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Tempering Transnational Advocacy? The Effect of Repression and Regulatory Restriction on Transnational NGO Collaborations

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Abstract

This paper examines through qualitative study the effect of government regulatory restriction and repression on non-governmental organizations (NGOs) engaging in transnational advocacy. The focus is on NGO's advocacy activities, in the realm of human rights, environment, labor and development in particular, using illustrations from Bangladesh and Zambia. It finds that next to some NGOs disbanding and moving towards service activities, many NGOs shift in terms of substantive advocacy and form of organizational collaboration. To continue cross-border interactions with their foreign partners, many NGOs adjust to circumvent or compensate for restrictions and repression. Because of this, transnational advocacy can be said to continue, but repression and restrictions have significant substantive and organizational effects for the collaborations studied, and cross-border NGO collaborations in our sample are increasingly fragile and their advocacy more tempered.

Policy Implications

- Policy makers should take note that as a result of repressions and restrictions, many non-governmental organizations (NGOs) devoted to labor and human rights, are disbanding, reducing and/or ceasing transnational advocacy activity.
- Policy makers should note that as a result of repression and restrictions, NGOs committed to labor, human rights, development and environmental themes are creating a more tempered form of transnational advocacy, that adjusts for the targets, issue and language of advocacy, with significant implications for the role that transnational NGO advocacy plays in domestic and international politics.
- Policy makers should note that as a result of repression and restrictions, NGOs are creating a more opaque, secretive and improvised type of cross-border collaboration, rendering those collaborations more fragile and cumbersome.
- Donors supporting NGO programs, should take into account the changes in advocacy as a result of repression and restrictions, and consider flexible types of support that accommodate NGO concerns and allow for agency of NGOs in restrictive and repressive regimes.

1. NGO responses to restriction and repression

Donor countries have since the end of the Cold War channeled large sums of foreign aid through non-governmental organizations (NGOs) in order to build up civil society, encourage democratization, and bypass poorly performing aid-receiving governments. This aid boom resulted in a blossoming of civil society in many aid-receiving countries.

Supported by this wave of funding, collaborations of NGOs across borders, have successfully put issues on the international policy agenda, promoted particular policy solutions, affected major policy decisions, and succeeded in granting access to political decisions for non-state societal representatives in the governance of human rights, the environment, labor and economic development (Carpenter, 2007; Keck and Sikkink, 1998; Price, 2003). Transnational NGO power

has been rooted in the ability to disseminate salient information on civil grievances, to connect grievances effectively to mass audiences on which policy makers depend, to frame issues so as to increase their urgency on the policy agenda, and to exploit opportunities for leverage using powerful actors in the international political system (Keck and Sikkink, 1998; Risse, 2000).

Yet, particularly since 2011 there has been a domestic backlash in various countries against civil society in general, and against transnationally linked NGOs in particular. Aid-receiving country governments are increasingly using repressive legal and extra-legal measures to restrict the operations and activities of NGOs, including both NGOs operating in third countries as well as national (domestic) NGOs operating in their own country. Policy makers and academics alike have raised alarm over this 'closing of civil society space' or 'shrinking civic space' (CIVICUS, 2011).

We now have a fairly good understanding of why countries have been increasing political repression of NGOs, as well as the trends in that repression (Bromley et al., 2020; Buyse, 2018; Christensen and Weinstein, 2013; Dupuy et al., 2014; Dupuy et al., this issue; Glasius et al., 2020; Howell et al., 2008). However, the effects of these new regulations on the entities they seek to constrain (NGOs) have been less well examined. Moreover, the use of extra-legal measures against NGOs, as well as their effects, has also been understudied. Next to this, so far, the effect of the effort of states to constrain the *transnational* collaborations among NGOs have not been examined systematically, either. In this paper, we contribute to filling this knowledge gap by analyzing how legal restrictions and extra-legal repression affects the cross-border advocacy of NGOs.

Our approach entails an exploratory analysis, combining two inquiries: a qualitative study of the experience of Western European NGOs with regard to collaborating across borders with partners and local offices in countries with restrictions and repressive climate; and a qualitative analysis of NGOs in two countries where legal and extra-legal repression of NGOs has recently increased, and where many NGOs have links with Western European counterparts: Zambia and Bangladesh. Across the cases, we focus on NGOs with human rights, developmental, labor and/or environmental agendas.

We argue that transnational advocacy is transforming due to repressions and restrictions, mostly in terms of substance of advocacy and the mode of cross-border collaboration among NGOs. Three identified types of transnational advocacy (the Boomerang model, coordinated multi-target advocacy, and transnationally supported domestic advocacy) are all under stress, increasing the likelihood that cross-border campaigns and influencing of states and businesses becomes less effective. Human rights and labor NGOs in particular, and to some degree environmental NGOs, are likely to be affected by restrictions and repression because state actors view them as hostile to the ruling regime and its economic growth strategy. Most transnational NGO collaborations we analyzed substantively take a more tempered approach to criticism of political (and economic) rulers, moving advocacy resources away from either targeting central

governments altogether, or from seeking to influence the agenda of governments. Tempered advocacy involves changes in advocacy language, a focus on sub-national rather than national politics, and influencing implementation and enforcement of government decisions rather than government's agenda-setting. Additionally, within our sample, because of changes in information and financial flows, cross-border advocacy is organized through more opaque and improvised ties among organizations than occurred prior to restrictions and repressions, rendering transnational collaboration more fragile and cumbersome. For a few transnational NGO collaborations we analyzed, particularly focused on labor and human rights, restrictions and repression mean a ceasing of transnational advocacy activities, and in many cases also a disbanding of organizations.

