**Securitizing the political: The regulation of foreign funding to NGOs**

Abstract

Securitization theory (ST) has succeeded in putting the relation between politics and security at the forefront of research in security studies. Despite this success, little attention has been given to the way states themselves produce the boundaries of legitimate political activity, particularly in relation to the boundaries between civil society and the state and between the foreign and domestic. This paper is concerned with how states see the boundary between the political and the nonpolitical as a matter of security. It investigates this question by examining the international and national efforts to restrict the financing of NGOs and terrorism. It demonstrates that these entities are deemed threatening to the established boundaries of legitimate political activity and thus subject to harassment, increased regulation, and eradication. This is done by the depiction of their activities as political, rather than humanitarian or criminal. This suggests that the concepts of politics operative in the ST literature are already delimited through processes of securitization and depoliticization. Continued research into the relation between politics and security must therefore consider the ways that the political itself is securitized.

**Introduction**

In March of 2017, the Turkish government revoked the license of Mercy Corps, an American NGO that provides aid to refugees in the region. Turkish efforts to curtail the activities of NGOs follows a recurrent pattern in a growing number of states. In this case, Western newspapers suggested that Mercy Corps was banned due to Turkish concerns it was offering support to groups carrying out armed resistance to the Turkish government. The same day Western newspapers carried reports of the Turkish government's ban on an American NGO, they also reported that Michael Flynn, the former national security advisor for the Trump administration, had registered as a foreign agent of Turkey; this shortly after having been removed from his position due to alleged contact with Russian authorities during the 2016 US election. Besides the Turkish connection, both developments aptly demonstrate the securitization of foreign influence in domestic affairs, and the maintenance of the boundary between the political realm and the de-politicized realm of civil society as one of the primary means of dealing with the threat of foreign influence.

Perhaps just as telling is that in both cases the security threat was handled by routine bureaucratic procedures. In the case of Turkey, it was enforcement of registration requirements and Mercy Corps' incomplete documentation that resulted in expulsion. In the case of Flynn, he and his firm simply had to register as a foreign agent under the Foreign Agents Registration Act (FARA), a routine procedure for many lobby and consultancy groups in the United States. The 'bureaucratic' process further demonstrates how 'institutionalized' or 'technocratic' forms of securitization function, while also bringing into relief the complicated relationship between the inter-related spheres of security, politics, and civil society. Rather than draw attention to the fraught boundary between politics and security that has been a core area of concern in

securitization studies, we suggest that these developments require greater attention to the boundary between the political and the depoliticized realm of civil society.

Among a variety of other important contributions to the study of security, securitization theory (ST) has succeeded in putting the relation between politics and security at the forefront of research in security studies. This has taken the form of numerous theorizations of the relation between securitization and politicization, which range from claims that the two processes operate by the same logic to claims that they work as opposites. While the relation between politics and security is subject to significant contestation within the securitization literature, we suggest that this body of work operates within a state-centric understanding of legitimate politics. By ignoring how states themselves draw and legitimate boundaries around political activity (including securitization), the securitization literature has not adequately addressed how the politics they endorse is already delimited through processes of securitization and depoliticization. In this paper, we are concerned with how states see the boundary between the political and the nonpolitical as a matter of security. This constitutes a significant gap in the securitization literature, for in taking the state as the site of legitimate politics and taking seriously the way states secure the realm of the political has important implications for the critique of securitization processes. Examining how states themselves understand the politics-security nexus can contribute to a fuller understanding of processes of securitization and provide insight into potential difficulties present in standard accounts of the politics of desecuritization.

This paper interrogates these connections through an examination of the regulation of foreign funding to non-governmental organizations (NGOs) and civil society actors (CSOs). We suggest that these entities largely operate in a de-politicized realm but have been subject to incremental and intensified securitization in the post 9/11 period. This has occurred in two ways:

NGOs are viewed as key actors in the state-led security-development nexus that sees NGO-funded development as a useful mechanism for increasing both human security and the security of Western states. They are also simultaneously seen as undermining security by challenging the legitimacy of the existing political order or by facilitating funding of terrorist or criminal organizations. As Howell notes, NGOs are seen as both "handmaidens of security and development, and an associated security issue meriting surveillance and containment."[1] Indeed, one might suggest that NGOs now share the same ontological status as states: a key institution in the provision of security and a threat to it.

