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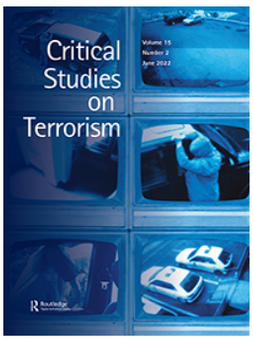
DOI:
10.1080/17539153.2022.2111776

Document Version
Publisher's PDF, also known as Version of record

Citation for published version (Harvard):
Njoku, ET 2022, 'Strategic exclusion, co-option and containment: towards an integrative theory of state-CSOs relations', *Critical Studies on Terrorism*. https://doi.org/10.1080/17539153.2022.2111776



Critical Studies on Terrorism

ISSN: (Print) (Online) Journal homepage: https://www.tandfonline.com/loi/rter20

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To cite this article: Emeka Thaddues Njoku (2022): Strategic exclusion, co-option and containment: towards an integrative theory of state-CSOs relations, Critical Studies on Terrorism, DOI: 10.1080/17539153.2022.2111776

To link to this article: https://doi.org/10.1080/17539153.2022.2111776

Published online: 28 Aug 2022.

CRITICAL STUDIES ON TERRORISM
https://doi.org/10.1080/17539153.2022.2111776

Routledge
Taylor & Francis Group

Strategic exclusion, co-option and containment: towards an integrative theory of state-CSOs relations

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ABSTRACT

Although there have been attempts to theorise state-Civil Society Organizations (CSOs) relations in the Counter-Terrorism (CT) context, including the "co-option and containment" and "duality of coercion" perspectives, these two-way articulations have failed to account for the range of strategic options open to the state in regulating CSOs. This study presents the framework of Strategic Exclusion, Co-option and Containment (SECC) to underscore the general patterns of state engagement of CSOs in the context of CT. It mapped secondary evidence in 19 countries and used three illustrative case studies (Australia, Uganda and Russia) to examine the elements of SECC, namely, states' exclusion of CSOs in law and policymaking on CT, the use of strategic ambiguity in enacting and interpreting CT laws, delegitimizing or criminalising advocacy and influencing the transformation of CSOs into state adjutants. This pattern of engagement with CSOs is transforming voluntary and associational life in precarious ways. The article advances the Copenhagen School and rational-actor model of global strategic decision-making, and contributes to discourses on the closing of civic spaces, democratic recession and the resurgence of authoritarianism. It lays a foundation for generalisable theory and future empirical research on state behaviour towards CSOs in the context of violence, conflict, and security.

ARTICLE HISTORY
Received 9 July 2021
Accepted 15 July 2022

KEYWORDS
Terrorism and counter-terrorism; Integrated theories; Rational actor model; Securitization; Closing civil spaces; Democratic recession/backsliding; Nonprofit organisations

Introduction

A 2019 Amnesty International report raised public awareness about states' increased targeting of Civil Society organisations (CSOs)[1] through laws that legitimised surveillance, restrictions on foreign aid, and outlandish bureaucratic bottlenecks that limit CSOs' operationality and the threats of imprisonment of CSO workers (Amnesty International 2019). For instance, on the 31st of January 2019, CSOs such as Anera, Near East Foundation, CARE, Catholic Relief Services, Global Communities closed operations in the West Bank and Gaza due to the consequences of the United States (US) 2018 Anti-terrorism Clarification Act (ACTA). The law stipulates that state governments are liable and will be prosecuted in US courts if aid is diverted or used for terrorism. In response, the former Palestinian Prime Minister, Rami Hamdallah, stated that the "Government of Palestine and the Palestine National Authority and its agencies does not undertake or

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accept any responsibility for any public and private aid from the US.-affilaited sources that is or may be provided directly, or indirectly by any third party, to any non-government Palestinian institution". Hence, it is stopping aid from the US, as the provisions of the ACTA would make the Palestinian government financially liable in the US courts (Devex 2019).

> In Bahrain, the government stripped the citizenship rights of Sayed Ahmed Alwadaei, the Director of the Institute of Rights and Democracy, as part of its Counter-Terrorism (CT) laws, which frowns on any form of political advocacy (Amnesty International 2019). The rising phenomenon of the closing of civil society spaces in the context of security births the impetus to further theorise and establish an analytical framework of how states engage CSOs in the context of conflict, violence, and security.

Existing studies on the intersection between CT measures and CSOs have acknowledged several issues that might explain how state actors engage CSOs. However, there has been no comprehensive theory that connects these variables or shows how they interact. This echoes Najam (2000), Mcloughlin (2011), and Furneaux and Ryan's (2014) arguments that there is a dearth of theories or inadequacies of extant theories or models in explaining state-CSOs relations in a changing world, as existing models are dated and in need of reassessment.

Thus, this article advances a new theory of state-CSOs relations, and by so doing contributes to the existing discourse that often revolves around the nature of these relations in relatively peaceful environments. It presents the dynamics of state-CSOs relations in the context of global security challenges, such as terrorism, and the subsequent global restructuring of security architectures of states. To achieve the above objectives, I examined extant studies in the field of CT and CSOs by highlighting the various suppositions and themes on state engagement with CSOs in the context of CT. I then linked these factors into a coherent perspective which I called the framework of Strategic Exclusion, Co-option and Containment (SECC). Moreover, I mapped secondary evidence in 19 states and used three illustrative case studies (Australia, Uganda and Russia) to discuss the elements of SECC.

Although there have been attempts to theorise state-CSOs relations in the CT context, including Howell and Lind (2009, 2010) and Howell (2014)'s "co-option and containment", and Daucé (2014)'s "duality of coercion", the article argues that these two-way articulations have not taken account of critical complexities and complications. For instance, the co-option and containment or the duality of coercion arguments did not account for the range of strategic options open to the state in their attempt to manage and regulate CSOs by strategic foreclosing of the opportunities that are open to them under the law, thus transforming CSOs into relays of power or a transmission belt. Importantly, there is a dearth of a theoretical framework that synthesises the concepts mentioned above or knowledge into a possible explanation of the emergent phenomenon that describes the closing of civic spaces in the context of security.

Thus, I am arguing that states' actors deploy a coordinated approach that first isolates CSOs from contributing to the formulation of legislative drafts on CT when such proposed laws are aimed at regulating the civil society sector. The state then leverages the exclusion of the sector to enact laws that are strategically made ambiguous such that it dissuades CSOs from operating due to apparent and real fear of criminal liability. Moreover, the inherent vagueness in the laws further empowers the state to construct or re-define the

activities of CSOs as a violation of the laws. The strategic exclusion and ambiguity in the laws are apparent in the ways the state weaponises the law to delegitimize and criminalise CSOs before the people, with a view to gaining public approval, to regulate and, in some cases, repress the sector. However, recognising CSOs' humanitarian and development qualities, state actors court and co-opt CSOs willing to serve their interests by focusing exclusively on social service provision and not challenging the state or attempting to influence public views against state CT policies – thereby transforming these CSOs into state adjutants or what has been termed Governmental Nongovernmental Organizations (GONGOs) (Stevens 2010).

Second, central to the assumptions of the SECC is that the 9/11 terrorist attacks on the US and the subsequent governments' narratives that CSOs pose national security threats due to their being used by terrorist groups as conduits for terrorist financing (Sidel 2010), have influenced the behaviour of states. Thus, states, as rational actors, consider themselves constitutionally bound to protect or defend the country against imminent threats, and deploy strategies in its engagement with CSOs. The study argues that the use of SECC hampers CSOs collective response against the states' excessive regulatory policies, laws, and practices, and further transforms voluntary and associational life in precarious ways. Through the mapping of secondary evidence in 19 countries and the examination of three illustrative case studies, this study observes the general patterns of state behaviour towards CSOs, notably, the deployment of SECC in their engagement with CSOs in advanced democracies as well as in hybrid and authoritarian regimes. Thus, the SECC does not only present a comprehensive understanding of state-CSOs relations in the CT context, but it also integrates other diverse suppositions into a coherent theoretical framework.

