

# An Institutional Approach to Understanding the Development of CSO Regulatory Regimes: An Historical Analysis of the East African Community

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**KEYWORDS:** CSOs, NGOs, civil society, regulations, foreign funding, development aid

**ABSTRACT:** CSO regulatory regimes are the law-based, political institutions that regulate civil society. Most research on these institutions treats them as innovative tools of judicial repression that governments use to weaken civil society and stay in power. Scholars and practitioners have termed this new form of dictatorial oppression and attack on voluntary association the "closing space" phenomenon. Our broader theory suggests, however, that these laws can either help or hinder civil society depending on their content. This chapter uses directed dyad-year event history analysis to study the changing composition of rules that comprise CSO regulatory regimes in East Africa from 1963 to 2017. Its primary focus compares the domestic, international, and historical sources of policy change. The paper tests institutional and diffusion hypotheses using primary data of 177 laws from 14 countries written in 6 languages coded using a 58-part coding protocol. These findings further our understanding of CSO regulatory regimes and argue that these legal frameworks are political institutions with many dimensions and long histories.

## Introduction

This chapter is part of my broader research project that contributes to the new research program that scholars and practitioners refer to as the "closing space" phenomenon. For reasons that I will make apparent later, I prefer to think of this research program as the "changing space" phenomenon. In this chapter, I explore the conditions under which the law-based political institutions that regulate civil society organizations (CSOs) change. I refer to these political institutions as *CSO regulatory regimes* and define them as the formal and informal rules that create carefully institutionalized regulatory systems that structure the activity of CSOs. The research question that I discuss here, in broad terms, is: why do CSO regulatory regimes vary? My theoretical framing for this chapter draws on several theories presented in chapter two, and specifically, state-civil society interactions, historical institutionalism, and policy diffusion. These literatures inform two theory-driven research questions discussed here. First, to what extent do preexisting institutions affect changes to CSO regulatory regimes? And second, to what degree does policy diffusion affect policy change? To answer these specific research questions, I use data from my previous chapter's descriptive analysis of CSO regulatory regimes in 17 countries.

Arguments by "closing space" scholars begin in the closing decades of the 20<sup>th</sup> century where global trends in technology, democracy promotion, and unmet public service goods, fueled an enormous growth in the number of CSOs in the Global South (Anheier and Salamon

1998, Cammett and MacLean 2014b, Schnable 2015, Sikkink and Smith 2002). While many countries encourage and depend on these organizations, not all sovereign states unconditionally welcome them. Now, and for almost two decades, a growing number of scholars and practitioners have warned that the assault on democracy assistance programs has accelerated and perhaps expanded into consolidated democracies (Carothers 2006, Carothers and Brechenmacher 2014, Christensen and Weinstein 2013, Dupuy, Ron and Prakash 2016, Musila 2019, Rakner 2019, Reddy 2018, Swiney 2019). “Closing space” scholars argue that CSOs—many of which unite the faithful, seek to empower women, or assist the disadvantaged—face unnecessary legal hurdles and bureaucratic red tape when operating in countries around the world. These barriers mean local CSOs, considered essential to democratic consolidation and peaceful society, are less likely to gain the critical mass necessary to challenge an oppressive state and correct political inequalities. Whether intentional, restrictive laws impede efforts to teach the art and science of association essential for self-governance, or what Vincent Ostrom called “political capacity” (Ostrom 1973 [2008]:149).

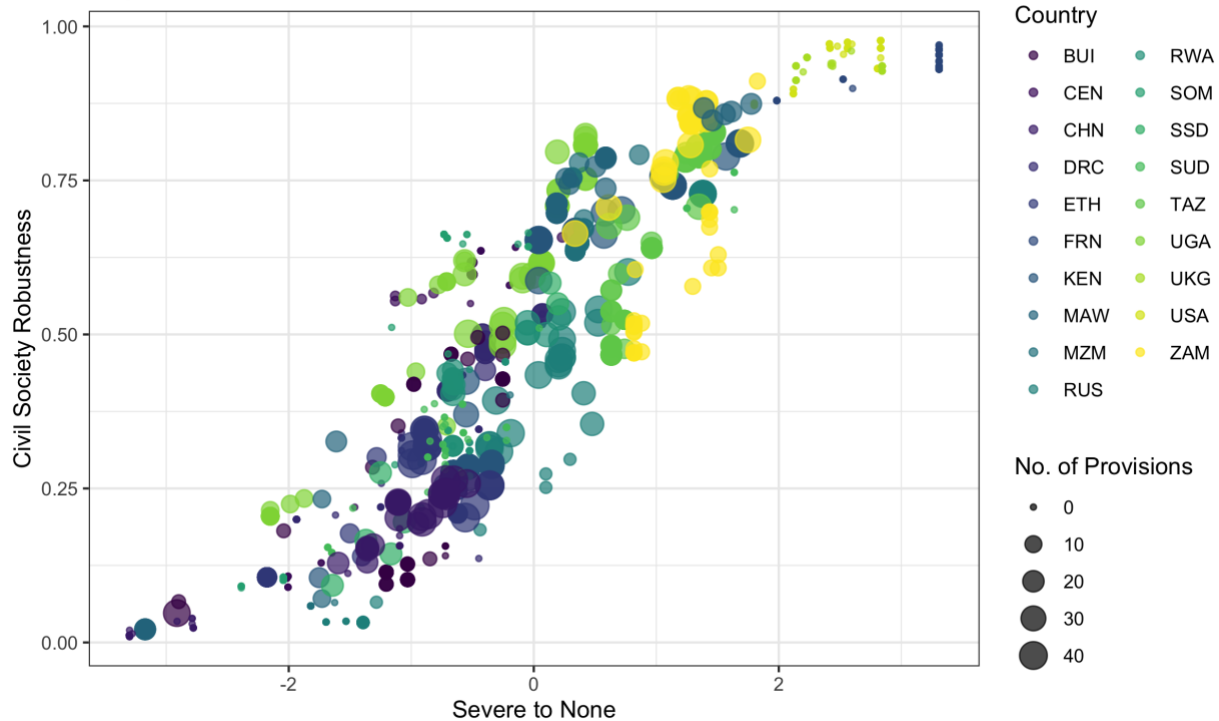
The “closing space” discourse presents all laws that regulate CSOs as entirely predatory and believed to facilitate judicial repression (Carothers 2006, Christensen and Weinstein 2013, Dupuy, Ron and Prakash 2016). The very term, “closing space,” implies a situation that is unidirectional and permanent. The degree to which this is true is contestable. It is true that the repression of voluntary association anywhere is a threat to voluntary association everywhere. But, perhaps, there are small glimmers of hope. For example, recent research finds CSO regulatory regimes contain provisions<sup>1</sup> that protect and help CSOs and facilitate society's trust in them (DeMattee 2019a, Kiai 2012). Law-based political institutions that allow CSOs to buy and sell property, receive tax-exempt status, incentivize charitable donations by permitting tax deductions, and exist as a legal form into perpetuity are all examples of laws that open and expand the civic space. These freedom-expanding provisions have existed in the Global South for decades, and in some cases predating a country's independence (see previous chapters).

I consider provisions to be “freedom-expanding” due to their ability to foster civil society and promote voluntary association. “Freedom-restricting” provisions, meanwhile, attack and hinder CSOs, stifle their formation, limit their resources, and restrict their autonomy. Both the World Bank (World Bank 1997:5) and the UN’s Special Rapporteur on the Rights of Peaceful Assembly and Association (Kiai 2012:13-19) argue against laws that undermine voluntary association while also advocating for laws designed to foster independent, professional, and transparent CSOs. Data from the V-Dem (Coppedge et al. 2018) dataset produces the scatterplot in Figure 1. It shows a positive relationship between low levels of CSO repression (x-axis) and countries' civil society robustness (y-axis). While this relationship seems intuitive, scholars have only just begun to study the role of law-based political institutions on this crucial state-society relationship.

If the discourse surrounding the research produced by practitioners and scholars on this topic—which warn of a “backlash against democracy promotion” (Carothers 2006), “crackdown[s] on foreign-funded NGOs” (Dupuy, Ron and Prakash 2015), “state repression of NGOs” (Chaudhry 2016), “anti-NGO measures in Africa” (Musila 2019), a “democratic rollback in Africa” (Rakner 2019), and a “spread into strong democratic states” (Swiney 2019)—is to be believed, then a time-lapse version of Figure 1 should show all cases rushing to the bottom-left corner of the graph starting in the late-90s.

<sup>1</sup> Provisions are the smallest elements of regulatory regimes and are analogous to the articles and sections that comprise laws.

Figure 1: Civil Society Robustness  
Repression of CSOs



The historical record in [Animation 1](#) tells a different story and provides at least four reasons why the “closing space” argument needs to be investigated more carefully. First, most cases transit in a positive direction and enjoy greater civil society robustness and less CSO repression later in the timeline. Only the most liberal democracies experience consistently low levels of repression and high levels of robustness. This observation is the first challenge to “closing space” scholars: several cases appear to be opening rather than closing.

Second, of the states that transit the two-dimensional space, their trajectories are neither smooth nor unidirectional. Both observations are orthogonal to the “closing space” argument’s working hypothesis that the civic space is rapidly shrinking into oblivion. Third, circle sizes crudely measure the number of provisions contained within each regulatory regime. The circles do not differentiate between ‘good’ or ‘bad’ provisions, but their increasing size throughout historical record suggests (i) laws have always existed to regulate CSOs, and (ii) the quantity of provisions within these law-based political institutions appears to be growing in both repressed and unrepressed countries. This first point challenges the “closing space” thesis and provides evidence that the laws regulating CSOs are not new; the second shows that some robust and unrepressed countries have large circles, which means some provisions may, in fact, help CSOs and foster civil society robustness.

Finally, the many fits and starts signal a very dynamic context. This means that CSO regulatory regimes likely experience many moments of change—e.g., addition of new laws, amendments to existing laws, replacement of old laws with new laws, inconsistent enforcement by the government, etc.—that requires a more careful analysis than merely studying the adoption of a single law or provision. Why these regulatory regimes vary, and what role do preexisting institutions and policy diffusion have in the process is the singular focus of this chapter.

1 *Animation 1: Time-Lapse of Civil Society Robustness*

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23 Received wisdom provides three points that motive this paper. First, despite recognizing  
24 that laws *can* contain provisions that help voluntary association, research has not yet given  
25 permissive provisions—e.g., those that prevent governments' repression of CSOs and foster CSO  
26 pluralism—the same attention used to study freedom-restricting ones. As a consequence, we  
27 have an unequal understanding of the two types of provisions that comprise CSO regulatory  
28 regimes. Second, research generally takes a short-term view when studying the adoption of these  
29 laws (for notable exception see Mayhew 2005). This choice in research designs paints laws as a  
30 new phenomenon that emerged in the 1990s, and, as a result, creates a gap in our understanding  
31 of how preexisting institutions affect policy change. Finally, despite the well-documented  
32 occurrence of policy diffusion happening in many policy domains around the globe, research on  
33 this topic has been unable to find strong empirical evidence of policy diffusion across  
34 administrative jurisdictions (for notable exception see Reddy 2018). As a result, research  
35 suggests CSO regulatory regimes are the product of domestic circumstances insulated from  
36 foreign influences. These three points frame the theoretical and analytical efforts of this paper to  
37 answer the broad research question: why do CSO regulatory regimes vary?

38 My previous dissertation chapter described laws from 17 countries (see Appendix<sup>2</sup>). That  
39 work validates my first and second working hypotheses used here: (i) that regulatory regimes  
40 contain provisions that help and others that hinder CSOs, and (ii) that these law-based political  
41 institutions are not new. In this chapter, I draw on insights from policy process research to learn  
42 something new about the institutional development of CSO regulatory regimes. Specifically, I

<sup>2</sup> This version of the paper includes only 14 countries. Later versions of this paper will add France, Russia, the United Kingdom, and the United States. Somalia and Sudan were part of the original research design, but access to their laws proved especially challenging, and the few laws in my possession were unable to be translated for budgetary reasons.



1 focus on two undertheorized areas in this research program: preexisting institutions and policy  
2 diffusion.

