and powerful countries.

Besides its own attraction, liberal democracy has spread globally because the world's two leading powers for the past two centuries – the United Kingdom and United States – themselves have been relatively liberal and democratic. Even if, at the time of their primacy, they were imperfect, both countries have been significantly better than their authoritarian rivals, to say nothing of the repressive regimes in charge of Germany, Japan and Russia during periods of the twentieth century.

Insofar as they have sought to resist authoritarian revisionists, both the UK and US have recreated elements of their domestic political orders at the international level, leading to the creation of an international order based on openness and expectations of peaceful change. Even if the rules behind this system benefited the UK and US above most other countries, they have shown that they have been willing to use their power to protect the sovereignty of many less-powerful nations.

But the challenge posed by authoritarian regimes never subsided, even if it declined in severity in the 1990s and 2000s. Granted, Saddam Hussein's Ba'athist regime posed a continued threat from Iraq throughout the 1990s, just as Slobodan Milosevic's regime in Serbia remained a thorn in the side of the emerging Euro-Atlantic order. It also became clear how dangerous authoritarian regimes, such as the Taliban, could become if they allowed terror groups to use the territory under their rule to launch attacks on democracies.

Nevertheless, for much of the post-Cold War era, the strategic challenge from authoritarianism was greatly diminished. Despite 9/11, the Taliban, to say nothing of the regimes in Iraq or Serbia, were never a *strategic* threat to liberal democracies in the way that the Third Reich, Militarist Japan or the Soviet Union were. Over the past five years, however, powerful authoritarian regimes – the Chinese Communist Party (CCP) in the People's Republic of China (PRC) and Vladimir Putin's kleptocracy in Russia – have either surged in strength or found ways to project power against less-powerful neighbours. A number of autocracies in smaller powers, such as Rwanda and the Gulf states, have also become emboldened. Authoritarian regimes are once again on the march.

The contemporary authoritarian challenge to the international order
After two decades of consolidation on Russia's part, and three decades of sustained economic growth on the part of the PRC, the leading democracies are once again being challenged by powerful authoritarian regimes. Moreover, the globalisation of the 1990s and 2000s, having reduced the power and sovereignty of the democratic nation-state, has opened up a number of cracks and fissures in the leading democracies that the authoritarian powers have started to exploit. Indeed, the authoritarians have felt emboldened by the social problems in many liberal democracies, such as economic stagnation, political discord, and a lack of national self-confidence, as well as by taking advantage of the very openness of pluralistic, democratic political systems to spread disinformation and expand their influence.

This is not to say that the nature of the challenge posed to liberal democracy by authoritarian regimes is uniform. On the contrary, it is different: some regimes only seek their own preservation – some even seek patronage from powerful democracies – while others become revisionist, and focus primarily on their own vicinities, but remain relatively weak, if irksome (so-called 'rogue states'). The most dangerous authoritarian regimes are those which gain control of the largest and most powerful countries; they tend towards outright geopolitical revisionism, much as the Nazis or Soviets once did.

Today's leading autocracies – the PRC and Russia – have adopted different strategies for altering the international order. Both see the prevailing international order as antithetical to their interests and seek to dismantle it piece by piece. However, the CCP has developed a 'counter-systemic' strategy, whereas the Kremlin prefers an 'anti-systemic' drive.[143] The former involves disaggregating the prevailing order and replacing it with a new one, while the latter involves simply dismantling the prevailing order. Thus, a counter-systemic strategy can be likened to a true 'great power' strategy, while an anti-systemic drive is a poor man's approach.

The CCP's counter-systemic strategy
Despite predictions that its economy will slow down – which are almost certainly correct – or even collapse – which probably are not – the PRC has already reached a level of parity with the US that even the Soviet Union did not reach.[144] Although the US economy is set to remain the largest in the world for several more years, in many areas of industrial production, from steel to cars, the PRC has gained the ability to outproduce the combined industrial output of the US *and* several other leading democracies.[145] And this says nothing of the development of Chinese infrastructure: as of 2020, the PRC has built the longest motorway system in the world and has more than twice the length of high-speed railway in operation than the rest of the world put together.[146]

This combination – the political determination to revise the established international order, connected to the material strength and the infrastructure of power – has given the PRC the means to reshape its own neighbourhood. The CCP's agenda is counter-systemic. As the PRC grows in strength, the CCP has used its power to turn the international environment to its own advantage. This can be seen by CCP actions in the South China Sea, where a number of illegitimate or excessive maritime claims have been made, backed by military force in the form of artificial islands and a significant naval modernisation programme.

The CCP's revisionism can also be seen through attempts to reshape international organisations such as the G77 and through geostrategic initiatives such as the so-called 'Belt and Road Initiative' (BRI), Beijing's innocent-sounding metaphor for a vast Chinese geostrategic project to re-engineer the economic and political geography of Eurasia, as well as parts of Africa. Primarily, the BRI involves the construction of infrastructure, not least in terms of ports, roads and railways, often to facilitate the extraction of raw materials from target countries to the PRC or draw them into Beijing's geopolitical orbit. As Charles Parton, a James Cook Associate Fellow in Indo-Pacific Geopolitics at the Council on Geostrategy, explains:

> *"If BRI is not a geopolitical strategy, it is a geopolitical stratagem. It worries foreign countries into thinking that they must choose: either play along with Chinese positions and thus benefit economically, or miss out — even be punished — if they go against it."*[147]

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[143] James Rogers and Alexander Lanoszka, A 'Crowe Memorandum' for the twenty-first century, Council on Geostrategy, March 2021, https://www.geostrategy.org.uk/research/a-crowe-memorandum-for-the-twenty-first-century/

[144] According to the Central Intelligence Agency, the Soviet economy peaked at 57% of the US economy in 1975. See: 'A Comparison of the US and Soviet economic systems: Evaluating the performance of the Soviet system', Central Intelligence Agency, October 1985, https://www.cia.gov/readingroom/docs/DOC_0000497165.pdf' Today, China's economy is 70% the size of the US economy. See: GDP (current US$), World Bank, 2020, https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=CN-US

[145] See: Crude steel production, World Steel Association, January 2021, https://www.worldsteel.org/en/dam/jcr:2c63e7db-41b9-4441-b7b6-d702f02efbf2/December%25202020%2520crude%2520steel%2520production.pdf; Car production, Organisation Internationale des Constructeurs d'Automobiles, March 2021, https://www.oica.net/wp-content/uploads/OICAquestionnaire-Q1-2021.xlsx.

[146] Of the 56,129 km of high speed track in operation globally, the PRC accounts for 38,283 km. See: Atlas of High Speed Rail 2021, International Union of Railways, 2021, https://uic.org/IMG/pdf/uic-atlas-high-speed-2021.pdf.

[147] Charles Parton, Belt and Road is globalisation with Chinese characteristics, Financial Times, October 2018, https://www.ft.com/content/3c437b42-c6f8-11e8-ba8f-ee390057b8c9

Moreover, other forms of subtler CCP political influence often follow in behind, from Confucius Institutes and Chinese television programmes to attempts to influence foreign political parties.[148] This is not a supplementary outcome but central to the BRI: the CCP considers democracy to be a threat to its reign; therefore, the CCP seeks to degrade democratic politics and undermine powerful democratic countries like the UK and US, which it sees as obstructions to its international agenda.[149]

The Kremlin's 'anti-systemic' approach
At the same time Russia, under the murky and kleptocratic leadership of Vladimir Putin, has also grown increasingly revisionist, particularly in relation to Eastern and Central Europe. But the Kremlin has a different set of objectives to the PRC. Granted, like the CCP, Russia's kleptocracy sees liberal democracy as a threat to its existence, particularly in smaller countries around Russia's borders, countries which, with democratic rule, may prove inspirational to the Russian people. But unlike the PRC, Russia lacks the material power to push back against the leading liberal democracies in the Euro-Atlantic area. Unlike the CCP's counter-systemic offensive, the Kremlin's approach is 'anti-systemic'. Whereas the CCP seeks to rewrite the rules of the international order in accordance with its own interests, Putin's kleptocracy seeks only to degrade or scramble them.

Since the early-2000s, the Kremlin has used oil and gas revenue to strengthen its hold over Russia and modernise the Russian armed forces, which it has used to invade and weaken surrounding countries when they have taken decisions which might lead them towards a more liberal and democratic future. The Kremlin has also undertaken a plethora of activities designed to undermine the Euro-Atlantic structures, degrade liberal democracy in countries surrounding Russia, negatively reposition countries on the international stage, and humiliate democratic governments, often through forms of 'wet work' – using radioactive poison and nerve agents.[150]

Other authoritarian regimes
Other autocracies also pose a threat to liberal democracy and the prevailing international order. None are as influential as the PRC and Russia, but this does not mean they do not pose a challenge in their own right. The stale absolutist monarchies of the Middle East frame liberal democracies as threats to Islam, while they encourage jihadi Islamism as an escape route for their peoples' frustration. They also attempt to influence the political systems or undermine democratic forces in neighbouring countries, such as Tunisia, Sudan, Egypt and Libya over the past decade. At the same time, such regimes are susceptible to Russian and CCP influence, which can be expected to grow alongside Chinese and Russian material power and strategic successes, particularly if the democracies fail to push back or offer an alternative to authoritarian government.

How should the liberal democracies respond?
Not only have the liberal democracies been slow to respond to the recent surge in authoritarianism, but they have also grown more timorous and insular in recent years. This combination makes them particularly vulnerable insofar as the CCP and Putin's kleptocracy see themselves as locked into a period of sustained competition with liberal democracy.

Irrespective of the type of revisionism – whether anti- or counter-systemic – liberal democracies need to enhance their resilience and ability to compete with authoritarian power. They need to promote critical thinking in schools and universities so that the next generation of citizens is able to

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[148] See, for example: Didi Tang, Hi-Yah! Beijing sells kung-fu to Africa, The Times, September 2021, https://www.thetimes.co.uk/article/chinese-tv-makes-inroads-into-africa-90btzpdwm; and How China's Communist Party trains foreign politicians, The Economist, December 2020, https://www.economist.com/china/2020/12/10/how-chinas-communist-party-trains-foreign-politicians
[149] See, for example, the infamous 'Document 9', where the CCP explains in detail why liberal democracy is a threat to its existence. Document 9: A ChinaFile Translation, ChinaFile, November 2013, https://www.chinafile.com/document-9-chinafile-translation
[150] Andrew Foxall, How Russia positions the United Kingdom, Council on Geostrategy, April 2021, https://www.geostrategy.org.uk/research/how-russia-positions-the-united-kingdom/

better detect propaganda and disinformation spread on social media from abroad. Liberal democracies would also do well to encourage civic and national engagement, even patriotism, to generate the 'we-feelings' on which democracy depends. They should also adopt stiffer sanctions – such as new treason laws – to deter collusion between their citizens and authoritarian regimes. A liberal democracy that does not believe in itself or its right to exist, or which fails to protect itself, will not last for very long when confronted by a ruthless autocracy.

But resilience and competition has to go hand-in-hand with measures to protect the economies of liberal democracies from corrupting influences or financial loopholes which most citizens would consider to be unethical – many practices which the so-called Pandora Papers of autumn 2021 revealed. Part of liberal democracy's attraction and success is that it can generate a relatively transparent, stable and rules-based environment for the production of economic wealth. If a liberal democracy fails to uphold economic transparency, allows wealthy citizens to undertake unethical financial practices, or fails to prevent authoritarian regimes from getting inside and spreading corruption within its economic system, less-fortunate citizens (or the citizens of developing and/or authoritarian countries) may conclude that life is better under more economically successful autocratic political systems. They may then vote for or support parties or political leaders with illiberal or authoritarian agendas.
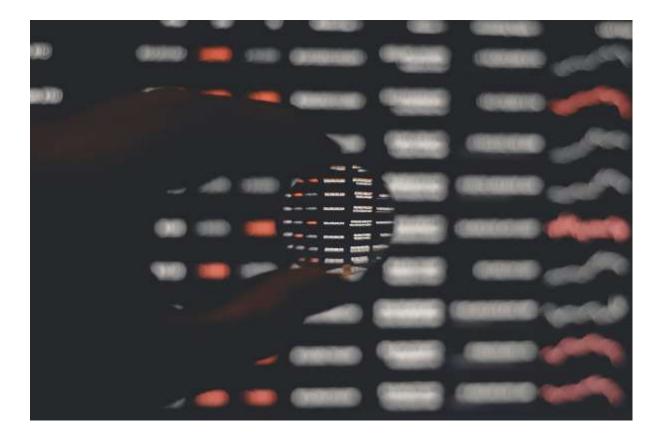
At the same time, the leading democracies ought to double down on upholding an open international order. As HM Government's Integrated Review explains, insofar as the post-Cold War 'rules-based international system' has been undermined by the authoritarian regimes' anti- and counter-systemic actions over the past decade, it is now vital to prevent them either from closing parts of the international order off or creating authoritarian spheres of influence.[151] Besides rebuilding their military strength to deter autocratic revisionism, the leading democracies ought to push forward with organising themselves in new geopolitical groupings and coalitions, particularly to push back against authoritarian powers. The UK has already experimented with this idea, having invited Australia, India, South Africa and South Korea to attend the G7 Leaders' Summit in 2021 – forging a 'Democratic 11' grouping. Australia, the UK and US also formed AUKUS to empower themselves in the Indo-Pacific – a move widely welcomed by important democratic partners such as Japan and Taiwan. President Joe Biden may also have an even broader coalition in mind with his proposal for a Summit of Democracies.

Moreover, liberal democracies could do more to coordinate their aid programmes and render them more effective for changed circumstances, namely a world of growing competition with autocratic rivals. This would involve coordinated systemic pushback against the CCP's BRI through infrastructural development and the greening of developing countries' economies (increasingly, liberal democracies must prove themselves the most effective at promoting environmentalism). Further, liberal democracies would do well to start rethinking international development to allow for greater resources to be spent on promoting liberal democracy around the world, or strengthening it in countries where it is under pressure.

Finally, liberal democracies ought to remember their own contingency and how precarious they are once constituted. It is often forgotten that liberalism is a potentially totalising ideology, while democracy can potentially descend into rule by the mob. As such, liberalism and democracy are often in competition with one another: it is only when the two are kept in balance that liberal democracy is born, affording a degree of protection for the individual within a decision-making process underpinned by the legitimacy afforded by majoritarian but constitutional rule. Thus, rather

151 Cabinet Office, Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy, Cabinet Office, March 2021, https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy

than a product of teleological forces – an idea which gained traction in the aftermath of the Cold War – a functioning liberal democracy is a constructed political formation. Any policy or decision which might unsettle the delicate balance between liberalism and democracy (and the nation) should be carefully considered before attempted implementation – authoritarians revel in discord in democracies because it can be portrayed as structural failure.

8. Anti-corruption and open societies

By Phil Mason[152]

It is not by accident that the most common metaphor in anti-corruption is the contention that 'sunlight is the best of disinfectants'. It was popularised by soon-to-be US Supreme Court justice Louis Brandeis in a 1914 treatise on the importance of openness in public affairs.[153] Since then, shining a spotlight on the doings of those who are in positions of power has been the idea central to strategies for tackling corruption.

Openness and anti-corruption go hand in hand. In some societies, corruption became defined by its very antithesis to openness. According to an Africanist colleague, in Mali they had no term for corruption. It was simply said to be 'a gift that is given in the dark'.

It is no accident either that in standard models of what constitutes 'good government', the notion of openness dominates. DFID's seminal 2006 White Paper *Making Governance Work for the Poor* put forward three attributes: Capability (the ability to get things done); Accountability (the expectation that citizens should have the means, and be able, to judge the performance of their government); and Responsiveness (the expectation that governments should respond to the needs and rights of their citizens).[154] This CAR lens remains the simplest and most concise statement of what is needed

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[152] Phil Mason is an independent anti-corruption specialist. He was senior anti-corruption adviser in the UK Department for International Development from 2000 until 2019. He served in the UK public service for 35 years, 31 of them in DFID and its forerunner the Overseas Development Administration. He was awarded an OBE in 2016 for services to the UK's international anti-corruption policy.

[153] Brandeis, Louis (1914). Other People's Money And How the Bankers Use It. New York: Frederick A Stokes (opening a chapter entitled 'What Publicity Can Do').

[154] DFID, Eliminating world poverty: making governance work for the poor, Gov.uk, July 2006, www.gov.uk/government/publications/eliminating-world-poverty-making-governance-work-for-the-poor

for effective governance. And the last two are all about the openness of the relationship between rulers and ruled.

We also see strong evidence for a positive correlation between open societies and the low prevalence of corruption. For any metric there is about 'good' government, whether it be the measure of the quality of public administration and service delivery, the competitive fairness of elections, the accessibility to justice, the respecting of human rights or, indeed, the very peacefulness and stability of the society itself, there is always a direct connection. The 'better' the quality of government, the lower corruption tends to be.

The inaugural publication in 2021 of the Good Government Index, from the Chandler Institute of Governance, illustrates this linkage well.[155] Offering one of the broadest assessments of state attributes – 34 separate indicators – the Index finds that the single one that most strongly mirrors a country's overall ranking on the Index is how it fares on anti-corruption. In other words, it is almost guaranteed that where government works better, corruption is lower. And as we see from the CAR principles, openness is key to that good governance.

Exposing corruption

The most common approach for exposing corruption focuses on directly searching out corrupt practice. There are then efforts to punish it alongside 'prevention' actions that identify specific weaknesses in systems that allow the practice to occur and devise controls specifically to stop them.

This has become the preferred orthodoxy for anti-corruption practitioners, especially international donors offering help to developing countries. This often leads to the writing, and passing, of legislation outlawing corruption and the creation of specific enforcement institutions – anti-corruption commissions – with mandates to search it out and prosecute it. Donors have queued up to provide the technical training and kit these institutions require.

Yet, after nearly 30 years of doing this, the general consensus is that few countries have made much headway through this approach. Dozens of, for the most part dysfunctional, anti-corruption agencies lie strewn across the globe. Too often they have been expertly neutered by the very forces they are set up to confront, or by an ineffective justice system. Worse, some have been used by the incumbent power to pursue vendetta against political opponents.

This dispiriting lack of success has led to questions about the validity of a 'direct' strategy of this kind. A second, emerging, view places greater importance on the strengthening of the surrounding governance environment. It suggests that to secure gains against corruption we need to think more strategically and indirectly.

Clues about what this means can be found in the history of how societies have transformed in the past. A celebrated study by Swedish political scientist Bo Rothstein of how his own country transitioned in the nineteenth century from a 'thoroughly corrupt' society to its modern form, with its reputation for low corruption, resonates extraordinarily closely with the modern concepts of what it is to be an 'open society'.[156]

The reforms themselves were not directed at corruption itself. They aimed, rather, to open up Swedish society, to make the organs and processes of government (in CAR terms) more accountable and more responsive to the citizenry (and at the same time more capable by ensuring, for example,

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[155] Chandler Good Government Index, The Chandler Good Government Index 2021, www.chandlergovernmentindex.com

[156] Rothstein, Bo (2011). Anti-corruption: the indirect 'big bang' approach, Review of International Political Economy, vol. 18, no. 2, pp. 228-250 (23 pages), https://www.jstor.org/stable/23050624

that public post holders merited, not simply bought, their appointments). In doing all this, corruption shrivelled away.

More than 20 reforms opened up the management of public functions to merit-based appointees, their endeavours subjected to increased public scrutiny through both greater official oversight – by the creation of new levels of regional and local governance – and from an increasingly better informed public through access to an unrestricted media and universal education.

Of greatest importance, according to Rothstein, was how 'the whole idea of what it meant to be a civil servant changed'. The creation of an ethos of public service seems to have been core to eventual success. A post in public office ceased to be considered – by the post holders themselves and, crucially, by the expectations of the wider public – as a possession for extracting personal benefits.

