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# Illiberal Norm Diffusion: How Do Governments Learn to Restrict Nongovernmental Organizations?

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Recent decades have witnessed a global cascade of restrictive and repressive measures against nongovernmental organizations (NGOs). We theorize that state learning from observing the regional environment, rather than NGO growth per se or domestic unrest, explains this rapid diffusion of restrictions. We develop and test two hypotheses: (1) states adopt NGO restrictions in response to nonarmed bottom-up threats in their regional environment (“learning from threats”); (2) states adopt NGO restrictions through imitation of the legislative behavior of other states in their regional environment (“learning from examples”). Using an original dataset on NGO restrictions in ninety-six countries over a period of twenty-five years (1992–2016), we test these hypotheses by means of negative binomial regression and survival analyses, using spatially weighted techniques. We find very limited evidence for learning from threats, but consistent evidence for learning from examples. We corroborate this finding through close textual comparison of laws adopted in the Middle East and Africa, showing legal provisions being taken over almost verbatim from one law into another. In our conclusion, we spell out the implications for the quality of democracy and for theories of transition to a postliberal order, as well as for policy-makers, lawyers, and civil-society practitioners.

## The NGO Restriction Cascade

The titles of reports by think tanks and civil-society watchdogs in the last half decade speak volumes. “Core Civil Society Rights Violated in 109 Countries” is the headline launching a recent report by global civil-society alliance CIVICUS (2016). A year earlier, president of the International Center for Not-for-Profit Law Douglas Rutzen published an ominously titled article “Civil Society Under Assault” (Rutzen 2015). And the year before that, the Carnegie Foundation published its comprehensive report *Closing Space: Democracy and Human Rights Support Under Fire* (Carothers and Brechenmacher 2014). As we will show below, these reports are not needlessly alarmist. Legislative restrictions against NGOs have been on the rise globally since 1999, at an ever steeper pace.

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What we mean by restrictions are legal measures intended to hamper NGO work in general or to obstruct the operations of specific NGOs at specific times. We refer to such restrictions as “illiberal” because they impede freedom of association and assembly, a classic liberal norm. Contrary to our own initial expectations, the increase in restrictions on NGOs has been associated with hybrid regimes, also referred to as “illiberal democracies” (Zakaria 1997) as much as with fully authoritarian regimes and to a lesser extent also with full democracies. We suggest that the rise in NGO restrictions is not just a belated response to NGO growth since the 1990s. Instead, it is associated with a broader trend of worldwide deterioration in the quality of democracy, found in recent comparative research (see, for instance, Luhrmann et al. 2018; Abramowitz and Repucci 2018; Levitsky and Ziblatt 2018).

In our next section, we develop a theory on what drives the diffusion of NGO restriction legislation. We build first on existing studies on NGO restriction laws, subsequently on studies of authoritarian learning, and finally on the liberal norm diffusion literature. We posit that states adjust their modes of governing potential threats from civil society by learning from their regional environment. We propose two hypotheses explaining how information from their environment may cause governments to overcome the barrier of reputational risk and adopt NGO restrictions. The first assumes that threats observed in the environment (i.e., instability) could lead to the adoption of restrictions on NGOs. We call this “learning from threats.” The second hypothesis relies on opportunities, not threats: observing the adoption of NGO restrictions by others may inspire states to do the same. We call this “learning from examples.” In both cases, we assume learning to be geographically mediated:

states learn primarily from developments in their regional neighborhood.

Our third section introduces the quantitative panel dataset we use to test the hypotheses. This dataset is an amended and updated version of [Christensen and Weinstein \(2013\)](#)'s database of legislative restrictions on NGOs. Given the steep rise in restrictions already noted, updating these data and modifying their structure has intrinsic merit apart from our own theory of diffusion, as it will enable further analyses by others.

In the next section we describe the methods and findings of the quantitative analyses. Using negative binomial regression and survival analysis with different types of spatial weights, we find very little evidence for learning from threats: the adoption of NGO restrictions does not consistently follow bottom-up threats observed in the regional environment. Conversely, we find systematic evidence for learning from examples: prior adoption of NGO restrictions by other states in the region does systematically and significantly affect a state's likelihood of adopting further restrictions. Moreover, the prior adoption of a specific type of restriction by other states also affects a state's likelihood of subsequent adoption of the same type of restriction.

Since regression analysis alone cannot give conclusive proof of diffusion through learning, we corroborate and elaborate on our findings regarding the learning-from-examples hypothesis with qualitative evidence from the Middle East and sub-Saharan Africa in our penultimate section. Through close textual comparisons, we provide "smoking gun" evidence of learning from examples, tracing the migration of specific legal formulations of restrictions from one state's law to others in consecutive years.

We argue that what we are witnessing is a process of illiberal norm diffusion; while placing restrictions on NGOs is attractive to most governments, especially less than fully democratic ones, at all times, governments learn to what extent and in what form it has become legitimate to do so from monitoring the adoption behavior of other states in the region. Our descriptive statistics are in line with recent literature on "democratic backsliding," which has evidenced an increase in restrictions on civil society alongside curtailments of freedom of speech and of the media, erosion of the independence of the judiciary, and manipulation of electoral laws ([Luhrmann et al. 2018](#); [Abramowitz and Repucci 2018](#)). But while comparative, this literature is domestically oriented in its diagnosis. Our findings connect the trends observed in this comparativist literature to the study of norm diffusion in international relations, suggesting that governments may look to each other for guidance on whether or how to restrict civil society, the media, the judiciary, or the opposition.

The NGO restrictions cascade also relates to debates in international relations on the putative transformation away from a liberal world order: while such restrictions constitute violations of freedom of association in and of themselves, they may also signify a weakening of global civil society, which may have knock-on effects for other liberal norms. [Stephen \(2014, 914\)](#) has argued that Brazil, Russia, India, and China (the BRIC powers) are challenging the current global governance system's "most liberal principles." Focusing on China, [Kupchan \(2014, 255\)](#) has argued that "revision to the normative foundations of Pax Americana may be needed" to accommodate its rise, particularly on norms relating to "human rights, the rule of law, and representative government." [Jacob, Scherpereel, and Adams \(2017\)](#) have suggested that the rise of China, Russia, and India is already negatively affecting gender parity norms. Others such

as [Ikenberry \(2011\)](#), [Goh \(2013\)](#), or [Tansey \(2016\)](#) have contested the idea that rising powers are interested in or capable of undermining liberal institutions and norms. But these critiques too assume that whether or not the world is moving toward a more illiberal dispensation is determined by the dispositions of a few great powers. Our data suggest that there may indeed be an illiberal transformation underway, but that we should look well beyond the actions and intentions of great powers to understand it.

### Illiberal Norm Diffusion: Learning from Threats and Learning from Examples

We situate our research in the literature on diffusion and more specifically on learning as a mechanism of diffusion. Having done so, we will discuss previous findings on NGO restrictions, on authoritarian learning, and on liberal norm diffusion. They all provide pieces to the puzzle of understanding the cascade of NGO restrictions, but none can provide the answer alone. Existing studies on NGO restrictions explain how governments need to balance the risk of social unrest against the reputational and potentially also financial risks of restricting NGOs, but they treat sources of unrest as purely domestic and international reputational costs as given. The literature on authoritarian learning has shown how authoritarian resilience requires adaptation not just to changing domestic circumstances, but also to changes in the regional environment. While it is only focused on threat-handling by fully authoritarian states, its insights may have broader implications. The norm diffusion literature provides valuable insights into how reputational costs may alter as norms are diffused between states. But rooted as it was in post-Cold war teleological understandings of global progress toward liberal democracy, it focused only on reputational advantages from the adoption of liberal norms and never seriously studied apparent phenomena of illiberal norm diffusion. Using these three previous literatures as building blocks, we explain our theory of illiberal norm diffusion as applied to NGO restrictions, and we present our hypotheses.

#### *Diffusion, Common Shocks, and Learning*

The trend in NGO restrictions is a manifestation of clustering: "nation-states . . . choose similar institutions within a fairly circumscribed period of time" ([Elkins and Simmons 2005](#)). Clustering is easy to observe, especially when it comes to legislation. Such clustering is the result of diffusion: the process by which the "prior adoption of a trait or practice in a population alters the probability of adoption for remaining nonadopters" ([Strang 1991, 325](#)). The difficulty is to try and discern what drives such a process, or in other words, what it is that is altering the probability.