3 The data to answer these research questions comes from coding primary source materials to  
4 understand how these political institutions change. The level of analysis of this study is the CSO  
5 regulatory regime, which varies across countries at the same moments in time and within a single  
6 country over the observation period. The data-set observations (Brady and Collier 2010:357)  
7 take a directed dyad-year form and include the stock of permissive and restrictive provisions that  
8 comprise the regulatory regime for each country in the dyad. I discuss the operationalization of  
9 these variables below. My analysis simultaneously accounts for internal and external factors of  
10 institutional change by combining the primary data's qualitative coding with secondary data  
11 from the Comparative Constitutions Project (Elkins, Ginsburg and Melton 2014), the Varieties of  
12 Democracy Dataset (Coppedge et al. 2018), ratification status of human rights treaties (United  
13 Nations Office of Legal Affairs 2018), U.N. voting assembly data (Voeten, Strezhnev and Bailey  
14 2018), and several World Development Indicators (World Bank 2018).

## 15 Theory

16 Civil society undertakes economic, political, and social roles in societies (Edwards 2004),  
17 and many analytical frameworks describe the state-civil society relationship (Brass 2016, Bratton  
18 1989, Cammett and MacLean 2014a, Najam 2000). Perhaps the most elegant framing is the one  
19 that describes these independent organizations as having either a complementary, supplementary,  
20 or adversarial relationships with government (Young 2000, Young 2006). The relationship is  
21 complementary when CSOs engage in public service provision; supplementary when they  
22 remedy social dislocations left unresolved by unresponsive governments; adversarial when  
23 groups advocate for policy and social change, or use violence or other extreme measures to  
24 challenge political power. These relationships are, of course, dynamic, overlapping, complicated,  
25 and politicized.

26 In consolidated democracies of advanced industrialized countries (AICs), state-CSO  
27 interactions exhibit a complementary and collaborative nature (Ansell and Gash 2008, Ansell  
28 and Torfing 2016). Theory suggests this relationship is interdependent as CSOs—as an ideal  
29 type—complement government because these smaller organizations personalize provision of  
30 services, operate on a smaller scale, adjust care to fit individual needs, and stimulate competition  
31 among service providers (Salamon 1987). This governance relationship takes different forms  
32 across AICs according to a path-dependent process that begins with critical domestic factors  
33 such as the size and type of the public welfare regime and the perceived role of government  
34 (Salamon and Anheier 1998, Salamon, Sokolowski and Haddock 2017).

35 The environment for CSOs varies across nondemocratic types as well (Linz and Stepan  
36 1996). Under authoritarianism, civil liberties either do not exist or exist without any guarantee.  
37 Thus, CSOs are permitted to operate separate from the state only as long as their existence and  
38 activity advance the regime's interests. Under totalitarianism, the dominant political party  
39 controls all areas of society, making it improbable for CSOs to exist separate from the state  
40 (much less acquire the necessary organizational resources to achieve a semblance of autonomy).  
41 Unfortunately, the situation does not immediately improve in either situation once a country  
42 enters a democratic transition. Post-authoritarian and post-totalitarian societies require extensive  
43 reforms to legal systems to ensure the rule of law. But these changes are not sufficient for CSO  
44 prosperity because, under old regimes, citizens learned and developed distrust towards non-state  
45 organizations and chose to trust the state and the primary associations of friends and family

(Howard 2011). Thus, not only do preexisting cultural norms play an essential factor in whether new institutional arrangements successfully take hold (Boettke, Coyne and Leeson 2008), but long stretches of time and repeated attempts may also be necessary if society is to enjoy religious freedom and constitutional reforms (Johnson and Koyama 2019, Mutunga 1999).

In developing countries broadly, state-CSO interactions followed a different path to reach their public-private governance relationship. Their endpoint, however, is more supplementary rather than complementary. At the end of the 20<sup>th</sup> century, foreign donors sought alternative means to support the new governments of new states for failure to provide public service goods (Anheier and Salamon 1998). Instead, under the economic prescriptions of the Washington Consensus (Williamson 1990), foreign donors structured incentives so that the public-private governance structure was the only option available to aid-receiving countries. In the end, the number of CSOs around the world surged because foreign donors used these ‘trusted’ organizations to meet the demand for public service goods and advocate for democracy promotion in a changing world. The dependence on CSOs for the provision of public service goods might have achieved some short-term goals, but continued reliance on these organizations prevented developing countries from building the empirical factors seen in stable sovereign states (Jackson and Rosberg 1982).

## The Institutions of State-Civil Society Interactions

Politics affects the economic, political, and social activities of civil society. Law-based political institutions set the context of these interactions. Legal experts dichotomize rights into negative and positive types. Negative rights as protections against interference “in forbidden ways,” while positive rights guarantee access to finite or scarce resources like education or legal counsel (Fried 1978:110). Examples of these rights are the American Bill of Rights and its “applicable [negative] rights to be free *from* some government action,” whereas a European-style “‘wish list’ of rights *to* certain services from the government” exemplify positive ones (Cole 1999:2100, emphasis in original). Others differentiate between positive and negative rights by drawing on distinctions of “duty” and “conflict” (Fabre 1998:263-64). Here, negative rights are government non-interference. They demand government inaction, which does not require scarce of finite goods and is therefore non-rival. Positive rights, on the other hand, ground positive duties of government action to limited help and resources. They are claims on finite public service goods and may sow conflict if not sufficiently financed. Some argue that there is no practical distinction between negative and positive rights because all rights require some degree of state resources and intervention (Holmes and Sunstein 1999). Hirschl (2000:1072-73) provides an example and explains that “the enforcement and preservation of property rights (a classic negative right) requires a detailed registration and protection apparatus which has traditionally been sponsored by the state.” Although it appears the promotion and protection of both negative and positive rights require some degree of government action, the legal community has long accepted the fundamental logic of this conceptual distinction (Cole 1999, Fabre 1998, Fried 1978, Hirschl 2000).

And just as the conceptual dichotomy separates rights into negative and positive types, so too can the elements of a CSO regulatory regime be divided into mutually exclusive categories: permissive and restrictive provisions. I originally defined *CSO regulatory regimes* as the legal framework of multiple laws and constitutional freedoms that create carefully institutionalized regulatory systems that structure the activity of CSOs (DeMattee 2019a). My original definition attempted to include all forms of rules that affect CSOs’ day-to-day decisions. However, as

1 Elinor Ostrom (2005b:61) explains, “[rule] making (or governance) regarding the rules that will  
2 be used to regulate operational-level choices is usually carried out in one or more collective-  
3 choice arenas.” And while “formal collective-choice arenas” produce most of these rules through  
4 representative institutions, regulators, and courtrooms, Ostrom explains it is also possible that  
5 “self-organized collective-choice arenas” such as private associations can produce rules that  
6 shape day-to-day operational decisions (Ostrom 2005b:62). As such, I have expanded my  
7 definition of CSO regulatory regimes to include self-governance rules that regulate CSOs’  
8 behavior such as Kenya’s *Non-Governmental Organizations Council Code of Conduct* (1995)  
9 and the *Code of Conduct for NGOs in Ethiopia* (1998).

10 The remainder of this chapter discusses the extent to which preexisting institutions and  
11 policy diffusion affect changes to CSO regulatory regimes over time. And although scholars and  
12 practitioners have already linked laws and self-regulation to the organizational ecology of CSOs  
13 in both developed and developing contexts (Breen, Dunn and Sidel 2017, Salamon and Toepler  
14 1997, World Bank 1997), scholars have yet to rigorously study these institutions in a holistic  
15 manner that systematically considers both permissive and restrictive provisions.

## 17 Contours of the Debate

18 Nonprofit theory provides a theoretical toehold for why states pass *permissive* laws.  
19 Interdependence theory (Salamon 1987) predicts states pass permissive laws because public  
20 service provision relies on complementary and supplementary cooperation between the  
21 government and CSOs. This theory assumes a neutral and well-meaning state, which limits its  
22 theoretical scope to freedom-expanding permissive laws. Social origins theory (Salamon and  
23 Anheier 1998) relegates CSOs to the task of remedying government and market failures. Social  
24 origins theory explains CSOs are a supplement to the state and predicts the welfare regime of the  
25 country predetermines the robustness of the CSO organizational ecology. Though the theory  
26 applies to a broader range of cases than interdependence theory, its heavy reliance on macro-  
27 level path-dependency explanations—specifically the historical decision states make to choose  
28 one type of welfare regime and not another (Esping-Andersen 1990)—is quite rigid and does not  
29 accommodate frequent policy changes observed in this domain<sup>3</sup>. Indeed, upcoming work  
30 identifies five concerns with social origins theory and prescribes three steps if it is to be  
31 reformulated as a useful theory that explains the vitality of civil society across cases (Anheier,  
32 Lang and Toepler 2020). In summary, interdependence theory may explain frequent policy  
33 changes, but its assumption of a neutral and well-meaning state limits its application to  
34 permissive laws only. Social origins theory predicts both permissive and restrictive laws, but its  
35 path-dependent nature limits its explanatory value when studying frequent policy changes.

36 A growing literature attempts to predict government adoption of *restrictive* laws (the  
37 ‘closing’ or ‘shrinking’ space argument). This literature argues governments use laws to  
38 reconfigure regulatory regimes to weaken civil society and protect the government’s hold on  
39 political power (Carothers 2006, Carothers and Brechenmacher 2014, Christensen and Weinstein  
40 2013, Dupuy, Ron and Prakash 2016). This explanation seems to describe a large proportion of  
41 cases, but its explanatory power shows some weaknesses. First, it does not explain why  
42 unthreatened regimes—e.g., Putin’s Russia, Xi Jinping’s China, or Kim Jon-un’s North Korea—  
43 pass restrictive laws when they have such a firm hold on power. Second, studies focused on  
44 restrictive laws that hinder the voluntary sector analytically omit permissive laws that help

<sup>3</sup> Scruggs and Allan (2006) attempted to replicate Esping-Andersen’s work but found the inclusion of additional policy characteristics caused the policy regimes to disappear.

1 CSOs, which leads to incomplete theory. Therefore, like the nonprofit theories just discussed, the  
2 closing-space argument offers theoretical explanations for only one type of policy: restrictive  
3 ones. It is undertheorized concerning the passage of helpful provisions and the removal of  
4 restrictive ones.

5 Most research on the adoption of restrictive laws disagrees on the extent to which  
6 international or domestic factors influence adoption. Research by scholars testing the influence  
7 of neighboring states has mixed findings with some finding no significant relationships  
8 (DeMattee 2019b, Dupuy, Ron and Prakash 2016) and others finding strong support of  
9 neighborhood effects and international linkages (Reddy 2018). Still, others focus on the  
10 intervention of influential global leaders who either protect states who attempt to pass restrictive  
11 laws (Christensen and Weinstein 2013) or serve as the object of emulation in a leader-laggard  
12 model of policy adoption. Some of these findings are incongruent with a broader literature that  
13 shows international influence is a significant factor when explaining patterns of compliance to  
14 international monetary law and bilateral investment treaties (Elkins, Guzman and Simmons  
15 2006, Simmons 2000), adoption of economic policy (Simmons and Elkins 2004), the spread of  
16 corporate social responsibility (CSR) frameworks (Lim and Tsutsui 2012), and the emulation of  
17 renewable energy policy (Baldwin, Carley and Nicholson-Crotty 2019). This article builds on  
18 existing scholarship and uses a holistic and historical analysis to rigorously evaluate the degree  
19 to which domestic, international, or historical factors affect the composition of a country's CSO  
20 regulatory regime.

## 21 Why Laws Vary – Preexisting Institutions

22 Robust analytical frameworks of institutional analysis underscore the importance of history  
23 and show that one period's policy outcome shapes the rules of future political action arenas  
24 (Cole, Epstein and McGinnis 2014, McGinnis and Ostrom 2014, Ostrom 1990, Ostrom and Cox  
25 2010, Ostrom 2011). These preexisting institutions take the form of constitutions, international  
26 treaties, legislation, regulatory rules, and self-regulated codes of conduct. Although research on  
27 the law-based political institutions that affect civil society has not yet explored how preexisting  
28 policies affect policy change<sup>4</sup>, a broader literature on institutions provides an entry point for this  
29 analysis.

