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**Chapter 29**

**Global Backlash against Foreign Funding to Domestic NGOs**

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**Introduction**

After the Cold War, civil society or nongovernmental organizations (NGOs) grew rapidly in the Global South and former communist countries as part of Western countries’ push for democratization, economic development, and improved effectiveness of foreign aid. For example, in Kenya, the number of non-church foreign NGOs grew from 37 to 134 between 1978 and 1987, and the number of local NGOs grew from 57 to 133 during the same time period (Fowler 1991). Today, the number of foreign and local NGOs active in Kenya is estimated to number over 7200, in addition to more than 300,000 community based organizations (USAID Sustainability Index 2015). Other countries follow a similar pattern, with foreign aid influxes partially fueling the NGO boom.

But in the mid-to-late-1990s, a curious counter trend emerged: several developing countries began enacting laws that restricted the ability of NGOs (both foreign and domestic) to operate in their territories (Dupuy et al., 2015, 2016). Of particular interest, many laws restricted NGOs’ access to foreign funding. Moreover, in recent years, some developed countries such as Canada, Norway, and Israel have imposed restrictions on NGOs as well.[[1]](#footnote-1)

The restrictions these laws impose are of different types (Dupuy et al., 2016). In Equatorial Guinea and Angola, government authorization is required for locally operating NGOs to receive funding from international sources, while Azerbaijan and Belarus require organizations to report receipt of internationally-sourced funds to the government. Vietnam forbids the receipt of international funds that will negatively aﬀect political order. Some governments set speciﬁc limits on the amounts of international ﬁnancing organizations can receive; for instance, the Algerian government has discretionary power to set a cap on how much foreign money NGOs can legally receive, while Ethiopia has determined that human rights organizations cannot receive more than 10% foreign funding. In terms of restrictions on the use of foreign funding, Zimbabwe prohibits such funding from being used on voter education, while Rwanda allows only 20% of funds to be used on administrative expenses. Several governments require regular and extensive reporting on the receipt and use of foreign funds, such as Indonesia, Burundi, and India.

These legal restrictions reflect two ways in which the state is seeking to re-assert its sovereignty (Dupuy et al., 2016). First, states want to control the ability of foreign donors, private or governmental, to influence their domestic politics though financial support to NGOs. We view these as “border control” measures that protect the external sovereignty of the state (Andreas, 2000). Second, states are limiting the domestic political and economic space available to NGOs to function effectively. We view these as “within the border” actions that defend the internal sovereignty of the state in relation to nonstate actors. These can include measures such as new registration laws and restrictions on lobbying that do not have a direct connection with border control measures.

This chapter focuses on the new foreign funding laws. These have elements of both “border control” and “within border” controls. Through these laws, governments seek to insulate domestic politics from outside influence exercised by foreign funders while also denying resources to domestic political opponents. Arguably, governments would be less worried about external funding if NGOs functioned in a depoliticized way. With the rise of rights-based approaches, however, NGOs often become aligned with opposition groups. Consequently, the new foreign funding laws have a “within border” dimension because they reflect the attempt by governments to deny resources to their political rivals. This chapter reports on the literature examining the confluence of domestic and international considerations that motivate governments to enact foreign funding laws.

This chapter also engages with the debate on the alleged obsolescence of the state. Since the 1970s, scholars have claimed the emergence of a world polity or a “global society” steeped in Western norms (Chandhoke, 2002), with NGOs as their chief conveyor belts (Meyer et al., 1997). States are supposed to face tremendous isomorphic pressures to conform to these customs. In the 1990s, scholars interpreted the rising prominence of NGOs as heralding an era of “politics beyond states” (Wapner, 1995). There was almost giddiness about the emergence of a global civil society operating independently of the interstate system (Lipschutz, 1992). But the emergence of NGO laws across countries is a stark reminder of the continued role of the state in shaping the rules of domestic politics, its ability to enforce “border controls” and “within border measures,” and its willingness to defy global consensuses. These regulatory developments suggest that international efforts to promote civil society in developing countries function within the parameters established by states. That is, they require approval (explicit or implicit) of the nation in whose territory NGOs operate. Thus, the “global” dimension of the global society is operative only if domestic governments want it to be.