One obvious explanation for clustering, and a great confounder for our understanding of diffusion, is the response by each unit to a common shock ([Gilardi 2012, 11](#)). While response to a common shock is analytically distinct from diffusion, the two are often intertwined in practice: changes in airport security after 9/11 resulted from a heightened awareness of terrorist threats because of the attack itself, but the procedures adopted were simultaneously informed by the measures of earlier adopters. In the case of NGO restriction legislation, an obvious "common shock" to consider is the growth in NGOs in the 1990s. But as we will show below, NGO growth is in fact *negatively* correlated to subsequent NGO restrictions, so the explanation must be

sought elsewhere. In international relations and comparative politics, a categorization of diffusion mechanisms into four types has become current (Simmons, Dobbin, and Garrett 2008; Gilardi 2012): coercion, competition, learning, and emulation. Coercion does not provide a particularly plausible explanation here. The emerging “autocracy promotion” literature has shown that authoritarian regimes have no vested interest in, and are not observed using, antiliberal conditionality (Bader, Gravingholt, and Kästner 2010: 88–91 Vanderhill 2013, 6; Tansey 2016, 144). Nor is competition relevant: states do not compete in who can make life most difficult for NGOs. Learning and emulation are of interest as diffusion mechanisms for NGO restriction legislation. Learning is defined by Gilardi (2012) as “the process whereby policy-makers use the experience of other countries to estimate the likely consequences of policy change.” We interpret the “experiences of other countries” broadly, including not only adoption or nonadoption of specific laws, but also political developments that do not emanate from government, but on the contrary, threaten it. Emulation means that policies diffuse “because of their normative and socially constructed properties instead of their objective characteristics” (Gilardi 2012). It follows a logic of appropriateness rather than a logic of consequences. However, as acknowledged by Simmons et al. (2008, 795, 800) and insisted on by many constructivists, self-interested and ideational motivations are not always distinguishable in the context of social learning. As we will argue below, making a distinction between a logic of appropriateness and a logic of consequences is not particularly meaningful in our case of illiberal norm diffusion, where rational and ideational learning would point toward the same outcome. In this study therefore, we will refer broadly to learning to comprise both pragmatic and normatively inspired responses to developments in other states, as the relevant “mechanism” (Simmons et al. 2008; Gilardi 2012) of diffusion in the context of NGO restriction legislation.

#### *Restricting NGOs: Incentives and Barriers*

Three existing studies on the relationship between NGO restrictions and foreign aid (Christensen and Weinstein 2013; Dupuy, Ron, and Prakash 2016) provide valuable clues as to the trade-offs governments may make in relation to such restrictions; it is a balancing act between the domestic desirability of curtailing potentially oppositional civil-society voices in order to stay in power and the international reputational and economic costs of such restrictions. Both Christensen and Weinstein (2013) and Dupuy and Prakash (2018) find that NGO restrictions do indeed come at a cost: they are associated with subsequent drops in bilateral aid. Discussing under what circumstances states might nonetheless choose to adopt such restrictions, Christensen and Weinstein (2013, 79) posit that “vulnerable governments restrict civil society in hopes of weakening groups that might mobilize opposition. Worries about international retaliation can, however, restrain such governments if they come to fear that clamping down will cost them more than it is worth.” In the third study, Dupuy et al. (2016) consider the reverse causal relation: whether foreign aid dependence would limit restrictions on foreign-funded NGOs. They characterize restrictions by aid-dependent states as “puzzling; restrictive governments are risking their international reputations by provoking local and international NGO protest and are voluntarily foregoing valuable resources” (Dupuy et al. 2016, 300). They find that (only) when aid dependence is combined with competitive elections, NGO restrictions

have an increased probability of being adopted. Hence they conclude that “[w]hen governments’ political survival appears threatened . . . reducing political risk through restrictive NGOs finance laws outweighs the attendant economic and reputational costs” (Dupuy et al. 2016, 306).

By considering restrictions only in aid-dependent states, these studies could be overemphasizing the cost of restricting NGOs. The oil-rich states of the Middle East and Central Asia or middle-income states such as Malaysia, Mexico, or Turkey may not face immediate financial consequences from restrictions. Nonetheless, restricting NGOs, which violates the human right to freedom of association, may carry a reputational cost, causing embarrassment and having potential knock-on effects for diplomatic relations, trade agreements, or arms deals, even for states that are not dependent on foreign aid.

In their version of the balancing act between the desirability of curtailing NGOs and the international reputational cost of doing so, these existing NGO restriction studies miss two things. First, they assume that governments look solely to their domestic environment when assessing whether their incumbency is vulnerable. Second, they assume that the reputational costs of restricting NGOs are given. We look to the literature on authoritarian learning and to the literature on liberal norm diffusion to challenge both assumptions. Building on these literatures, we suggest that, instead, calculations about the vulnerability of government and about the reputational cost of restricting NGOs are both made in a dynamic international context. Governments scan their environment, and particularly their immediate neighborhood, to learn how to weigh up utility for stability against reputational risk, when deciding whether or how to restrict NGOs.

#### *Authoritarian Learning*

In the wake of the color revolutions in Eurasia and the Arab revolts, it became clear that threats to the stability of authoritarian governments do not just emerge domestically and that governments are aware of and respond to instability in their neighborhood. A literature on “authoritarian learning” has emerged, which focuses not on a switch or slide from a democratic into an authoritarian mode of governance, but on the measures authoritarian regimes take in order to try to remain stable (Heydemann and Leenders 2011; Finkel and Brudny 2012; Koessel and Bunce 2013; Bank and Edel 2015). The primary focus has been on a very particular type of learning, which receives almost no attention in the policy diffusion literature but is common in conflict studies (for the seminal contribution, see Buhaug and Gleditsch 2008; see also Danneman and Hencken Ritter 2014; Böhmelt, Ruggeri, and Pilster 2017): learning from threats. The authoritarian learning literature has been mainly qualitative and primarily focused on the post-Soviet and Middle East regions. Both regions experienced transnational “waves” of protest in which protestors were clearly inspired by examples in neighboring countries to take to the streets themselves; witnessing these events, government officials had good reason to preemptively counteract such behavior.

In the post-Soviet sphere, Finkel and Brudny have argued that the so-called color revolutions in Serbia, Georgia, Kyrgyzstan, and Ukraine “created an acute feeling of threat among authoritarian elites, which led them to adopt policies designed to prevent the possibility of a color revolution in their respective countries” (2012, 7). Their discussion prominently features NGO restrictions as a response to protests abroad (2012, 6–9; see also

Brudny and Finkel 2012, 16–17, on Russia; Radnitz 2012, 69, on Azerbaijan; Markowitz 2012, 109–10, on Tajikistan).

In relation to the Arab revolts too, Heydemann and Leenders already noted in late 2011 that a “top-down process of authoritarian learning and adaptation is currently visible in the way authoritarian incumbents in Algeria, Morocco, Jordan, Saudi Arabia, Yemen, and Syria . . . developed strategies . . . to maximize their probabilities of surviving.” A more detailed study by Bank and Edel (2015) has documented learning from threats by Algeria, Bahrain, Jordan, and Syria, regarding material incentives, repression, and legal reform (see also Yom 2014). Koesel and Bunce (2013), finally, have suggested that major powers China and Russia have been “diffusion-proofing” themselves in response to both the color revolutions and the Arab revolts. Although a few authors hypothesize authoritarian learning as taking place within an “authoritarian epistemic community” (Heydemann 2009, 32; Yom 2014), research to date has centered on strategic responses to immediate threats, rather than the possibility of norm-diffusion via socialization.

#### *Illiberal Norm Diffusion Through Learning from Threats*

The literature on authoritarian governments pictures them as concerned with their survival and trying to improve their chances, in an environment of lurking domestic threats: quelling coup-attempts, fighting rebellions, and repressing protests if they can. To a large extent, the argument can also be applied to hybrid regimes and even democracies, the main difference being a greater level of restraint in the means incumbents will use to stay in power and their ultimate preparedness to depart in the face of unfavorable electoral results. Regardless of regime type, we may expect governments to also look beyond their domestic environment to understand and respond to what might be a threat, if not today, then tomorrow. The literature confirms these intuitions: it finds incumbents responding to top-down threats (i.e., coups and assassinations, Böhmelt et al. 2017); to violent bottom-up threats (i.e., insurgencies, Danneman and Hencken Ritter 2014), and to nonviolent bottom-up threats (i.e., mass protests, Koesel and Bunce 2013; Bank and Edel 2015) abroad with relevant preemptive countermeasures.

We posit that learning from threats in the international environment is primarily an intraregional phenomenon. Weyland writes about the diffusion of revolutions that “neighborhood effects were strong, given that geographic proximity makes information available. News travels easily among adjacent states, which often have historical and personal ties. This holds especially true where commonality or similarity of language prevails” (Weyland 2009, 410). Just like the revolutionaries themselves, policy-makers who aim to prevent political instability do not dispassionately scan threats all over the world: they rely on “cognitive heuristics” (Weyland 2009, 393) stemming from the information that is most readily available and most vivid to them. At the same time, as Weyland explains, this alertness to information from the international environment does not mechanically decay with each kilometer; it happens in the minds of people and is therefore mediated by shared history, linguistic proximity, cultural similarities, personal ties, ease of travel, and regional organizational infrastructure, all of which are most dense within regions and among neighboring states. What is perhaps less obvious is why such preemption should be concerned with NGOs. Coups and assassinations are not plausibly connected with NGOs, nor is a connection with armed rebellions particularly likely. Bottom-up threats in the form of mass mobilization, emanating as they do from

the realm of civil society, are the kind of hazard most likely to be associated with NGOs. The literature on civil society and democracy assistance has been very critical of the belief that the presence of NGOs in a country, foreign-funded or otherwise, necessarily has a democratizing or even destabilizing effect (Ishkanian 2008; Jalali 2013; Lewis 2013). NGOs are not necessarily government critics; they may be apolitical charity organizations, pragmatic rent-seekers, or ideologically aligned with the government. But while NGOs are not likely to cause protests in and of themselves, they can be incubators of intellectual challenges to the government, lend powerful infrastructural support to protest movements (Murdie and Bhasin 2011; Glasius and Ishkanian 2015), or monitor and report on protest events and associated repression.

