Smear Campaigns or Counterterrorism Tools: Do NGO Restrictions Limit Terrorism?

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Introduction

New initiatives curtailing the activities of non-governmental organizations (NGOs) have increased exponentially in recent years worldwide and have received considerable attention among researchers and practitioners. Many governments have taken both legal and extra-legal measures to taint the legitimacy of foreign-funded NGOs. Often, repressive efforts that started as restrictions on only foreign-funded NGOs have been extended to effect even local, homegrown civil society groups. These efforts are often called 'the pushback phenomenon,' or 'backlash against civil society,' reflecting concerns about closing civic space and the future of democracy and human rights promotion (Howell et al., 2008; Carothers and Brechenmacher2014; Brechenmacher, 2017; INCLO 2017).

The unfolding of such smear campaigns in dozens of countries has led to the expansion of scholarly efforts to trace, document, and explain the origins of regulatory crackdown on foreign-funded NGOs. Scholars have taken two paths: one is to document the breadth and depth of the pushback phenomenon with concrete cases and examples; two is to explain what domestic and international characteristics are attributable to the adoption and enforcement of negative NGO initiatives. Little is known, however, about the consequences of the adoption of such negative initiatives and to what extent the adoption led to the success of intended goals set by the governments seeking negative measures.

Literature demonstrates multiple-motivations underlying why semiauthoritarian governments seek to pressure NGOs to cut off their connections to foreign agencies. One of the major reasons, as voiced by powerholders themselves, involves the need of reducing terrorist attacks since foreign funding is perceived to be linked to money laundering, diversion of donor aid, and eventually terrorism financing. The negative NGO initiatives are more broadly justified as attempts to limit political violence (Howell and Lind 2009). This logic is rooted in national security concerns as well as neo-colonialism, which was thought to be under control when the most recent wave of democratization did not lose its forward momentum in the 1990s and early 2000s.

Do negative civil society initiatives limit terrorist attacks? Does the adoption of negative NGO initiatives help governments in the global South achieve their goals to suppress political violence? These questions are important because these would help us reflect and evaluate whether governments make legitimate cases as to why the restrictions need to continue. If these questions are empirically grounded, repressive governments might be viewed as having proper intention, properly enforced the measures, and achieved the intended goal. If not, the motivation of the initiatives needs to be reconsidered and the justification need to be reframed or the initiatives need to be delegitimized. It might be used as propaganda intended to cut off foreign influences, and perpetuate semi-democratic power basis, and curb democratic forces crucial in promoting global peace and human rights worldwide, without actual counterterrorism payoffs.

This article uses data from the International Center for Non-Profit Law (ICNL), the leading organization in the area of civil society restrictions, to examine whether legal restrictions on civil society reduce terrorism in the countries where these restrictions exist. The dataset is based on information on 431 separate legal initiatives identified by ICNL about civil society from 2009 through 2017. The observations begin in 2009 when Ethiopia adopted legislation preventing NGOs from receiving over 10% of their funding from foreign sources and ends in 2017 when the smear campaign continues to prevail over many parts of the world. Following the 2009 Ethiopian crackdown, many countries, including Russia and India, took similar paths harassing, attacking, and delegitimizing the activities of domestic NGOs linked to foreign donors. Often, these efforts were justified as counterterrorism tools.

We examine the efficacy of these NGO restrictions with the use of innovative treatment regression analyses. A careful use of robustness tests allow us to strengthen reliability as well as validity of our analyses and the conclusions we draw. Based on the results of both correlational and causal multivariate statistical models, we fail to find evidence that legal restrictions on civil society reduce the number of terrorist attacks. Like Walsh and Piazza (2010), however, we find more widespread human rights violations are not associated with a reduction in the number of terrorist attacks. Although these measures are often justified as part of the counterterrorism strategy of a state, NGO restrictions do not curb terrorism. For activists and donors interested in supporting civil society and democratization, these findings are important in that they call into question the security benefits often used by states to justify NGO repression.