30 Research on laws that regulate civil society discuss the long histories of CSO regulatory  
31 regimes and acknowledge that laws add, amend, and replace each other over time (Bloodgood,  
32 Tremblay-Boire and Prakash 2014:723, Breen, Dunn and Sidel 2017, DeMattee 2019a:11-13,  
33 Dupuy, Ron and Prakash 2015, Maru 2017, Mayhew 2005, Musila 2019, Salamon and Toepler  
34 1997, Toepler, Pape and Benevolenski 2019). Yet, scholars rarely include preexisting institutions  
35 in their empirical analysis choosing instead to analyze lawmaking as if it occurs "in the wild."

36 Recent work, however, suggests the combination of particular preexisting institutions create  
37 an institutional context that decreases the probability governments pass restrictive provisions  
38 (DeMattee 2019b). In that article, I built on current theory and replicated data to show that  
39 certain preexisting institutions are contextual factors in the closing space phenomenon. My  
40 institutional approach focused on the ratification of the International Covenant on Civil and  
41

<sup>4</sup> Elsewhere, I argue ratification of the International Covenant on Civil and Political Rights by countries whose constitutions give international treaties higher status than ordinary legislation make countries less likely to adopt restrictive foreign financing laws (DeMattee 2019b). While constitutions and international agreements are significant preexisting institutions, they are of a different type than the collective-choice rules passed by legislatures (Cole 2017, Ostrom 2005a).

1 Political Rights (ICCPR) and constitutional provisions. The ICCPR is the critical human rights  
2 treaty that commits its parties to promote human rights and individual freedoms such as the  
3 freedom to associate (Donnelly 2013, Henkin 2000). International law uses Article 22(2) of the  
4 ICCPR to establish legal criteria, a three-part tests, to evaluate the legitimacy of laws affecting  
5 voluntary association (U.N. Human Rights Committee, 2006; 2007; 2015). However, ICCPR  
6 ratification may not be sufficient to protect these rights because constitutional provisions  
7 condition the degree to which ICCPR obligations affect domestic lawmaking. Thus, from an  
8 institutional analysis perspective, the consequences of ratification depends on constitutional  
9 rules. More simply, given ICCPR ratification, constitutions that privilege treaties above ordinary  
10 legislation create a preexisting institutional arrangement that retards the expansion of restrictive  
11 provisions.

12 Unfortunately, the biconditional institutional arrangement of that analysis did not consider  
13 the institutional arrangement's relationship with permissive, freedom-expanding provisions and  
14 was limited to replicated data of 138 countries from 1993-2012. Thus, my first set of hypotheses  
15 proposes a positive relationship between the presence of the biconditional institutional  
16 arrangement and the permissiveness of CSO regulatory regimes, and it retests the existences of a  
17 negative relationship between the institutional arrangement and restrictive provisions on a  
18 smaller set of countries over a longer period of time. These hypotheses formally stated are:

19  
20 ***H1A (H1B): The biconditional institutional arrangement increases (decreases) the***  
21 ***size of later permissive (restrictive) expansions.*** The presence of the biconditional  
22 institutional arrangement—i.e., ICCPR ratification and constitutional provisions that make  
23 international treaties superior to ordinary legislation—increases (decreases) the size of  
24 subsequent permissive (restrictive) expansions in the regulatory regime<sup>6</sup>.

25  
26 “Covenants, Constitutions, and Distinct Law Types” (DeMattee 2019b) was an important  
27 contribution to this research program because it was the first to *look up to* constitutions and *look*  
28 *to the past* with respect to ICCPR ratification when theorizing and analyzing the rules  
29 governments pass to regulate civil society. I consider both constitutions and international treaties  
30 as components of constitutional-choice rules that structure future collective-choice activities that,  
31 in turn, affect the operational-rules that shape day-to-day decisions. The limited statistical  
32 analyses studying the origin and effects of laws that regulate civil society have not yet controlled  
33 for preexisting collective-choice rules (Chaudhry 2016, DeMattee 2019b, Dupuy, Ron and  
34 Prakash 2016:5-8, Dupuy and Prakash 2017:7-11, Reddy 2018, Swiney 2019). This analytical  
35 decision is driven, at least to some degree, by the limited availability of data on the contents of  
36 laws in different countries written in different languages. Nevertheless, the presumption that new

<sup>5</sup> The three-part test requires rules must be (i) prescribed by law using sufficiently precise and accessible language; (ii) established to meet legitimate aims specified by Article 22(2) to include “national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others”; (iii) be “necessary for democracy” in that they meet a pressing social need in a proportional manner.

<sup>6</sup> Here, and throughout the remainder of the chapter whenever possible, I use parentheses to simplify the presentation of hypotheses because my research questions concern both permissive and restrictive expansions in CSO regulatory regimes. For example, the combined hypotheses above could be rewritten separately as ***H1A: The Biconditional Institutional Arrangement Increases the Size of the Permissive Expansion***: the presence of the biconditional institutional arrangement increases the size of the permissive expansion in the regulatory regime. And, ***H1B: The Biconditional Institutional Arrangement Decreases the Size of the Restrictive Expansion***: the presence of the biconditional institutional arrangement decreases the size of the restrictive expansion in the regulatory regime.

1 policies are independent of preexisting ones is incongruent with longstanding literature analyzing  
2 institutional development and rule change.

3 The existence of preexisting institutions suggests that policy adoption is less an exercise of  
4 significant reordering and more a “muddling through” of incremental change (Lindblom 1959).  
5 Preexisting institutions are analytically relevant because preceding steps in a particular direction  
6 induce further movement in the same direction even when the initial step “originated by  
7 historical accident” (Pierson 2000:264). As an incremental process, preexisting institutions  
8 change during distinct moments of policy adoption, reinvention, and amendment (Carley,  
9 Nicholson-Crotty and Miller 2016). Within these *collective-choice moments*<sup>7</sup>, the contents of  
10 policies themselves may take one of four relationships with preexisting institutions (Mahajan and  
11 Peterson 1985). If a change occurs ‘in the wild’ where it is unrelated to the preexistence of other  
12 policies, then new policies are *independent*. If not independent, change occurs ‘on rails,’ and the  
13 new policy—or ‘rule’—is one of three types: first, *complementary* if the preexistence of one rule  
14 increases the probability of the adoption of another. For example, the preexistence of a tax-  
15 exemption for most CSOs may be complementary to the tax deduction for charitable CSOs.  
16 Second, a new rule is *contingent* if a preexisting rule is necessary for the adoption of another.  
17 CSOs’ receiving tax privileges may be contingent upon first requiring CSOs to register as a  
18 particular legal form, which itself might be contingent upon establishing a government agency.  
19 Third, rules are *substitutes* when a preexisting rule prevents (or decreases the probability of) the  
20 adoption of a later rule, such as a prohibition on receiving foreign funding is a substitute for  
21 taxing foreign funding.

22 History and preexisting institutions have been ignored and gone undertheorized by this  
23 research program. I argue instead that preexisting stocks of each provision type are omitted  
24 variables that affect the changing space of CSO regulatory regimes. It is beyond the scope of this  
25 chapter to make precise hypotheses regarding one provision’s relationship with another provision  
26 type. Instead, a more humble argument lays the foundation for future work by showing the size  
27 of preexisting stocks of provisions constrains future collective-choice moments. I argue  
28 provisions of the same type—either permissive or restrictive—are substitutes for each other in  
29 meeting the government’s aims of crafting law-based political institutions that help or hinder  
30 CSOs. The following hypotheses make explicit these testable claims:

31  
32 ***H2A (H2B): Preexisting stocks of permissive (restrictive) provisions decrease the size of***  
33 ***later permissive (restrictive) expansions.*** As substitutes for achieving the government’s  
34 aims, larger stocks of permissive (restrictive) provisions decrease the size of subsequent  
35 permissive (restrictive) expansions in the regulatory regime.  
36

### 37 Why Laws Vary – Policy Diffusion

38 Preexisting institutions and current circumstances offer domestic explanations for why laws  
39 vary. Another explanation is policy diffusion. Policy diffusion is the inter-jurisdictional influence  
40 that one government’s policy decision has on changing the probability of adoption by the  
41 remaining pool of non-adopters (Berry and Berry 2014:308, Simmons, Dobbin and Garrett

<sup>7</sup> This wordplay builds on the idea of “constitutional moments” which establish the rules that structure future rule-making (Brennan and Buchanan 1985, Buchanan and Tullock 1961, Cole 2017, Ostrom 2005a). I define collective-choice moments simply as the collective-choice action arenas (i.e., policy choice situations) that change or maintain the operational rules that “directly affect day-to-day decisions made by the participants in any setting” (Ostrom 2005b:58).

2006:787, Strang 1991:325). I refer to *leaders* as those jurisdictions that have adopted a policy, and *laggards* as those jurisdictions considering adopting a policy. The processes of policy diffusion are numerous (for a complete review see Berry and Berry 2014) but organize into the three broad classes: learning, emulation, and competition (Gilardi 2015). The shared trait of all processes is that laggard governments in jurisdictions considering adoption first evaluate information from leader jurisdictions who have already adopted a similar policy.

This paper tests three learning and emulation processes. *Learning* is a pragmatic form of information evaluation that focuses on the policy itself and its outcomes. Successful policies are likely to diffuse if they create more positive results or fewer negative ones. More recently, the pragmatic learning diffusion process has expanded to include sameness-in-context between two jurisdictions. Decisionmakers in laggard jurisdictions use this information to handicap and refine their expectations regarding whether desired outcomes observed in leaders' jurisdictions will replicate due to local factors. Increased sameness in the "implementation environment" may include jurisdictional similarities along with structural or institutional characteristics, government's capacity to monitor and enforce policy, and society's willingness to comply with the policy (Nicholson-Crotty and Carley 2016:78,82). Increased sameness in the implementation environment corresponds with higher levels of "institutional stickiness" where the likely success of a proposed institutional change is dependent on the ability or inability of the change to take hold and 'stick' where it is adopted (Boettke, Coyne and Leeson 2008).

*Emulation* is a sociological form of information evaluation that focuses on the leader government that adopted the policy rather than the policy or its objective consequences. One form of sociological emulation known as normative pressure occurs when the source of emulation is the widespread adoption of a policy by many other leader jurisdictions. This type of normative neighborhood effect is what has been tested in this research program but scholars have found null results when operationalizing diffusion as "the percentage of [leader] states within a [laggard's] World Development Indicators regional group" (DeMattee 2019b:11) and "the percentage of [leader] countries in a [laggard's] geographical region" (Dupuy, Ron and Prakash 2016:7). Policy scholars consider this an outdated approach, however, because diffusion is operationalized as a simple average effect across all prior adopters (Boehmke 2009:1125, Carley, Nicholson-Crotty and Miller 2016:11, Volden 2006:295). Imitation is another form of sociological emulation. It occurs when a laggard jurisdiction imitates a leader because of its strong reputation and credibility (Christensen and Weinstein 2013), shared characteristics such as religious group and common colonial heritage (Berinzon and Briggs 2019, Elkins, Guzman and Simmons 2006, Simmons and Elkins 2004), and similar ideological and democratic convictions (Baldwin, Carley and Nicholson-Crotty 2019).

The policy diffusion literature generally discusses diffusion in an either/or manner. For example, one popular review explains policy diffusion "occurs if the probability of adoption of a policy by one governmental jurisdiction is influenced by the policy choice of other governments in the system" (Berry and Berry 2014:310), and another review defines policy diffusion as "any process where prior adoption of a trait or practice in a population alters the probability of adoption for the remaining non-adopters" (Gilardi 2015:9 citing Strang 1991:325). In other words, policy diffusion studies generally study discrete changes in policy—i.e., "adopt" or "has not adopted"—with analyses usually discussing binary outcomes leading to results interpreted as increases or decreases in the predicted probability of 1s or 0s. Exceptions to this generalization certainly exist, and policy scholars have used non-binary outcomes such as aggregate measures and "summative indexes" for theoretical, conceptual, and methodological reasons (Bailey and

Rom 2004, Nicholson-Crotty and Nicholson-Crotty 2011:615-16, Volden 2002). These exceptions are exceptional because their research questions required a nuanced research design able to study both the direction and magnitude of policy changes. Traditional binary approaches, meanwhile, are unable to discuss policy change in terms of magnitude and are limited to only directional probabilities.