Moreover, a government would not necessarily need strong proof that NGOs in general are associated with protest movements to take restrictive measures. The measures might be intended to target just a few NGOs, perhaps with an explicit human rights or democratization agenda, or concerned with explosive issues such as corruption or pollution, while leaving others unaffected. As we will describe below, a panoply of possible measures ostensibly “regulating” either all NGOs, or more specifically foreign-funded NGOs, lends itself to such selective application. If threats are the primary mechanism driving adoption of NGO restrictions, different types of restrictive measures could serve the purposes of the government equally well, so we would not expect to see any specific preferences for certain types of restrictions. For instance, making it easy to suspend the registration of an NGO can serve the same purpose as insisting that NGOs require separate licenses for “political” activities. Both measures give governments a fine-grained instrument for monitoring NGOs closely and intervening when they are deemed to be a nuisance. Or in an environment where foreign-funded NGOs are perceived as particularly threatening, onerous requirements for registering a foreign-funded organization (such as Russia’s “foreign agent” law) can serve the same purpose as restrictions on the funding itself. At the same time, a stronger perceived threat should provoke a stronger response (i.e., more restrictions, for instance, making it easy to suspend NGOs and cutting off their funding). We would therefore expect to see a general pattern of more NGO restrictions in the period following a government’s perceived heightened level of bottom-up threats in its regional environment.

**H1:** *The more states observe nonarmed bottom-up threats in their regional environment, the more NGO restrictions they will adopt.*

#### *Liberal Norm Diffusion*

Having established why governments might look to their regional environment to establish whether they are facing risks that could be offset by restricting NGOs, we now turn to the other side of the balance they must strike: the potential reputational risk. The literature on liberal norm diffusion teaches us that governmental perceptions of reputational risks and benefits of particular policies are not constant. Risse, Ropp, and Sikkink’s classic study on the diffusion of human rights norms posit that these norms are internalized and implemented through *socialization* (1999, 5). They insist that “norms become relevant and causally consequential during the process by which actors define and refine their collective identities and interests” (1999, 7).

While Risse et al. emphasize the social construction of legitimacy, subsequent studies in the field of human rights have come to the more cynical conclusion that states ratify human rights treaties only for reputational benefit, without actual improvement in human rights behavior (Hathaway 2002; Hafner-Burton and Tsutsui 2007; Vreeland 2008; see Greenhill 2010 for a rare exception). Regardless whether it is strategic learning on reputational benefits or deep learning on appropriateness, or indeed a mix of both, there is much evidence for liberal norm diffusion through learning from previous adoptions. States continually define and refine their understandings of appropriateness and state interest and look to their international environment as well as to their domestic circumstances to help them make these judgments. Despite the occasional acknowledgement that antiliberal norms can in principle be diffused in very similar ways, the literature almost universally focuses on the—rather heterogeneous—bundle of norms commonly referred to as “liberal,” including trade liberalization, democratization, and human rights norms. But the theory can lend itself to explaining diffusion of illiberal norms.

#### *Illiberal Norm Diffusion: Learning from Examples*

The liberal norm diffusion literature would suggest that governments adopt NGO restriction legislation not because they are directly feeling threatened, but because they see others do so and they think it is appropriate for them. When it comes to the adoption of illiberal norms, a purely reputational advantage such as that gained from ratifying human rights treaties does not make much sense; major powers such as China or Russia do not promote and reward illiberal norm adoption in the same way that the West was promoting liberal norms in the 1990s. But it does make sense that governments would find comfort in the adoption of NGO restrictions by other states, and as they see others adopt restrictions, they come increasingly to believe that it is now legitimate to do so.

While much of the liberal norm diffusion literature dates from a period when both theory and methods were less geographically discriminate, we take inspiration from Simmons, who has shown that “the region in which a country is situated” constitutes the “crucial reference group” when deciding whether to ratify human rights treaties (Simmons 2009, 90). Likewise, we assume that learning from examples, like learning from threats, is intraregional for reasons that are bound up with shared history, linguistic or cultural similarities, ease of travel, and personal ties. Moreover, “a multiplicity of overlapping regional associations” will “facilitate intensely shared common knowledge” (Simmons 2009, 90) between policy-makers.

**H2.1:** *The more states observe adoption of NGO restrictions in their regional environment, the more NGO restrictions they will adopt.*

We further argue that governments look to their regional environment, not just to decide *whether* to restrict NGOs, but also for inspiration as to *what* legislative measures to take. If diffusion of NGO restriction legislation is indeed driven by imitation, we should expect more specific patterns of adoption: later adopters will be looking to the laws of other states and could be adopting the same types of restrictions these states adopted before.

**H2.2:** *The more states observe adoption of NGO restrictions of a certain type in their regional environment, the more likely they are to subsequently adopt the same type of NGO restrictions.*

## Data and Patterns of Adoption

Before embarking on our analysis, we will provide further details on our coding and describe the patterns of diffusion we observe over time, by regime type, by restriction type, and by region. Our data focuses purely on legislative measures. It differs in this respect from other indices of civic space such as the V-Dem project or CIVICUS, which conflate observations of legislative developments with data on legal harassment and material sanctions against specific NGOs and legal or physical harassment of individual activists. Our focus on legislation alone makes it possible to infer whether we are witnessing an overt shift in normative orientation: governments may deny responsibility for the behavior of state agents, or even deny the facts, to avoid reputational damage. Laws by contrast are adopted formally and publicly.

At the outset of this article, we claimed that NGO restriction legislation has experienced a steep rise since the early 2000s. Our claim is based on our amended and expanded version of the database reported on in Christensen and Weinstein (2013), which documents legislative restrictions on NGOs up until 2012. Since early data are sparse, we begin our database in 1992 but have added four more years: 2013–2016. The original data were used for a cross-sectional analysis but did typically list the year in which a restriction was adopted. Based on this, for each type of restriction, we have coded adoption as 1 for the year in which the restriction was enacted and all years afterward that it was in effect for the period 1992–2016 and 0 otherwise.<sup>1</sup> In case the adoption year was unspecified we have either found it through other sources or chosen to code it 0 in order to consistently under- rather than overestimate our dependent variable.

We have dropped some of the legislative measures discerned by Christensen and Weinstein: constitutional provisions because they rarely change and have limited practical impact (Measures 1a and 1b in the original data); the obligation to register an NGO and the obligation to disclose funding sources, because they certainly regulate, but in our view do not necessarily restrict the operation of NGOs (Measures 2a and 3a, respectively); and instances of intimidation, because they are not legislative measures (Measure 4b). We have turned all remaining measures into binary variables, as shown in Table 1.

The data are based on reports from four sources: the International Center for Not-for-Profit Law (ICNL), USAID’s NGO Sustainability Index, the World Movement for Democracy (WMD), and the Global Integrity reports. The database contains ninety-six states. Since our sources are mostly advocacy reports, it is likely biased toward states that have indeed enacted restrictive legislation. Hence, the database does not lend itself to making pronouncements about absolute levels of diffusion worldwide. But it does help us to better understand what drives adoption of NGO restrictions.

A few further caveats are in order. First, we have counted specific legislative measures, not laws. The Civil Society Organizations Act of Bhutan (2007) for instance was coded as incorporating four different restrictions: placing undue burdens on NGO registration in general (2b); placing specific restrictions on registration of foreign-funded NGOs (2d); making channeling of foreign funding through a government agency mandatory (3c), and placing further restrictions on foreign support (3d) by prohibiting the merger of domestic and foreign organizations.

Also, we have only counted restrictions when we have definitive evidence that they were not just proposed by

<sup>1</sup> For a list of countries included and a detailed description of our changes to the original dataset, see our supplementary materials.

Table 1. Coding of NGO restriction measures

Category	Code	Type of Measure
2 Barriers to entry	2b	Burdensome registration
	2c	No appeal against denied registration
	2d	Special restrictions on registration of foreign-funded NGOs
3 Barriers to resources	3b	Prior government approval required for foreign funding
	3c	Foreign funding must be channeled through government
	3d	Restrictions on foreign support other than funding
	3e	Prohibition on all foreign funding
	3f	Prohibition on NGO funding to certain type(s) of NGOs
4 Barriers to advocacy	4a	Restrictions on NGOs engaging in political activities
	4c	Special restrictions on foreign-funded NGOs engaging in political activities
	4d	Prohibition on NGOs engaging in political activities

Notes: AUTHORS, adapted from Christensen and Weinstein (2013).

government, or discussed in parliament, but actually adopted.<sup>2</sup> Draft laws may sometimes already affect adoption by other states, a dynamic our database does not capture, but which we encounter in our qualitative analysis. A final source of underreporting lies in the fact that our categorization does not always catch every additional restriction; if for instance a law requiring governmental permission for any foreign funding above \$500,000 was superseded by a law requiring permission for *all* foreign funding, we would code the first law as a restriction on foreign funding, but the further restriction would not alter the coding.

As can be discerned from Figure 1, restrictions against NGOs were relatively rare, and rose only slightly, for most of the 1990s. From 1997 onward, the number begins to rise considerably every year and continues to rise during the 2000s as the total growth in the number of NGOs begins to level off.

In order to understand what kinds of states restrict NGOs, we divided them into democracies, autocracies, and “anocracies,” or hybrid regimes, according to the Polity IV categorization (Marshall and Gurr 2014). Figure 2 shows that there has been at least a fourfold increase in NGO restrictions in states that are not fully democratic, between 1992 and 2016. Differences in growth rates between autocracies and hybrid regimes are small, in line with our argument that restriction of NGOs is an illiberal, but not only or even primarily authoritarian phenomenon.