The picture is a stark contrast to current practitioner orthodoxy that lays all its bets on writing ever more sophisticated rules and regulations against corruption and constructing institutions to go and hunt for malpractice. Rather than such explicit anti-corruption actions 'cleaning up' bad institutions, the reduced corruption in nineteenth century Sweden essentially turns out to have been a by-product of structural reforms that opened up Swedish society. More recent examples have been identified that also show the same phenomenon, in countries as varied as Chile, Costa Rica, Estonia and Taiwan, with corruption falling off as the effect of other systemic changes.[157]

New pathways

This is a powerful signal that our current approach against corruption, overly-focused on directly attacking it through law enforcement, is not enough. While there should be continued effort at direct efforts to expose and punish corruption, embracing an 'open societies' perspective could help extricate ourselves from the current position where ground seems to be being lost. Such an approach opens up possibilities of less explicit routes to solving the problem.

An open societies perspective could be based on three strategic foundations: improving *accessibility* (the openness to all of state perquisites and services); *civic voice* (empowering people in their relationship with their governments by increasing the sense of obligation of those in power to take account of public sentiment); and *accountability* (the obligations owed by authority to its people).

Accessibility

The concept of increasing accessibility must embrace both state functions themselves and the availability of information about those functions. It means, for example, ensuring that the recruitment to the public service is by open competition, impartially managed and with appointments based on merit. It also means cultivating a strong ethos of public service.[158]

Access to publicly-funded contracts should similarly be based on open competition, with procurement opportunities widely advertised, assessment criteria published and the results of contract awards published.[159] Transparency can be further augmented by systems for divulging the beneficial ownership of companies, including property holding in the company's name, and any contributions that they make to the financing of party politics. There is convincing evidence, also, that using open digital platforms to manage public procurement has led to better outcomes both in

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[157] Mungiu-Pippidi, A., Johnston, M., and Dana, C.A. (2017). Transitions to Good Governance: Creating Virtuous Circles of Anti-Corruption. Elgar Publishing. Analysed at www.globalanticorruptionblog.com/2018/03/07/two-essential-volumes-on-corruption/

[158] This is to be distinguished from mere 'ethics' training, a popular approach to cultivating better attitudes in public officials but which often barely scratches the surface of the requirements of a 'public service ethos'.)

[159] The **Open Contracting Partnership** offers support on all aspects of open procurement, see website: www.open-contracting.org

terms of opening up access to a wider pool of potential suppliers and by improving value for money.[160]

The release of information about state finances, along with processes that enable meaningful public scrutiny, is another cornerstone as is the disclosure of relevant information about public officials, especially government ministers and members of parliament, that help to identify potential conflicts between public function and private interests.[161]

For the vast majority of countries, a lack of openness about the cost of party political financing is a significant barrier against exposing corruption as well as restricting access to political office itself, as the work by WFD on the 'cost of politics' shows.[162] The high outlays required of individuals not only excludes large swathes of potential candidates from competing for elected office but those who do succeed often find themselves looking to corruption to recoup their costs while in office. At the organisation level, the financing of political parties through private sector donations not only offers direct opportunities for private interests to influence public sector decision-making, but also provides strong incentives for those contributors to seek to recover their costs through corruption.

Civic voice
Enabling a strong civic voice to influence and shape how public affairs are conducted is crucial to overcoming the impunity of officialdom that characterises high corruption environments – the belief that there will be no consequences from being corrupt. A public that is able to bring about a consequence for corrupt behaviour becomes an interest group that those holding (or seeking) public office need to take account of.

Creating an environment where consequences follow exposure of corruption is a long term endeavour. It is about constructing feedback loops, for example, between citizens and their administrators, through direct remedy approaches such as ombudsman offices, or indirectly through their parliamentary representatives. The use of parliamentary structures for citizen engagement on anti-corruption is often underdeveloped and could be making a stronger contribution, for example through ensuring key committees conduct their work in public, by bringing research and analysis more systematically to the attention of parliamentarians, and developing stronger media coverage of parliament and its relevance to public affairs.[163] The ambition is to reach a norm such that the corrupt incur political disadvantage.[164]

Accountability
Arguably, parliament also sits at the heart of the third and final theme, accountability. Most obviously, ensuring the integrity of elections is key, including the fraught questions around campaign financing. But while significant attention is frequently paid to these, much less tends to be given to the workings of parliament itself as the national cockpit, the intersection of authority with its public.

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[160] Such as the Prozorro system in Ukraine, see website: www.prozorro.gov.ua/en
[161] Initiatives supporting such efforts include the **International Budget Partnership** which brings together civil society, media and parliamentarians to improve budget openness and analysis, see website: www.internationalbudget.org; the **Global Initiative for Fiscal Transparency** which supports dialogue between governments, civil society and other stakeholders on key elements of budgetary accountability, see website: www.fiscaltransparency.net; and the **Open Government Partnership** assists governments to build a culture of openness of public administration, see website: www.opengovpartnership.org.
[162] WFD, Cost of Politics, www.wfd.org/research/cost-of-politics/
[163] Phil Mason, Rethinking strategies for an effective parliamentary role in combatting corruption, WFD, April 2021, https://www.wfd.org/wp-content/uploads/2021/04/Rethinking-strategies-for-an-effective-parliamentary-role-in-combatting-corruption-1.pdf; and Heather Marquette, Doing anti-corruption democratically, WFD, May 2021, https://www.wfd.org/wp-content/uploads/2021/05/Doing-anti-corruption-democratically.pdf
[164] The parliamentary expenses scandal of 2009 in the UK, for example, resulted in only a handful of criminal prosecutions but around one third of the entire membership of the House of Commons decided not to contest their seats again at the General Election the following year because of the reputational damage caused to them by the public outcry.

It is in parliament, especially through its scrutiny role, that accountability can be embodied in actual practice. Most formal institutions of oversight – Auditors-General, Inspectorates and other Regulators, and independent commissions such as those for Anti-Corruption and Human Rights – usually report to it. By strengthening both the capacities of these bodies to undertake their assessments of state functioning and the parliamentary processes that can be used to give airings to their findings and recommendations, practical effect can be given to their work. The working relationship between parliaments and independent oversight institutions is crucial. Granting and ensuring the independence of such institutions, both through legal status and practical financial autonomy, is a vital function of parliaments. Ensuring competent leadership of these bodies, and giving effect to their reports and findings are also pivotal roles. WFD has developed guidance that provides a clear practical pathway to creating a strong symbiotic relationship.[165] Consequences can then flow from discovered corruption, and deterrence can be built against future misbehaviour.

A way forward
Current donor support for anti-corruption, focusing as it does predominantly on direct law enforcement training, finds itself in a cul-de-sac. A fresh perspective is required, and both targets and methods need to change.

While not completely abandoning support for the technical requirements of law enforcers, it is vital to see such work as just one part of a broader effort against corruption. Enforcement action against individual occurrences of corruption is only part of the solution. On its own it cannot change the fundamentals that drive and sustain corruption in the first place.

Historical evidence points to the positive anti-corruption effects of openness in its multifarious forms. The barriers such openness creates against being able to be corrupt tackle the heart of the current shortcomings of practitioners. For these routes to prevention are about more than simple knowledge about how to combat corruption, conveyed in technical training courses and recognised with diplomas and certificates; they are about understanding, and reshaping, the motivations and incentives that underlie corruption, in order to foster different behaviour.

Recommendations
1. Strengthen assistance that is focused on building social capital that can challenge authority and demand accountability. Where space for civic action is under threat, support is explicitly needed to protect it, including action to safeguard those who seek to defend human rights and pursue the exposure of corruption.
2. Think innovatively about the institutions capable of influencing anti-corruption in society particularly those that (i) can shape public attitudes to social norms regarding corruption and (ii) that can add anti-corruption to their existing areas of attention (for example, national human rights commissions; bodies and associations overseeing professional standards in areas such as the public service, law and accountancy, and the media). How such bodies can become more independent of the incumbent power is a crucial dimension to address.
3. Supplement the current orthodoxy of technical training focused on investigating and prosecuting corruption with more politically-informed support aimed at identifying the incentives that drive behaviour and designing measures to disincentivise this behaviour. Political economy analysis is vital to revealing the underlying dynamics that help to sustain corruption in spite of increased knowledge and training that has been provided over decades on how to combat it.

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[165] Jonathan Murphy and Franklin De Vrieze, Independent oversight institutions: a guide for parliaments, WFD, March 2020, www.wfd.org/2020/03/02/independent-oversight-institutions-a-guide-for-parliaments/; and Franklin de Vrieze & Luka Glušac, Combatting Corruption Capably – assessment framework on parliament's interaction with anti-corruption agencies, WFD, November 2020, www.wfd.org/2020/11/09/combatting-corruption-capably/

4. Support for ensuring the integrity of elections, election campaigning, and reducing the cost of politics, combined with strengthening the constructive role of parliaments in combatting corruption and strengthening integrity policies, including through corruption proofing of legislation, stronger use of parliamentary committees for oversight of the executive and inclusive and strengthened interaction between parliaments and other stakeholders, such as independent oversight institutions and civil society.

5. Donors providing external assistance need to align their modes of practice with the time cycles of those they seek to help. Too often, assistance is given in packets that are too small, too narrowly focused and for too short a duration to be realistically able to effect long-term change. Adopting more flexible, iterative approaches to programming where the effects of interventions are quickly identified and absorbed rapidly, enabling changes to be introduced in response, is critical since those pursuing corrupt gains have been shown to be highly skilled at adapting themselves to keep ahead of controls. As a minimum, UK should extend its planning and delivery horizons to reflect the long-term nature of change that is being supported, and restore the ten-year programming frameworks previously used by DFID.

9. Supercharging UK support to the rule of law abroad

By Murray Hunt[166]

The rule of law and the Integrated Review

The rule of law's place in the Integrated Review is something of a walk on part.[167]

Alongside a commitment to universal human rights, free speech, fairness and equality, the rule of law is identified as one of the "shared values" said to be fundamental to our national identity, democracy and way of life, helping to bind the UK together as a nation state.[168] As well as playing this constitutive role at the national level, a shared belief in the rule of law is also said to be one of the "common values" that underpins the UK's key strategic alliance with its number one friend, the US, together with a shared belief in democracy and fundamental freedoms.[169]

The role envisaged by the Integrated Review for these shared essential values that underpin both the UK itself and its key strategic alliances is akin to that played by "directive principles of state policy" in some post-imperial written constitutions – they "will continue to guide all aspects of our

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[166] Murray Hunt is Director of the Bingham Centre for the Rule of Law, an independent research institute dedicated to proactively advancing the rule of law worldwide. He is also Director of the Policy and Evidence Centre on Modern Slavery and Human Rights, which has been established with £10m of funding from UK Research and Innovation's Strategic Priorities Fund to conduct policy-influencing research capable of transforming the effectiveness of laws and policies to counter modern slavery. He is the UK's alternate member of the Venice Commission for Democracy through Law, and a Visiting Professor in Human Rights Law at the University of Oxford where he leads the Parliaments, Rule of Law and Human Rights Research Project. He was Legal Adviser to the Joint Committee on Human Rights in the UK Parliament from 2004 to 2017. He is currently a Legal Adviser to the APPG on the Rule of Law. He writes this in a personal capacity.

[167] Cabinet Office, Global Britain in a competitive age: The Integrated Review of Security, Defence, Development and Foreign Policy, Gov.uk, March 2021, https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy

[168] Integrated Review, p. 13, para. 14.

[169] Integrated Review, p. 60.

national security and international policy in the decade ahead."[170] The chapter on the "force for good agenda" arguably goes a little further. Promoting the rule of law is expressly referred to there as one of the "priority actions" in the Government's strategy of being a force for good in the world by supporting open societies, alongside promoting effective and transparent governance and robust democratic institutions.[171]

None of this feels particularly new. As Sir Simon Fraser, former Head of the Foreign Office, has observed, there is a striking degree of continuity in the new Strategy's familiar advocacy of a British foreign policy with global reach, committed to the values of liberal democracy, trade, the rule of law and the expression of soft power.[172] The UK already supports the rule of law abroad in a variety of ways, too many to mention here. It defends and promotes the rule of law through its membership of a range of international organisations, including the UN, NATO, the Commonwealth, the OSCE and the Council of Europe. It funds the Rule of Law Expertise UK (ROLE UK) programme, for example, run by Advocates for International Development (A4ID), which supports partnerships to provide pro bono legal and judicial expertise with the aim of strengthening the rule of law in Official Development Assistance-eligible countries, although the future of that programme when its current funding ends in March 2022 is in doubt;[173] and the Westminster Foundation for Democracy, which supports the development of democracy around the world.[174] Other rule of law support is provided through human rights and democracy programmes or through research funding from funds like the Global Challenges Research Fund, although such funding has been significantly reduced this year due to the reduction in the aid budget from 0.7 per cent to 0.5 per cent GNI.[175]

The Integrated Review therefore only appears to offer continuity in relation to the rule of law, and on a reduced budget at that. There is very little in the Review to connect the rule of law as part of the vague values agenda to the Review's much more ambitious aspiration to shape the open international order of the future.

Should those who believe that there is a smarter way for the UK to support the rule of law abroad settle for business as usual, with less money? Or is there a risk of a major missed opportunity here – an opportunity for the Integrated Review, and the strategies that will follow it, to supercharge the UK's support for the rule of law abroad in a way which would make badly needed global leadership on the rule of law a plausible claim for Global Britain?

The case for supercharging

The commitment in the Integrated Review to be proactive in reshaping the international order by supporting open societies provides an opportunity for a strategic step-change in the UK's support for the rule of law abroad. The case for seizing that opportunity is overwhelming.

First, as President Biden has recently acknowledged in his remarks on the US's withdrawal from Afghanistan, the era of militarily-enforced rule of law building is over.[176] This geopolitical turning point, which the Integrated Review failed to anticipate, has profound implications for the post-Brexit aspiration to be Global Britain. By exposing the limits of the UK's power and influence in the world,

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[170] See e.g. the Constitution of Ireland and the Constitution of India.
[171] Integrated Review, pp. 47-48.
[172] Sir Simon Fraser, Will the UK's Integrated Review of foreign policy really make a difference?, Flint, April 2021, https://flint-global.com/blog/will-the-uks-integrated-review-of-foreign-policy-really-make-a-difference/
[173] ROLE UK (Rule of Law Expertise), What we do, https://www.roleuk.org.uk/what-we-do; Advocates for International Development (A4ID), see website: https://www.a4id.org/
[174] WFD, About, https://www.wfd.org/about/
[175] UK Research and Innovation, Global Challenges Research Fund, https://www.ukri.org/our-work/collaborating-internationally/global-challenges-research-fund/
[176] Remarks by President Biden on the End of the War in Afghanistan, The White House, August 2021, https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/31/remarks-by-president-biden-on-the-end-of-the-war-in-afghanistan/

even over its closest ally, events in Afghanistan have rudely revealed the nakedness of that rhetorical slogan before it had a chance to get any clothes on. Rule of law strengthening in ungoverned spaces cannot be done by force. Much smarter rule of law leadership is required, deploying not military power but the soft power of influence and assistance.

Second, international leadership on the rule of law is nevertheless still badly needed in the face of multiple challenges, as the Integrated Review itself acknowledges: growing authoritarianism in a number of states, the persistence of extremist ideologies, and the recent sense of drift while previous global leaders on rule of law have been distracted by domestic political upheaval.

Third, weak rule of law remains one of the most important and fundamental global challenges: stronger rule of law is a precondition of meeting so many of the most pressing challenges the world faces – climate change, pandemics, terrorism, modern slavery, poverty and illicit finance for example. Effective and just responses require strong legal frameworks and well-functioning legal systems.

Fourth, the UK's meta-commitment to "a rules-based international order" is best understood as itself a manifestation of its commitment to the rule of law. The rule of law in the international order is after all, as Tom Bingham described it, "the domestic rule of law writ large".[177]

Fifth, the UK is well placed to develop a genuine USP on the rule of law. As the home of Magna Carta, which is universally identified with the very idea of the rule of law, a stable legal system including incorruptible and robustly independent judges, and a generally deserved reputation for being on the whole a rule of law-regarding nation, the UK can very plausibly claim the rule of law to be one of its most important assets when it comes to international influence.[178] Former Foreign Secretary Dominic Raab clearly had this in mind in his Aspen Security Conference speech in March when he referred to the strength of the UK's institutions and its knack for creating enduring systems, describing the rule of law as "perhaps our greatest contribution … the sacred principle, the foundation of order at home and abroad … a particularly British tradition with global appeal."[179] If combined with an awareness of the need to avoid distorted, one-dimensional historical narratives, and an appropriate humility in recognising that other cultures have also made important contributions to the very idea of the rule of law, the UK clearly has some leadership capital.[180]

Finally, the UK's support for rule of law abroad would benefit from integration in a number of senses. Integrating overlapping strands that make up the values agenda would make for a more coherent strategy on human rights, democracy and rule of law, in which, for example, the importance of electoral courts to the protection of democracy is a clear strategic priority because of the confluence of the rule of law, democracy and the fundamental right to vote. Integrating the FCO's respected expertise on the international rule of law with DFID's accumulated wisdom about the importance of local culture, context and politics when trying to strengthen governance in other countries would also help to avoid the ever-present risk of rule of law imperialism, as well as joining up too often fragmented rule of law work by different departments.[181]

[177] Tom Bingham (2010). The Rule of Law. London: Penguin Global. pp. 110-111.
[178] Sir Mark Lyall Grant, The Integrated Review's concept of Global Britain – is it realistic?, King's College London, July 2021, https://www.kcl.ac.uk/the-integrated-reviews-concept-of-global-britain-is-it-realistic
[179] FCDO and The Rt Hon Dominic Raab MP, A force for good: Global Britain in a competitive age, Gov.uk, March 2021, https://www.gov.uk/government/speeches/a-force-for-good-in-a-competitive-age-foreign-secretary-speech-at-the-aspen-security-conference
[180] Kenan Malik, We should not allow the Anglosphere to distort the history of liberty, The Guardian, September 2021, https://www.theguardian.com/commentisfree/2021/sep/25/the-anglosphere-is-just-a-cover-for-the-old-idea-of-white-superiority
[181] Samuel Sharp, To promote open societies globally, the FCDO must be more realistic, politically savvy and self-aware, ODI, December 2020, https://odi.org/en/insights/to-promote-open-societies-globally-the-fcdo-must-be-more-realistic-politically-savvy-and-self-aware/

What would supercharged UK support for rule of law look like?
The international rule of law leadership to which the UK aspires requires more than the easy rhetoric of Global Britain. It requires a long-term, strategic approach, including resources, thought leadership, collaboration, better use of data and an underpinning architecture ensuring that rule of law policy is properly informed by independent and robust evidence, research and analysis. It also requires the UK to make sure its own house is in order. States claiming to be capable of international leadership will be judged by the values they purport to champion. Contempt for or carelessness about the international rule of law, such as that shown in the UK Internal Market Bill authorising breaches of international law, are not compatible with claims to be international rule of law leaders.[182]

What is urgently needed, in short, is a new, smarter and more imaginative approach to global rule of law leadership by the UK. Against the background of a clear assessment of the effectiveness of previous UK support for the rule of law abroad, an integrated Strategy on Human Rights, Democracy and the Rule of Law should be drawn up, grounded in a clear and robust definition of what the Government understands the rule of law to mean in practice, enabling it to move beyond rhetorical claims about the rule of law and to defend and argue for substantive outcomes that the rule of law requires. Such an integrated strategy would provide a platform for an internationally collaborative, consensus-building approach, working closely with allies in every international forum, and engaging directly with states where the rule of law is under threat from current authoritarian governments, supported by the highest quality data, evidence and research.

Here are some concrete recommendations about how to get there.