This chapter also challenges social scientists to reexamine their theories about NGOs. Scholars suggest that NGOs (especially the ones that deliver services, often called nonprofits) emerge as a response to both government and market failures (Weisbrod, 1977; Salmon and Anheier, 1998; Young, 2000). Indeed, in fragile and poor failed states, NGOs are the major provider of public services.[[2]](#footnote-2) But this does not explain why NGOs should emerge in developed countries. In these places, the notion of market failure takes on a new dimension; it is rooted in information asymmetries between buyers and sellers. Hansmann (1980) suggested that NGOs take hold in these countries because they are deemed trustworthy by consumers as a result of the non-distributional constraint under which they function. That is, while NGOs can generate profits (as nonprofit hospitals do), they cannot distribute them to their owners. On this count, firms are less trustworthy. This sort of argument is echoed in advocacy literature. These scholars claim that NGOs are “principled actors” that are not motivated (unlike firms) by instrumental concerns (Keck and Sikkink, 1998).[[3]](#footnote-3) Thus, there are two dimensions of the same NGO narrative. In the agentic (principled actor) perspective, NGOs are virtuous because they do not pursue profits, while in the institutional (non-distributional constraint) perspective NGOs are trustworthy because their owners do not receive profits.

These theoretical claims about the virtues of the NGO sector raise an interesting question.[[4]](#footnote-4) Why are some governments rejecting this narrative, when Western policy elites continue to hail the NGO sector as the “third way” to solve societal problems? One quick answer might be that NGOs are collateral damage in the rise of populist, rightwing ideologies. These ideas challenge elite consensus on free trade, civil society promotion and international/regional institutions. The 2009 Eurozone crisis (and the austerity policies that followed it), and more recently the ongoing refugee crisis[[5]](#footnote-5), are noted as triggers of the backlash against probably the most notable regional institution of the recent era, the European Union. In this “blame populism” view, governments restrict foreign funding to NGOs in response to populist demands.

Yet, very few EU countries (with the exception of Hungary[[6]](#footnote-6) and Poland[[7]](#footnote-7)) have cracked down on the NGO sector. Even countries such as Austria and Italy that have recently voted in right-wing governments have not intervened in civil society. We suggest that attributing the suppression of NGOs to populism misses the bigger picture. First, most countries that have enacted restrictive laws are in the developing world, particularly in Africa, and not in the EU. Second, this crackdown began well before the two crises that mark the rise of populist politics. As the literature suggests, the barriers placed on NGOs reflect the confluence of Western donors’ funneling of increased levels of foreign aid through NGOs as opposed to recipient governments, the rise of rights-based approaches in advocacy that invariably pit development NGOs against local governments, the lack of domestic support for NGOs, and regimes’ political vulnerability as reflected in closeness of previous elections (Dupuy et al., 2015, 2016).

We recognize that some countries might have stemmed foreign funding to NGOs in the wake of the 9/11 terror attacks. We also acknowledge that the measures taken against NGOs reflect a larger trend in the global recession of democracy, with partially and fully democratic states repressing various civil and political liberties, including the freedoms of association, assembly, information, and expression (Diamond 2015, Plattner, 2015, but see Levitsky and Way 2015). However, it is critical to remember that the suppression of NGOs predates the democracy recession narrative that emerged after the failure of the Arab Spring.[[8]](#footnote-8)

So if populism and democracy recession are not to blame, what is it that motivates governments to crack down on civil society organizations? After all, NGOs are supposed to promote development, bridge deficits in public goods provision, and help the underprivileged. Furthermore, anti-NGO initiatives have important fiscal implications: our work suggests that the adoption of a restrictive NGO finance law is associated with 32% reduction in bilateral aid flows (Dupuy and Prakash, 2017). This chapter outlines a political explanation. Advocacy NGOs that work to promote democratization or human rights are often critical of the domestic government. But with the rise in the rights-based approach to development that promotes equal provision of public goods and services (Hamm, 2001; Cornwall and Celestine, 2004), even non-advocacy NGOs (nonprofits) focused on providing merit goods and services are directly drawn into local politics. A key reason is that most governments in developing countries are unable to provide the requisite quality and quantity of public services. While NGOs have historically provided public goods, the rights-based approaches have transformed them into critics of government. For example, several NGOs hitherto devoted to supplying health services to the underserved now suggest that healthcare is a right and therefore demand that governments supply health care to all people. Of course, governments probably cannot do so; this is why NGOs were supplying it in the first place. What is crucial for this chapter is that this new advocacy role implicates them in domestic politics because they seem to be allied with dissidents. Because NGOs tend to depend on foreign funding, governments believe or claim that political dissent is instigated by foreign powers (call it the “Soros effect”).

As actors seeking regime survival, we expect governments to act against their critics. And because much of foreign funding for NGOs is routed through the formal banking sector, governments have a low-cost and reliable administrative means deny them access to these resources. Governments’ anxiety about the foreign-funded NGO sector increases because they recognize that they gain legitimacy, in part, by providing public goods. When the NGO sector replaces the state as the key supplier of these goods, governments feel politically insecure. Not surprisingly, they have compelling political incentives to crack down on the NGO sector.