Background

Scholars trace the origins of pushback phenomenon to the 1990s and early 2000s even though several restrictive NGO laws were also enforced in prior periods (Dupuy, Ron, and Prakash 2015). The expansion of restrictive NGOs laws during the 1990s and 2000s stands in stark contrast to vigorous global efforts to spread democratic values, and lead civil society to play a crucial role in implementing this global movement. The favorable global and geopolitical environment for democracy and rights support in the 1990s cooled off rather abruptly and gave way to the era of a loss of democratic momentum from the first half of the first decade of the 2000s. By the mid-2000s, political leaders in post-Soviet countries as well as other developing countries began to gravitate toward a skeptical approach to foreign aid linked to democracy and rights support, recognizing that foreign assistance presents a serious threat to their political survival (Carothers and Brechenmacher, 2014). This period is characterized as a tipping point when governments in developing countries began to take the risk of bucking world polity legitimation pressure by prioritizing political survival over aid, global reputations, and norm pressures (Dupuy, Ron, and Prakash, 2016).

Further the pushback took shape during the color revolutions in Georgia, Ukrain, and Kyrgyzstan and was consolidated during the Jasmine revolution in Tunisia in 2011 and the following revolution in nearby Egypt that toppled the Mubarak regime (Christensen and Weinstein 2013). Concerns grew in Russia and China and their leaders were convinced that these uprisings might be linked to or rooted in Western democracy and rights support and the field works carried out by NGOs with external funding. Confirming this charge of western-imposed regime change, Egypt began to restrict the activities and funding of NGOs, and Russian government took restrictive measures on foreign-funded NGOs in 2012 by adopting a law requiring NGOs receiving foreign funding to proclaim themselves as foreign agents. Hungary, Israel, and many other countries followed suit, further intimidating NGOs. China and India joined this reactionary movement by linking foreign donor support of NGOs to the threat of worldwide uprisings. The negative mood created by the global crackdown campaign on civil society spread into other parts of the world, including rights-respecting democracies, and little countries became immune from this changed political climate (INCLO 2017).

Why do governments in the global South curtail the activities and funding of NGOs? What are the preferences or motivations of their leaders in carrying out smear campaigns toward civil society? Scholars attach the key motivation to the desire to national sovereignty and persisting value of nation-states. Experiencing relentless forces of globalization and rights revolutions in the 1990s and 2000s, semiauthoritarian governments began to bring back the principle of national sovereignty by portraying democracy and rights support as foreign intrusion, charging foreign-funded NGOs as serving foreign interests, and clandestinely appealing the public's anxiety about migrants, refugees, and their concerns on national security. The rhetoric of neocolonialism was naturally added to collective fear and the sovereignty claim further developed into the criticism of potential corruption of NGOs in managing public funds.

The other related motivation as to why to restrict NGO operations involves concerns on terrorism or terrorist incidences in local soils. This is indeed inspired or instigated by the counterterrorism fever spread primarily by the US and became a strong new rationale buttressing the continuing efforts to restrict the activities of NGOs in the second decade of the 21st century. US war on terror or counterterrorism policy led to imposing new limits on citizens' rights and classifying certain NGOs as linked to terrorism, often without providing evidence to support such claims. It also signaled a misinformed message that the activities of NGOs and citizens can be restricted in the name of counterterrorism. The Financial Action Task Forces (FATF) amplified this message by singling out NGOs as particularly vulnerable to the financing of terrorism and pressuring developing countries to pass new counterterrorism legislation. Though lacking intention of doing so, western governmental or intergovernmental agencies encouraged the adoption of restrictive NGOs laws and considered it as a tactic to fight against global terrorism.

In response, policy makers and practitioners warned that the guidelines of FATF as well as

the war on terror with ambiguous definition of what constitutes terrorism have been misused by governments in developing countries to suppress the legitimate activities of NGOs and cut off their legitimate financial connection to foreign agencies. Yet this rather belated criticism failed to change the course of action in which negative NGO initiative grew in number, gained a great deal of legitimation, and appealed successfully the public's fear of foreign intrusion and national security. Now the entrenched rational is that legal restriction on NGOs are required to reduce spread of terrorism and to cut off terrorist financing through NGOs.