Third, the article recognises other factors which may also explain states' strategic engagement with CSOs. These factors include situations where state actors perceive that foreign governments are using international and local CSOs to undermine them and threaten their grip on power. For instance, in post-communist states, CSOs are seen as being weaponised by Western governments (Dupuy, Ron, and Prakash 2015). Also, states' exclusion of CSOs may be influenced by the exceptional nature of CT laws, which put less emphasis on human rights and civil liberties. Thus, states believe CSOs would most likely oppose such clauses in these laws, consequently excluding them from deliberations on the laws (Njoku 2021). Moreover, the history of CSOs' activism or pre-existing adversarial relations between the state and CSOs may explain state dispositions to CSOs. Another plausible explanation, particularly in aid recipient countries, could be that the activism of international and local CSOs, and what has been termed "naming and shaming" states' human rights violations (Peterson, Murdie, and Asal 2016), could discourage the flow of foreign military aid to curb terrorism in these states.

Furthermore, the SECC theory predicts that in states where CSOs are perceived as national security threats or potentially undermining national security objectives, state actors are more likely to adopt the SECC in their engagement with CSOs in the context of CT or conflict, violence, and security more broadly. Furthermore, although the narrative of CSOs culpability to terrorism which poses other forms of national security threats may influence states' use of SECC, other factors such as extant adversarial relations may combine symmetrically to change state behaviour towards CSOs in advanced, hybrid or authoritarian regimes.

I propose a theoretical framework that addresses the processes that give rise to and/or describe the phenomena of the closing of civic space – or a democratic recession – in the context of security to better capture the various elements that define the closing of civic space and show how they connect. This study makes several contributions to the literature. The SECC has the potential of advancing our understanding of the rational-actor model of global strategic decision-making. Moreover, the SECC theory responds to Najam (2000), Mcloughlin (2011), and Furneaux and Ryan (2014) on the need for new theories that help in understanding and explaining state-CSOs relations in a changing world. It does this by highlighting the trajectory of state-CSOs relations in the context of the global security challenges and subsequent restructuring of global security architectures. Thus, it contributes to ongoing discourses on state-CSOs relations which often revolve around the nature of this relationship in relatively peacetime environments. Moreover, it also builds on extant conversations that there are "no simple causal relations" (Stevens 2010) or no "one-size-fits-all theory" (Njoku 2020b) that explains state-CSOs relations in the context of CT.

It is critical to recognise the limitations of the SECC theory's generalisability. In other words, regardless of the similarities in state behaviour towards CSOs, the study highlights variances across three cases (Australia, Russia, and Uganda), representing advanced democratic, authoritarian, and hybrid regimes. In an advanced democracy, CSOs are more likely than in authoritarian and hybrid regimes to successfully reject authorities' attempts to exclude the sector from the formulation of CT legislation and policies, as well as influence the modification of oppressive laws.

Furthermore, in advanced democracies, states are frequently more subtle in formulating vague CT legislation than hybrid and authoritarian regimes. There appear to be different levels of repression of CSOs across regime types, with CSOs in authoritarian and hybrid regimes facing more repression from state actors than their counterparts in advanced democracies. Third, states' attempts to co-opt and control CSOs are more obvious in hybrid or authoritarian regimes. In advanced democracies, on the other hand, state actors' attempts to co-opt and control CSOs are less obvious. Furthermore, not all CSOs have been coopted by the state, as some have avoided co-option by stopping activities or rebranding as for-profit organisations in reaction to restrictive CT legislation (Njoku 2022; Skokova, Pape, and Krasnopolskaya 2018; Dupuy et al. Howell 2014).

The limitations of the SECC framework's generalisability can also be seen in the differences in states' targeting of CSOs, such as local and international human rights, and Muslim CSOs and organisations deemed pro-western or receiving funding from western governments were more impacted by CT measures than others. Discriminatory practises that associate Islam with terrorism, CSOs operating in terrorism-affected countries, and fear of Western influence are among the causes of these divergences (Njoku 2022; Skokova, Pape, and Krasnopolskaya 2018; Watson and Burles 2018; Mathews and McNeil-Willson 2021; O'Toole et al. 2016; Petersen 2012b). Furthermore, the SECC framework's limitations are evident in political contexts where the theory may not be fully or at all present. In the case of Spain, for example, Howell and Lind (2009, 2020), and Colás (2010) note that, despite the 2004 Madrid bombing, the Spanish government did not establish any counter-terrorism laws, policies, or practises, nor did it target CSOs; instead, the government formed partnerships with these CSOs, particularly Muslim CSOs, in combating the spread of terrorism.

However, the SECC framework contributes to forming a dynamic and integrative theory that explains state-CSO relations in times of conflict, violence, and security. It integrates divergent-yet-related assumptions and concepts into a coherent framework that provides wide-ranging rationalisations on states' engagement with CSOs from a Copenhagen school and rational choice approach. This article begins by examining the broader theories on state-CSOs relations and then narrows down to theories of state-CSOs relation in the CT context. This is followed by a discussion of the SECC framework and uses three illustrative case studies to advance its applicability. The study is concluded in the final section, which also covers the comparative analysis of the three cases.

Theories of state-CSO relations

Can the Voluntary Failure, Third-party Government or New Governance theory help us understand state-CSOs relations in the post-9/11 Counter-Terrorism (CT) security environment? While existing theories advocate state-CSOs collaboration for the effective delivery of public goods, in the context of CT the state securitised CSOs on the grounds of national security imperatives. This difference in the behaviour of states in the CT context is rendering existing theories problematic, thereby making a new theory necessary.

Lester Salamon (2012) and colleagues have argued that, contrary to the welfare state, market/government failure theories[2], collaborations between state-CSOs are intrinsic. Using the voluntary Failure, Third-party Government or New Governance Theory, provides the complementary roles CSOs and government play in delivery of public goods by addressing each actor's deficiencies (Agranoff 2007; Salamon and Toepler 2015; Tullock 1965). Furthermore, Salamon and Toepler (2015, 2168) conclude that "extensive collaboration between government and CSOs sectors emerges not as an unexpected aberration but as a logical and theoretically sensible compromise both for government and the third sector". Critics of state-CSOs relations, on the other hand, argue that the partnership between the state and CSOs is not feasible. The government would seek to influence CSOs into serving its own interests, thus eroding their capacity to advocate for the public interest (Fowler 1991; Clark 1995). Explicitly, Edwards and Hulme (1992) and Clark (2011) state that state-CSOs relations that are based on mutual respect, autonomy, and pluralism of opinions are desired. However, it is characterised by mutual suspicions (Bano 2017).

While these studies have contributed to the advancement of our understanding of the nature and trajectory of state-CSOs relations for decades, the discourses have often centred on the description of these state-CSOs relations in relatively peaceful environments. Thus, the dynamics of state-CSOs relations in the context of the global security challenges such as terrorism and subsequent international rearrangement of security structures of states have not been accounted for in the literature. Several scholars, such as Najam (2000), Mcloughlin (2011) and Furneaux and Ryan (2014), have pointed out that there is a lack of theories or failures of extant theories or models in explaining state-CSOs relations in a changing world.

Theories of state engagement with CSOs in the context of security/ counter-terrorism

Co-option and control have been used to describe state-CSOs relations with the over-riding emphasis that both the government and CSOs co-opt each other to achieve their varied interests. However, I am arguing that in the post-9/11 counter-terrorism policy environment, CSOs' co-option of states was premised on the operational environment created by these states, which influenced their adjustments to new policies and laws as a coping mechanism. This nonetheless transformed CSOs into government vendors, and led to mistrust and loss of independence.

The 1980s and early 1990s were termed the age of associational revolutions (Salamon and Toepler 2015), due to Western states' use of CSOs to institutionalise liberal norms and democratic principles in the global South and communist states (Dupuy and Prakash 2018). However, the late 1990s heralded a decline in CSOs' growth, as there was a push back by governments of these regions who resisted Western influence through CSOs (Rutzen 2015). Within this period, allegations of misappropriation of donor funds, lack of probity among CSOs leadership emerged and created the need for CSOs regulations. The 9/11 terrorist attacks reinforced the feelings of mistrust of CSOs, as state actors asserted the lack of probity within CSOs made them vulnerable as conduits for transfer of terrorist funds. This led to the further proliferations of policies, laws and institutions to regulate CSOs (Howell et al. 2008; Watson and Burles 2018).