Taken together, I make three arguments drawing on this policy diffusion literature. First, I argue the size of CSO regulatory regime expansions—both permissive and restrictive ones—are larger if laggard and leader jurisdictions have similar implementation environments as measured by levels of organized opposition by CSOs to the current political system. Second, I argue the size of CSO regulatory regime expansions—both permissive and restrictive ones—are larger if laggard and leader jurisdictions are more similar ideologically as measured voting patterns in the U.N. Third, I argue the size of CSO regulatory regime expansions—both permissive and restrictive ones—are larger if laggard and leader jurisdictions share common colonial histories. I reformulate these arguments into three testable hypotheses that make these claims concerning policy diffusion explicit:

***(H3) Greater leader-laggard similarity in the implementation environment increases the size of the expansion regardless of the provision type:*** The higher the degree of sameness in two jurisdictions' levels of organized opposition by CSOs to the current political system, the larger the size of the expansion by the laggard jurisdiction.

***(H4) Greater leader-laggard similarity in political ideology increases the size of the expansion regardless of the provision type:*** The higher the degree of sameness in two jurisdictions' voting patterns in the U.N., the larger the size of the expansion by the laggard jurisdiction.

***(H5) When the leader and laggard share a common colonial past increases the size of the expansion regardless of the provision type:*** If two jurisdictions share a common colonial history, the larger the size of the expansion by the laggard jurisdiction.

## Empirical Methods and Data

### Research Design

In this chapter, I discuss two theory-driven research questions. First, to what extent do preexisting institutions affect changes to CSO regulatory regimes? And second, to what degree does policy diffusion affect policy change? Both questions, and their related hypotheses, consider two dimensions of change: direction and magnitude. This is a significant departure from the standard event history analysis approach that studies binary outcomes.

This particular research program, which studies the laws states use to regulate civil society, typically examines the adoption of statutes among a large sample of countries over a 20- to 30-year period. These analyses generally do not control for differences across laws and treat all adoption events as the same. This pooled event history analysis (PEHA) stacks the data of different adoption events to estimate parameters in a single model (Kreitzer and Boehmke 2016). PEHA imposes a homogeneity assumption on laws that reality often violates (Ibid.), whereas more nuanced approaches “emphasizes the unique determinants of a specific policy” and may reveal that “certain variables have a heterogeneous effect” on adoption events (DeMattee 2019b, Kreitzer and Boehmke 2016:123, 34). While some analysts use multilevel modeling with random



intercepts and random coefficients to control for policy heterogeneity (e.g., Kreitzer 2015), I exploit policy differences by scaling down to study a much wider variety of provisions, for a smaller number of countries, over a more extended period, using a directed dyadic approach.

As generally applied, the directed dyadic approach organizes the data in a way that each country dyad appears twice in a given year, alternating the identity of the leader and laggard country in the second observation (Boehmke 2009:1127). Due to data limitations, there are three types of dyads in the data. The six members of the East African Community (EAC) comprise the first. These states have directional dyads with each other and generate roughly 30 ( $6 \times 5 = 30$ ) directed-dyad observations each year with each state taking a leader and laggard position. Countries in the remaining types take only leader positions because of missing information on their other politically relevant dyadic relationships. The six countries adjacent to the EAC take a leader-only relationship with EAC members to generate another 36 ( $6 \times 6 = 48$ ) directed-dyad observations annually. Finally, the five Permanent Members of the U.N. Security Council (P5) comprise the remaining type and take the leader-only position in 30 ( $5 \times 6 = 30$ ) yearly directed-dyad observations.

Although some governments pass more laws than others, all have passed at least one. Carefully coding 177 laws from 14 countries showed these laws contained different permutations of provisions, or "rule inventories." Thus, analyzing the adoption or amendment of a law as a binary event would not answer my research questions with any degree of accuracy. My research questions require a research design that can address the changing rule inventory of a regulatory regime, which I refer to as provisions. Provisions are simply the institutional rules that comprise laws. Most are created and enforced by governments, but some emerge organically by means of self-regulation—e.g., Kenya's *Non-Governmental Organizations Council Code of Conduct* (1995) produced by the powers conferred to the NGO Council, a self-regulator, by section 24 of the NGO Act (1990).

In this data, the stock of provisions varies across countries, but all countries have at least one provision. This leads me to use a count model instead of a simpler logit or probit model. The data also show there is only one type of group in the sample: countries whose governments eventually pass a law and thus have varying stocks of restrictive and permissive provisions. The pattern in the data leads me to use a negative binomial regression model (NBRM) to account for overdispersion in the outcome<sup>8</sup>. I cluster all standard errors by dyad pair to address potential intra-dyad dependencies and heteroskedasticity (Reiter and Stam 2003, Volden 2006) and limit the analysis to only those dyads where the leader had a larger stock of the provision type than the laggard in the prior period, which methodologists suggest eliminates potential bias (Boehmke 2009).

Policy diffusion literature does not generally combine count models with the directed dyad-year approach. Such applications are used in both comparative politics and international relations to answer a range of research questions such as the frequency of economic sanctions (King 1989), the volume of refugee flows between countries (Moore and Shellman 2007), the number of corporate participants in CSR frameworks (Lim and Tsutsui 2012), the count of transnational terrorists attacks (Findley, Piazza and Young 2012), the impact of trade exit costs on the rate of conflict initiations (Peterson 2014), and trade protectionism as measured by the quantity of antidumping petitions (Wolford and Kim 2017).

<sup>8</sup> I adopt the familiar definition of institutions as the rules that humans use to organize repetitive and structured social interactions (Ostrom 2005a:3).

## 1 Creating and Analyzing Primary Data

2 In my previous chapter, I discuss applying the grammar of institutions (Crawford and  
3 Ostrom 1995, Crawford and Ostrom 2005) to a review of the literature to create a coding  
4 protocol to code laws for all cases and operationalize them for analysis. The corpus of primary  
5 sources contains 177 laws from 14 countries written in 6 languages. All laws were collected and  
6 then translated before the coding protocol began. I translated most laws using a two-part process.  
7 The first step used the Microsoft API to translate laws from common languages into English. For  
8 the second step, I paid native speakers pursuing doctoral degrees at American and Canadian  
9 universities to compare translated versions produced by the Microsoft API to the original text  
10 and make the necessary edits to the machine-generated translation. These second-stage edits  
11 completed the translation process. When the language was not part of the API programming, or  
12 when the text was not machine-readable, I paid native speakers pursuing doctoral degrees to  
13 translate the laws directly. Due to funding limitations, I have not back-translated any translations.  
14 I hand-coded English versions of the laws using a 58-part coding protocol. I developed the  
15 coding protocol's items inductively by reviewing research produced by scholars and practitioners  
16 (DeMattee 2019a). The coding organizes provisions by subgroup (governance, formation,  
17 operation, resources) and types (permissive, restrictive), and captured metadata for all primary  
18 sources. Due to funding limitations, I have not tested for inter-coder reliability. After coding the  
19 corpus, I transformed handwritten codes into digitized data using a Qualtrics survey. The online  
20 survey ensures digitization occurred systematically to minimize stochastic error. To prepare the  
21 data for analysis, I export the Qualtrics data into R and merge it with other data sources.  
22 Programming in R transforms the data into a directed-dyad year format, which I then export to  
23 Stata for analysis.

## 25 Dependent Variable

26 There are significant conceptual and operationalization challenges facing our ability to  
27 answer the research question: why do CSO regulatory regimes vary? The appropriate dependent  
28 variables must represent the direction and size of the changes in regulatory regime variation.  
29 Conceptually, multiple laws simultaneously comprise CSO regulatory regimes (DeMattee 2019a,  
30 Maru 2017), thus focusing on the passage of any particular law is not only incomplete but may  
31 also produce misleading results (Bailey and Rom 2004, Volden 2002). And failing to account  
32 differences in the laws' contents may produce Type-I and Type-II errors (see DeMattee 2019b).  
33 Nicholson-Crotty and Nicholson-Crotty (2011:615-16) overcame similar measurement  
34 challenges by using summative indexes to capture the volume and direction of change in  
35 immigration policy in American states between 2005 and 2007.

36 In the present analysis, I first use two country-level summative indexes to measure the  
37 stocks of restrictive and permissive provisions in each country and year. To produce the  
38 dependent variable, I take the first difference of each index to measure the year-over-year change  
39 in the stock of the provision type. I read all laws and coded whether permissive and restrictive  
40 provisions existed that matched the given institutional statements. If the law contained a  
41 particular permissive provision, I coded it as a +1; if the law did not discuss the particular  
42 permissive provision, I coded it as a 0; if the law contained the negation of a particular  
43 permissive provision, I coded it as a -1. The same approach coded restrictive provisions: present  
44 -1; absent 0; negation +1. This produces summative indexes that measure the stocks of restrictive  
45 and permissive provisions in each country and year. I weight all provisions equally because I  
46 have no theoretical expectation that would lead to an alternative weighting scheme; therefore, the

possible size of the stock of permissive provisions is +58 (i.e., all permissive provisions present and all restrictive ones in negation), and restrictive provisions -58 (i.e., all restrictive provisions present and all permissive provisions in negation).

I calculate the dependent variable by simply taking the first difference of each summative index. Animation 2 shows the balance of permissive and restrictive provisions for all cases in the sample. I interpret the dependent variables as follows: a value of zero indicates the stock of the provision type has not changed in the country's regulatory regime; an increase identifies an expansion in the stock of the provision type; a decrease signals a contraction.

*Animation 2: Balance of Provisions Across Cases*

## Independent Variables

The U.N. Office of Legal Affairs and the *Comparative Constitutions Project* (CCP) provide the raw data to control for international commitments and constitutional differences necessary to test the first two preexisting institutions hypotheses **H1A** and **H1B**. The former provides information on whether and when a country ratifies the ICCPR. For each country-year observation, the *ICCPR Ratified* variable equals 1 if the country ratified the human rights treaty, and 0 if it did not. The CCP provides constitutional texts for 214 independent countries beginning in 1789 (Elkins, Ginsburg and Melton 2014). The *Treaties Superior* variable equals 1 for all constitutional systems that explicitly states international treaties are superior to ordinary legislation. The variable equals 0 if the constitution does not mention international treaties or gives them a status equal or inferior status to ordinary legislation.

The coding of primary sources provides the data to test the remaining hypotheses discussing preexisting institutions, **H2A** and **H2B**. *Permissive Provisions* and *Restrictive Provisions* represent the total stock of each provision type in the year prior. As with the dependent variables, I weight all provisions equally because I have no theoretical expectation that would lead to an alternative weighting scheme.

*CSOs are Anti-System Similarity* measures the degree to which CSOs in separate jurisdictions have the same level of organized opposition to the current political system (Coppedge et al. 2018:178). The variable was initially collected using ordinal intervals and then converted to a continuous interval using a Bayesian item response theory measurement model (Ibid.). As explained in the first policy diffusion hypothesis **H3**, this variable represents the sameness in context between two jurisdictions with higher values indicating greater similarity.

*The Ideal Point Similarity* and *Common Colonial Past* variables test the remaining policy diffusion hypothesis **H4** and **H5**, respectively. The latter is self-defining and takes a value of 1 if jurisdictions share a common colonial past. The former is a time-variant measure of the degree of similarity between two countries' ideal points calculated by votes taken in the United Nations multidimensional issue space (Bailey, Strezhnev and Voeten 2017, Voeten 2013). This variable represents the sameness in ideology between two jurisdictions with higher values indicating greater similarity. Table 1 shows the descriptive statistics for all variables. The top panel shows descriptive statistics for all permissive expansions, and the bottom shows similar information for restrictive expansions.

