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ABSTRACT

How do public regulations shape the composition and behavior of non-governmental organizations (NGOs)? Because many NGOs advocate liberal causes, such as human rights, democracy, and gender equality, they upset the political status quo. At the same time, a large number of NGOs operating in the Global South rely on international funding. This sometimes disconnects from local publics and leads to the proliferation of sham or 'briefcase' NGOs. Seeking to rein in the politically inconvenient NGO sector, governments exploit the role of international funding and make the case for restricting the influence of NGOs that serve as foreign agents. To pursue this objective, states worldwide are enacting laws to restrict NGOs' access to foreign funding. We examine this regulatory offensive through an Ethiopian case study, where recent legislation prohibits foreign-funded NGOs from working on politically sensitive issues. We find that most briefcase NGOs and local human rights groups in Ethiopia have disappeared, while survivors have either 'rebranded' or switched their work from proscribed areas. This research note highlights how governments can and do shape the population ecology of the non-governmental sector. Because NGOs seek legitimacy via their claims of grassroots support, a reliance on external funding makes them politically vulnerable. Any study of the NGO sector must include governments as the key component of NGOs' institutional environment.

KEYWORDS

NGOs; regulations; foreign funding; human rights; Ethiopia; Africa.

1. INTRODUCTION

How do state regulations influence the behavior and survival of non-governmental organizations (NGOs)? Prior research has emphasized the non-governmental dimensions of civil society, implicitly assuming that NGOs are largely insulated from states (Wapner, 1995). Yet states powerfully shape patterns of NGO emergence, activity, and survival, similar to states' influence over other non-state actors. They do this, in part, by enacting regulations that determine the types of NGOs that can survive and prosper – their 'population ecology' (Hannan and Freeman, 1977). Such regulatory initiatives are increasingly visible as governments from Russia to Israel debate and promulgate tough new laws aimed at reconquering political ground ceded during the 1980s and 1990s to NGOs.

In part, this regulatory offensive is being fueled by the 'global war on terror' (Howell *et al.*, 2008), by concern that states have lost control over their borders (Andreas, 2001), and a growing tendency on the part of international and local NGOs to challenge governments with rights-based advocacy (Kindornay, Ron and Carpenter, 2012; Nelson and Dorsey, 2003). The governmental offensive is inadvertently supported by the dependence of many Southern NGOs on Northern funding, which disconnects them from local constituencies and allows opponents to portray them as foreign agents. Foreign funding sometimes leads to the creation of sham or 'briefcase NGOs' (Hearn, 2007) that impose negative reputational externalities on all NGOs (Prakash and Gugerty, 2010). North-to-South aid has made Southern NGOs both prominent and vulnerable, presenting a tempting target for attack.

We explore this new regulatory offensive in the context of Ethiopia, a major recipient of Northern aid that recently banned overseas funding to local NGOs working on human rights, democracy, elections, and ethnic relations. Employing the organization ecology and institutional literatures, we generate propositions about NGO survival and strategies based on their foreign resource dependence, the political sensitivity of their work, and their portfolio complexity. Our evidence suggests that Ethiopia's 2009 Charities and Societies Proclamation dramatically re-shaped the country's NGO population. Most briefcase NGOs, as well as most foreign-aid-dependent human rights groups, have disappeared, while surviving domestic NGOs have 'rebranded' their activities by abandoning their explicit interest in human rights, or 'restructured' operations into less sensitive domains. Although most international NGOs (INGOs) working in Ethiopia survived, they too rebranded and restructured. Our Ethiopian 'plausibility probe' (Eckstein 1975) establishes a case for a new research agenda, which we outline below. Liberal NGOs are important transnational and local actors, but so are the forces arrayed against them (Bob, 2012).

Our article proceeds as follows. The next section explores the literature's treatment of NGO-state relations. Section 3 examines the growing anti-NGO global backlash, and Ethiopia's 2009 Proclamation. Section 4 outlines our propositions, Section 5 presents our methods and data, and Section 6 discusses our findings. Section 7 concludes with broader implications and avenues for future research.

2. MISSING THE STATE: OPTIMISTS AND SKEPTICS IN THE NGO LITERATURE

NGOs are often defined by what they are not: actors who are not part of government. Indeed, many scholars debate how NGOs differ from other civil society forms such as social movements, citizen groups, professional associations, the non-profit sector, traditional kinship networks, and so forth (Johnson and Prakash, 2006; Lewis and Wallace, 2000; Vakil, 1997).

We view NGOs as formal organizations that are not directly part of government or the for-profit sector, and which seek to provide services to marginalized groups, and/or advocate for social or policy change. Motivated by instrumental as well as normative concerns (Sell and Prakash, 2004), NGOs secure funds from multiple sources, including individual citizens, membership dues, foundations, governmental grants, service delivery, and contracts. Importantly, NGOs are often legally registered, a status that offers distinct benefits, such as the right (in some cases) to issue tax-deductible receipts. It also poses distinct challenges, such as exposure to greater regulatory oversight. In most cases, NGOs are distinct from traditional civil society actors, many of which are informal and/or unregistered.

The number and influence of NGOs grew rapidly in the global South and former Communist countries after the Cold War with encouragement and funding from Northern donors who hoped these groups would represent local concerns, and promote liberal values (Reimann, 2006). Foreign assistance, donors believed, would help consolidate this force for social and political reform.

The global NGO expansion was accompanied by an optimistic political science literature, with various scholars (Keck and Sikkink 1998; Khagram et al., 2002; Meyer et al., 1977; Risse-Kappen 2005; Wapner 1995) arguing that communications technology, declining transportation costs, deepening globalization, diffusing norms, and networks of principled activists were constraining state sovereignty and prompting greater citizen participation. Like many Northern donors, these scholars believed NGOs represented a widespread, grassroots desire for liberal values such as human rights, equality, and social justice. Few of these scholars paid substantial attention to states' regulatory impacts on NGOs, with the exception of Michael Bratton's work on government-NGO relations in Africa (Bratton, 1989). Bratton argues that government ideology, legitimacy, and

administrative capacity shape government–NGO interactions, with strong, democratic regimes more likely to welcome NGOs than military regimes. States employ different regulatory measures to enforce control over the NGO sector, such as monitoring, coordination, cooptation, and dissolution, and in turn, NGOs respond to these measures by working around governments to maintain their autonomy, engaging in selective collaboration with the government, or carrying out policy advocacy.

A more skeptical NGO literature also emerged in the 1990s, located largely in disciplines such as development studies and anthropology. It warned that foreign aid to NGOs was having unanticipated, pernicious effects, and that all was not well in the global NGO sector. Most worrying, foreign aid promoted 'briefcase' NGOs and rendered even bona fide local groups dependent on foreign assistance (Barr, Fafchamps and Owens, 2005; Bob, 2005; Carpenter, 2007; Edwards and Hulme, 1996; Hearn, 2007). Aid could also deepen inequalities between NGO workers and the surrounding population (Uvin, 1998) and between internationally connected NGOs and those with fewer ties (Barr, Fafchamps and Owens 2005; Chahim and Prakash, 2014; Stiles, 2002). Aid gave local NGOs insufficient incentives to vigorously represent local concerns, raise local funding (Chandhoke, 2002; Townsend, Porter and Mawdsley, 2002), or be transparent (Barr, Fafchamps and Owens, 2005; Burger and Owens, 2010). Foreign funded groups were self-aggrandizing (Englund, 2006; Petras, 1999; Uvin, 1998) and, in some cases, a threat to popular social movements (Hammami, 1995; Manji and O'Coill, 2002; Petras, 1999; Stiles, 2002) and local charities (Fafchamps and Owens, 2009).

Both optimists and skeptics underestimated states' continuing power and influence over formal civil society, however. Whereas the optimists overstated the state's decline, skeptics focused too narrowly on the negative effects of international money. In contrast, this article brings the state back in, arguing that states both mediate transnational flows (Krasner, 1995) and shape NGOs' institutional environments. They enact and enforce the rules under which NGOs emerge, operate, use resources, and survive; govern NGOs' physical access to territories and populations; and grant NGOs permission to operate in specific issue areas (Bloodgood, Tremblay-Boire and Prakash, forthcoming; Bratton 1989; Henderson 2011; Jalali 2008). High capacity states have the most regulatory impact, but even the feeblest of governments can disrupt NGO operations. Thus, while NGOs may be nongovernmental, they are in no way 'beyond' the state (Wapner, 1995).