Although scholars have identified the issue of closing civil society space for over a decade, there have been surprising few attempts at collecting cross-national data on the growth of this phenomenon. To our knowledge, Dupuy, Ron, and Prakash (2015) is the most complete data publicly available; however, this data only covers foreign funding restrictions in domestic NGOs. Although we are interested in foreign funding restrictions, we are also interested in the myriad other ways that innovative governments have restricted civil society recently. Many of these laws specifically target organizations that are active on human rights issues or have been critical of the state. These laws are often justified for their supposed effects on national security. For example, Malaysia in 2015 enacted a new Prevention of Terrorism Act, which has been used to restrict speech and expression rights of civil society actors, especially human rights advocates.[2] Similarly, the Nigerian Same Sex Marriage Act of 2014 makes the supporting of LGBT organizations illegal.[3] And, in Ecuador, an executive decree in 2013 gives the government the authority to close organizations that it deems are not fulfilling their missions.[4]

The International Center for Non-Profit Law (ICNL) has been tracking both drafted and enacted civil society initiatives since their founding in 1992. The organization's mission is for "a legal environment that strengthens civil society, advances the freedoms of association and assembly, fosters philanthropy, and enables public participation around the world."[5] Although many laws about civil society help to ensure a transparent and functioning NGO sector, as mentioned above, an increasing number of civil society laws are designed to close civil society space. ICNL provided us information on the 431 legal initiatives that they have tracked globally related to civil society since 2009. Of the 431 initiatives that ICNL has tracked since 2009, 158 were identified as enacted into law and negative to a functioning civil society sector. Figure 1 provides a graphical representation of the growth of these negative enacted initiatives towards NGOs over time.

[2] http://www.icnl.org/research/monitor/malaysia.html

[3] http://www.icnl.org/research/monitor/nigeria.html

[4] http://www.icnl.org/research/monitor/ecuador.html

[5] http://www.icnl.org/about/index.html

Figure 1: Negative Enacted Civil Society Initiatives over Time, 2009-2017

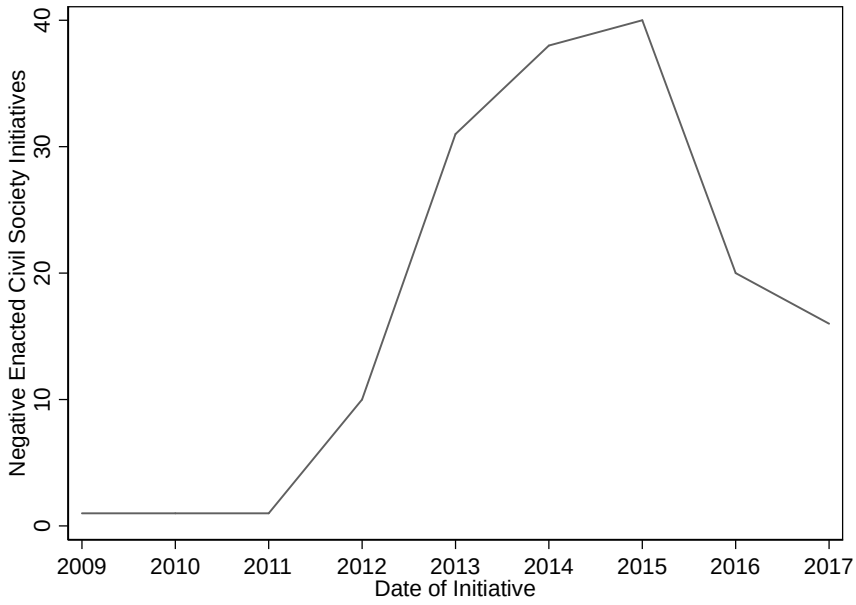
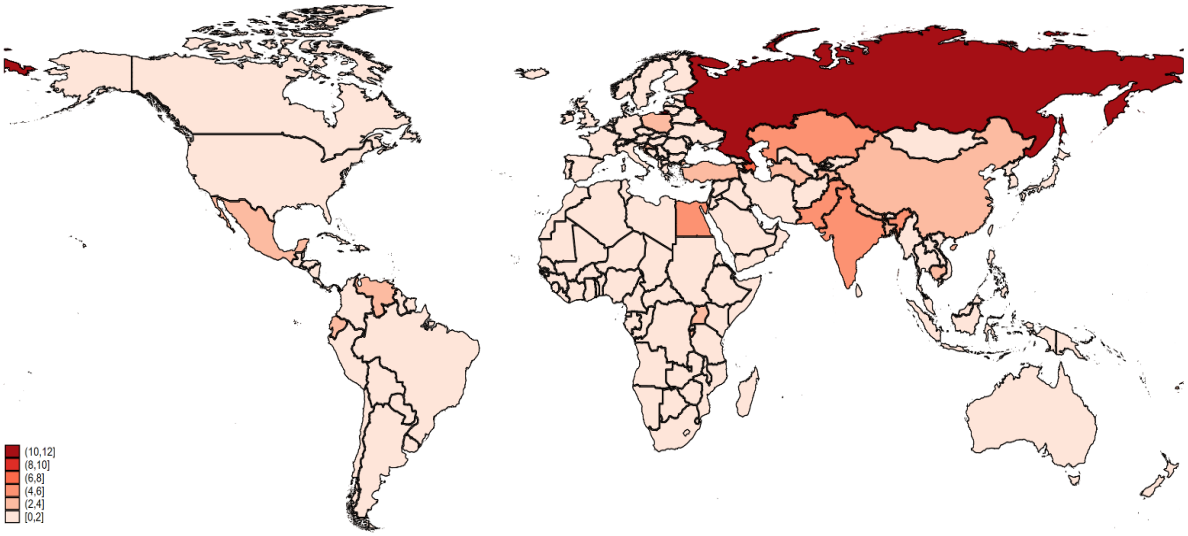


