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Legal Foreign Funding Restrictions on Civil Society Organizations (CSOs) Worldwide

Jana Baldus¹

Note: Only countries with a population of one million or more are covered. The focus is on legal restrictions on foreign funding, not on political practice. Restrictions on foreign funding of political parties are not covered. 57 countries in total have been identified and listed. Date: December 2015.

Country	Foreign Funding Restrictions	Applicable legislation
Afghanistan	Government notification of foreign funding social organisations prohibited from receiving foreign funding	2005: Cabinet Decision on Foreign Funding 2013: Law on Associations (Art. 16.2)
Algeria	Foreign funding must be channelled through officially approved cooperation agreements; expulsion of international groups that provide civil society support (e.g. 2013 Friedrich-Ebert-Stiftung)	Law 12-06 of 2012 (Art. 29, 30, 43)
Angola	Mandatory approval of foreign funding; bilateral agreement for foreign funding needed by foreign governments; burdensome reporting requirements (regarding source of foreign funding)	2015: Presidential Decree No. 74 Regulation of Non-Governmental Organisations (Art. 15, 23)
Austria	Muslim religious organisations prohibited from receiving foreign funding	2015: Islamgesetz (Art. 6.2)
Azerbaijan	Grants exceeding approx. 180\$ (200 Manat) must be registered; burdensome and mandatory registration for foreign based donors and CSOs	2000: Law on NGOs (2013 Amendments Art. 24-2.1) 2014: Amendment to Law on Grants (Art. 2.5)
Bahrain	Mandatory approval of foreign funding; burdensome reporting requirements (purpose of foreign funding)	1989: Law on Associations (Art. 20)
Bangladesh	Special and mandatory registration for foreign funded Bangladeshi CSOs; mandatory approval of foreign funded activities; burdensome reporting requirements (regarding source, amount and	1978: Foreign Donations (Voluntary Activities) Regulation Rules 2012: Circular on Working Procedure for Foreign and Foreign-Assisted Bangladeshi Non-

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Country	Foreign Funding Restrictions	Applicable legislation
	purpose of foreign funding)	Governmental Organisations (NGOs) Working in Bangladesh 2014: Foreign Donations (Voluntary Activities) Regulation Act (approved, but not enacted)
Belarus	Mandatory approval of foreign funding; foreign funding must be channelled through designated banks; restrictions on purpose of foreign funding (e.g. political activities)	2001: Presidential Decree 8/2001 on Certain Measures of Regulation of Procedure of Receipt and Use of Foreign Gratuitous Aid
Bolivia	Mandatory approval of foreign funding; burdensome reporting requirements (regarding source of foreign funding); expulsion of international groups that provide civil society support (e.g. 2013 expulsion of USAID)	2007: Decreto Supremo No. 29308 Normas Para La Gestión y Ejecución de Recursos Externos de Donación (Art. 9) 2013: Law 351; Decreto Supremo No. 1597
Burundi	Funding must be held with designated bank; mandatory approval of foreign funding; mandatory approval to grant foreign funding	1999: Law No. 1/011
Cameroon	Mandatory approval of foreign funding	1999: Law No. 99/014 (Art. 17)
Canada	Burdensome reporting requirements related to political activities of charities (regarding amount of foreign funding)	2012: Budget 2012
China	Mandatory approval of foreign funding; burdensome registration process; funding must be channelled through designated banks	CSO sector governed by plethora of laws, among others: 2008: Regulations on Foreign Exchange 2010: Notice of the State Administration of Foreign Exchange on Issues Concerning the Administration of Foreign Exchange Donated to or by Domestic Institutions
Ecuador	Restrictions on funding possibilities through strict control of non-Ecuadorian CSOs; burdensome reporting requirements (regarding source of foreign funding)	2011: Decree No. 812 2013: Decree No. 16 (Art. 7.6)
Egypt	Mandatory approval of foreign funding; high penalties for receiving foreign funding for activities intended to “harm the national interest”; prosecution of foreign funded national and international groups (2011)	2002: Law 84 (Art. 17) 2014: Presidential Decree No. 128 amending Article 78 of the Penal Code
Eritrea	Outright prohibition of foreign funding	2005: Proclamation No. 145/2005
Ethiopia	Limitation of foreign funding on 10% of total funding if CSO wants to carry out certain activities (e.g. promotion of human rights); expulsion of international groups that provide civil society support (e.g. 2005 National Democratic Institute)	2009: Charities and Societies Proclamation (Art. 2, 102)
Gabon	Foreign CSOs prohibited from receiving foreign funding and carrying out political activities	1962: Association Law (Art. 22)
Hungary	Prosecution of international groups that provide civil society support (2014 CSOs funded by European Economic Area-	[no specific legal basis]