Recommendations
   1. *Assess the effectiveness of UK's aid spending on rule of law*
The Independent Commission for Aid Impact should review the UK's approach to strengthening the rule of law through the aid programme, similar to its recent review of the UK's approach to tackling modern slavery.[183] This would provide the first systematic assessment of the effectiveness of the UK's overall aid spending on the rule of law and would provide a baseline for evaluating the success of future efforts.[184] In keeping with the rule of law's relative Cinderella status, democracy and human rights currently feature in ICAI's future work plan, but not rule of law.[185] ICAI's upcoming review of democracy and human rights should be expanded to include rule of law.

   2. *Use the Open Societies Strategy as an opportunity to formulate the UK's first integrated Strategy on Human Rights, Democracy and the Rule of Law*
To achieve a strategic step-change in the UK's interconnected work to promote human rights, democracy and the rule of law there must first be an integrated strategy. The rule of law is always right up there with democracy and human rights when it comes to broad assertions of the values to which the UK and its allies are committed.[186] But when we look for the detailed strategies, the delivery plans, the machinery of government, the research and analysis, the monitoring and evaluation, the benchmarks and the indicators, the reports to Parliament, the checks on aid funding

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[182] For an analysis of the offending clauses of the UK Internal Market Bill, see: https://binghamcentre.biicl.org/publications/united-kingdom-internal-market-bill-consideration-of-house-of-lords-amendments-clauses-44-47
[183] Sir Hugh Bayley, The UK's approach to tackling modern slavery through the aid programme, ICAI, October 2020, https://icai.independent.gov.uk/review/the-uks-approach-to-tackling-modern-slavery-through-the-aid-programme/
[184] When the Independent Commission for Aid Impact reviewed the UK Development Assistance for Security and Justice in 2015, it concluded that the programme performs relatively poorly overall against ICAI's criteria for effectiveness and value for money, and that significant improvements were necessary.
[185] ICAI, Future work plan, https://icai.independent.gov.uk/reviews/future-work-plan/
[186] See e.g. the Preface to the FCDO's 2020 *Human Rights and Democracy* Report by the then Foreign Secretary Dominic Raab, July 2021, https://www.gov.uk/government/publications/human-rights-and-democracy-report-2020/human-rights-and-democracy-2020-foreign-commonwealth-development-office-report#preface-by-the-foreign-secretary-dominic-raab

– all the things that are required to give practical effect to a fundamental strategic commitment – the rule of law becomes rather elusive.

The lack of an integrated strategy is an increasingly frequent criticism of the Government's approach.[187] FCDO's explanation of why it reports to Parliament on its human rights and democracy but not its rule of law work is that the rule of law is a thread that runs through all human rights and it therefore would neither be informative nor helpful to separate out and report on rule of law strands in its human rights and democracy work.[188] That is an equally powerful argument for an integrated strategy covering all three of these overlapping and interlocking values. In its forthcoming consultation on its Open Societies Strategic Framework the Government should consult about the benefits and risks of adopting such an integrated strategy. An integrated strategy would facilitate a smarter 'democratic rule of law' approach, in which the democratic branches are acknowledged to have an important role to play in upholding the rule of law. It would shine a light on policy gaps, such as the lack of rule of law check similar to the Human Rights and Gender Equality check on all UK funded aid programmes. It would also provide a framework for crucial reporting, monitoring and evaluation, which will enhance democratic accountability for this important work.

3. *Move beyond rule of law rhetoric by adopting the Venice Commission's definition of the rule of law and defending it against competing authoritarian conceptions*

The Government recently resisted the Foreign Affairs Committee's recommendation that it should provide a clear definition of what it means by the rule of law, on the ground that it is "a difficult concept to define with consistency" and is often misused by leaders of authoritarian governments who control both the making and the application of the law in their states.[189] The Government's position on the difficulty of defining the rule of law with consistency is curious. Of course it is true that authoritarian states will claim to be complying with the rule of law, using a much narrower and formalistic conception of it. But not to contest that narrow conception, by robustly arguing for a broader one, is an abdication of rule of law leadership. There is now a very broad consensus about the core meaning of the rule of law which the UK Government should be prepared to defend. The Rule of Law Checklist, drawn up by the Council of Europe's Venice Commission for Democracy through Law, contains a detailed account of what the rule of law means as a practical concept.[190] It was heavily influenced by the account of the rule of law left to us by Lord Tom Bingham, the former Senior Law Lord, in his 2010 book *The Rule of Law*.[191]

The Government should flesh out its rhetorical invocations of the rule of law and be prepared to be more granular in defining what the rule of law is and what it requires. It should expressly adopt the Venice Commission's Rule of Law Checklist, which has been endorsed by the Parliamentary Assembly of the Council of Europe, in its work supporting the rule of law abroad, and be prepared to defend that conception of the rule of law against narrow, formalistic conceptions invoked by authoritarian governments.[192]

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[187] See e.g., Ben Ward, The value of a UK strategy on human rights, FPC, September 2020, https://fpc.org.uk/the-value-of-a-uk-strategy-on-human-rights/; Alex Thier, A Force for Good in the World: Placing Democratic Values at the Heart of the UK's International Strategy, WFD, July 2020, https://www.wfd.org/2020/07/29/a-force-for-good-in-the-world-placing-democratic-values-at-the-heart-of-the-uks-international-strategy/

[188] House of Commons Foreign Affairs Select Committee, Global Britain: Human rights and the rule of law: Government response to the Committee's Thirteenth Report, Sixteenth Special Report of Session 2017-19, HC 1759, p. 9.

[189] House of Commons Foreign Affairs Committee, Global Britain: Human rights and the rule of law, Thirteenth Report of Session 2017-19, HC 874, para. 24.; House of Commons Foreign Affairs Select Committee, Global Britain: Human rights and the rule of law: Government response to the Committee's Thirteenth Report, Sixteenth Special Report of Session 2017-19, HC 1759, p. 9.

[190] Venice Commission of the Council of Europe, The Rule of Law Checklist, March 2016, https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf

[191] Tom Bingham (2010). The Rule of Law. London: Penguin Global.

[192] Council of Europe, Rule of Law Checklist – endorsed by the Parliamentary Assembly, October 2017, https://www.venice.coe.int/webforms/events/?id=2463

4. *Establish the infrastructure to enable long-term, evidence-based strategic thinking to influence UK Government policy on rule of law*

Tobias Ellwood MP, Conservative Chair of the Commons Defence Committee, has recently written that Afghanistan has exposed the shortfalls in Whitehall's strategic thinking and the reactive nature of UK foreign policy: "Despite the fanfare of our 'global Britain' branding, the Whitehall bandwidth is too limited and not sufficiently strategic to offer the big picture thought-leadership that has the potential to generate solutions to international problems."[193] Tony Blair, reflecting recently on the War on Terror waged after 9/11, made a very similar observation. This is as true for rule of law as it is for foreign policy more generally. The infrastructure necessary to enable long-term, evidence-based strategic thinking to influence policy on supporting rule of law should be created, for example by establishing an innovative Policy and Evidence Centre on the Rule of Law and Democracy modelled on the success of existing centres such as those on Modern Slavery and Human Rights and on the Creative Industries, both funded by the independent research councils.[194]

5. *Galvanise international political commitment to collaborative rule of law strengthening by establishing a Global Partnership/Commission for the Rule of Law*

Rule of law strengthening requires a collaborative global response, led by a body capable of galvanising international political commitment in multilateral frameworks, such as the Global Education Commission led by former UK Prime Minister Gordon Brown.[195] The UK Government has begun to build on the vision in the Integrated Review of building strategic alliances with like-minded nations for which the rule of law is one of the shared values that forms the basis for collaboration to agree action to address major global challenges.[196] It should go further and initiate the creation of a Global Partnership/Commission for the Rule of Law, to be led by a former world leader with international credibility on the rule of law, capable of securing high-level political buy-in from states and to lead the joining up of the currently disparate and fragmented rule of law programming work taking place globally under a more co-ordinated and collaborative international framework with clear strategic priorities. This effort could be one of the UK's commitments at the upcoming Summit for Democracy in December, to be galvanised during a UK-hosted Global Conference on the Rule of Law in 2022, following up on the international conference on the Rule of Law held in London in 2012 during the UK Chairmanship of Council of Europe.[197]

6. *Leverage resources for rule of law strengthening by establishing a Global Fund for the Rule of Law*

Effective rule of law strengthening also requires resources if it is to be scalable. As admirable and important as the work of ROLE UK is, stronger rule of law cannot be achieved on the global scale required by relying on lawyers and judges to put in some pro bono hours to build capacity in developing countries. The UK Government should join forces with other interested governments to establish a Global Fund for the Rule of Law, modelled on other Global Funds such as the Global Fund to End Modern Slavery (GFEMS) and the Global Fund to Fights Aids, Tuberculosis and Malaria, as advocated by the Council on Foreign Relations.[198] A relatively modest contribution of seed funding of

[193] Tobias Ellwood, Britain must rediscover the will to lead on global issues, The Guardian, September 2021, https://www.theguardian.com/commentisfree/2021/sep/04/britain-must-rediscover-the-will-to-lead-on-global-issues
[194] Modern Slavery & Human Rights, see website: https://modernslaverypec.org/; Creative Industries: Policy & Evidence Centre, see website: https://www.pec.ac.uk/
[195] The Education Commission, see website: https://educationcommission.org/
[196] See e.g. the Communique of the recent G7 Summit at Carbis Bay, June 2021, https://www.g7uk.org/wp-content/uploads/2021/06/Carbis-Bay-G7-Summit-Communique-PDF-430KB-25-pages-3-1.pdf; and the Shared Statement on the value and role of open societies issued by the G7+ (including Australia, India, the Republic of Korea and South Africa), 2021 Open Societies Statement, June 2021, https://www.g7uk.org/wp-content/uploads/2021/07/2021-Open-Societies-Statement-PDF-355KB-2-pages.pdf
[197] The Summit for Democracy, see website: https://www.state.gov/summit-for-democracy/; Conference on "The Rule of Law as a Practical Concept", co-convened in London by the European Commission for Democracy through Law in co-operation with the FCO and the Bingham Centre for the Rule of Law under the auspices of the UK Chairmanship of the Committee of Ministers of the Council of Europe, March 2012, https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL%282013%29016-e
[198] Global Fund to End Modern Slavery, see website: https://www.gfems.org/; The Global Fund, see website: https://www.theglobalfund.org/en/; Council on Foreign Relations, see website: https://www.cfr.org/report/global-trust-rule-law

£10m each from a number of donor governments committed to the rule of law would likely leverage contributions from the private sector which stands to gain so significantly from the growth in economic prosperity that, evidence suggests, will result from global rule of law strengthening at scale.

10. As a 'force for good', what could and should Global Britain do to help defend civic space around the world?

By Iva Dobichina, Poonam Joshi, Sarah Green and James Savage[199]

The UK Government's stated commitment to open societies is unequivocal. In the wide-ranging *Integrated Review of Security, Defence, Development and Foreign Policy* published in March this year, open societies are lauded as both a moral end in themselves, and the best means to achieve human prosperity and security.[200] Open societies are mentioned repeatedly in the Review and cut across each of the Government's four high level objectives in this area for the next decade, alongside human rights and an international rules-based system. In the combined Foreign, Commonwealth and Development Office (FCDO) the Government has created an Open Societies and Human Rights (OSHR) Directorate that will support civil society, democratic governance, human rights, and the rule of law. This is extremely welcome in the context of the well documented increase in authoritarianism and autocratic government around the world (an estimated 68 per cent of the

world's population live in autocracies), and a decrease in the number of democratic states over the past 15 years or so.[201]

Many readers would infer from this a concomitant commitment to defending civic space – the place, physical, virtual, and legal, where people exercise their rights to freedom of association, expression, and peaceful assembly, and the engine room of any free and open society. But a pledge to proactively defend civic space and the people in it is not as forthrightly made in the Integrated Review, which in fact sets out policy which could either promote or further harm civic space around the world. Setting up a 'Civil Society and Civic Space' department within the OSHR Directorate is potentially a good start, but can only help deliver the UK Government's commitments to open societies if it has an ambitious strategy with the necessary resources and political championing from the Foreign Secretary to ensure it reaches beyond its departmental silo to positively influence policy and action across government in the realms of trade, development, security, and defence.

Civic space is under attack on every continent. From the criminalisation of peaceful protest, to measures restricting freedom of expression (censorship, internet shutdowns, surveillance and attacks on journalists and academics), and administrative harassment through restrictive NGO laws (making registration and financing of NGOs difficult), and the smearing and harassment, attacks and killings of activists has become routine.[202] This is stifling individuals, movements, non-profit organisations and donors, and it is hampering the innovation which comes from the civic realm, and which would create the solutions to local and global problems that we all desperately need. It is affecting people working on every critical social issue – from climate change and environmental justice to the rights of racial, ethnic, religious minorities, women's and LGBTI rights, to economic equality and public health. Counter-terrorism is notably often cited as justification for this repression, but it is clear that governments are exceeding proportionate responses to terrorism risks and curtailing critical freedoms.

Those like the UK who maintain that openness is a strength and a necessary condition for good governance and human prosperity, and an antidote to authoritarianism, must more consistently raise the profile of this problem, and push hard for a reversal of the clampdown.

As the Integrated Review's new policy direction unfurls, and the UK's leaders, diplomats, trade negotiators and key representatives set out the UK stall, we recommend an additional headline commitment to defending and expanding civic space, and action to back this up at home and overseas. If it is serious about advancing the cause of openness and democracy over the coming decade, the UK should:

- In bilateral relations and multilateral fora, press governments to respect the rights and civic freedoms of human rights defenders and other civil society actors, and model this commitment by providing flexible and sustainable funding and emergency protection for those who need it;
- Establish politically smart, adaptable, longer term programmes to foster more sustainable and resilient civic space environments, with broad levels of support across societies (including the domestic private and philanthropic sectors) and government institutions;

[201] V-Dem Institute Democracy Report, March 2021, https://www.v-dem.net/en/publications/democracy-reports/; Economist Intelligence Unit, Democracy Index, 2020, https://www.eiu.com/n/campaigns/democracy-index-2020/; Sarah Repucci and Amy Slipwitz, Democracy Under Siege, Freedom House, 2021, https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege
[202] Frontline Defenders Global Analysis 2020, https://www.frontlinedefenders.org/sites/default/files/fld_global_analysis_2020.pdf; and Last line of Defence, Global Witness, September 2021, https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/

- Use and expand its new 'Magnitsky-style' sanctions regime to ensure rapid, coordinated and targeted sanctions against high level officials involved in orchestrating gross human rights violations of fundamental civic freedoms;
- Champion safeguards for civic space in the UN Global Counter Terrorism Strategy and ensure existing and emerging norms on countering terrorist financing, content moderation and travel surveillance are not used to restrict freedoms of association, expression and movement;[203]
- Use multilateral fora – including the Open Government Partnership Summit and the Summit of Democracies to impose obligations on all states to switch pandemic response away from the use of emergency security powers and reset it squarely around public health;
- Work multilaterally and in collaboration with civil society to put human rights and civic space considerations at the centre of cybersecurity policy development. The UK should also ensure transparency of such policy development so that it is available for public scrutiny; and
- Ensure trade and investment in new science and technology adhere to the most stringent of human rights safeguards. When any new technology with offensive, surveillance or mass data capture capability is under consideration, there must be meaningful practice of consultation with human rights experts and assessment of risk of harm.

Why is civic space under siege and what are the long-term implications?
There are attacks on the right to assemble and protest, and on free expression both on and offline, on every continent. In Thailand scores of democracy protestors have been arrested this year after also being attacked with rubber bullets, while in Nigeria #EndSARS activists have been harassed, arrested and put under surveillance. After the Black Lives Matter protests following the murder of George Floyd in the USA last year, around 20 state legislatures responded by considering laws restricting the right to protest. In Hungary and Poland, LGBTQI Pride protestors have been singled out by their governments as a threat to the moral order.

Over the last decade governments in every region have passed new anti-NGO laws, sometimes copied from one another, which impose onerous registration requirements, and give authorities powers to monitor and interfere in the work of human rights defenders and civil society organisations, and restrict access to international funding. Amnesty International found that, between 2016 and 2018 alone, almost 40 such laws were proposed and passed.[204] Over the past year new laws have been passed in Guatemala, Nicaragua, Turkey, and Libya, while existing restrictive NGO laws have been tightened in Russia (including adding journalists to the register of foreign agents) and India (severely limiting the NGOs' ability to access vital funds from overseas donors).[205]

Over the last 18 months governments have used the COVID pandemic to justify increased repression and bring in new laws and measures affecting freedom of expression, privacy and limiting assembly, such that the UN Secretary General was moved to sound the alarm on countries using COVID emergency laws as a pretext to crush dissent and curb freedoms. He has called for a return to universal human rights as the starting point for the pandemic response.[206]

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[203] United Nations: Office of Counter-Terrorism, UN Global Counter-Terrorism Strategy, https://www.un.org/counterterrorism/un-global-counter-terrorism-strategy

[204] Amnesty International, Laws designed to silence: The global crackdown on civil society organizations, February 2019, https://www.amnesty.org/en/documents/act30/9647/2019/en/

[205] International Center for Not-For-Profit Law (ICNL) Civic Freedom Monitor, https://www.icnl.org/resources/civic-freedom-monitor

[206] International Center for Not-For-Profit Law (ICNL) COVID Tracker https://www.icnl.org/covid19tracker/; and Antonio Guterres, The world faces a pandemic of human right abuses in the wake of COVID-19, The Guardian, February 2021, https://www.theguardian.com/global-development/2021/feb/22/world-faces-pandemic-human-rights-abuses-covid-19-antonio-guterres

What is driving this?

Last year the Funders Initiative for Civil Society published an investigation of the trends and drivers of this crackdown on civic space, talking to more than 150 civil society representatives across the world. It found that the constriction has indeed been severe over the last 20 years, and that while its causes are complex, and intertwined with the inequalities and exploitation perpetuated by concentrated economic power and populist movements, it is the abuse of counter-terrorism laws, policies and 'temporary' emergency measures that is the dominant driver of closing civic space.[207] Since 9/11 in particular, governments have stepped up the claim that they need to restrict rights to assemble, to organise and to protest in order to keep us safe. UN Security Council resolutions and a now sprawling UN Office for Counter-Terrorism set in motion a template for curbs on protest and free expression, pre-emptive surveillance, travel watchlists, funding controls and a 'security-justifies-almost-anything' narrative, which have led some to say counter-terrorism is now effectively the UN's informal but well-funded fourth pillar, alongside peace and security, human rights and development.[208]

States must act to keep citizens safe, but the creep of using exceptional counter-terrorism measures on a routine basis now sees progressive activists regularly termed 'extremists', and essential work on climate, women's rights, human rights, democracy, racial justice, freedom of religion/belief and migration and land rights made much more difficult. In Hong Kong it is 'national security' which is cited when democracy activists are arrested and imprisoned, while in Myanmar counter-terrorism laws have recently been used to prosecute journalists. Egypt has so frequently used anti-terrorism laws to harass and prosecute human rights defenders and journalists that the UN Special Rapporteur on the situation of human rights defenders this year singled the country out for clear misuse of anti-terrorism laws to criminalise civil society and appealed for an immediate halt.[209] A high-profile Saudi women's rights defender was imprisoned when she challenged the country's strict guardianship laws and the state used anti-terror laws against her, accusing her of 'pursuing a foreign agenda'.[210] In India, activists fighting the draconian anti-Muslim citizenship laws have been arrested and imprisoned using counter-terror laws.[211] Governments are increasingly citing counter-terrorism as justification for cracking down on civic space and their opponents.