The next section discuss the academic state of the art on the rise of both transnational advocacy and the challenges posed by government repressions and restrictions, and then presents our approach. The third section discusses the methodology of our study. The fourth section discusses the qualitative results. A final section concludes.

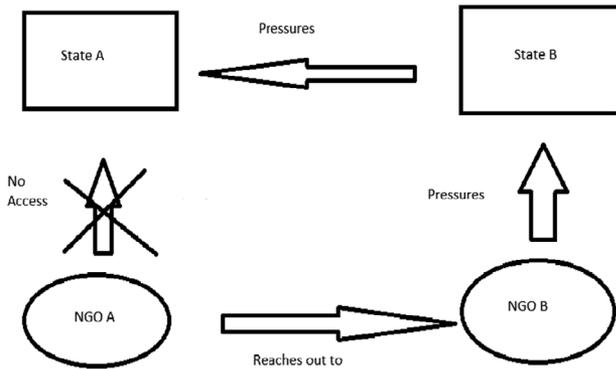
2. NGO funding and the rise of transnational advocacy

After the end of the Cold War, Western donor countries channeled billions of dollars of foreign aid to international and domestic NGOs operating in the Global South and the former Soviet Union. NGOs are defined as formal organizations that function outside of government and the private sector, and that advocate specific policies and deliver services (Johnson and Prakash, 2007). As a result, many of the NGOs through this work engage in cross-border collaboration with other NGOs, to pursue advocacy for developmental, environmental, labor, human rights, democracy promotion and gender agendas. Throughout this paper, we focus on NGOs collaborating across borders, and where appropriate we refer to those NGOs as 'domestic' that reside inside a country being discussed, and as 'foreign' when this organization is outside this country. In this definition, domestic NGOs can be engaged with foreign NGOs in collaboration on transnational advocacy. When foreign NGOs have organizations inside a country that are local subsidiaries, we mention this relationship.

Keck and Sikkink's (1998) Boomerang model (for a simple graphical depiction focused on states, see Figure 1) posits that NGOs barred from accessing the policy process in home governments, can 'boomerang' around this barrier. This can be done through collaborations with other NGOs located in countries with national regimes more favorable to the NGO's agenda, or with access to other organizations that are assumed to have some leverage over states. According to Keck and Sikkink, information-sharing plays particularly an important role, as evidence provided by the NGO barred from access could be used by the foreign partnering NGO to influence other parties.

Non-governmental organizations are generally barred from access to public policy decision-making in less

Figure 1. The Boomerang Model (adapted from Keck and Sikkink, 1998).



democratic countries, where formal institutions raise high barriers for NGO advocacy. Barriers are also raised based on an issue, when governments use institutions even in democratic countries to deny access for advocacy by NGOs that find themselves on the other side of that issue (Keck and Sikkink, 1998).

Next to 'boomeranging' around a state, transnational advocacy may also take shape through different NGOs each exerting pressure on different governments, businesses and International Organizations, in coordinated multi-target advocacy, see Figure 2. In climate change activism, for example, environmental NGO-coalitions target actors and institutions across the world, involving a tactic and campaign message that is agreed on within the transnational coalition in advance (Hadden, 2015).

A third option is that transnational advocacy involves NGOs outside a state providing resources to a domestic NGO that increases capacity to advocate for an issue or set of issues with national government or domestic business (Kamstra and Knippenberg, 2014), see Figure 3. Transferred resources may be financial, material, or human resource related. This form of advocacy relates to so-called rights-based approaches to development: developmental funding is spent on programs to empower domestic actors, so that this empowerment resolves impediments to development.

Figure 2. Coordinated transnational advocacy.

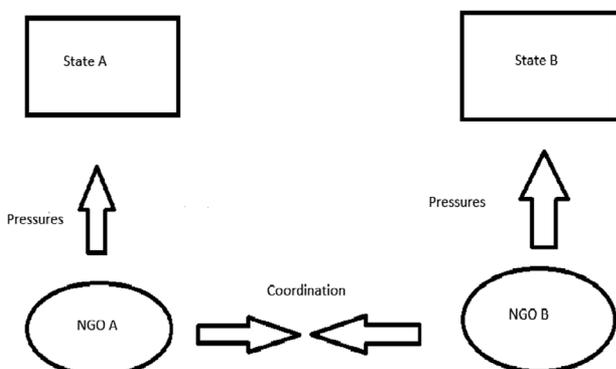
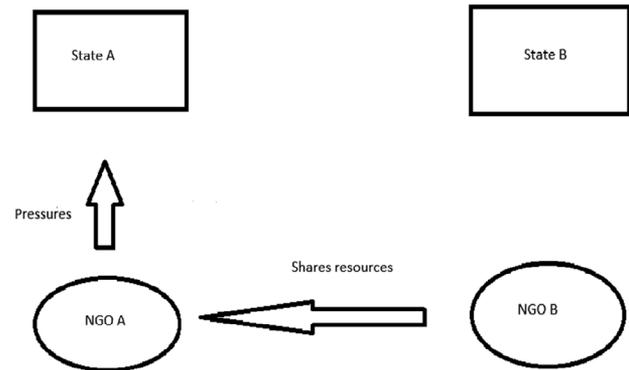


Figure 3. Domestic advocacy supported by transnational partners.