## Control Variables

*Executive Power* is a continuous variable measuring the powers given to the country's chief executive. I construct the additive index using data from the CCP and following the working paper on the constitutional boundaries of executive lawmaking (Elkins, Ginsburg and Melton 2012, Elkins, Ginsburg and Melton 2014) ii. *Constitutional Freedoms* is another additive index constructed from CCP data, which codes whether the constitution provides for the freedoms of assembly, association, expression, opinion and/or conscience, petition, press, and religion. Conceptually, these institutional control variable ranges from 0-7 with higher values indicating more constitutional powers entrusted to the chief executive and more constitutional enshrined freedoms, respectively. Analyses do not lag the following institutional control variables: *ICCPR Ratified*, *Treaties Superior*, *Executive Power*, or *Constitutional Freedoms*.

Legal scholars define legal institutions using interrelated terms (Head 2011, Merryman 1985, Siems 2016). Legal systems govern relations among individuals and groups. There might be as many as 400 different legal systems in the world because the definition applies to all systems with

1 sufficient legal autonomy, including those at the international, national, and sub-national levels  
2 such as provinces and states (Head 2011:6-7). Legal traditions are far fewer in number and  
3 represent “‘a set of deeply rooted, historically conditioned attitudes about the nature of law’ and  
4 its roles in society (Head 2011:18, Merryman 1985). *Legal Tradition* is a categorical variable  
5 representing the four types of legal traditions present in the data: civil law (the referent category),  
6 a mixed tradition with civil law elements, a mixed tradition with common law elements, and  
7 common law. My assignment of cases to categories follows the classification provided by  
8 JuriGlobe, a research group formed by professors from the Faculty of Law of the University of  
9 Ottawa.

10 Access to data for such a long period is difficult. Thus, this analysis uses the Varieties of  
11 Democracy Project (V-Dem), which provides data for over 100 years of regimes around the world  
12 (Coppedge et al. 2018). *Institutionalized Democracy* and *Institutionalized Autocracy* are produced  
13 by Polity IV (Marshall, Gurr and Jaggers 2017) but imported into the data through V-Dem. The  
14 democracy and autocracy indicators are additive eleven-point scales (0-10) representing  
15 competitiveness of political participation, the openness and competitiveness of executive  
16 recruitment, and constraints on the chief executive. Because the sample contains cases that have  
17 middling scores on both scales, I follow the guidance of Marshall, Gurr and Jaggers (2017:17) and  
18 use separate indexes rather than the combined POLITY variable. *Rule of Law* is an index that  
19 measures the extent to which government officials comply with the law and the degree to which  
20 laws are transparent, independent, predictable, impartial, and equally enforced (Coppedge et al.  
21 2018:235-36). The control variable is an interval (0-1) with higher values indicating a stronger rule  
22 of law.

23 *CSO Routinely Consulted*, measures the degree to which policymakers consult major CSOs  
24 on matters relevant to their members with higher values representing more significant levels of  
25 consultation (Coppedge et al. 2018:176). The variable was initially collected using ordinal  
26 intervals and then converted to a continuous interval using a Bayesian item response theory  
27 measurement model (Ibid.). The World Development Indicators (World Bank 2018) provide  
28 country-year data for population and GDP (constant 2010 US\$). I combine these data to produce  
29 the control variable *ln(GDP per Capita)*.  
30

1 *Table 1: Descriptive Statistics*

| Variable                             | Obs  | Unique | Mean  | Min   | Max   |
|--------------------------------------|------|--------|-------|-------|-------|
| <b>ΔStock Permissive Provisions</b>  | 1075 | 8      | 0.36  | 0     | 11    |
| Permissive Provisions (t-1)          | 1075 | 17     | 6.02  | 0     | 24    |
| Restrictive Provisions (t-1)         | 1075 | 14     | 4.82  | 0     | 14    |
| ICCPR Ratified                       | 1075 | 2      | 0.73  | 0     | 1     |
| Treaties Superior                    | 1075 | 2      | 0.09  | 0     | 1     |
| Executive Power                      | 1075 | 6      | 2.39  | 0     | 6     |
| Constitutional Freedoms              | 1075 | 5      | 3.25  | 0     | 7     |
| Institutionalized Democracy (t-1)    | 1075 | 8      | 1.28  | 0     | 9     |
| Institutionalized Autocracy (t-1)    | 1075 | 8      | 4.54  | 0     | 7     |
| CSO Consultation (t-1)               | 1075 | 48     | 0.33  | -1.77 | 2.21  |
| ln(GDP/cap) (t-1)                    | 1075 | 182    | 5.92  | 5.27  | 7.27  |
| Legal Tradition                      | 1075 |        |       |       |       |
| Civil                                | 142  | 2      | 0.13  | 0     | 1     |
| Mixed Civil                          | 314  | 2      | 0.29  | 0     | 1     |
| Mixed Common                         | 619  | 2      | 0.58  | 0     | 1     |
| Common                               | --   | --     | --    | --    | --    |
| Rule of Law (t-1)                    | 1075 | 118    | 0.47  | 0.08  | 0.78  |
| Ideal Point Similarity (t-1)         | 1075 | 1075   | -0.47 | -2.47 | 0.00  |
| CSO Anti-system Similarity (t-1)     | 1075 | 519    | -0.97 | -4.01 | 0.00  |
| Common Colonial Past                 | 1075 | 2      | 0.19  | 0     | 1     |
| Tknot1                               | 1075 | 55     | 31.73 | 2     | 56    |
| Tknot2                               | 1075 | 54     | 15.34 | 0     | 48.53 |
| Tknot3                               | 1075 | 39     | 3.65  | 0     | 14.95 |
| <b>ΔStock Restrictive Provisions</b> | 961  | 6      | 0.14  | 0     | 9     |
| Permissive Provisions (t-1)          | 961  | 16     | 6.47  | 0     | 24    |
| Restrictive Provisions (t-1)         | 961  | 12     | 3.97  | 0     | 14    |
| ICCPR Ratified                       | 961  | 2      | 0.74  | 0     | 1     |
| Treaties Superior                    | 961  | 2      | 0.08  | 0     | 1     |
| Executive Power                      | 961  | 6      | 2.43  | 0     | 6     |
| Constitutional Freedoms              | 961  | 5      | 3.06  | 0     | 7     |
| Institutionalized Democracy (t-1)    | 961  | 9      | 1.58  | 0     | 9     |
| Institutionalized Autocracy (t-1)    | 961  | 8      | 4.50  | 0     | 7     |
| CSO Consultation (t-1)               | 961  | 48     | 0.26  | -2.06 | 2.21  |
| ln(GDP/cap) (t-1)                    | 961  | 175    | 5.94  | 5.27  | 7.27  |
| Legal Tradition                      | 961  |        |       |       |       |
| Civil                                | 70   | 2      | 0.07  | 0     | 1     |
| Mixed Civil                          | 303  | 2      | 0.32  | 0     | 1     |
| Mixed Common                         | 588  | 2      | 0.61  | 0     | 1     |
| Common                               | --   | --     | --    | --    | --    |
| Rule of Law (t-1)                    | 961  | 112    | 0.47  | 0.07  | 0.78  |
| Ideal Point Similarity (t-1)         | 961  | 961    | -0.40 | -2.47 | 0.00  |
| CSO Anti-system Similarity (t-1)     | 961  | 477    | -0.98 | -4.01 | 0.00  |
| Common Colonial Past                 | 961  | 2      | 0.21  | 0     | 1     |
| Tknot1                               | 961  | 55     | 31.59 | 2     | 56    |
| Tknot2                               | 961  | 54     | 15.79 | 0     | 48.53 |
| Tknot3                               | 961  | 39     | 3.87  | 0     | 14.95 |

## Analysis

Table 2 shows three pairs of regressions testing my aforementioned hypotheses. Each pair presents permissive expansions on the left, and restrictive expansions on the right. In other words, the dependent variable for models 1, 3, and 5 is the year-over-year change in the stock of permissive provisions measured as integers. Model 2, 4, and 6 use the change in the stock of restrictive provisions. The final pair—i.e., models 5 and 6—use a directed dyad approach.

*Table 2: NBRM Models Predicting Changes to Stocks of Provisions (DV: count YOY-change)*

|                                      | (1)<br>NBRM<br>Permissive<br>Expansion | (2)<br>NBRM<br>Restrictive<br>Expansion | (3)<br>NBRM<br>Permissive<br>Expansion | (4)<br>NBRM<br>Restrictive<br>Expansion | (5)<br>NBRM<br>Permissive<br>Expansion | (6)<br>NBRM<br>Restrictive<br>Expansion |
|--------------------------------------|--|---|--|---|--|---|
| <b>DV: ΔStock of Provision Type</b>  |  |   |  |   |  |   |
| Permissive Provisions (t-1)          |  |   | -0.6***                                | 0.6**                                   | -0.6***                                | 0.7***                                  |
| Restrictive Provisions (t-1)         |  |   | 0.2**                                  | -0.7**                                  | 0.1*                                   | -1.0***                                 |
| Ideal Point Similarity (t-1)         |  |   |  |   | 0.7+                                   | 0.7+                                    |
| CSO Anti-system Similarity (t-1)     |  |   |  |   | 0.7***                                 | 0.9*                                    |
| Common Colonial Past                 |  |   |  |   | 0.7*                                   | 1.6*                                    |
| ICCPR Ratified                       | -1.9**                                 | -5.0**                                  | -3.5**                                 | -8.8+                                   | -1.0                                   | -6.4***                                 |
| Treaties Superior                    | -13.6***                               | -14.7***                                | -16.6***                               | -11.5***                                | -14.3***                               | -8.6***                                 |
| Treaties Superior x ICCPR Ratified   | 15.3***                                | 0.9                                     | 18.1***                                | -7.0***                                 | 18.1***                                | -7.9***                                 |
| Executive Power                      | -0.4                                   | -0.5                                    | -1.4***                                | -0.3                                    | -2.0**                                 | -0.7                                    |
| Constitutional Freedoms              | -0.6                                   | -0.6                                    | 1.8+                                   | -3.4***                                 | 3.8*                                   | -3.2***                                 |
| Constitutional Freedoms <sub>2</sub> | 0.1                                    | 0.0                                     | -0.2                                   | 0.4***                                  | -0.5**                                 | 0.4***                                  |
| Legal Tradition                      |  |   |  |   |  |   |
| Civil                                | <i>Ref.</i>                            | <i>Ref.</i>                             | <i>Ref.</i>                            | <i>Ref.</i>                             | <i>Ref.</i>                            | <i>Ref.</i>                             |
| Mixed Civil                          | -0.0                                   | 0.0                                     | -0.0                                   | 0.1+                                    | -0.6                                   | 0.1                                     |
| Mixed Common                         | -0.0                                   | 0.0                                     | -0.0                                   | 0.0                                     | -0.8                                   | -1.1                                    |
| Institutionalized Democracy (t-1)    | -0.3                                   | -0.1                                    | -0.1                                   | -0.3                                    | -0.3*                                  | -0.6***                                 |
| Institutionalized Autocracy (t-1)    | 0.3                                    | -0.1                                    | 0.5+                                   | -0.2                                    | 0.2                                    | -1.5***                                 |
| Rule of Law Index (t-1)              | -3.7                                   | -2.7*                                   | -6.1*                                  | -7.5***                                 | -2.3                                   | -0.4                                    |
| CSO Consultation (t-1)               | -0.1                                   | 0.2                                     | 0.8                                    | 0.5                                     | 3.4***                                 | 1.1+                                    |
| ln(GDP/cap) (t-1)                    | 0.8                                    | -1.3                                    | 7.6**                                  | -5.2+                                   | 8.7***                                 | -2.3                                    |
| Tknot1                               | -0.2*                                  | -0.2***                                 | -0.1*                                  | -0.3*                                   | -0.2                                   | -0.4**                                  |
| Tknot2                               | 0.6*                                   | 0.7***                                  | 0.5**                                  | 1.2*                                    | 0.5                                    | 2.3***                                  |
| Tknot3                               | -1.5*                                  | -1.9***                                 | -1.0*                                  | -3.2*                                   | -0.9                                   | -6.5***                                 |
| Observations                         | 660                                    | 654                                     | 660                                    | 654                                     | 1075                                   | 961                                     |
| <i>AIC</i>                           | 664.0                                  | 329.9                                   | 631.6                                  | 316.6                                   | 890.1                                  | 388.5                                   |
| <i>BIC</i>                           | 691.0                                  | 356.8                                   | 658.6                                  | 343.5                                   | 1004.6                                 | 500.5                                   |
| Degrees of Freedom                   | 16                                     | 16                                      | 18                                     | 18                                      | 21                                     | 21                                      |

Note: Primary sample includes the six members of the EAC, their six adjacent neighbors excluding Somalia and Sudan, and two Permanent Members of the U.N. Security Council (China & Russia with France, UK, and USA to follow).