The securitization of civil society is particularly problematic, as it is often understood as a defining feature of democratic states and as a distinct realm of activity that is autonomous from the state.[2] In lauding the importance of civil society and tracing its historical development, Charles Taylor suggests it "exists over against the state…[and] as an aspect of social life that cannot be cofounded with, or swallowed up by the state.[3] Importantly, Taylor noted that the relationship between the state and civil society is complex, as they intersect at various points and organization for the sake of influencing state policy (often referred to as a public sphere) is common. Cautioning against conflating 'civil society' with 'the public sphere', Calhoun nonetheless sees civil society as a necessary precondition for a 'public sphere'.[4] Indeed, so central is the importance of a robust public sphere (and thus civil society) to limiting the power of the state that some securitization theorists, have identified it as a necessary bulwark against securitization.[5]

Yet, as Chandhoke notes, the problem with understanding civil society as a realm distinct from the state and the market is that it neglects "the problem of boundary maintenance" between the political, economic and civil society spheres.[6] As Bartelson puts it, historically, "state identity is conditioned by the…implicit assumption that the state is distinct from domestic society over

which it supposedly holds sway. This differentiation inscribes the state as the sole locus of authority within a polity…and makes it possible to describe relations between state and society in terms of conflict and harmony."[7] Indeed, we suggest that the securitization of NGOs is an intrinsic feature of state-based politics in which the state is tasked with maintaining the boundaries between these supposedly distinct realms.

What is notable about state efforts de-politicizing civil society by securitizing foreign funding to NGOs, is that it is frequently done by classifying the activities of NGOs that receive foreign funding as political rather than humanitarian or charitable. The activities of NGOs who receive money from foreign governments are seen as a threat to state sovereignty. By deeming NGOs who receive foreign funding as engaging in 'political' activity, the state justifies increased regulation, thereby enforcing an 'internal' boundary between politics and civil society with reference to the 'external' boundary between the domestic and the international. In this sense, it is precisely by naming and regulating certain groups and activities as political that states are able to depoliticize these groups and in so doing, securitize pluralistic public discourse.

Without exploring the politics being reproduced by the process of securitizing the political, a commitment to desecuritization,[8] positive securitization,[9] or even a "politics of the extraordinary,"[10] remain statist and thus risk preserving a political order that excludes many voices and methods of political change. This is not to suggest that all actors and means, such as terrorism, should be regarded as legitimately contributing to public discourse. Rather, the paper suggests that the boundaries of politics need to be continuously examined to identify when the closing off of pluralism and democratic deliberation undermines the legitimacy of politics itself, and the referent object of politics and security. The paper proceeds with a review of the concepts of the political that operate in the literature on securitization, and security studies more broadly. We then we turn

to the distinction in international and national law between civil society organizations and terrorists, to show that these distinctions operate in relation to the boundaries of the political. Lastly, we turn to our empirical cases of restrictions on foreign funding to NGOs to demonstrate how the securitization of these entities relies on a similar view of what qualifies as legitimate politics across a range of states.

**The politics of securitization**

One of the key contributions of securitization theory has been to highlight the deeply political process of constructing security threats and implementing emergency measures. In contrast to accounts that treat security threats as objective and value neutral, or as subjective and arising due to the limits of human rationality, securitization theory (ST) draws attention to the interests, identities, and ideologies that shape threat construction and legitimize the use of the coercive apparatus of the state. In addition to showing that some actors enjoy a privileged position in constructing threats, ST has also opened up space for scholars to clarify their own political position on the process of securitization, in the form of advocating for desecuritization, positive securitization, emancipation, or a politics of the extraordinary. In short, securitization theory has put politics at the forefront of security studies, with a number of competing views of the relationship between politics and security.

The most common articulation of politics in ST comes from the so-called Copenhagen school of ST, and the body of work that depicts normal politics in liberal democracies as defined by norms of open contestation and debate, rather than by exceptionalism characteristic of securitization. In Buzan and Waever's formulation, securitization is the removal of issues from the realm of the political, which is characterized by debate and contestation, to the realm of security in which debate is ended, or silenced.[11] However, they include the "political realm" as a distinct

sphere of security, while acknowledging that securitization in any sphere of security is a politicized process.[12] Despite the conceptual link between security and politics drawn by the Copenhagen School, it remains underdeveloped, such that the relation between the two remains obscure.[13] In response to this gap, a number of security studies scholars have developed explicitly normative political projects based around the insights of the Copenhagen School and aimed at cultivating democratic 'desecuritizing' political processes.[14]

While Buzan and Waever avoid taking an explicit normative stance against securitization, leaving open the possibility that securitization in some instances may be desirable or necessary, in Aradau's view, securitization and desecuritization represent two different kinds of politics—exceptionalist in the case of securitization, democratic in the case of desecuritization.[15] In a similar vein, Tjalve argues that the cultivation of a robust 'public sphere' of political contestation can work as an effective corrective to the tendency of states to securitize.[16] In the CS approach to ST, the normative commitment to desecuritization is still supported by a reading of liberal, democratic politics as having no closure, at least without extensive deliberation, and that securitization happens by the removal of certain issues from the practices of normal politics. In contrast, we suggest that democratic politics, however defined, has boundaries and that boundaries are maintained through both securitization and depoliticization.