Studies of transnational advocacy portray dilemmas that NGOs face in these various types of cross-border collaborations. These dilemmas include deciding which issue to advance (Carpenter, 2007; Price, 2003), which organizations or movements to support (Bob, 2005) and in what countries to work on campaigns or to support campaign work (Barry et al., 2015). Moreover, literature on transnational advocacy observes that NGO-collaborations are not 'neutral' or 'horizontal' in terms of what campaigns get produced (Bob, 2005; Wong, 2012). Generally, European- and American-based NGOs such as Amnesty International and Oxfam may affect the shape of advocacy collaborations to a considerable degree, much more so than their Asian, African and Latin American counterparts are able to (Smith, 2005).

3. The rise of anti-NGO restrictions

Particularly since the turn of the millennium, an increasing number of aid-receiving countries have adopted new anti-NGO laws that directly constrain the ability of organizations to receive and use foreign-sourced funds, advocate for particular groups and issues, and deliver services. Between 1990 and 2018, at least 90 countries worldwide adopted regulations restricting the ability of NGOs (both foreign and domestic) to receive foreign funds. These laws constrain one or more of the following eight categories: entry into the sector (ability to form, register, and start operations); NGO operations (including hiring, partnerships, and use of equipment); the issue areas on which NGOs work (including rights-based work); requirements to report to government on activities; and restrictive requirements around the receipt, access to, use of, and reporting on, foreign-sourced funding.¹ Additional countries have placed new regulatory restrictions on the operations and activities of domestic NGOs.

This regulatory shift has been accompanied by an uptick in government repression without a legal basis, so in the form of harassment, threats, intimidation, and violence, as shown in new data from Freedom House and the Varieties of Democracy dataset. Data we have been compiling for Africa, by way of illustration, show that in 2017 alone, 60

per cent of countries (31 of 54) on the continent violated the freedom of association.² Commonly reported, extra-legal methods that African governments in particular are using to impede the operations of civil society organizations include delayed, ignored, refused, and denied registration; outright arbitrary banning of organizations; limiting contact with other groups, such as international organizations or groups of a political nature; failure or refusal to grant work permits and visas; and forcing groups to cooperate with government entities. African governments have prevented groups from meeting; frozen organization assets at will; and suspended, deregistered, or closed down organizations completely.

What are the effects of these restrictions and repressions on transnational advocacy?

4. The fall of transnational advocacy?

Academic and policy literatures have only begun to make sense of the implications of 'shrinking civic space' at the organizational level (Carothers, 2015; Mendelson, 2015; Rutzen, 2015).

Preliminary evidence suggests that the repressive attack on NGO funding and activities is upending traditional development aid delivery models, forcing thousands of NGOs to shut their doors and driving donors to reduce overall foreign aid-disbursements to countries repressing civil society (Dupuy and Prakash, 2017; Dupuy et al., 2014; Hossain, 2018). Case studies in Ethiopia, Egypt and Russia furthermore report that domestic NGOs see foreign funding reduced and find themselves forced to organize more informally or move to service-oriented activities (Brechenmacher, 2017; Dupuy et al., 2014; Toepler et al., 2020a, 2020b).

We however currently do not have a systematic view of how NGO repression and restriction affects NGO collaborations across borders – and how it affects NGOs outside of states with regulatory restrictions in their ability to support and partner with NGOs inside such regimes. Studies imply or hypothesize, in the meantime, that many foreign connections for repressed NGOs would disappear (Bloodgood and Clough, 2017; Dupuy et al., 2014; Smidt et al., 2020). This implies that political influence on domestic and international policies through transnational NGO-collaborations could diminish.

Finally, we currently also lack systematic insight into how NGOs involved in transnational advocacy react and respond to extra-legal repression. Organizational response tactics reported by policy reports have included quiet acquiescence and adaptation, vocal protests, peaceful resistance, international and domestic public and diplomatic campaigns, switching to alternative organizational and funding forms, domestic resource mobilization, and grassroots and transnational support building (Brechenmacher, 2017).

5. Our approach: strategic responses to constraints in transnational advocacy

Following the literature investigating government motivations for restrictions and repression (Dupuy et al., 2016; Glasius et al., 2020), we hold that while many governments

legitimize their interventions in civil society as attempts to free domestic politics from foreign influence, in practice most regimes installing these restrictions and engaging in repression do so out of domestic political motivations. Restrictions and repression serve to keep regimes in power and silence or weaken political adversaries. Regime leaders do not consider NGOs to be representing a 'third sector' next to politics and market but regard some sections of civil society sectors as a potential source for political opposition. Governments therefore challenge *transnational* NGO collaboration because it empowers domestic groups deemed potential political adversaries – not because of *foreign* connections *per se*.

We concur with previously discussed literature on transnational advocacy that NGOs seek transnational support to increase their impact, including the possibility to use transnational links to circumvent repressive states, as the Boomerang model describes. We however argue that recently rising repression and emerging restrictions challenge such advocacy, while also challenging other forms of transnational coordination among NGOs. This includes the financial, informational and political-tactical exchanges that precede advocacy. In particular, organizations involved in transnational collaborations that challenge the existing political order, and in broader terms the existing political economic order as the economic priorities set by the ruling regime, are likely to be affected by restrictions and repressions and see space for transnational advocacy decreased. This means that especially human rights NGOs and labor NGOs experience repression and perceive regulatory restrictions as constraining. NGOs involved in transnational advocacy for developmental and environmental themes may perceive similar pressures, but their agendas also allow for advocacy on many issues that do not directly confront the government regime or its perspective on national economic growth. For issues like climate change effects and access to water, it may well be that advocates find allies in government.