Tag: demattee\_DISSdyadic\_ARNOVA\_3regressions.do DeMattee, Anthony J. 4 Oct 2019

+ p<0.10, \* p<0.05, \*\* p<0.01, \*\*\* p<0.001

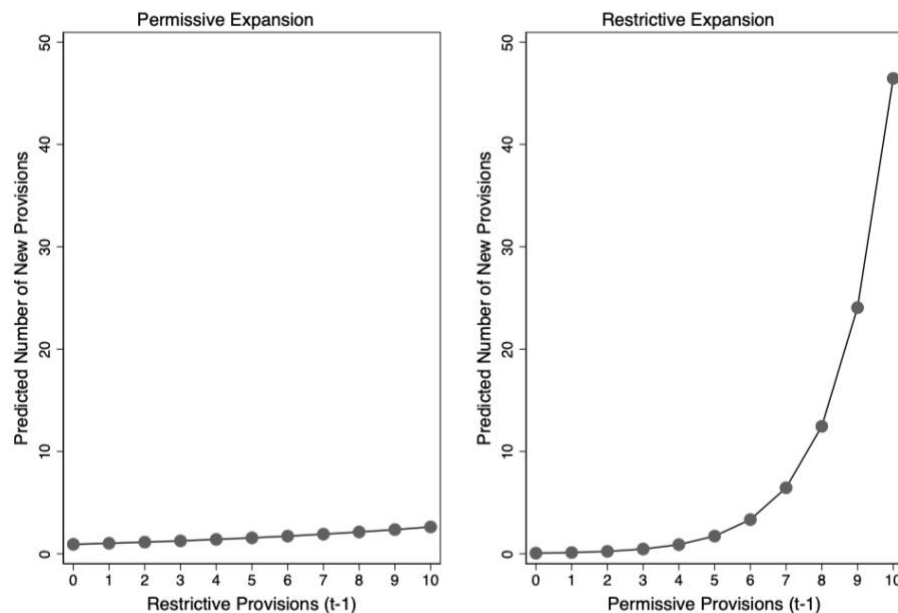
My first set of hypotheses explores the relationship between the biconditional institutional arrangement—i.e., ICCPR ratification and constitutional rules that privilege treaties above ordinary legislation—and changes to CSO regulatory regimes. In *H1A*, I argue the presence of the biconditional institutional arrangement increases the size of later permissive expansions; in *H1B*, I argue the arrangement decreases the size of restrictive expansions. **The interaction and**

main-effects confirm my hypotheses. Their directions and magnitude are generally consistent across all models. I will wait until I complete data collection to finalize these interpretations.

My second set of hypotheses (**H2A** and **H2B**) argue that history matters and that existing institutions constrain future changes to regulatory regimes. Specifically, I argue against the presumption of “lawmaking in the wild” and suggest instead that increases in the stock of permissive provisions and increases in the stock of restrictive provisions are dependent—not independent—with respect to the preexisting stocks of each provision type. In confirmation of **H2A** and **H2B**, the data show the size of preexisting stocks is related to the size of both permissive and restrictive expansions. These effects confirm my hypotheses and are consistent in direction and magnitude in models 3-6. I will wait until I complete data collection to finalize these interpretations.

The remaining analyses speak to the directed-dyad specifications in models 5 and 6. First, I interpret changes to regulatory regimes that increase the stock of permissive provisions (henceforth *permissive expansions*). For each additional permissive provision in the prior period, the size of the permissive expansion in the current period decreases by over 46% ( $-0.625$ ,  $p < 0.01$ ), holding other variables constant. And for each additional preexisting restrictive provision, the size of the permissive expansion increases by 11% ( $0.104$ ,  $p < 0.104$ ), holding other variables constant. Now I turn to rule changes that increase the stock of restrictive provisions (henceforth *restrictive expansions*). For each additional preexisting permissive provision in the prior period, the size of the restrictive expansion in the current period increases by over 93% ( $0.658$ ,  $p < 0.01$ ), holding other variables constant. And for each additional preexisting restrictive provision, the size of the restrictive expansion decreases by over 64% ( $-1.034$ ,  $p < 0.01$ ), holding other variables constant. Thus, contrary to much of the literature on this topic that omits preexisting institutions from their theory and analyses, my findings provide evidence that CSO regulatory regime change is “lawmaking on rails” because it historically informed and constrained by preexisting institutions in both the constitutional-level arena (**H1A** and **H1B**) and collective-choice level arena (**H2A** and **H2B**).

Figure 1 - Marginal Effects of Preexisting Institutions



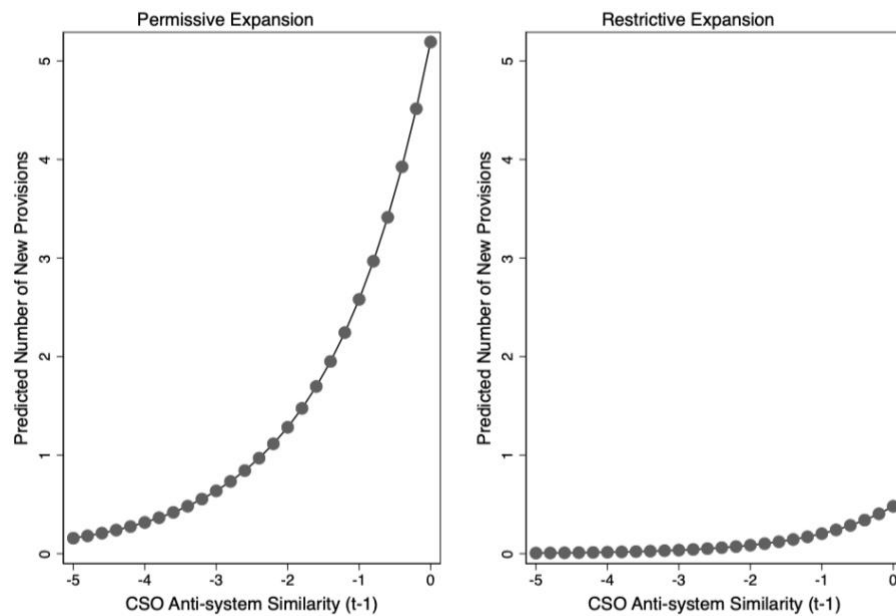
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My three policy diffusion hypotheses (**H3**, **H4**, **H5**) argue that CSO regulatory regimes are not a special type of policy domain immune from international influence. I argue against previous findings that find no evidence of inter-jurisdictional policy diffusion and suggest regulatory regimes are an entirely domestic affair. Instead, I argue that familiar processes of policy diffusion—namely learning and emulation—influence the changing space of CSO regulatory regimes.

In my first policy diffusion hypothesis (**H3**), I argue that the higher the degree of sameness in two jurisdictions' levels of organized opposition by CSOs to the current political system, the larger the size of the expansion by the laggard jurisdiction. In confirmation of this policy diffusion hypothesis, the data show that greater similarity in two jurisdictions' levels of organized opposition by CSOs to the current political system (henceforth *sameness in the implementation environment*) is positively related to the size of both permissive and restrictive expansions. Conditional on one jurisdiction (the *leader*) having more permissive provisions than one considering a permissive expansion (the *laggard*), a standard deviation increase in the sameness in the implementation environment, the size of the laggard's permissive expansion increases by over 77% (0.700,  $p < 0.01$ ) holding other variables constant. And when the leader has more restrictive provisions than the laggard, a standard deviation increase in sameness in the implementation environment increases the size of the laggard's restrictive expansion by over 100% (0.861,  $p < 0.05$ ) holding other variables constant. Thus, contrary to much of the literature on this topic, my findings provide evidence that policy diffusion through a process of pragmatic learning—i.e., learning as a function of adopting policies from jurisdictions with similar implementation environments and contexts—affects changes to CSO regulatory regimes.

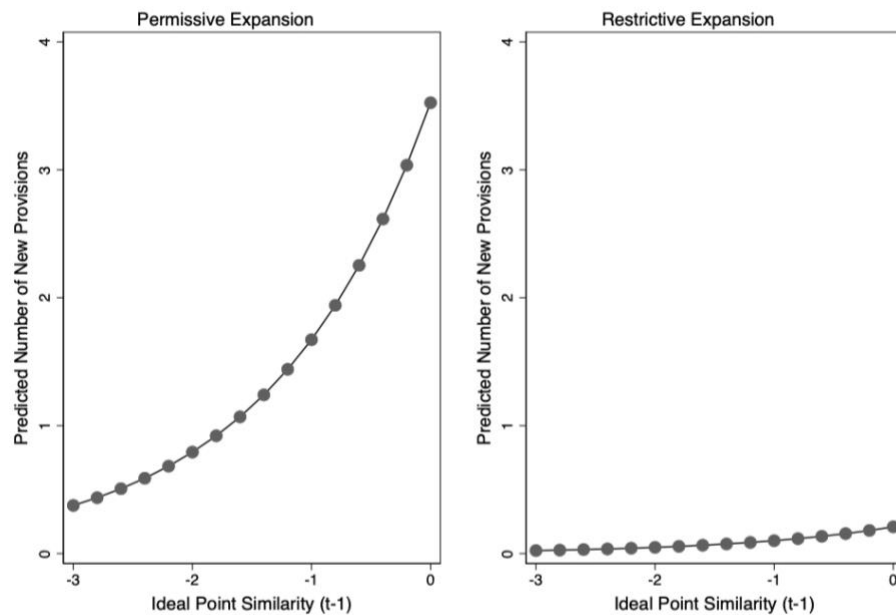
Figure 2 - Marginal Effect of Sameness in the Implementation Environment



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In my second policy diffusion hypothesis (*H4*), I argue that the higher the degree of sameness in two jurisdictions' voting patterns in the U.N., the larger the size of the expansion by the laggard jurisdiction. In confirmation of this policy diffusion hypothesis, the data show that greater similarity in two jurisdictions' ideological position in the United Nations multi-issue space (henceforth *ideological sameness*) is positively related to the size of both permissive and restrictive expansions. Conditional on the leader having more permissive provisions than the laggard, a standard deviation increase in ideological sameness increases the size of the laggard's permissive expansion increases by over 36% (0.746,  $p < 0.08$ ) holding other variables constant. And when the leader has more restrictive provisions than the laggard, a standard deviation increase in ideological sameness increases the size of the laggard's restrictive expansion by over 30% (0.729,  $p < 0.08$ ) holding other variables constant. Again, contrary to much of the literature on this topic, these findings provide evidence that policy diffusion through a process of sociological emulation affects changes to CSO regulatory regimes.