Country	Foreign Funding Restrictions	Applicable legislation
	Norway NGO fund)	
India	Restriction on purpose of foreign funding (e.g. political or human rights activities); mandatory approval of foreign funding; burdensome reporting requirements (regarding source, amount and purpose of foreign funding); foreign funding must be channelled through designated banks	2010: Foreign Contribution (Regulation) Act
Indonesia	Mandatory approval of foreign funding; mandatory approval of foreign funded activities; burdensome reporting requirements (regarding source, amount and purpose of foreign funding)	2008: Regulation 38 Regarding the Acceptance and Granting of Social/Charity Organisation's Assistance from and to a Foreign Party (Art. 6, 7, 10, 11) 2013: Law on Mass Organisations
Iran	Mandatory approval of foreign funding	2005: Executive Regulations Concerning the Formation and Activities of Non-Governmental Organizations
Ireland	Restrictions on purpose of foreign funding (political purposes)	2001: Electoral (Amendment) Act
Israel	burdensome reporting requirements (regarding source, amount and purpose of foreign funding)	2011: Law on Disclosure Requirements for Recipients of Support from a Foreign State Entity 2015: more restrictive NGO bill passed by cabinet in December; approval by parliament pending
Ivory Coast	Foreign CSOs prohibited from receiving foreign funding and carrying out political activities	1960: Association Law (Art. 25)
Jordan	Government notification of foreign funding; burdensome reporting requirements (source, amount and purpose of foreign funding); funding must be held with designated banks	2008: Law on Societies (2009 Amendments Art. 17)
Kyrgyzstan	Prosecution of international groups that provide civil society support (e.g. 2014 Freedom House)	[no specific legal basis]
Mauritania	Outright prohibition of foreign funding	1973: Law 73.007 Modifying Certain Articles of Law 64.098 of 1964 on Associations
Nepal	Mandatory approval of foreign funding; mandatory approval of foreign funded activities	1992: The Social Welfare Act 2049 (Art. 16)
Nicaragua	Government notification of foreign funding	1992: Law No. 147 Ley General Sobre Personas Jurídicas sin Fines de Lucro (Art. 13)
Oman	Outright prohibition of foreign funding	2000: Sultani Decree No. 14, Civil Associations Law (Art. 42)
Pakistan	Foreign and foreign funded CSOs required to sign Memorandum of Understanding in order to use foreign funds	2013: Policy for Regulation of Organizations Receiving Foreign Contributions
Peru	Recipient of foreign funding must register with the Peruvian Agency for International Cooperation; registration of foreign funded activities	2006: Law 28925 (Art. 2-3)

Country	Foreign Funding Restrictions	Applicable legislation
Qatar	Mandatory approval of foreign funding; burdensome reporting requirements (regarding amount and source of foreign funding)	2004: Law No. 12 On Private Associations and Foundations (Art. 31-32) 2011: Resolution No. 4 Regulating Fundraising and Foreign Transfers by Private Associations and Foundations
Russia	Registration of foreign-funded organizations involved in political activities as foreign agents; restrictions on funding from US sources; burdensome reporting requirements (regarding source of foreign funding); targeting of international groups that provide civil society support by declaring them “undesirable” organisations; expulsion of international groups that provide civil society support (e.g. 2012 USAID)	2012: Law on Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-Commercial Organizations (Foreign Agents Law, 2014 Amendments) 2012: Law No. 272-FZ (Dima Yakovlev Law) 2015: Law No. 662902-6 (Undesirable Organisations)
Rwanda	Burdensome reporting requirements (regarding source of foreign funding); foreign funding must be channelled through designated banks	2012: Law No. 5 Governing the Organisation and Functioning of International Non Governmental Organisations (Art. 7, 18)
Saudi Arabia	De facto prohibition of foreign funding	No valid Association Law
Sierra Leone	Foreign funding must be channelled through state agency; burdensome reporting requirements (regarding source of funding)	2009: NGO Policy Regulations (Art. 2.7)
Singapore	Political associations (objects or activities related to politics in Singapore) prohibited from receiving foreign funding	2000: Bill No. 15 Political Donations Bill
Sri Lanka	Mandatory approval of foreign funding; taxation of foreign funding	1998: Amendments to Voluntary Social Service Organisations (Registration and Supervision) Act 2006: Inland Revenue Act
Sudan	Mandatory approval of foreign funding; mandatory approval of foreign funded activities	2006: The Voluntary and Humanitarian Work (Organizations) Act (Art. 7)
Syria	Mandatory approval of foreign funding	1958: Law 93 on Associations (Art. 21)
Taiwan	Political associations (with view to help form political volition and promote political participation) prohibited from receiving foreign funding	2011: Law on Associations
Tajikistan	Government notification of foreign funding	2015: Amendments to 2007 Law on Public Associations
Thailand	Restriction on funding possibilities (mandatory approval)	1998: Rule of the Ministry of Labour and Social Welfare on the Entry of Foreign Private Organisations to Operate in Thailand (Art. 9)
Tunisia	Foreign funding restrictions for grants coming from countries that do not have diplomatic relations with Tunisia	2011: Decree 88 (Art. 35)
Turkey	Government notification of foreign funding	2004: Associations Law No. 5253 (Art. 21)