However, the post-9/11 CT laws provided a form of legitimation for the crackdown of organised groups globally. These include intimidation, harassments, arduous registration procedure, de-registration, monitoring and threatening of board members of CSOs. These laws led to administrative difficulties which forced many to shut down or operate minimally (Howell and Lind 2010; Poppe and Wolff 2017; Bloodgood and Tremblay-Boire 2010; Hayes 2017; Lind and Howell 2010; Watson and Burles 2018).

Importantly, after 9/11 there has been an increase in research on the patterns of state regulatory styles on CSOs. One of these suppositions, theorised by Howell and Lind (2010), is the dual-prong strategy of co-option and repression of CSOs in the counter-terrorism context. To be clear, states' co-option and control of CSOs predate 9/11. Critics of state-CSOs relations attribute the failure of effective relations to the co-option and control practice of states. For instance, Clark (1995, 598) states that the actions of the state, whether it is "interventionist, active encouragement, partnership, co-option and control", can negatively affect the health of CSOs. Maclure et al. (2007) assert that the co-option of CSOs is when a state does not invite CSOs into the policy or law-making process, but they are only required to implement them. Reiterating the above, Macfarlane (cited in Mcloughlin 2011) stated that "NGOs are labelled co-opted where their views and goals are divergent with but subordinated to those of the state". However, Najam (2000) argues that co-option is not solely what state actors do and that CSOs can also co-opt the government to achieve their goals. Thus, co-option should not always be viewed negatively.

Nevertheless, I argue that amongst other factors, CSOs' co-option of governments to achieve their goals is often based on the operational environment created by state actors. Explicitly, such a co-option approach is premised on the need of CSOs to adjust to the new policy environment, which may not be favourable to them. In

other words, co-option by CSOs is a way of adapting to these challenges. This is particularly evident in the context of CT, where some CSOs focused on government-sanctioned activities and avoided those governments detested to gain its endorsement and support. However, by so doing, they became vendors of government resources, contradicting their principles of neutrality and impartiality. Thus, co-option and control birth mutual suspicion, lack of trust, and loss of autonomy.

In Howell and Lind's 2010 analysis of counter-terrorism measures in Afghanistan, India and Kenya, and later in Howell's (2014) work, the US, UK, and Denmark advanced the strategic co-option and control approach. They assert that the state actors deployed a dual-pronged approach delineating CSOs into "good and bad categories". Good CSOs are those perceived as supportive of the state. They are endorsed and tolerated, while "bad CSOs" are those states believed are critical or antagonistic due to their advocacy qualities. The state represses, contains or regulates "bad CSOs". In a study of the effects of CT on CSOs in 40 countries in North America, Europe, South Asia, Central Asia and the Middle East, Fowler and Sen (2010) described the good and bad CSO label as "donor darlings and donor orphans". They assert that state and foreign agency funding for CSOs in a CT context is premised on CSOs accepting and engaging in solely service-delivery roles and the shunning of advocacy. Thus, CSOs willing to engage in service-delivery were provided access to donor funds while states constrained advocacy groups.

In Russia, Daucé (2015), Skokova, Pape, and Krasnopolskaya (2018) and Brechenmacher and Carothers (2019) termed state-CSOs relations as the "duality of coercion", "confrontation and co-optation", and "managed civil society", respectively. They argued that the Russian government claimed that local and international CSOs constitute threats to national security, due to foreign influence or support they received from Western states. Consequently, CSOs were directed to label themselves as foreign agents in every public communication under the 2012 Foreign Agent Law. Many of the CSOs affected were human rights and advocacy groups. Moreover, the Russian government engaged some CSOs that aligned their agenda in tandem with the state's interest, particularly in areas of social service provision (Daucé 2015; Skokova, Pape, and Krasnopolskaya 2018).

Njoku (2021) developed the concept of "strategic exclusion" to explain the Nigerian government's insulation of CSOs from dialogue and debates in formulating CT laws and policies. According to him, the exclusion of CSOs was strategic, as it gave the government the leverage to enact, albeit hurriedly, CT laws and policies that gloss over human rights, and where there is lack of effective oversight for checking the excesses of security agents. The exclusion of CSOs also empowered the state to form essential service-delivery roles for CSOs while delegitimizing and criminalising political advocacy. Njoku concludes that the success of the dual-prong strategy of co-option and containments as theorised by the scholars as mentioned earlier is premised on the strategic exclusion of CSOs in the framing of CT laws and policies.

Thus, extant studies examine the patterns of state relations with CSOs individually or at best among a combination of factors. However, justifiable clarification of the co-option and containment or the duality of coercion theories has not been clearly presented about the different tactical possibilities which can be employed by states to close out the legal opportunities obtainable by the CSOs. There is insufficient explanation of the means through which the states desired to weaken civil society so that they can become mere

agents, relays of power or a transmission belt. Moreover, these studies have glossed over the possibility of complex connections between various factors.

However, building a wide-ranging and coherent theory of state engagement of CSOs in a CT or security context demands the highlighting of patterns that connect and interplay in states' strategies. Hence, I introduced the SECC. I am arguing that strategic co-option and containment of CSOs in the context of CT is much more complex and complicated than a two-way approach, as previously theorised. It entails a coordinated approach by state actors which includes the exclusion of CSOs from the CT law-making process, and then the use of strategic ambiguity in enacting, interpreting and enforcing CT laws. The strategic ambiguity in the law leaves room for the delegitimizing and criminalisation of political advocacy or advocacy groups and the prioritisation of only service-delivery roles. In addition, state actors sought cooperative CSOs and transformed them into an arm of the state, a term known as Government-Organised Nongovernmental Organizations (GONGO), to advance state interests.

Furthermore, the SECC theory and the three case studies articulate the temporality of the aftermath of the 9/11 events. Although prior to 9/11 relations between the state and the civil society sector were marked by mutual suspicion and apprehension of CSOs' opposition and criticism, 9/11 "constituted a historical moment, a point of convergence and juncture where these growing threads of disquiet came together" (Howell et al. 2008, 84). It provided a narrative for rationalising the targeting of CSOs (Sidel 2010), as it led to the formation of new global, regional, and national laws, policies, and institutions that, among other things, sought to regulate the operations of CSOs (Njoku 2020b). In particular, Howell et al. (2008, 84) assert that 9/11: created a climate of fear and suspicion, the demonisation and criminalisation of particular communities and their organisations, and the partial silencing of political dissent in the USA and other Western states which had become or might potentially become targets of terrorist attacks. The launch of the Global War on Terror also provided fuel for certain regimes in various transition and developing countries to clamp down on the activities of CSOs, by using the logic and discourses of the War to justify their actions.

Therefore, I am proposing the SECC framework as a novel way of understanding and explaining state engagement with CSOs not only in the context of CT, but also in the broader context of violence, conflict and security. This study also opens the field to diverse practices that the state can deploy in regulating CSOs. Thus, this article lays the ground for further development of a new theory of state-CSO relations in an increasingly securitised society. The next section describes the SECC in more detail.

Strategic exclusion

The exclusion of CSOs in the policy or law-making process can be observed internationally and nationally. In international governmental organisations, CSOs are either excluded or partially engaged in the formulation of CT laws for strategic reasons. Wilkinson (2005, 317) asserts that though the contributions of CSOs in the international law-making process, particularly the United Nations (UN), have increased over the years, "NGOs have been shut out at the most crucial stage of conference planning, and are given subordinate roles in conference documents". Rosand (2018) reported that the 2018 UN high-level conference on CT did not invite CSOs to participate fully, as states were against viewing CSOs as

critical stakeholders. Beijerman (2018) and Howell et al. (2008) state that the post-9/11 policy environment, coupled with states' suspicion of CSOs culpability to terrorism, influenced governments into side-lining CSOs in the development of resolutions at international forums. Hayes (2017) asserts that many of the legal instruments adopted to curb terrorism were done through the process of policy laundering[3]. One such policy was FATF's R8, where state actors at the international forums excluded CSOs from scrutinising the legal instrument even though it aimed at regulating their operations.