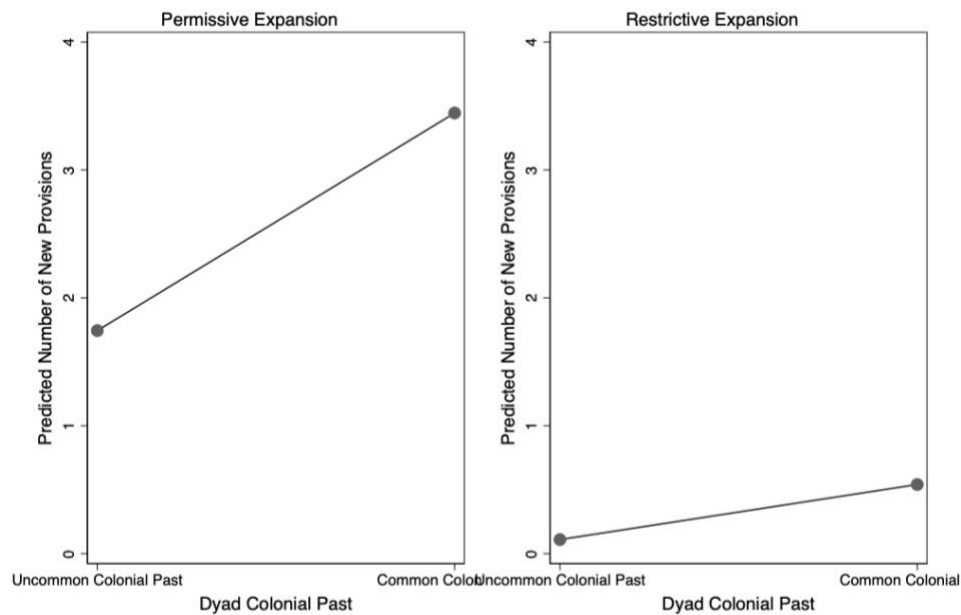
Figure 3 Marginal Effect of Ideological Sameness



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In my third policy diffusion hypothesis (*H5*), I argue that if two jurisdictions share a common colonial history, the larger the size of the expansion by the laggard jurisdiction. In confirmation of this final policy diffusion hypothesis, the data show that sharing a common colonial history is positively related to the size of both permissive and restrictive expansions. Conditional on the leader jurisdiction having more permissive provisions than the laggard, sharing a common colonial history increases the size of the laggard's permissive expansion by a factor of 1.98 (0.681,  $p < 0.05$ ) holding other variables constant. And when the leader has more restrictive provisions than the laggard, a common colonial history increases the size of the laggard's restrictive expansion by a factor of 4.89 (1.588,  $p < 0.05$ ) holding other variables constant. Yet again, these findings show policy diffusion through learning and emulation processes affect changes to CSO regulatory regimes.

*Figure 4 Marginal Effect of Common Colonial History*



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## Summary and Implications

In this chapter, I have addressed two theory-driven research questions to expand our understanding on the rules governments use to regulate CSOs within their borders. The remainder of this section is outlined below and will lead into two additional empirical chapters based on fieldwork in Kenya.

- Review questions and findings
  - preexisting institutions affect changes to CSO regulatory regimes
    - this matters because prior analyses in this increasingly important research program have ignored preexisting institutions at the constitutional and collective-choice levels.
  - policy diffusion affects changes to CSO regulatory regimes
    - this matters because prior analyses have found null results on this point
    - I find results b/c I'm using a state-of-the-art approach
    - I find results b/c I'm using primary data that allows me to unpack the rules that comprise CSO regulatory regimes
- Rules-in-form versus rules-in-use
  - None of this really matters because rules—neither permissive nor restrictive—enforce themselves
    - Discuss literature on uneven/unfair/inconsistent enforcement citing Russia (Anheier, Lang and Toepler 2019, Toepler, Pape and Benevolenski 2019) and North Korea as examples (Snyder 2007)
  - Discuss importance of bottom-up fieldwork to the research program to understand enforcement and working rules.
    - Explain that research is sparse
    - Explain that in order to understand working rules' deviation from formal rules requires knowing what the formal rules actually are
- Highlight next chapter
  - Kenya as a suitable case
  - State-led enforcement
    - Sub-national, comparative study of four government regulators that enforce rules on different types of CSO legal forms: societies, companies limited by guarantee, trusts, and NGOs
    - Interviews and archives
  - Societal compliance
    - Three cities in Kenya
    - Legitimate CSOs from all legal forms
    - Illegitimate CSOs—"briefcase NGOs (BNGOs)"—that evade regulators

i If a Poisson regression model (PRM) or zero-inflated Poisson model (ZIP) is used when there is overdispersion in the outcome, the risk is that a variable will mistakenly be considered significant when it is not (Long and Freese 2014:512). Both the zero-inflated negative binomial (ZINB) and negative binomial regression model (NBRM) accommodate overdispersion in the dependent variable. Use of the ZINB requires a theoretical justification of two unobserved groups in the sample: one group (group A) whose governments never pass a law has outcome 0 with a probability of 1. The second group (group ~A) are countries whose governments eventually pass a law and thus have

varying stocks of restrictive and permissive provisions. Group  $\sim A$  may have an outcome 0, but there is a nonzero probability that the country has a positive count. More briefly, the ZINB regression model simultaneously analyzes the first process (i.e., membership in group  $A$  or group  $\sim A$ ) and the second process that models the positive count (Lambert 1992, Mullahy 1986 cited by Long & Freese, 2014: 535). Because the sample contains zero members in group  $A$ , the use of the ZINB seems methodologically inappropriate.

ii Operationally, the additive index increases by 1 for each of the following binary variables present in the constitutional system as identified by CCP: (i) power to initiate legislation (coded  $1$  if head of state, head of government, or government can initiate legislation); (ii) power to issue decrees (coded  $1$  if head of state or head of government can issue decrees); (iii) power to declare emergencies (coded  $1$  if head of state, head of government, or government can declare emergencies); (iv) power to propose amendments (coded  $1$  if head of state, head of government, or government can propose amendments to the constitution); (v) power veto legislation (coded  $0$  if no vetoes are possible or can be overridden by a plurality or majority in the legislature; coded  $1$  if vetoes are possible but require at least 3/5 supermajority of the legislature to override veto); (vi) power to challenge the constitutionality of legislation (coded  $1$  if head of state, head of government, or government can challenge the constitutionality of legislation); (vii) power to dissolve the legislature (coded  $1$  if head of state, head of government, or government can dissolve the legislature).

## East African Community

### Burundi

1. Code General Taxes [CODE GENERAL des Impots et Taxes Legislation mise a jour au 1er janvier 1969]. Burundi. Legislation updated 1 January 1969 (1969). Enacted: January 1, 1969.
2. General Framework of Cooperation Between the Republic of Burundi and Foreign Non-Governmental Organizations (ONGEs) [LOI N°1/01 DU 23 JANVIER 2017 PORTANT MODIFICATION DE LA LOI N°1/011 DU 23 JUIN 1999 PORTANT MODIFICATION DU DECRET- LOI N°1/033 DU 22 AOUT 1990 PORTANT CADRE GENERAL DE LA]. Burundi. Law No. 1/01 of January 23, 2017 (2017). Enacted: January 23, 2017. Amending Law No. 1-011 of June 23, 1999 amending Decree-Law No. 1-033 of August 22, 1990.
3. Organic Framework of Non-profit Associations [LOI N°1/02 DU 27 JANVIER 2017 PORTANT CADRE ORGANIQUE DES ASSOCIATIONS SANS BUT LUCRATIF]. Burundi. Law No. 1/02 of January 27, 2017 (2017). Enacted: January 27, 2017. Amending the Decree-Law No. 1/11 of 18 April 1992 on the organic framework of non-profit associations.

### Kenya

1. Stamp Duty Act Cap. 480. Kenya. No. 31 of 1958 (1958). Enacted: October 1, 1958.
2. The Public Order Act Cap. 56. Kenya. No. 54 of 1960 (1960). Enacted: January 1, 1960. Amending Cap. 56 (1950).
3. The Companies Ordinance. Kenya. Chapter 486 (1962). Enacted: 1-Jan-62.
4. The Trustees (Perpetual Succession Act) Cap. 164. Kenya. No. 19 of 1964 (1964). Enacted: January 1, 1964. Amending Cap. 164 (1948).
5. The Societies Act Cap. 108. Kenya. No. 4 of 1968 (1968). Enacted: February 16, 1968.
6. Income Tax Act Cap. 470. Kenya. (1973). Enacted: January 1, 1974.
7. The Land (Perpetual Succession) (Amendment) Act. Kenya. No. 2 of 1980 (1980). Enacted: May 2, 1980. Amending Cap. 164 (1948).
8. Trustees (Perpetual Succession) Act. Kenya. No. 22 of 1987 (1987). Enacted: January 1, 1987. Amending Cap. 164 (1948).
9. Value Added Tax Act. Kenya. Cap. 476 (1989). Enacted: January 1, 1990.
10. The Non-Governmental Organizations Co-ordination Act. Kenya. No. 19 of 1990 (1990). Enacted: Amended before enacted.
11. The Statute Law (Repeal and Miscellaneous Amendments) Act, 1991. Kenya. No. 14 of 1991 (1991). Enacted: December 27, 1991. Amending and commencing No. 19 of 1990.
12. The Statute Law (Miscellaneous Amendments) Act, 1992. Kenya. No. 11 of 1992 (1992). Enacted: October 23, 1992. Amending No. 19 of 1990.
13. Non-Governmental Organizations Co-ordination Regulations, 1992. Kenya. Legal Notice No. 152 of 1992 (1992). Enacted: May 22, 1992. For matters relating to the NGO Act No. 19 of 1990.

14. Non-Governmental Organizations Council Code of Conduct, 1995. Kenya. Legal Notice No. 306 of 1995 (1995). Enacted: September 8, 1995. In exercise of powers conferred by section 24 of the NGO Act No. 19 of 1990.
15. The Statute Law (Repeals and Miscellaneous Amendments) Act, 1997. Kenya. No. 10 of 1997 (1997). Enacted: November 7, 1997. Amending Cap. 56 (1950).
16. The Statute Law (Repeals and Miscellaneous Amendments) Act, 1997. Kenya. No. 10 of 1997 (1997). Enacted: November 7, 1997. Amending Cap. 108 (1968).
17. National Security Intelligence Service Act. Kenya. No. 11 of 1998 (1998). Enacted: January 1, 1999.
18. The Statute Law (Miscellaneous Amendments) Act. Kenya. No. 7 of 2007 (2007). Enacted: October 15, 2007. Amending No. 19 of 1990.
19. Political Parties Act, 2007. Kenya. Cap. 7A (2007). Enacted: January 1, 2008.
20. The Companies Act. Kenya. Chapter 486 (2008). Enacted: January 1, 2008. Amending Cap. 486.
21. Political Parties Act, 2011. Kenya. No. 11 of 2011 (2011). Enacted: November 1, 2011. Replacing Cap. 7A of 2007.
22. National Intelligence Service Act. Kenya. No. 28 of 2012 (2012). Enacted: October 5, 2012. Replacing No. 11 of 1998.
23. Value Added Tax Act. Kenya. No. 35 of 2013 (2013). Enacted: September 2, 2013. Replacing Cap. 476 (1989).
24. Public Benefits Organizations Act. Kenya. No. 18 of 2013 (2013).
25. The Public Order Act (Amendment). Kenya. No. 19 of 2014 (2014). Enacted: January 1, 2014. Amending Cap. 56 (1950).
26. The Security Laws (Amendment) Act, 2014. Kenya. No. 19 of 2014 (2014). Enacted: December 22, 2014. Amending No. 18 of 2013.
27. Companies Act. Kenya. No. 17 of 2015 (2015). Enacted: September 15, 2015. Replacing Companies Act, Cap. 486.
28. The Finance Act. Kenya. No. 15 of 2017 (2017). Enacted: April 3, 2017. Amending Cap. 470 (1973).

## Rwanda

1. Relating to Non-Profit Making Organizations. Rwanda. Law No. 20/2000 of 26/07/2000 (2000). Enacted: April 1, 2001.
2. Governing the Organisation and the Functioning of National Non-Governmental Organisations. Rwanda. Law No. 04/2012 of 17/02/2012 (2012). Enacted: April 9, 2012.
3. Governing the Organisation and the Functioning of International Non-Governmental Organisations. Rwanda. Law No. 05/2012 of 17/02/2012 (2012). Enacted: April 9, 2012.

## South Sudan

1. The Non-Governmental Organizations Act. South Sudan. (2003). Enacted: December 31, 2003.
2. The Taxation Act. South Sudan. (2009).

3. Relief and Rehabilitation Commission Act. South Sudan. (2016).
4. Non-Government Organizations Act. South Sudan. (2016).

