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# DISSENSION OF FINANCIAL AID AND HUMANITARIAN EFFORTS IN ALGERIA, INDIA, CHINA AND LIBYA

By Daniel St John



## **Dissension of Financial Aid and Humanitarian Efforts in Algeria, India, China and Libya**

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### ***Introduction***

In these anthological brief reports, I explore and outline the various financial laws and regulations that are implemented in India, China, Algeria, and Libya, against non-governmental and Christian organizations. Pragmatically, financial funding and donations by NGOs and Christian organizations are critically important for the execution of humanitarian programs and projects. Due to laws that directly combat foreign funding, NGOs and Christian organizations face more challenges and difficulties in sending money to support local programs, projects, and communities.

International organizations, whether solely humanitarian or religious, are facing the consequences of the failed neoliberal order. This is the idea that international organizations operate in sovereign states through the framework of globalization. The purpose of this anthology of briefs is not necessarily to provide a solution to these phenomena – if that were the case, then each report would require a more in-depth analysis.

However, each report highlights the critical issues, laws, and regulations in each country and collectively. Once one has read through all the reports, it is evident that there are great similarities in how these countries combat foreign funding from NGOs and Christian organizations.

In one of the reports, China: The Belt and Road Initiative, I explore China's growing international sphere of influence through its Belt and Road Initiative and its implications for NGOs and Christian organizations intending to send funding to their recipients. This only amplifies the point that the neoliberal order of NGOs operating internationally is facing great strain and must be reviewed.

How much more if an NGO is a Christian international organization, and the countries it intends to operate in are challenged with laws and regulations that directly combat their foreign funding and activities? Where does that Christian international organization draw the ethical line in complying with laws and regulations – whether overseas in the country where it intends to operate or does operate or in its home country – while at the same time still determined to obey the Great Commission, mandated by the Lord Jesus Christ?

The Lord Jesus Christ said to His disciples – to those who were with Him and to the Church today: “Go into all the world...” (NKJV Mark 16:15) Historically, the Church has faced many challenges in advancing the gospel across trans-geographical lines. However, the Church today has more challenges in executing the Great Commission, despite the opportunities the financial system appears to present. There are rigid administrative and financial regulations and laws that international Christian/NGOs must comply with in order to operate in various countries.

I sincerely hope that these briefs will not cause discouragement in seeing the operation of Christian organizations or non-governmental organizations in general in unfriendly countries.

Irrespective of what laws, regulations, and societal sentiment towards humanitarian work or religious organizations might be – it must be understood that the Great Commission was a command to “Go into all the world...” (NKJV Mark 16:15). Therefore, despite the obstacles an international Christian organization might encounter, I hope these briefs will facilitate discussions to work around or overcome them.

## **India and the FCRA**

### **Ideology**

India gained its independence from British rule in 1947. Since then, it introduced the Foreign Contribution Regulations Act (FCRA) in 1976. Its sole objective is to regulate and nullify foreign economic and financial influence within its borders – including companies, organizations, associations, and individuals. After 89 years of British colonial rule, India enacted this financial law to safeguard its religious, cultural, and political identity from foreign interference.

The Foreign Contribution Regulation Act 1976 was reviewed and repealed in 2010, thus creating the Foreign Contribution Regulation Act 2010 by the United Progressive Alliance government.<sup>1</sup> This act was again consolidated in 2020, creating the Foreign Contribution Regulations Act (Amended), 2020.

The Union Ministry of Home Affairs (MHA), a governmental department, reviews the implementation of the FCRA law. It regulates foreign donations to persons and organizations under the tenets of the law.<sup>2</sup> All organizations under the FCRA are required to:

- Register under the Act.
- Open a bank account with the State Bank of India - Delhi for the receipt of foreign funds.
- Use funds for the purpose for which it was given.
- File annual returns.<sup>3</sup>
- Apply for renewal within six months of their registration date. The FCRA registration is valid for five years.<sup>4</sup>

The law enables the MHA to suspend an individual or organization's registration for up to 180 days.<sup>5</sup> The act specifies that an individual or organization can only accept foreign contributions if the participant has received an issued certificate of registration from the central government. <sup>6</sup> It states that any person seeking permission regarding registration or renewal of registration must provide an Aadhaar number – a special identification number –

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<sup>1</sup> Deshpande, D.P.P. (n.d.). Critical review of the Foreign Contribution Regulation Act (Amendment), Act, 2020 – Part-1. *The Times of India*. [online] Available at: <https://timesofindia.indiatimes.com/blogs/truth-lies-and-politics/critical-review-of-the-foreign-contribution-regulation-act-amendment-act-2020-part-1/> [Accessed 9 Jun. 2024].

<sup>2</sup> Vajiram and Ravi: Institute for IAS Examination. (2024). *FCRA registration for several NGOs cancelled*. [online] Available at: <https://vajiramias.com/article/fcra-registration-for-several-ngos-cancelled/65b0b88ced8c005b5f34fa0/> [Accessed 9 Jan. 2024].

<sup>3</sup> Vajiram and Ravi: Institute for IAS Examination. (2024). *FCRA registration for several NGOs cancelled*. [online] Available at: <https://vajiramias.com/article/fcra-registration-for-several-ngos-cancelled/65b0b88ced8c005b5f34fa0/> [Accessed 9 Jan. 2024].

<sup>4</sup> Vajiram and Ravi: Institute for IAS Examination. (2024). *FCRA registration for several NGOs cancelled*. [online] Available at: <https://vajiramias.com/article/fcra-registration-for-several-ngos-cancelled/65b0b88ced8c005b5f34fa0/> [Accessed 9 Jan. 2024].

<sup>5</sup> PRS Legislative Research. (n.d.). *The Foreign Contribution (Regulation) Amendment Bill, 2020*. [online] Available at: <https://prsindia.org/billtrack/the-foreign-contribution-regulation-amendment-bill-2020>.

<sup>6</sup> PRS Legislative Research. (n.d.). *The Foreign Contribution (Regulation) Amendment Bill, 2020*. [online] Available at: <https://prsindia.org/billtrack/the-foreign-contribution-regulation-amendment-bill-2020>.

on behalf of its office bearers, directors, or key functionaries as an identification document.<sup>7</sup> The act stipulates each person who has received the certificate of registration is obligated to renew it every six months up to its expiration.

### NGOs affected by FCRA financial law

The MHA reported in 2012 that the NGO sector in India is vulnerable to financing terrorism and money laundering.<sup>8</sup> International organizations, in response to the ceasing of accounts upon the basis of allegedly violating the law's terms, have written a joint letter to advocate against the FCRA law. Amnesty International, joined with Christian Solidarity Worldwide, Frontline Defenders, CIVICUS, Legal Resources Centre, Human Rights Watch, and FIDH, wrote to the Financial Action Task Force (FATF).<sup>9</sup> The joint letter stated: "We are witnessing alarming indications of the Indian government's misuse of FATF standards to target and undermine civil society organizations working to defend human rights..." The joint letter outlines the Indian government's noncompliance with the FATF standards by using money laundering and terrorism as a scapegoat.<sup>10</sup>

### NGO Closures

Recent reports suggest the Indian government used the FCRA law to close down operations of domestic and international NGOs. Based on alleged violations of the law from 2015, approximately 16,000 FCRA registrations have been eliminated.<sup>11</sup>

In January 2022, there were 16,989 FCRA-registered NGOs in India. The registration of 6,000 registered NGOs was halted from operating on 1 January 2022 due to governmental refusal to renew their registration or allegedly not renewing their registration.<sup>12</sup> Recently, the ministry ceased the registration of the Christian organization World Vision India due to alleged FCRA violations from 2012-2013 to 2020-21.<sup>13</sup> When an organization's registration is cancelled, re-registering cannot occur again for 3 years. In the case of the ministry investigating an NGO, it holds the right to suspend the registration of NGOs for 180 days and to freeze its funds.<sup>14</sup>

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<sup>7</sup> PRS Legislative Research. (n.d.). *The Foreign Contribution (Regulation) Amendment Bill, 2020*. [online] Available at: <https://prsindia.org/billtrack/the-foreign-contribution-regulation-amendment-bill-2020>.