3. THE GLOBAL BACKLASH

The capacity and desire of states to regulate NGOs has become increasingly apparent. Nearly half of the world's states – 86 of 195 countries, or

**Percentage of Countries That Have Passed
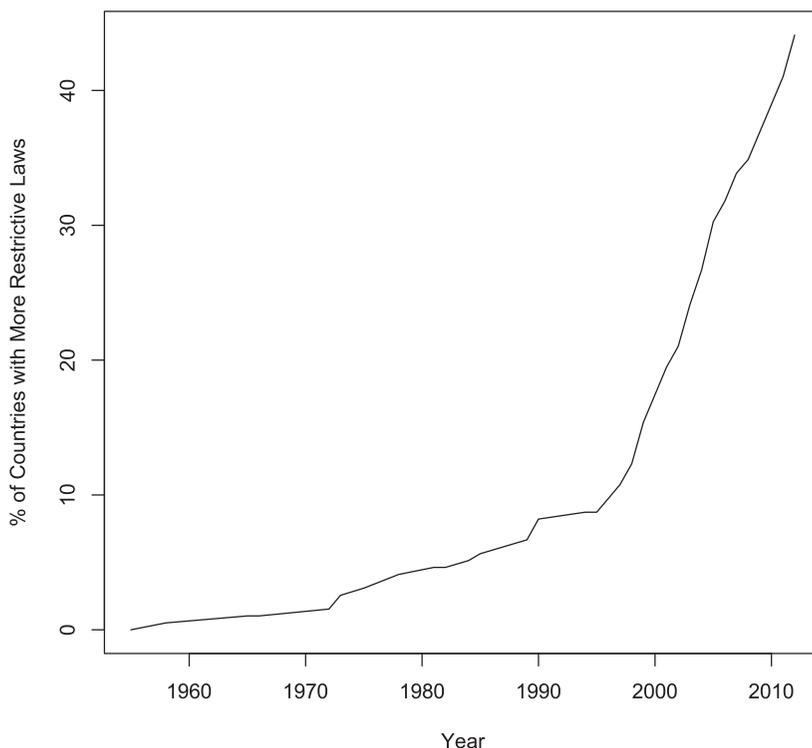More Restrictive NGO Laws Worldwide (Cumulative), 1955-2012**

Figure 1 Between 1955 and 1994, 17 out of 195 countries passed more restrictive laws regarding the operations of foreign NGOs and foreign funding flows. Between 1995 and 2012, 69 additional countries worldwide did so. Currently, 44% of countries (86 of 195) worldwide have adopted legislation that specifically restricts foreign NGOs and/or foreign funding flows.

44% – have passed more restrictive NGO laws since 1955, most of which (69) appeared after the Cold War (Figure 1), while 20 additional countries are debating new restrictions.[1] As Table 1 suggests, the regulatory crackdown is occurring in democracies, hybrid regimes (partially democratic states), and in autocracies, and stands in stark contrast to international efforts during the 1980s and 1990s to create more liberal NGO laws (Beckmann, 1991; Cernea, 1988; Reimann, 2006). States have come to keenly appreciate the symbolic and political threat of NGO 'boomerang politics' (Keck and Sikkink, 1998),[2] and many are trying to disrupt those links as best they can.

Russia and Egypt are perhaps the most famous examples of countries where restrictive NGO legislation has been adopted. A 2012 Russian law

Table 1 Restrictive NGO law adoption across regime types, 1955–2012. Regime type measured by Polity2 score in the Polity IV Political Regime Characteristics and Transitions dataset, which has annual, cross-national, time-series data on regime types, 1800–2011. Data based on average Polity2 scores for 1990-2000, collapsing 'democracy' and 'full democracy' into one category

Regime Type Laws Passed	No new law adopted	New law adopted
Autocracy (score: 0 to 4)	11	13
Closed Anocracy (score 5 to 10)	15	23
Open Anocracy (score: 11 to 15)	19	10
Democracy (score: 16 to 20)	48	17

requires NGOs to register with the government prior to receiving foreign funding from government-approved funding sources if they intend to engage in political activities; such NGOs are labeled as 'foreign agents', and they must display this label on their publications. Egyptian NGOs must have government approval to join or be affiliated with a foreign organization, and like their Russian counterparts, can receive foreign funding only with government approval.

Restrictive NGO legislation is being adopted in other, less obvious places, such as Israel. Legislators there passed a new law in early 2011 that imposes heavy reporting obligations on NGOs receiving foreign funds, and have initiated a suite of more restrictive laws that, if passed, will dramatically curb overall flows of foreign funding to Israeli NGOs (Bronner, 2011; Kershner, 2010). In December 2013, the Kenyan Parliament narrowly avoided the adoption of Ethiopian-style legislation that would have limited foreign funding to 15% of NGO budgets; this legislation was largely designed to silence criticism about the role of key politicians in the disastrous election violence of 2007 (Migiro, 2013).

3.1. Ethiopian Civil Society

Historically, Ethiopian civil society has been smaller and less diverse than elsewhere in Africa, and has been marked by adversarial state-society relations (Clark, 2000; Rahmato, Bantirgu and Endeshaw, 2010). There were no formal NGOs in Ethiopia until the famines of the 1970s and the 1980s, which forced the government to accept outside assistance. Today, the Ethiopian civil society sector is bifurcated between government-aligned community organizations, which includes mass-based organizations as well as religious and interest groups, and independent organizations (NGOs and advocacy organizations) (Rahmato, 2002). Most of the independent Ethiopian NGOs are not rooted in local communities, and are instead viewed as foreign, rather than indigenous, entities (Vaughn and Tronvoll, 2003).

State–NGO relations warmed in the 1990s, following the Ethiopian People's Revolutionary Democratic Front (EPRDF) rise to power and the consequent period of political liberalization. The EPRDF was initially suspicious of independent groups, as they were perceived as being potential challengers to the new government's authority, and the party encouraged the formation of government-aligned, mass-based NGOs formed by ruling elites (Rahmato, 2010). Yet state–civil society relations improved as the government gradually allowed civil society to expand towards the end of the 1990s, when the government needed assistance with relief in the aftermath of the Eritrean war for independence.[3] Consequently, along with growing Northern aid flows, the number of active, Ethiopia-based NGOs grew exponentially, from 70 in 1994 to 368 in 2000, and to 2275 in 2009. During this time, formal advocacy groups made their first appearance in the country.

However, in 2005, state–NGO relations again soured in the wake of Ethiopia's contested national elections. To the dismay (and perhaps surprise) of the EPRDF, opposition parties won many votes, and electoral disputes triggered large-scale protests, some of which turned violent (Arriola, 2013). The government cracked down, accusing civil society of supporting both the opposition and the violence.[4] It then promulgated a series of new anti-democratic laws, including the 2009 Proclamation for the Registration and Regulation of Charities and Societies; the 2008 Mass Media and Freedom of Information Proclamation; the 2008 Political Parties Registration Proclamation; and the 2009 Anti-Terrorism Law. Together, these laws provided the government with tools to focus its repression, raise the costs of dissent, and punish the opposition.

Government ideology supports restrictive legislation. The ERPDF claims it is one of the country's only selfless actors, arguing that it alone can deliver the economic growth necessary for democracy.[5] The party distinguishes its own activities from those of officials in 'rentier states' who abuse their positions for personal gain. The party criticizes NGOs as opportunists using foreign money for inflated salaries and unnecessary expenses. Echoing the work of the scholarly NGO skeptics, the ERPDF says NGOs lack popular support, promote foreign agendas (particularly neo-liberal ones), and are otherwise inauthentic, undemocratic, unaccountable, or locally illegitimate.[6] Only the state can bring about sustainable development and improve the people's lives by sharing the benefits of economic growth, and all other opportunistic actors must be brought under the control of the state. Thus, only civil society groups established, controlled, and funded by Ethiopians, the ERPDF argues, should be allowed to advocate locally for Ethiopian political and human rights (CCRDA, 2011a; Hailegebriel, 2010).

To fulfill this vision, Ethiopia's 2009 Proclamation established barriers to NGO entry, determined permissible issue areas and activities, dictated

organizational structures, and announced new NGO monitoring mechanisms. Most importantly, it re-classified NGOs working in Ethiopia into three categories.[7]

Type 1. *Ethiopian charities and societies*, have Ethiopian citizen members and administrators, as well as budgets that are at least 90% locally sourced.

Type 2. *Ethiopian resident charities and societies*, have members residing in Ethiopia, but have budgets composed of over 10% in foreign-sourced money.

Type 3. *Foreign charities and societies*, are formed under foreign laws, employ foreign staff, are controlled by foreign nationals, and receive substantial overseas funds.

Type 3 groups, in other words, are international NGOs (INGOs) working in Ethiopia.

As of 2010, Type 1 NGOs were the only ones permitted to work on human rights, democracy, national equality, nationalities, gender, religion, the rights of children and the disabled, conflict resolution and reconciliation, justice and law enforcement, elections, and democratization. When these NGOs re-registered in 2010, moreover, they were prohibited from holding more than 50,000 Birr (approximately $2700), depriving them of any previously acquired resources. The Proclamation also specified that NGOs in all three categories could not spend more than 30% of their budget on administration; could not receive anonymous donations; and must register every three years with the official Charities and Societies Agency (CSA). Finally, it established that NGOs must establish a legal personality, submit yearly financial audits and budget reports, and provide the CSA with advance notice of general assembly meetings.