#### Tanzania

1. Societies Ordinance. Tanzania. No. 11 of 1954 (1954). Enacted: June 1, 1954.
2. Societies Ordinance. Tanzania. No. 22 of 1957 (1957). Amending Cap. 337 (No. 11 of 1954).
3. Societies Ordinance. Tanzania. No. 76 of 1962 (1962). Enacted: December 12, 1962. Amending Cap. 337 (No. 11 of 1954).
4. Societies Ordinance. Tanzania. No. 54 of 1963 (1963). Enacted: December 31, 1963. Amending Cap. 337 (No. 11 of 1954).
5. Societies Ordinance. Tanzania. No. 16 of 1969 (1969). Enacted: February 7, 1969. Amending Cap. 337 (No. 11 of 1954).
6. The Income Tax Act. Tanzania. No. 33 of 1973 (1973). Enacted: January 1, 1974.
7. The Non-Governmental Organizations Act. Tanzania. No. 24 of 2002 (2002). Enacted: December 14, 2002.
8. The Written Laws (Miscellaneous Amendment) Act. Tanzania. No. 2 of 2005 (2005). Enacted: June 4, 2005.
9. The Income Tax Act. Tanzania. No. 27 of 2008 (2008). Enacted: November 30, 2008.
10. The Value Added Tax Act. Tanzania. No. 5 of 2014 (2014). Enacted: December 11, 2014.

#### Uganda

1. Trustees Incorporation Act 1939. Uganda. Cap. 165 (1939). Enacted: May 31, 1939.
2. Non-Governmental Organisations Registration Act 1989. Uganda. Cap. 113 (1989). Enacted: September 29, 1989.
3. Non-Governmental Organisations Regulations. Uganda. Statutory Instrument No. 113-1/1990 (1990). Enacted: April 6, 1990. Under section 12 of the Non-Governmental Organisations Statute, 1990.
4. The Income Tax Act. Uganda. Cap. 340 (1997). Enacted: July 1, 1997.
5. Local Governments Act 1997. Uganda. Cap. 243 (1997). Enacted: March 24, 1997.
6. Non-Governmental Organisations Registration (Amendment) Act. Uganda. Act No. 25 of 2006 (2006). Enacted: August 4, 2006. Amending Cap. 113.
7. Income Tax (Amendment) Act. Uganda. Act No. 4 of 2008 (2008). Enacted: July 1, 2007. Amending Cap. 340 of 1997.
8. Non-Governmental Organisations Registration Regulations 2009. Uganda. Statutory Instrument No. 19 of 2009 (2009). Enacted: March 20, 2009. Under section 13 of the Non-Governmental Organisations Registration Act, Cap. 113.
9. Income Tax (Amendment) Tax, 2011. Uganda. Act No. 21 of 2011 (2011). Enacted: July 1, 2011. Amending Cap. 340 of 1997.



10. Income Tax Amendment, 2012. Uganda. Act No. 4 of 2012 (2012). Enacted: September 26, 2012. Amending Cap. 340 of 1997.
11. Anti-Money Laundering Act. Uganda. Act. No. 12 of 2013 (2013). Enacted: January 1, 2013.
12. Anti Homosexuality Act. Uganda. (2014). Enacted: February 24, 2014.
13. Non-Governmental Organisations Act. Uganda. (2016). Enacted: February 11, 2016.
14. Income Tax (Amendment) Act, 2017. Uganda. Act No. 10 of 2017 (2017). Enacted: July 1, 2017. Amending Cap. 340 of 1997.
15. Anti-Money Laundering (Amendment) Act. Uganda. Act. No. 3 of 2017 (2017). Enacted: May 26, 2017. Amending No. 12 of 2013.
16. The Non-Governmental Organisations (Fees) Regulations, 2017. Uganda. Statutory Instrument No. 21 of 2017 (2017). Enacted: May 5, 2017. Under Section 55 of the Non-Governmental Organizations Act, 2016.
17. The Non-Governmental Organisations Regulations, 2017. Uganda. Statutory Instrument No. 22 of 2017 (2017). Enacted: May 5, 2017. Under Section 55 of the Non-Governmental Organizations Act, 2016.
18. Income Tax (Amendment) Act , 2019. Uganda. (2019). Enacted: July 1, 2019. Amending Cap. 340 of 1997.

## African Countries Adjacent to the EAC

### Central African Republic

1. Natural Persons Income Tax (IRPP) [Directive relative à l'Impôt sur le Revenu des Personnes Physiques (IRPP) Directive n°01/04-UEAC-177 du 30 juillet 2004]. Central African Republic. Directive No. 01/04-UEAC-177 (2004). Enacted: July 30, 2004.

### Democratic Republic of the Congo

1. Attaching General Enforceable Provisions to Non-Profit Making Organisations and Charitable Corporations. Democratic Republic of the Congo. Law No. 004/2001 (2001). Enacted: July 20, 2001. Replacing Legislative decree No. 195 of 1999.

### Ethiopia

1. The Civil Code Proclamation of 1960. Ethiopia. Proclamation No. 165 of 1960 (1960). Enacted: September 11, 1960.
2. Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia. Ethiopia. Proclamation No. 4/1995 (1995). Enacted: August 23, 1995.
3. Code of Conduct for NGOs in Ethiopia. Ethiopia. (1998). Enacted: January 1, 1998.
4. COUNCIL OF MINISTERS REGULATIONS NO. 78/2002 REGULATIONS ISSUED PURSUANT TO THE INCOME TAX PROCLAMATION. Ethiopia. Council of Ministers Regulations No. 78/2002 (2002). Enacted: July 19, 2002.
5. Income Tax Proclamation No. 286/2002. Ethiopia. (2002). Enacted: July 4, 2002.
6. Charities and Societies Union Directive No. 1/2002. Ethiopia. (2002). Enacted: January 15, 2002.

7. Chambers of Commerce and Sectorial Association Establishment Proclamation No. 341/2003. Ethiopia. (2003). Enacted: May 27, 2003.
8. Directive to Determine the Operational and Administrative Costs of Charities and Societies Directive No. 2/2003. Ethiopia. (2003). Enacted: July 19, 2003.
9. Directive to Provide for Establishment and Administration of Charitable Committee No. 3/2003. Ethiopia. (2003). Enacted: July 9, 2003.
10. Directive to Provide for Public Collections by Charities and Societies Directive No. 5/2003. Ethiopia. (2003). Enacted: July 9, 2003.
11. Directive to Provide for the Liquidation, Transfer and Dissolution of Properties of Charities and Societies Directive No. 6/2003. Ethiopia. (2003). Enacted: August 31, 2003.
12. Directive to Provide for Income Generating Activities by Charities and Societies No. 07/2004. Ethiopia. (2004). Enacted: September 13, 2004.
13. Directive to Determine the Particulars of the Audit and Activity Report of Charities and Societies Directive No. 8/2004. Ethiopia. (2004). Enacted: September 13, 2004.
14. Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia. Ethiopia. Proclamation No. 471/2005 (2005). Enacted: October 11, 2005.
15. Charities and Societies Council of Ministers Regulation No. 168/2009. Ethiopia. (2009). Enacted: November 9, 2009.
16. Charities and Societies Proclamation No. 621/2009. Ethiopia. (2009). Enacted: February 13, 2009.
17. Anti-Terrorism Proclamation No. 652/2009. Ethiopia. (2009). Enacted: August 28, 2008.
18. Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia. Ethiopia. Proclamation No. 691/2010 (2010). Enacted: October 27, 2011.
19. Organizations of Civil Societies Proclamation No. 1113/2019. Ethiopia. (2019). Enacted: March 7, 2019.

#### Malawi

1. Trustees Incorporation Act Cap. 5:03. Malawi. No. 5 of 1962 (1962). Enacted: June 15, 1962.
2. Trustees Incorporation Rules. Malawi. G.N. 87 of 1962 (1962). Enacted: June 15, 1962. Under Cap. 5:03 Section 15.
3. Companies Act Cap. 46:03. Malawi. No. 22 of 1989 (1989). Amending No. 19 of 1984.
4. Taxation Act Cap. 41:01. Malawi. No. 1 of 1990 (1990). Amending No. 4 of 1988.

#### Mozambique

1. Regulating the Right of Association [Regula o direito a livre associacao Lei N. 8/91]. Mozambique. Law No. 08/91 (1991). Enacted: July 18, 1991.

#### Zambia

1. Societies Act Cap. 119. Zambia. No. 65 of 1957 (1958). Enacted: June 2, 1958.
2. Organisations (Control of Assistance) Act Cap. 116. Zambia. No. 13 of 1994 (1994). Amending No. 11 of 1966.

3. Trades Licensing Act Cap. 393. Zambia. No. 13 of 1994 (1994). Amending No. 41 of 1968.
4. Societies Act Cap. 119. Zambia. No. 13 of 1994 (1994). Enacted: January 1, 1994. Amending No. 65 of 1957.
5. Non-Governmental Organisations' Act. Zambia. No. 16 of 2009 (2009). Enacted: August 28, 2009.

## Permanent Members of the U.N. Security Council

### China

1. Individual Income Tax Law of the People's Republic of China [中华人民共和国个人所得税法, 全国人民代表大会常务委员会委员长令第十一号]. China. Order No. 11 of 1980 of the Chairman of the Standing Committee of the National People's Congress (1980). Enacted: September 10, 1980.
2. Law of the People's Republic of China on Assemblies, Processions and Demonstrations [中华人民共和国集会游行示威法, 中华人民共和国主席令第二十号]. China. Order No. 20 of 1989 of the President of the People's Republic of China (1989). Enacted: October 31, 1989.
3. Interim Provisions for the Administration of Foreign Chambers of Commerce in China [外国商会管理暂行规定, 国务院令第36号]. China. Decree No. 36 of 1989 of the State Council (1989). Enacted: July 4, 1989.
4. Individual Income Tax Law of the People's Republic of China [中华人民共和国个人所得税法, 中华人民共和国主席令第十二号]. China. Order No. 12 of 1993 of the President of the People's Republic of China (1993). Enacted: January 1, 1994. Amending No. 11 of 1980.
5. Law of the People's Republic of China on the Red Cross Society [中华人民共和国红十字会法, 中华人民共和国主席令第十四号]. China. Order No. 14 of 1993 of the President of the People's Republic of China (1993). Enacted: October 31, 1993.
6. Law of the People's Republic of China on Administrative Supervision [中华人民共和国行政监察法, 中华人民共和国主席令第八十五号]. China. Order No. 85 of 1997 of the President of the People's Republic of China (1997). Enacted: May 9, 1997.
7. Regulations on Registration Administration of Associations [社会团体登记管理条例, 国务院令第250号]. China. Order No. 250 of 1998 of the State Council (1998). Enacted: October 25, 1998.
8. Interim Regulations on the Administration of the Registration of Privately-Operated Non-Enterprise Organizations [民办非企业单位登记管理暂行条例, 国务院令第251号]. China. Decree No. 251 of 1998 of the State Council (1998). Enacted: October 25, 1998.

9. Interim Regulations on Registration Administration of Institutions. China. Decree No. 252 of 1998 of the State Council of the People's Republic of China (1998). Enacted: October 25, 1998.
10. Individual Income Tax Law of the People's Republic of China [中华人民共和国个人所得税法, 中华人民共和国主席令第二十二号]. China. Order No. 22 of 1999 of the President of the People's Republic of China (1999). Enacted: August 30, 1999. Amending No. 11 of 1980.
11. Law of the People's Republic of China on Donation for Public Welfare Undertakings [中华人民共和国公益事业捐赠法, 中华人民共和国主席令第十九号]. China. Order No. 19 of 1999 of the President of the People's Republic of China (1999). Enacted: September 1, 1999.
12. Accounting Law of the People's Republic of China [中华人民共和国会计法, 中华人民共和国主席令第二十四号]. China. Order No. 24 of 1999 of the President of the People's Republic of China (1999). Enacted: July 2, 2000.
13. Trust Law of the People's Republic of China [中华人民共和国信托法, 中华人民共和国主席令第五十号]. China. Order No. 50 of 2001 of the President of the People's Republic of China (2001). Enacted: October 1, 2001.
14. Law of the People's Republic of China on the Promotion of Privately-run Schools [中华人民共和国民办教育促进法, 中华人民共和国主席令第八十号]. China. Order No. 80 of 2002 of the President of the People's Republic of China (2002). Enacted: September 1, 2003.
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