Country	Foreign Funding Restrictions	Applicable legislation
Turkmenistan	Mandatory approval of foreign funding; mandatory approval of foreign funded activities; restrictions on purpose of foreign funding (e.g. political and educational activities)	2013: Presidential Decree No. 12792 on State Registration of Foreign Projects and Gratuitous Technical and Financial Assistance, Humanitarian Aid and Grants
UAE	Mandatory approval of foreign funding; burdensome reporting requirements (regarding source and purpose of funding); expulsion of international groups that provide civil society support (e.g. 2012 National Democratic Institute)	1993: Ministerial Resolution No. 348 (Art. 11)
Uganda	Foreign funding must be channelled through designated bank	2009: NGO Registration Regulations (Art. 15)
USA	Registration of foreign-funded organizations involved in political activities as foreign agents; burdensome reporting requirements [1938 Law seldom applied; not applied to CSOs]; freezing of assets of at least seven US-based, Muslim charities [prosecution based on Anti-Terrorism legislation]	1938: Foreign Agents Registration Act (amendments: 1966, 1995) 2001: Executive Order 13224 and USA PATRIOT Act 2002: Anti-Terrorist Financing Guidelines: Voluntary Best Practices for US-Based Charities (Revised 2010)
Uzbekistan	Mandatory approval of foreign funding; mandatory approval of foreign funded activities; foreign funding must be channelled through state agencies; expulsion of international groups that provide civil society support (e.g. 2005 Open Society Institute)	1999: Law No. 763-1 On Nongovernmental Nonprofit Organizations 2004: Decree No. 56 On Measures to Increase Reporting Effectiveness of Financial Resources of Technical Assistance, Grants and Humanitarian Aid Received from International, Foreign Governmental and Nongovernmental Organizations
Venezuela	Political associations and organizations in defence of political rights prohibited from receiving foreign funding	2010: Law for the Defence of Political Sovereignty and National Self-Determination (Art. 5-10)
Vietnam	Mandatory approval of foreign funding; mandatory approval of foreign funded activities	2009: Decree 93 On the Issuance of the Regulation on Management and Utilization of Aid from International Non-Governmental Organizations (Art. 6, 9, 15, 17-19)
Yemen	Government notification of foreign funding	2001: Law 1 Concerning Associations and Foundations (Art. 23)
Zambia	Mandatory approval of foreign funding	1966: Organisations (Control of Assistance) Act (Art. 4)
Zimbabwe	Restrictions on purpose of foreign funding (e.g. voter education)	2004: NGO Bill (enacted, but not approved) 2012: Electoral Act (Art. 40)

Unclear/special cases that have not been included in the table but that potentially warrant consideration are listed in the following:

- Cuba – almost no information on the (legal) environment for CSOs in Cuba to be found. There are, however, extralegal restrictions.

- Benin and Somalia – named as affected by increasing restrictions in Dupuy/Ron/Prakash (2014). No information found to confirm their findings.
- Libya – due to the delicate situation in Libya it is difficult to provide well-founded information on the legal environment for CSOs.
- Palestine – due to Palestine’s unclear status and competing claims to power it is difficult to provide well-founded information on the legal environment for CSOs.

Sources include the respective applicable legislation (as available and as noted above), documents by the International Center for Not-for-Profit Law, the Human Rights Watch World Reports as well as the Country Reports on Human Rights Practices by the US Department of State (Bureau of Democracy, Human Rights and Labor). While a large number of diverse sources were drawn upon to compile this table, the following were particularly relevant:

- Breen, Oonagh B. 2015: Allies or Adversaries? Foundation Responses to Government Policing of Cross-Border Charity, in: *International Journal of Not-for-Profit Law* 17: 1, 45–71.
- Carothers, Thomas 2015: *The Closing Space Challenge. How Are Funders Responding?*, Washington, DC: Carnegie Endowment for International Peace.
- Carothers, Thomas/Brechenmacher, Saskia 2014: *Closing Space. Democracy and Human Rights Support Under Fire*, Washington, DC: Carnegie Endowment for International Peace.
- National Endowment for Democracy (2006): *The Backlash Against Democracy Assistance. A Report prepared by the National Endowment for Democracy for Senator Richard G. Lugar, Chairman Committee on Foreign Relations United States Senate, June 8, 2016.*
- OBS (Observatory of the Protection of Human Rights Defenders) 2013: *Violations of the right of NGOs to funding: from harassment to criminalisation. 2013 Annual Report*, Genève/Paris: OMCT/FIDH.