But are government’s actions against these organizations costless? For example, suppose these actions lead to citizen outrage, and people flood the streets. After all, NGOs are supposed to have deep connections with people. NGOs supply them with merit goods and services, or advocate on their behalf. Yet very few such sustained protests have taken place. Perhaps, this is where the corrosive effects of foreign aid on the health of civil society can best be discerned. Governments are emboldened to target NGOs because they anticipate little domestic backlash. They believe that internationally funded NGOs are not well-rooted in the local community. And in many cases, NGOs do not have a vocal domestic constituency that feels ownership, rises up in support of them, and imposes political costs on governments.

Why this disconnect? A common criticism is that NGOs are more responsive to donors’ concerns than those of the communities they serve. This means that NGOs are advocating for issues that are important to Western audiences, not to the people with whom they are working. Second, even the public goods they supply may not be of the appropriate type, an accusation that is often leveled against foreign aid. Finally, there is arguably a reputational problem (Smith, 2012). NGOs are sometimes viewed as a part of the “aid establishment” that is disconnected from the groups they try to help. NGO scandals, such as the recent Oxfam case, provide credence to the view that even internationally acclaimed humanitarian organizations sometimes behave in unprincipled ways and show little respect for the countries in which they function.[[9]](#footnote-9)

Thus, while the crackdown on NGOs reflects a larger trend in democracy recession, it also raises serious questions about the legitimacy of the Western-funded NGO model, the wisdom of funneling foreign aid through NGOs that also delegitimize local governments, and NGOs’ insistence on portraying all sorts of issues as “rights.” Fundamentally, it forces scholars to confront an important issue: can Western funding purchase the NGO sector abroad? Or, does a viable and political resilient NGO sector need to be endogenous, homegrown, and rooted in the local community?

**NGOs and the Washington Consensus**

There is some confusion about the definition of NGOs (Vakil, 1997; Johnson and Prakash, 2007). Scholars tend to define them by what they are not: actors not part of government. Given this open-ended definition, scholars debate how NGOs are distinct from social movements, civil society, or the non-profit sector more generally (Vakil, 1997; Lewis and Wallace, 2000). In this chapter, we view NGOs as organizations that are not formally a part of the government or the for-profit sector. Ideally, if they are indeed the “third sector,” they should be financially independent of both the state and the corporate sector. This is not often the case, especially for the large visible international NGOs engaged in humanitarian and advocacy work. For example, in 2017, governmental funding accounted for 43% of Oxfam’s £409m income.[[10]](#footnote-10) However, there are exceptions, such as Greenpeace, “the only global environmental charity that accepts no corporate or government donations so we can maintain a much needed independent voice.”[[11]](#footnote-11)

NGOs often have a legal persona, a status offering distinct benefits, such as the right (in some cases) to issue tax-deductible receipts. In contrast to the formal NGO sector, local, grassroots civic organizations sometimes do not have a legal status. They are therefore not included in the definition of NGOs, even though they may have an important role in social mobilization, service delivery, or generating social capital more generally. Similarly, Putnam (1995)-style local organizations supplying public or club goods and Ostrom (1990) type communitarian organizations engaged in sustainable use of common-pool resources may not be formally registered as NGOs.

 As mentioned earlier, there was a dramatic growth of the NGO sector worldwide after the Cold War. NGOs proliferated in the Global South and former communist countries largely due to patronage from Western donors and institutions. There was a massive infusion of funds for NGO promotion by Western powers and the multilateral institutions they dominate (Reiman, 2006). The policy expectation was that the NGO sector would become the vehicle to spread liberal norms, encourage democratization, and foster market-based development. Furthermore, Western donors probably assumed that NGOs would find it difficult to raise resources within resource-poor countries, and therefore viewed their financial support as an appropriate way to establish and strengthen these organizations.

But the NGO sector also grew because it emerged as a subcontractor for the delivery of public services that were previously supplied by governmental agencies. This trend was ideologically rooted in the domestically-oriented “reinventing government” agenda (Osborne, 1993) and the internationally-oriented “Washington consensus” (Williamson, 1993). Internally, during the 1980s, Western governments began relying more heavily on NGOs to deliver public services, instead of their own agencies. This reflected the Reagan-Thatcher philosophy of reducing government’s footprint across policy spheres. In the 1990s, the “reinventing government” approach also encouraged governments to outsource service provision to NGOs. This led to the emergence of NGOs as governmental contractors, something that has been replicated abroad in the context of aid delivery.