As we mark 20 years since the horrific 9/11 attacks and the loss of thousands of lives which ensued, there is considerable reflection on whether the policies and action pursued since have kept us all safe. The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism found, in a comprehensive 2019 report, that measures introduced to prevent terrorism and violent extremism (including funding restrictions, travel surveillance, content moderation, protest bans) are in practice *primarily* being used to criminalise activism and dissent.[212] States that purport to be stalwart guardians of human rights have failed to uphold adequate rights protections in the international counter-terrorism agenda, allowing it instead to be co-opted and funded by authoritarian states, such as Qatar and Saudi Arabia.[213]

[207] Ben Hayes and Poonam Joshi, Rethinking civic space in an age of intersectional crises: a briefing for funders, The Funders Initiative for Civil Society, May 2020, https://global-dialogue.org/rethinking-civic-space/

[208] Ali Altiok and Jordan Street, A fourth pillar for the United Nations? The rise of counter-terrorism, Saferworld, June 2020, https://www.saferworld.org.uk/resources/publications/1256-a-fourth-pillar-for-the-united-nations-the-rise-of-counter-terrorism

[209] OHCHR, Egypt's targeting of human rights defenders must stop, says UN expert, January 2021, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26682

[210] Amnesty International, Saudi Arabia: Verdict upheld against Loujain al-Hathloul, March 2021, https://www.amnesty.org/en/documents/mde23/3869/2021/en/

[211] Human Rights Watch, India: Activists Detained for Peaceful Dissent, April 2020, https://www.hrw.org/news/2020/04/15/india-activists-detained-peaceful-dissent

[212] UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Annual Report 2019, see: https://www.ohchr.org/EN/Issues/Terrorism/Pages/Annual.aspxsee: https://www.ohchr.org/EN/Issues/Terrorism/Pages/Annual.aspx

[213] UN Office of Counter-Terrorism, Funding and donors, https://www.un.org/counterterrorism/funding-and-donors

The UK Government's Integrated Review acknowledges increasing authoritarianism and says political and economic power are set to be more contested this decade, with increasing complexity and a shift to multi-polarity as the world and its stumbling governance gets to grips with the climate crisis, managing pandemics, persistent conflict, humanitarian disasters and poverty. It assesses the UK's prospects as based on its relatively large economy, its place at key tables including the UN, and being a 'soft power superpower'. If the UK is to be a 'force for good' in the world, it must be prepared to champion civil society and unfettered civic space at these tables and make the case for reversing the measures which have harmed civic space and which threaten openness and shared prosperity for us all.

Where is UK policy in tune with protecting civic space, and where might UK policy lead to harm?
The Integrated Review includes a comprehensive setting out of the geopolitical context in which new UK foreign, defence, security, and development policy will be developed. These include, of course, complex, meta-level challenges that no single state could ever solve alone. This is where the critical bridge to protection of civic space needs to be made. It is the people in open and free civic space that will generate many of the ideas and action we need to tackle these problems, but they cannot do that when they are harassed and under siege.

There is commitment in the Integrated Review to long-term UK work to protect human rights, the rule of law and implicitly civic space. The UK Government's initiation and high-level championing of the Global Media Defence Fund, recognising the targeting of journalists and offering both individual casework support as well as pushing for better legal protection of journalists in the first place, is very welcome. Civil society cannot thrive while those who would report impartially and hold power to account are threatened for doing so. It is worrying that one of the first tests of this policy however, ensuring Afghan journalists who had worked with UK media outlets were among those prioritised for help to leave when the Taliban took over, saw hesitation and delay.

Equally, the UK's adoption of its new independent 'Magnitsky-style' sanctions regime for putting travel bans and asset freezes on those who commit human rights violations indicates a willingness to challenge those who do harm, even when there may be diplomatic and other costs for the UK. But it currently stops short of providing protection to those targeted for exercising their civic freedoms. People standing up for democracy and basic rule of law are routinely attacked by several of the UK's strategic security and trade partners including India, Kenya, Uganda and Saudi Arabia to name only a few. In line with developments in some G7 countries, the UK could use and expand its regime to ensure rapid, coordinated and targeted sanctions against high level officials involved in orchestrating gross human rights violations of fundamental freedoms of association and assembly, expression and information, and participation.

Similarly, in order to succeed when promoting openness internationally, the UK needs to have its own house in order. Laws and policies that undermine civic space, such as the Police, Crime, Sentencing and Courts Bill, which threatens to not only restrict but criminalise the right to protest, can easily be cited by governments overseas telling the UK not to interfere in their activities. The current proposals to weaken judicial review, not to mention the terrible accompanying political rhetoric demonising human rights lawyers, need urgent reconsideration. And, as forces across the UK pilot facial recognition technologies, and transport hubs and shopping centres are scanning millions of people's faces without consent, the UK could demonstrate its leadership on privacy by introducing an immediate ban on police and private company use of facial recognition in areas open to the public. For the same reasons, the proposals to limit the reach and authority of the Information Commissioner precisely at the moment the UK moves away from the gold standard European data protection regulations should also be re-examined. As a first step the UK could demonstrate its

commitment to civic space at home by requesting the OECD's Observatory of Civic Space to conduct a Civic Space Scan of the UK (as Finland has recently done) that will benchmark the status of domestic civic space and offer expert guidance on ways to strengthen existing frameworks and practices.[214]

The Integrated Review sets out the UK's welcome commitment to 'active diplomacy', 'maximising the UK's convening power' and its intent to seek election to new multilateral fora that will 'shape the international order.' There is huge potential to be a 'force for good' here. As a Security Council member, the UK is very well positioned to substantially influence the UN's counter-terrorism agenda, and should seize the opportunity to ensure public security frameworks have proper clarity of scope (including through clear and narrow definitions of terrorism and extremism), and that civil society groups are included in counter-terrorism policy development. Concrete action might also include pushing for stronger safeguards for civic space and civil society in the UN Global Counter Terrorism Strategy and future UN resolutions regarding civic space; support for a clear compendium of all COVID-related emergency measures, with a scheme to review these and set dates for their repeal; pushing for the creation of an independent human rights impacts monitoring mechanism and indicating that further funding to the UN Office of Counter Terrorism conditional on this; and action to reset the international 'countering-terrorism financing' controls which have had the unintended consequence of removing civil society's access to critical funds.[215]

The Integrated Review underscores the UK's commitment to leadership in development of international cybersecurity and internet governance frameworks, aligned with freedom of expression, freedom of assembly and association, access to information and privacy. Such a commitment is welcome as it is critical to safeguarding meaningful civic space around the world. The tremendous power of new and emerging information technologies means that as well as promising huge social and economic benefits, they are also very attractive to those who would use them to monitor and restrict democratic activities. As part of its commitment to openness the UK should advocate for rights respecting policy and governance in this area, and the deterrence of trade in 'dual use' technologies that may do harm – perhaps even joining the call for a moratorium on the export of surveillance technologies that can be used against human rights defenders and other members of civil society.[216] Similarly the UK's policy on and conduct of trade negotiations needs to be coherent with the commitment to open societies and protecting civic space, meaning privacy standards and data protection must not be on the bargaining table.

How might the UK use its resources to meet its commitments to supporting open societies?
The Spending Review allocations highlighted in the Integrated Review are a critical opportunity to make real material commitments to open societies. As a 'soft power superpower' the UK should take a proactive and, transformative approach to fostering open societies and civic space by supporting work to (1) ensure adequate resources and support for protection of human rights defenders, journalists, and other civil society activists who are under attack; (2) support independent journalism and journalists through the Global Media Defence Fund and other opportunities to do so as they arise, including specific emergency protection for journalists at risk; (3) foster widespread digital literacy and access to information as a clear human right; and (4) make the promotion of openness, open societies, human rights and the protection of civic space a key part of soft power work done by the British Council and others. The UK could also demonstrate its material commitment to openness, fairness and human rights by restoring the 0.7 per cent GNI aid commitment without further delay.

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[214] Organisation for Economic Co-operation and Development (OECD) Observatory of Civic Space: https://www.oecd.org/gov/open-government/civic-space.htm
[215] ECNL submission to the UN Human Rights Council's on the impact of counter-terrorism financing measures on human rights , see: https://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/Terrorism/EuropeanCenter.pdf
[216] OHCHR, Spyware scandal: UN experts call for moratorium on sale of 'life threatening' surveillance tech, August 2021, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27379&LangID=E

To make scarce resources work harder, the UK could combine innovation and collaboration with like-minded donors from public and private funding communities through strengthening existing and forming new pooled funds that support networks and coalitions addressing three essential pillars of an enabling environment for civil society. Firstly, with continuous waves of peaceful demonstrations occurring worldwide, existing legal defence and protection groups and mechanisms are overwhelmed, struggling to mobilise sufficient resources to provide quality assistance to detained activists. There is a specific opportunity for the UK to pool donor funds to resource a new global network of national, regional, and international organisations, coordinated by CIVICUS, to defend the right to protest and dissent on and offline. Secondly, with the increase of large-scale crises such as the ones in Belarus, Myanmar and increasing risks in Afghanistan, the existing international human rights defenders' protection mechanisms supported by bilateral and multilateral agencies (such as Lifeline: Embattled CSO Fund and ProtectDefenders.eu), and several excellent regional funds (including in the UK's priority geographies of the Indo-Pacific and Sub-Saharan Africa) are struggling with capacity and resourcing. The UK should increase its contributions to those mechanisms and design a common strategy to increase the efficiency in delivering assistance to activists at risk. Thirdly, if the UK wants to effectively tackle the drivers and enablers of authoritarianism and closing civic space, especially with regard to the rights implications of emerging counter-terrorism and cybersecurity frameworks, it could consider contributing to a new, ground-breaking Global Initiative on Civic Space and Security supported by our organisations that will facilitate flexible and aligned collaboration among donors, civil society and other partners (such as from the tech and creative arts sectors).

How the UK funds this work is also important, especially given the signal in the Integrated Review to evolve the UK's offer 'using a variety of funding models' and considering the reckoning the FCDO has to make with decolonising aid, increasing diversity and inclusivity, and shifting power toward a more 'locally-led' approach to rights-based development. The FCDO could model how to fund civil society advancing open societies and civic space in two ways: (1) by ensuring it funds in line with the G7 Open Societies statement and the newly agreed OECD DAC Recommendation on Enabling Civil Society in Development Co-operation and Humanitarian Assistance, which prioritises in Pillar One 'Respecting, Protecting And Promoting Civic Space';[217] and (2) by modelling with other bilateral agencies, such as the Swedish International Development Cooperation Agency (SIDA), and building on their 'Guiding Principles for Engagement With and Support to Civil Society', an approach rooted in trust-based financial support and grant making that follows locally led decisions about priorities, in line with what civil society groups say they need to successfully defend and expand civic space and open societies.[218]

A real 'force for good'
The UK is not the only liberal democracy at a critical juncture in its domestic and diplomatic relationship with countering terrorism and promoting open societies and human rights. The last 20 years have seen enormous costs to human rights and security, and not least in handing authoritarian governments an extended licence to justify any new measure as 'counter-terrorism' and restrict civic space. As we look ahead to a decade of enormous challenges, we desperately need multilateral solutions forged with as much good faith as can be built. Active diplomacy, convening new accountable fora and using elected positions wisely, and with integrity, could make all the difference. There is a Summit for Democracy on the horizon, where profiling civic space and commitments to its protection and expansion can be made on the world stage. The work to ensure

[217] OECD Development Assistance Committee (DAC) Recommendation on Enabling Civil Society in Development Co-operation and Humanitarian Assistance, July 2021, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-5021
[218] Swedish International Development Cooperation Agency (Sida), Guiding Principles for Sida's Engagement with and Support to Civil Society, 2019, https://www.sida.se/en/publications/guiding-principles-for-sidas-engagement-with-and-support-to-civil-society-full-version

civil society thrives in free and open civic spaces needs doing both quietly and on platforms, bilaterally and multilaterally, and needs resource as well as good intentions.

And it is not only the UK Government who needs to step up; civil society should stand up for its own. A wide range of UK actors should be prominent and active in naming the attacks on civic space and helping to demolish the impunity it currently has. MPs across all parties partake in many inter-parliamentary fora, where there are opportunities to raise the profile of these issues, and the Speaker and his office, should be on hand to support and promote such efforts. The Westminster Foundation for Democracy should build on its existing research and utilise its networks and close relationship with parliaments, parties, and civil society to push for the expansion of civic space through its country offices.[219]

The philanthropy community, including our organisations, are ready to support this work in tandem with the UK Government and multilateral bodies. We have an analysis, networks, strategies and resources ready to power up and challenge the crackdown on civic space.

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[219] WFD, Time to stop talking about 'closing space' for civil society?, October 2017,https://www.wfd.org/2017/10/31/time-stop-talking-closing-space-civil-society/; Julia Keutgen, 4 things parliaments can do to protect citizens' democratic freedoms, WFD, March 2021, https://www.wfd.org/2021/03/05/4-things-parliaments-can-do-to-protect-citizens-democratic-freedoms/; Julia Keutgen and Susan Dodsworth, Addressing the global emergency of shrinking civic space and how to reclaim it: A programming guide, WFD, March 2021, https://www.wfd.org/2021/03/02/shrinking-civil-space/

11. The link between open economies and open societies

By Kim Eric Bettcher[220]

The challenge of defending and advancing democracy around the world is intertwined with economic challenges facing the UK and other societies:

> *"Open and democratic societies like the UK must demonstrate they are match-fit for a more competitive world. We must show that the freedom to speak, think and choose – and therefore to innovate – offers an inherent advantage; and that liberal democracy and free markets remain the best model for the social and economic advancement of humankind."* – Foreword from the Prime Minister to the Integrated Review.[221]

Indeed, while the enduring strength of democracy lies in the legitimacy of near universal values, democracy must deliver tangible benefits to citizens to be sustained and demonstrate its superiority over other forms of government. Citizens expect their system of government to enable or provide economic growth, individual opportunities, public goods, and social services. Open economies—

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[221] HM Government, Global Britain in a competitive age The Integrated Review of Security, Defence, Development and Foreign Policy, March 2021, https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy

based on individual liberty, rule of law, and equality of opportunity—help make democracy deliver on these expectations, giving citizens a stake in their society. At the same time, the dynamics of open economies serve as a check on authoritarian tendencies.

To overlook open economies in a democracy assistance strategy would be at best to limit reform space and demand for accountable government, and at worst to risk succumbing to populist pressures, authoritarian interference, or corrupt interests. Much as policymakers in the development field have been exhorted to 'think politically', policymakers in the democracy assistance field should consider the economic influences on political life. They should take into account how the values and institutions of open economies reinforce democratic values and institutions, how private sector interests and organisations relate to civil society and power structures, and how models of economic governance shape the rule of law, rights, and democratic governance.

This chapter summarises the relationship between open economies and open societies, illustrates strategic opportunities to support democracy with an open economy approach, and recommends actions to respond to current challenges and integrate economic development into democracy assistance. The chapter is informed by the experiences of the Center for International Private Enterprise (CIPE), which was founded on the idea that political and economic rights are mutually reinforcing, and that private sector participation in policy discourse enlarges the constituency for democracy.

Contributions of open economies to open societies
The connections between economic growth, prosperity, and democracy have been extensively studied. Although there remains debate about causal relationships, meaningful patterns have been established. Recently for example, the Heritage Foundation illustrates how its index of economic freedom correlates well with the Economist Intelligence Unit's democracy index.[222] One of the takeaways from the literature is that *open economies* are more closely linked to democratic development than is raw economic growth, which can be initiated by state-driven industrialisation or natural resource rents under different types of regime. Another takeaway is that the conditions for democracy must be cultivated; one cannot assume that democracy is the necessary outcome of economic development.

There are several lines of argument about these connections, beginning with modernisation theory. Seymour Martin Lipset observed that a number of socioeconomic aspects of development were supportive of democratisation, namely education, rising income, urbanisation, and industrialisation.[223] Similarly, the emergence of a strong middle class has historically been associated with rising demand for democracy. As Barrington Moore noted, "No bourgeoisie, no democracy."[224] The "third wave" of democratisation since 1974 was actively led by participation from the urban middle class.[225]

Open economies are distinguished from extractive economies by their normative basis. "The concepts that underpin a free society are fundamental to free markets, too: values like transparency, open competition, and the rule of law."[226] Constituencies for change can coalesce around these

[222] Heritage Foundation, Economic Freedom Around the World: The Key to Human Progress, in the 2021 Index of Economic Freedom, https://www.heritage.org/index/pdf/2021/book/2021_IndexofEconomicFreedom_CHAPTER03.pdf
[223] Seymour Martin Lipset (1981). Political Man: The Social Bases of Politics. Baltimore, Maryland: Johns Hopkins University Press.
[224] Barrington Moore, Jr. (1966). Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World. Boston: Beacon Press.
[225] Samuel P. Huntington (1991). The Third Wave: Democratization in the Late Twentieth Century. Norman, OK: University of Oklahoma Press. pp. 65-68.
[226] Andrew Wilson, Business Values Are Democratic Values, Voice of America, May 2016, https://blogs.voanews.com/us-opinion/2016/05/17/business-values-are-democratic-values/

values. The competitive private sector (unlike crony capitalists) has a stake in liberal, democratic systems that respect rights, manage conflicts, and invest in public goods and human capital. Therefore, business has often led the way in seeking accountable government.[227]

Peter Berger observed that an open economy, also referred to as a market economy or capitalist economy, "provides the social space within which individuals, groups, and entire institutional complexes can develop independent of state control" and "creates space and opportunity for civil society." [228] Authoritarian and statist growth models do not tolerate this space, nor do they tolerate economic competition which may generate autonomous sources of power and pluralism.[229] Indeed, democratic theorist Robert Dahl argued that competitive politics requires a pluralistic social order, which in turn requires a decentralised economy.[230]

What is a market economy?
A market economy (as an ideal) is a competitive economic system where the rules are the same for all participants.

- A private sector economy is not necessarily a market economy. If the behaviour of private economic actors revolves around rent-seeking, corruption, and cronyism, it is not a market economy.
- A laissez-faire policy is not adequate for markets to function. A market economy can emerge when the government guarantees consistent, fair laws and rules.[231]

The logic of competition explains the persistent relationship between open economies and open societies:

> *"Open access orders maintain their equilibrium by allowing a wide range of economic and social interests to compete for control of the polity. Creative economic destruction produces a constantly shifting spectrum of competing economic interests. The inability of the state to manipulate economic interests sustains open political competition: politicians cannot cripple their opponents by denying them economic resources."[232]*

Market economies, by permitting and encouraging open competition, stimulate greater pluralism and regular renewal. A competitive, responsible private sector in an open economy provides an important counterweight to the state, injects dynamism into political discourse, and makes possible a vibrant civil society.

Finally, economic rights and governance constrain the uses and abuses of authority. "Private ownership of the means of production is a crucial bulwark against an overweening state and

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[227] Larry Diamond, Democracy and Economic Reform: Tensions, Compatibilities, and Strategies for Reconciliation, in Economic Transition in Eastern Europe and Russia: Realities of Reform, ed. Edward P. Lazear (1995). Stanford: Hoover Institution Press. pp. 111–112; Ben Ross Schneider (2004). Business, Politics, and the State in Twentieth-Century Latin America. Cambridge: Cambridge University Press. pp. 246–250; Didi Kuo (2018). Clientelism, Capitalism, and Democracy: The Rise of Programmatic Politics in the United States and Britain. Cambridge University Press.

[228] Peter Berger, The Uncertain Triumph of Democratic Capitalism, in Capitalism, Socialism, and Democracy Revisited, eds. Larry Diamond and Marc F. Plattner (1993). Baltimore: Johns Hopkins University Press.

[229] Note that Scandinavian-style welfare state systems still have high levels of economic freedom. Heritage Foundation, 2021 Index of Economic Freedom.

[230] Robert A. Dahl (1971). Polyarchy: Participation and Opposition. New Haven: Yale University Press. p. 60.

[231] Kim Eric Bettcher, CIPE Guide to Governance Reform, CIPE, August 2014, https://www.cipe.org/resources/cipe-guide-governance-reform/

[232] Douglass C. North et al., Limited Access Orders in the Developing World: A New Approach to the Problems of Development, World Bank Policy Research Working Paper 4359, September 2007, p. 19, https://openknowledge.worldbank.org/handle/10986/7341

eventual political tyranny."[233] The same government that could arbitrarily seize private property could violate civil liberties and repress opposition. Market economies and sustainable growth require institutional structures that protect property rights, enforce contracts, ensure open competition, and facilitate access to information, all within a system of rule of law. Once in place, these institutions serve to uphold a political order based on constitutional, not arbitrary rule.