How do NGOs engaging in transnational advocacy respond to restrictions and repression? Like many transnational advocacy studies, we consider NGOs as weighing advocacy causes (or: *normative commitments*) with organizational concerns (or: *self-interest in organizational survival*; Murdie, 2014; Prakash and Gugerty, 2010; cf. Cooley and Ron, 2002). Political-economic opportunities and constraints inform rational action by the management of NGOs which steer their activities in specific directions when it comes to issue focus and advocacy goals.

Non-governmental organizations involved in transnational collaboration are understood as principled yet strategic actors: when considering the development, maintenance and transformation of ties with other NGOs, they consider the degree to which such ties can lead to successful advocacy (Cooley and Ron, 2002; Johnson and Prakash, 2007; Wong, 2012). But NGOs relate this success also to their capacity for organizational survival and expansion, and possibly to the maintenance of transnational links. Assessment of transnational NGO ties is therefore also in line with this

interest in success and survival. So when NGOs face constraints in maintaining links with other NGOs through anti-NGO regulations, they may ask whether the party with which the tie is made holds important strategic assets? Are these assets scarce or abundant? Has significant investment been made in building these ties that may be lost when severing them? Are particular types of links among NGOs becoming more costly than others in the face of these regulations in light of what these links may contribute to advocacy? Both NGOs inside and outside countries with restrictive regimes deal with these issues.

Mirroring previous studies of NGOs taking an organizational ecology approach (Dupuy et al., 2014) we would expect that government restrictions and repression are external environments for NGOs engaging in transnational advocacy, inducing a shift in their activities and organizational form. What such shift looks like depends on most prominently the organization's broader mission and action repertoire, as well as the organization's resources. If NGOs link together across borders for the purpose of a broader mission in terms of what they seek to achieve, this will allow for more flexible adaptation to constraints, compared to a situation where transnational advocacy focuses on a particular cause that appears in tension with the ruling regime's perspective.

6. Methodology

We examine the effect of political repression (defined as legal and extra-legal constraints and negative behavior) on functioning and survival of transnational NGO-collaborations. More specifically, we examine how political repression shapes ties among organizations, and changes in issue focus, funding sources, and NGO attitudes and activities toward government and foreign partners.

We study these issues for: (1) a sample of Western European NGOs with advocacy activities and offices and partners in various countries with known NGO-restrictions and repressions in South Asia, South East Asia, Latin America, Sub-Saharan Africa and Eastern Europe, and with activities in Bangladesh and/or Zambia; and (2) NGOs in Bangladesh and Zambia involved in transnational advocacy, namely, that are either local subsidiaries of a foreign NGO or that are organizationally autonomous but have or used to have partnering and funding links with West-European NGOs. We are therefore interested in longer term NGO-collaborations, involving recurring interactions across borders, and necessitating a degree of coordination. This includes information exchange, coordination on strategy and tactics, and, often, financial relations. We recognize that more irregular interactions across NGOs also occur and that the degree of formalization could play a role in the effect that restrictions and repressions have on NGOs (cf. Van der Borgh and Terwindt, 2014).

Western Europe is an important base for internationally operating NGOs. The Eurozone finances the vast majority of NGO/civil society-based development funding among OECD donors (OECD, 2019). The EU and UK moreover are home to some of the most well-known international NGOs' head

offices, including Amnesty International and Greenpeace. We study NGOs with offices in the UK, the Netherlands, Belgium, Germany, Denmark and Norway. In our open-ended, semi-structured interviews we ask respondents for changes in activities since the instatement of regulatory restrictions and the uptick in repressive incidents in various countries. Questions focus on their own organization's activities inside these countries, as well as their collaborations with partner organizations in the period before and since the installation of regulatory restrictions. We ask about experiences across a range of countries relevant for the NGO, always devoting attention to experiences in Bangladesh and Zambia, inquiring about restrictions and repressions for communication, travel, funding, organizing campaigns and lobbying, and interactions with state institutions, businesses, and other relevant parties.

In Bangladesh and Zambia, we interviewed representatives of NGOs, asking them about their organization's activities before and since restrictions were installed and repression increased, development of organization and strategies, and relations with other NGOs, donors, government, businesses and citizens. For corroboration, we also interviewed representatives of private donors, governmental donors, country experts and NGO-oriented consultants. In total, we conducted 70 interviews between February and May 2019, of which 60 with NGO representatives (25 in Western Europe, 15 in Bangladesh and 20 in Zambia). We also qualitatively analyzed the online policy document material on mission, vision, and advocacy activities for all NGOs in our interview sample that had online presence. Results are not reported here but insights corroborate factual statements from respondents about changes in organization and strategy over time.

Initial findings from the interviews and policy-document-analyses were presented in a member-check setting four times to audiences of NGO and donor representatives in Bangladesh, Zambia, and two times in The Netherlands. In these settings respondents and others deemed equivalent in nature to respondents respond to preliminary results of the qualitative analysis performed (Candela, 2019). We asked NGO representatives whether they recognized reported patterns from their own organizations or organizations they were in touch with. Audiences of all sessions broadly confirmed.