<sup>8</sup> Vajiram and Ravi: Institute for IAS Examination. (2024). *FCRA registration for several NGOs cancelled*. [online] Available at: <https://vajiramias.com/article/fcra-registration-for-several-ngos-cancelled/65b0b88ced8c005b5f34fa0/> [Accessed 9 Jan. 2024].

<sup>9</sup> Amnesty International. (2024). *Joint Letter\_Misuse of FATF standards to undermine civil society groups in India\_FATF response*. [online] Available at: <https://www.amnesty.org/en/documents/asa20/7777/2024/en/> [Accessed 9 Jun. 2024].

<sup>10</sup> Amnesty International. (2024). *Joint Letter\_Misuse of FATF standards to undermine civil society groups in India\_FATF response*. [online] Available at: <https://www.amnesty.org/en/documents/asa20/7777/2024/en/> [Accessed 9 Jun. 2024].

<sup>11</sup> s, A. (2024). *Why the FCRA registration for multiple NGOs was cancelled?* [online] Pressroom Today. Available at: <https://pressroom.today/2024/01/23/why-the-fcra-registration-for-multiple-ngos-was-cancelled/> [Accessed 9 Jun. 2024].

<sup>12</sup> s, A. (2024). *Why the FCRA registration for multiple NGOs was cancelled?* [online] Pressroom Today. Available at: <https://pressroom.today/2024/01/23/why-the-fcra-registration-for-multiple-ngos-was-cancelled/> [Accessed 9 Jun. 2024].

<sup>13</sup> Vajiram and Ravi: Institute for IAS Examination. (2024). *FCRA registration for several NGOs cancelled*. [online] Available at: <https://vajiramias.com/article/fcra-registration-for-several-ngos-cancelled/65b0b88ced8c005b5f34fa0/> [Accessed 9 Jan. 2024].



## Foreign Aid

The UK is a Western democratic country that has more extended historical ties with India compared to other democracies. The UK-Indo-Pacific Region Development Partnership has taken precedence over humanitarian concerns. According to a British government's aid watchdog, the Independent Commission for Aid Impact (ICAI) reported that the British government spent £2.3 billion on foreign aid to India from 2016 to 2021.<sup>15</sup> The ICAI reported that India initiated a ceased conditional foreign aid – stopping external influences on Indian governmental policy. This is where the donor has stipulations and influence in the domestic affairs of the government.<sup>16</sup>

The ICAI also reported that since 2017, the UK has not diplomatically engaged with India in discussions on democracy, human rights, and civic space.<sup>17</sup> The ICAI rated the UK's India program an amber-red rating – the second worst rating available.<sup>18</sup> It stated: "While UK aid to India reflects the shared interests of the two governments, it is fragmented across activities and spending channels and lacks a convincing development rationale."<sup>19</sup> The UK's strategic objectives are fixated on India's low-carbon transition through green infrastructure, renewable energy, and investment development partnerships.<sup>20</sup>

The recent UK-Indian partnership has seen a decline to non-existing efforts for the advancement of freedom of speech, human rights, and non-existing funding to Indian NGOs.<sup>21</sup> The UK is relevant in the discussion of foreign aid, human rights, and NGOs as it is the most significant contributor to overseas missions with 830 staff across 11 posts. It also has 17 UK departments and agencies represented in a London-based team.<sup>22</sup> The UK has incrementally declined from humanitarian and liberal concerns to focusing on economic shared interests and supporting India toward environmental sustainability.

## Ideological Motivations

India's nationalistic identity is deeply embedded within its government, creating laws and policies that directly combat the efforts of non-governmental organizations and Christian organizations. The nationalistic identity of India is reflected in its laws, constitution, society, and its government. Article 25 in the *Constitution of India: Freedom of Conscience and Free Profession* states that "Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—(a)regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice."<sup>23</sup>

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<sup>15</sup> Wintour, P. (2023). UK aid to India does little for human rights and democracy, watchdog finds. *The Guardian*. [online] 24 Mar. Available at: <https://www.theguardian.com/global-development/2023/mar/14/uk-aid-india-human-rights-democracy-watchdog> [Accessed 9 Jun. 2024].

<sup>16</sup> ICAI. (14AD). *UK aid to India*. [online] Available at: <https://icai.independent.gov.uk/html-version/uk-aid-to-india-review/#section-6> [Accessed 9 Jun. 2024].

<sup>17</sup> ICAI. (14AD). *UK aid to India*. [online] Available at: <https://icai.independent.gov.uk/html-version/uk-aid-to-india-review/#section-6> [Accessed 9 Jun. 2024].

<sup>18</sup> ICAI. (14AD). *UK aid to India*. [online] Available at: <https://icai.independent.gov.uk/html-version/uk-aid-to-india-review/#section-6> [Accessed 9 Jun. 2024].

<sup>19</sup> ICAI. (14AD). *UK aid to India*. [online] Available at: <https://icai.independent.gov.uk/html-version/uk-aid-to-india-review/#section-6> [Accessed 9 Jun. 2024].

<sup>20</sup> ICAI. (14AD). *UK aid to India*. [online] Available at: <https://icai.independent.gov.uk/html-version/uk-aid-to-india-review/#section-6> [Accessed 9 Jun. 2024].

<sup>21</sup> ICAI. (14AD). *UK aid to India*. [online] Available at: <https://icai.independent.gov.uk/html-version/uk-aid-to-india-review/#section-6> [Accessed 9 Jun. 2024].

<sup>22</sup> ICAI. (14AD). *UK aid to India*. [online] Available at: <https://icai.independent.gov.uk/html-version/uk-aid-to-india-review/#section-6> [Accessed 9 Jun. 2024].

<sup>23</sup> indiankanoon.org. (n.d.). *Article 25 in Constitution of India*. [online] Available at: <https://indiankanoon.org/doc/631708/> [Accessed 9 Jun. 2024].

Consequently, the Indian government, academics, and civil society view non-governmental organizations and Christian missionaries in the following points. Christian NGOs are weaponized to convert Indians, thus violating FCRA laws and destabilizing Indian society and demography.<sup>24</sup> Christian evangelicalism through NGOs is condemned to threaten Indian society, using predatory tactics to turn India into a Christian country.<sup>25</sup> They also view international development agencies as a direct threat to India's economy, causing a delay in development by 2-3%, as reported by the IB report. Greenpeace, Amnesty, and ActionAid have been accused of "serving as tools for foreign policy interest of Western governments."<sup>26</sup>

Under the Modi administration, Christian organizations and missionaries have found difficulty receiving permission to build institutions or churches in areas where there are solely Hindu religious buildings and no Christian organizations or churches. This is claimed to have previously had political and monetary support prior to the Modi administration, but no longer receives this treatment.<sup>27</sup> It is viewed that Christian missionaries thrived as long as the communities of their activities remained impoverished, uneducated, and deprived of economic advancement, using predatory tactics to convert locals in rural areas.<sup>28</sup> Evangelical efforts have viewed the introduction of the anti-conversion laws in India's 12 states as a direct response to their activities.<sup>29</sup>

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<sup>24</sup>Holla, S. (2019). *NGOs and Foreign funding - Unchallenged Breaking India Forces*. Academia.