As an academic theory, ST positions security at one end of a spectrum of how the state understands and deals with specific issues. A securitized issue is one that is understood as "an existential threat, requiring emergency measures" that violate existing political rules.[17] Securitized issues become the primary focus of the state; and they are given priority above other matters that the state deals with, often including new powers and additional resources.[18] At the opposite end of the spectrum are nonpolitical issues. Nonpoliticized issues are those that "the state does not deal

with…and it is not in any other way made an issue of public debate and decision."[19] Issues on the nonpoliticized end of the spectrum are a low or nonexistent priority for the state and have limited resources allocated to deal with them. In between is the large category of politicization – when issues are subject to governmental policy and resource allocation.[20]

While offering a helpful heuristic for understanding the political meaning attached to specific issues, there are two notable difficulties with this typology. The first is the tendency to substitute fixed categories for places on a spectrum. Indeed, Balzacq identifies the understanding of politics and security "in terms of degrees, not in absolute terms" as one of the primary contributions of a sociological approach.[21] We can think of issues becoming more politicized or more securitized, but few issues in the modern world are fully securitized (all public contestation has stopped and the full and unrestrained coercive capacity of the state legitimized) or truly non-politicized (completely outside the state's gaze or untouched by public debate and decision).[22] Indeed, one of the central insights of this paper is that the domain of the non-political is itself determined by the state, and thus a deeply political act. Secondly, the spectrum resembles a circle more than a straight line. Just as the extreme positions on the left-right spectrum appear to blend, so too does non-politicization bear a striking resemblance to the technocratic forms of securitization demonstrated by Didier Bigo and Jef Huysmans (among others) and to institutionalized securitization, in which the "drama" associated with existential threats is no longer necessary and security matters have been handed over to bureaucrats and security managers.[23] While the discursive justification for removing an issue from the political realm may differ between securitization and depoliticization, it has similar political effects, which is to remove the issue from public debate and deliberation.

Scholars working on depoliticization depict it as "removing issues from fundamental political contention" by handing it over to experts and functionalist considerations.[24] This does not involve moving the issue outside the state's purview, rather, as Burnham's seminal work on depoliticization notes, it "plac[es] at one remove the political character of decision-making."[25] The process of depoliticization moves issues from the realm of discretionary decision-making by political representatives to a rule-following realm where rules are established and enforced by sub-, non-, or supra-state authorities.[26] In essence, depoliticization presents contestable questions as resolved, requiring only effective rule following and competent management rather than public deliberation and debate about how to act. To place this in context, it renders the Turkish decision to rescind Mercy Corps' permission to operate as a matter of their failure to follow basic regulations (filling out paperwork and submitting required documentation) rather than a political decision based on Mercy Corps' assistance to Kurdish and Syrian displaced persons whom the Turkish government perceives as a threat. In this respect, depoliticization bears a striking similarity to securitization. Indeed, Neocleous goes so far as to equate the two, suggesting that securitization depoliticizes by claiming to resolve fundamental questions about the market and the state while calling for "greater exercise of state power and private property."[27]

Among the securitization scholars who have taken a normative position on the question of securitization, few have staked a clear position on politicization/depoliticization in the same way as it has on securitization/desecuritization. The CS depicts desecuritization as the preferred mode of dealing with issues,[28] although it is less clear that they prefer politicization to depoliticization. The normative position privileging desecuritization – moving issues from securitized to politicized – may also be read as favoring politicization over depoliticization, given the CS' preference for deliberative, liberal-democratic modes of decision-making over hasty, exceptionalist decision-

making.[29] However, depoliticization is not marked by exceptionalism and speed, but also by rule-following and technical expertise. Moreover, the commitment to deliberation and democratic decision making is pragmatic – Waever suggests that while "desecuritization is preferable in the abstract, concrete situations might call for securitization."[30] Others, such as Rita Floyd,[31] suggest there may be situations in which securitization may be normatively preferable to non-securitization. Van Rythoven interprets this pragmatism as a politics of restraint, aligning the ST's political commitments closer to a realist position that takes security seriously, but cautions against its overuse and abuse.[32] Consequently, it may be the case that politicization is preferable to securitization or depoliticization, although there may be instances in which depoliticization, and even securitization, may be preferable.

In contrast, sociological approaches to ST collapse the distinction between politics and security.[33] Broadly speaking, we favor the sociological approach that sees the distinction between politics and security as a matter of "degrees" rather than distinct categories.[34] Yet, we suggest that the focus on demonstrating the continuity between politics and security is misplaced and still reinforces a statist conception of politics, as it does not sufficiently deal with the distinction between the political and non-political, where the state reinforces the boundaries between the state and civil society, and the domestic and the foreign. In short, the boundary between politics and security that animates much of the discussion on the political in ST is not a particularly contentious boundary, given that it excludes the referent object and the actor tasked with providing security (and, therefore, politics) from its critical gaze. Focusing on the boundary between politics and security narrows attention to  decision- and policy- making processes to the exclusion of the maintenance of the boundary of legitimate political activity. In essence, the 'other' against which these policies are directed largely disappears from view.