It is difficult to find accurate estimates of the level of contractorization of foreign aid through NGOs. By some estimates, the share of foreign aid to Africa channeled through NGOs rose from just 1% in 1990 to about 20% in the late 2000s (Englebert and Tull, 2008). In part, this growth in NGO funding reflected the “aid fatigue” among Western donors that led them to devise new mechanisms to deliver funds besides governmental bureaucracies. This cohered with the Washington Consensus’s project to dismantle governmental control over the economy, which began in the 1980s as developing countries sought structural adjustment aid from the World Bank and the International Monetary Fund (Nelson, 1995; Levine, 2002). Aid ineffectiveness found an obvious culprit: the governments of aid recipient countries. These were regarded as corrupt, incompetent, and captured by local power structures. In contrast, donors believed that NGOs had the expertise, grassroots knowledge, and incentives to identify appropriate aid projects and beneficiaries, as well as the human infrastructure to deliver aid (Hulme and Edwards, 1996; Dietrich, 2013). By some estimates, about one-fifth of bilateral aid is routed through NGOs: the OECD puts the number at 19% for the UK and 23% for the US, 25% for Norway and 40% for Ireland (OECD 2015).

Yet, the emergence of donor-funded NGO sector has had unexpected consequences, both in developing countries with communist legacies (Cooley and Ron, 2002; Henderson, 2002; Sundstrom, 2006) and those without them (Chahim and Prakash, 2014). In the former, NGOs had little prior experience of (and opportunities for) systemically engaging the local population for support, resources, and legitimacy. Citizens, too, had no frame of reference with which to assess the role of non-state actors in their social, economic, and political lives. Simply put, NGOs lacked local connections that donors imagined that they had or could acquire quickly.

Foreign funding created other problems as well. Despite their good intentions, Western donors have created a perverse incentive structure for both local NGOs that want to become clients of global ones (Hearn, 2006) and for global NGOs that compete to attract funds (Bob, 2002; Cooley and Ron, 2002). Whereas NGOs were celebrated for their non-hierarchical, horizontally networked relationships, foreign aid has created hierarchical patron-client ties between Western donors and NGOs. Without debating whether NGOs have fundamentally different organizational DNA from firms, competition for donor funds compel NGOs to function essentially in the same way as them (Sell and Prakash, 2004; Prakash and Gugerty, 2010).

Arguably, NGOs could work with traditional grassroots organizations to form bonds with the local community. This strategy could allow NGOs to marry their expertise in generating external funds with becoming established locally. Yet, this sort of synergy faces challenges. Foreign funding tends to create distance, not connectedness, between donor funded and local civic organizations. For one, the two types of organizations operate very differently. NGOs tend to employ professional staff operating in offices located in major cities. These managers have degrees from foreign universities. Their success is often measured by their ability to work the media as well as attract grants. NGO professionals often see progress in terms of moving from smaller to larger organizations (and eventually, getting into the “multinationals”), not in building relationships with local communities. Consequently, NGO professionals have few incentives to engage as equals with less sophisticated, sometimes poorly educated, local actors.

Another difficulty is that maintaining the steady flow of foreign money requires following the donors’ agenda. This includes governmental and inter-governmental funders as well as private foundations. Scholars note the role of the big three American foundations—Carnegie, Ford, and Rockefeller—in promoting US norms during the Cold War through their foreign aid programs (Parmar, 2012). In the current epoch, there is a concern about the “Gates Effect” in public health due to the vast resources at the command of the Gates Foundation (Roberts and Martin, 2007). Resource dependency leads NGOs to reproduce norms rooted in donor-inspired development discourse (Chandhoke, 2002). NGOs may well become an integral part of the world society (Meyer et al., 1997), but sometimes they have little connection with the local community in which they are supposed to function.

**Costs and Benefits of the NGO Crackdown**

The restrictions on NGOs that governments have enacted typically do one or more of the following: limit NGOs’ ability to obtain foreign money; specify the amounts of foreign money NGOs may legally receive; determine the mechanisms through which NGOs may access foreign aid; prescribe if, and how, NGOs can use foreign funds, including the issues on which they can work; and specify foreign aid reporting and tax requirements. With very few exceptions, these laws are not aimed at speciﬁc categories of NGOs, such as human rights organizations or health groups. Furthermore, these restrictive laws do not distinguish between types of foreign funding, including money from private foundations, or money from bilateral or multilateral aid agencies.

Are these restrictive laws simply symbolic, or are governments serious about their enforcement? After all, governments in developing countries are notorious for enacting laws but not enforcing them. This discrepancy could be due to resource scarcity, lack of technical capacity, corruption, and so on. Sometimes governments have the resources and the capacities, but no intention of enforcing laws. In such cases, implementation gaps reflect a symbolic approach to politics. Indeed, there is some evidence that states seek the reputational benefits of enacting specific types of laws but avoid the costs of enforcing them. There is an audience, domestic or international, that champions such laws and rewards states when they are enacted. Many human rights treaties have been criticized on these grounds: autocracies sign but do not enforce them (Hathaway, 2007).