Adoptions of restrictions by democracies in our database have also increased, from an average of 0.47 to 1.47. Bolivia and more recently India have adopted a number of restrictions against NGOs; Mexico and South Africa have made registration burdensome; and the United States—while being a major provider of aid to foreign NGOs itself—places special restrictions on the registration of NGOs that receive foreign funding. As mentioned above, democratic states that never adopted any restrictions on NGOs are not picked up in our source material and hence not included in our data.

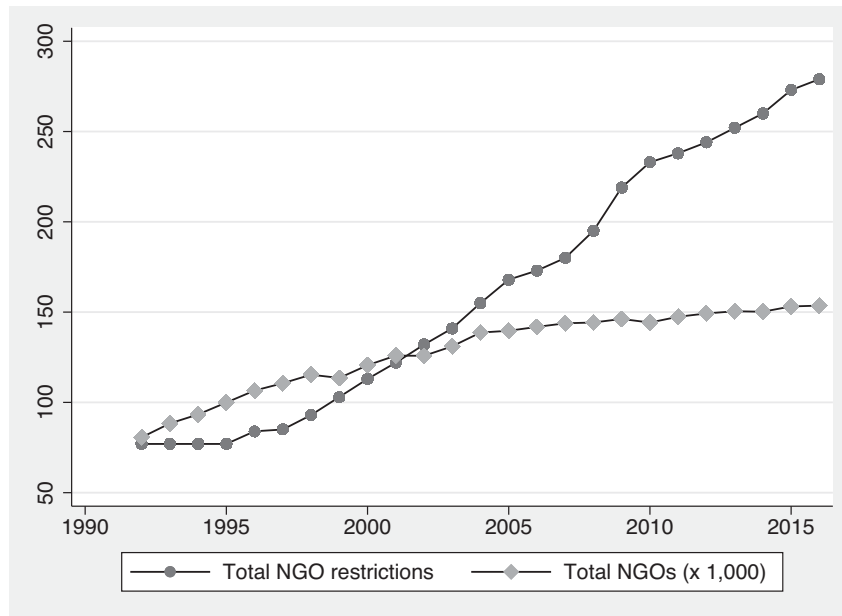
Figure 3 shows that states have adopted a wide array of different types of NGO restrictions. The most common type is making registration burdensome (2b) by making the requirements for getting registration vague and/or onerous. Azerbaijan’s NGO Law of 2009, for example, requires NGOs to register with the Ministry of Justice within thirty days after their formation, but does not specify a time limit by which the Ministry must process the registration,

<sup>2</sup>Since NGO restriction legislation typically attracts most media attention when it is first proposed, it was sometimes difficult to ascertain when exactly a law was adopted. Our data matches the more limited dataset by Dupuy et al. (2016), which counts thirty-nine restrictive laws, in terms of the nature of the restrictions, but the time of adoption sometimes diverged by one year.

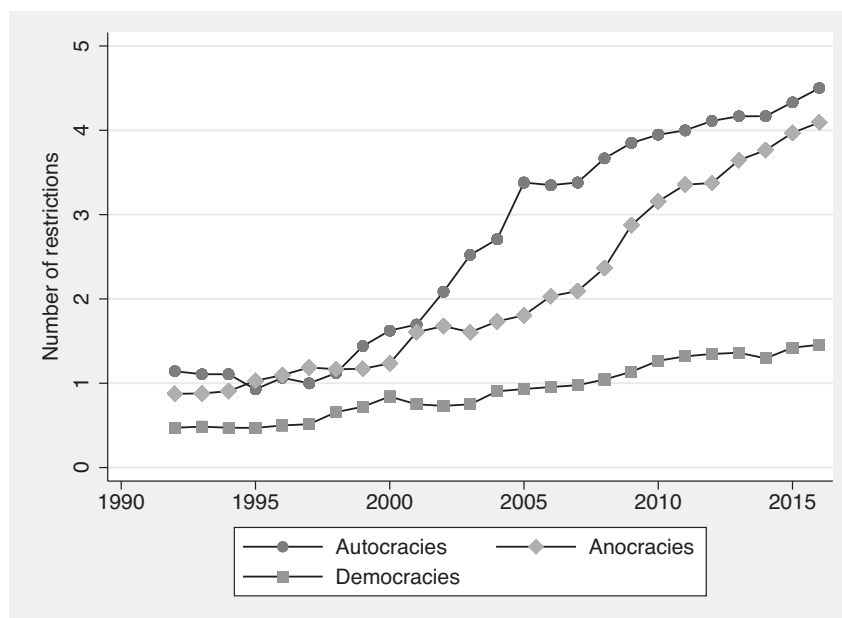
giving it leeway for *de facto* refusal of registration by means of inaction (Ramazanova and Others vs. Azerbaijan, ECtHR, as described in ICNL 2009, 13–14). Similar measures were adopted by 61 percent of the states in our dataset. This fits with our intuition that reputational cost is the main barrier to adoption: burdensome registration requirements are a flexible way of making it difficult for NGOs to operate under cover of bureaucratic procedure, rather than openly exerting political repression.

When it comes to checking foreign influence, special restrictions on the registration of NGOs that receive foreign funding (2d) are most prevalent. They have been adopted by half our states. Thus, foreign-funded NGOs can be prevented from functioning at all. We will describe exactly what some of these provisions look like in our qualitative analysis below. Another frequent measure directed against foreign funding is the requirement of prior government approval (3b). This even more targeted measure allows a government to make a case-by-case assessment of whether foreign funding is on the whole beneficial or threatening to it. “Additional restrictions” (3d), rather like “burdensome registration,” covers a range of seemingly bureaucratic requirements that can make foreign funding difficult without prohibiting it outright. Another measure that gives a government full control over foreign funding without seemingly being overtly repressive is the requirement that the money be channeled through a government institution or state-owned bank (3c). Still relatively rare, this kind of measure has gained traction in recent years. A much smaller group of states has taken measures more explicitly to restrict (4a) or even prohibit (4d) political activities by NGOs. This measure has been resorted to more frequently in the Arab world after 2011, covering all NGOs, whereas African states have been more prone to restricting political activities by international NGOs only. We use three of the eleven distinct subtypes for our regression analyses, as described below. Finally, before embarking on our analysis, it is worth considering the regional spread of NGO restriction legislation.

Figure 4 suggests, first of all, that unlike “liberal norms,” NGO restrictions have not originated in one region and diffused from there. In each region there are a few early adopters, followed by a gradual increase over time. They include Bangladesh and Nepal in Asia, Bolivia in Latin America, and, a little later, Belarus and Turkmenistan in the post-Soviet region. The BRIC powers are notably later adopters. Although the different regions follow a similar pattern of increasing restrictions, the curve is steepest for Asian ( $n = 19$ ) and Middle East and North African (MENA,  $n = 19$ ) countries. The European countries in our dataset ( $n = 11$ ) hardly show an average increase.



**Figure 1.** Growth in NGOs and growth in NGO restrictions



**Figure 2.** Average number of restrictions per country, by regime type

The descriptive data tell us that there clearly is diffusion, that it is not only or even mostly an autocratic phenomenon, that it does not appear to be a direct response to NGO growth, and that it is not driven by major powers, discarding a number of alternative explanations to our theory. They do not tell us whether NGO restriction does indeed occur as a response to threats elsewhere or in imitation of regional examples, or both. In our next section we will discuss the methods we employ for testing our hypotheses and our quantitative findings.

### Quantitative Analysis: Methods & Findings

#### *Learning from Threats: Data And Methods*

Our first hypothesis states that states “learn from threats” (i.e., the more they observe nonarmed bottom-up threats in

their regional environment, the more NGO restrictions they will adopt). The basis of our measure of nonarmed bottom-up threats, *regional mass mobilization*, is the log of the total number of participants in the largest demonstration in a country in a given year, obtained from the Mass Mobilization Protest Data (see Clark and Regan 2016). These data allow us to quantify the threat emanating from nonarmed protests in an intuitive manner. As we explained above, NGOs are not likely to be associated with coups or insurgencies, but they may provide vital organizational support to street protestors or report on their presence.