Critics of modernisation theory point out that the causal relationships are unclear and that not all good things go together. One famous study by Przeworski et al. concluded that development, as measured by per capita GDP, was important to sustaining democracy but not to its emergence.[234] Notable cases of capitalist systems that were not associated with democracy include Singapore and pre-democratic Chile (which made the transition in 1990). China adopted elements of a market economy, though the state sector remains privileged and state influence over the private sector has been reasserted. All in all, the body of evidence for synergies between development and democracy holds up well but the critiques draw attention to diverging country experiences and the need to identify mechanisms of change.[235]

If not all things necessarily go together, would it be better to sequence reforms in order to focus on 'preconditions' for democracy, such as economic development and state capacity? Thomas Carothers has cautioned against this version of sequencing, noting that enlightened autocrats who promote economic development and rule of law are actually quite exceptional. Instead, policymakers would do better to adopt gradualist, iterative strategies to expand competition and choice.[236] More important than sequencing may be the adoption of integrated governance and growth strategies that "work with the grain" in each country.[237]

Strategic Opportunities

Fortunately from a strategic standpoint, there are multiple avenues to promote open economies that are conducive to democratic openings or transitions. Five broad areas of opportunity are described below. The best opportunities in each case will be a function of local conditions and demand.

Fighting corruption

Corruption holds back democracy by undermining public systems, sapping public trust, and subjugating citizens' will to private interests. It prevents business from thriving by rendering contracts arbitrary and hard to enforce and exposing business to extortion and legal risk. If one views corruption as an institutional problem rather than a moral problem, effective responses involve reducing incentives and opportunities for corrupt behaviour, as well as improving institutions of governance. Such an anti-corruption strategy would tackle underlying causes of corruption: unclear, complex, and frequently changing regulations; lack of transparency and accountability; barriers to competition (and exemptions for cronies); and implementation gaps between laws on the books and their *de facto* application.

[233] Larry Diamond, Political Freedom and Human Prosperity, Hoover Institution Essay Series on Socialism and Free-Market Capitalism: The Human Prosperity Project, Stanford University, 2020, p. 2.

[234] Adam Przeworski et al. (2020). Democracy and Development: Political Institutions and Well-Being in the World, 1950–1990. Cambridge: Cambridge University Press.

[235] Carles Boix and Susan C. Stokes, Endogenous Democratization, World Politics 55 no. 4, July 2003, https://www.jstor.org/stable/25054237; Julian Wucherpfennig and Franziska Deutsch, Modernization and Democracy: Theories and Evidence Revisited, Center for Comparative and International Studies, ETH Zurich and University of Zurich, Living Reviews in Democracy 2009, https://ethz.ch/content/dam/ethz/special-interest/gess/cis/cis-dam/CIS_DAM_2015/WorkingPapers/Living_Reviews_Democracy/Wucherpfennig%20Deutsch.pdf

[236] Thomas Carothers, How Democracies Emerge: The 'Sequencing' Fallacy, Journal of Democracy 18 no. 1, January 2007, https://journalofdemocracy.org/articles/how-democracies-emerge-the-sequencing-fallacy/

[237] Brian Levy (2014). Working with the Grain: Integrating Governance and Growth in Development Strategies. Oxford: Oxford University Press.

Business can be the source of corruption or the victim, but it can also be the solution. Private sector initiatives for collective action set a higher standard that rewards the participating companies and reduces the vulnerability of companies that resist paying bribes. The B20 Collective Action Hub contains many example initiatives and resources.[238] Across Africa, CIPE's Ethics 1st initiative sets a governance and corporate ethics compliance benchmark, adapted for emerging markets from internationally recognised standards, to de-risk investment into African economies and better integrate companies across the continent into global value chains.

Bolstering democratic governance and defending against authoritarianism
Although democratic legitimacy begins with the people's choice of representatives through elections, it is sustained when governments deliver on promises. Between elections, citizens need avenues to participate in decision-making, offer feedback, and hold government accountable for its performance. For instance, structured public-private dialogue (PPD) enables participatory policymaking, improves the quality of representation, and builds transparency and accountability into policymaking and policy implementation.[239] In Kenya, PPD platforms exist at all levels from the Presidential Roundtable to county budget forums.[240] Participation by groups like the Kenya Private Sector Alliance, Kenya Association of Manufacturers, and Kenya Association of Vendors and Traders shaped numerous laws, among them the Transition to Devolved Government Act, Bribery Act, and Micro and Small Enterprise Act, and helped improve local services such as roads, sewage systems and street lighting.[241] Donors such as the World Bank, GIZ, SIDA, USAID, and UNDP have supported dialogue platforms on a wide range of topics from business competitiveness and inclusive growth to the green economy, Sustainable Development Goals, responsible investing, and governance.

Increasingly, democratic governance must be defended against external authoritarian influence. In 2018, CIPE identified the challenge of "corrosive capital" originating in China, Russia, and other countries, which lacks transparency, accountability, and market orientation.[242] When opaque finance enters recipient countries through governance gaps, it commonly has negative impacts on human rights, the environment, small business, and labour, not to mention exacerbating governance challenges. CIPE has reported on these financial flows and associated problems in the Western Balkans, Southeast Asia, and other regions. Counter-measures to neutralise corrosive capital include: enacting policies that clearly govern foreign investment, strengthening public procurement systems, increasing transparency of public budgets, and enabling civil society monitoring, and potentially tapping new sources of development finance. Enabling well-governed, "constructive" investments can drive the creation of a more transparent and market-oriented business culture, leading to a virtuous economic cycle that augments the efficiency of markets and fosters greater social inclusion.[243]

Promoting ethical practice and respect for human rights
Business and human rights and responsible business conduct are topics of growing interest in the democracy and development communities. While relevant standards have largely been focused on multinational enterprises, there remains scope to assist local businesses in adapting international best practices (United Nations Guiding Principles on Business and Human Rights) to their context

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[238] Basel Institute on Governance, B20 Collective Action Hub, Baselgovernance.org/b20-collective-action-hub
[239] Kim Eric Bettcher, Benjamin Herzberg, and Anna Kompanek, Public-Private Dialogue: The Key to Good Governance and Development, CIPE, January 2015, https://www.cipe.org/resources/public-private-dialogue-key-good-governance-development/
[240] KEPSA, Public private dialogue, https://kepsa.or.ke/public-private-dialogue/
[241] CIPE, Kenya Cumulative Assessment Report, September 2017.
[242] John Morrell, Channeling the Tide: Protecting Democracies Amid a Flood of Corrosive Capital, CIPE, September 2018, https://www.cipe.org/resources/channeling-the-tide-protecting-democracies-amid-a-flood-of-corrosive-capital/
[243] Eric Hontz, Building a Market for Everyone: How Emerging Markets Can Attract Constructive Capital and Foster Inclusive Growth, CIPE Insights, October 2019, https://www.cipe.org/newsroom/building-a-market-for-everyone-how-emerging-markets-can-attract-constructive-capital-and-foster-inclusive-growth/

and adopting compliance systems, as well as having a voice in emerging human rights legislation.[244] Corporate governance initiatives, anchored in stakeholder governance models and risk management, provide a solid framework for raising standards at the firm or industry level.

The United Nations Global Compact assists companies to "move from commitment to action" on human rights through five areas of business engagement: awareness raising, capacity building, recognising leadership, policy dialogue, and multi-stakeholder partnerships.[245] Resources on these topics are also available from the Business and Human Rights Resource Centre and from BSR (formerly Business for Social Responsibility). The International Finance Corporation has related resources on corporate governance, stakeholder engagement, and risk management.

Supporting civic values and civil society
Business increasingly recognises that liberal values are being challenged, and that it cannot be passive in the defense of values. The US Chamber of Commerce Foundation has established a Civics Forward initiative to convene business leaders around civic education and civil discourse, declaring, "informed and active citizens make for a stronger country, a stronger economy, and a stronger workforce."[246]

Not to be forgotten, non-profit business associations represent significant constituencies within civil society—including small business and diverse entrepreneurs. Alexis de Tocqueville, in *Democracy in America*, recognised the important roles of associations in preserving political independence and pursuing common aims. Independent, organised business can resist arbitrary government action and provide space for plurality of expression. In closed regimes, advocacy for economic reform is often one of the few avenues available to exercise freedoms of association and speech. Donors that support public-private dialogue toward policy reform commonly include association capacity building as a component of their programmes. In Ethiopia, CIPE has worked with more than 50 membership-based organisations and established a Civic Engagement Hub for civil society organisations.

Opening pathways for new groups to access opportunity
Most thinkers on democracy, starting with Robert Dahl, would agree that extreme inequality is harmful to democracy because it limits citizens' ability to participate effectively and reduces their trust in the regime. Thus, economic inclusion, typically part of development work, should be paired with strategies for democracy assistance. One important dimension of inclusion, women's economic empowerment, can change the status of women within households and communities, and even increase their ability to participate in politics. To empower individual women in Papua New Guinea, CIPE, supported by Australia's Department of Foreign Affairs and Trade (DFAT), established a Women's Business Resource Centre for women of all backgrounds to access business services, training, and support, with childcare services provided.[247] To lower systemic barriers and reduce inequities, collective action through CIPE's Women's Business Agenda process has been employed in South Asia and Africa. In Nigeria, a coalition first formed in 2013 now has 52 member organisations representing more than four million women entrepreneurs and businesswomen and updated its platform in 2020 to raise issues of security, access to electricity, infrastructure, gender equality and access to finance.[248]

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[244] OHCHR, Guiding Principles on Business and Human Rights, April 2011,
https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf
[245] United Nations Global Compact, Human Rights: The Foundation of Sustainable Business, 2018,
https://www.unglobalcompact.org/library/5647
[246] U.S. Chamber of Commerce Foundation, Civics Education, https://www.uschamberfoundation.org/civics-education
[247] PNG WBRC, see website: https://www.pngwbrc.com/
[248] Association of Nigerian Women Business Network, Women National Business Agenda, https://www.anwbn.org.ng/women-national-business-agenda-2/

Recommendations for UK strategy

In order to support open economies in ways that reinforce democratic development and open societies, the UK can take a leadership role by shaping foreign assistance in line with its values while learning from the experience of other development partners.

The adaptability of democracy will depend on finding satisfactory solutions to current challenges:

- Restoring trust in open markets and free enterprise: This will require assuring citizens that market institutions fairly apply the same rules to everyone, that corruption is under control, and that businesses operate ethically.
- Reducing inequality within countries: This will require expanding economic opportunities and ensuring access to opportunity by disadvantaged groups in addition to democratising services and providing social safety nets.
- Countering the erosion of democratic institutions by domestic and external forces: This will require constraints on authoritarian finance, anti-corruption measures, and new roles for business in defending the pillars of open societies.

By the nature of these challenges, as Thomas Carothers as argued, economic concerns should be integrated into democracy support, replacing the typical silos of development and democracy within foreign assistance programmes. This does not entail adding new programmes or detracting from rights-based approaches so much as identifying complementary resources and approaches. Integration could include: focusing on contributions of economic governance to rule of law and respect for rights; engaging grassroots business constituencies and supporting women entrepreneurs and business leaders to engage in politics; treating economic inclusion as a path to enfranchisement; and handling issues of development policy within countries as opportunities for participatory governance. On the development side of the equation, integration could include: embracing democratic governance as part of improving human welfare; enhancing governance as a means to improve performance management or the legitimacy of country ownership; and applying politically smarter methods in development programmes.[249]

Depending on a country's conditions with respect to freedom, institutional development, and civil society, UK strategy can target interventions that leverage economic drivers of change and business constituencies who share a stake in competitive, rules-based, and value-based reforms. Once the strategic opportunity has been targeted, the UK can select modalities from its repertoire that fit the purpose. Many widely used modalities for private sector engagement, as identified by the OECD, are quite amenable to democracy assistance, namely: knowledge and information sharing, policy dialogue, technical assistance, capacity development, and finance. Of these, finance tends toward transactional activities, but more broadly construed could involve support for civil society and democratic institutions.

Country-level strategy for open economies should be informed by high-level discussion and co-creation with the private sector, civil society, economists, and others. Too often, donors take a top-down approach to engaging partners.[250] In democracy assistance, it is even more vital to engage varied interests—as in open access orders—and not confine assistance to the technical aspects of institution building and governance. A coherent strategy for open economies must support inclusive, market-driven approaches based on positive incentive structures; establish robust partnership

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[249] Thomas Carothers and Diane de Gramont (2013). Development Aid Confronts Politics: The Almost Revolution. Washington, DC: Carnegie Endowment for International Peace.
[250] Donor Committee for Enterprise Development, How Donors Can Make the Transition to Strategic Private Sector Engagement: Programming Innovations and Organisational Change, DCED Briefing Note, March 2017. https://www.enterprise-development.org/wp-content/uploads/DCED_Making_the_Transition_to_Strategic_Pivate_Sector_Engagement.pdf

frameworks (such as the Kampala Principles);[251] and nurture the development of broad reform coalitions that sustain the political economy of reform.

Conclusion

Open economies and open societies have delivered tremendous human progress, yet in recent years have not fully lived up to expectations. The resurgence of competing models signals three things. First, the institutional 'infrastructure' of market economies and the liberal order must be restored to be more resilient, responsive, and equitable. Second, the enabling environment for technological, economic, and social innovations must be improved to develop new markets, business models, and governance mechanisms that expand opportunity and meet today's challenges. Third, defenders of open societies and open economies should come together to counter authoritarian, illiberal, populist approaches and show that their model offers effective, more legitimate, and more sustainable solutions to citizens' needs.

The UK has existing capabilities for private sector engagement, business climate reform, and anti-corruption, all of which could be paired effectively with democracy assistance mechanisms. The purpose of this integration would not be to redirect democracy support but to reinforce democratic values, rights, and institutions with corresponding values, interests, rule of law, and pluralism in the economic sphere. The targeted application by the UK of mutually reinforcing strategies, in support of locally driven change, will help sustain both democratic openings and more inclusive growth. This new focus on the economic dimension of democracy assistance can bolster democratic legitimacy *and* performance in democracy that delivers.

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[251] Global Partnership for effective Development Co-operation, Private Sector Engagement, https://www.effectivecooperation.org/landing-page/action-area-21-private-sector-engagement-pse

12. Learning from autocrats: The future centrality of media support

By James Deane[252]

The autocrats playbook

"The playbook of "wannabe" dictators seems to have been shared widely among leaders in (former) democracies. First, seek to restrict and control the media while curbing academia and civil society. Then couple these with disrespect for political opponents to feed polarisation while using the machinery of the government to spread disinformation. Only when you have come far enough on these fronts is it time for an attack on democracy's core: elections and other formal institutions."[253]

This is the analysis of the annual 2021 Democracy Report published by V-Dem, the respected Stockholm-based think tank. It is one shared by most analysts assessing the prospects for democracy in the twenty-first century. Those intent on unaccountable power are targeting first and foremost the institutions they perceive as most effective at checking that power. At the top of that list are independent media. Those efforts are proving highly effective in part because authoritarians are prepared to invest substantial resources and long term political focus and in part because their task is made ever easier by broader trends that greatly favour their success.

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[253] V-Dem, Democracy Report 2021, Autocratization Turns Viral, March 2021, https://www.v-dem.net/en/publications/democracy-reports/

A decade ago, there held a widespread assumption that a combination of technological and economic dynamics which dramatically decreased the cost of publishing and disseminating information would unleash fresh democratic energy and lend new wind to the democratic surge that had characterised much of the 1990s and 2000s. Despite the multiple and manifest benefits of increased access to the internet, in democratic terms the opposite has proved true.

Misinformation and disinformation has increasingly characterised what are now the dominant means through which much of humanity communicates. The business models that once sustained independent media and the generation of trustworthy information have eroded as advertising revenue has migrated online. The pandemic has wreaked further devastating damage on media revenues and has been widely acknowledged, including by the UN Secretary General, as a potential "media extinction" event.[254] Estimates for global revenue loss of newspapers alone have been put at $30 billion.[255]

Authoritarian and other non-democratic actors are using the emergency as just the latest opportunity to strengthen media that is favourable to them and destroy media that could hold them to account. Domestically, they are increasingly doing this by applying financial, as well as political measures by deploying government advertising in their interest, seizing or attacking the financial assets of independent media or making the cost of doing journalism ever more risky and expensive. Internationally they are financially investing in media favourable to their interests or taking other measures that weaken or delegitimise independent media.

Efforts to defend independent media by contrast are poorly resourced, highly fragmented and insufficiently effective. The UK has played a leading role in working to defend independent journalists and journalism through its Defend Media Freedom campaign and the founding of an important new Media Freedom Coalition consisting now of 50 governments and strong civil society engagement.[256] This has leant much needed diplomatic muscle and created important mechanisms for coordination of media defence efforts across government and civil society.

Despite this and other important efforts, such as from the UN and multiple NGOs (including my own), the steady march of political capture of media, the intensifying economic crisis confronting independent media, and the ever more organised and often fatal attacks on journalists and the media houses that employ them intensify every day.

The consequences of this – for democracy, for human progress – become increasingly obvious. Democracy ceases to function if power cannot be held to account or if the concerns of people are not articulated and reflected in public and political debate. Societies cannot respond effectively to the dangers and challenges that confront them. The epidemic of misinformation and disinformation that has accompanied the COVID-19 pandemic (part of what the WHO calls an 'infodemic') is the most obvious recent example of this. Humanity is faced with intense, complex and interconnected challenges chief of which is climate change. Navigating those challenges democratically and peacefully will be extremely difficult – and impossible if societies do not have access to information they can trust in forms that are relevant to their lived reality.

Autocrats have increasingly mastered this new information and communication environment. They have understood the sheer range of options they have available to them. They can control

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[254] International Fund for Public Interest Media, see website: ifpim.org

[255] Prof. Rasmus Kleis Nielsen, Federica Cherubini and Dr Simge Andı, Few winners, many losers: the COVID-19 pandemic's dramatic and unequal impact on independent news media, Reuters Institute, November 2020, https://reutersinstitute.politics.ox.ac.uk/few-winners-many-losers-covid-19-pandemics-dramatic-and-unequal-impact-independent-news-media

[256] FCDO, Media Freedom Coalition: an overview, Gov.uk, July 2021, https://www.gov.uk/government/publications/media-freedom-coalition-an-overview/media-freedom-coalition-an-overview

information their people have access to by co-opting and neutralising any media that is inconvenient to their interests. They can create so much confusion and distrust among people over what and what not to believe that any genuinely trustworthy source can no longer attract credibility amidst the polluted sea of misinformation and disinformation to which most people have access. They can use state power to intimidate, imprison or attack independent journalists or, increasingly to financially subsidise media that is favourable to their interests and financially punish those that are not. Appledaily in Hong Kong is just the latest example of how the financial seizure of assets is the increasingly popular tool in the playbook.

And a chaotic digital infrastructure that can so easily amplify and encourage misinformation and disinformation, bury trustworthy information and amplify the most extreme views in society is providing immense tactical advantage to those who depend for their power on a citizenry that has no reliable access to information that is independent of that power.

Those defending independent media are confronted with intensely hostile terrain, with much more limited tools and far more constrained financial and political firepower than those undermining it. There are extraordinary, imaginative, courageous and determined efforts by independent media, as well as organisations that exist to support them, to confront these challenges but for some time now, independent media has been in decline around the world. No matter how smart, agile or determined media and media support organisations are, media keep weakening, information and communication spaces keep deteriorating, autocrats and others bent on co-opting power become stronger and richer. Independent media are increasingly forced to sustain themselves by disappearing behind paywalls or taking other measures that make them less and less accessible to the vast majority of people in society. As information inequality grows so too does the power of those in the best position to subsidise and finance media that is free to all – and that is increasingly state and political interests with power and money and the will to deploy both.