The Ethiopian state thus adopted an 'NGO import substitution model' (Henderson, 2011), driving a wedge between foreign groups and monies, on the one hand, and domestic NGOs and political activities, on the other. And while the ERPDF may have drawn on the insights of skeptical NGO scholars, its policies were undoubtedly more drastic than anything most critics would recommend. The ERPDF's real intention, after all, was to shut down political opposition, rather than to create a more vibrant civil society.

4. TESTABLE PROPOSITIONS

Our study draws theoretical inspiration from several scholarly literatures. Most generally, we draw on population ecologists who argue that external environments shape organizational populations' size and composition through processes of selection (Aldrich, 2008; Hannan and Freeman, 1977). We draw further inspiration from resource mobilization scholars studying social movement, who argue that resource availability,

rather than shared grievances, explains the birth, survival, and death of protest groups (Jenkins, 1983; McCarthy and Wolfson, 1996; McCarthy and Zald, 1977). Together, these theories would predict major changes in the composition of the NGO sector following major shifts in the funding regulatory environment.

We also draw on theories discussing the creation of 'niche' rather than 'generalist' organizations (Baum and Singh, 1994; Freeman and Hannan, 1983; Hannan and Freeman, 1977). The former, organizational theorists say, are vulnerable when their issue-area suddenly disappears, transforming a previously successful resource strategy into a liability. Niche organizations are typically established when the funding environment's resources are 'partitioned' into limited-access sub-sections (Baum and Singh, 1994; Gray and Lowery, 1996). Niche resources go to niche organizations, cutting the generalists out of the picture. If the niche ecosystem disappears, however, its organizational population is also likely to die (Baum, 1999; Carroll, 1984; Galaskiewicz and Bielefeld, 1998; Hannan and Freeman, 1977).

Northern aid to Southern societies has created two key resource partitions. The first divides traditional civil society – consisting of religious organizations, labor and savings groups, and ethnic associations – from the modern sector of formal, professional, and liberal NGOs (Chahim and Prakash, 2014). Resources flowing to the traditional sector are not available to modern NGOs, and vice versa. The second partition divides generalist NGOs, such as those doing a broad variety of development activities, from specialist or 'niche' NGOs, such as those focusing uniquely on human rights.

We also make use of institutional theory's notion of 'isomorphism' (Powell and DiMaggio, 1991), which expects weaker organizations to copy the structures and working styles of more powerful and legitimate groups. Isomorphic pressure is particularly acute in the development sector, where formally constituted Southern NGOs depend heavily on Northern aid. Since many Northern social interest groups are professionally managed non-profits (Skocpol 2007), Southern NGOs have followed suit, seeking legitimacy in donors' eyes. This has boosted Southern NGOs' ability to attract Northern funds, but reduced their ability to mobilize mass constituencies.

Cumulatively, these theories prompt us to expect that state restrictions on foreign aid to local NGOs will lead to high mortality among the briefcase population, as well as for niche groups working in newly proscribed areas. Generalist and international NGOs, by contrast, should prove resilient, given their ability to adapt to the new institutional environment. We explore the logic of these claims below.

Briefcase NGOs emerge and proliferate in environments marked by plentiful donor funding, low barriers to NGO entry, and weak state

oversight (Hearn, 2007). In Uganda, for example, surveyors discovered that 75% of government-registered groups in Kampala existed only on paper (Barr, Fafchamps and Owen 2004). When states enhance oversight and demand more information, however, briefcase groups are likely to evaporate, as their operators should be loath to risk penalty, or be deterred by the effort of new reporting. Likely exceptions are briefcase groups created by persons close to the regime.

Local 'niche' groups working on proscribed issues are also vulnerable, especially if dependent on foreign aid. This is especially true in the human rights sector, where donor monies increased following the rights-based turn in development assistance (Cornwall and Nyamu-Musembi, 2004; Kindornay, Ron and Carpenter, 2012; Nelson and Dorsey, 2003; Uvin, 2004). Recent studies have found high rates of Southern NGO dependency on Northern funding in the Israeli (Berkovitch and Gordon, 2008), Malawi (Englund, 2006), and Nigerian (Okafor, 2006) human rights sectors.[8]

Not all human rights NGOs are 'niche' groups, of course, since many are 'rights-based' generalists working on a wide range of development issues. If human rights work is outlawed, the generalists' broader program portfolios will offer them greater flexibility and protection.

International NGOs (INGOs) are likely to prove resilient when they combine programs in proscribed areas with service delivery in non-proscribed areas. After all, even the most anti-NGO of governments will be loath to lose INGO-supplied or funded services, and INGOs are typically keen to remain so as to better help the needy, attract more funding, and enhance their credibility (Bob, 2005; Cooley and Ron, 2002).

4.1. Survival strategies

The organization ecology literature expects groups to respond to regulatory change by minimizing, avoiding, or trying to defeat new rules (Hillman, Withers and Collins, 2009; Pfeffer and Salancik, 2003; Singh, House and Tucker, 1986). Survival strategies can involve attempts to change the organization (internal transformation), the environment (external transformation), or both. These include complying with some or all of the new rules; delaying or sequencing compliance; co-opting the constraint's source, or trying to alter its nature; evading scrutiny; altering the organization's internal structure; or merging with other organizations less affected by the rules. Organizations, in other words, can fly under the radar and try to evade the new rules; roll back the new rules through media work, political advocacy, and other forms of lobbying; or change themselves. Naturally, organizations differ in their willingness and capacity to adopt any one of these strategies.

4.1.1.   Internally-focused strategies

As noted above, complex, multiple-issue, 'generalist' NGOs working in several issue areas, including both proscribed (such as human rights) and permitted topics (such as development), should prove more resilient than single-issue 'niche' groups. Generalist NGOs can engage more easily in two key survival strategies: rebranding and restructuring.

The least costly NGO strategy is the rebranding of newly stigmatized activities as something less threatening. Restructuring, by contrast, involves real change, including cutting newly prohibited work and partners, and re-allocating those resources to other, less contentious areas. Both strategies are likely to be easier for multiple-issue generalists, since single-issue niche groups have no activities in other domains to use as rhetorical cover when rebranding, or to re-focus on when restructuring.

4.1.2.   Externally focused survival strategies

NGOs may also try to alter their political and institutional environment by seeking to roll back the new rules. One method of doing this is mobilizing assistance from international donors, allies, and the media. This 'boomerang' strategy (Keck and Sikkink, 1998) involves the naming and shaming efforts that INGOs are justly famous for (Hafner-Burton, 2008; Krain, 2012; Murdie and Davis, 2012; Ron, Ramos and Rodgers 2005). Given that the international media is likely to regard state restrictions on foreign aid as newsworthy (Ramos, Ron and Thoms, 2007), both INGO and local NGO lobbying will attract attention. The boomerang's actual success, however, depends on the balance of domestic and international forces.

Transnational boomerangs will be more successful when local activists enjoy broad local support, especially when that support is articulated through mass and peaceful demonstrations (Bob, 2005). Local mobilization can boost local NGOs' credibility with INGOs and other international audiences, and allow INGOs to portray their advocacy on behalf of threatened local activists articulating, local demands. Yet while Southern NGOs are likely to excel at mobilizing international allies, they are likely to have a harder time mobilizing large numbers of local supporters. This is especially true in donor-saturated environments, where foreign funds have drawn Southern groups closer to their Northern supporters.

Finally, local NGOs may try to alter their resource environment by replacing foreign monies with local revenue. Like mass constituency building, however, local fund raising takes time, skill, and effort, all of which are likely in short supply following a government crackdown. Groups dependent on foreign aid, moreover, are not likely to have built

up the necessary local fund-raising contacts, skills and resources, given that the easy availability of foreign aid provides NGOs with few incentives to mobilize lower-yielding local resources.

To summarize, we expect new, state-imposed restrictions on NGO registration, on foreign funding flows to local NGOs, and on politically sensitive activities to have the following effects.

Proposition 1:   Briefcase NGOs in all domains will experience high mortality.

Proposition 2:   Local NGOs focused on proscribed domains and dependent on foreign resources will experience high mortality. This is especially likely when local groups are single-issue niche specialists, rather than multiple-issue generalists.

Proposition 3: INGOs will experience low mortality.

Proposition 4: Surviving NGOs will have rebranded or restructured their activities.

5. DATA AND METHODS

We focus on recent events in Ethiopia for several reasons. First, Ethiopian conditions are representative of global civil society trends. As Figure 1 demonstrated, states are increasingly restricting foreign inflows to domestic NGOs, or imposing new constraints on INGOs working locally. Ethiopia's 2009 Proclamation resembles other countries' new laws, both African and otherwise, especially in its restrictions on human rights work. Governments have imposed comparable restrictions in Egypt, Algeria, Eritrea, Somaliland, and Russia, among others.