Bangladesh and Zambia were selected as country-cases to develop more detailed information on NGO-collaborations within and across borders in the context of NGO-restrictions and repression. Comparing West-European NGO accounts with Bangladesh and Zambian NGO accounts also allowed us to corroborate observations across interviews.

Bangladesh and Zambia were chosen because of the possibility of access to data. The study of regime repression and restrictions through qualitative study is politically sensitive. In order to safeguard researchers, respondents and a broader audience of possibly affected stakeholders, it should be performed by experts well-embedded in the country, with active up to date knowledge of the workings of government and an existing network among relevant NGO representatives.

The political history of Bangladesh and Zambia has some similarities and differences that have implications for our inferential strategy. Both countries were among the top global receivers in development aid in the past decade, with considerable amounts channeled through NGOs according to development aid statistics from the OECD. Now, these funding flows have declined, given both of these countries' graduation to the World Bank category of lower middle-income country. Both countries arguably are undergoing a process of 'democratic backsliding'. After a series of peaceful transitions of regime resulting from elections, now both in Bangladesh and Zambia, these regimes are holding on to power through increasingly non-democratic means, also clamping down on media, opposition and interfering with judiciary. Both countries are labeled 'hybrid regimes' according to EUI (2018) and have decreasing scores on most EUI democratic indicators in the last five years. Finally, NGOs in both countries have frequently been included in advocacy activities with regard to human rights, worker rights, environmental justice and government transparency.

Both countries have experienced recent increases in political repression of NGOs, allowing us to closely study how the effects of this repression have manifested over time, as documented by reputable international rights watchdog and democracy monitoring groups like Human Rights Watch, Amnesty International, the International Crisis Group, and Freedom House. Following the Varieties of Democracy data as well as our interview results, repression at present seems more intense and prevalent in Bangladesh than in Zambia. Moreover, the two countries have different types of anti-NGO laws, with Zambia's targeted more against domestic (national) NGOs, while Bangladesh's specifically targets foreign funding links. Zambia's restrictive 2009 NGO Act, combined with an increase in government harassment of, and use of violence against, NGOs, challenges the ability of domestic NGOs in particular to operate. In both countries, governments have pursued extra-legal repression of NGOs, including intimidation and harassment, arrests, and even violence against particular groups. In Zambia, the government has also relied on the colonial-era Public Order Act to repress peaceful protests and meetings. At the time of writing, it is seeking to replace the 2009 Act with a new also restrictive law, after many Zambian NGOs sought to evade registration requirements (on which more below). The differences between both countries in terms of repressive and restrictive NGO regimes indicate for us the broader applicability of common trends we unearth.

A majority of the stories West-European NGO representatives told us are of incidents and activities with NGO partners in other countries dubbed as hybrid regimes or labeled as flawed democracies. Our findings therefore possibly only indicate trends in transnational advocacy with regard to NGOs in countries categorized as flawed democracies and hybrid regimes.

We focus on transnational advocacy in a broad range of issue areas, in order to investigate whether those working on certain themes are more affected by repression than others. Our approach combines deductive and inductive

elements. We deductively further examine the patterns unearthed in previous studies that predicted disbanding of organizations and shifts in activities from advocacy towards service delivery, to see whether they hold more broadly. Our research also has an open-ended inductive element, where we examine other possible responses to repression and restriction next to disbanding and focus-shifting.

7. Results

Some of our data reveal a pattern similar to case studies of domestic NGOs in Egypt, Ethiopia and Russia: some NGOs disband or continue informally and domestically as a result of restrictions and repression because of their small size or because of their commitment to a political agenda that is antagonistic to the regime. Among many of these are human rights and labor advocacy-oriented NGOs. We also find that many foreign and domestic NGOs with a broad (developmental) mission, restrict themselves to service-delivery, and that some NGOs with an advocacy agenda shift to service-delivery to escape repression and restrictions. This means that fewer NGOs engage in transnational advocacy.

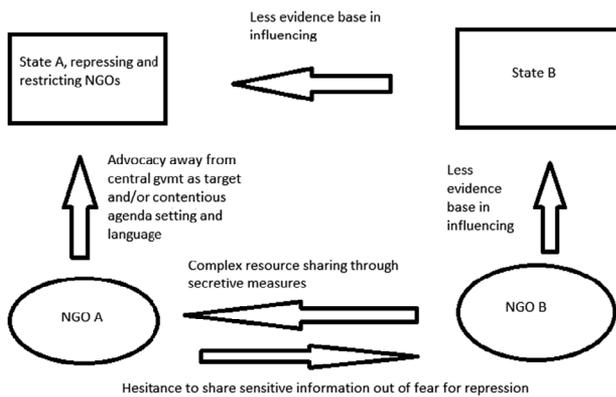
A significant number of NGOs, however, continue transnational advocacy. Their transnational work changes, in terms of the nature of exchange across borders and the substance of advocacy.

Organizationally, repression and restriction may affect transnational NGO collaboration, by inducing enhanced secrecy and opacity on responsibility for campaign activities, increased complexity and opacity in managing financial flows, and decreasing information flows underlying advocacy activities. As a result, transnational NGO-collaborations are more cumbersome, secretive and fragile than before. Substantively, transnational advocacy may change in terms of *targets* (which actor or institution are NGOs addressing), *issue* (what particular cause are NGOs addressing) and *language* (in what terms do NGOs put their claims). These adjustments combined promote a tempered, less contentious type of advocacy, that eschews hard confrontation with political and business elites.