Conceptually, such implementation gaps are not likely to hold for strict NGO funding laws. Powerful international actors do *not* want developing countries to establish these laws. International media is harshly critical of countries that do so.

For example, when the Ethiopian government proposed its new restrictive NGO law in 2008, Human Rights Watch, Amnesty International, UN agencies and others condemned the proposed law,” and the international media published multiple negative articles about it (Dupuy, Ron & Prakash 2015, 25). Thus, instead of garnering benefits, the governments of developing countries face the risk of incurring substantial reputational loss and monetary damage in the form of aid reductions (Dupuy and Prakash, 2018). Ultimately, laws that limit NGO funding are enacted by governments in spite of (not because of) international pressure. This suggests that they have strong incentives to implement them as well.

What, then, motivates governments to face the potential consequences of implementing of such laws? Our work offers a political explanation for both their incidence and timing. As we have reported elsewhere (Dupuy et al., 2016), governments have a higher probability of enacting such laws when they are politically insecure, typically just after they have faced competitive elections.

Consider these examples. In 2005, Prime Minister Meles Zenawi’s government permitted Ethiopian opposition parties, for the ﬁrst time, to fully campaign in national parliamentary elections. Contrary to the government’s expectations, however, ‘‘the opposition swept seats in Addis Ababa and ﬁnished strongly in other urban areas” (Lacey, 2005). Fearful for its political survival, the government claimed its rivals had won only 176 of 546 parliamentary seats—far fewer than likely—and passed new rules designed to bolster its legislative powers. Opposition groups, including the Coalition of Unity and Development, responded with furious demonstrations, which government forces harshly suppressed (Human Rights Watch, 2010). Oﬃcials later claimed these protests had been spurred by outside actors and funds. In 2009, they passed a law dramatically restricting foreign funding to locally operating NGOs (whether these were international or domestic) explicitly working on human rights and other politically sensitive issues. These groups are now required to raise 90% of funds locally. Such laws are not just paper tigers; instead, they have been seriously enforced. As a result, the organized Ethiopian human rights sector has all but shut down (Dupuy et al., 2015).

Something similar happened in Zimbabwe in 2008, when then-President Robert Mugabe grudgingly permitted semi-free national elections. Political challenger Morgan Tsvangirai’s Movement for Democratic Change performed better than expected, prompting Mugabe to declare that foreign aid was being ‘‘channeled through nongovernmental organizations to opposition political parties, which are a creation of the West” (Dugger, 2008). Shortly thereafter, Mugabe’s government enacted laws curbing the ﬂow of overseas funds to locally operating NGOs (Human Rights Watch, 2008; International Crisis Group, 2009).

Likewise, in Ecuador, the government of left-leaning President Rafael Correa was rocked by a political crisis in 2010, followed by a national referendum in May 2011. Soon afterward, Correa’s government passed new regulations for foreign-sponsored domestic NGOs, outlawing activities ‘‘incompatible with public security and security” and banning over a dozen INGOs from the country. Foreign funded NGOs, Correa said, were undermining his government at the behest of right-wing groups (Freedom House, 2012; Reyes, 2011). A year later, Correa passed even tighter NGO rules, granting the president wide discretion to shut down civil society groups (Human Rights Watch, 2013).

 The governments in each of these examples believed that if they did not act against foreign-funded NGOs, they would face an emboldened opposition and heightened public criticism of their policies. Aid recipient countries must balance several conflicting imperatives: the political imperative of regulating NGOs to ensure regime durability, the economic imperative of securing larger aid inﬂows, and the reputational imperative of being viewed as cooperative with international norms. We find that in a large number of such countries, political exigencies have crowded out economic and reputational ones.

These governments’ fears of foreign-supported NGOs are well-founded because this type of organization has the ability to inﬂuence politics. NGOs can deploy their infrastructure to organize antigovernment protests at home (Murdie & Bhasin, 2011), or to damage a country’s reputation abroad. Governments wait until after competitive national elections to crack down on foreign funded NGOs because the losing side typically contests the results by organizing protests. Emotions run high and governments simply cannot afford to let these to go unchecked. Hence, they have the incentive to weaken this opposition and NGO restrictions are one route to achieve this political goal. After an election, governments may also feel they have gained room and legitimacy for political maneuvering. Prior to elections, they felt obliged to tread lightly, fearing backlash if they press too hard on NGOs. Afterward, however, governments perceive a (limited) window of opportunity to crush their opponents.

**How Have Donors Responded?**

Western donors tend to view this crackdown in one of two ways. First, they can view it as developing countries rejecting Western norms about democracy and civil society promotion. Given that Western countries have vocal domestic constituencies devoted to these issues, these nations may feel compelled to punish governments enacting anti-NGO laws. They could issue condemnatory statements, or impose some sort of sanction.