Available at: [https://www.academia.edu/39845730/NGOs\\_and\\_Foreign\\_funding\\_Unchallenged\\_Breaking\\_India\\_Forces](https://www.academia.edu/39845730/NGOs_and_Foreign_funding_Unchallenged_Breaking_India_Forces) [Accessed 9 Jun. 2024]. pp 10-11

<sup>25</sup>Holla, S. (2019). *NGOs and Foreign funding - Unchallenged Breaking India Forces*. Academia.

Available at: [https://www.academia.edu/39845730/NGOs\\_and\\_Foreign\\_funding\\_Unchallenged\\_Breaking\\_India\\_Forces](https://www.academia.edu/39845730/NGOs_and_Foreign_funding_Unchallenged_Breaking_India_Forces) [Accessed 9 Jun. 2024]. p 9

<sup>26</sup> Jun 12, T. / U., 2014 and Ist, 05:49 (2014). *Foreign-funded NGOs stalling development: IB report | India News - Times of India*. [online] The Times of India. Available at: <https://timesofindia.indiatimes.com/india/foreign-funded-ngos-stalling-development-ib-report/articleshow/36411169.cms> [Accessed 9 Jun. 2024]

<sup>27</sup> Purnima Kishwar, M. (2019). *Why Do Christian Missionaries Dislike Modi And the Rashtriya Swayamsevak Sangh?* [online] Hinduism Today. Available at: <https://www.hinduismtoday.com/magazine/why-do-christian-missionaries-dislike-modi-and-the-rashtriya-swayamsevak-sangh/> [Accessed 9 Jun. 2024].

<sup>28</sup> Purnima Kishwar, M. (2019). *Why Do Christian Missionaries Dislike Modi And the Rashtriya Swayamsevak Sangh?* [online] Hinduism Today. Available at: <https://www.hinduismtoday.com/magazine/why-do-christian-missionaries-dislike-modi-and-the-rashtriya-swayamsevak-sangh/> [Accessed 9 Jun. 2024].

<sup>29</sup> Khan, R. (2023). *The Political Ideology Behind Anti-Conversion Laws in India*. [online] thediplomat.com. Available at: <https://thediplomat.com/2023/06/the-political-ideology-behind-anti-conversion-laws-in-india/> [Accessed 9 Jun. 2023].

## China

### Political ideological foundations

The Chinese Communist Party explains its ideological origins in its document, *Resolution of the CPC Central Committee on the Major Achievements and Historical Experience of the Party over the Past Century*. It points to the October Russian Revolution in 1917, which explains the spread of Marxism-Leninism throughout China. This movement, interconnected with the Chinese workers' movement, created the Communist Party of China (CPC), also referred to as the Chinese Communist Party (CCP).<sup>30</sup> The CPC views 1942 as the start of an ideological reform of Marxism-Leninism, formulating *the Resolution on Certain Questions*.<sup>31</sup> This was comprised after years of ideological schism within the political party, and it is understood to unify the party upon the principles outlined in the resolution.

Two other critical political philosophies embedded in the Chinese Communist Party are Mao Zedong Thought, also known as Maoism, which is influenced by Marxist-Leninism. The other political philosophy is Deng Xiaoping Theory, developed by Chinese leader Deng Xiaoping, which views itself as coexisting with Maoism and Marxist-Leninism but focuses on Chinese socioeconomic strains.<sup>32</sup>

On October 1, 1949, the People's Republic of China was established after 28 years of inner political disputes. 1956 marked the year of China's socialist economic reform. China views itself as transforming agriculture, capitalist industrialization, and commerce into a socialist system. The document states, "China basically completed the socialist transformation of private ownership of the means of production and put into practice public ownership of the means of production and distribution according to work."<sup>33</sup>

Marxist theory in the Chinese context is the fundamental ideological framework of China's domestic and international policies. It views Marxism as a "scientific truth" which has been thoroughly tested,<sup>34</sup> and a "scientific truth for understanding and shaping the world."<sup>35</sup> Through this ideology, China views itself as a guardian against colonialism, imperialism, racism, hegemonism, and power politics. The Central Committee, a governmental department, was created to safeguard its national interest against subversion of "the leadership of the Communist Party of China and China's socialist system or to hinder or obstruct China's advance toward national rejuvenation."<sup>36</sup> This would include non-governmental organizations and religious institutions.

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<sup>30</sup> english.www.gov.cn. (2021). *Full Text: Resolution of the CPC Central Committee on the Major Achievements and Historical Experience of the Party over the Past Century*. [online] Available at: [https://english.www.gov.cn/policies/latestreleases/202111/16/content\\_WS6193a935c6d0df57f98e50b0.html](https://english.www.gov.cn/policies/latestreleases/202111/16/content_WS6193a935c6d0df57f98e50b0.html) [Accessed 9 Jun. 2024].

<sup>31</sup> english.www.gov.cn. (2021). *Full Text: Resolution of the CPC Central Committee on the Major Achievements and Historical Experience of the Party over the Past Century*. [online] Available at: [https://english.www.gov.cn/policies/latestreleases/202111/16/content\\_WS6193a935c6d0df57f98e50b0.html](https://english.www.gov.cn/policies/latestreleases/202111/16/content_WS6193a935c6d0df57f98e50b0.html) [Accessed 9 Jun. 2024].

<sup>32</sup> The Editors of Encyclopedia Britannica (2019). Deng Xiaoping. In: *Encyclopædia Britannica*. [online] Available at: <https://www.britannica.com/biography/Deng-Xiaoping> [Accessed 9 Jun. 2024].

<sup>33</sup> english.www.gov.cn. (2021). *Full Text: Resolution of the CPC Central Committee on the Major Achievements and Historical Experience of the Party over the Past Century*. [online] Available at: [https://english.www.gov.cn/policies/latestreleases/202111/16/content\\_WS6193a935c6d0df57f98e50b0.html](https://english.www.gov.cn/policies/latestreleases/202111/16/content_WS6193a935c6d0df57f98e50b0.html) [Accessed 9 Jun. 2024].

<sup>34</sup> english.www.gov.cn. (2021). *Full Text: Resolution of the CPC Central Committee on the Major Achievements and Historical Experience of the Party over the Past Century*. [online] Available at: [https://english.www.gov.cn/policies/latestreleases/202111/16/content\\_WS6193a935c6d0df57f98e50b0.html](https://english.www.gov.cn/policies/latestreleases/202111/16/content_WS6193a935c6d0df57f98e50b0.html) [Accessed 9 Jun. 2024].

<sup>35</sup> english.www.gov.cn. (2021). *Full Text: Resolution of the CPC Central Committee on the Major Achievements and Historical Experience of the Party over the Past Century*. [online] Available at: [https://english.www.gov.cn/policies/latestreleases/202111/16/content\\_WS6193a935c6d0df57f98e50b0.html](https://english.www.gov.cn/policies/latestreleases/202111/16/content_WS6193a935c6d0df57f98e50b0.html) [Accessed 9 Jun. 2024].

<sup>36</sup> english.www.gov.cn. (2021). *Full Text: Resolution of the CPC Central Committee on the Major Achievements and Historical Experience of the Party over the Past Century*. [online] Available at: [https://english.www.gov.cn/policies/latestreleases/202111/16/content\\_WS6193a935c6d0df57f98e50b0.html](https://english.www.gov.cn/policies/latestreleases/202111/16/content_WS6193a935c6d0df57f98e50b0.html) [Accessed 9 Jun. 2024].