Scholars use a broad variety of criteria to determine how distance is expected to affect influence, depending on what it is they are measuring. For our analyses, we employ two distance-based measures. First, we employ a substantively intuitive regional classification measure. This is computed as the regional average of mass mobilization based on the

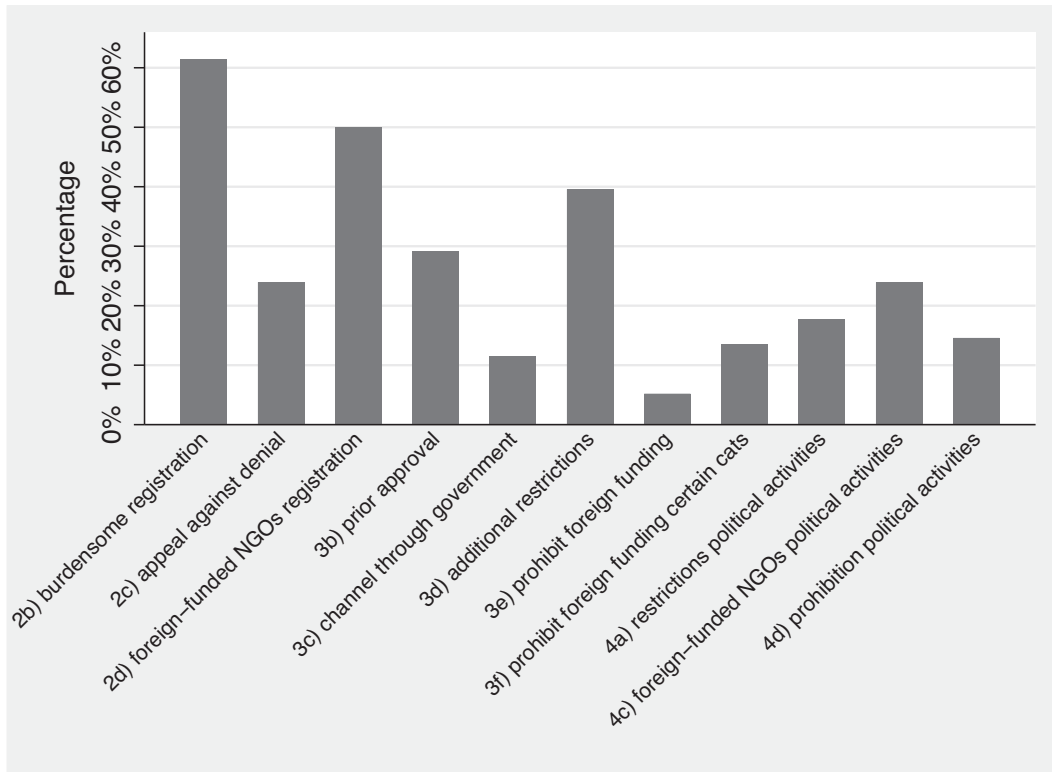


Figure 3. Percentage of adoptions by type of restriction (as of 2016)

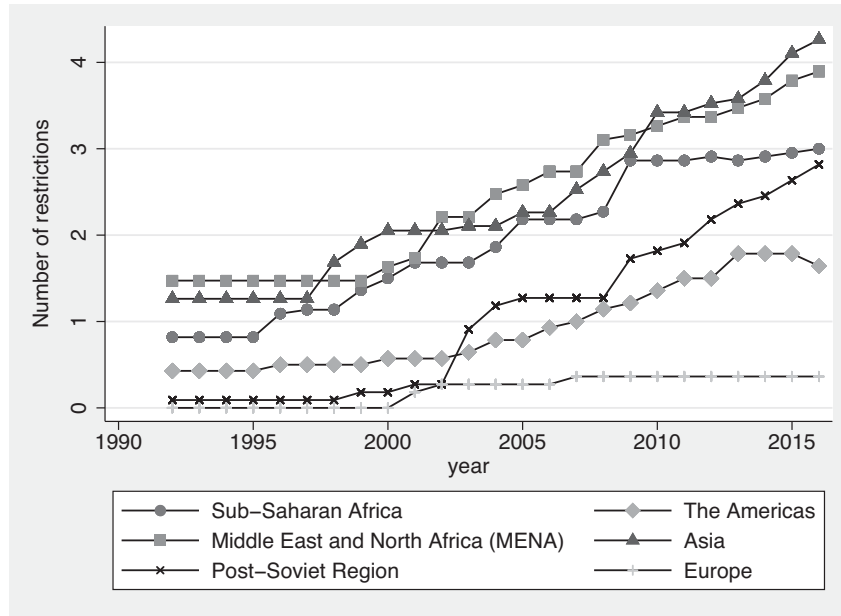


Figure 4. Average number of restrictions per country, by region<sup>3</sup>

regions presented in Figure 4,<sup>3</sup> excluding the focal country. This classification privileges historic, linguistic, and cultural similarities over pure proximity. Thus, it would recognize that Morocco is more likely to be an example to Jordan (Bank and Edel 2015, 12) than to neighboring Spain or that Armenia may be more likely to look to developments in Russia than to neighboring Turkey or Iran.

Second, we relax the assumption that diffusion only happens within the rigid boundaries of these historically and culturally determined regions and define the region based on pure proximity. This intuition is borne out by one of our qualitative examples below, where a legislative restriction from Egypt in the MENA region is copied by sub-Saharan Eritrea, Ethiopia, and Sudan. Likewise, one could hypothesize learning via the Shanghai Cooperation Organization between states classified either as part of the “post-Soviet region” or as “Asia” (Ambrosio 2008).

<sup>3</sup> For our regional classifications, see Supplementary Materials.

We operationalize this by means of a distance-weighted measure, such as often employed in diffusion studies, though they differ in the way they apply weights. For example, [Buhaug and Gleditsch \(2008\)](#) use exact minimum distances in kilometers between borders up to 950 km, while [Gleditsch and Ward \(2001\)](#) use 950 km as a cutoff point to classify a state as a “neighbor,” and [Danneman and Hencken Ritter \(2014\)](#) use a variety of distance-based measures in addition to a 950 km cutoff point. On the other end of the spectrum, [Bell, Bhasin, and Clay, et al. \(2014\)](#) use a 50 km cutoff point to classify a state as a neighbor. Here, we follow the 950 km minimum distance between state borders as cutoff criterion; this relatively expansive measure of distance is appropriate for measuring the diffusion of ideas rather than physical spillovers across borders. Thus, we first create a row-standardized connectivity matrix  $\mathbf{W}$ , which is used to weight the mass mobilization variable, given as

$$W_{ij} = \frac{c_{ij}}{\sum_j^n c_{ij}}$$

where  $c_{ij}$  equals 1 if the minimum distance between states  $i$  and  $j$  is less than 950 km and 0 otherwise. To determine the minimum distance between country borders, we use the “cshapes” package in R ([Weidmann, Kuse, and Gleditsch 2010](#)), which also allows us to take into account changes in country borders.

These two distinct measures of spatial influence are used for all spatially weighted variables in our analyses. We do not use kilometer-based minimum distance weights—where influence decays as distance increases between borders—because we do not find it intuitive that the receptiveness of policy-makers to foreign ideas would mechanically decrease with each kilometer in the way that the mobility of physical objects might decline.

Our dependent variable for Hypotheses 1 and 2.1 is a count of the eleven types of restrictions against NGOs. While it is difficult to estimate, on average, how long it would take a state to adopt NGO restriction legislation in response to a perceived threat, we have introduced a time lag of one year for our spatially weighted variables, as is common in similar studies ([Koo and Ramirez 2009](#); [Dupuy et al. 2016](#)).

There are several domestic and regional phenomena that we might expect to explain adoption behavior, while also being associated with nonarmed threats. The first variable we control for is *NGO growth* or the percentage growth in the number of NGOs within a focal country in a given year. We have taken the annual number of NGOs per country from the [Union of International Associations \(2015/2016\)](#). We already know from [Figure 1](#) that at the aggregate level, the growth levels off by the end of the 1990s and cannot in itself explain the diffusion of restrictions, but in some individual countries restriction legislation may correspond much more closely to growth, hence we need to control for it. A few outliers (20 out of 2,302 country-year observations) have a growth percentage larger than 100 percent, skewing this variable. Rather than taking the log of NGO growth (cf. [Dupuy et al. 2016](#)), we truncate the growth for these twenty country-year combinations at 100 percent. Second, if we expect mass protests in other states to lead a government to restrict NGOs, than this should *a fortiori* be the case for domestic mass protest. Thus, we also include a *mass mobilization* variable indicating the log of the total number of participants in domestic protests within a focal country-year, with a one-year lag. Third, to rule out results driven by autocratic regimes alone, we control for regime type. The variable *autocratic* is a dichotomous variable indicating whether a state

is classified as an autocracy in a given year, based on the Polity IV categorization. Our fourth and fifth control variables are both spatially lagged variables representing more violent or disruptive bottom-up threats. The variable *regional riots*, from [Banks and Wilson’s \(2019\)](#) data, captures any violent demonstration or clash of more than one hundred citizens involving the use of physical force, with “regional” defined by our two spatial measures, as described above. The variable *regional strikes* captures the presence of any strike of one thousand or more workers involving more than one employer and aimed at the government ([Banks and Wilson 2019](#)), with “regional” defined as above. Finally, we also control for *regional NGO restrictions*, the key variable to test in Hypothesis 2.1 and 2.2. (see below).

Following similar models on diffusion of policy that use count-dependent variables ([Prakash and Potoski 2006](#); [De Ruiter and Schalk 2017](#)), we use a pooled negative binomial event-count model to test Hypothesis 1. The motivation for this choice is that the counts of NGO restriction types have a lower bound of zero, with a substantial number of country-year observations with a zero count, as well a standard deviation for restrictions, which is larger than the mean, and overdispersion ([Cameron and Trivedi 1998](#)). In addition, because we have time series and thus multiple observations for each state, country-year observations are not independent. We use robust standard errors adjusted for clustering within states to account for this. Finally, we also include fixed effects for the different years in the dataset, to account for unobserved temporal effects, such as the impact of specific events or significant changes in sociopolitical and economic conditions that could trigger NGO restriction legislation.

#### *Learning from Examples: Data and Method*

Our second hypothesis states that states learn whether to restrict, but also how to restrict NGOs “from examples” (i.e., by studying, and where useful copying, the laws recently adopted by regional exemplars). Various observations from our descriptive data lend support to this idea. First, it fits with the types of restrictions we see most often (see [Figure 3](#)). If threats were driving restrictions, we might expect to see the most draconic or most overtly political measures used most often. Instead, a blanket prohibition on political activities is unusual (15 percent of adoptions) and a blanket prohibition on foreign funding even more so (6 percent). Moreover, the fact that NGO restrictions have risen as much in hybrid as in fully authoritarian regimes, and have even gone up in full democracies, strengthens the notion that we may be witnessing a gradual shift in what is globally considered legitimate in terms of limiting freedom of association.