Nationally, states speedily passed CT laws without adequate scrutiny or debate by various stakeholders, including CSOs. Whitaker (2007) argues that CT laws were established within months of 9/11 without consultation with relevant parties in the law-making process. The rationale for state actions is that CT laws are exceptional laws invoked during national security emergencies to combat terrorism effectively, so issues of human rights and civil liberties should be played down (Whitaker 2007). In addition, due to the claim of the exceptionality of CT laws and policies, state actors believe that engaging CSOs would be counter-intuitive due to their advocacy qualities. Hence, many CSOs were either partially consulted or not consulted in the domestications processes; therefore, they were unable to make useful contributions to the law (Njoku 2021, Whitaker 2007). Moreover, due to the non-inclusion of CSOs and lack of human rights components in the law, some "governments have been quick to exploit the tools of repression provided by anti-terrorism law" (Whitaker 2007, 1018).

For instance, Fowler and Sen (2010) state that a common feature in the making of CT laws immediately after the 9/11 attacks in Australia and India was that there was no public engagement or debate of the laws. States hurriedly passed these laws without consideration of public oversight mechanisms to check enforcement. In the case of Nigeria, the exclusion of CSOs in law-making gave the state the leverage to manipulate the law in repressing CSOs (Njoku 2021). This is also evident in Bahrain, Egypt, Turkey, Afghanistan, Hungary, Ethiopia, China, Russia, US (Baydas Shannon Green et al. 2018; Brechenmacher 2017; Fowler and Sen 2010; Howell and Lind 2009; Romaniuk 2022). The exclusion of CSOs leverages states to enact vague laws that empower them to criminalise the activities of CSOs when they want and by so doing exert excessive influence on CSOs operationality.

Strategic ambiguity

In international politics, strategic ambiguity is a way state actors communicate using languages and or written texts that are devoid of specifics and are often vague so that the state can interpret it in several ways to achieve its interest. Government officials often deploy vague and confusing languages when discussing ownership or manufacturing of nuclear weapons (Hummel 2015), or providing justification for war (Hummel 2015). According to Keefer (2003), strategic ambiguity "allows deniability, enables communication to maintain consistency and avoids loss of face when circumstances change". I argue that because of the strategic exclusion of CSOs in the making of CT laws, states gained leverage to enact ambiguous laws. Although ambiguity in terrorism laws is also rooted in the lack of an agreed definition (Tamburini 2018), the inherent lack of clarity is being instrumentalized to serve political interests. Two critical issues in CT laws that have seen

many legal contestations between the state and CSOs are the definition of terrorism, and the concept of material support.

In many if not all countries that enacted CT laws, scholars decry how states incorporate overly broad definitions of terrorism. Issues that domestic criminal laws have addressed are incorporated in the definition of terrorism (Guinane and Sazawal 2010; Howell et al. 2006; Howell 2014). This raises questions of the proportionality principle in the application of law (Guinane and Sazawal 2010; Howell et al. 2006; Howell 2014), and it leads to extensive prosecutorial abuse by governments (Dunn 2010) that can arbitrarily attribute criminal offences as acts of terrorism to serve its interest.

Although the concept of material support predates 9/11, it was reinforced and expanded after 9/11 to include the provision of "expert advice or assistance" in the definition (Sidel 2010). Also, it did not require proof of intention to promote terrorism (Sidel 2010, 296). After 9/11, the concept of material support became a subject of confusion by donors and litigations between the state and CSOs (Howell and Lind 2009). The material support phrase in CT laws created operational challenges, as many donors and international CSOs in the US, UK, Netherland, and Canada, working with or providing funds for local CSOs in aid recipient or conflict-affected states, had to stop issuing funds or self-censor due to the uncertainty, lack of clarity, and fear of criminal liability (Bolleyer and Guaja 2017, Howell et al. 2008). Many donors had to redirect aids to local CSOs through the state, thus further empowering the state in determining the finances of CSOs (Fowler and Sen 2010).

Also, scholars such as Tamburini (2018), Njoku (2021), Brechenmacher (2017), Howell (2014), and Rubongoya (2010) argue that illiberal political leaders in autocratic or hybrid regimes such as Uganda, Kenya, Nigeria, Russia, Egypt, Algeria, Mauritania, Morocco, Tunisia, Ethiopia, and Uzbekistan employ the strategic ambiguity approach in defining terrorism and material support. They then enforce these laws arbitrarily or in ways that target and repress independent or advocacy CSOs that had a history of criticising government policies or engaged in advocacy for victims of CT, such as terrorist suspects and vulnerable groups. These approaches effectively constrain and contained CSOs (Guinane and Sazawal 2010).

The de-legitimisation or criminalisation of political advocacy and the prioritising service-delivery

As part of the state strategy of containing CSOs through legal procedures, social service provision was constructed as the only vital contributions that CSOs can make in curbing the proliferation or effects of terrorism (Howell 2014; Skokova, Pape, and Krasnopolskaya 2018). However, political advocacy was either delegitimized or criminalised depending on the nature of the regime. According to Hayes (2017, 38), "organisations involved in funding and delivering projects aimed at conflict transformation – whose activities, such as human rights advocacy and support for marginalised groups, often lack legitimacy in the eyes of state parties". State actors used the narrative of national security imperatives in the formulation of "human rightless" CT laws to deconstruct political advocacy for victims of CT operations.

States, both democratic and hybrid regimes, view political advocacy or advocacy groups as threats to national security or acts of unpatriotism among CSOs. For instance,

in Hungary, Viktor Oban engaged in a campaign of calumny against the Open Society Foundation or George Soros and other human rights groups among Hungarian citizens because of their supports for immigrants. The state securitised immigration or immigrants as posing national security threats, particularly terrorist threats, to Hungary (Romaniuk 2022). Furthermore, scholars argue that in Russia and the UK, governments prioritise the engagement of CSOs that focus on service delivery and not human rights assistance or advocacy (Romaniuk & Njoku 2021).

The transformation of NGOs to Government-Organized Nongovernmental Government Organisations

In the context of CT, the transformation of NGOs into GONGOs takes three forms. First, the state continually engages extant NGOs that are believed to share common values to carry out its political cum security objectives. Second, it inserts government representatives in boards of NGOs to monitor and control their operations. Third, it forms new NGOs directly or through proxies that advance its interests. For instance, in the UK, the CT office used its Prevent policy to reach out to organisations it termed the "right kind" of CSOs or organisations that share British values: "The services offered by the Home Office to these civil society groups include media and public relations assistance, funding, business planning, training, and helping with reaching out to people in the right networks". At the same time, the UK government marginalised and defamed CSOs that were deemed to fall short of British norms or values (Wells-Dang 2012).

Furthermore, in some contexts, extant CSOs are incrementally being transformed by the state through its CT or NGO laws by inserting government representatives in NGOs boards during the process of registration or re-registration. This is evident in Uganda (Rubongoya 2010). Also, in some political contexts, state actors formed entirely new organisations to achieve its security objectives, as seen in Uzbekistan, Russia, and Indonesia (Skoczylis and Andrew 2021; van der Borgh and Terwindt 2014).

Moreover, in authoritarian and hybrid regimes, some CSOs are not only strategically deployed to address issues of service-delivery in CT measures, but also have become government public relations unit countering the critical postures of independent CSOs, thus projecting a good image of the government before the international community (Skokova, Pape, and Krasnopolskaya 2018; Stevens 2010; van der Borgh and Terwindt 2014). The creating of or transforming of extant CSOs to GONGOs is part of the SECC framework of state-CSOs relations in the context of CT.

Table 1 shows evidence of the various elements of the SECC in 19 identified countries from CIVICUS, the International Centre for Not-for-profit Law (ICNL). Its research monitors and provides relevant published works on the closing of civic spaces. Three cases were picked out for a more detailed analysis. The rationale for selection is the reported cases of closing of civic spaces by the organisations mentioned above and existing literature between 2001[4] and 2020. Specifically, the table shows that in these countries state actors did not effectively engage CSOs in the framing of CT laws and policies. Moreover, many of the laws and policies enacted by the state were vague and difficult to interpret. This created uncertainty amongst CSOs, and they were forced to limit operations for fear of violating the laws.