 Second, regulatory crackdown could undermine aid effectiveness and invite backlash against foreign aid at home. Viewed in this way, donors have “skin in the game” (Taleb and Sandis, 2014). Thus, there are two explanations as to why Western donors might cut aid in response to strict NGO laws. These aid reductions could be motivated by the desire to punish democracy recession and/or to the impediments to aid delivery.

Foreign aid is a critical component of global public policy and contributes to about

10% of the gross domestic product (GDP) of developing countries. Yet, the effectiveness of aid to promote economic development continues to be a topic of passionate debate (Easterly, 2006; Kaufman, 1992; Sachs, 2006; Vernon, 1957). Some suggest that if aid is provided to the “wrong” countries for the “wrong” reasons, it is likely to be ineffective. Therefore, how donors disburse aid among recipient countries has attracted considerable scholarly attention. Broadly, the literature identifies two types of donor motivations: donor interest versus recipient characteristics (Lewis, 2003; Maizels & Nissanke, 1984; McKinley & Little, 1979; Neumayer, 2003; Schraeder, Hook, & Taylor, 1998). The former emphasizes donors’ instrumental motives, while the latter highlights their altruistic ones.

Regarding the reputational costs mentioned above, because foreign aid is such an important issue, governments are probably aware that the international outrage that cracking down on it provokes has real, material consequences. For example, whether in their annual country reports or in press briefings, the US State Department is seldom shy about condemning such countries. International NGOs (such as Amnesty International and Human Rights Watch), prominent think tanks, and foundations have also expressed alarm over these developments. The Carnegie Endowment issued a report entitled “Closing Space” on this subject[[12]](#footnote-12). Transparency International has spoken out against new foreign funding laws. A prominent German NGO, The Heinrich Boll Foundation, publicly and with some fanfare, pulled out of Ethiopia after the country enacted its restrictive NGO funding law in 2009.

There are several implications of this concerted international outcry. First, it will undermine a government’s reputation for supporting democracy. Because democracy is often viewed as a proxy for rule of law and good governance, the government could see a decline in its international standing on these counts as well. Foreign investors who fear erosion in the rule of law may decide to move their money to other locations that still welcome NGOs. And because many of these governments are resource poor, a reduction in foreign aid can pose serious problems for the delivery of basic public services. Thus, developing country governments likely recognize that their actions will have concrete material and reputational consequences.

The new laws also create a dilemma for donors. On the one hand, they may decide to maintain aid levels for multiple reasons. First, they are probably motivated to provide aid to promote economic development and public health, or to reduce poverty. Because developing countries continue to face problems in these areas, and given their commitment to the Sustainable Development Goals (Sachs, 2006), donors may decide to revert to routing funds through governments. After all, they want to come across as respectful of national sovereignty, including how the country in question seeks to regulate foreign resource inflows, lest they are accused of neocolonialism. Second, donors might fear that aid reductions could lead to state failure, thereby inducing global terrorist groups to establish operations in the territory (and, in the contemporary context, lead to out-migration).

On the other hand, donors may decide to reduce their aid. They might believe

that their aid will be ineffective without appropriate NGOs to deliver it. As we have seen, the decision to deliver foreign aid to NGOs was partially motivated by the belief that developing country governments probably do not have the motivations and capacities to use aid effectively. With “aid fatigue” in donor countries (Bräutigam & Knack, 2004; Lancaster, 2008), donors may fear negative publicity if they continue to provide funds to countries with restrictive civil society laws. Besides wanting to preserve their own commitment to democratic norms, they may seek to reduce aid lest they face a political backlash at home for coddling dictators. The possibility of this backlash is high because NGOs that are disadvantaged by the new laws in recipient countries will have strong incentives to mobilize against them through their transnational advocacy networks (Keck & Sikkink, 1998).

Why is foreign aid ineffective, why the aid fatigue, and where do NGOs fit into this puzzle? Scholars suggest that aid is ineffective because donors provide it to serve their aims, not the needs of the recipients (Natsios, 2005). Of course, both motivations can cohere, but often they do not. Many donors do not provide aid with the goal of lifting recipient countries out of poverty. They do not take into account the appropriateness of the aid, recipient need, the quality of delivery systems, or the country’s absorptive capacity. Instead, donors have been (and are) guided by considerations such as slowing the spread of communism, fighting against terror, rewarding military allies, promoting the economic interests of their firms, or rewarding political support.