## Laws against religious organizations

The State Administration of Religious Affairs (SARA) put into effect by June 1, 2022, the *Measures for the Financial Management of Venues for Religious Activities*. This law regulates the financial affairs of venues or sites where religious activities are conducted. The measures only apply to religious venues that are registered with the government. Unregistered religious venues or sites are outside protections and administrative financial oversight by the government.<sup>37</sup>

Registered religious organizations are also to obey other laws and stipulations that govern their spiritual teachings and practices, tightening the control over religious organizations. Consequently, unregistered religious organizations are vulnerable to financial discrimination by local authorities. On October 13, a Christian educational organization, *Zhejiang Covenant High School*, in the Zhejiang province's Haining City, was informed by the Comprehensive Administrative Law Enforcement Bureau to close the school and then received a fine of 60,000 yuan.<sup>38</sup>

In 2009, Pastor Wei Xiaomei of *The Wangjia Hunli Church* and Zhang Tao, a Macau resident, used donation money of 13 million yuan to purchase a property on Jiuzhou Avenue in Zhuhai City. In 2014, they bought two more properties on Jiuzhou Avenue. The total cost was 5 million yuan – 80% was donated by Zhang Tao and the remainder by church members.<sup>39</sup> However, the church was raided on September 27, 2016, by local officials, confiscating computers and 300,000 yuan. The arrest of Pastor Wei Xiaomei, her husband Li Bingxin, and Zhang Tao, were charged with fraud in 2017 and released on probation in October 2018. Further penalties were imposed, equating to 36 million yuan.<sup>40</sup>

## Laws against non-government organizations

In 2016, the government introduced the Charity Law that allowed only charities that have public fundraising credentials from the Ministry of Bureau of Civil Affairs to participate and conduct fundraising activities in coherence with the law. Charities that do not have public fundraising credentials will not be able to participate in or conduct fundraising activities. The *Handbook of Charity Law of the People's Republic of China* states that "...new fund-raising methods being afforded by the Internet, China has developed a charity information platform whereby all relevant inputs shall but published, as designated by the Ministry of Civil Affairs of the State Council."<sup>41</sup> Meaning, all donations made to charities are displayed

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<sup>37</sup> www.cecc.gov. (2010). *New Measures Regulate Financial Affairs of Venues for Religious Activities* | Congressional-Executive Commission on China. [online] Available at: <https://www.cecc.gov/publications/commission-analysis/new-measures-regulate-financial-affairs-of-venues-for-religious> [Accessed 9 Jun. 2024].

<sup>38</sup> China Aid. (2024). *ChinaAid Annual Persecution Report 2024 - English.pdf*. [online] Available at: <https://drive.google.com/file/d/1YDAIcA-YTheSzbZhVdtMMXD8LJUBbfm1/view?pli=1> [Accessed 9 Jun. 2024]. pp 40-41

<sup>39</sup> China Aid. (2024). *ChinaAid Annual Persecution Report 2024 - English.pdf*. [online] Available at: <https://drive.google.com/file/d/1YDAIcA-YTheSzbZhVdtMMXD8LJUBbfm1/view?pli=1> [Accessed 9 Jun. 2024]. Pp 42-43

<sup>40</sup> China Aid. (2024). *ChinaAid Annual Persecution Report 2024 - English.pdf*. [online] Available at: <https://drive.google.com/file/d/1YDAIcA-YTheSzbZhVdtMMXD8LJUBbfm1/view?pli=1> [Accessed 9 Jun. 2024]. Pp 42-43

<sup>41</sup> UNDP. (2018). *Handbook of Charity Law of the People's Republic of China*. [online] Available at: <https://www.undp.org/china/publications/handbook-charity-law-peoples-republic-china> [Accessed 9 Jun. 2018]. pp 11

on the 21 Chinese government platforms.<sup>42</sup>

On December 29, 2023, the Fourteenth National People's Congress Standing Committee voted to amend the law. It is stated that the "emphasis of the amendment is to elevate the credibility of the charity sector through regulated operations. Charity organizations are now mandated to disclose 'fundraising costs' and provide specifics regarding collaborations with overseas entities."<sup>43</sup> The amendment is mentioned to review the registration process for charities, providing new reporting requirements about fundraising qualifications. It now has legal obligations and ramifications for charities that provide inaccurate information or neglect to provide information pertaining to fundraising.<sup>44</sup> The government document explicitly specifies that it is "nurturing socialist charity with distinctive Chinese characteristics."<sup>45</sup> The amendment widens for charities to disclose information pertaining to fiscal, financial, land, and personnel information.<sup>46</sup>

While the 2016 Charity Law was initiated, there also derived another regulation that likewise discriminated against NGOs and charities in 2013. The national policy enabled the Chinese government to contract social and welfare services to NGOs, regulating and having oversight of an organization's work and projects.<sup>47</sup> This means the government reserves the right to place its contractors within working positions in NGOs. It was concluded in a report written in September 2021, *Effects of Government Contracting of Services on NGOs in China: Convergence and Divergence with International Experience*, that the low number of options organizations have to seek alternative sources of funding has resulted in a divergence of contracting by the Chinese government toward the services of NGOs. Subsequently, the administrative and management mechanisms orchestrated by these contractors divert the objective of NGOs.<sup>48</sup>

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<sup>42</sup> UNDP. (2018). *Handbook of Charity Law of the People's Republic of China*. [online] Available at: <https://www.undp.org/china/publications/handbook-charity-law-peoples-republic-china> [Accessed 9 Jun. 2018]. pp 11

<sup>43</sup> CDB Team (2024). *Key points of China's Amended Charity Law – China Development Brief*. [online] China Development Brief. Available at: <https://chinadevelopmentbrief.org/reports/key-points-of-chinas-amended-charity-law/> [Accessed 9 Jun. 2024].

<sup>44</sup> CDB Team (2024). *Key points of China's Amended Charity Law – China Development Brief*. [online] China Development Brief. Available at: <https://chinadevelopmentbrief.org/reports/key-points-of-chinas-amended-charity-law/> [Accessed 9 Jun. 2024].

<sup>45</sup> CDB Team (2024). *Key points of China's Amended Charity Law – China Development Brief*. [online] China Development Brief. Available at: <https://chinadevelopmentbrief.org/reports/key-points-of-chinas-amended-charity-law/> [Accessed 9 Jun. 2024].

<sup>46</sup> CDB Team (2024). *Key points of China's Amended Charity Law – China Development Brief*. [online] China Development Brief. Available at: <https://chinadevelopmentbrief.org/reports/key-points-of-chinas-amended-charity-law/> [Accessed 9 Jun. 2024].

<sup>47</sup> Enjuto Martinez, R., Qu, Y. and Howell, J. (2021). Effects of Government Contracting of Services on NGOs in China: Convergence and Divergence with International Experience. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*. doi:<https://doi.org/10.1007/s11266-021-00383-1>.

<sup>48</sup> Enjuto Martinez, R., Qu, Y. and Howell, J. (2021). Effects of Government Contracting of Services on NGOs in China: Convergence and Divergence with International Experience. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*. doi:<https://doi.org/10.1007/s11266-021-00383-1>.