Figure 2 provides a heat map of the cumulative count of these negatively enacted initiatives for the last year in sample, 2017. It is worth noting that 68% of countries in 2017 do not have any negative enacted civil society initiatives captured in the ICNL dataset.

Figure 2: Cumulative Count of Negative Enacted Civil Society Initiatives, 2017



Why to begin with the year, 2009, as the beginning of the observation period? Past studies report that the pushback against foreign-funded NGOs has existed and attacked NGOs since the mid-1990s. Yet the most notable forms of the backlash surfaced around the mid-2000s and the reactionary forces gained the momentum around the year, 2009, when the Ethiopian government passed 2009 Charities and Societies Proclamation, reshaping dramatically the ecology of NGO population in the country and signaling the message of the need of closing civil space to the global South (Dupuy, Ron, and Prakash, 2015). Then, copycat actions by other hostile actors, including Israel, Russia, China, Egypt, and Kenya, have spanned regional lines, including Sub-Saharan Africa as well as in Eastern Europe. The other legitimate reason why to start from 2009 involves now well-grounded claim that the regulatory offensive was fueled by the global war on terror or counterterrorism spillover (Howell et al., 2008; Dupuy, Ron, and Prakash, 2015). Because this article devotes attention to the consequences of the pushback phenomenon and limits its scope to the relationship between negative NGOs initiatives and the number of terrorist incidents, it might be justifiable that the study begins with 2009.

Empirical Analyses

Do these negative civil society initiatives limit terrorist attacks? As mentioned, many of these initiatives have been justified as attempts to limit political violence (Howell and Lind 2009; Carothers and Brechenmacher 2014). However, to date, there has been no cross-national evidence as to whether the justification provided by political elites is correct. To examine this question, we focus on the relationship between the negative enacted civil society initiatives identified by ICNL and the number of terrorist attacks within a country in a given year, as identified in the Global Terrorism Database (START 2017).

At first glance, the mean number of terrorist attacks in countries in our sample that have at least one negative enacted civil society initiatives (50.54 a year) is higher than the mean number of terrorist attacks in countries that have not enacted civil society initiatives (32.69 a year); this difference is statistically significant at conventional levels.[6] This relationship could indicate that these initiatives do not limit terrorist attacks. However, focusing simply on differences in means between these groups does not allow us to account for any of the factors that could simultaneously be influencing both the count of terrorist attacks in a country and the likelihood of civil society initiatives. For this, we need to move to multivariate statistical models.

To start our multivariate examination, we build on Walsh and Piazza (2010) and Gaibulloev, Piazza, and Sandler (2017) and earlier scholars that have examined how political liberties and human rights have influenced terrorism. Our dependent variable in these models is the

[6] As determined by a two-sample t-test with unequal variances.

number of terrorist attacks in a country in a given year. Because this is a count variable with some dispersion, we start with running a negative binomial regression model.