Some aid critics favor strategies that reduce donations but create incentives for developing countries to engage in international trade and commerce. For instance, Uganda’s former Trade Minister, Edward Rugumayo (2004), noted that “economic growth in Africa depends on donor funds and this is like building an economy on a pack of cards or shifting sand. Export trade should be the solid ground on which economies should be built.” In his congressional testimony on the African Growth and Opportunity Act in 1997, Benjamin Kipkorir, the Kenyan Ambassador to the United States noted that, “Africans have come to realize that trade not aid is the way to the future” (Kipkorir, 1997).

Another category of critics believes that aid can have its desired results only if it is

delivered effectively. For them, the problem lies not in to which country or for what reason aid is given, but in how it is put to use. The culprit in this narrative is the recipient government, the assumption being that state bureaucracies have neither the capabilities nor the incentives to deliver aid effectively. Hence, these critics recommend minimizing the role of governments in the provision of aid, and perhaps even cutting them out altogether.

This is where NGOs enter the aid puzzle. Given the hype about civil society, donors tend to (or may even want to) believe that NGOs have the expertise and the infrastructure to deliver aid appropriately. Consequently, donors hope that aid will promote democracy, development, and other goals if channeled through NGOs instead of governments (Banks, Hulme, & Edwards, 2015; Edwards & Hulme, 1996; Mitlin et al., 2007; Van Rooy, 1998). If NGOs are the critical vehicles for effective delivery of aid, the enactment of laws that restrict aid flows to them should pose serious problems for donors. After all, donors confront “aid fatigue” (Bauhr, Charron, & Nasiritousi, 2013) at home. Aid critics (including a surprisingly large section of population in some countries, especially the United States) accuse governments of neglecting domestic needs and spending large budgetary resources abroad. Periodic media exposés about corruption in the “foreign aid industry” and the lavish life styles of rulers of impoverished but aid-supported countries accentuates the domestic backlash against aid.

In our previous work (Dupuy and Prakash, 2017), we analyzed a panel of 134 countries receiving aid from 29 donor countries for the years 1993 to 2012. These donor countries belonged to the OECD’s Development Assistance Committee (DAC). In our main model, we focused on civilian bilateral aid only. We found that the adoption of a restrictive NGO finance law is associated with a large reduction in bilateral aid inflows: On average, bilateral aid inflows reduce by 32% (depending on the model specification) after a country enacts such a law. Our finding holds even after we control for levels of democracy and civil liberties, which suggests that aid reductions are motivated not by democracy recession, but by the removal of NGOs from delivery chains. In real terms, developing countries in the sample receive an average of US$307 million in foreign aid, a 32% (one third) reduction that represents nearly US$100 million less in aid—a substantial cut for many aid-receiving countries.

**Conclusion and Future Research**

In the 1990s, scholars declared the onset of a global “associational revolution,” and viewed it as analogous to the rise of the modern nation state (Salmon, 1995). Yet, even as this revolution was spreading, it was also being rolled back. One might even suggest that this diffusion-rollback dialectic is akin to Polanyi’s (1944) “double movement,” but in a different context: the process of Western-funded NGOization that disembbeded civil society from its local roots and violated the sanctity of national borders created a counter push by states to reclaim their sovereignty. Unfortunately, democratic consolidation in these countries became collateral damage because states sought to roll back foreign funded NGOs. They did this not out of concern about NGOs’ effects on civil society, but because states began viewing foreign funded NGOs as allies of their political opponents.

This chapter has offered a political explanation for why states enact these legal restrictions despite the anticipation of negative repercussions for doing so. The broader message is that scholars need to bring the state back in to the study of the NGO sector because the state retains the ability to create and deny political opportunities and resources to it. This should not come as a surprise; after all, with the contractorization of the NGO sector, states have become important resource providers to this sector. Our chapter suggests that the characterization of rise of the NGO sector as laying the foundation of politics beyond states (Wapner, 1995) is unfounded. The “nongovernmental” character of NGOs should be questioned because states continue to control the rules under which NGOs operate – and, more importantly, the conditions under which they receive financial support from abroad. States govern NGOs’ access to territories and populations and grant NGOs permission to operate in specific issue areas (Bratton 1989; Jalali 2008; Henderson 2011). The “N” in the “NGO” should not lead scholars to prematurely declare the death or obsolescence of the state. As our chapter shows, such rumors are vastly exaggerated.

This chapter also provides important cautionary lessons for the study of the diffusion of institutional blueprints and ideas across countries. The Washington consensus assumed that Western institutions could be easily transplanted to other settings, whether creating markets via the “shock therapy” of privatizing governmental-owned firms (Mishler and Rose, 1997), or by creating a modern NGO sector through the infusion of foreign funding and political facilitation by Western-dominated global institutions (Reimann, 2006). While the merits of shock therapy continue to be debated, there are visible signs that a large number of developing countries have not accepted the Western framework for the NGO sector, particularly where its ability to receive foreign monies is concerned.