In the next section we take up these themes, first by demonstrating the similarity between securitization and depoliticization in establishing the boundaries of legitimate political activity. Second, we explore how the state works to "spatially demarcate" the sphere of politics[35] by excluding civil society and foreign actors. As Tjalve notes, the CS' commitment to discursive contestation requires "the cultivation of a pluralistic public sphere," which once cultivated requires a means of containment.[36] We suggest that depoliticization is a key mechanism of containment, directing civil society to ameliorate the alienating and marginalizing aspect of modern political life but not fundamentally question the rules underpinning the social order. Civil society is permitted to celebrate the positive aspects of the social order, and remedy its negative effects, but not directly or publicly participate in contesting social order. Consequently, while a robust civil sphere may operate as a check on securitization in this respect, our analysis opens up the question of whether it similarly acts as a check on depoliticization.

**Civil society, terrorism, and politics**

The foreign funding of NGOs is a useful empirical starting point to study the ways the sphere of politics is delimited in securitization discourses, because, as civil society actors, NGOs are conventionally understood to belong to a nonpolitical realm. This is illustrated well in the contemporary context by looking at the boundary between terrorist organizations and NGOs, which is in large part determined with reference to the political. While there is a significant body of work that addresses the question of the distinction between international criminal organizations and terrorist networks, there is far less work that attempts to navigate the distinction between non-governmental civil society groups, and groups deemed to be engaging in political activity, of which terrorist groups would be but one example. What an analysis of this boundary reveals is that states

navigate the 'strategic battlefield' of civil society by policing boundaries between state, civil society and terrorism through reference to the political. Both groups are defined with reference to the political in that both become securitized when they engage in activity deemed the exclusive purview of the state. It is the political character of their aims that differentiates terrorism from crime and renders terrorism an existential security threat. Similarly, it is when NGOs begin to do activity that is deemed political in nature (in our case, by accepting foreign funding) that is used to justify the regulation and sometimes interdiction of foreign funding of civil society groups on the part of states.

The types of organizations that fund civil society organizations around the world vary significantly and include private citizens, corporations, organized criminal organizations, terrorist groups, and humanitarian or human rights NGOs, as well as other states. One problem is that the distinction between these groups are not as clear as implied in both popular and academic representation. Humanitarian NGOs have increasingly taken on features of corporations,[37] while a number of organizations classified as terrorist also distribute charity or provide public services often associated with the state. Hamas is a classic example of an organization that defies easy categorization, because it is pursues military (terrorist), political, and humanitarian goals.[38] Much of the foreign funding for Hamas comes from groups that register as charities and that focus on Hamas' charitable activities.[39] This of course, is not unique to Hamas, charities in the United States raised funds for groups in Northern Ireland that both provided humanitarian support to the population and arms and money for the conflict.[40]

The question of the distinction between NGOs and terrorist organizations has intensified as "the post-9/11 pursuit of charities in effect amounts to a new governing of transnational spaces of donation and political affiliation."[41] Because of the similarities in the aims and practices of

many NGOs and terrorist organizations, "the boundaries between legitimate aid and illegitimate material support for terrorism have become nearly impossible to draw."[42]  While the term 'non-governmental organization' first appeared in the 1945 United Nations Charter (Article 71), and the UN currently operates on the basis of a list of central characteristics of NGOs (which includes an established headquarters, an executive organ or officer, a democratically-adopted constitution, and financial independence from government), there is no clear, commonly-accepted definition of a non-governmental organization within international law or among international relations scholars more generally.[43] This problem is generally attributed to the significant diversity of NGOs in terms of their purpose, organizational structure, and manner of interaction with international actors.[44] Despite this lack of definitional consensus, one element found frequently in the literature on civil society, both domestically and transnationally, however, is that NGOs are non-violent and non-political. While the attribution of nonviolence is "intended to exclude terrorists, national guerilla or liberation organizations, and organized crime," Uvin and Weiss exclude from the definition of NGO any group that attempts to seek government office as political. For them, "the term NGO refers to a nonprofit, voluntary, formal, nonviolent, nonpolitical (that is, not primarily interested in promoting candidates for office) organization, whose objective is to promote development and social change."[45]

The difficulty of clearly identifying and defining terrorist organizations from other organizations with similar structures and purposes has mostly been explored in the academic literature in relation to transnational organized crime. Makarenko suggests, for example, that crime and terror should be understood along a spectrum, rather than as clearly distinct phenomena.[46] This is because scholars have identified the increasing convergence of the two phenomena, including "criminal groups that display political motivations and…terrorist groups who are equally

interested in criminal profits."[47] Here again, however, the boundaries between the two are most frequently reinforced through reference to the political. As Bovenkerk and Abou Chakra explain, "organized crime and terrorism are usually viewed as two different forms of crime. Organized crime is generally held to focus mainly on economic profit and on acquiring as much of an illegal market share as possible, while terrorism is said to be motivated chiefly by ideological aims and by a desire for political change."[48] This remains a common distinction among scholars who study the two phenomena.[49] Civil society, then, despite being identified as the primary site of political activity by many ST scholars, is characterized as the realm of activity that is not political because it is not activity that aims either at formal political processes like party politics or fundamental political, social, or economic transformation.