Table 1. Table showing secondary evidences of strategic exclusion, co-option and containment in 19 states

Countries	Strategic Exclusion in CT law & policy making	Strategic Ambiguity in interpretation of CT laws	Delegitimizing Political Advocacy & advocacy groups	Establishment of GONGO	Sources
Afghanistan	Excluded	Ambiguous	Delegitimized	Yes	Howell 2014, Howell and Lind 2010
Algeria	No data	Ambiguous	Delegitimized	No	Musila 2019, Tamburini 2018
Bahrain	Excluded	Ambiguous	Delegitimized	No	Jadalah 2018
Burkina Faso	No data	Ambiguous	Delegitimized	Yes	Synder 2018
Australia	Excluded	Ambiguous	Delegitimized	Yes	Mcsherry 2005, William 2013, Sidel 2008
Turkey	Excluded	Ambiguous	Delegitimized	Yes	Tamburini 2018, ICNL 2019
United Kingdom		Ambiguous	Delegitimized Mainly Muslim groups	No	Dunn 2010, Romaniuk and Njoku 2021
United States	Excluded	Ambiguous	Delegitimized Mainly Muslim groups	Yes (This has been in practice before 9/11)	Sidel 2010, Watson & Burles 2018
Uganda	Excluded	Ambiguous	Delegitimized	Yes	Musila 2019, Rubongoya 20102, ICNL 2019
Uzbekistan	No data	Ambiguous	Delegitimized	Yes	Stevens 2010, ICNL 2019
China	Excluded	Ambiguous	Delegitimized	Yes	ICNL 2019
Egypt	Excluded	Ambiguous	Delegitimized	Yes	Musila 2019, Brechenmacher 2017,
Ethiopia	Excluded	Ambiguous	Delegitimized	Yes	Musila 2019, Dupuy and Prakash 2015
France	No data	Ambiguous	Delegitimized	Yes	Mathews & McNeil-Willson 2021
India	Excluded	Ambiguous	Delegitimized	Yes	Howell 2014, Howell and Lind 2010, Bayas 2018
Kenya	Excluded	Ambiguous		Yes	Howell & Lind 2010, Howell 2014
Nigeria	Excluded	Ambiguous	Delegitimized	Yes	Njoku 2020a, 2020b, 2020c, 2021, 2022
Russia	Excluded	Ambiguous	Delegitimized	Yes	Duacé 2015, Brechenmacher 2017, Watson and Burles 2018, Skokova 2018,
Hungary	Excluded	Ambiguous	Delegitimized	Yes	Romaniuk, Buamgartner and Duerr 2021, Romaniuk Romaniuk 2022, Chatterjee, s. and P. Krekó

Source: created by the author, based on data gathered from secondary sources

The table also shows evidence that in these countries state actors deployed CT laws to delegitimize CSOs activities that do not serve their interest. In particular, advocacy was criminalised in the identified countries. The table also showed evidence of the transformation of CSOs into government appendages or GONGOs. Although the US case showed the existence of GONGOs prior to 9/11, it was reinforced specifically among faith-based organisations. In a few cases, there is a lack of data on some elements but this does not invalidate my hypothesis, as other elements were observed. I developed my argument further through an illustrative case study of an advanced democracy and a hybrid regime.

Illustrative cases

Scholars have argued that case studies are a critical theory-building methodology essential in developing theories about internal organisations and strategies (Galunic and Eisenhardt 2001; Gilbert 2005). This "involves using one or more cases to create theoretical constructs, propositions and/or midrange theory from case-based and empirical evidence" (Galunic and Eisenhardt 2001; Gilbert 2005). Therefore, in addition to the 19 countries, as shown in Table 1, I have reinforced this argument by contextualising it through three illustrative cases: Australia, Uganda and Russia. While a broader rationale for selecting these cases rests on the reported or published works on the closing of civic spaces in the context of security, I further identify specific contextual factors that inform the selection of these cases.

First, Australia was chosen because it has a history of effective state-CSO relations (Lyons 1993). Australia has vibrant and free CSOs, and the state contributes to supporting CSOs' engagement in humanitarian and development services in other parts of the world. Like the US, CSOs in Australia are platforms through which liberal norms and democratic principles are propagated globally (Howard 2010). This makes Australia an important case, as it shows that despite its liberal and democratic values, the events of 9/11 and the narrative of CSOs culpability restructured state-CSOs relations. Even though there have not been major terrorist attacks in Australia, imminent threats, such as the presence of terrorist cells and its perceived enablers within CSOs, influenced the isolation of CSOs in the framing of exceptional CT laws and policies. As with other advanced democracies, the government subsequently produced ambiguous laws and policies which created uncertainties amongst CSOs. Specifically, the state targeted and regulated the finances of CSOs involved in political advocacy and Muslim CSOs.

Second, Uganda was chosen because it represents a hybrid regime with democratic and dictatorial features that mostly tilt towards authoritarianism. The state has been faced with challenges of terrorist groups such as the Lord Resistance Army and Al Shabaab. Like other African countries with similar challenges such as Nigeria, Kenya, Somalia, Chad, and Niger, the state domesticated post 9/11 global CT resolutions. Also, Uganda has risen through sustained foreign aid and has contentious relations with the state. Importantly, the Ugandan case shows how CT was weaponised against CSOs that the state believes threaten its grip on power through criticisms of state policies or advocacy. In other words, the existing adversarial state-CSOs relations, the narrative of CSOs culpability to terrorism influence the exclusion of CSOs in making CT laws. It also facilitated the promulgation of

vague CT laws, and reinforced the targeting of CSOs and opposition groups critical of the state and the co-option and transformation for some CSOs into state appendage.

Third, while Russia also has the challenge of terrorism and has counter-terrorism laws, the 2006 NGO laws and the 2012 Foreign Agent Law has arguably had more impact on the operationality of CSOs. The above laws were framed to curb the foreign influence on CSOs, as the state considered it a threat to national security. Moreover, Russia can be described as a hybrid regime (Shevtsova, 2001) that has a history of repressing CSOs. The critical point in the selection of Russia is because it shows that beyond the concerns of terrorism or terrorist use of CSOs, other forms of perceived national security threats posed by CSOs also produce similar reactions as the countries mentioned above. These include the state exclusionary approach in the framing of security laws that affect CSOs, the deliberate framing of elusive laws, the targeting of independent and social rights advocacy CSOs, and the approach of transforming CSOs in state adjutants. However, in the case of Russia, CT laws were frequently used by state actors to stifle organisations that were critical of state policies, CSOs that mobilise the public to protest government policies, and CSOs regarded as uncooperative by the state, or who were thought to be pro-Western (Watson and Burles 2018; Krasnopolskaya, Skokova, and Pape 2015; Salamon, Benevolenski, and Jakobson 2015; Daucé 2015).

Nevertheless, despite their commonalities, there are also disparities in how the government regulates and controls CSOs in the context of counter-terrorism. Following the analysis of the cases, the noticeable divergences will be examined.

Australia

Arguably, the New Public Management (NPM) model has mostly defined the trajectory of state-CSOs relations in Australia since its inception in 1788. Faith-based organisations, most notably the Anglican Church, collaborated with or assisted the colonial government in providing education, childcare, and health services with financial support from the government and elites (Lyons 1993). From the 1990s, NPM, which entails a process where government purchases services from CSOs on behalf of a user, was formerly adopted and services extended to the environment, sports, arts, legal, and advocacy (Lyons 1993). There was a shift to a new public governance model that entails "relational forms of contracting" (Osborne 2006). However, the model requires CSOs to report their activities to the government and refrain from criticising state policies. Thus, the law faced several criticisms due to the limitation it places on CSO independence (Furneaux and Ryan 2014).

The dynamics of state-CSO relations, as observed above, may have set the foundation of state interference of CSO operations or delegitimizing advocacy in Australia. Following the 9/11 terrorist attacks, Australia enacted about 60 CT laws, even though there was no terrorist incidence at the time (Williams 2013). The state hastily framed CT laws and did not consult civil society organisations, hence limiting platforms where CSOs would have scrutinised these laws and pointed out areas that infringed on human rights and civil liberties. Williams (2013) stated that "Australia's hyper-legislation strained the ability of civil society to keep up let alone provide effective opposition to the relentless legislative output".