Broadly, the NGO crackdown shows the fragility of Western norms about civil society promotion. Instead of a global society (Meyer at al., 1997) steeped in Western norms, we see developing countries violating these norms. This rollback is quite surprising because it imposes a significant material cost for these countries, given how much they rely on international aid. Interestingly, our work suggests that donor response seems to be guided by the concerns about NGOs no longer being available to deliver foreign aid. Concerns about democracy recession do not seem to drive aid reductions, which raises important question about the commitment of Western donors to democracy promotion.

This chapter hopefully also raises theoretical questions about the modern concept of civil society. In *Democracy in America*, Alexis de Tocqueville noted the important role of self-organized civic associations in the American polity, writing: “In democratic countries the science of association is the mother science; the progress of all the others depends on the progress of that one.”[[13]](#footnote-13) NGOs are supposed to represent the power of communities to self-organize so that they can provide for local public goods. Indeed, NGOs are expected to serve as the buffer between the individual and the state. When NGOs mobilize resources locally, they become accountable to local communities. And when the state seeks to suppress NGOs, communities could be expected to rise to their defense. Unfortunately, NGOs in the developing world have turned into sub-contractors for overseas donors, dependent on foreign resources instead of raising funds locally. This has eroded their downward accountability to the communities they serve. This contractorization of NGOs provides the political cover for governments to crack down on NGOs without fear of retaliation. These concerns are not new. Even in the 1990s, scholars had warned of the perils of NGOs becoming governmental subcontractors (Edwards & Hulme, 1996; Smith & Lipsky, 1993). But Western donors and NGOs seem to have ignored it. In some ways, the emergence of laws leading to decreased donor funding might actually be a blessing in disguise. This decline will drive home the message that foreign monies cannot purchase NGO sector abroad. Legitimate NGOs must emerge endogenously and have roots in the communities they serve.

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1. http://carnegieendowment.org/2015/11/02/closing-space-challenge-how-are-funders-responding-pub-61808 [↑](#footnote-ref-1)
2. For instance, faith-based NGOs provide an estimated 50% of health services in the Democratic Republic of Congo. International and local NGOs provide 75% of health services in Sudan’s North Darfur state, and nearly 100% of all social services in southern Somalia (Olivier et al 2015; Yagub and Mtshali 2015; UNICEF 2016). [↑](#footnote-ref-2)
3. The principled actor narrative is probably also predicated on the assumption that the NGO sector attracts individuals who are devoted to pursuing the social good and are beyond instrumental temptations. [↑](#footnote-ref-3)
4. The ongoing Oxfam scandal poses problems for the “principled actor” narrative and reminds us that even globally renowned “principled actors” are susceptible to systematic governance failures. This chapter is not making the case that the NGO crackdown is a direct response to such scandals, although such scandals undermine NGOs’ credibility both among aid donors and aid recipient countries, and perhaps even mute the backlash against the regulatory crackdown. [↑](#footnote-ref-4)
5. This crisis began in 2014 as refugees from war torn countries such as Syria along with economic refugees from other countries began arriving in Southern Europe, often with the intention to travel to Germany or Austria via the Southern and Central European countries. The EU refugee policy was deeply unpopular in many countries and this led them to adopt policies that were in violation of their EU commitments. Because some liberal NGOs are actively involved in helping refugees in both their travel and resettlement, the populists often demanded a crackdown on NGOs. [↑](#footnote-ref-5)
6. Hungary has justified its crackdown by linking NGOs to George Soros’ attempts to interfere in its domestic politics. Hungary has also proclaimed its intentions to crackdown on NGOs that are working in the area of refugee relief, an issue championed by the EU. [↑](#footnote-ref-6)
7. https://www.politico.eu/article/pis-polish-ngos-fear-the-governments-embrace/ [↑](#footnote-ref-7)
8. However, political commentators such as Zakaria (1997) had pointed out the rise of illiberal democracy a decade earlier. [↑](#footnote-ref-8)
9. https://www.washingtonpost.com/news/monkey-cage/wp/2018/02/19/the-oxfam-scandal-shows-that-yes-nonprofits-can-behave-badly-so-why-arent-they-overseen-like-for-profits/?utm\_term=.9bec63e6cb05 [↑](#footnote-ref-9)
10. <http://www.bbc.com/news/uk-43031911> [↑](#footnote-ref-10)
11. <https://donate.greenpeace.org/hpp/pay.shtml> [↑](#footnote-ref-11)
12. http://carnegieendowment.org/2016/10/04/closing-space-and-fragility-pub-64774 [↑](#footnote-ref-12)
13. https://www.atlasnetwork.org/news/article/alexis-de-tocquevilles-legacy-in-the-early-21st-century [↑](#footnote-ref-13)