International donor responses have been at odds with both the scale and character of the threat. According to OECD DAC figures, donor funding to independent media stands at around 0.3 per cent of total development assistance, a proportion that has barely increased over the last decade. Total development spending in autocracies, meanwhile, has increased substantially (increasing by more than 150 per cent over the last decade to closed autocracies). Support to 'state building' in closed autocracies has increased by almost 200 per cent over the same timeframe. Total development support to democracies, on the other hand, has decreased.

There can be good reasons to spend development assistance in autocracies especially if that support makes them less autocratic and saves lives, but the results of that seem questionable. Given how effective independent media is at holding power to account, at least doubling or tripling the existing very small volumes of support to media assistance in this context seems more than justified.

There are solutions if there is will to back them
It is very possible to confront these threats.

The first step is to acknowledge the severity – in democratic and human development as well as security terms – of the challenge and allocate resources accordingly. The kinds of resources, political and strategic attention and long term commitment required to confront the challenge will not emerge unless the scale of it is understood. If, as so much evidence suggests, there really is a media extinction taking place and if, as evidence also suggests, citizens the world over simply cannot engage effectively in democratic life because their information and communication environments have become so dysfunctional, it is impossible to conceive that democracies will flourish or societies will prosper. Those intent on power and influence who are focusing their efforts so effectively on

either co-opting media or rendering information and communication spaces dysfunctional for democratic discourse, will win.

Second, resource the response proportionately to the scale of the threat. This is not a marginal issue of domestic, foreign or development policy but it is treated like it. Some of the most severe effects are in low and middle income countries and yet, as highlighted above, media support constitutes an extremely small just 0.3 per cent of international development assistance is currently allocated to support to "media and the free flow of information". While there is growing policy concern internationally focused on media sustainability funding sources more generally remain minimal. International funding support is poorly coordinated. The international community needs to make a clear, hard headed assessment of where it needs to put its resources if it is to resist autocracy and encourage successful democratic development. The autocrats have made their assessment and are succeeding. Democracy supporters need to make theirs. They have not yet done so.

It is in this context that the International Fund for Public Interest Media has been conceived, with the backing of the UN Secretary General, IPFIM is designed to greatly increase the resources available to independent media by providing a clear, independent, legitimate and efficient mechanism through which bilateral development donors, technology companies and others can channel resources. The Fund has a ten year strategy both to resource independent media and to develop systemic solutions to the current market conditions that are making it impossible to sustain media especially in low and middle income countries. A minimum $100 million has been set as an initial annual target. A clear exit strategy means that the Fund is not designed to be open ended. The initiative is attracting strong interest from many donors and is likely to be launched in late 2021.

Third, commit to the kind of long-term, coherent strategic intent that many authoritarians appear to have. Support to media is currently not only very limited in financial terms, it is also highly fragmented, projectised and short term. Very few independent media, especially with significant potential to reach large numbers and particularly in low and middle income countries, has a viable business model available to support it. Ensuring that independent and trustworthy media exist in the future will depend on a systemic approach capable of creating an enabling economic as well as political environment. Autocrats are playing a long game. Democrats, who find it inherently difficult to look beyond the electoral cycle, find long term approaches difficult. That needs to change if current losses are to be reversed. The International Fund – as a multilateral body with multiple sources of income and so more resilient against decisions taken by any one donor – provides one way of doing that. So too does more structured support to existing media support organisations and investment in better lesson learning and coordination. For example, BBC Media Action leads the UK Government supported Protecting Independent Media for Effective Development consortia, one of largest efforts to improve coordinated action and learning in media support).The resourcing of media and other forms of democratic support needs to be more sustained and strategic if it is to be effective in the face of authoritarian threats.

Fourth, integrate media and communication considerations much more effectively across foreign, diplomatic and development policy. This applies to health, the WHO has made clear how concerned it is about the 'infodemic' that has accompanied the COVID-19 pandemic. It applies to climate change which has been, and will increasingly be, subject to intense misinformation and disinformation. The recently published report from the International Panel on Climate Change concluded that "because climate change affects so many aspects of people's daily work and living, climate change information can help with decision-making, but only when the information is relevant for the people involved in making those decisions. Users of climate information may be highly diverse, ranging from professionals in areas such as human health, agriculture or water

management to a broader community that experiences impacts of changing climate."[257] And it applies across most of the international foreign, international development and security agenda. There are very few areas of human life or foreign and development policy which will not be shaped in the future by the character of information people have access to.

Fifth, focus on the public interest but support approaches that can take risks and innovate. The future is being reinvented fast and no one is suggesting that the past should be its template. There are few answers so far to the current business model challenge in media especially in low and middle income countries (which is why a long term strategy to address the issue systemically over a ten year period is a necessary part of the solution). 'Traditional' media have often been unreliable, sensationalist and controlled by very few in society. New forms of financing and defending the media will almost certainly look very different from those that existed in the past. That future needs to be forged by an effective multidisciplinary and multi-stakeholder dialogue involving media, civil society, technology platforms, governments, international development banks, advertisers and the rest of the private sector.

Sixth, create more effective learning systems which can enable media support strategies to adapt fast to a complex and dynamic set of trends and that can provide clear practical guidance on what works and does not. The UK has invested heavily in evaluation and research in its international development support but has not always prioritised this in the area of media support.

This is a competition for the future – failure to act means losing that competition
Democracies cannot and should not compete with autocrats on their terms. They should learn and understand how and why autocrats are investing attention and money in controlling the media and why they are so successful in doing so.

The answer to autocratic co-option of independent media is not democratic co-option of independent media. The answer to the insistence by autocrats that media serves their interests is not to insist media serves democratic government interests.

The answer – the solution – is far more powerful than that. It is to support independent media that serves the public interest and provides publics with news, information, storytelling, and platforms for public debate that publics can trust and that reflect their priorities. The current international effort and system for doing that is simply insufficient.

The International Fund for Public Interest Media is just one solution to this crisis. There will need to be many others from effective regulation of technology companies to more effective reform of state media by countries committed to democracy to improving media literacy to tackling online harms and disinformation.

The business model that has traditionally supported media's public function in society for much of humanity is disappearing. There is no obvious replacement for that business model, which is why autocrats are finding their work so relatively simple. So far it is only the extraordinary courage, resilience and ingenuity of thousands of journalists and others worldwide which has formed the resistance to full scale authoritarian takeover. They now need far more and far better organised support. If countries committed to democracy are to start winning, they need to confront authoritarians in areas they least want to be confronted, while also ensuring healthy media environments at home. Independent media needs to be at the core of that effort.

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[257] IPCC, Climate Change 2021: The Physical Science Basis, August 2021,
https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf

13. Digital democracy

By Catherine Stihler[258]

For digital democracy to succeed across the world, we need an open reformation in our democratic systems, practices and mindset. Far from radical, this is essential if we are to promote liberal democracy and open societies across the globe.

If the pandemic has taught us anything, it is that new ways of doing things are possible – if not preferable – and open access, data and content have played a critical role from developing a vaccine in record speed to citizen science initiatives tackling the virus in local communities. At Creative Commons we are proud of the part we play in enabling sharing in the public interest through our open licenses, creating open access to knowledge, culture, research and data worldwide. The Open COVID Pledge, freeing thousands of patents to be used in the fight against the virus, is just one example of our leadership in opening up knowledge for public good.[259]

Across the world, our digital lives have enabled us to continue working and living when our physical world has been closed or limited. And now as we slowly return to a new normal, what can we learn from what we have just experienced to promote the benefits of digital democracy in the support of open societies across our world?

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[258] Catherine Stihler is CEO of Creative Commons (CC), the global organisation behind the legal tools which powers the open web. As an international leader in the open movement, Catherine has served as CEO of the Open Knowledge Foundation and spent two decades as a Member of the European Parliament (MEP) for Scotland leading on copyright reform and tech. She is currently the elected Chair of the governing body of the University of St Andrews, having been the 52nd Rector and in 2018 she received an honorary doctorate for her contribution to the university. In 2019 she received an OBE in the Queen's Birthday honors list for political service.
[259] For more information see: https://opencovidpledge.org/

Digital democracy and human rights

Contained in the G7 Open Societies statement from July is the commitment to "protect digital civic space" through "capacity building and ensur[ing] that the design and application of new technologies reflect our shared values, respect human rights and international law, promote diversity and embed principles of public safety".[260] Taking human rights and international law, if digital democracy is to succeed human rights on-line and off-line must be protected and promoted. For what is legal off-line should be legal on-line and by default what is illegal off-line should be illegal on-line, where this supports democratic values. To protect individual human rights, digital democracy and an open society, we need to ensure that human rights today reflect our digital reality particularly as we seek to balance privacy with progress, our data rights with innovation.

Article 27(1) of the Universal Declaration of Human Rights is clear – 'everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and share in scientific advancement and its benefits'. On culture, during lockdown only those with internet access could enjoy a cultural life and even then it was limited to what collections galleries and museums could legally take place on-line. With internet access no longer available in public libraries, the poorest and most vulnerable were left even more isolated than before. Only those that could afford to subscribe to certain content channels could view the latest films or consume up to date content – a life line when we were locked down. Yet the benefits of open scientific research could be clearly evidenced during the pandemic when sharing research and open data literally helped save countless lives. Not only did official scientific research, the majority of which was publicly funded with an open access requirement, illustrate the impact of open practices but citizen driven open initiatives to understand and tackle the virus contributed to local understanding and decision-making. It is a tragedy that open research sharing did not go further to open patent sharing and so once again the Global South suffers.

Two thoughts stem from here – where institutions and individuals were familiar with open practices and principles on-line, where trained individuals could volunteer or public funding supported, their application evidenced impact and results with scientific breakthroughs such as vaccines in record time. Those organisations that did not have the skills, resources or where the practices were not part of the culture and mindset, clearly lost out. Museums who digitised stayed accessible, those who did not remained closed. If we can learn anything from the pandemic and apply it to digital democracy, it is that for digital democracy to succeed and for an open society to flourish, we need digital skills, data skills, an open culture, clear communication and most importantly resources to support these actions. In a data driven society, digital democracy for open societies will only succeed if there is trust in the technology and its benefits.

China

In China we see the opposite of digital democracy – digital autocracy. I remember visiting China in 2008 being made aware that we were clearly being observed as foreigners. Fast forward to 2021 and there is no need for humans to be involved in day-to-day surveillance when cameras and biometric facial recognition can observe both foreigners and the population as a whole. The Chinese state-run biometric facial recognition technology holds data that controls an entire population in real time. No other country has this level of surveillance conducted by the state. Jaywalk in the street and a camera can pick up your indiscretion and ping you on your phone as a warning. If a multiple offender, it could potentially lead to a low social scoring, affecting job opportunities, an entire family's standing in the eyes of the state or worse still, arrest.

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[260] Cabinet Office, G7 2021 Open Societies Statement, July 2021, https://www.gov.uk/government/publications/2021-open-societies-statement

For many Chinese, this is not a violation of human rights but about the state's responsibility for their individual personal safety. For many the state's intervention is welcomed by those where safety comes before freedom. For outsiders looking in this appears the epitome of Big Brother, the Orwellian control of a population with chilling effects. Yet as we condemn China, the UK and many G7 democracies use similar technology which has led to wrongful convictions and poor decision-making, affecting prisoners, asylum seekers and people of colour. If we are to succeed in creating technology, as the G7 has described, which respects human rights and the rule of law we will need to lead on creating trusted open and accountable systems, with a human hand of care looking after the public's interest. Currently there is a rash of regulation hurtling towards policymakers – some in the name of on-line safety which could have the chilling effect of stifling free speech, banning on-line content which would otherwise be legal off-line and detrimentally affecting individual human rights and freedom of expression. Proposals in Australia, according to Digital Rights Watch, could see new laws which would allow for hacking into your computer, your online accounts and any networks you had been in contact with.[261] This would happen without you knowing or even without requiring a warrant. Clearly the on-line/offline human rights issue will become increasingly important as regulation is considered by Parliaments across the world.

Open Reformation in practice

To be a leader in digital democracy, we need to be aware of the complexity and trade-offs required both to defend and promote open societies. It is no coincidence that just as summer holidays ended and schools returned, there was an announcement by the Chinese Government that they would be restricting the amount of time minors played video games to an hour a day on Fridays, weekends and holidays.[262] Many parents with teenage kids, me included, on the surface could not agree more about limiting screen time. But surely that is a parent's job, not the state's? Gaming today, what you eat tomorrow? Digital democracy could help society collectively find an alternative inclusive approach to this issue opposite to autocracy, using open, inclusive methods to reach consensus and make decisions. During the pandemic Taiwan has stood out on using digital democracy to empower citizens and promote an open society.

If ever there was an open reformation approach, Taiwan is its embodiment. Yet, their success is hugely down to leadership and that of one inspiring, wise and radical individual, Audrey Tang, Taiwan's first ever digital minister. Tang understands technology. She is a free software programmer and in line with her open values makes herself available for interviews, conferences, summits and podcasts. She took the time recently to talk to Creative Commons in our Open Minds podcast where her passion and enthusiasm for open content licensing shines through.[263] Her approach is often described as 'radical transparency' but her direct openness has benefited the world, helping to understand what open can empower and change.

Taiwan is both walking the walk and talking the talk driven both by geopolitical necessity but also reckoning that society has changed and democracy needs to reflect a new reality. In a recent interview for Noema, Tang quotes the Taiwanese President, Tsai Ing-wen who said "Before, democracy was a showdown between two opposing values. Now, democracy is a conversation among many diverse values." This is why vTaiwan (virtual Taiwan) has at its core the belief that "the government and the citizens must have the same information so that there is a trustworthy basis for public conversation".[264] Open information helped Taiwan during the pandemic whilst the UK

[261] Digital Rights Watch, Australia's New Mass Surveillance Mandate, September 2021, https://digitalrightswatch.org.au/2021/09/02/australias-new-mass-surveillance-mandate/
[262] Vincent Ni, China cuts amount of time minors can spend playing online video games, The Guardian, August 2021 https://www.theguardian.com/world/2021/aug/30/china-cuts-amount-of-time-minors-can-spend-playing-video-games
[263] Creative Commons, Open Minds Podcast: Audrey Tang, Digital Minister of Taiwan, July 2021 , https://creativecommons.org/2021/07/13/open-minds-podcast-audrey-tang-digital-minister-of-taiwan/
[264] vTaiwan, see website: https://info.vtaiwan.tw/

Government struggled with the very concept of open sharing information and data. If the UK is to promote open methods, information available to the government must be available to citizens, warts and all. What Taiwan teaches us is that to be effective in digital democracy technical understanding is critical. Taiwan's success is down to their leadership and what open software enables. There are very few governments across the globe with a free software developer at the helm of digital policy-making and yet with Web 2.0 (mobile, social and the cloud) moving to Web 3.0 (Sir Tim Berners Lee coined the Semantic Web) (edge computing, AI and decentralised networks) we need to bridge the knowledge and culture gap before it becomes a chasm.[265]

Open digital tools

Interoperability

To be a leader in digital democracy we need to place open digital tools at the heart of government decision-making. These tools, freely accessible to use, are also more cost effective compared to their proprietary alternatives. Huge amounts of data and knowledge remain locked away even after a decade of open government initiatives.[266] Often this is not by design; data does not talk to data, lack of interoperability between systems creates barriers and for the vast majority of civil servants and government ministers who are not data specialists this world is alien, complex and ironically feels so far from open that for the majority it feels in accessible, closed and elitist. This leads to those who understand this world to be evangelical concerning its benefits and whilst those who do not are at best ambivalent at worst hostile. For digital democracy to succeed and open societies to flourish we need a ladder of engagement making the world of Web 3 mainstream and accessible. This will help dispel myths, create understanding and foster trust.

Digital Open Champions (DoCs)

What if, barring reasons of national security, that all UK Government data were openly licensed in the same format and then promoted by those departments for citizen use or even cross departmental collaboration and experimentation? What if there's a new leadership/coordination of data scientist/ethics driven civil servants, (the US announced a similar idea), who can communicate with a lay audience – let's call them Digital Open Champions (DoCs)?[267] A fast track of young, student recruits who can navigate this virtual world supported by their political masters. This could be painted as a recruitment exercise to attract a new, enthusiastic and change-driven cohort who want government to be run for the people by the people, with data at its centre. Mirroring Code for America's volunteering leadership work, DoCs would not just be recruited in central government but in local government helping communities and volunteers create solutions to local problems.[268] DoCs would form the first remote and distributed cross departmental team breaking silos in central, local and devolved governments. However, part of their role, similar to the not for profit world, would be not just technical proficiency but also communication for impact and change.

Storytelling and Ethics

Freeing the data is one step, communicating clearly and effectively the potential usage is another. Just like in the not for profit world, impact stories would determine success and create more budget relieving resources for even greater open reformation. This open reformation would also consider aspects of content, data and knowledge from an equity and ethical lens – creating the first ethical data collective separate from government, but which individuals could opt into if they desired as a

[265] Fabric Ventures, What Is Web 3.0 & Why It Matters, December 2019, https://medium.com/fabric-ventures/what-is-web-3-0-why-it-matters-934eb07f3d2b

[266] Open Government Partnership (OGP), see website: https://www.opengovpartnership.org/; Open Data Charter, see website: https://opendatacharter.net/; and Open Data Barometer, Global Report, Fourth Edition, May 2017, https://opendatabarometer.org/4thedition/report/

[267] U.S. General Services Administration, Biden Administration Launches U.S. Digital Corps to Recruit the Next Generation of Technology Talent to Federal Service, August 2021, https://www.gsa.gov/about-us/newsroom/news-releases/biden-administration-launches-us-digital-corps-to-recruit-the-next-generation-of-technology-talent-to-federal-service-08302021

[268] For more information see: https://www.codeforamerica.org/

trusted source of learning and inspiration. As social media platforms are forced to become interoperable – whether that is due to anti-trust or through platform regulation – users potentially could take their data and apply it where they want for the causes they care about and Web 3 will allow this to happen whilst preserving privacy. Could Web 3 be the key to unlock digital democracy benefiting citizens, parliaments and governments and by default promote open societies?

Conclusion

We are only at the beginning of this journey, but by considering the power of open data, content and sharing as it empowers digital democracy in support of open society principles, we are at a moment where open tools stand in defence of our central belief in democracy where:

- Global Britain has the potential to showcase the use of open software, openly licensed content, research and data, as a leading player in the open reformation by both leading at home through Digital Open Champions but promoting abroad through FCDO support.
- Open tools championed by the FCDO can promote an open global research space for the global public good.
- Design and application of new technologies can reflect our shared democratic and ethical values.
- Open technologies can help deliver a shared future, supporting healthy democracies and open societies across our world.

14. Enhancing electoral integrity in modern day society: A role for the UK?

By Dame Audrey Glover[269]

Promoting and upholding electoral integrity around the world is an important way to support open societies internationally. It is an area where the UK can play a significant role in assisting to build international election observation capacity. However, before looking at what can be done in detail, it would be useful to assess where election observation stands today.