## **China: Belt and Road Initiative**

### **China's grand strategy**

China's grand economic strategy raises questions about whether its economic and geopolitical growth will negatively influence human rights and religious freedom with nations within its Belt and Road Initiative (BRI). The BRI launched in 2013 and is one of the largest trans-geographical infrastructure projects in the world. It includes 147 countries, accumulating up to two-thirds of the world's population - making up 40% of the world's GDP.<sup>49</sup> Experts view the BRI as an extension of China's grand economic development strategy – “China 2025,” attempting to dominate high-tech manufacturing globally.<sup>50</sup>

Though there is a great emphasis on research on the BRI's economic and geopolitical implications, there is a vacuum of research in comparison to highlight the ideological, religious, and human rights implications this has on the globe. Western democracies characterized the initiative as debt-trap diplomacy, threatening the interests of the West and acting predatorily against developing economies.<sup>51</sup> Ultimately, China's grand economic strategy is to directly compete against the United States, attempting to be the number one economy in the world. As stated in its *Resolution of the CPC Central Committee on the Major Achievements and Historical Experience of the Party over the Past Century* government document: “In the second stage, from 2035 to the middle of this century, we will develop China into a great modern socialist country.... China will become a global leader in terms of composite national strength and international influence.”<sup>52</sup>

In “2050 China: Becoming a Great Modern Socialist Country,” the author describes China's path to economically surpassing the United States: “First the establishment of an independent industrial system and national economic system, and then the realization of widespread modernization in agriculture, industry, national defense, and science and technology. This would enable China's economy to be ranked at the forefront of the world.”<sup>53</sup> There is a direct correlation between an economy's strength and its soft power influence, including behavior and attitudes toward religion and human rights, the same way America's economic strength enabled it to spread democratic values across the world post World War II.

### **Chinese missionaries take advantage of the BRI**

Ironically, the BRI has aided the spread of evangelism through Chinese missionaries. Chinese missionaries are utilizing preconceived notions of Chinese foreigners, entering countries with the intent of evangelistic work.<sup>54</sup> Chinese Christians from the underground church are

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<sup>49</sup> McBride, J., Berman, N. and Chatzky, A. (2023). *China's Massive Belt and Road Initiative*. [online] Council on Foreign Relations. Available at: <https://www.cfr.org/backgrounders/chinas-massive-belt-and-road-initiative> [Accessed 24 Jun. 2024].

<sup>50</sup> McBride, J. and Chatzky, A. (2019). *Is 'Made in China 2025' a Threat to Global Trade?* [online] Council on Foreign Relations. Available at: <https://www.cfr.org/backgrounders/made-in-china-2025-threat-global-trade> [Accessed 9 Jun. 2024].

<sup>51</sup> Jie, Y. and Wallace, J. (2021). *What is China's Belt and Road Initiative (BRI)?* [online] Chatham House. Available at: <https://www.chathamhouse.org/2021/09/what-chinas-belt-and-road-initiative-bri> [Accessed 9 Jun. 2024].

<sup>52</sup> english.www.gov.cn. (2024). *Full Text: Resolution of the CPC Central Committee on the Major Achievements and Historical Experience of the Party over the Past Century*. [online] Available at: [https://english.www.gov.cn/policies/latestreleases/202111/16/content\\_WS6193a935c6d0df57f98e50b0.html](https://english.www.gov.cn/policies/latestreleases/202111/16/content_WS6193a935c6d0df57f98e50b0.html).

<sup>53</sup> Hu, A., Yan, Y., Tang, X. and Liu, S. (2020). 2050 China: Strategic Goals and Two Stages. *2050 China*, pp.45–60. doi:[https://doi.org/10.1007/978-981-15-9833-3\\_4](https://doi.org/10.1007/978-981-15-9833-3_4), p 3

<sup>54</sup> Luedi, J. (2018). *China's Belt and Road: Exporting Evangelism?* [online] thediplomat.com. Available at: <https://thediplomat.com/2018/07/chinas-belt-and-road-exporting-evangelism/>

aiming to increase their overseas evangelism from 1,000 missionaries to 20,000 by the end of the decade, utilizing China's access to other countries through the BRI.<sup>55</sup>

The director of a Chinese missionary organization in the United Kingdom called *Back to Jerusalem*, Danny Lee, aims to have a minimum of 100,000 Chinese missionaries working in the 51 states along the BRI.<sup>56</sup> The CCP is unable to control the narrative and influence of such missionaries, domestically and overseas, in the media and through its domestic policies. China's major BRI project in Pakistan enabled many Chinese nationals to enter the country. In 2017, two Chinese nationals were confirmed to be killed in Pakistan by the Islamic State.

However, Chinese state-sponsored media and government officials attempted to dissociate the country from the two Chinese missionaries from any Chinese projects in Pakistan. They made it clear that the murdered Christians were with a Korean missionary organization: "The two hostages killed were not staff related to the project but had allegedly been brought to Pakistan by a South Korean Christian organization to conduct missionary work...this tragedy was more likely caused by conflict between South Korean missionary agencies and local terrorist."<sup>57</sup>

### **China's sphere of influence in Central Asia**

There might not be direct evidence that China dictates neighboring countries' laws and governance, over-regulating or prohibiting donations to NGOs or religious organizations. However, evidence shows that a few neighboring countries in Central Asia share similar statutes and values with China, relating to financially regulating non-governmental organizations. China's foreign policy is to strengthen its relationship with neighboring countries in Central Asia through foreign aid and development incentives such as the BRI. China views the security of neighboring states as critically important to its domestic security.<sup>58</sup> Additionally, it is apparent that there are shared values between China and Central Asia – both the country of China and the region of Central Asia are violators of human rights and religious freedom through the implementation of similar laws.<sup>59</sup>

The *China International Development Cooperation Agency* (CIDCA) was established to lead the strategic coordination of foreign aid to China's beneficiaries.<sup>60</sup> The CIDCA is strongly associated to the BRI – they comprise upon the premise of mutually benefiting in the donor to recipient relationship with its neighboring states. A policy report, *Silk Road Diplomacy: Deconstructing Beijing's toolkit to influence South and Central Asia*, states that one of China's

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[Accessed 9 Jun. 2024].

<sup>55</sup> <https://www.ft.com/content/69a41f7e-6b96-11e7-bfeb-33fe0c5b7eaa>

<sup>56</sup> Luedi, J. (2018). *China's Belt and Road: Exporting Evangelism?* [online] thediplomat.com. Available at: <https://thedi diplomat.com/2018/07/chinas-belt-and-road-exporting-evangelism/> [Accessed 9 Jun. 2024].

<sup>57</sup> Luedi, J. (2018). *China's Belt and Road: Exporting Evangelism?* [online] thediplomat.com. Available at: <https://thedi diplomat.com/2018/07/chinas-belt-and-road-exporting-evangelism/> [Accessed 9 Jun. 2024].

<sup>58</sup> Custer, S., Sethi, T., A. Solis, J., Jiahui Lin, J., Ghose, S., Gupta, A., Knight, R. and Baehr, A. (2019). *AidData / Silk Road Diplomacy 2019:...* [online] docs.aiddata.org. Available at: <https://docs.aiddata.org/reports/silk-road-diplomacy-2019.html#section1> [Accessed 9 Jun. 2024].

<sup>59</sup> Putz, C. (2019). *Of Concerns and Waivers: Religious Freedom and US Interests in Central Asia*. [online] thediplomat.com. Available at: <https://thedi diplomat.com/2019/12/of-concerns-and-waivers-religious-freedom-and-us-interests-in-central-asia/> [Accessed 9 Jun. 2024].