We use two key independent variables. First, we use the cumulative count of negative enacted civil society initiatives in the country year. This was the variable used in the heat map in Figure 2. Second, because there are so few countries with more than one cumulative negative civil society initiative, we dichotomize this variable and examine whether there has been at least one negative civil society initiative enacted in the country since 2009.

We include a number of control variables that are consistent with existing work. First, we include controls for the size and wealth of the country, using the natural log of World Bank measures for population and GDP per capita (WDI 2017). We also control for the country's political environment with Polity IV's measures for regime type and the square of regime type to account for nonlinear effects (Marshall et al 2017). Finally, we include dichotomous indicators for whether the country is currently experiencing a civil or international conflict (from the Uppsala Conflict Data Program). These variables are available from the start of our sample, 2009, until 2016.[7]

To make full use of the available ICNL civil society data, we use the Political Terror Scale index to capture the level of repression in a country in a given year. This measure is based on codings of Amnesty International reports; a higher value on this scale indicates more repression in a country in a given year.[8] We also use the Varieties of Democracy index for political civil liberties; this index captures a country's protection of freedom of association and expression (Coppedge et al 2017).

Table 1 provides the results of the negative binomial models. Model 1 in Table 1 provides the results when the key independent variable is the cumulative count of negative enacted civil society initiatives. Model 2 in Table 1 provides the results when the key independent variable is the dichotomous indicator for whether has been at least one negative civil society initiative enacted in the country since 2009. As can be seen, regardless of operationalization of the key independent variable, we find no evidence that civil society initiatives are associated with a reduction in the amount of terrorist attacks in the country; results as to this variable are not statistically significant, meaning that we cannot say with confidence whether this variable has a positive or negative association. Consistent with past research, however, we do find that more repression in a country is associated with an increased count of terrorist attacks.

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[7] Full replication files ready to be shared.

[8] There are many different human rights/repression measures that could be used in the analysis. Unfortunately, only the Political Terror Scale is available until 2016. We did run robustness tests through 2014 with Fariss (2014)'s latent human rights mean; results were consistent.

Table 1: Negative Binomial Models, 2009-2016

VARIABLES	Model (1) Dependent Variable: Number of Terrorist Attacks, Key Independent Variable: Cumulative Count of Negative Enacted Civil Society Initiatives	Model (2) Dependent Variable: Number of Terrorist Attacks, Key Independent Variable: Dichotomous Indicator of Negative Enacted Civil Society Initiatives
Cumulative Negative Enacted Civil Society Initiatives - ICNL	-0.006	
	(0.126)	
Dichotomous Negative Enacted Civil Society Initiatives - ICNL		-0.079
		(0.269)
Political civil liberties index	-0.925	-0.978
	(1.196)	(1.173)
Political Terror Scale - Amnesty	0.942**	0.941**
	(0.158)	(0.158)
Polity	0.203**	0.205**
	(0.058)	(0.057)
Polity Squared	-0.020*	-0.020*
	(0.009)	(0.008)
Population (natural log)	0.686**	0.692**
	(0.120)	(0.116)
Regime Durability	0.008	0.008
	(0.007)	(0.007)
GDP Per Capita (natural log)	0.273*	0.274*
	(0.133)	(0.132)
International War in Country	-0.116	-0.098
	(0.795)	(0.679)
Civil War in Country	1.709**	1.707**
	(0.416)	(0.413)
Constant	-13.835**	-0.079
	(2.175)	(0.269)
Observations	965	965

For many years in the social sciences, we would stop with the results in Table 1. However, there have been recent advances in statistics that allow us to go beyond examining associations and try to isolate causal effects. Next, we performed a number of statistical

analyses to try to determine whether the "treatment" of a negative enacted civil society initiative is associated with an increased number of terrorist attacks.