Second, Ethiopia offers a unique, real-time opportunity to study the effects of regulatory shifts. The Proclamation's 2010 implementation, and our summer 2011 research, allowed us to track policy change while holding place and national culture constant (Gerring and McDermott, 2007). Nevertheless, we recognize that the immediacy of events imposes research limitations. A rigorous test of our claims requires representative sampling of the country's NGO population, but this effort is neither feasible nor ethical given repression, government and NGO anxieties, and intense civil society politicization. Indeed, it is hard to imagine any country where the comprehensive collection of NGO data would be ethical and feasible so soon after a major crackdown.

To study the real-time effects of regulatory change, we conducted a 'plausibility probe' (Eckstein, 1975) with theoretically generated hypotheses and preliminary data collection. To do this, our lead author traveled to Ethiopia in summer 2011 for low-profile fieldwork, including 27 private and semi-structured key informant interviews. This author also collected pertinent documents with limited international availability, and spoke with international advocacy organizations via telephone (see Appendix 1 for details).

We identified informants through background research on the Proclamation, as well as through contacts established in Ethiopia when politicians were debating the new rules. We made subsequent contacts through snowball the sampling (Biernacki and Waldorf, 1981–82), initiating six different referral chains that produced 17 informants, who then identified our ten remaining informants as especially knowledgeable individuals.[9]

Given the political sensitivities, we chose an experienced field researcher with Ethiopian research experience. They ensured beforehand that the proposed research was not overly risky, exercised discretion in the field, and orally obtained consent from participants, making clear they could withdraw from the interview at any time.[10] To safeguard confidentially, we provide no names or identifying details. We believe the research was worth any remaining risk to informants due to its important policy implications. Civil society globally is under pressure, in part due to international aid. Researchers must learn more about the local effects of international money so that they can offer plausible insights to the NGO policy community. Indeed, it seems ethically inappropriate to refrain from urgent, policy-relevant research due to political limitations on systematic sampling.

Our study thus has methodological limitations. Safety restrictions limited our inquiry to Addis Ababa and non-probability sampling. We attempted to minimize these problems through maximum variation sampling within the capital (e.g., choosing informants from multiple sectors and organizational types), and by focusing on information-rich key informants.[11] We are confident that our interviews, when combined with the existing literature and documents collected locally, offer sufficient evidence for a plausibility probe.

6. FINDINGS

Ethiopia's NGO sector changed dramatically following the 2010 implementation of the Charities and Societies Proclamation. Many briefcase and single-issue human rights groups closed down, while INGOs and multiple-issue local NGOs largely survived, although many have changed their activities. Some adopted internally-focused survival

Table 2 Numbers of registered organizations per category, pre- and post-proclamation

2009	2011
• Total number of local NGOs = 2275. Consisting of: ○ 2000 local NGOs in various sectors ○ 150 professional organizations ○ 125 civic advocacy organizations	• Total number of local NGOs = 1701. Consisting of: ○ Ethiopian charities (*includes human rights organizations*): 110 ○ Ethiopian societies (*includes professional and mass-based associations*): 261 ○ Ethiopian resident charities (*includes former civic advocacy (i.e. human rights) organizations*): 1270 ○ Ethiopian resident societies: 60
• International NGOs (INGOs): 266	• International NGOs (INGOs): 262
• Adoption agencies: 45	• Adoption agencies: 62
• Consortium: 12	• Consortium: 34
3800 organizations total (estimated, including regionally and federally registered organization, religious groups, and cultural associations)	2059 organizations total registered at the federal level

strategies by rebranding existing proscribed activities – including human rights – as 'development' or 'service provision'. Others restructured their portfolios to focus on less contentious concerns. Some human rights groups turned to externally focused strategies and successfully mobilized international allies, but few could mobilize substantial local support. While international allies did their best, the transnational 'boomerang' failed to change Ethiopian policy.

Table 2 provides a broad overview of Ethiopia's NGO sector before and after the 2010 Proclamation. These data point to potentially high organizational mortality as a result of the Proclamation, in that the number of federally registered local and international NGOs dropped by 45% from 3800 in 2009, to 2059 in 2011.[12] Mortality was highest among local NGOs, Table 1's first row, dropped 25% from 2275 in 2009 – a number that includes both advocacy organizations and professional associations – to 1701 in late 2011. INGO numbers, by contrast, dropped very little, moving from 266 in 2009, to 262 in 2011. The number of adoption agencies decreased by 17, whereas the number of umbrella organizations increased by 22, due largely to the Proclamation's prohibition on NGOs of different types joining the same consortium. In total, 1741 previously registered groups failed to re-register with the official Charities and Societies Agency.

6.1. Who died, who survived?

6.1.1. The rapid death of Ethiopia's 'briefcase: NGOs'

Eleven respondents from non-governmental and governmental agencies said that most terminated organizations were 'briefcase NGOs', which first appeared in Ethiopia 'because of the [earlier] NGO bonanza, when people would establish an NGO and try to get money for it, and if they did, they would set up shop.'[13] This analysis is supported by the available aid data, which indicates that Ethiopia has been the largest African recipient of Overseas Development Assistance (ODA) since 2007, and one of the largest since 2000. Its total ODA inflow tripled from 2000–2010, rising from US$1.03 to US$3.5 billion (OECD, 2012). Much of this aid, moreover, was directed towards NGOs, as per the 2003 Cotonou Agreement[14] between the European Union, one of Ethiopia's top donors, and recipient countries, which highlighted the importance of non-state actors in development. From 2004 to 2007, Ethiopian NGOs received $1.25 billion in aid, while annual donor flows to NGOs in all sectors rose from $30 million in 2004, to $573 million in 2011 (Cerritelli, Bantirgu and Abagodu, 2008; OECD statistics). Aid to Ethiopian human rights programs – much of it went to 'niche' human rights organizations – rose from $2.4 million in 2002, to $14.5 million in 2010.

It is hard to know precisely what proportion of the 45% drop in registered Ethiopian NGOs stemmed from the elimination of briefcase operations. The CSA says it examined the files of 1500 registered NGOs prior to the Proclamation, and found that only 38% had current information on file.[15] If most of the remaining NGOs were in fact inactive, this suggests an estimated briefcase rate of 62%, slightly smaller than Barr, Fafchamps and Owen's (2005) Kampala finding of 75%.[16] More research on this count is warranted.

6.1.2. The death of local, human rights 'niche' groups

As expected, many local human rights NGOs expired, especially those of the single-issue type. The Proclamation had specifically targeted rights groups, and as noted above, niche groups of this sort are particularly vulnerable.

According to one civil society expert, 'The biggest impact of the law has been on local, Ethiopian human rights organizations, because other types of organizations, like local development organizations, can still access foreign funding. Almost all human rights organizations [by contrast] have died out.'[17] Indeed, this expert estimated that only 12 or 13 of the 125 previously existing local rights groups had re-registered with the CSA as such, a 90% decline.[18]

Most of these 125 pre-2010 human rights groups were established during the 1990s, and provided legal aid, training and civic education, monitored human rights violations and elections, and advocated for the rights of specific Ethiopian groups. Many were single-issue NGOs, including 25 voter-education groups that either disappeared or restructured following the Proclamation.[19]

Five of the 11 Northern donors we spoke with said the Proclamation had forced them to cut funding to local rights groups, a form of 'restructuring' discussed below. One explained that as a result of the new law, 'donors ... now focus on service delivery,' while a second said that 'donors ... don't want to conflict with the government's rules.'[20] A third said her agency had re-directed money from local rights groups to pro-government NGOs,[21] while a fourth said it had moved money from local rights activities to NGO capacity building.

6.1.3. The survival of 'generalist' and niche NGOs in non-targeted sectors

Local NGOs working on non-contentious issues such as education, health, agriculture, and general development, seemed to have survived the Proclamation. Examples include Mary Joy Aid Through Development, the Organization for Child Development and Transformation (CHADET), Agri Service Ethiopia, the Rehabilitation and Development Organizations (RADO), the Relief Society of Tigray (REST), the Rift Valley Children and Women Development Association, the Emmanuel Development Association, the Ethiopian Rainwater Harvesting Association, Handicap National, and many more.

Unlike Ethiopia's disappearing briefcase NGOs, these groups provided bona fide services, albeit in non-controversial areas. Prior to the Proclamation, some of these NGOs had well-established reputations and were funded by international NGOs and donors, while others (such as REST and RADO) were (and remain) government-aligned[22] and foreign-funded.