Furthermore, the vague CT laws created uncertainty and discouraged international organisations from operating in conflict zones due to the fear of unknowingly violating these laws, particularly as the government adopted an overly broad definition of terrorism (Mcsherry 2005). Also, the concepts of "informal membership" and "association" in the laws, which underscore "support of or links to terrorism", can be interpreted in different ways. Specifically, it imposes the burden of proof on CSOs that they have not provided support to terrorist groups in their interactions with local organisations and individuals in conflict areas. Mcsherry (2005) asserts that "the vagueness of what association means in conjunction with the vagueness of who qualifies as a member creates considerable legal uncertainty". Thus, the risks of providing humanitarian support for groups who could be interpreted as being associated with terrorist groups (Mackintosh and Duplat 2013) influenced CSOs to self-censor or at best reduce its charitable works or support for local organisations in conflict-affected areas.

Moreover, in the enforcement of CT financing law, the government intimidated and harassed advocacy for CSOs. Many of these organisations were termed uncooperative and had their integrity defamed by the state while the state favoured organisations that stuck to service-delivery (Mackintosh and Duplat 2013). Interestingly, the CT financing regulation further empowered the state to influence CSOs to seek government's favours. For instance, the government gave cooperative non-profits funds but with conditions such as signing contracts that prohibit them from criticising its policies or engaging in political advocacy. The agreements typically require them to focus only on service provision (Baydas Shannon Green et al. 2018; UNOHCHR 2016). This effectively transformed some CSOs into becoming government agents, although some CSOs are speaking up against the government's targeting of CSOs and the closing of their operational space. For instance, Devex (2017) reported that in 2017, 11 CSOs such as ACFID, Campaign for Australian Aid, Human Rights Law Centre, and RESULTS Australia, criticised the government quest to silence their organisations and close platforms for public debates.

The various elements of the strategic co-option and containment framework that define state-CSOs relations in Australia also find relevance with the conclusions made by scholars examining various other case studies in advanced democracies, such as the US, Canada, UK, Japan, France, and Germany, (Bloodgood and Tremblay-Boire 2010; Bolleyer and Gauja 2017; Howell 2014; Sidel 2010; Watson and Burles 2018).

Uganda

State-CSOs relations in Uganda during colonialism have been defined by struggles for socio-economic and political ascendancy on the parts of CSOs, most notably trade unions, professional or workers' associations. However, after independence, these relations did not improve, as the single-party political structure projected unified or collective political objectives which did not tolerate alternate political agendas (Muhumuza 2010). In the 1990s, under the National Revolutionary Movement (NRM) regime, state-CSOs relations became relatively collaborative, and CSOs proliferated. This is attributed to the neo-liberal environment which established an increase of foreign donor funds to CSOs, coupled with state incapacity to provide public goods to the entire populace (Bloodgood, Tremblay-Boire, and Prakash 2014; Muhumuza 2010) However, the collaborative form of state-CSOs relations was due to the state's toleration of CSOs so as not to discourage the continued

flow of donor funds. Nevertheless, the state engaged primarily with influential CSOs such as the media, women, and Christian groups, but felt threatened by advocacy groups or any CSOs involved in any form of advocacy (Kidd 2002).

Therefore, the socio-economic and political dynamics of state-CSOs relations in Uganda set the stage for the repression of CSOs. Explicitly, the post-9/11 CT policy environment provided a guise for Museveni's government to establish the Anti-Terrorism Act of 2002 (ATA) and the NGO law in 2006 to target and repress CSOs, amongst other things. Notably, the government repressed those CSOs that threatened its grip on power or mobilised local resistance against the government (Dicklitch 1998). First, the NRM government did not provide platforms for CSOs to contribute to the domestication of CT laws. Rubongoya (2010, 217) reiterates that

> although civil society activity is constitutionally protected in Uganda, the politics of the state in Uganda are such that they are seldom given opportunities to influence policy and law. This is particularly true with regards to legislation (CT) that has been passed to entrench the power of the ruling regime. In these cases, the government has not tolerated expressions of opposition by civil society.

Second, as with other political contexts in advanced countries, hybrid and authoritarian regimes, the Ugandan ATA has ambiguous concepts that were open to several interpretations. The definition of terrorism is broad in scope and encompasses activities carried out by CSOs. Bossa and Mulindwa (2004) state that certain words in the definition of terrorism such as "intimidating the public or a section of the public" and "influencing the government" can be given several interpretations by the state. For instance, the state termed CSOs engaging in "illegal" strike actions or civil disobedience as acts of terrorism. Hence, Rubongoya (2010, 221) states that the "definition of terrorism in the ATA enables the NRM regime to crack down on a range of political activities and advocacy efforts under the guise of protecting national security".

Third, advocacy was not only delegitimized but it was also criminalised. The NRM government engaged CSOs as service-providers and repressed various advocacy groups, human right activities, political opposition and the media (Whitaker 2010). Furthermore, Whitaker (2010) asserts that

> together with the ATA, the NGO Registration Act of 2006 would give government (through the same Ministry) inordinate powers to interfere with and/or terminate legitimate NGO activities such as human rights advocacy. The effect of the law has had a serious threat on the viability of NGO work and CSOs activities generally.

For example, in 2021, there were calls by the international community for the Uganda government to unblock the account of some NGOs, such as the National NGO Forum and Uganda Women's Network (UWONET), which was frozen on allegation of terrorist financing. These NGOs have been strong advocates for a level playing ground for political competition (The Independent 2021). Similarly, in December 2020, Nicholas Opiyo, an Executive Director of Chapter Four Uganda – a civil liberties and human rights advocacy organisation along with three human rights lawyers, Dakasi Herbert, Odur Anthony and Esomu Obure, and Tenywa Hamid, a Human Rights Officer – was arrested by the Ugandan government on charges of money laundering. It was noted that "Opiyo had been vocal against the government's repressive laws and directives on civil society and had

represented two NGOs whose bank accounts had been frozen on allegations of financing terrorist activities" (Article 19 2021, The Guardian 2020).

Fourth, the post-9/11 CT policy environment provided the NRM government with an opportunity to effectively take over the third sector by turning cooperative CSOs or creating its own (Ariko 2008; Muhumuza 2010). For instance, it sought to convince community-based organisation providing informal credits to individuals to federate with a bigger organisation controlled by the state in order to issue improved credit loans (Ariko 2008; Muhumuza 2010). However, Nakweesi (2007) states that "the attempt to reinvent cooperatives in a different form has aroused suspicion that the NRM government intends to co-opt the existing informal mutual aid associations for its hidden political objectives". Another attempt to transform CSOs to an arm of the state was the government directive that CSOs re-register annually and a government security official be made part of the NGO board to control or monitor their activities (Howell and Lind 2010).

The exclusion of CSOs from the making of CT laws caused the creation of ambiguities in the law. This situation put pressure on CSOs, as the state exploited the vagueness of the law to delegitimize advocacy while advancing service-delivery. Thus, the Third sector in Uganda is being transformed through the establishment of GONGOs. This is consistent with the arguments in other case studies in the African regions, such as Burkina Faso, Egypt, Kenya, Ethiopia, and Nigeria (Brechenmacher 2017; Dupuy, Ron, and Prakash 2015; Njoku 2020a, 2020c, 2020b).

Russia

The Soviet Union was less tolerant of vibrant CSOs; hence, civil society was weak and repressed mainly by the state during the Cold War era (Watson and Burles 2018). However, post-soviet Russia saw the burgeoning of CSOs, due to the increasing support or funds from Western states that sought to spread liberal norms and democratic principles (Dupuy, Ron, and Prakash 2015). While the Russian state believed the growth of CSOs would facilitate local philanthropy, it felt threatened by the influence of the West through CSOs on Russia's sovereignty, culture, and national unity (Crotty et al. 2014). These concerns were heightened following the Colour Revolutions. Hence, Russia and other post-soviet states sought to curtail Western influence by enacting laws that constrained the operationality of international and local CSOs (Watson and Burles 2018).

Article 32 of the 2020c Russian Constitution guarantees the rights of citizens to participate in state decision-making as central elements of democracy (Riekkinen 2013). One area of public participation that is expressed under Russian law is the Citizens Advisory Councils. A vital organ of this council is the Public Chamber or Civic Chamber (Beetham 2006). The Public Chamber, which comprises civil society groups, is statutorily empowered to analyse and assess legislative draft bills and proffer recommendation to the Duma-state's legislature (Riekkinen 2013). The Public Chamber also examines cases of human rights violations in law enforcement and has been somewhat effective in influencing the drafting or amendment of critical laws in Russia (Riekkinen 2013).