We find that developmental and environmental NGOs inside and outside of countries with restrictive regimes have, compared to labor and human rights NGOs, more room to move to causes and repertoire less adversarial to central government and the ruling elite. The substantive broadness of environmental and developmental organizational missions allows for adjustment.

As a result of these shifts in organization and activities, the three identified types of transnational advocacy (Boomerang model, transnational coordinated advocacy and transnationally fueled domestic advocacy) are all at risk of decreasing in strength because of evolving government restriction and repression of NGOs. Reviewing the arrows in Figure 4 that depict exchange among NGOs or pressure by NGOs or other parties on states, we hold that all these exchanges, both domestic and cross-border, are under stress due to restrictions and repression. Accordingly, capacity for

Figure 4. Advocacy in times of restriction and repression.



pressure towards targets such as government institutions and businesses lower. Below we empirically describe the different trends we unearthed that lead us to this conclusion. Table 1 outlines this argument schematically.

7.1. Disbanding advocacy or disbanding as an organization

Our interviews with some of the NGO respondents confirm that NGOs in countries with restrictions and repression disband, and some NGOs give up transnational advocacy and only focus on service delivery. In our sample, the former happens most prominently with labor and human rights activists, as a Belgian labor activist notes:

We know that the people behind the [Bangladeshi] organization we partner with are still active, they reach out to workers. But the organization they ran is shut down and we have no way to organize with them currently. Workers they have contacts with do not want to be known as an organized collective either.

Table 1. Patterns of change in substance and organization of advocacy due to repression and restrictions found in interview data

Before	After
Influencing central government	<i>Substantive changes</i> Influencing local government
Agenda-setting oriented	Implementation and enforcement oriented
Terminology in line with international political debates	Indirect, cloaked terminology
Visible transnational collaborations	<i>Organizational changes</i> Hidden collaboration
Visible funding	Cloaked funding
Information shared for transnational advocacy	Information withheld

This citation also shows that activists do not give up—some of them continue informal, under the radar activities only domestic in nature.

Particularly developmental NGOs that used to have some advocacy activities, now revert to service delivery, in an effort to look harmless to the regime. In many cases, these are developmental NGOs that were involved in ‘rights-based advocacy’, but which now drop the rights element (cf. Dupuy et al., 2014).

7.2. Advocacy continued but tempered

For most NGO representatives we spoke to, repression has not ended transnational advocacy and NGO influencing activities of government continue in countries with NGO repression and restrictions. These repressions and restrictions however have transformed advocacy.

All NGO representatives we interviewed mention that advocacy strategies change, and NGOs inside and outside of restrictive and repressive regimes behave differently from a situation with restrictions and repression absent. This adaptation process is informed by three processes: learning on the basis of being a target of repression, contacts among NGO-representatives; and contacts with civil servants.

First, NGOs from countries with restrictive regimes that experience surveillance, intimidation by government or business officials, or find themselves subject to public criticism by these officials, learn about the government’s agenda and gain first-hand experience with what the state and industry wants to push back on.

Second, NGO representatives increasingly discuss ‘the issue of shrinking civic space’ and exchange experiences and lessons both inside and outside repressive regimes on how to deal with repression. However, an important barrier to the flow of information among NGOs is that not all NGOs trust each other, and many respondents we talked to fear that counterparts might be connected to the regime and betray them if they disclose strategic information.

Third, respondents also often mention their contacts with civil servants, in the words of a human rights activist:

Everyone has an uncle, or a cousin, a friend, somewhere in civil service. It’s not as if government is fully separate from society. Also, the regime does not totally control the state, not everyone roots for the regime. Government workers are still people with views that might be different from the [Regime X]. We cherish our contacts at government, we know what’s going on, it helps us to consider our plans.

Our respondents mention that contacts with the state help NGOs from countries with restrictive regimes to establish in a more fine-grained manner what issues and activities are more or less, contentious. As a result, NGO employees may discuss what issues, target and activities still fit their mission and vision, but do not directly provoke repressive measures from the state. Contacts within the state



apparatus help establish the boundaries of what is permissible (cf. Syal et al., 2021).

Across our interviews, when it comes to transnational coordination among NGO-representatives, it is mostly NGOs inside repressive and restrictive regimes that are in the lead in discussions about what is still possible as an advocacy approach. NGOs from outside these regimes (most often more well-endowed organizations from Western Europe), tend to have preferences for advocacy targets and issues that are more contentious in nature. But in the end, they predominantly subscribe to the diagnosis of their partner NGOs as to what are 'necessary' adjustments in advocacy.

Accordingly, in our sample we note predominant adjustments of advocacy strategies on three fronts, described in sub-sections below.

7.3. Target switching: from central government to local government as the target of advocacy

Many NGOs involved in transnational advocacy in our sample focus their attention with regard to targeting of advocacy towards lower levels of government. For environmental, developmental, labor and human rights NGOs alike in our sample, central government in most countries is the key focal point, in order to address, either, the absence of policies considered desirable, ruling parties' political intentions or ambitions for future policy and regulation that are considered desirable or undesirable, or the reversal of policies and regulations considered undesirable. Next to this, as an issue underlying all substantive policy discussions, human rights NGOs in particular also address the ruling administration's behavior in terms of the degree to which it tends to follow the democratic rules of the game or what is considered good governance.