The definitional efforts to secure NGOs against being included amongst terrorists and criminals is instructive not only because of the difficulty of the exercise, but also because it works to construct particular conceptions of what counts as political, and what is deemed acceptable in legitimate public discourse. This development has taken the form of state security approaches that "adopt a more circumspect approach towards civil society based on a vision of 'good' and 'bad' non-governmental actors."[50] De Goede arrives at a similar conclusion, writing that "in the wake of 9/11, the perceived imperative to demarcate good and bad civil society and aid intervention became acute."[51] Thus, while Tjalve may be right that "the realm of the civic remains the only genuine autonomous source of critique and balance," it remains a sphere whose boundaries are determined in opposition to the political, and determined in large part by the state itself.[52]

**Regulating foreign funding**

In recent years, a number of scholars have drawn attention to the rise in both the number and importance of NGOs in global governance.[53] The dramatic rise of NGOs and the funding of these

organizations by Western states and intergovernmental organizations was fueled in large measure by the belief that an active civil society is essential to the development of democracy, and more effective at providing certain types of public goods than governments.[54] Some scholars credit the rise of transnational civil society with the development of progressive international norms and greater respect for civil and human rights.[55] Despite some of these 'successes', there are a number of concerns with the rise of NGOs and of foreign funding for NGOs. Murdie and Bhasin observe that while increasing support for human rights organizations can contribute to a rise in peaceful protest, it is also associated with an increase in violent protest.[56] There are a number of other concerns associated with foreign funding of NGOs as agents of change: lack of accountability and weakening of local capacity[57] the erosion of state provided social welfare;[58] and the creation of "unsustainable" projects that produce few lasting impacts on development.[59]

Although foreign aid has been subject to security imperatives ever since the post-Cold War development of what is known as the 'Development-Security Nexus,' the foreign funding of civil society groups is increasingly seen as a security problem for states. In particular, security-related concerns over NGOs have multiplied since the 9/11 and the development of the War on Terror. As Howell and Lind put it, "the War on Terror has consolidated and intensified currents in security thinking and practice that incorporate aid and civil society more deeply and strategically."[60] Civil society is no longer understood as a neutral and benign sector of domestic society, but a source of potential danger, a "strategic battlefield on which the War on Terror will be won or lost."[61] While one study of the repercussions of post-9/11 security developments on NGOs notes that there have been relatively few formal restrictions introduced for NGOs, it concludes that the post-9/11 political climate has produced uncertainty for NGOs which has led to greater self-censorship,[62] something Howell and Lind also note.[63] In De Goede's words, "the implications of the pursuit of

terrorist monies far exceed the matter of money but work to constitute the limits of the public sphere by regulating the limits of the sayable."[64] Thus, while state concern with transnational criminal organizations is nothing new, concern over the funding of terrorist organizations has also led to increased scrutiny of foreign funding of civil society organizations, including NGOs.

Terrorism-related concerns with the foreign funding of NGOs are, however, part of a much larger trend of increased scrutiny of the funding of civil society organizations across the globe over the last decade. Christensen and Weinstein, for example, in a comprehensive study of NGO laws in 98 countries, note that "51 either prohibit (12) or restrict (39) foreign funding of civil society."[65] They associate increased state regulation of foreign funding to civil society organizations with governments' fear of domestic political unrest inspired by recent democratic uprisings such as the 'colour revolutions' of Eastern Europe. "The evidence suggests," they write, "that regimes are clamping down because they fear an active, engaged and empowered nongovernmental sector. Rulers prefer to choke it while maintaining the fiction of an open political system."[66] Furthermore, the authors argue that "nondemocratic governments see restrictions on foreign support for civil society as important to regime survival."[67]

While there are fundamental differences between states in their understanding of the political, and who may legitimately participate in national politics, this approach differentiates authoritarian states, where the state prohibits or seriously curtails non-state organization on the grounds that it challenges the political authority of the state, from democratic states that encourage a robust civil society that, in turn, limits the realm of issues governed directly by the state.[68] In states where the political is conceived broadly, limitations placed on civil society are likely extensive; in states with a more narrowly proscribed conception of the political, civil society may be permitted, or actively encouraged. The limitations on civil society in the USSR and in China

prior to the late 1970's demonstrate how all aspects of society were politicized – that is, placed under the control of the state and any civil organization securitized. Post-Cold War, both Russia and China demonstrate a more narrowly-construed concept of the political, with greater room for NGOs to participate in social life. Importantly, however, as both states have opened up to NGOs, they have securitized the boundary. Consequently, securitization differs across states – not simply in terms of the political norms violated in the process of securitization, but the boundaries of politics itself that need to be secured.