<sup>60</sup> Mardell, J. (2018). *Foreign Aid With Chinese Characteristics*. [online] Thedi diplomat.com. Available at: <https://thedi diplomat.com/2018/08/foreign-aid-with-chinese-characteristics/> [Accessed 9 Jun. 2024].

foreign policy objectives is to “minimize censure for Beijing’s domestic policies,” and to convince “SCA [South Central Asian] leaders to align with it in international decision-making.”<sup>61</sup>

In 2021, NGOs in Kyrgyzstan were required by law to provide additional reporting to the government, detailing their activities and finances. NGOs in Kyrgyzstan urged President Sadyr Japarov to veto the bill.<sup>62</sup> In response, the U.S. State Department issued a statement by Ned Price stating that the law enacted “onerous financial programmatic reporting requirements on non-governmental organizations.”<sup>63</sup> The law does not apply to government-affiliated non-commercial organizations. NGOs with religious or political associates are targeted in the law. Deputy Baktybek Raiymkulov, the bill's sponsor, stated that the purpose of the law was to protect “Kyrgyz statehood from interference from other countries and preserve the traditions and culture of the people.”<sup>64</sup>

As reported in 2020, NGOs in Uzbekistan have exceeded 10,000 due to the reduction of registration fees and privileges granted to organizations benefiting veterans, disabled people, women, and children.<sup>65</sup> However, in June 2022, a new law was introduced to regulate NGO projects that receive foreign funding. NGOs that receive foreign funding are required by law to involve government contractors, often known as “national partners,” recommended by the Ministry of Justice.<sup>66</sup> The job description of these national partners is to design a roadmap for the NGOs’ project, ensuring it is effectively implemented.<sup>67</sup>

Although it was specified that there might not be direct evidence of China influencing Central Asian countries' domestic governance over NGOs and religious organizations, there is a strong correlation between Uzbekistan’s law and China’s Charity Law, where it also places government contractors in NGOs.<sup>68</sup>

In September 2023, the government of Kazakhstan - the State Revenue Committee of the Kazakh Ministry of Finance, released a document revealing the names of organizations that received funds from foreign states and international or foreign organizations.<sup>69</sup> In 2018, organizations were required to report to the government if they received property or funds from foreign entities.

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<sup>61</sup> Custer, S., Sethi, T., A. Solis, J., Jiahui Lin, J., Ghose, S., Gupta, A., Knight, R. and Baehr, A. (2019). *AidData / Silk Road Diplomacy 2019...* [online] docs.aiddata.org. Available at: <https://docs.aiddata.org/reports/silk-road-diplomacy-2019.html#section1> [Accessed 9 Jun. 2024].

<sup>62</sup> Putz, C. (2019). *Of Concerns and Waivers: Religious Freedom and US Interests in Central Asia*. [online] thediplomat.com. Available at: <https://thedi diplomat.com/2019/12/of-concerns-and-waivers-religious-freedom-and-us-interests-in-central-asia/> [Accessed 9 Jun. 2024].

<sup>63</sup> Putz, C. (2019). *Of Concerns and Waivers: Religious Freedom and US Interests in Central Asia*. [online] thediplomat.com. Available at: <https://thedi diplomat.com/2019/12/of-concerns-and-waivers-religious-freedom-and-us-interests-in-central-asia/> [Accessed 9 Jun. 2024].

<sup>64</sup> Putz, C. (2019). *Of Concerns and Waivers: Religious Freedom and US Interests in Central Asia*. [online] thediplomat.com. Available at: <https://thedi diplomat.com/2019/12/of-concerns-and-waivers-religious-freedom-and-us-interests-in-central-asia/> [Accessed 9 Jun. 2024].

<sup>65</sup> Yusupov, D. (2020). *Challenges NGOs in Uzbekistan are still facing*. [online] The Foreign Policy Centre. Available at: <https://fpc.org.uk/challenges-ngos-in-uzbekistan-are-still-facing/> [Accessed 9 Jun. 2024].

<sup>66</sup> Niyazova, U. and Schweisfurth, L. (2022). *New Regulations in Uzbekistan Effectively Impose Government Control on NGOs*. [online] thediplomat.com. Available at: <https://thedi diplomat.com/2022/08/new-regulations-in-uzbekistan-effectively-impose-government-control-on-ngos/> [Accessed 9 Jun. 2024].

<sup>67</sup> Niyazova, U. and Schweisfurth, L. (2022). *New Regulations in Uzbekistan Effectively Impose Government Control on NGOs*. [online] thediplomat.com. Available at: <https://thedi diplomat.com/2022/08/new-regulations-in-uzbekistan-effectively-impose-government-control-on-ngos/> [Accessed 9 Jun. 2024].

<sup>68</sup> Enjuto Martinez, R., Qu, Y. and Howell, J. (2021). Effects of Government Contracting of Services on NGOs in China: Convergence and Divergence with International Experience. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*. doi:<https://doi.org/10.1007/s11266-021-00383-1>.

<sup>69</sup> Putz, C. (2023). *Kazakhstan Publishes List of Entities and Individuals Receiving Foreign Funding*. [online] thediplomat.com. Available at: <https://thedi diplomat.com/2023/09/kazakhstan-publishes-list-of-entities-and-individuals-receiving-foreign-funding/> [Accessed 9 Jun. 2024].

It might be too early to conclude what the ramifications will be on NGOs, human rights, and religious freedoms through China's growing global influence. Still, there are case studies, as discussed here, that provide an alarming trajectory that will not enhance the rights and freedoms of individuals and organizations.



## Algeria

### Background

Algeria's 1990 violent civil war resulted in the deaths of up to 200,000 people, with thousands more who were displaced or disappeared.<sup>70</sup> The memory of civil war and civil dissent toward the government lurked in the country decades after the war. The civil war had a strong influence on the governing decisions of President Abdelaziz Bouteflika (1999 to 2019), creating a society that restricted freedoms and violated human rights. In February 2019, the Hirak protest movement for democratic reform contested the president's extension of his presidency to the fifth term, where millions protested and campaigned against the government.<sup>71</sup> Moreover, in 2020, the government introduced more laws that further restricted the fundamental freedoms of Algerians and civic society.<sup>72</sup> The Algerian electoral process on 12 December 2019 resulted in the election of President Abdelmadjid Tebboune, who is the current sitting president.

### Financial Law: Law on Associations

Article 2 of the 1990 Law on Associations (Law 90-31 of 1990) describes an association as an individual or legal entity that forms a group contractually to perform activities for non-profit objectives.<sup>73</sup> Unions, federations, and confederations, which are connected to the associations, are also categorized as associations in the law.<sup>74</sup> This would mean they are foreign entities or interests that are connected to the association. The term association is the preferred noun for NGOs. In the 1990 Law on Associations, governmental authorities reserved the right to petition an administrative court to class an association as illegal. The 2012 Law on Associations now reserves the right to classify an association as unlawful on the basis that the association's activities and objectives are against the values and principles of Algeria.<sup>75</sup>

Law 90-31 of the 1990 Law on Associations subjects foreign associations to withdrawal or suspension authorized by the Minister of the Interior if it views their activities and objectives to affect "the established institutional system" or "the integrity of the national territory, national unity, the religion of the State or national language," or the "law and order and public decency."<sup>76</sup> The 2012 Law on Associations proves to follow in the spirit of the previous version. Article 88, in conjunction with Article 8 of the 2012 Law on Associations draft, authorizes the government to restrict the operation of associations that are "attempting to

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<sup>70</sup> ICNL. (2024). *Algeria*. [online] Available at: <https://www.icnl.org/resources/civic-freedom-monitor/algeria> [Accessed 9 Jun. 2024].

<sup>71</sup> Zeraoulia, F. (2020). The Memory of the Civil War in Algeria: Lessons from the Past with Reference to the Algerian Hirak. *Contemporary Review of the Middle East*, 7(1), p.234779891988978. doi:<https://doi.org/10.1177/2347798919889781>.

<sup>72</sup> Zeraoulia, F. (2020). The Memory of the Civil War in Algeria: Lessons from the Past with Reference to the Algerian Hirak. *Contemporary Review of the Middle East*, 7(1), p.234779891988978. doi:<https://doi.org/10.1177/2347798919889781>.