Election observation post-1990
Initially, there was great enthusiasm shown for democracy and elections in the early 1990s at the end of the cold war. To be able to vote for whom one wanted was a new reality for many people. Elections were acknowledged as being the cornerstone of democracy and the ultimate display of human rights because they involved the rights of assembly and association, freedom of the media and the right to vote. Elections were recognised as being a crucial step in a country's development, with the potential benefits of election observation being well understood. The process could play an important role in promoting transparency and accountability as well as enhancing public confidence in the electoral process. To achieve this end, elections needed to be observed and reported on in

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[269] Dame Audrey Glover has been involved at a senior level with the OSCE for many years. She has been head of OSCE/ODIHR Election Assessment Missions (with rank of Ambassador) on many occasions including: Turkey (May-July 2018), Italy (February-March 2018), FYROM (September-October 2017), USA (Oct-Nov 2016), Mongolia (May-July 2016), Azerbaijan (Sept-Nov 2010) and Georgia (Apr-Jun 2010). She had previously served as Director of the Office of Democratic Institutions and Human Rights (ODIHR) at the OSCE from 1994 to 1997. She has also served as Senior Adviser to the Ministry of Human Rights in Iraq (2004 – 2006), Head of the UK Delegation to the UN Human Rights Commission (1998-2003), Convener of International Law Course at Lauterpacht Centre Cambridge (1998 – 2011) and Legal Counsellor at the Foreign & Commonwealth Office (1989-1994). She is a board member of the Prison Reform Trust, the Graham Turnbull Trust and is an adviser to the board at the British Institute of Human Rights.

order to assist and guide countries with their electoral development. International observation by the UN and the Organisation of American States goes back nearly 40 years. Against this background, election observation quickly developed from a 'one day' event, to a more thorough scrutiny of the whole electoral process from start to finish.

The rights associated with elections are intended to enable a voter to vote freely without any pressure and to make a real and informed choice of a candidate thanks to an independent media.

- All candidates are expected to be able to campaign on the same footing against a backdrop of equal and universal suffrage;
- Voters must be confident that their vote can be cast freely in secret, kept secure and counted correctly; and
- Above all a voter must have confidence in the system as a whole and of course women, minorities and the disabled must all be allowed to participate.

Election observation organisations
An increasing number of different bodies now observe elections: international organisations, international parliaments, international NGOs, Civil Society organisations and domestic NGOs. The ODIHR/OSCE was one of the first international organisations to undertake comprehensive election observation. OSCE missions are either 'Full' with a Core Team, Long Term Observers (LTOs) and Short Term Observers (STOs) or 'Limited' without STOs. Over the years the ODIHR has developed an excellent methodology for observing elections and frequently forms a common endeavour with the Parliamentary Assembly of the OSCE. Most Election Observation Missions (EOMs) around the world operate according to principles which are basically similar, but there is no universally agreed document containing election principles or how to observe them.[270]

Comprehensive observation enables missions to look at issues which can have a profound effect on the conduct of an election such as voter and candidate registration, training of local election commissions, the campaigns of candidates, the operation of the media and access to it for all candidates, financing of the media and TV and the candidates' campaigns and moreover whether there is an effective complaints and appeal system.

Election observation today
More recently, election observation has become more complex and the popularity of and enthusiasm for EOMs around the world has distinctly waned. Why is this?

First, over the last 18 months COVID has put a damper on observation. It is no longer easy for observers to go to other countries to observe elections. The result: they are usually 'Limited' elections which means that there are no STOs. As a result there is no systematic observation of voting, counting and tabulation on Election Day. Consequentially there can be no in-depth report on the whole of the election process.

Second, due to current circumstances states often have financial overspend problems and therefore, there is less money to spend on financing Long Term and Short-Term Observers. Consequently, they have often been obliged to limit the number of elections to those in which they will send observers and have to decide on which elections they will send them to. In some instances 'Full' or 'Limited' Missions have been replaced by smaller Expert Missions which cannot report on the whole election. Even before COVID-19 donor countries were proving to be less willing to support international observation and have sent less observers to OSCE Missions. They have also not been sending observers to conflict affected countries where security costs are very high.

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[270] The 2005 UN Declaration of Principles for International Election Observation and Code of Conduct for International election observers has been signed up to by a number of the more respected international observer bodies but this far from universally used as a current reference point, particularly by groups such as the CIS which have not signed the declaration. For more see: ACE Project, Declaration of Principles for International Election Observation, https://aceproject.org/electoral-advice/dop/the-declaration-of-principles/

Even more importantly, governments who are in power wish to stay there and manipulate elections in order to be able to do so and they have become smarter in achieving this. Instead of stuffing ballot boxes and winning with 95 per cent of the vote they have started, for example, to make it difficult for voters entitled to vote to register; redrawn electoral boundaries to their advantage; made some polling stations inaccessible; and disenfranchised voters by making it obligatory to produce certain documents, like a driving license (which not everyone has). In addition, the intimidation of civil servants and the buying of votes is taking place. In some instances the playing field is tilted before Election Day, making it hard to prove fraud and consequently ensuring victory. These practices are of course totally unacceptable because elections are for voters to choose those whom they wish to govern them not for the government of the day to choose. Everyone who is entitled by law to vote should not be prevented in any way from being able to do so. Inclusivity is paramount, particularly in relation to minority groups. COVID has provided a successful smoke screen for many countries to introduce legislation curtailing a voter's rights without being detected until it is too late. Countries are also limiting the number of observers they will allow into their country to observe an election, although this is the prerogative of the election observation body to decide how many observers they need. This means that observation will not take place in that country. This happened recently when the ODIHR pulled out of observing the Russian election because the authorities wanted to reduce the number of observers. Corruption is rife and truth in short supply.

Another problem of today, which creates challenges in relation to election observation, is observing the media.

A short time ago the purpose of media observation was to see whether coverage of elections was fair, honest and representational in relation to newspapers (local and national), TV and the radio. That is often not the case today. In addition to the traditional coverage, media observation now includes social media, 'bots', fake news, hate speech, foreign interference, and cyber-attacks. Missions are finding it difficult to devise a methodology to report upon all forms of social media because of cost and access to social media companies' data. Online violence especially against women in politics drives many potential candidates out of the process because action being taken against the perpetrators is unlikely.

An alarming development is the bleak picture that exists in relation to the treatment of female and male journalists who are being physically attacked, intimidated, threatened, and murdered. Female journalists are particularly vulnerable. The various tactics which are used against them are calculated to reduce the ability of an opposition to campaign and negates the concept of informed choice.

It is a feature of the times that verbal, written interference and physical attacks on the press is not solely done by governments but by businesses as well. Journalists are subject to vexatious legal threats to keep them quiet. These are referred to as Strategic Litigation against Public Participation (SLAPPS).

These practises have made it even more difficult for voters to decide where the truth may be, and it is beginning to result in a reduced turn out by voters and spoilt ballot papers. It is also having the effect of creating an even greater divide between those who are in power and younger members of society and minorities who increasingly feel that they are being ignored. However, there is some evidence that voters are beginning to give voice to their concerns and show their dissatisfaction for their leaders by peaceful and persistent demonstrations.

Furthermore to the above concerns key recommendations – that always appear in the Final Report of an election Observation Mission, such as those of the ODIHR – intended to improve the electoral process in a country are being consistently ignored. They repeatedly appear in Final Reports of an election in the same country without being acted upon thus demonstrating a weakness in effective election observation.

This trend is being exacerbated by COVID-19. The effects of climate change are becoming ever more apparent and are involving enormous amounts of expenditure by governments, and the rise in the cost of living is having a negative effect too. Other serious challenges will doubtless be posed by new technology and the rise of populism and nationalism. What is to be done to reverse this trend when the gulf between the 'haves' and the 'have nots' is widening around the world?

Possible solutions
It is encouraging to see that the UK is interested in increasing its support for electoral integrity. In the recent Integrated Review reference is made to establishing a new UK capability "to support election observation and activity to strengthen existing multilateral efforts."[271] Much needs to be worked out what this capacity will be and how it can provide value given the wide range of bodies already well involved in this work.

My conclusions are as follows:

- I would suggest that the launch of this 'UK capability' needs to be accompanied by a significant amount of publicity alongside as much support from different observation bodies involved in this field as possible.
- Given that it would take time to set up a unit in the FCDO – if it proves feasible to do so – to observe elections and given that the WFD already has significant election observation experience and is the FCDO's 'arm's length body' for international democracy assistance, a capacity could be developed there. For example, the WFD could be a resource, supplying election experts to FCDO posts, other countries and organisations who request them rather than trying to organise full EOMs around the world at this stage. That would require considerable financial resources and could come later and play a similar role to that of the Carter Centre, the National Democratic Institute and the International Republican Institute in the US.
- Three main models, possible *modus operandi,* should be considered: establishing long-term partnerships; 'ad hoc' partnerships for specific elections; and maintaining flexibility to move around different options in order to manage 'ad hoc' needs as they arise. These would make excellent guiding principles for their operation. Flexibility and adaptability could assist in making election observation more effective.
- Working with local NGOs who obviously know about elections and with international election organisations, pooling resources is a practical way to ensure that all aspects of an election are covered. This is particularly important now, since there is currently a general lack of financing and personnel. It would be a good way to concentrate expertise and maximise resources. Those who are observing together should of course all assess the elections against the same principles as much as possible.
- It would be most helpful to election observation in general if the UK and other international actors could strongly advocate that the Recommendations in a Final Report are implemented within a limited time period after the publication of a Final Election report and not in the year before the next election. The utility of election observation can only be maximised if Recommendations are effectively addressed. At present they are not implemented, despite offers of assistance from the observing bodies and in the absence of enforcement machinery to make states comply. The OSCE, for example, has long tried to encourage states to implement its recommendations but with limited success. The position should be changed if election observation is to be more effective.
- Media freedom, inclusivity and social media, on which it is suggested that observation missions should concentrate, are all very important aspects of an election but when

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[271] HM Government, Global Britain in a competitive age: The Integrated Review of Security, Defence, Development and Foreign Policy, March 2021,
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975077/Global_Britain_in_a_Competitive_Age-_the_Integrated_Review_of_Security__Defence__Development_and_Foreign_Policy.pdf

observing, however, it is important that all facets of it are observed. Election financing of the media and of the candidates needs to be observed by financial experts as well.

- The implementation of legal provisions in relation to an election overall is also important. The law, for example, must allow anyone who wishes to take legal proceedings in relation to the election to be able to have their case dealt with prior to Election Day. It is also important to ensure that where electronic devices are used for voting that appropriate legal safeguards are in place. The issues at the core of new technologies are accountability, transparency and confidence. The system must be secure, have the capacity for an independent audit and there should always be a paper trail.

- Trying to observe 'social media' and other interferences with an election is difficult, labour intensive and requires specialists. Some organisations such as the EU, ODIHR and the OAS are already developing a methodology to deal with these new intrusions, to which WFD has contributed a valuable input. However, more needs to be done and election observation organisations should work together to come up with a comprehensive set of guidelines to be applied when observing media by all observer organisations. WFD can help to do this on behalf of the UK Government given its ongoing participation in these efforts.

- Although slightly outside the remit of the Initiative, it is also essential to ensure that the youth of today are not excluded from the political process. The UK Government might like to consider what it can do to encourage establishing and developing Youth Parliaments through working with organisations that have parliaments as for example the OSCE and the Council of Europe. The young have voices and views and many of them will be the Members of Parliaments of tomorrow. Now might be a good time to energise young minds and empower the next generation. Consideration should also be given as to how to engage citizens more in politics and hear their views before an election takes place.

The Initiative is a most helpful and timely suggestion to revive and support the valiant efforts that some organisations are making to continue with election observation and to make it even more effective than it is now. It deserves the active support of the world of election observation in order to obtain its goals and I am sure that the WFD will be successful in reviving the value and importance of election observation and electoral integrity.

15. How open societies can save the planet: The environmental democracy approach

By Rafael Jiménez Aybar[272]

London, United Kingdom, late 2020: six select committees of the House of Commons call a citizens' assembly to understand public preferences on how the UK should reduce greenhouse gas emissions to net zero by 2050 because of the impact these decisions will have on people's lives.[273] The assembly brings together people from all walks of life, shades of opinion, and from throughout the UK to form a representative sample of the UK's population.[274] Its members have access to a range of sectoral experts providing accessible, actionable information on policy options. The outcomes of their discussions are presented to the six select committees. The committees will use them as a basis for further work on implementing the assembly's recommendations.

Islamabad, Pakistan, early 2021: for the first time in the history of the Parliament of Pakistan, a Committee of the National Assembly – the one on climate change – adopts an annual work plan drafted in consultation with, and voted upon by, a broad platform of policy experts, academics, and civil society organisations. The Committee Chairwoman Hon. Munaza Hassan is praised by the Speaker for this democratic innovation as an example for the whole House.

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[272] Rafael is WFD's Environmental Democracy Adviser. He has over 15 years of experience strengthening national parliamentary capacity on climate and environmental governance worldwide from the Secretariat of GLOBE International, the world's oldest independent parliamentary network on the environment.
[273] Climate Assembly UK, see website: https://www.climateassembly.uk/
[274] Climate Assembly UK, Who took part?, https://www.climateassembly.uk/detail/recruitment/index.html

Kampala, Uganda, mid-2021: a high-level roundtable on the Nationally Determined Contributions (NDCs) under the Paris Agreement in the run-up to COP26 is convened by Climate Change Committee Chairman Honourable Lawrence Biyika Songa. With the main public policy climate actors in one room, alongside civil society organisations, Hon. Songa can solicit support and build consensus among the committee Members around the national climate bill. The bill had been introduced in 2018, but it stalled since, as the key climate change stakeholders had been engaging in silos. A week later the bill is tabled for a second and third reading and is passed without opposition.

What do these developments have in common? They are examples of environmental democracy principles in action that resulted in tangible progress: people being given an opportunity to access actionable environmental and climate information and participate in decision-making – and, in doing so, creating the political space for ambitious climate policies, as well as providing vital momentum for implementation.

The latter two examples are also results of some of recent WFD's efforts embedding an environmental democracy approach across its wide portfolio of democracy support programmes.[275] It has been encouraging to see that, far from questioning this innovation, parliamentary champions have welcomed it with open arms. As Hon. Songa closed the high-level roundtable, he thanked WFD *'(…) for this engagement, because it has always been a challenge to mobilise all these stakeholders to discuss the bill (…)'*. Indeed, environmental democracy practices do not undermine representative democracy – rather, they provide a solution-oriented toolbox strengthen it.

The environmental democracy lens: Bridging political, governance and scientific imperatives
WFD's move to embed the environmental democracy approach in democracy support programming was inspired by a holistic understanding of the hybrid nature of global environmental challenges, and mindful of the constraints for solutions to be found.

Many of today's environmental concerns are, at their core, political issues, and failures of governance. Environmental science is not disputed, but so far political systems worldwide have failed to produce the decisive action required to address adequately climate change and environmental degradation. Despite the ever-growing number of international environmental agreements and treaties, the Environmental Rule of Law report of UN Environment revealed that implementation at the national level is poor, and that many countries have neither the required capacity nor the political will to deliver on their commitments.[276]

Yet a failure to avoid dangerous warming and further degradation of earth's life-support systems will destabilise societies and hit the most vulnerable peoples and countries first. A feedback loop between unbridled environmental degradation and the degradation of human rights and, ultimately, of the rule of law, seems inevitable. On September 13th, the UN High Commissioner for Human Rights Michelle Bachelet warned that environmental threats are worsening conflicts worldwide: "*The interlinked crises of pollution, climate change and biodiversity act as threat multipliers, amplifying conflicts, tensions and structural inequalities, and forcing people into increasingly vulnerable situations*," Bachelet said.[277] "*As these environmental threats intensify, they will constitute the single greatest challenge to human rights of our era.*"

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[275] WFD, Global environmental crises – a democratic response, https://www.wfd.org/approach/environmental-democracy/; WFD, Our approach, https://www.wfd.org/approach/
[276] UNEP, Environmental Rule of Law: First Global Report, January 2019, https://www.unep.org/resources/assessment/environmental-rule-law-first-global-report
[277] UNHR Office of the High Commissioner, Environmental crisis: High Commissioner calls for leadership by Human Rights Council member states, September 2021, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27443&LangID=E

The constraints for solutions are physical in the first place: the carbon budget available for humankind to keep global warming below the safer threshold of 1.5C recommended by science is small, so time is short. The shift to more sustainable production and consumption patterns and ecosystems management is just as urgent, having regard to planetary boundaries.

However, the constraints are political and financial as much as they are time-related and physical. The policies required to deliver the objectives of the Rio Conventions, from the post-2020 global biodiversity framework under the Convention on Biological Diversity (CBD) to the Paris Agreement require not just rapid but profound changes in our lifestyles, from the way that we eat, heat and cool our homes, and travel, to the way we invest our savings. Some of these changes will be unpopular.

In addition, some of the changes, as well as the unavoidable impacts of the climate change already locked in, will also be complex and costly in the short term, and decisions will need to be made on how bills and efforts are shared. Different climate policy options will place the financial burden and the effort on different social groups, and people will expect the sharing to be fair, or else they will object to the measures, even if they agree with the need for action on climate and sustainability. Compensations for losses and damages, even at local level, will ultimately need to be tackled. Unfair or ill-communicated policies will leave room for populists to question the need for action and undermine precious public support for the climate policy objectives.

In democratic countries, these changes will not occur without sustained and massive societal buy-in, or else democratic institutions will not be able to deliver them. No mainstream political party will campaign on an ambitious Paris-compatible platform unless it believes that will earn it enough votes, nor advance it inadvertently once in office. In addition, in most countries democratic institutions are being made fragile under the wave of populist authoritarianism that is sweeping the world. Younger democracies remain more vulnerable still to these threats.

In the meantime, the COVID-19 pandemic has put additional stress on the purse of donor countries, which were expected to live up to their commitments on multilateral climate finance, and to invest in accelerating the shift to a green economy at home.

Environmental democracy: Past and present
The foundations of environmental democracy were established in Principle 10 of the Rio Declaration on Environment and Development, which emerged from the 1992 UN Earth Summit:[278]

"*Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.*"

The Declaration defines the three critical rights that form the pillars of environmental democracy: transparency and openness, participation, and accountability and access to justice. They are mutually reinforcing.

[278] Environment Commission for Latin America and the Caribbean, Principle 10 of the Rio Declaration on Environment and Development, 1992, https://www.cepal.org/en/infografias/principio-10-la-declaracion-rio-medio-ambiente-desarrollo#:~:text=Principle%2010%20seeks%20to%20ensure,for%20present%20and%20future%20generations.

Since 1992 the principles of environmental democracy have been embedded more comprehensively in other international and regional instruments. These include the 1998 Aarhus Convention, with 47 parties across Europe and Central Asia, and the 2018 Escazu Agreement with 22 signatories across Latin America and the Caribbean, and new provisions focused on protecting environmental human rights defenders. It appears that the flame of environmental democracy is slowly catching.

Unfortunately, the flame is not catching fast enough: environmental defenders were killed in record numbers in 2020, according to Global Witness' report of September 13th.[279] The number of such deaths last year was more than double the figure in 2013, but Global Witness believes its data represents an undercount because it depends on the level of transparency, press freedom and civil rights in the countries surveyed. Since 2012, when Global Witness started gathering data on killings of environmental defenders, the evidence suggests that as the climate crisis intensifies, violence against those protecting their land and our planet also increases.

In order to catalyse and accelerate action implementing Principle 10, the 11th Special Session of the UN Environment Programme (UNEP) Governing Council/ Global Ministerial Environmental Forum adopted a set of guidelines '*for the development of national legislation on access to information, public participation and access to justice in environmental matters'* in Bali, Indonesia, in 2010.[280]

However, in relative terms, over the last decades bilateral and multilateral donors have not prioritised investing in enhancing the environmental rule of law in recipient countries, even as an insurance policy for the durability of their investment on flagship pilot projects. Accordingly, national and multilateral agencies targeting environmental problems often had neither the mandate, the budget lines nor the in-house expertise to 'do politics', which is how the policy and governance agendas are often perceived. Similarly, international democracy support actors lacked the mandate, expertise, and resources to address environmental governance matters in their programming. This has impaired the effectiveness of both sets of actors to tackle issues that straddle the traditional environmental protection and governance spheres, such as corruption and policy capture, which in most resource-rich younger democracies are inextricable from environmental decision-making.

Open data on the environment, open societies – or the reverse
Environmental openness, the right to freely access information on the environment, is required to help citizens, civil society, media, businesses, the courts, and the international community understand what is happening in relation to the environment and how their governments are responding. Environmental openness is a precondition for effective environmental rule of law.