6.2. Internally-focused survival strategies

Many of the survivors made internal changes to accommodate the Proclamation. A survey of 32 NGOs conducted in 2011 by the donor-funded Taskforce for Enabling Environment for Civil Society in Ethiopia, for example, found that 70% of development organizations, and 44% percent of human rights organizations in the study, had changed their organizational vision and mission.[23] This is not surprising, given that so few NGOs re-registered as 'Ethiopian charities.' The human rights organizations said they had reduced staff, scaled down activities, restructured their organizations, merged with other groups, or split their NGO into

different components.[24] Seventeen NGOs had rebranded by changing their mandate from human rights to development, while 35% of human rights NGOs said they had done both rebranding and restructuring.

As expected, most INGOs successfully re-registered with the official CSA, although often at substantial cost. For instance, two INGO representatives said their organizations had felt obliged to cut funding to local groups who refused to drop their rights-based activities; essentially, these INGOs engaged in organizational restructuring.[25] In other cases, INGOs and their partners engaged in less onerous rebranding, a process made easier by their multi-issue portfolios. As one INGO representative explained, his group and its local partners simply removed 'rights' from their re-registration application, and continued to work on health-related issues as before.[26] Many surviving NGOs pursued this low-cost strategy when possible, including a discursive shift to an older 'needs-based' development approach emphasizing service provision and gap filling. Several interviewees said this had little real impact on activities, however, suggesting either that the 'rights' to 'needs' change was semantic, or that the rights-based approach was never fully implemented (Abebe, 2010; CCRDA, 2011b). Or, as some skeptics of the rights-based approach have argued, the entire rights-based development paradigm may be based more on appearance than on substance.

One local NGO worker explained why rebranding was a relatively low-cost strategy. 'We revised our strategy, mission, and programs to a needs-based approach with a focus on protection, and moved away from a rights-based approach. Now, we talk about why education is important, but we don't talk about rights. Our activities are largely the same after the law. It is only the language that is changed.'[27] A second local NGO representative said his groups changed from working on 'rights' to focusing on service delivery, development, and capacity building for other NGOs and government departments (see also CCRDA, 2011b). 'We changed the wording of our rights-based activities into protection, service delivery, and development activities,' a representative told us.[28]

Many INGOs also jettisoned the human rights rhetoric.[29] The pre-2010 mission of Action Aid's Ethiopia branch, for example, was entitled 'Rights to End Poverty,' involving working 'with poor and excluded people, women and girls to eradicate absolute poverty, inequality and denial of rights.' In January 2010, the group changed its mission to working 'to ensure that poor people effectively participate and make decisions in the eradication of their own poverty and their well-being generally' (quoted in Abebe, 2010 and in Action Aid Ethiopia, 2010). Like other groups, Action Aid had jettisoned the word 'rights,' dissolving the rights-development policy merger created just a few years earlier.

Another INGO representative explained how his group rebranded its gender work. 'We can no longer talk about equality because it is a

sensitive issue. So we now talk about gender and development ... Otherwise, our activities in our gender program are much the same.'[30] Another INGO working on child rights explained how it had re-labeled its work as 'child protection, support and education.' Donors, similarly, changed their focus from 'rights'0 to 'protection,' 'support,' 'education,' 'empowerment,' 'capacity building,' and 'development.'[31] 'Rights,' and a plethora of related terms, were discarded.

For most Ethiopian groups, the decision to rebrand was not hard. As one of our key informants explained, 'most local NGOs decided to register as resident charities and societies [Type 2 NGOs], because otherwise there would be little [foreign] funding. NGOs adapted their programs to fit within the law, and simply removed rights and governance from their activities.'[32] Indeed, several interviewees said rebranding occurred after consultations with the government as to what issues they could still work on, given their use of international funding. Given the paucity of local funding, local groups felt they had little choice; as one local NGO worker put it, 'NGOs must change to reflect changes in what donors fund, because we are implementers for the donors; most NGOs satisfy the needs and interest of donors.'[33]

Other NGOs engaged in restructuring, a more costly compliance effort. Initiative Africa, for example, had worked on good governance issues prior to the Proclamation, but then switched its mission to achieving 'Education For All.' Action Professionals Association for the People (APAP), similarly, changed its mission to providing socio-economic services for the poor, developing the capacity of other NGOs, and research. The Ethiopian Arbitration and Conciliation Center stopped providing conflict resolution and arbitration, and now offers capacity building and judicial training. The Hundee Oromo Grassroots Organization, which had a portfolio of rights-focused activities, now works on livelihoods, land rehabilitation, food security, environmental rehabilitation, and women's empowerment. The African Initiative for a Democratic World Order (AIDWO), previously engaged in human rights advocacy and civic education, renamed itself Amudaeas, and began working on entirely different issues, including environmental protection, leadership, and women's inclusion.[34] The Organization for Social Justice Ethiopia (OSJE), a local NGO working on human rights, social justice, voter education, and election monitoring, renamed itself the Organization for Social Development, and began working on corporate social responsibility.[35] As one expert told us, the 'OSJE was told by the Charities and Societies Agency [CSA] that they could not stay with their mission unless they were an Ethiopian charity [Type 1 NGO]. But the OSJE could not raise sufficient funds [locally], so they changed their name and mission'.[36] The OSJE became the OSD, the mission changed, and the foreign-sourced revenue continued.

Local NGO networks also changed. The 24-member Ethiopian Civil Society Network for Elections disappeared, while nearly all of the 25 members of the Union of Ethiopian Civil Society Organizations dropped their work on human rights in favor of other areas.

As expected, broad, 'generalist' portfolios protected local NGOs. Many of the groups listed in Table 3, as well as seven of the nine local and international NGOs we interviewed, successfully rebranded or restructured because they were generalist, rather than niche, human rights groups. These survivors enjoyed established reputations in safe issue areas, and could continue working on those issues without the 'rights' label. Single issue, niche-style rights groups, by contrast, 'found it hard to switch to a new issue area,' both because they 'lack[ed] the skills and expertise,' and because 'they don't have many established [foreign] donors.'[37] With no track record in the non-controversial areas, few niche groups were able to gain the expertise and reputation to attract donor money for new, non-rights-related activities.

Table 3 Examples of survival strategies and post-proclamation organizational changes for local human rights organizations

Pre-proclamation	Post-proclamation
Ethiopian Human Rights Council (EHRCO) • Established in 1991 • Functions: monitor human rights, provide legal aid to victims of human rights violations, publish reports, organize workshops and training, promote democracy and the rule of law	• Continued on unchanged • Government required name change to Human Rights Council • Registered as Ethiopian Charity • Carries out the same functions in reduced capacity
Ethiopian Women Lawyers Association (EWLA) • Established in 1995 • Functions: provide legal aid, research and report on human rights violations, advocate for the rights of women, advocate for legal reforms	• Continued on unchanged • Registered as Ethiopian Charity • Carries out the same functions in reduced capacity
Ethiopian Bar Association • Established in the 1970's • Functions: legal education and training, advocate for legal reform, provide legal aid	• Continued on unchanged • Government required name change to Ethiopian Lawyers Association • Registered as Ethiopian Society • Carries out the same functions

(*continued*)

Table 3 (*Continued*)

Pre-proclamation	Post-proclamation
Vision Ethiopian Congress for Democracy • Established in 2003 • Functions: civic education, election observation, promote democracy and good governance, conduct training and workshops, leadership training	• Continued on unchanged • Registered as Ethiopian Charity • Carries out the same functions
Human Rights and Peace Center, University of Addis Ababa • Established in 2008 • Functions: teach human rights law and international humanitarian law, prepare teaching materials and other publications dealing with human rights law, train personnel, collect documentation of human rights	• Continued on unchanged as the Center for Human Rights, Addis Ababa University • Registered as Ethiopian Charity (officially labeled Human Rights and Peace Center) • Carries out the same functions
Transparency Ethiopia • Established in 2002 • Functions: fight corruption, promote good governance, conduct research and training, civic education, election monitoring and observation, promote rule of law	• Continued on unchanged • Registered as an Ethiopian Charity • Carries out the same functions
African Rally for Peace and Development • Established in 2005 • Functions: build capacity for development and security, promote peaceful coexistence, advocate for justice and human rights, fight global warming and environmental degradation, training and networking, connect with and support African Union	• Continued on unchanged • Registered as an Ethiopian Charity • Carries out the same functions
Kembetta Women's Self-Help Center Ethiopia Association • Established in 1997 • Functions: try to stop female genital mutilation and other harmful practices, empower women to become aware of and demand their rights, reduce gender violence	• Rebranded • New name: KMG-Ethiopia • Registered as Ethiopian Resident Charity • New functions: works on empowering and enabling women to create an environment where their rights are observe, and helping women to realize their

(*continued*)

Table 3 (*Continued*)