Many of the restrictions in our database are functional equivalents of each other from a repressive point of view, which led us to consider any restrictions as dependent variable for our learning from threats hypothesis. If we are witnessing learning from examples, states may be learning not only that it is less risky to restrict NGOs, making them more likely to adopt more restrictions (Hypothesis 2.1), but also more likely to study previously adopted laws and subsequently adopt *the same type* of NGO restrictions in their own legislation (Hypothesis 2.2).

Hence, our independent variable for Hypothesis 2.2 is the previous adoption of particular NGO restrictions by other regional states, and the dependent variable is the subsequent adoption of the same type of legislation. Not all of our eleven type measures lend themselves equally well to such analysis. For instance, burdensome registration (2b)

**Table 2.** Descriptive statistics (pooled; 1992–2016)

Variable	<i>n</i>	Mean	Standard deviation	Min	Max
Number of NGO restrictions	2400	1.69	1.87	0	7
Restriction: registration barriers foreign-funded NGOs	2400	0.31	0.46	0	1
Restriction: government approval foreign funding	2400	0.17	0.38	0	1
Restriction: foreign-funded political activities	2400	0.12	0.33	0	1
Autocracy (ref = democratic and anocratic)	2400	0.24	0.43	0	1
NGO growth	2303	4.34	12.22	−97.88	100
Mass mobilization	2134	39,669.8	23,3970.8	0	7000,000
Domestic strikes	2400	0.11	0.59	0	11
Domestic riots	2400	0.73	2.29	0	28

actually covers a wide array of measures, and the same is true for “restrictions on foreign support other than funding” (3d). We therefore focus on three measures, one in each category, that are distinctive, clearly differentiated from each other, and that occur frequently enough for a meaningful analysis. They are “special restrictions on the registration of foreign-funded NGOs” (2d); “prior government approval required for foreign funding” (3b), and “special restrictions on foreign-funded NGOs engaging in political activities” (4c). We use the same control variables and time and spatial lags as in the learning-from-threats model. In addition, we control for regional mass mobilization, the key variable to test Hypothesis 1.

The structure of the data to test Hypothesis 2.2 is different from the structure of the data to test Hypothesis 1 and 2.1. Rather than the total number of adoption types, we are interested here in the adoption of a specific restriction. A key observation for the three types of restrictions in our data is that, once a restriction is adopted, it is hardly ever revoked (although this is a theoretical possibility).<sup>4</sup>

Thus, the data can be interpreted as “time-to-event” data, suggesting survival analysis as the appropriate technique (Allison 1984). That is, we consider each country to be “at risk” of adoption for the period 1992–2016, while the dependent variable is the hazard rate, understood here as the rate of adoption of a certain restriction type by a given state, or the odds of adoption given that state is still at risk. A state is right-censored if in 2016 it had not (yet) adopted the restriction type. We follow earlier work on legislative adoption rates in the field of human rights (Cole 2015; Wotipka and Ramirez 2008; Koo and Ramirez 2009) and employ an exponential survival distribution, where the hazards are assumed to be constant over time and dependent on the vector of (time-varying) covariates in the model.

Table 2 provides an overview of the descriptive statistics of the variables used in the analyses. NGO growth obviously has no values for 1992. Also, Israel and the United States have missing values on the mass mobilization variable, as well as some other country-year observations, reducing the effective number of observations in the analyses. The pooled and the within-year correlations between the covariates gave no concerns for multicollinearity issues. Table 2 shows that, on average, countries have only adopted 1.69 restriction types over the period of observation and a maximum of seven out of eleven possible. Of the 2400 country-year observations, 24 percent is autocratic. This is not to say that 24 percent of states is autocratic, as states can switch regime type over

the period of observation (which happened at least once for thirty-five states in our dataset).

### Findings

Our findings for both hypotheses can be found in Table 3 and Table 4. Table 3 presents the negative binomial analysis testing Hypotheses 1 and 2.1, while Table 4 presents the survival analysis testing Hypothesis 2.2. In both tables, we present four models: a model only including the key independent variables to test the hypotheses and a full model including all control variables, while each is fitted using (1) the regional classification spatial weights for all spatially weighted variables in the model and (2) the 950 km distance-based spatial weights.

Our first hypothesis is that, when nonarmed bottom-up threats in their regional environment are higher, states are expected to adopt more NGO restrictions. Looking at Table 3, we conclude that Hypothesis 1 must be rejected; the lagged effect of regional mass mobilization is not significant in any of the models. Adoption of restrictions against NGOs is not significantly driven by fear of mass mobilizations elsewhere spilling over into one’s own territory. A more disruptive measure of regional bottom-up threats, regional strikes, does seem to have a positive effect on restrictions (IRR = 1.33;  $p < 0.05$ ), but only using the 950 km distance-based spatial weights. In all, there is only very limited evidence in our data that states learn from threats when restricting NGOs.

By contrast, Table 3 shows strong evidence for Hypothesis 2.1: we see the lagged effect of the spatially weighted number of restrictions in the region positively affecting the number of restrictions adopted (irrespective of the specific type) in all models. This finding is sustained (at  $p < 0.05$ ) in an alternative model (not reported in Table 3) without a cutoff point, where we instead used a decaying minimum distance weight in kilometers. The incident-rate ratio for autocratic states is 1.73 and 1.59, respectively, meaning that having an autocratic regime increases the expected count of restrictions by this factor, holding the other covariates constant. Finally, and somewhat surprisingly, stronger NGO growth reduces the expected number of restrictions adopted (IRR = 0.98;  $p < 0.01$ ).

The findings for Hypothesis 2.2 can be found in Table 4. According to this hypothesis, states also observe the types of restrictions being adopted in their regional environment and become more likely to subsequently adopt the same type of NGO restrictions. Hence, we must evaluate the lagged effects of the average adoption percentage in the region of each of the three restriction types on a country’s hazard rate of adopting the respective restriction type. The coefficients are reported as hazard ratios, which can be

<sup>4</sup>This only happens for restriction (3b), which Qatar adopted then revoked and Jordan adopted, revoked, and adopted again. Because these instances constitute such a small fraction of the total sample, we regard the data as single-event survival data.

**Table 3.** Negative binomial regression of the total number of NGO restrictions, all types (1992–2016)

Variable	Regional clustering weighted		Minimum distance weighted (< 950 km)	
	IRR (se)	IRR (se)	IRR (se)	IRR (se)
Regional mass mobilization (one-year lag, weighted, log)	0.99(0.01)	1.00(0.01)	1.02(0.02)	1.02(0.02)
Mass mobilization (within country, one-year lag, log)		1.00(0.00)		1.00(0.00)
Regional strikes (one-year lag, weighted)		0.84(0.18)		1.33(0.18)**
Regional riots (one-year lag, weighted)		0.92(0.05)		1.05(0.04)
Regional number of NGO restrictions (one-year lag, weighted)	2.04(0.21)***	2.00(0.22)***	1.60(0.19)***	1.50(0.16)***
Autocratic (ref = democratic and anocratic)		1.59(0.24)***		1.73(0.29)***
NGO growth		0.98(0.01)***		0.98(0.01)**
Constant	0.42(0.08)***	0.50(0.10)***	0.46(0.12)***	0.49(0.13)***
n (observations)	2134	2134	2134	2134
n (countries)	89	89	89	89
Wald (df)	199.0(25)***	290.1(30)***	151.1(25)***	223.3(30)***

Notes: (1) Statistical significance levels: \*\*\* $p < 0.01$ ; \*\* $p < 0.05$ ; \* $p < 0.10$ . (2) Standard errors clustered for country, fixed year effects included (not shown), and incident rate ratios (IRR) reported.

interpreted as the increase in the rate of adoption as a result of a one-unit increase in the covariate.

Table 4 shows that there is considerable evidence for Hypothesis 2.2: the effect of a regional NGO restriction of a specific type positively and consistently affects the adoption rates for registration barriers on foreign-funded NGOs (2b) using the 950 km distance-based and regional clustering measures. Adoption of the other two measures, requiring government approval for foreign funding (3b) and special restrictions on foreign-funded activities (4c), is affected by prior regional adoption in at least one full model using either type of spatial weight. This clearly suggests that states do indeed look to their regional environment, not just to decide whether to restrict NGOs (as Table 3 shows), but also to decide what kinds of restrictions to adopt. The effect is strongest for restrictions on activities (4c) and smallest but still considerable for registration barriers (2d). For example, using the regional clustering weight, a one-unit increase in regional NGO adoption—which constitutes a 100 percent increase in the state's region, since the variable is coded between 0 and 1—increases the odds of adoption by 13.67 for states still at risk. Given that the average adoption of registration barriers is 0.31 for all states during the observation period (see Table 2), this effect can be considered substantial. Note that countries that had already adopted a type of restriction in 1992 are excluded from the analysis, as are right-censored states that had not adopted the restriction by 2016. Both types of exclusion vary by restriction type, as can be derived from the varying sample sizes in Table 4. Unlike our finding for Hypothesis 2.1, our findings on the specific restriction types are not robust in an alternative model where we used a decaying minimum distance weight in kilometers. This is in line with our theorization of how diffusion via learning occurs: it is largely a regional phenomenon, but does not mechanically decay with each kilometer.