However, in the enactment of the 2006 NGO laws and the 2012 Foreign Agents Law to regulate CSOs as ways of curbing foreign influence, the Public Chamber was excluded from the framing. This was evident in the refusal of members of the Chamber in supporting the laws (Brechenmacher 2017). It was reported that the Public Chamber and the

Kremlin Advisory Council directly condemned the law (Freedom House 2006). Brechenmacher (2017) confirmed this by arguing that in the framing and enforcement of these laws, the Russian government did not envisage CSOs articulation of the law nor encourage civic participation.

Furthermore, the framing of the 2012 Foreign Agent Law was strategic as it was associated with extant sentiments of the Cold War where the public often associates foreign agent as spies and traitors. Skokova, Pape, and Krasnopolskaya (2018) assert that the law "has a clear negative association with the Cold War period and such ambiguous connotation has significantly impacted on public perception and the level of trust of the non-profits". Also, the legal sector had difficulty interpreting the law, as it contradicts extant laws. For instance, after the law was passed, the Minister of Justice, Aleksander Kronovalov, stated that "the law did not give the Ministry the authority to hunt down the suspected foreign agent and contradicted existing NGO laws" (Freedom House 2006). Moreover, it was reported that following the passage of the law, Agora, a human rights CSO, sought clarification on whether it should register as a foreign agent. However, the Ministry replied that it could not reach a definitive conclusion on the matter (Freedom House 2006).

The concept of political activity in the 2006 NGO law was loosely defined to include actions by CSOs aimed at criticising government laws and policies or mobilising the public against state policies (Freedom House 2006). Thus, the activities of human rights and advocacy CSOs were largely proscribed, as their actions were labelled political. According to Watson and Burles (2018, 11),

> The new legislation included very broad and vague language that allowed the state to deny registration to an NGO whose "goals and objectives … create a threat to the sovereignty, political independence, territorial integrity, national unity, unique character, cultural heritage, and national interests of the Russian Federation" or if it "offends public morality or the national or religious feelings of citizens".

Skokova, Pape, and Krasnopolskaya (2018) state that the ambiguity in the definition of political activity ensures any CSOs can be labelled as foreign agents, thus affecting their zeal to undertake any activity considered as controversial due to fear of criminal liability. Daucé (2015, 59) stated that "the vagueness and lack of clarity in the law are not the result of some fault or dysfunction in this repression". Thus, exclusion of the CSOs in the framing of these laws empowered the state to enact laws that not only constrain critical opposition or political activism but delegitimize and criminalise these activities (Skokova 2018). For example, Amnesty International (2016) reported that organisations that have been impacted by these laws, specifically the Foreign Agent Law, include:

> Bellona-Murmansk and Dront; organisations working for the promotion of education and engaged in historical research such as Memorial; organisations advocating for improvements in the criminal justice system and prison reforms like Pravovaia Osnova and the Committee for the Prevention of Torture; women's rights organisations like Women of the Don Union; organisations promoting the right to freedom of expression such as the Mass Media Defence Centre; organisations defending minority rights like the LGBTI group Maximum; and the Novosibirsk Foundation for Protection for Consumer Rights. These and many other organisations have been subjected to inspections, heavy fines, threats and judicial proceedings, and ultimately left to face the difficult choice of whether to continue accepting overseas funds and be labelled "foreign agents", to close down or to rely exclusively on Russian sources, including presidential or local authority grants which – if awarded – risks restricting their independence.

The exclusion of CSOs in the formulation of the law also empowers the state to reconstruct the roles of CSO as essentially service-provision. Furthermore, the state courted, co-opted, and transformed those CSOs that were willing to support the state or align their activities in tandem with state objectives. Thus, these CSOs became state adjutants, as they were focused on advancing state interests in service provision (Daucé 2015). For instance, the state enacted a law to redefine desirable CSOs in 2010, which are known as socially oriented CSOs. This legislation provided a new mechanism of funding for socially oriented CSOs.

The legislation on socially oriented CSOs was introduced as an amendment to the Federal Law "On NPOs" in 2010. The law defined SO NPOs as priority recipients of state support. The status of a "socially oriented" NPO can be awarded to any NPO working in any of 18 policy areas, such as health, social services, disaster prevention, education, and culture and the arts, and provides the opportunity to participate in competitions for state grants within federal and regional support programmes (Skokova, Pape, and Krasnopolskaya 2018, 13).

The exclusion of CSOs in the framing of these laws in Russia, as well as the deliberate ambiguity in the law, the delegitimisation and criminalisation of advocacy, and the co-option and transformation of CSOs to serve state's interest in Russia is consistent with the other political contexts in East and Central Europe. Specifically, various elements of the SECC approach in states' engagement of CSOs can be seen in states such as Hungary, Uzbekistan, Kyrgyzstan, Slovenia, and Slovakia (Stevens 2010, Romaniuk 2022, Romaniuk, Baumgartner and Duerr 2021).

Discussion

While the study indicates patterns of state behaviour towards CSOs, the SECC framework's generalisability has certain limitations, as seen by some variances between case studies. First, the vibrancy of Australian CSOs was essential in their opposition to states' strategic exclusion of the sector and the framing of draconian CT laws. According to Sidel (2008), civil liberties groups pushed back against certain amendments in the original bills proposed in the aftermath of the 9/11 attacks. For example, , the government's initial proposal included a relatively broad definition of terrorist acts that included certain aspects of purposeful intimidation (Sidel 2008). Similarly, the government's attempts to undermine the presumption of innocence in terrorism trials and require detainees to establish their innocence were amended (Sidel 2008).

However, despite vocally opposing the CT laws, CSOs in Russia and Uganda had little success in persuading the government to change them. The Russian government, for example, was successful in bypassing the Public Chamber and Advisory Council, and although these bodies publicly opposed the CT laws, they were unable to influence their amendment. Therefore, I contend that CSOs in advanced democracies are more likely than in authoritarian and hybrid regimes to successfully resist governments' attempts to exclude the sector from the formulation of CT legislation and policies, as well as influence the reform of harsh laws.

Second, the three cases differ in terms of how vague concepts or clauses are incorporated into the CT legislation. While the Australian example demonstrates the state's ability to establish ambiguous provisions that do not appear to be directly targeting CSOs, such

as "informal membership" or "association", the Ugandan and Russian laws are less vague and more apparent in their intent to target CSO operations. Provisos such as "intimidating the public or a section of the public" and "illegal strikes, or civil disobedience" in the definition of terrorism in Ugandan CT laws, and clauses like "actions that offend public morality" and laws with the moniker "foreign agent" in Russia (Rubongoya 2010; Skokova, Pape, and Krasnopolskaya 2018; Watson and Burles 2018) have demonstrated the intensity of the adoption of vagueness in the laws. As a result, in advanced democracies, the state is frequently more cautious in framing ambiguous CT laws than in hybrid and authoritarian regimes.

Third, there are differences between the cases in terms of how state actors regulate, target, and restrict the operationality of CSOs. Independent CSOs, or those deemed uncooperative by the state, are primarily delegitimized in Australia. However, in Russia and Uganda, these kinds of CSOs are not only delegitimized but also criminalised. The use of the CT legislation to arrest CSO practitioners, freeze their personal and organisational accounts, raid and close their premises, is evident in the Uganda case (Rubongoya 2010). Threats, penalties, and prosecutions were used against independent CSOs in a similar way in Russia (Skokova, Pape, and Krasnopolskaya 2018; Watson and Burles 2018). Hence, there appear to be different intensities of CSO constraints in democratic, authoritarian, and hybrid regimes, as CSOs in authoritarian and hybrid regimes are more likely to be repressed by state actors than their counterparts in advanced democracies.