Pre-proclamation	Post-proclamation
	economic wellbeing and advancement through development interventions
Association for Nation-Wide Action for Prevention and Protection Against Child Abuse and Neglect (ANPPCAN) • Established in 1990 • Functions: promote child rights and child protection	• Rebranded • New name: African Network for Prevention and Protection of Children Against Maltreatment and Neglect (ANPPCAN) • Registered as Ethiopian Resident Charity • New functions: engaged in prevention of child maltreatment, protection of children against abuse and exploitation, encourages child participation in psycho-social and other services, intervene in cases of child abuse, research and advocacy
Forum for Street Children • Established in 1989 • Functions: work on realizing child rights for urban disadvantaged and exploited children	• Rebranded • New name: Forum on Sustainable Child Empowerment • Registered as Ethiopian Resident Charity • New functions: needs-based approach with a focus on child protection and well-being
Initiative Africa • Established in 2002 • Functions: strengthen capacity of local organizations working on good governance	• Restructured • Registered as Ethiopian Resident Charity • New function: achieving Education for All
Action Professionals Association for the People (APAP) • Established in 1993 • Functions: legal empowerment program aim at improving human rights and providing legal services, disseminate human rights information and conduct human rights training, conduct research, carry out human rights education	• Restructured • New name: Action Professionals Association • Registered as Ethiopian Resident Charity • New functions: facilitates basic socio-economic services to the poor and marginalized, developing the capacity of other NGOs, and doing research

(*continued*)

Table 3 (*Continued*)

Pre-proclamation	Post-proclamation
Ethiopian Arbitration and Conciliation Center • Established in 2004 • Functions: focused on conflict resolution activities, dispute resolution	• Restructured • Registered as Ethiopian Resident Society • New functions: training for judges and capacity building
Hundee Oromo Grassroots Organization • Established in 1995 • Functions: constitutional training program and a women's rights awareness program, civic education, food security, environmental protection, and rural development	• Restructured • Registered as Ethiopian Resident Charity • New functions: works on livelihoods, land rehabilitation, food security, environmental rehabilitation, women's empowerment
Organization for Social Justice • Established in 2003 • Functions: voter education and election observation, report on human rights, promote human rights and social justice, civic and legal empowerment, capacity building, legal aid to the poor	• Restructured • Registered as Ethiopian Resident Charity • Renamed the Organization for Social Development • New functions: researches corporate social responsibility (CSR), educates about and promotes CSR, engages the private sector in CSR, and advocates for CSR laws and practices
African Initiative for a Democratic World Order (AIDWO) • Established in 1995 • Functions: human rights advocacy, civic education, voter education, capacity building	• Restructured • Registered as Ethiopian Resident Society • Renamed Amudaeas • New functions: works for inclusion and development of women and girls, environmental protection
Research Center for Civic and Human Rights Education (RCCHE) • Established in 1999 • Functions: conflict management and transformation, civic and voters education, women's empowerment, good governance, democracy, HIV/AIDS education, environmental education, document human rights abuses	• Restructured • Registered as Ethiopian Resident Society • Renamed Research Center for Development and Education • New functions: works on organic farming, environmental protection, and eco-tourism

In summary, most Ethiopian and international NGOs responded to the Proclamation by rebranding, the least costly form of compliance, or by restructuring, a deeper form of change. A brave few groups did continue their original work by registering as Type 1 NGOs, or 'Ethiopian associations,' using new, locally sourced budgets and local volunteers. Examples include the Ethiopian Women Lawyer's Association (EWLA), the Ethiopian Human Rights Council (EHRC), the Ethiopian Human Rights & Civic Education Promotion Association, and Vision Ethiopian Congress for Democracy. They eschewed rebranding or restructuring because of their long history of human rights work, and their leaders' strong commitment to human rights ideas and tools. As the director of Vision Ethiopia explained, 'Most [Ethiopian] advocacy groups changed their status and transformed themselves into development associations. You can ask us why we didn't do so. For me it is an insult to deviate from once established objectives and activities which we were engaged in for over 15 years.'[38] These rare NGOs paid a high price, however. Both the EHRC and EWLA were forced to dramatically downsize, with the former closing nine of its 12 offices and slashing its staff from 60 to nine. The latter made similarly drastic cuts (Amnesty International, 2012a, 2012b).

6.2.1. *Externally-focused survival strategies*

The government's ban on international aid triggered little local protest, and prompted few Ethiopian individuals or businesses to replace foreign funds by their own donations. Clearly, one major reason is the state's crackdown, which signaled that local rights groups and their supporters were in danger. As one source noted, 'people are afraid to contribute to NGOs because of the association of NGOs with opposition politics. The level of trust in donating money to organizations has declined.'[39]

The human rights idiom and rights-based organizations, however, may have also suffered from weak local support, as is true elsewhere in Africa (An-Na'im, 2000; Dicklitch and Lwanga, 2003; Englund, 2006; Mutua, 1994, 1997; Okafor, 2006; Odinkalu, 1999). Latin America has enjoyed a long history of human rights-based mobilizing, but the same is not true of other world regions (Hafner-Burton and Ron, 2012). As one source explained, 'the rights-based approach [to development] was not well known among the [Ethiopian] public. In the past, civil society organizations were engaged in service delivery, and only more recently have they combined rights, advocacy, and service delivery. The public and NGO beneficiaries are not upset about the removal of the rights-based approach, since they don't really know what it means.'[40]

Indeed, one report claimed that local NGOs in Ethiopia reflected donor rather than local priorities, instilling the notion that these groups were foreign, not indigenous, organizations:
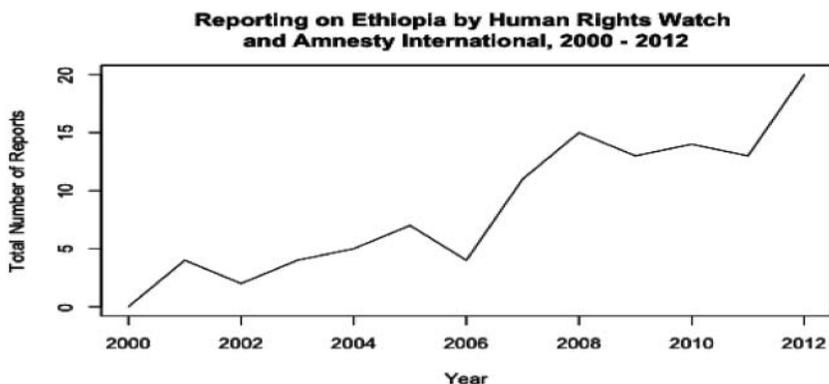
Reporting on Ethiopia by Human Rights Watch and Amnesty International, 2000 - 2012

Figure 2 The number of publications on Ethiopia by Amnesty International and Human Rights Watch released from 2000 to 2012, includes all reports, press releases, and commentaries specifically written about Ethiopia, and published by these two organizations.

> Most Ethiopian CSOs are set up by a few individuals and rely on foreign funds. Their relations with the communities they work with have been hierarchical (donor–recipient) rather than one of equal partnership. Lack of constituency/mass base has undermined the bargaining power of CSOs and risks resulting in alienation from the public. Hence, the public didn't stand in their support when they faced policy and legal challenges, and they become easy prey for defamatory media campaigns on the sector. (CCRDA, 2011a: 65–66.)

The Ethiopian public is generally disinterested in donating to the NGO sector. As one local NGO worker lamented, 'It is really foreigners and people with a "foreign culture" who give money to NGOs.'[41] Instead, most Ethiopians perceive NGOs' role as one of giving money to Ethiopians, rather than the reverse (CCRDA, 2011b). Some Ethiopians are mistrustful of NGOs, fearing that they are unaccountable, corrupt, or focused on personal gain. As one former local NGO employee noted, 'The law revealed that working in an NGO is all about money. NGOs didn't seek out local sources of funding but rather changed their objectives to fit the law and keep operating. NGOs are a lucrative business: they provide allowances, high salaries, and travel opportunities. NGOs can engage in patronage, by giving out jobs or workshops in return for money and other forms of support. NGOs want to keep money flowing because of the benefits.'[42] Or as one INGO source argued, 'many people [in Ethiopia] view NGOs as being wasteful, that they do nothing and

simply earn big salaries.'[43] These criticisms echo arguments advanced by scholarly NGO skeptics and government officials.

Survey data suggests an extreme form of 'resource partitioning' in the Ethiopian charitable sector. On the one hand, a recent Gallup poll found that only 10% of surveyed Ethiopians answered 'yes' when asked whether they had 'donated money to a charity' in the last month, compared with 28% in Kenya, or 16% in Sudan.[44] Yet a similarly recent Pew survey found that 63% of surveyed Ethiopian Christians, and 82% of surveyed Ethiopian Muslims, reported giving alms via the church or mosque. Ethiopians do give, but they channel those funds through traditional, religious charities, rather than through the more modernistic NGOs.