<sup>73</sup> Zeraoulia, F. (2020). The Memory of the Civil War in Algeria: Lessons from the Past with Reference to the Algerian Hirak. *Contemporary Review of the Middle East*, 7(1), p.234779891988978. doi:<https://doi.org/10.1177/2347798919889781>.

<sup>74</sup> Zeraoulia, F. (2020). The Memory of the Civil War in Algeria: Lessons from the Past with Reference to the Algerian Hirak. *Contemporary Review of the Middle East*, 7(1), p.234779891988978. doi:<https://doi.org/10.1177/2347798919889781>.

<sup>75</sup> Human Rights Watch. (2014). *Algeria: Bureaucratic Ploys Used to Stifle Associations* / Human Rights Watch. [online] Available at: <https://www.hrw.org/news/2014/03/30/algeria-bureaucratic-ploys-used-stifle-associations> [Accessed 9 Jun. 2024].

<sup>76</sup> This document has been provided by the International Center for Not-for-Profit Law (ICNL). (1990). Available at: [https://icnl.org/wp-content/uploads/90-31-En.pdf?\\_ga=2.101373443.381122202.1714255006-2086714009.1714255006](https://icnl.org/wp-content/uploads/90-31-En.pdf?_ga=2.101373443.381122202.1714255006-2086714009.1714255006) [Accessed 9 Jun. 2024].p 9

sow distinction between the components of the nation or incite members of society against their political, economic, religious and/or cultural choices and their religious reference.”<sup>77</sup>

Article 8 also states that once an association seeks registration from the Ministry of Interior, they would need to receive a receipt that would grant or reject the association's application.<sup>78</sup> Many NGOs have not received their receipt from the government, including Amnesty International's branch in Algeria, failing to grant or reject the operation of many NGOs.<sup>79</sup> The reason they have not received their receipt from the government is based on what has been described above.

### Financial restrictions and regulations

Associations must receive permission from the government in order to receive foreign funding. Articles 47 and 48 of the 06-12 Law on Associations require the government to grant associations to receive foreign funds or legacies from donors, NGOs, or associations.<sup>80</sup>

In February 2019, pro-democracy protest movements broke out in Algeria over previous President Abdelaziz Bouteflika's extended fifth term in office. Security forces arrested eight people from an association, SOS Bab El-Oued, under the pretense of being a criminal organization that was “financing from a large foreign country's diplomatic representation in Algiers.”<sup>81</sup> The president of the group, Nacer Meghnine, was one of the eight who were arrested and then later charged with “foreign funding” and “subversion.” Nacer was sentenced to prison on November 14, 2021, for one year.<sup>82</sup>

Additionally, in February 2023, the president announced Law No. 23 – 01, modifying existing Law No. 05-01, whose objective is to combat money laundering and terrorist financing.<sup>83</sup> The law states that associations must “refrain from receiving any donations or grants considered by law as a crime or misdemeanor, from natural or legal persons or organizations or bodies involved, inside or outside the territory of the Republic, in activities related to terrorist offences.”<sup>84</sup> As the government withholds the right to interpret and judge the activities and objectives of an association/organization according to its law, this often leaves organizations receiving discriminatory treatment. Associations must be given clearance and authorization from the government in order to receive funds or to be given permission to implement activities with foreign funds.<sup>85</sup>

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<sup>77</sup> ARTICLE 19. (2023). *Algeria: On anniversary of Hirak, freedom of association remains at risk*. [online] Available at: <https://www.article19.org/resources/algeria-on-anniversary-of-hirak-freedom-of-association-remains-at-risk/> [Accessed 9 Jun. 2024].

<sup>78</sup> Zeraoulia, F. (2020). The Memory of the Civil War in Algeria: Lessons from the Past with Reference to the Algerian Hirak. *Contemporary Review of the Middle East*, 7(1), p.234779891988978. doi:<https://doi.org/10.1177/2347798919889781>.

<sup>79</sup> Zeraoulia, F. (2020). The Memory of the Civil War in Algeria: Lessons from the Past with Reference to the Algerian Hirak. *Contemporary Review of the Middle East*, 7(1), p.234779891988978. doi:<https://doi.org/10.1177/2347798919889781>.

<sup>80</sup> ARTICLE 19. (2023). *Algeria: On anniversary of Hirak, freedom of association remains at risk*. [online] Available at: <https://www.article19.org/resources/algeria-on-anniversary-of-hirak-freedom-of-association-remains-at-risk/> [Accessed 9 Jun. 2024].

<sup>81</sup> News24. (2021). *Algeria arrests 8 over 'foreign-funded' protest-linked group*. [online] Available at: <https://www.news24.com/news24/africa/news/algeria-arrests-8-over-foreign-funded-protest-linked-group-20210420> [Accessed 9 Jun. 2024].

<sup>82</sup> This document has been provided by the International Center for Not-for-Profit Law (ICNL). (1990). Available at: [https://icnl.org/wp-content/uploads/90-31-En.pdf?\\_ga=2.101373443.381122202.1714255006-2086714009.1714255006](https://icnl.org/wp-content/uploads/90-31-En.pdf?_ga=2.101373443.381122202.1714255006-2086714009.1714255006) [Accessed 9 Jun. 2024].

<sup>83</sup> This document has been provided by the International Center for Not-for-Profit Law (ICNL). (1990). Available at: [https://icnl.org/wp-content/uploads/90-31-En.pdf?\\_ga=2.101373443.381122202.1714255006-2086714009.1714255006](https://icnl.org/wp-content/uploads/90-31-En.pdf?_ga=2.101373443.381122202.1714255006-2086714009.1714255006) [Accessed 9 Jun. 2024].

<sup>84</sup> This document has been provided by the International Center for Not-for-Profit Law (ICNL). (1990). Available at: [https://icnl.org/wp-content/uploads/90-31-En.pdf?\\_ga=2.101373443.381122202.1714255006-2086714009.1714255006](https://icnl.org/wp-content/uploads/90-31-En.pdf?_ga=2.101373443.381122202.1714255006-2086714009.1714255006) [Accessed 9 Jun. 2024].

<sup>85</sup> This document has been provided by the International Center for Not-for-Profit Law (ICNL). (1990). Available at: [https://icnl.org/wp-content/uploads/90-31-En.pdf?\\_ga=2.101373443.381122202.1714255006-2086714009.1714255006](https://icnl.org/wp-content/uploads/90-31-En.pdf?_ga=2.101373443.381122202.1714255006-2086714009.1714255006) [Accessed 9 Jun. 2024].

## The United Nations

On 27 March 2023, the Human Rights Council adopted the Universal Periodic Review outcomes of Algeria. The review witnessed 290 recommendations being made; 216 were accepted; 55 were allegedly implemented, and 70 were object for reservations.<sup>86</sup> The document expresses “Algeria’s efforts in the field of promoting human rights, particularly in the frame of the 2020 Constitution.”<sup>87</sup> The document also states: “It was noteworthy that there were no restrictions on the funding of civil society organizations.”<sup>88</sup>

However, in Geneva, on 22 February 2023, *the Special Rapporteur on the Situation of Human Rights Defenders*, Ms Mary Lawlor, who is part of the Special Procedures of the Human Rights Council, stated: “We have been sharing strong concerns over numerous provisions of the Algerian law on associations (12/06), which contradict international human rights law.”<sup>89</sup> Lawlor’s statement was in reference to Algeria closing two crucial organizations for human rights associations: la Ligue Algérienne pour la Défense des Droits de l’Homme (LADDH) and le Rassemblement Actions Jeunesse (RAJ).<sup>90</sup> It was concluded by Mary Lawlor on 5 December 2023 at Algiers that the Algerian government is using laws that were constructed to combat terrorism to violate human rights and create fear in human rights defenders.<sup>91</sup>

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<sup>86</sup> United Nations. (2023). *Human Rights Council Adopts Universal Periodic Review Outcomes of Indonesia, Algeria and the United Kingdom*. [online] Available at: <https://www.ohchr.org/en/news/2023/03/human-rights-council-adopts-universal-periodic-review-outcomes-indonesia-algeria-and> [Accessed 9 Jun. 2024].