We therefore argue that this phenomenon is not limited solely to authoritarian regimes, as democratic governments also exhibit a concern with delimiting a realm of the political that excludes certain non-state actors and foreign states. At a very basic level, most states place citizenship or residence requirements on holding office, voting,[69] or contributing financially to a political campaign.[70] Similarly, states across the globe have established legal and regulatory frameworks for NGOs that include licensing, establishing legal standing and liability, ensuring compliance with existing laws, and enforcing tax law and exemptions.[71] In short, it is not just authoritarian regimes who call for civil society organizations to be rooted in domestic support and accountability rather than external sources. Rather, both democratic and nondemocratic states work to determine the proper boundaries of the political sphere by delineating it from the internal limit of civil society and the external limit of the international.

Fitting with our earlier depiction of the securitization/politicization typology, regulation of NGOs is already largely depoliticized/securitized, meaning that the maintenance of the boundary between the political and non-political is no longer a matter of public debate or contestation, and management is handed over to technical experts, such as tax lawyers. Yet, these boundaries are never stable, and thus subject to disruption by NGOs and states themselves, leading to a new round

of securitization. This is amply evident in a number of countries that have recently clamped down on NGOs. In response to increasing levels of organization within their societies, prompted and assisted by funding provided to INGOs by Western states, a number of states have sought to reinforce, or establish, the bounds of legitimate political activity. In the last decade, India, Turkey, Egypt, Ethiopia, China and Russia, and numerous other states, have all tightened restrictions on NGOs that explicitly prevents them from engaging in political activity and restricts their use of foreign sources of funding.

**Russia**

Historically, Russia has not had a robust civil society, due in part to the ideology of the Soviet period that a strong state had little need for "civic groups to address citizen concerns."[72] During the Cold War civil society was largely extinguished by the Soviet regime, although there were signs of increasing openness to civil society organization in the post-Cold War period.[73] Maxwell suggests that there was significant growth of NGOs in Russia in the post-Cold War period with over 300,000 registered NGOs, but that this growth was largely fueled by foreign funding.[74] As Sundstrom has noted, Western governments invested significantly in civil society development in Russia and other states in the former Soviet sphere, with varying degrees of success.[75] Even with the influx of foreign funding, the growth of NGOs in Russia resulted in a distinctly "Russian variant" of civil society that entailed a "strong and dependent relationship with the state."[76]

As with most other states, the Russian state regulates non-commercial organizations for the purposes of establishing its legal standing to "assume debt, enter contract, receive tax benefits and assume liability", with a prohibition on "engaging in any activity that would threaten the constitution of the state."[77] NGOs are required to register with the state, and registration may be denied for administrative purposes (incomplete paperwork) or if the NGO acts "contrary to

particular constitutional or statutory provisions."[78] The maintenance, or reassertion, of state control over civil society in Russia arose partially over concerns that NGOs were engaging in political activity, had contributed to the colour revolutions of the post-Cold War period, and were sustained not by domestic demand for change but by foreign funding. In short, the post-Cold War period in Russia was one of redrawing the boundaries of politics, and loosening restrictions on civil society after the Cold War forced the Russian government to confront the newly formed space of the non-political with its potential to engage in politics. In response to civil society groups pushing for change, and the influx of foreign funding, the Russian state has sought to reassert the bounds of the political by restricting NGOs.

In 2006, the Russian government passed Federal Law No. 18-FZ that placed a number of restrictions on NGOs, including an extensive and burdensome registration requirement, restriction of membership to non-residents of Russia and to those on government watch lists (including but not limited to terrorist watch lists), and reporting requirements for foreign funding and outlawing anonymous donations.[79] According to Kamhi, the 2006 legislation made it very difficult for NGOs to operate in Russia, with many NGOs failing to receive official registration for not adhering to these regulations – in most cases not having the extensive paperwork properly filled out.[80] The new legislation included very broad and vague language that allowed the state to deny registration to an NGO whose "goals and objectives…create a threat to the sovereignty, political independence, territorial integrity, national unity, unique character, cultural heritage and national interests of the Russian Federation" or if it "offends public morality or the national or religious feelings of citizens."[81]

In addition to setting the boundary between political activity and the legitimate non-political activity of civil society, the 2006 law targeted foreign influence. In addition to requiring