### Learning from Examples: Findings from Textual Comparisons

#### Sources and Method

We have robust evidence that states are learning to restrict from example (Hypothesis 2.1) and considerable evidence

that they are also learning how to restrict (i.e., imitating the adoption of specific restrictions) (Hypothesis 2.2). But in order to be confident that the correlations we observed are indeed a matter of causation, it is necessary to have a closer look at the actual legal provisions through which NGOs are restricted. A powerful way of validating our findings for Hypothesis 2.2 would be to see whether we see similarly or identically worded stipulations travel from one legal jurisdiction to another.

The most prominent source of information for our data, the International Center for Not-for-Profit Law (ICNL),<sup>5</sup> maintains an online library of laws that are relevant to civil society, but many are in local languages only. For two regions, we could access most of the relevant laws in English, either as official documents or in unofficial translations: the Middle East and North Africa and sub-Saharan Africa. Within these two regions, thirty-one laws with NGO restrictions were adopted by twenty-five states within our research period. Five laws are not available in English. We read and analyzed the other twenty-six laws. In six of these, we find no clear evidence of learning from a foreign example. Within the remaining twenty laws adopted by fifteen states (see the supplementary materials for a full list of laws cited), we find numerous instances of provisions that closely resemble one other, suggesting learning from examples, with various possible pathways and permutations. Since space does not allow us to describe them all, we focus on three “chains of diffusion” within these laws, which we describe chronologically. In each case, we discuss the similarities between the laws of the first dyad in detail, making close textual comparisons. The subsequent instances of diffusion are only briefly mentioned, always with reference to the specific article(s) of the relevant laws. These textual comparisons provide smoking-gun evidence of learning from examples; the close resemblance in language and details demonstrates that the cascade of NGO restrictions cannot simply be attributed to similar states facing similar challenges and opportunities and reaching for similar solutions in isolation. Our analyses do not trace precisely where, when, and how policy-makers came to know of and decide to adopt elements of previous legislation. That would be best left to studies devoted to one

<sup>5</sup>The full title of each law we cite and the finding place for their English version can be found in our supplementary materials.

**Table 4.** Survival analysis of the adoption of separate NGO restrictions (1992–2016)

Variable	Registration barriers foreign-funded NGOs (2d)			Government approval foreign funding (3b)			Restrictions foreign-funded political activities (4c)					
	Minimum distance weighted (<950 km)			Minimum distance weighted (<950 km)			Minimum distance weighted (<950 km)					
	HR (se)	HR (se)	HR (se)	HR (se)	HR (se)	HR (se)	HR (se)	HR (se)	HR (se)			
Regional NGO restriction (one-year lag, weighted)	10.79 (9.4)***	13.67 (13.10)***	4.14 (3.24)*	4.90 (4.07)*	51.37 (76.59)***	15.67 (28.98)	11.38 (10.84)**	8.53 (11.07)*	50.10 (97.48)**	130.56 (307.50)**	2.20 (2.54)	2.13 (2.69)
Mass mobilization (within country, one-year lag, log)		0.97 (0.01)**		0.97 (0.01)**		0.98 (0.02)		0.98 (0.02)		1.02 (0.02)		1.03 (0.02)
Regional strikes (one-year lag, weighted)		0.02 (0.04)*		0.08 (0.15)		0.01 (0.03)		0.58 (0.72)		0.07 (0.18)		0.33 (0.51)
Regional riots (one-year lag, weighted)		1.04 (0.23)		0.88 (0.22)		1.28 (0.32)		1.10 (0.22)		1.00 (0.27)		1.18 (0.23)
Regional mass mobilization (one-year lag, weighted, log)	0.97 (0.03)	0.99 (0.04)	1.12 (0.08)	1.15 (0.09)*	0.99 (0.05)	1.04 (0.06)	1.19 (0.13)	1.23 (0.15)*	1.09 (0.06)*	1.10 (0.06)*	1.14 (0.13)	1.11 (0.12)
Autocratic (ref = democratic and anocratic)		1.65 (0.64)		1.70 (0.65)		7.92 (4.18)***		7.94 (3.91)***		3.14 (1.72)**		2.10 (1.09)
NGO growth		0.99 (0.02)		0.98 (0.02)		0.98 (0.03)		0.98 (0.02)		0.97 (0.02)		0.98 (0.02)
Constant	0.11 (0.004)***	0.11 (0.004)***	0.006 (0.004)***	0.004 (0.004)***	0.006 (0.002)***	0.004 (0.002)***	0.001 (0.001)***	0.001 (0.001)***	0.006 (0.002)***	0.005 (0.003)***	0.003 (0.003)***	0.003 (0.003)***
n (observations)	1483	1483	1483	1483	1764	1764	1764	1764	1865	1865	1865	1865
n (countries)	77	77	77	77	82	82	82	82	85	85	85	85
Number of adoptions	34	34	34	34	20	20	20	20	19	19	19	19
LR chi-squared (df)	7.90 (2)**	20.49 (7)***	5.23 (2)*	18.76 (7)***	7.16 (2)**	30.10 (7)***	8.31 (2)**	31.32 (7)***	8.39 (2)**	15.00 (7)**	2.35 (7)	7.31 (7)

Notes: (1) Statistical significance levels: \*\*\* $p < 0.01$ ; \*\* $p < 0.05$ ; \* $p < 0.10$ . (2) Exponential survival distribution, hazard ratios (HR) reported.

particular instance of diffusion of NGO restrictions between two states.

*Gulf Countries: No Affiliation without Prior Permission and No Foreign Funding*

In 1989, Bahrain adopted what was probably its first law regulating nonprofit entities. According to an ICNL analysis, elements of the Bahrain law were modeled on a Nasserite Egyptian law, dating from 1964: “[m]any of these provisions appear nearly verbatim in subsequently written Arab NGO laws, such as . . . Bahrain’s Law of Associations . . . adopted twenty-five years later” (ICNL 2010, 3). While we cannot assess the veracity of this claim, which falls outside the timeframe of our analysis, we can track the subsequent, slow movement of three of the Bahraini provisions through the Gulf region, beginning with Oman, which adopted its Civil Associations Law only in 2000.

The Bahraini law stipulated that “[n]o association shall become or join [*sic*] the membership of any society, club, or union outside the state of Bahrain without a prior permission from the specialized administrative authority” (Bahrain, Decree 21, Art. 20). Oman’s law likewise has it that associations “shall not participate or join an association, commission, or club based outside the country without the prior approval of the Minister” (Oman Law No. 14, 2000, Art. 5b). Both laws state categorically that “no association may receive money from a foreigner or a foreign body,” but domestic associations may *send* money abroad with prior official approval. A notable exception to the need for permission is made in both laws for the sending of books and leaflets (Bahrain, Decree No. 21, 1989, Art. 20; Oman, Law No. 14, 2000, Art. 42). The exact configuration of these provisions, combining a complete prohibition on receiving foreign money with making affiliating to a foreign association or sending money abroad subject to prior governmental permission, and specifically exempting books and leaflets from such permission, provides strong evidence that Oman was learning from a foreign example. This may have been the Bahraini law, or Oman and Bahrain may both have looked to a common exemplar such as Egypt or Saudi Arabia, as suggested by ICNL Laws subsequently adopted by Qatar in 2004 (Law No. 12, Art. 31), by Dubai in 2006 (Resolution No. 12, Art. 5.3 and Art. 12.5), and by the Federation of the United Arab Emirates in 2008 (Federal Law No. 2, Art. 17.2 and Art. 43); each contain the same restrictions and dispensations on (1) affiliating to foreign associations and on (2) associations receiving money from or (3) sending it to anyone outside the country.

*Egypt to Middle East and East Africa: Double Permissions for In-Country Activities*

From the early 2000s, we see evidence of diffusion of new types of restrictions in the Middle East, later also moving into East Africa, this time focusing on restricting the activities of foreign NGOs directly. The laws adopted by Yemen (Law No. 1 and its Executive Bylaw, 2001) and Egypt (Law No. 84 and its Executive Statute, 2002) both describe the exact same steps that need to be taken for a foreign organization to get permission to undertake in-country activities in five consecutive articles. First, the organization needs to seek permission from the Foreign Ministry (Egypt) or the Ministry of Planning and International Cooperation (Yemen), indicating the legal basis for their activity, the type of activity, and the budget (Art. 3, Egyptian Execu-

tive Statute; Art. 51, Yemeni Executive Bylaw). Then, that Ministry sends a description of the proposed activities to the Ministry of Social Affairs, which is to respond within fifteen days (Art. 4, Egyptian Executive Statute; Art. 52, Yemeni Executive Bylaw). If the first Ministry approves of the application, it enters into an agreement with the foreign organization within sixty days (Art. 5, Egyptian Executive Statute; Art. 53, Yemeni Executive Bylaw). The first Ministry or the foreign organization itself forward the agreement to the Ministry of Social Affairs (Art. 6, Egyptian Executive Statute; Art. 54, Yemeni Executive Bylaw). Finally, the Ministry of Social Affairs gives authorization for the activity within fifteen days of receiving the agreement (Art. 7, Egyptian Executive Statute; Art. 55, Yemeni Executive Bylaw).