To briefly justify these modeling techniques, there are two potential issues that complicate whether we can determine whether negative civil society initiatives cause a decrease in terrorist attacks. First, we can only see the effect of civil society initiatives in the countries where they are enacted; we can't see what number of terrorist attacks would have occurred if countries that currently have no initiatives were suddenly to have them (Holland 1986). Second, and more troubling for our research question, negative civil society initiatives are not randomly assigned. Unlike an experiment where we can randomly assign the "treatment," some countries are more likely to have these initiatives than others. If we don't account for the non-random assignment of our treatment, our results could be biased in a fundamental way.

We deal with these issues by using three different treatment effects techniques. Each technique helps us account for underlying differences between the group of countries that receive the treatment and those that do not. Worth noting, in each treatment effects model that we use, we focus only on the dichotomous indicator of whether there has been a negative enacted civil society initiative in that country by the given year. Treatment models for continuous data are much more nascent.

When looking at treatment models, we focus on two pieces of information: (1) the average treatment effect (ATE) and (2) the average treatment effect of the treated (ATT). The ATE provides us a population average: it is the "average effect, at the population level, of moving an entire population from untreated to treated" (Austin 2011, 401). On the other hand, the "ATT is the average effect of treatment on those subjects who ultimately received the treatment" (401). Because this is not a randomized experiment, these measures can theoretically differ.

First, as shown in Table 2, we run a regression adjustment treatment effects Poisson model. A regression adjustment model is a crucial baseline model in treatment effects statistics and is especially useful in situations like this where the data on the treatment is new and there is limited information on the factors that lead to treatment.

As shown in Table 2, we do not find any evidence that negative civil society initiatives have a statistically significant treatment effect, either when looking at the population or the treated population.[9] Unlike the rhetoric often justifying these initiatives, they are not associated with a reduction in terrorism attacks.

[9] As a robustness test, we also ran regression adjustment regressions where we included a lagged dependent variable; results are consistent.

Second, we use a treatment effects model where we first model the likelihood of receiving the treatment and then use this information to weigh the observed outcomes; this model is the inverse-probability weight (IPW) model. This model is a useful robustness test that allows us to examine a key assumption in treatment effects models: whether any observation could theoretically receive treatment. For this model, we include a couple of additional control variables that could theoretically be associated with the likelihood that a country enacts a negative civil society initiative. First, we include an indicator for whether the country is in Africa; countries in Africa are often unique in their civil society and legal backgrounds. Second, we include the Varieties of Democracy indicator for civil society participation; this ordinal variable accounts for the size and involvement of civil society organizations in a country. Civil society participation could be both a driver and an impediment to negative civil society initiatives.

As shown in Table 3, when we run this model, we continue to find null results. We unable to conclude that negative civil society initiatives affect the number of terrorist attacks within a country. Also, a Chi-squared test after this model allows us to conclude that the overlap assumption has not been violated.

Finally, we run an endogenous treatment effects model. This model would be necessary if the unobservable characteristics affecting the number of terrorist accounts in a country are correlated with the unobservable characteristics affecting the likelihood of negative civil society initiatives. A Wald test after this model allows us to see that these unobservables are not correlated, providing us more confidence in the exogenous treatment effects models shown in Tables 2 and 3. Table 4 provides the results of this statistical model, which continues to show that negative civil society initiatives are not associated with reductions in terrorist attacks.[10]

[10] As a robustness test, we also ran endogenous treatment effects regressions where we included a lagged dependent variable; results are consistent.

Table 2: Regression Adjustment Treatment Effects Model, 2009-2016

VARIABLES	(1) Treatment Effects	(2) Outcome Model – Non-Treatment Group	(3) Outcome Model Treatment Group
ATE	-11.576		
	(10.843)		
Potential Outcome Mean (ATE)	55.069**		
	(9.852)		
ATT	20.459		
	(26.395)		
Potential Outcome Mean (ATT)	79.775**		
	(22.480)		
Political civil liberties index		0.357	1.291
		(1.269)	(0.974)
Political Terror Scale - Amnesty		0.990**	0.351*
		(0.161)	(0.158)
Polity		0.134	-0.055
		(0.072)	(0.049)
Polity Squared		-0.013	0.000
		(0.007)	(0.007)
Population (natural log)		0.264*	0.599**
		(0.105)	(0.147)
Regime Durability		-0.032**	-0.019*
		(0.011)	(0.009)
GDP Per Capita (natural log)		0.302**	0.123
		(0.108)	(0.126)
International War in Country		-1.376**	1.243**
		(0.312)	(0.324)
Civil War in Country		1.923**	1.589**
		(0.375)	(0.403)
Constant		-7.291**	-9.878**
		(1.728)	(2.315)
Observations	965	794	171