6.3. Mobilizing transnational support

Although local political support was weak, some local NGOs fought the Proclamation by mobilizing transnational allies and groups. The Consortium of Christian Relief and Development Association (CCRDA), Ethiopia's largest umbrella NGO, mobilized a Task Force to funnel information to the international community (CCRDA, 2011b; Hailegebriel 2010), while other groups appealed for help more quietly, given the 'history of civil society representatives [in Ethiopia] being imprisoned and harassed.'[45]

Transnational human rights groups and media sources covered Ethiopian events closely (see Figure 2), especially following the contested 2005 elections and the government's 2008 release of the draft Proclamation. Human Rights Watch, Amnesty International, UN agencies and others condemned the proposed law. From 2008 to 2012, international news sources published at least 33 articles specifically on the Proclamation.[46]

The government fought back, however. Although it wanted international donor money, it was unwilling to permit foreigners to support civil society challengers. As the Ethiopian Foreign Ministry explained,

> These foreign charities and societies are not allowed to engage in political activities as of right. This is normal practice in most countries, as political activities, by their very nature, are reserved for citizens. *It is a sovereign state's right to limit the influence of foreigners through any financing of political activities.* Aside from politics, foreign charities and societies are free to operate and assist in any much-needed development activities and humanitarian needs of the country. (Emphasis added. From http://www.mfa.gov.et/internationalMore. php?pg = 59 (accessed 24 May 2013).)

The government was largely successful in its effort, as the Proclamation became law with only very minor modifications. How did it survive the transnational mobilization?

First, many donors were unwilling to cut their aid, fearing that this would hurt the poor and undermine the country's development progress.[47] As one source explained, 'Donors like the [Ethiopian] government's emphasis on development,' and its strong economic performance 'mollifies [the donors'] disappointment over democratic performance.'[48] Donors, after all, are keen for economic success stories, and Ethiopia appeared to fit that bill.

Geopolitics are also important, since Ethiopia has been a stable US and Western ally in an unstable area. The country has played a key role in the 'war on terror,' invading Somalia with US support in 2006, and allowing US drones to use the country's south as a base. As one respondent noted, 'there is a *quid pro quo* arrangement between Ethiopia and the West. Ethiopia ensures that Western military objectives are met in exchange for little pressure regarding domestic politics.'[49] This arrangement is supported by a US policy of 'quiet diplomacy' that is unwilling to publicly criticize Ethiopian abuses and that boosted US aid a year *after* the Proclamation (Human Rights Watch, 2010).

7. CONCLUSION: TOWARDS A NEW RESEARCH AGENDA

Governments are key pillars of NGO's institutional environment. NGOs are not beyond the state. While recognizing the influence that NGOs sometimes exercise in shaping the state itself, scholars must appreciate the important role of the state in defining the political space afforded to NGOs. Therefore, a study of the population ecology of the NGO sector must pay careful attention to how states seeks to shape the emergence, sustenance, strategy, and demise of NGOs.

Our Ethiopian case suggests that public regulations influence the behavior and survival of local and international NGOs in predictable ways. To explore the generalizability of our claims, scholars should probe the impact of newly restrictive NGO laws in Egypt, Eritrea, Russia, and elsewhere. Have briefcase groups disappeared? Have INGOs survived? Have generalist NGOs done better than those in specialized niche, especially those of the human rights type? Have local citizens donated their own time and money to NGOs, or have they abandoned these liberal, modern-style groups to their fate? And given that the majority of surviving Ethiopian rights-based groups dropped the language of rights, what does this suggest about the durability and normative power of the human rights movement, particularly in the global South? These explorations will help clarify the extent to which local NGOs are indeed embedded in local society.

We also need more and better information on resource mobilization for charity and social justice in Southern locales. The above-cited Pew and Gallup data in Ethiopia suggests that liberal NGOs are often excluded from local philanthropic flows in the South, a claim supported by new evidence from Mexico, India and Morocco.[50] In Mexico, for example, only 4% of a national survey reported donating money to local human rights groups, compared with 23% who reported giving to 'parents' associations,' or 22% to 'religious organizations.' Resource partitioning appeared even more acute in Mumbai and its environs; only 4% of respondents had donated to local human rights groups, and only three to local NGOs. Thirty-eight percent had donated to religious organizations, however. And in Morocco, only 1% had donated to local rights groups, and less than half a percent to local NGOs, writ large.[51] If these findings hold true more generally, it seems likely that local, Southern NGOs will remain dependent on Northern funds until they learn to jump the resource divide.

We also require rigorously derived explanations for the global anti-NGO backlash. The evidence from Ethiopia, Kenya, and Russia, among other countries, suggests that contentious elections in new (and illiberal) democracies and quasi-authoritarian regimes play an important role (Levitsky and Way, 2010; Zakaria 1997). Other possibilities include the role of ultra-nationalists, as in the case of Israel, or major corporate interests, as in the case of Canada. We also need better and more systematic explanations of how some regimes, like Ethiopia, manage to successfully fend off transnational activist and diplomatic pressures to roll back illiberal NGO laws. We also need to improve understanding of how these laws impact human rights practices and improve discourse in the states that adopt them.

These questions propose a new research agenda on the relationship between states, societies, and NGOs. Pursuing this agenda will require rigorous, theory-building studies of individual country decisions to adopt restrictive laws and their effects on NGOs, as well as new, cross-national, time-series data to explain these laws' timing, a project with which we are currently engaged.

ACKNOWLEDGEMENTS

NOTES

1. Numbers are based on data collected by the authors during 2012 on all laws passed worldwide regarding both the operations of foreign NGOs and foreign funding flows to domestic NGOs. These laws impose restrictions in the following activities: whether and how foreign NGOs register with the government; whether foreigners can join or form an association; the issue areas on which foreign NGOs can work on, and the activities that they can carry out; whether and how foreign NGOs can operate, employ foreign workers, enter into partnerships, and report on their activities; whether and how NGOs can receive foreign funding, as well as how much foreign funding they can receive; and on whether foreign NGOs must pay taxes; and finally, on how NGOs can use and must report on the receipt and/or use of foreign funding.

2. In his article on the backlash, Carothers (2006) argues that restrictive civil society legislation is a means for rulers of semi-democratic regimes to thwart any serious challenge to their rule and to thus maintain their grip on power. Howell *et al.* (2008) argue that the semi-democratic regimes use post-9/11 security concerns to justify clamping down on civil society organizations, often seen as supporters of political opposition.

3. Interview A18, Addis Ababa, August 2011.

4. See Aalen and Tronvoll (2009). These claims likely stemmed from the support offered to opposition parties by the Ethiopian diaspora (see Lyons, 2007), along with election monitoring, voter education, and human rights reporting by local, foreign-funded groups.

5. On ERPDF ideology, see Rahmato (2002, 2010). Although Ethiopia is one of Africa's top economic performers, its political system lags on most indicators of democratic governance.

6. A ruling party (ERPDF) document from 2006 outlines the government's view of NGOs: 'NGOs are not organizations established by citizens to protect their rights. These organizations are rather established by individuals mainly for personal benefit, accountable to, and advancing the interests of foreign agencies. Their leaders are not accountable to the staff of the organizations and the beneficiaries. As a result, they cannot have a democratic nature and role ... Therefore, the government has to confront the rent seeking nature of NGOs, for example, by considering those organizations receiving 15 percent of their income from foreign sources as foreign organizations and denying them recognition as a means of expression of freedom of association as well as democratic forums.' Quoted in Hailegebriel (2010: 20). See also Yeshanew 2012.

7. The Proclamation does not apply to religious organizations, cultural associations, organizations governed by other laws, or organizations operating in only one region of the country.

8. We recognize that human rights work occurs not only in human rights organizations (those organizations that focus solely on promoting rights), but that human rights work also takes place in a variety of other civil society organizations, to include in development and service-delivery NGOs.