Most NGO representatives we spoke to, however, believe that often the ruling elite considers what NGOs seek to bring to the table in advocacy not as an attempt to influence policy, but as a provocation and a threat to the regime itself. As a result, repressive activities towards NGO representatives may ensue.

Some of our respondents, in the meantime, find that attitudes of lower level state officials are different. With provincial or city level politicians and bureaucrats, they find, exchange can still be about the issues at hand, rather than about NGO activities. For this reason, in some cases where the work of lower levels of government is of significance for the agendas of these NGOs, advocacy is still planned and executed.

A human rights-oriented NGO representative with partners in Zambia for instance accounts that:

Local governors more often still tend to think of us as in some way improving society, especially when it is clear that our work is appreciated by citizens. So there is an opening for a conversation there. We're not automatically a threat to the regime just because we open our mouths. So the conversation

can be about what we have to say and what we bring to the table.

The degree to which provincial and urban governors are tolerant of NGO-advocacy may of course be influenced by their degree of association with the national regime (and party or parties in office). This of course varies across national regimes.

7.4. From agenda setting-oriented to implementation and enforcement-oriented advocacy

Non-governmental organizations in our sample also adjust their interactions with the state, by adjusting their focus in terms of transnationally organized advocacy towards issues it still considers branches of national government and key national officials to remain committed to, but for which effective implementation and enforcement is lacking.

Rather than trying to get politicians' attention for a particular advocacy cause, or influence ongoing political discussions about an issue arena of importance to an NGO, NGOs aim to detect that part of their mission and visions that align with government policy and where NGOs believe that influencing and, if need be, public pressure could increase government's commitment. For Bangladesh for instance, domestic environmental NGOs seem to be on safe grounds addressing issues with regard to climate change commitments in a generic manner, as long as fingers can be pointed at other international parties that should reach out and help the Bangladesh government with its commitments. In Zambia and other sub-Saharan African countries, policy commitments to alleviating poverty and proper natural resource management count as less contentious.

One example is that of an environmental NGO that supports partners that help government detect which lower branches of government and businesses do not comply with environmental regulations central government has recently established. In this manner, the transnational NGO-network effectively serves as an ally of regulatory enforcement agencies.

7.5. Language switching

Many NGO representatives also find that changing language in transnational advocacy helps them to broadly continue with their original mission. As a result of ongoing repression and intimidating interactions with government and business officials, developmental, human rights and labor NGOs over the last years have learned that particular phrases and terms are considered taboos, and raise suspicion with adversary organizations, increasing the likelihood that state or non-state actors will both shut down interactions with NGOs and then respond with repressive activities (cf. Hossain and Oosterom, this issue).

One such example is the use of the term 'living wage' by labor, human rights and developmental NGOs when describing the proper compensation workers in Bangladesh intensive manufacturing industries would require. The word

inflames both business and government officials, and NGO-respondents describe how its usage leads these officials to react with intimidating language. NGOs working on labor justice therefore disaggregate the term in their publications and language, so that the sum of different policy proposals they advocate for is still equivalent to asking for a living wage while the word itself is absent.

Various NGOs note a similar dynamic ongoing in various Sub-Saharan countries where a political taboo has arisen around the term 'gender' for state officials. The term for these officials smacks of Western, liberal-modernist values that upset traditional ways of living and/or religiously inspired views on family life. Developmental NGOs find the term 'women's rights' curiously uncontested by these same officials, however. They therefore use this term rather than 'gender'. The two terms of course are not equivalent, but for many advocacy plans that developmental NGOs execute in these countries, swapping these terms means that original aims can be pursued.

7.6. Changes in transnational organization

Next to substantive changes in the issue focus, targets and language of advocacy, restrictions and repression also affect how NGOs organize across borders. Here we identify in particular three changes.

7.7. Hide and seek with transnational links

Non-governmental organizations in our sample also increasingly disguise their active and ongoing cross-border collaborations in advocacy. One NGO in a collaboration will therefore publicly and visibly engage in influencing activities towards a target, with the help of other NGOs remaining hidden.

One form is to hide the influence of foreign NGOs in enabling campaigns in a country with ongoing repression and restrictions. European environmental NGO-representatives for instance described the following scenario for a Latin American partner:

They [the Latin American NGO partner] wanted our resources and technologies to make the campaign work but we knew we had to stay under the radar with the regime in order for the campaign to fly. Otherwise our partners and the campaign would be in danger. This is a dilemma for us . . . Of course we want to be recognized for the important work we do on this issue. But in a case like this, it is more important for us to assist in empowering our partner and moving the issue forward in the country's political debate. So we went ahead with the campaign, and so far, nobody found out it was us handling the logistics, the material and assisting in the prior research.

Alternatively, foreign NGOs advocate on a cause, hiding the domestic NGO's input. A representative of a human rights organization for instance said that:

Our [Bangladeshi partner] really wanted us to come out with a statement about attacks on [citizens]. They knew if they would issue the statement they would likely be jailed. And they also knew that us coming out on this would be less forceful than local organizations doing it themselves. But they preferred somebody saying something to everyone remaining silent after [incident X]. So that's why we drafted the statement denouncing the regime together. And then we put it out as our message only, as if we thought of this ourselves.