Robust standard errors in parentheses

** p<0.01, * p<0.05

Table 3: IPW Effects Model, 2009-2016

VARIABLES	(1) Treatment Effects	(2) Treatment Model
ATE	-16.721	
	(12.288)	
Potential Outcome Mean (ATE)	58.550**	
	(11.025)	
ATT	-0.136	
	(29.303)	
Potential Outcome Mean (ATT)	100.370**	
	(24.060)	
Political civil liberties index		-7.327**
		(1.178)
Political Terror Scale - Amnesty		-0.194
		(0.132)
Polity		0.214**
		(0.044)
Population (natural log)		0.444**
		(0.083)
Regime Durability		-0.003
		(0.004)
GDP per Capita (natural log)		0.085
		(0.097)
International War in Country		1.100
		(0.652)
Civil War in Country		0.088
		(0.292)
Africa		0.021
		(0.303)
Civil society participation index		1.950
		(1.055)
Constant		-6.351**
		(1.498)
Observations	965	965

Table 4: Endogenous Treatment Effects Model, 2009-2016

VARIABLES	(1) Outcome Model	(2) Treatment Model
ATE	-22.660	
	(59.870)	
Political civil liberties index	-56.038	
	(93.785)	
Political Terror Scale - Amnesty	51.671**	-0.069
	(13.816)	(0.067)
Polity	7.093	0.019
	(4.753)	(0.017)
Polity Squared	-0.085	
	(0.273)	
Population (natural log)	8.827*	0.248**
	(4.054)	(0.044)
Regime Durability	-0.705**	-0.001
	(0.259)	(0.002)
GDP Per Capita (natural log)	18.534	0.012
	(9.589)	(0.056)
International War in Country	525.420*	0.703
	(209.228)	(0.405)
Civil War in Country	196.381**	0.188
	(36.158)	(0.150)
Africa		-0.106
		(0.201)
Civil society participation index		-1.102*
		(0.492)
Constant	-371.354**	-4.272**
	(73.343)	(0.818)
Observations	965	965

Conclusion and Discussions

Regime leaders have often justified restrictions on civil society for their supposed effects on reducing terrorism. Using a variety of statistical methods and novel data from ICNL, we find no support for this rhetoric. Negative civil society initiatives do not protect populations from terrorism.

After a careful examination of the linkage between negative enacted civil society initiatives and its' effects on terrorist incidents, what are the implications of the results obtained from the analyses? With no evidence of decreased terrorist incidents spurred by restrictive NGO initiatives, political leaders' outspoken excuse of the need to restrict foreign-funded NGOs seems to suffer from lack of empirical support. The arguments relating to counterterrorism put forward by the US but diffused to many other countries appear to be far removed from the reality on the ground. Our findings lend support for the claim that negative enacted civil society initiatives might have emerged to serve as autocrats' favorite tools for constraining the power and influence of civil society perceived as a threat to the survival of their regimes. This interpretation might be further strengthened by the long sociological view that the state and civil society constantly engage in political competition over the legitimacy of governance; historically, the state attempts to jealously guard its power and influence over its counterpart, which also exercises and expands its own power and influence (Tilly 2005; Koo 2007).

The main findings, including the robust effects of human rights abuses on terrorist incidents, enable us to reflect on more general implications as to how to reduce terrorist incidents. These provide clues as to where political leaders need to turn to, rather than accusing NGOs of representing foreign interests and/or instigating political violence. The answer might lie at the task of enhancing countries' respect for civil and political rights, including physical integrity rights and of suppressing domestic political violence. The findings make us support the view that enhanced human rights matter in stifling terrorist motives and making the countries safer. The results also speak to the relevancy of organized civil society and its role in preventing terrorist incidents. It might further strengthen our conviction that shrunken civil society via regulations on foreign-financing might exacerbate the risk of instigating terrorism, rather than suppressing it.

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