Fourth, the methods by which the state co-opts CSOs differ between the states analysed. In Uganda, for example, the state was more direct, as laws were changed to allow the government to establish its presence in CSO board membership and exert influence from within to co-opt and manage the sector. This contrasts with the experiences of Australia and Russia. In Russia, for example, the state uses funds to lure CSOs prepared to serve its interests by forgoing any sort of advocacy or criticism of the government and focusing on service delivery. The notion of socially oriented CSOs, in particular, was one of the policies taken by the state to co-opt and exert influence over CSOs in the state (Skokova, Pape, and Krasnopolskaya 2018). As a result, through its laws and policies, it prevents independent CSOs from receiving funding, leaving them with no choice except to shut down or cooperate with the state to survive.

Thus, under hybrid or authoritarian regimes, states' attempts at co-option are more direct, but in modern democracies, state actors' mechanisms for co-opting and controlling CSOs are less evident. Furthermore, not all CSOs have been coopted by the state, as some have evaded co-option by suspending operations in response to restrictive CT legislation. Dupuy et al. (Howell 2014, 13–14) assert that in Ethiopia, the Charities and Society Proclamation pushed many human rights CSOs to shut down, while others altered their operational focus from political advocacy to service delivery to escape government surveillance or oppressive CT measures. Similarly, because of repressive CT measures in France, Nigeria, and Russia, some CSOs either self-dissolved or rebranded to service-delivery or for-profit (Njoku 2022; Skokova, Pape, and Krasnopolskaya 2018; Mathews and McNeil-Willson 2021).

Variations in the targeting of CSOs by state actors further limit the generalisability of the SECC framework, as scholars argue that while most CSOs have faced constraints due to CT, local and international human rights and Muslim CSOs have been disproportionately affected by CT measures (Brechenmacher 2017; Petersen 2012b, 2012a; Sidel 2010;

Skokova, Pape, and Krasnopolskaya 2018; Howell 2014; Sidel 2010; Fowler and Sen 2010). Several factors are cited as explanations for these differences in state targeting of CSOs, including political advocacy of terrorist suspects or criticism of government CT practices; discriminatory practises that associate Islam with terrorism; CSOs that conduct humanitarian work in countries with sizeable Muslim populations or conflict zones or terrorism-affected countries (Mathews and McNeil-Willson 2021; O'Toole et al. 2016; Petersen 2012b, 2012a; Sidel 2010); and, in the case of Russia, organisations that are closely aligned with or receive funding from the West and engage in criticisms of government policies and practices (Skokova, Pape, and Krasnopolskaya 2018; Watson and Burles 2018).

Furthermore, there are political contexts in which the SECC theory may not be completely or at all present. For example, Howell and Lind (2009, 2010, and Colás (2010) note that in Spain, despite the Madrid bombing in 2004, the Spanish government did not establish any counter-terrorism, nor did it target CSOs; instead, the government worked with these organisations, including Muslim CSOs, as partners in combating the spread of terrorism.

Conclusion

Irrespective of these differences and observable variations, the cases in this article demonstrate the viability of the SECC as an explanation of global security governance in the context of counter-terrorism or security. The cases also reveal how state behaviour towards CSOs is precariously transforming the CSO sector, thus impinging on democratic principles that are premised on pluralism, transparency, accountability, and social justice.

In general, when the states perceived CSOs as security threats or risks to its sovereignty, national unity and cultural heritage, they adjust the democratic norm of civic participation of the civil society sector. Specifically, they isolate the sector from contributing in the framing of legislative drafts when such proposed laws are aimed at regulating the sector. These exclusionary approaches of states are strategic and not random. States leverage this opportunity to enact laws that are intentionally made vague in ways that discourage effective operationality of the CSOs, as these organisations become concerned about real and apparent criminal liability. Also, the lack of clarity in these laws gives states wide discretionary powers to define or redefine the actions of CSOs as a violation of existing laws. States' Strategic approaches in the exclusion of CSOs in the framing of CT laws and the inherent ambiguity in the concepts and clauses are evident in how they use the laws to delegitimize the activities of CSOs before the public. The systematic withdrawal of legitimacy ultimately criminalises the CSOs actions and gives the state public approval to regulate the sector without causing mass public reactions.

However, recognising the roles of CSOs in the effective delivery of public goods, governments court, co-opt, and transform CSOs willing to serve states' interest by sticking to social service provision and not question or mobilise mass actions against states policies. In some cases, states plant their representatives in CSOs board and form laws that enhance the service-delivery relations with CSOs and ultimately turn CSOs into state adjutants.

Theorising state behaviour towards CSOs in the context of CT, I argue, is important for building our knowledge of global strategic decision-making. It also illuminates the securitisation theory as advanced by the Copenhagen School of security studies by

revealing the securitisation process. Specifically, it advances the securitisation theory by moving beyond the philosophical approach that conceived securitisation as an illocutionary speech act that emerges from the intersubjective construction of threats to a referent object (Buzan et al. 1998). Instead, it improves our knowledge about the sociological approach that argues that while illocutionary speech act births security issue, practical actions facilitate the advancement of security threats than by discursive politics (Balzacq 2011). Thus, the SECC framework reveals the systematic pattern of state securitisation of CSOs within the context of counter-terrorism.

The theory also tells us something about the democratic recession and the resurgence of authoritarianism globally. This is because the underlying elements of democratic societies are tolerance, pluralism, inclusiveness, respect for minority rights and opposing opinions, transparency, accountability, social justice, and good governance (Carothers and Brechenmacher 2014). Thus, state perception of CSOs as security threats and its subsequent strategic engagement is a part of the growing disillusionment of democratic practices. In other words, it highlights the "stagnation and often backsliding of new or emerging democracies; serious political woes in some established democracies, including the US, the hardening of autocracy in many countries and greater transnational assertiveness on the parts of some authoritarian powers" (Brechenmacher and Carothers 2019, 1).

In conclusion, states' strategic engagement of CSOs in the context of counter-terrorism has not been fully theorised. This article combines various assumptions from existing literature into a coherent theoretical framework to establish how the state makes strategic political decisions to engage CSOs in the events that these organisations are perceived to pose national security threats. Thereby, I integrate a state-centric assumption of international relations around the rational-actor model of state behaviour in the context of violence, conflict, and security. Thus, the SECC theoretical framework lays a broad foundation for a generalisable theory and future empirical study of states strategic policy choices. However, the assumption of the theory that states are more likely to adopt the SECC approach in their relations with CSOs in the event of their perceived national security risks needs empirical tests for its generalisability to be validated.

Notes

1. By CSOs, I am referring to '"+arena where people deliberate upon and organise around share, collective purposes [and] includes associational forms such as trade unions, social movements, virtual networks, campaigns, coalitions, faith groups, direct action group, peace groups, human rights organisations"' (Howell and Lind 2010, 3). Thus, it leans towards the liberal theory of civil society, which is characterised by groups that are inherently civil or harmonious (Diamond 1994, Schmitter 1995, Howell and Lind 2010). Furthermore, the study acknowledges that civil society can be a platform of contestations or divisions based on values, ideas, and politics and that it can become a tool used by actors inside or outside the sector for ideological, political, and organisational reasons (Howell and Lind (2010).
2. The underlying assumption of the welfare state, rooted in the American polity, is that governmental structures and functions have expanded to include social welfare programmes, which were previously under private CSOs. This situation has rendered CSOs irrelevant in the process (Hargrove 1975).

3. Policy laundering "Describes the use by governments of intergovernmental forums as an indirect means of pushing international policies unlikely to win direct approval through the regular domestic political process" (Hayes 2017, 1).
4. 2001 or 9/11 was chosen due to the explosion of CT laws targeting CSOs because of their perceived culpability in the rise of terrorism.

Acknowledgment

An earlier version of the article was presented in 2020 at the African Politics Conference Group (APCG) of the American Political Science Association (APSA) Online Colloquium, and won the best paper award for the APCG finishing up grant. Thank you to the panellists, Amanda Murdie and Mark Sidel, for their interesting comments. The initial doctoral work that inspired this article was supported by the Social Science Research Council's Next Generation Social Science in Africa Fellowship Programme with funds provided by the Carnegie Corporation of New York. Kudus Adebayo, Jonathan Fisher, Nic Cheeseman, Victor Asal, Tosin Orimolade, and the anonymous reviewers were quite helpful and provided excellent feedback on this paper.

Disclosure statement

No potential conflict of interest was reported by the author.

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