This is not the only set of provisions in the laws adopted by the two countries that mirror each other. Other examples are the grounds for dissolution of an NGO (Law No. 84, Art. 42; Yemeni Executive Bylaw, Art. 124), prohibitions against persons convicted of particular types of crimes founding an NGO (Egyptian Law No. 84, Art. 2; Yemeni Law No. 1, Art. 5.2), prohibitions against party-political activities (Egyptian Law No. 84, Art. 11.3; Yemeni Law No. 1, Art. 19), the rules for affiliating to a foreign organization (Egyptian Law No. 84, Art. 16; Yemeni Executive Bylaw, Art. 132), and restrictions on the ratio of foreign board members in domestic NGOs (Egyptian Law No. 84, Art. 32; Yemeni Executive Bylaw, Art. 37.1).

These fine-grained similarities indisputably show that one state has been learning, indeed copying, from the legislation by the other. The chronology seems to indicate that Egypt, adopting in 2002, learned from Yemen’s 2001 law. But common sense would suggest that it is more likely that poorer, smaller Yemen imitated Egypt instead. Indeed, it turns out that the Egyptian law was first approved by parliament in 1999, but “declared unconstitutional by the Egyptian Court of Cassation because of procedural irregularities, but an almost identical version was enacted as Law 84 of 2002” (ICNL 2010, 3). Egypt can therefore be considered as the originator of these provisions.

In the years afterward, similar but less elaborate restrictions for foreign NGOs were adopted in the same region, by Turkey in 2004 (Law No. 5253, Art. 5), by Eritrea in 2005 (Proclamation 145/2005, Arts. 7.4 and 6.1), by Ethiopia in 2005 (New Procedure), and by Sudan in 2006 (Voluntary and Humanitarian Work [Organization] Act, Art. 9.3). Each of these provisions conflates registration of foreign NGOs per se with advance permission for intended activities from multiple government entities, typically the foreign ministry or its embassies as well as the domestic ministry in charge of NGOs. A final, less certain case of diffusion of the “double permission for in-country activities” may be Iran, which in a law adopted in 2006 mandates the Ministry of the Interior and the Foreign Ministry to jointly prepare an executive bylaw specifying permission procedures within three months. It remains unclear whether such a bylaw was adopted (Iran, Law on Establishment & Activities of Non-Government Organisations, 2006, Art. 26).

*An African Cycle: Monitoring NGOs through a Regulatory Board*

The Ugandan Non-Governmental Organisation Registration Regulations, promulgated in 2008 (but coming into force in 2009), set off a cycle of African adoptions of NGO restrictions focused on domestic NGOs. This law and its successors are all characterized by the broad powers given to a national regulatory body for NGOs, consisting of

representatives from various government ministries. While Uganda already had a National Board for Non-Governmental Organizations, the new regulation expanded its powers. Only months later, in February 2009, Ethiopia adopted a law establishing a Charities and Societies Agency and describing its powers (Proclamation 621, Art. 4), which run parallel to those of the Ugandan board in a number of ways. First, under both laws, NGOs have to apply for registration with the board or agency (Ugandan Law No. 19, Art. 5, 6; Ethiopian Proclamation 621, Art. 68). Second, both institutions have broad powers to reject applications: the Ugandan board only has to “give reasons” for the rejection; the Ethiopian law allows rejection based on the likelihood that the NGO will have “purposes prejudicial to public peace, welfare, or good order in Ethiopia” (Ugandan Law No. 19, Art. 9; Ethiopian Proclamation 621, Art. 69.2). Third, registration only entitles NGOs to temporary, renewable permits (Ugandan Law No. 19, Art. 7; Ethiopian Proclamation 621, Art. 76.1). Fourth, both institutions can revoke these permits once given (Ugandan Law No. 19, Art. 11; Ethiopian Proclamation 621, Art. 92.2.b). Fifth, under both laws, NGOs have to submit annual reports of their activities and annual accounts to the board or agency (Ugandan Law No. 19, Art. 16a and 16b; Ethiopian Proclamation 621, Art. 80.1 and 80.3). Finally, the board or agency can dissolve an NGO for a number of reasons, including for Uganda “any other reason the board considers necessary in the public interest” and for Ethiopia because the organization’s purposes are deemed “prejudicial to public peace, welfare, or security” (Ugandan Law No. 19, Art. 17.3.e; Ethiopian Proclamation 621, Art. 93.1.b and 92.2.b).

Laws establishing government-controlled NGO oversight bodies were also adopted by Zambia (2009), Rwanda (2011), and Kenya (2013). Each of these bodies were given broad powers to reject NGOs registration (Zambia, Law No. 16, Art. 15a; Rwanda Law No. 4, Art. 20; Kenya, Law No. 18, Art. 16), for instance because its activities are “not in the public interest” (Zambia, Law No. 16, Art. 15a) or the NGO “intends to jeopardy[z]e security, public order, public health, morals, or human rights” (Rwanda Law No. 4, Art. 20.2). They can also suspend or revoke NGO licenses for such reasons (Zambia, Law No. 16, Art. 17; Rwanda Law No. 4, Art. 32 and 33; Kenya, Law No. 18, Art. 18).

### *Implications*

Through tracing specific legal provisions and institutions from one law to another, these qualitative analyses clearly confirm our quantitative evidence that states are not just more likely to adopt restrict laws when other states in the region have done so, but actually studying the laws of previous adopters and copying useful elements. They also give us a more fine-grained understanding of how these diffusion processes actually work, allowing us to draw several additional conclusions.

First, no two countries have the exact same NGO restriction laws. We did not find any instances of a wholesale copy-paste of all or even most of a law. Instead, the laws often appear to be a bricolage of provisions representing local legal traditions combined with articles from one or more foreign exemplars. This is perhaps not surprising, since these laws do serve domestic purposes; so even if exemplars play an important role, the laws are always tailored to domestic circumstances. Second, our qualitative evidence confirms our quantitative finding that these diffusion processes are heavily geographically determined, moving between countries that either share a border or are in close proximity to each

other. But our evidence does not privilege any particular type of connection, linguistic, historic, or infrastructural; Egypt’s law influenced not only that of Arab Yemen, but also East African Ethiopia and Eritrea and perhaps even Iran. Ethiopia in fact looked both to Egyptian and to Ugandan legislation. The Ugandan law further inspired not only Kenya and Zambia, but also former French colony Rwanda.

Third, investigation of legal diffusion processes is complicated by two temporal factors. We find that, while two of the diffusion processes we tracked unfolded relatively rapidly, within five years, the chain of adoptions we observed in the Gulf countries took almost twenty years and may have even earlier origins. Moreover, because of the time that may elapse between the first publication of a draft law and its eventual adoption, states may even copy legal provisions before the original is formally adopted, as suggested by the example of Yemen. Because our quantitative analysis cannot capture either these much longer time lapses, or the imitation of draft provisions that had themselves not yet made it into law, it may actually be underestimating the degree of learning from examples. More research is needed to understand precisely what pressures may be causing states to either delay or speed up adoption of laws inspired in whole or in part by regional exemplars.

### **Conclusions**

The adoption of legislation that restricts and hinders NGOs in carrying out their work turns out to be much more a matter of opportunity than a response to acute threats. Observable threats in the regional environment are not a significant driver behind the considerable diffusion of such measures in recent decades. Instead, we appear to be witnessing a gradual shifting of the goalposts regarding the extent to which states believe they can legitimately restrict freedom of association, driven by learning from examples.

The large number of restrictions we found in 2015 and 2016, as well as many draft laws yet to be adopted, suggests, moreover, that the diffusion of legislative restrictions against NGOs is ongoing and has far from run its course. As suggested by recent literature on the quality of democracy (Abramowitz and Repucci 2018; Luhrmann et al. 2018), the growing restrictions on freedom of association are part of a broader trend. But the comparative politics literature on the quality of democracy within countries remains largely disconnected from the IR literature on changing power configurations between countries, and neither have so far considered the role played by diffusion, and more specifically learning from examples, in explaining the rise in illiberal policies. While IR scholars debate whether the BRIC powers have the capacity or the desire to challenge the liberal world order, our findings suggest a more immanent and horizontal process of illiberal transformation. In our study, it was not the rise of illiberal BRIC powers as such that sparked an illiberal norm cascade, but a gradual change in perceptions regarding what constitutes legitimate government interference with freedom of association, and a decrease in associated reputational risks, based on intraregional learning. While the rise of illiberal powers or the deteriorating quality of democracy even in Western states may exert some latent influence, processes of norm diffusion are importantly also self-reinforcing; perceptions of legitimacy and reputational risk alter with each adoption. Further research on other potential processes of illiberal norm diffusion is urgently needed to understand whether learning from examples is a broader trend and if so whether the trend can be reversed. Restrictions on freedom of expression and media

laws, broadly interpretable antiterrorist laws, rules restricting the independence of the judiciary, and restrictive electoral laws are all important candidates for such research.

At the level of civil-society practitioners and policy-makers, our findings have various implications. First of all, if governments are copying from each other's laws, then civil society should also look at legislation beyond borders, anticipating examples their governments may consider following. They can identify and perhaps pre-empt adoption of restrictive provisions, but also uphold and promote *best practice* laws in the region. Second, painstaking legal analysis, experienced as impartial, is required to combat the gradual shift in governmental perceptions of acceptable restrictions on freedom of association. From a policy-maker's, and more specifically a donor's, perspective, supporting the work of the cash-strapped United Nations Special Rapporteur on Freedom of Association may be one avenue for doing so. If governments have been implicitly taught, in recent years, that restricting NGOs by legislative means is acceptable, it may yet be possible, through advocacy and diplomacy, to teach them otherwise.

### Supplementary Information

Supplementary information is available at the *International Studies Quarterly* data archive.

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