NGOs to report the source of all foreign funding and indicate how it was used, participation in registered NGOs was restricted to citizens or those "legally domiciled in the Russian Federation."[82] This was further entrenched in 2012; the Russian government further targeted NGOs by requiring them to register as "foreign agents" if they receive foreign funding and to identify this on their promotional materials. In 2014, the Russian government passed legislation that expanded the reasons for which NGOs may be subject to "snap inspections". The Russian NGO law was explicitly designed to target foreign influence, as Putin noted "I will always speak and fights against foreign governments financing political activity in our country, just as our government should not finance political activity in other countries."[83]

The Russian securitization of NGOs followed an initial liberalizing period in which the Russian state depoliticized many aspects of social life in Russia. The Russian case is a clear example of how securitization is an intrinsic feature of politics, in that the boundaries of legitimate political activity must be secured. The slight opening up of Russia – its relaxing of the bounds of the political – at once exposed the blurry line between politics and non-politics, the state and civil society and the foreign and domestic. This is, of course, not unique to the Russian context, or even to post-authoritarian regimes that are re-crafting their conception of the boundary between the political and non-political. In the next section, we turn to the US case to show that these bounds existing in democracies as well, as to show how these boundaries are maintained.

**The United States**

In many respects, the United States represents a hard case for our argument, given that it actively encourages a robust civil society and permits these actors to engage in a wide range of activities that would be considered illegitimately 'political' in many other states. Furthermore, it has been central in supporting and funding INGOs to promote development and democracy, and to

contribute generally to American security.[84] Yet, as Howell notes, NGOs were also seen as a potential threat, and thus need to be "both contained and engaged with."[85] Rather than simply a product of post 9/11 securitization, the ambiguous status of NGOs in the United States stems from its concern with the potential for foreign states, corporations, and political organizations (including those deemed terrorist) to use civil society organizations as a means to promote their interests at the expense of American interests. As Hansen and Mitchell note, the trinity of "campaign contributions, lobbying, and philanthropy", which are central features of American political life, are key mechanisms through which foreign actors attempt to influence the American political system.[86]

Fear of foreign influence on American politics was present from the outset; one of the first measures implemented by the new American state was to prevent public officials from accepting "any present, emolument, office or title of any kind whatever from any King, Prince or foreign State."[87] This measure was implemented in response to a perceived key weakness and moral failing in European politics – namely the ability of foreign states to influence American political elites. By challenging the practice of accepting gifts, and subjecting it to Congressional oversight, the new American state not only challenged diplomatic protocol among European powers,[88] but demarcated a clear line of what constitutes political activity, and who may legitimately engage in it.

The next wave of securitization emerged in response to the activity of foreign states in the interwar period. American leaders became concerned with foreign agents using civil society actors to promote their interests and values. Between the late 1930's and 1960's, the US government implemented legislation that limited civil society groups from publishing propaganda by foreign agents and prohibiting "contributions in any US election."[89] The Foreign Agents Registration Act

(FARA) was passed in 1938, and required foreign agents to make "public disclosure of their relationship to the foreign principal" and to report on any "activities, receipts, and disbursements in support of those activities."[90] Tellingly, the unit responsible for enforcing FARA is in the National Security Division of the Counterintelligence and Export control section of the Department of Justice. The FARA, however, did not prevent the use of foreign money to influence American politics altogether, it simply ensured that organizations receiving foreign funding report it to the government, in part to ensure that all such activities would be transparent and available to the public.

The restriction of foreign actors necessarily implied restricting civil society as it was perceived as one of the primary mechanisms of influence. It should be noted that compared with many other states, the United States actively promotes civil society organizations, which some see as a unique strength of American democracy.[91] In addition to rhetorically encouraging an active civil society, the American state promotes and regulates civil society organizations by providing tax incentives to organize and contribute to NGOs. Through the 501(c)(3) provisions, groups may register as charitable or nonprofit, thus entitling them to a number of tax exemptions. Today, the estimated number of 501(c)(3) organizations is over 1.5 million registered organizations, including over 310,000 religious organizations, and makes up about 5.3% of American GDP (and 9.2% of all wages and salaries).[92] To place this in context, the UK has 185,000 registered charities (Sidel, 2008), China around 420,000,[93] and Russia around 450,000.[94] The importance of NGOs in the U.S. exemplified in the language of the American Internal Revenue Service, organizations are given charitable (and thus tax-exempt) status for "lessening the burdens of government, lessening neighbourhood tensions…combating community deterioration and juvenile delinquency."[95]

Even as the American state recognized the positive contribution of NGOs, there was also recognition that such actors may engage in political activity – defined in terms of lobbying or affecting electoral competitions. In the United States, tax-exempt status for NGOs prohibit "attempting to influence legislation as a substantial part of its activity" as well as "participating in any campaign activity for or against political candidates."[96] Restrictions on lobbying depend on the type of tax-exempt entity in question (under American tax law there are several types of tax exempt civil society organizations), with penalties ranging from taxing those activities to loss of charitable status.[97] While NGOs may be able to lobby elected officials on particular issues, provided it does not constitute a "substantial part of its activity", they are restricted from endorsing one candidate over another or financing a candidate for political office. As private citizens they may do so, but not in their official capacity as an employee or member of a tax-exempt NGO. In this way, the American system has constructed a relatively clear boundary between political and charitable activity, albeit with several areas of ambiguity. This boundary is maintained through a regulatory framework enforced primarily by the IRS and tax law.