Open data has a transformative potential because it allows the release of data into the public domain that can be freely used, reused, and redistributed by anyone. If this information is in open data formats, then it enables a raft of digital tools to be built by civil society watchdogs using the information.

Environmental openness, so that environmental information is available proactively or upon request, has been legislated upon all around the world, beyond the countries which are Parties to the Aarhus Convention and the Escazu Agreement. Most countries have regulated access to information in a legal act. However, some countries, which have regulations and laws to access

[279] Global Witness, Last line of defence, September 2021, https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/
[280] UNEP, Guidelines for the development of national legislation on access to information, public participation and Access to justice in environmental matters, February 2010, https://wedocs.unep.org/bitstream/handle/20.500.11822/11182/Guidelines%20for%20the%20Development%20of%20National%20Legislation%20on%20Access%20to%20information%2c%20Public%20Participation%20and%20Access%20to%20Justice%20in%20Environmental%20Matters.pdf?sequence=1&isAllowed=y

information even if not designed exclusively for environmental issues, encounter enormous socio-cultural, institutional, and political barriers for their adequate and timely application.

Despite the importance of this principle and regardless of provisions in force, many countries are still reluctant to opening up critical climate- and environment-related data. Moreover, many countries are hesitant to invest in the necessary infrastructure that would allow for information to be published in open data standards, which means that governments' data remains locked away or in unusable formats.

A lack of environmental openness entails significant risk for sound environmental governance, and for the rule of law more broadly. The most significant of these risks is the fostering of an enabling environment for corruption and policy capture, which will lead to unfettered environmental degradation and related impacts on the lives of people, often the most vulnerable in society.

At the same time, corruption and policy capture undermine access to information on the state of the environment and access to participation. Research shows that gaps between the legal provisions and the implementation of these provisions are frequent and affect major activity areas (e.g. fisheries management, land use and deforestation) in resource-rich countries. Despite the growing number of initiatives that seek to improve access to information and transparency of data around natural resources and environmental projects, opacity around environmental issues and natural resource-based economic development is still the rule in many resource-rich countries, including most of those in Global Britain's foreign policy priority countries in Africa and the Indo-Pacific region.

This makes it much harder to ensure appropriate policies on the environment. Critically, it also needs to be viewed in light of recent trends towards de-democratisation and rising authoritarianism, and of the impact of corruption on economic development of countries.[281]

Democracy that delivers: New synergies for invigorating open societies
There is a clear link between a well-functioning democracy and addressing environmental crises. The foreign policy goals of Global Britain of open societies and strong democracies on one hand, and of protecting our planet on the other, are mutually dependent. As such, actions to strengthen environmental governance also strengthen democracy and open societies. Therefore, working on the nexus of sustainable environmental governance and the democratic process is bound to deliver benefits on both fronts, and to maximise the effectiveness of investment on multilateral climate technology cooperation as well as on open governance.

However, scaling up this approach will require unprecedented synergies between environmental civil society organisations and policy experts and governance practitioners, as well as across government departments.

Global Britain post-COP26: Environmental democracy, climate openness
Some of the fundamental concepts related to environmental democracy outlined in the Rio Declaration were codified in Article 6 on Action for Climate Empowerment (ACE) of the United Nations Framework Convention on Climate Change (UNFCCC) in 1992, and subsequently incorporated into the Paris Agreement. ACE encompasses actions to promote climate awareness, education and training, access to information, public participation, and international cooperation.

Although pledges concerning ACE are non-binding, they are in fact the political lifeblood of the Paris Agreement and the 1.5°C to 2°C target, particularly for democratic countries.

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[281] UNODC, UNODC's Action against Corruption and Economic Crime, June 2021, https://www.unodc.org/unodc/en/corruption/index.html

This is so because a failure by these Parties to promote climate awareness, education and training, access to information, and public participation will surely result in said democratic governments running out of steam, political space, and democratic legitimacy to ratchet up climate action at an accelerated pace every five years, as they have committed to do under the Paris Agreement. The lack of global ambition evidenced in the updated NDCs submitted in the run-up to COP26 suggests that, at present, some Parties already seem to lack the requisite short-term political space to take the concrete, immediate measures that will make the difference for the 1.5°C target and find it more feasible to send high climate ambition into the long grass for now, with net zero commitments by 2050, that is, safely beyond the next electoral cycle. On the other hand, not even the most climate-active totalitarian regimes, such as China, have a better record than most democracies, and otherwise most of them have a far worse score than democracies, which suggests that scarcity of political space for sufficient climate action is not a constraint exclusive to democracy.[282]

In July Members of Parliament from five countries – Canada, Georgia, Indonesia, Kenya, and Pakistan – added their names to a statement titled '*Why the empowerment agenda at COP26 matters for the success of the Paris Agreement*' that calls for public empowerment to be a top priority at the conference.[283] The publication of the statement follows the announcement on July 7th that the COP26 presidency programme will include a focus on public empowerment. The statement suggests UNFCCC Parties ought to adopt a more ambitious work programme for climate empowerment at Glasgow next November, place it at the heart of their national climate planning, and count on parliaments – the institutions representing people and making decisions on climate change – as delivery partners. This will make life easier for the parties going forward, and '*(…) In doing so, the Parties will also be providing a much-needed shot in the arm to democracy'*.

In conclusion, Global Britain, with its democratic tradition, its experience testing climate democracy innovation, and the name of one of its main and best-known cities, Glasgow, as the COP26 host, embedded in the name of the next multi-annual agreement on ACE, has a unique opportunity to mainstream the environmental democracy approach in foreign and development policy to enhance effectiveness and maximise the impact of available resources. This will provide it with tools to turbo-charge climate action with democratic innovation, empower civil society champions and their elected representatives, and help Global Britain attain its global climate and open societies objectives.

Global Britain's embrace of this environmental democracy approach would require the Foreign, Commonwealth & Development & Office to:[284]

- Adopt a set of principles and multi-annual frameworks for action aligned to the principles of climate and environmental democracy, informed by its strong skills in political analysis, with the aim of bringing environmental actors together in a coherent long-term effort to influence decision-making on climate and environmental governance.
- This includes supporting institutions that hold governments accountable, strengthening civil society and climate and environmental coalitions, increasing awareness of climate risks and opportunities, environmental rights and environmental justice, and encouraging the free flow of accurate and up-to-date climate and environmental information.
- In the aftermath of COP26, priority should be given to supporting actions at country level in key nations focused on the democratic scrutiny of government action to deliver on the

[282] *Climate Action Tracker* by Climate Analytics, New Climate Institute, Potsdam Institute for Climate Impact Research (PIK). It currently rates China's ambition as Highly Insufficient, while the USA, the US and the UK's are rated as 'Insufficient'. The Gambia is one of the few countries currently rated as 'Paris-compatible', see: https://climateactiontracker.org/countries/china/

[283] WFD, Why the empowerment agenda at COP26 matters for the success of the Paris Agreement, July 2021, https://www.wfd.org/wp-content/uploads/2021/07/Climate-Empowerment-Agenda-Statement-1.pdf

[284] WFD's approach to Environmental Democracy, June 2020, https://www.wfd.org/wp-content/uploads/2020/11/Global-environmental-crises-a-democratic-response_WFD_2020-updated.pdf

commitments under the updated NDCs, including parliaments' progress in adopting the required legislation and reviewing its enforcement, and the implementation of ACE programmes.

- Put in place grant and contracting arrangements allowing medium-sized grants to be awarded to the specialist not-for-profit sector for climate and environmental democracy support activities.

16. Conclusions and recommendations

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By Adam Hug and Devin O'Shaughnessy [285]

This publication has set out in detail the scale of the global threat to open societies and put forward practical ideas for how the UK can play an active role in the defence of democracy, good governance and human rights. The UK needs to develop bold and integrated strategies for its own future use and a package of measures that can be proposed as its contribution to the Summit for Democracy (S4D). The essay contributions in this collection provide a rich set of proposals and ideas that go far beyond what can be wrapped into a simple conclusion but this endeavours to capture some of the key points for action raised by our experts.

First things first, the UK must get its own house in order to be consistent in its principles both at home and abroad. The recent Pandora Papers highlight yet again the central role played by the UK and its overseas territories in the financial networks that support autocratic regimes and closed societies around the world. The UK Government needs to deliver on the long-promised beneficial ownership register for property; it should transform or abolish Scottish limited partnerships; reform Companies House and increase both its staffing levels and those of the National Economic Crime

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Centre constituent partners (such as the National Crime Agency, Serious Fraud Office and HMRC) to give them the capacity to check registry information and undertake enforcement action. It should do more to tackle libel tourism and Strategic Lawsuits Against Public Participation (SLAPPs) to stop international autocrats using the UK courts as a tool to muzzle dissent. The UK needs to take further action to improve transparency and protect against foreign influence of the political process. The Government's approach to immigration also needs to leave space for the emergency protection of those most at risk of being targeted by authoritarian regimes.

The Government should reconsider some of its current approach to respected UK institutions such as the BBC, universities, and civil society groups if it is to maintain its position as a 'soft power superpower'. A culture war could lead to collateral damage to Britain's international standing and risks giving the green light to authoritarians seeking to undermine their own independent institutions in a more expansive fashion. Furthermore, the Government should rethink and revise measures in new legislation currently under debate such as the Police, Crime, Courts and Sentencing Bill and the Elections Bill that restrict the right to protest or to vote in ways which have attracted international opprobrium. The UK's ability to lead positive change internationally will be influenced by how other countries perceive the way it practices the principles of an open society at home, as well as what it preaches through its foreign policy.

When looking at how to make its case internationally the UK should be clear that the occurrence of open societies and open economies are clearly correlated but that causation is rooted in the institutions of open governance, rule of law and a pluralistic political environment that underpin them both. In these economically challenging times the cause of open societies and liberal democracy needs to be married with economic justice, greater opportunities and ensuring ordinary people have a stake in the economy and political life. UK foreign assistance needs to help rebuild trust in both open economies and societies by working towards a position where market institutions fairly apply the same rules to everyone, corruption is under control, inequality is reduced, businesses operate ethically and there is dialogue and collaboration between economic forces, civil society and democratic institutions.

The UK needs to protect and nurture its soft power strength from the risk of being hollowed out at times of budget cuts and political pressures. The mix of different soft power strengths should give the UK a unique ability to serve as a 'Library of Democracy', a globally connected soft power hub and resource centre to support the cause of open societies around the world. As a middle power, albeit with a number of important international assets, the UK needs to work effectively and in new ways with like-minded partners amongst donor countries, in the global south and in civil society to maximise its impact on behalf of the cause of open societies.

This publication sets out a number of ways in which the UK could seek to rethink and reform its approach to foreign policy and international aid to support open societies and human rights. It argues that the UK should seek to be 'Doing Development Democratically' (DDD), a long-term integrated cross-governmental approach that includes investing directly in democracy assistance programmes.

This DDD approach argues that the UK should act with 'democratic sensitivity', as any UK initiative conducted in or with a country will interact with its political systems and the Government should understand the positive or negative effects this may have for its democratic health. As Graham Teskey and Tom Wingfield argue, the FCDO should assess country strategy and individual programmes for unintended consequences and commit to a time-bound, measurable realignment if required. The UK should try to ensure at a minimum, that its actions do no harm to a country's

democracy, and ideally strengthens it by reinforcing local ownership, good governance, transparency, accountability, inclusion, and respect for human and democratic rights.

Working with partners, the UK should create a 'Democracy Premium' of clear and visible incentives for governments that show a demonstrated commitment to democracy and human rights, by offering a package that could include: additional foreign aid; trade preferences on more beneficial terms; enhanced access to international development finance; security guarantees; debt relief; technical support; and diplomatic engagement and participation in sought after international and regional agreements. Disincentives for backsliding should also be considered.

The important role that women's political leadership can play in making government more accountable and democratic, while curbing issues like corruption, is evidenced by a number of authors including Rt Hon Maria Miller and in the introduction. It is vital that UK expertise in this area is not lost as the result of the perceived reprioritisation in the Integrated Review and that women's rights and political leadership should be fully integrated into the wider Open Societies Agenda, learning from feminist foreign policy approaches in Sweden and Canada.

Similarly both the UK and the international community need to be able to respond quickly and decisively to bolster democratic opportunities when they present themselves. Taking an entrepreneurial approach to embedding open societies and in partnership with others, the UK could help deliver a 'democratic surge' of political, practical and financial support to buttress democratic openings and sustain them until change becomes embedded over the long term.

Which countries are chosen as key partners will be likely guided by UK strategic priorities but should not be bound by them. Decision-making must also be informed by where the UK can most effectively be a 'force for good' and to seize opportunities that arise. However, as set out in the introduction, there is an argument that investment in democratic development in regional leaders (i.e. 'swing states'), often likely to be of wider strategic interest to the UK, can have an important role in diffusing open society principles across their wider regions.

This flexibility needs to be built into a strategic approach that reflects the long-term nature of change that is being supported in order to promote open societies and an open international system. The FCDO should explore extending its planning and delivery horizons to reflect this. Phil Mason argues that the FCDO should explore restoring the ten-year programming frameworks previously used by DFID, not an unreasonable approach given the Integrated Review is currently framed around the Prime Minister and Government's 2030 Vision.

The publication recognises that the UK will continue to work with and provide support to countries that are not democracies and whose governments have no intentions to become one. However, it is important not to mislabel such governance work and other projects in autocracies as supporting democratic development or to pretend ('democracy washing') that such partners are 'emerging democracies' despite all the evidence to the contrary. Such work needs to be constantly reviewed to ensure it is delivering tangible outcomes, particularly in relation to security sector support.

Irrespective of the political situation of a country UK engagement should seek to build on a core platform of tacking corruption, promoting the rule of law and protecting freedom of expression (with a UK focus on media freedom). These are areas that are mutually reinforcing and can underpin wider progress towards other open societies goals. Phil Mason makes clear that technocratic box-ticking procedures are not enough to root out corruption and that there is a need for wider reform to the political and social culture, improving the quality of governance to greatly reduce graft. As a number of authors make clear, political will is key to effective implementation and delivering long-

term change to governance standards, corruption and political pluralism. As Graham Teskey and Tom Wingfield also explain local context in institutional design is key, as more established Western institutions can potentially be sources of inspiration and support but should not be models for uncritical emulation, unmoored from local experiences.

Given the substantial cuts to Official Development Assistance (ODA), the UK will need to compensate by more effectively using all the other tools available to it in an integrated manner to move the Open Societies Agenda forwards. Many of these key tools have been outlined in the mechanisms for a 'Democracy Premium' outlined above, but it also means that ambassadors and ministers will need to spend greater political capital by speaking out more regularly on cases involving activists at risk, the unjustly imprisoned and to protect civic space bilaterally and multilaterally, both in private and in public. It should use its non-ODA funding mechanisms strategically in countries not eligible for aid but where impact could be important (including places like Poland, Hungary, Kuwait and Oman). The UK also needs to use and expand its new 'Magnitsky-style' sanctions regime to ensure rapid, coordinated and targeted sanctions are imposed against high level officials involved in orchestrating gross human rights violations along with the other measures to protect civic space that Iva Dobichina, Poonam Joshi, Sarah Green and James Savage argue for in their essay.

Graham Teskey and Tom Wingfield rightly argue for the need for some humility, understanding that in many cases the influence of external actors, such as the UK, will be more marginal to the cause of open societies than might be desired. They are right that diplomacy and aid cannot 'deliver' an open society by themselves and that supporting local actors who want to live in open societies are crucial to the success of any endeavour, what Stephen Twigg calls 'the vital role of citizens, civil society organisations and other stakeholders in maximising the impact of any strategy'. Twigg also makes clear the 'importance of multilateral action to bring together an alliance of countries, institutions and networks to take an issue forward'. Ideas for new international cooperation mechanisms include the Global Partnership for the Rule of Law suggested by Murray Hunt, which would bring together global collaborators under the leadership of a former world leader. The existing UK-Canada cooperation on the Media Freedom Coalition, provides a model to be built on for other bilateral and 'minilateral' initiatives to support open societies. James Deane and Murray Hunt respectively set out a persuasive argument for the development of an International Fund for Public Interest Media and a Global Fund for the Rule of Law, pooling resources from governments around the world as well as NGOs and (where appropriate) private sector partners.

However, the international partnership approach should fit alongside the understandable desire to strengthen UK based open society and democracy assistance capacity. Again using a pooled approach an Open Societies Fund could be created – potentially ring-fenced from the Conflict Security and Stability Fund (CSSF) – and be delivered by a consortium of British organisations ('Team UK'), particularly from the not-for-profit sector and including appropriate arms-length bodies. These 'best of British' organisations would be capable not only of delivering impactful programming and generating soft power dividends, but could also be increasing competitive in securing EU, other European, and US-funding, further stimulating their growth and capabilities.

As hosts of COP26 – the most important climate conference since the 2015 Paris Accords – the UK has an unmissable opportunity to link combatting climate change and wider environmental degradation to the Open Societies Agenda. As Rafael Jimenez Aybar writes, if democracies are to thrive, they need to be better at solving 'wicked problems' like combatting global warming, protecting biodiversity, and speeding up the green energy transition. If solved through democratic means – realised through the three pillars of environmental democracy, namely environmental openness, participation, and access to justice – the result should be more just, widely accepted solutions that meet the incredible challenge humanity is facing. The UK could throw considerable

weight behind WFD's Environmental Democracy Conference, planned for 2022, making it an officially UK sanctioned Summit for Democracy side event, and kickstarting a global push to advance environmental democracy via multilateral and bilateral channels.

The challenge facing the UK and other countries seeking to reverse the retreat of democracy and open societies around the world is substantial but with the right approach and the necessary political will it is a far from insurmountable one. This publication has set a wide range of ideas that, if absorbed and acted upon, can certainly help the UK show a 'renewed commitment to (being) a force for good in the world – defending openness, democracy and human rights' that will be necessary for 'shaping the open international order of the future'.

Recommendations
The individual essays make a wide range of important suggestions for reform and action in their respective areas of policy. They include that:
- The UK must get its own house in order. A programme of domestic reform should include:
    - Delivering a beneficial ownership register for property; reforming and better resourcing Companies House, the National Crime Agency, Serious Fraud Office and HMRC; and transforming or abolishing Scottish limited partnerships;
    - Rethinking and revising restrictions to the right to protest and vote in the Police, Crime, Courts and Sentencing Bill and the Elections Bill; and
    - Protecting the UK's soft power strength and avoiding undermining UK institutions so that the UK can act as a 'Library of Democracy', a democratic resource for the world.
- The UK should commit to 'Doing Development Democratically. This should include:
    - Acting with 'Democratic Sensitivity' by understanding the impact of UK decisions on a country's democracy, seeking to do no harm and instead supporting openness;
    - Creating a 'Democracy Premium' of incentives for governments committed to democracy and human rights. Offering additional foreign aid, trade preferences, international development finance, security guarantees, debt relief, technical support, diplomatic engagement and access to international agreements;
    - Responding to emerging opportunities for reform by delivering a 'Democratic Surge' of political, practical and financial support to buttress democratic openings; and
    - Ensuring women's political leadership plays a central role in the upcoming International Development Strategy and other FCDO policies.
- The FCDO should invest in UK election observation capacity including a rapid response fund and push countries harder to deliver reforms on the basis of observation reports.
- Ambassadors and Ministers should speak out more on human rights abuses and use Magnitsky sanctions to go after abusers.
- The UK should support open data by creating 'Digital Open Champions' to drive reform at home and making it a key plank of its approach to aid and international regulatory bodies.
- Support the development, funding and mobilisation of the International Fund for Public Interest Media and the establishment of a Global Fund for the Rule of Law.
- Invest in UK democracy building capacity through a new Open Societies Fund, which could be delivered by a consortium of British NGOs and organisations (Team UK).
- Ensuring the UK has clear commitments to show leadership at the Summit for Democracy.

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