9. In other words, we used a pared down version of the 'reputational sampling' method advocated by Farquharson (2005).

10. We obtained written ethics approval from the relevant university ethics board prior to fieldwork.

11. For a discussion of non-probability sampling procedures, see Patton (2001).

12. Data come from USAID (2010); Dagne and Hailegebriel (2011); Rahmato, Bantirgu and Endeshaw (2010); and the Charities and Societies Agency (www. chsa.gov.et). The numbers of organizations in 2009 reflect updated data.
13. Interview A3, Addis Ababa, August 2011.
14. See http://ec.europa.eu/europeaid/where/acp/overview/cotonou-agree-ment/index_en.htm. See also Rahmato, Bantirgu and Endeshaw (2010).
15. Interview A17, Addis Ababa, August 2011.
16. However, other countries and regions differ from Africa. For instance, Gauri and Galef (2005) find that more than 80% of NGOs in Bangladesh were registered with the government, with 55% of NGOs reporting a visit by local government officials.
17. Interview A8, Addis Ababa, August 2011.
18. Table 3 shows the post-Proclamation status of several rights-focused groups; only seven of these continue to work specifically on human rights issues. (Based on data gathered at the offices of the Charities and Societies Agency in Addis Ababa.)
19. Interviews A20 and A21, Addis Ababa, 2011.
20. Interview A4, Addis Ababa, August 2011.
21. Interview A16, Addis Ababa, August 2011.
22. Government-aligned organizations seem to have largely survived the Proclamation unchanged. As one of the anonymous reviewers of this paper pointed out, these organizations are important tools for mobilizing ERPDF support, making it clear why the Proclamation favors mass-based local organizations but restricts independent organizations that support alternative political forces. We are grateful to the reviewer for this observation.
23. The CSO Taskforce is housed at the CCRDA and is partially funded by the Donor Assistance Group for Ethiopia (DAG). This survey was designed to assess the implementation of the Proclamation and its impact on the work of civil society organizations in Ethiopia. Questionnaires were distributed to 70 organizations, which included a broad range of NGOs as well as government organizations, media, donors, and UN agencies. Thirty-two of the 70 solicited organizations responded to the survey.
24. See Dagne and Hailegebriel (2011). Not all NGOs have been forced to completely abandon their rights-based work, as there are two exceptions in the Proclamation for foreign funding of rights-based work. First, the bilateral clause in Article 3 of the Proclamation allows international and foreign organizations to enter into bilateral agreements with the government in order to continue activities that NGOs are otherwise not permitted to engage in with foreign funding. Prison Fellowship International (a pro-government NGO that works in prisons to promote human rights) and the National Coalition of Women Against HIV/AIDS (a local NGO that the former First Lady, Azeb Mesfin, chairs) are two of the very few organizations that have received a bilateral exemption. Second, there are some exceptions for rights-based work within the structure of donor funding, in that money allocated to the multi-donor Democratic Institutions Program (DIP) as well as funding from the European Commission's Civil Society Fund can be used for rights work. Under the DIP program, donor funding has been channeled to the government's Ethiopian Human Rights Commission, which then provides funds to local NGOs. The European Commission Civil Society Fund (CSF) is a joint initiative with the Government of Ethiopia, and money from the CSF is considered to be local funding by the government. (Information based on the

websites of these funding entities and from interviews conducted with civil society experts and foreign donors in Addis Ababa in August 2011.)

25. Interviews A6 and A9, Addis Ababa, August 2011.
26. Interview A12, Addis Ababa, August 2011.
27. Interview A11, Addis Ababa, August 2011.
28. Interview A 10, Addis Ababa, August 2011.
29. Interviews A3, A4, A5, A13, A16, A19, Addis Ababa, August 2011.
30. Interview A6, Addis Ababa, August 2011.
31. Interview A19, Addis Ababa, August 2011.
32. Interview A18, Addis Ababa, August 2011.
33. Interview A11, Addis Ababa, August 2011.
34. Interviews A18 and A18, Addis Ababa, August 2011.
35. See http://osdethiopia.org/. Along with the former head of policy at Action Aid (Daniel Bekele), the then-director of OSJ (Netsanet Demissie) was imprisoned and charged with treason and using their organizations as covers for pursuing political motives after the 2005 elections.
36. Interview A20, Addis Ababa, August 2011. See also Amnesty International (2012b).
37. Interview A21, Addis Ababa, August 2011.
38. Taken from www.thereporterethiopia.com/Interview/it-is-rather-commendable-to-every-citizen-to-come-out-and-confront-any-difficulty.html (accessed 1 October 2012). One of the anonymous reviewers for this paper pointed out that while the decision to continue operating unchanged was rare for rights groups in Ethiopia, the opposite has occurred in other contexts. For example, groups labeled by the Russian government as 'foreign agents' have refused on principled grounds to do so, despite the material incentives to do so. Future research should address this important question of the conditions under which activists do *not* do the materially rational thing and adjust their operations in the aftermath of a regulatory change in order to ensure their survival. We are grateful to the reviewer for this observation.
39. Interview A14, Addis Ababa, August 2011.
40. Interview A18, Addis Ababa, August 2011.
41. Interview A7, Addis Ababa, August 2011.
42. Interview A1, Addis Ababa, August 2011.
43. Interview A12, Addis Ababa, August 2011.
44. According to the 2012 Gallup Worldview Poll, available on www.worldview.gallup.com
45. Interview A19, Addis Ababa, August 2011.
46. On August 17, 2012, we searched the LexisNexis database with: 'Ethiopia AND NGOs AND civil society AND law,' 'Ethiopia AND Charities and Societies Proclamation,' and 'Ethiopian Human Rights Council.'
47. Interview A26, via telephone, September 2012.
48. Interview A14, Addis Ababa, August 2011.
49. Interview A25, via telephone, September 2012.
50. The 2012 Mexican survey was a nationally representative poll of 2400 adults. The 2012 Mumbai survey was a representative poll of 1680 adults living in Mumbai and its rural environs, with rural and religious oversamples. The 2012 Moroccan survey was a poll of 1100 adults living in Casablanca, Rabat, and their rural environs, with a rural oversample. Further details can be provided by the authors upon request; see Ron and Crow (forthcoming).

51. Only 0.3% of the Moroccan population reported donating to 'religious associations,' but this figure likely does not include the Islamic *zakat*, or religious tithe.

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APPENDIX 1: LIST OF KEY INFORMANTS

Our informants came from three different and prominent INGOs with Ethiopian offices, as well as six different local NGOs registered as either Ethiopian or Ethiopian resident organizations. The local NGOs varied in size, and both the international and local NGOs worked in different sectors, including education, health, human rights, conflict resolution, legal aid, and child protection, as well as in general development and service delivery. INGO informants were either executive directors or senior staff with detailed knowledge of the Proclamation's impacts on their own organizations and Ethiopian civil society.

We also interviewed three high-ranking individuals from two different, locally prominent NGO consortiums, whose representatives were then in a

position to comment on the Proclamation's effects. To this, we added two local academics, one foreign academic, and one independent civil society expert engaged in analyzing the Proclamation's effects, as well as three international advocacy NGOs operating outside the country, but whose staff were knowledgeable about the Proclamation. We interviewed 11 representatives from seven major international donors and offices associated with, or supported by, these donors. All worked with Ethiopian civil society issues and organizations, and had detailed knowledge of the Proclamation's effects. We also spoke with three international advocacy organizations located outside of Ethiopia that had been involved in transnational campaigns to reject the law. Finally, we interviewed two individuals from the government's Charities and Societies Agency, the entity responsible for implementing the new laws.

Interview number	Type of organization	Organizational position	Location and duration of interview
A1	Domestic human rights organization	Employee (former)	Addis Ababa, 1.5 hours
A2	Academic	Senior researcher	Addis Ababa, 1 hour
A3	Foreign donor agency	Program manager and deputy program manager	Addis Ababa, 1 hour
A4	Foreign donor agency	Project coordinator	Addis Ababa, 1 hour
A5	Foreign donor agency	High-level representative	Addis Ababa, 1 hour
A6	International NGO	Country representative	Addis Ababa, 1 hour
A7	Domestic human rights organization	High-level representative	Addis Ababa, 1 hour
A8	Independent research organization	Civil society expert / general manager	Addis Ababa, 1 hour
A9	International NGO	Program manager	Addis Ababa, 30 minutes
A10	Domestic rights-based organization	Program manager	Addis Ababa, 30 minutes
A11	Domestic rights-based organization	Program manager	Addis Ababa, 30 minutes
A12	International NGO	Country representative	Addis Ababa, 45 minutes
A13	Foreign donor agency	Two high-level representatives and program manager	Addis Ababa, 1 hour
A14	Foreign donor agency	Program manager	Addis Ababa, 1.5 hours

(*continued*)

A15	Umbrella NGO	Program manager	Addis Ababa, 30 minutes
A16	Foreign donor agency	Advisor	Addis Ababa, 45 minutes
A17	Charities and Societies Agency	2 senior representatives	Addis Ababa, 30 minutes
A18	Independent research organization	Senior research fellow / civil society expert	Addis Ababa, 1 hour
A19	Foreign donor agency	Program Advisor and Program Officer	Addis Ababa, 1 hour
A20	Umbrella NGO	Program coordinator	Addis Ababa, 30 minutes
A21	Umbrella NGO	Director	Addis Ababa, 1.5 hours
A22	Domestic human rights organization	Director	Addis Ababa, 30 minutes
A23	Higher education institution	Senior researcher/ civil society expert	Addis Ababa, 1 hour
A24	Domestic human rights organization	Member	Addis Ababa, 30 minutes
A25	International advocacy NGO	Program Manager	Telephone, 30 minutes
A26	International advocacy NGO	Vice President	Telephone, 30 minutes
A27	International advocacy NGO	Program Director	Telephone, 30 minutes