The 9/11 attacks and subsequent war on terror put NGOs at the top of the national security agenda, although the division of powers in the U.S. between federal and state powers limits the federal government's ability to target NGOs on its own.[98] U.S. laws restricting NGOs from supporting terrorist activity date to the 1993 World Trade Center bombings, although significant changes were initiated post 9/11,[99] and the US Department of Treasury suggested that charities were "a significant source of alleged terrorist support."[100] According to Bloodgood and Tremblay-Boire, the U.S. government implemented four policy changes that reflected the new securitized environment: "Executive Order 13224, the Patriot Act, the Anti-Terrorist Financing Guidelines, and IRS regulations" which together, enhanced, rather than radically changed, the power of the

federal government to oversee NGOs, prosecute individuals, to freeze NGO assets, and to remove their tax exemptions.[101] Notably, the securitization of NGOs did not result in a violation of the existing rules of regulating NGOs, which places much of the power at the state, rather than federal level.[102] It did, however, signify a shift in NGO regulation post 2001 that reversed a trend in many parts of the world toward the reduction of government oversight of NGOs.[103]

Additional measures implemented to prevent the funding of international terrorist activities through charitable organizations included a Financial Action Task Force (FATF) as well as Anti-Terrorism Certificates (ATC) for USAID partners.[104] The FATF requires banks to check that the financial transactions of NGOs are not used to launder money for terrorist organizations, while the ATC forces NGOs receiving money through USAID to ensure their various partners are not supporting terrorist organizations or activities.[105] These measures were not oriented toward maintaining the boundary of politics within the United States, but to maintain a boundary between politics and development/human rights that they had exported globally with particular enthusiasm since the end of the Cold War. Secondly, these measures sought to ensure that actors who challenged this boundary, and the representation of development and human rights as apolitical, were not supported by American assistance.

Traditional analysis of securitization focus on new powers, laws, and regulations, with a particular concern with how such measures violate existing (democratic) norms. Our perspective instead focuses on how securitization is the necessary outcome of a delimited realm of the political in a globalized world. One cannot have politics without securitizations, as the boundary of legitimate political activity is always unstable and open to contestation – either by foreign actors outside the state or civil society actors within the state – or some combination of both. The securitization of NGOs in the United States demonstrates the way that securitization functions to

maintain a particular view of politics, or to rephrase, demonstrates how securitization is an intrinsic feature of politics conceived as a limited terrain of human activity. The limits exposed through these practices are twofold: the inside/outside as well as the state/civil society.

**Conclusion**

As the two case studies show, the regulation of NGOs aims to restrict not only terrorist activity, but also to limit NGO engagement in political activity and to curtail foreign influence in domestic affairs. The similar treatment of NGOs across a wide range of states reveals the problematic distinction between depoliticization, politicization, and securitization. In many instances, depoliticization bears a striking similarity to securitization in that it removes issues from public scrutiny and decision making and places them in the hands of expert managers enforcing rules. In turn, politicization further enhances the role of the state in defining legitimate political activity, and in the provision of security. Indeed, as we suggested at the outset, our analysis amply demonstrates that the conceptualization of security as a violation of political procedures overlooks how security is an intrinsic and necessary feature of state-based politics, so much so that the realm of the political is itself securitized by the state.

The commitment to desecuritization then involves a simultaneous commitment to the securitization of the boundaries of legitimate political activity. To facilitate open public contestation of the kind that may counter securitized representations, the state must in turn place and police limits on how this process may proceed, by restricting certain actors and activities. We suggest that securitization scholars must place greater emphasis on the actors and activities excluded from the practice of politics, and the processes by which these exclusions are enacted. It may be that there is little disagreement over excluding entities that employ or support terrorist violence. However, the foreign/domestic boundary that is reinforced through the regulation of

NGOs raises uncomfortable questions about the legitimacy of existing political communities, and to what extent states should restrict the influences of foreign actors. Similarly, the state/civil society divide calls into question the power of the state to determine who may participate in public contestation and campaigning. At the very least, it should draw attention to relative influence given to some entities – political parties, unions, corporations - in the political process that is denied to other entities within society through a securitization of the boundaries of the political.

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