7.8. Financial flows: circumventing legal registration

Some anti-NGO-oriented regulation focuses on NGO registration procedures that increase the administrative burden for domestic and foreign NGOs and contribute to uncertainty and delays in running programs. Regulations in some countries require NGOs to align with the national interest. In addition, some regulations restrict foreign funding that goes against the national interest, meaning that NGO funding bids need to be pre-checked by government officials.

One way for domestic NGOs collaborating transnationally to deal with this, is to not register as an NGO, but instead reshape themselves as a business. In Zambia, for instance, many NGOs registered as social entrepreneurs, because that legal category under Zambian law permitted more administrative flexibility to these organizations than the 2009 law. In other countries, NGO partners and subsidiaries of European and American human rights and labor organizations reshaped their interactions with foreign partners by registering as independent consultants and signing commercial agreements with their foreign partners. In these situations, NGOs could prevent their funding getting frozen, or circumvent monitoring of the substantive political aims of the activities that are funded.

7.9. Information flows interrupted

Human rights and labor activists in West-European NGOs have traditionally supported beneficiaries in repressive regimes by providing concrete evidence of harm done on citizens, workers, journalists, activists or communities to third parties such as their home state, European Union institutions and businesses. This concrete evidence, handled mostly by West-European NGO representatives would typically be collected originally by their partner organizations in repressive regimes.

Our research contains three concrete examples of that model of advocacy being interrupted. In each case, partner organizations in repressive regimes no longer dared to be named as the intermediary source of evidence, and citizens/journalists/workers/community leaders similarly no longer wished to be identifiable to foreign parties as the victims of repression. Reasons for both these parties to decline on this role, is that they were too afraid to be arrested, or feared harassment for themselves or their families, as a result of national oppressors getting access to foreign information.

In some cases, West-European NGOs still continue this form of advocacy without concrete information on case details and without the partner's organization's engagement. However, as a respondent notes, the absence of identifiable partner organizations and identifiable victims clearly reduces the effectiveness of influencing:

When our partner organization declined to provide details of the case, we still contacted [European target X] and told them that rights were breached in [region in Bangladesh] and they should act on this because it violated the agreements that [Target X] had with the officials there. And when they said 'Can you provide us with more information, can you be more specific about where and when?', we had to say 'No, we can't, we're sorry'. And then, predictably, we got the response 'But, what do you expect us to do then, if we don't have names and numbers?'

8. Conclusions

This paper has argued that restrictions and repressions in various countries make transnational collaborative efforts for political influencing among NGOs, so called transnational advocacy, more difficult. Our study highlights both substantive changes in advocacy and changes in organizing across borders as a result. Particularly labor and human rights NGOs involved in transnational advocacy, and to some degree also environmental and developmental NGOs experience repression. Some transnationally active NGOs disappear or shift from political to service activities. Transnational advocacy does continue in these countries, but becomes tempered, with less pressure on national government, less agenda-setting focused advocacy, adjustments in advocacy language, and fewer transnational campaigns based on concrete evidence of grievances.

Our paper broadens our understanding of regulation's and repressions' effects on transnational advocacy, particularly by illuminating mentioned shifts in continuing transnational advocacy as a trend taking place across countries and different NGO-collaborations in different pertinent issue areas (cf. Smidt et al., 2020).

The implications of this shift could be less public and informal pressure on central government and the ruling regime in countries with flawed democratic or hybrid regimes, and less political contention among economic policies and activities. A further significant step in this research agenda therefore would be to analyze how these restrictions and repressions indirectly affect politics in these regimes through the effects on NGOs that we identified. One promising research avenue would be to gauge whether repressions and restrictions affect the substance of government policies, due to the constraints they impose on (transnational) civil society advocacy. Another would be to gauge how citizens' attitudes towards NGOs, civil society, the regime and substantive issues that NGOs advocate for may change as a result of restrictions and repressions, and the more

precarious situation that NGOs find themselves in. Focus could then also include the effects of government campaign framing NGOs as foreign agents.

Our research found that most of the time, NGO representatives themselves planned and enacted changes in their transnational collaborations as a response to pressures. Donors involved in sponsoring activities mostly accommodated these changes, and exercised flexibility. Future research could further unearth the role of donors more explicitly, and also, investigate whether there is variation across donor-types in their response to NGO-restrictions and repression, and the degree to which pushback against restrictions may be supported by donors.

Next to this, our research touches on the possible effect that restrictions and repression may have on the trust among domestic NGOs, as well as on the evolution of NGO-government relations. Further research may also dig deeper into these themes, as our focus on transnational responses to restrictions and repression excludes particular attention to these significant themes here.

Due to the qualitative method employed, it is currently difficult to precisely establish the effect of different kinds of restrictions and repressions on NGO collaboration, and/or the difference between the effect of regulatory restrictions and the effect of repressions. In interview settings, it is often difficult for respondents to disentangle the different elements of what they perceive as a complex of oppressive measures and their effects. Throughout the interviews it was clear that fear of extra-legal repression had a significant impact on how seriously NGO representatives' restrictive aims took. It was also clear that restrictions explicitly aimed at changing NGO agendas and affecting foreign collaboration had a direct impact on work.

Further cross-sectional quantitative analysis may shed more light on this matter. Quantitative analysis may also enable us to more precisely assess what is happening to the population of NGOs in each country and help establish a more precise picture of how repressions and restrictions are affecting the survival rate of different types of NGOs.

Notes

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2. Based on coding of yearly Freedom House reports for African countries, and of annual United States Bureau of Democracy, Human Rights, and Labor country reports.

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