<sup>87</sup> United Nations. (2023). *Human Rights Council Adopts Universal Periodic Review Outcomes of Indonesia, Algeria and the United Kingdom*. [online] Available at: <https://www.ohchr.org/en/news/2023/03/human-rights-council-adopts-universal-periodic-review-outcomes-indonesia-algeria-and> [Accessed 9 Jun. 2024].

<sup>88</sup> United Nations. (2023). *Human Rights Council Adopts Universal Periodic Review Outcomes of Indonesia, Algeria and the United Kingdom*. [online] Available at: <https://www.ohchr.org/en/news/2023/03/human-rights-council-adopts-universal-periodic-review-outcomes-indonesia-algeria-and> [Accessed 9 Jun. 2024].

<sup>89</sup> OHCHR. (2023). *Algeria: UN expert says crackdown on civil society and human rights defenders must end*. [online] Available at: <https://www.ohchr.org/en/press-releases/2023/02/algeria-un-expert-says-crackdown-civil-society-and-human-rights-defenders> [Accessed 9 Jun. 2024].

<sup>90</sup> OHCHR. (2023). *Algeria: UN expert says crackdown on civil society and human rights defenders must end*. [online] Available at: <https://www.ohchr.org/en/press-releases/2023/02/algeria-un-expert-says-crackdown-civil-society-and-human-rights-defenders> [Accessed 9 Jun. 2024].

<sup>91</sup> United Nations. (2023a). *Algeria: Continued restrictions on human rights defenders undermine social reforms says UN expert*. [online] Available at: <https://www.ohchr.org/en/press-releases/2023/12/algeria-continued-restrictions-human-rights-defenders-undermine-social> [Accessed 9 Jun. 2024].

## Libya

### Brief Libyan political history

Muammar al-Gaddafi seized control over Libya via a military coup in 1969. In 2011, rebel forces assassinated Gaddafi and ended his 42-year reign. Under the dictatorship of Gaddafi, civic society was stifled. The economic development of northwestern Libya, where the capitol, Tripoli, is located, outpaced eastern Libya, where Benghazi is situated.

At the advent of the 2011 Second Libyan Civil War and the assassination of Gaddafi, decades and centuries of religious, political, ideological, and tribal complexities and issues that Libyans and international actors attempted to understand and administrate in the new governance of the country. In western Libya was the Tripoli government backed by the United Nations – Government of National Accord under Prime Minister Fayez al-Sarraj.<sup>92</sup> In eastern Libya was the Tobruk government, administrated by the House of Representatives under Parliamentary Speaker Aguila Saleh and Prime Minister Abdullah al-Thani.<sup>93</sup> The country had two separate governments operating simultaneously from 2015 to 2020.

Since November 2020, the United Nations has facilitated political discussions with 75 stakeholders at the Libyan Political Dialogue Forum (LPDF), which has initiated the replacement of the Government of National Accord.<sup>94</sup> In 2021, the Government of National Unity (GNU) was created as a provisional government to unify the Tripoli and Tobruk governments and foster central governance.<sup>95</sup> The newly appointed interim prime minister is Abdul Hamid Dbeibah – former businessman and associate of Muammar Gaddafi who had been heading the Libyan investment and development holding company, LIDCO, under the Gaddafi regime.<sup>96</sup>

### Financial Law: Presidential Council Decree No. 286.

A governmental department established by the former government in Tripoli – the Government of National Accord (GNA), called the Commission of Civil Society – is responsible under the new government, the GNU, to regulate the operations of civic organizations operating within Libya. All members of the commission are appointed by the Council of Ministers, including its president, vice president, and three members.

The Commission of Civil Society continued a governmental decree by the GNA that was issued in 2019, called the Presidential Council Decree No. 286.<sup>97</sup> The commission has the following responsibilities.

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<sup>92</sup> L. Jacobs, A. (2022). *Libya Backslides as Two Governments Vie for Power, Again*. [online] Arab Gulf States Institute in Washington. Available at: <https://agsi.org/libya-backslides-as-two-governments-vie-for-power-again/> [Accessed 9 Jun. 2024].

<sup>93</sup> L. Jacobs, A. (2022). *Libya Backslides as Two Governments Vie for Power, Again*. [online] Arab Gulf States Institute in Washington. Available at: <https://agsi.org/libya-backslides-as-two-governments-vie-for-power-again/> [Accessed 9 Jun. 2024].

<sup>94</sup> Human Rights Watch (2022). *Libya: Events of 2021*. [online] Human Rights Watch. Available at: <https://www.hrw.org/world-report/2022/country-chapters/libya> [Accessed 9 Jun. 2024].

<sup>95</sup> Al Jazeera. (2021). *Libya's new PM Abdul Hamid Dbeibeh to visit Turkey*. [online] Available at: <https://www.aljazeera.com/news/2021/4/11/libyas-new-pm-abdulhamid-dbeibeh-to-visit-turkey> [Accessed 9 Jun. 2024].

<sup>96</sup> www.aljazeera.com. (2021). *Abdul Hamid Dbeibah: Who is Libya's new prime minister?* [online] Available at: <https://www.aljazeera.com/news/2021/2/6/abdul-hamid-dbeibah-who-is-libyas-new-prime-minister> [Accessed 9 Jun. 2024].

<sup>97</sup> Elhaq Guerid, A. (2019). *Libya GOVERNMENT OF NATIONAL ACCORD-COMMISSION OF CIVIL SOCIETY*. [online] <https://www.icnl.org>. Available at: <https://www.icnl.org/wp-content/uploads/PC-Decree-286-2019-full-version-EN-1.pdf> [Accessed 26 Jul. 2024].

- Approval or rejection of civic organizations from operating within the country – executive director of the Libyan Center for the Freedom of the Press (LCFP), Mohamed Najem, stated: “We were told that we cannot carry the name Libya in our name and that no NGO can call itself a press freedom NGO. I was told to change the objectives and the name of the organization, and then we will register you.”<sup>98</sup>
- Control of the funding of civic organizations and regulation of civic organizations' financial activities – organizations cannot fundraise within Libya, and fundraising is not allowed for organizations outside of the country when executed in the name of its Libyan organization branch.<sup>99</sup> Secondly, the commission retains the authority to review an organization's financial or administrative documents. This includes a requirement that an organization must notify the commission within up to seven days of funds that will be transferred to its bank account. Upon receiving these funds, the commission retains the authority to approve or reject the organization to receive those funds.<sup>100</sup>

Human Rights Watch director for Libya, Hanan Salah, protested that the GNU's decree needs to be revised or revoked, as it disables organizations from accomplishing humanitarian work.<sup>101</sup> Fourteen Libyan organizations, under the name of The Libyan Platform, contested the Civil Society Commission with the Cairo Institute for Human Rights Studies in a joint letter.<sup>102</sup> It stated that “The Civil Society Commission remains committed to implementing Executive Order 286 issued in 2019, which gives executive authorities arbitrary extensive powers to restrict, suspend and dissolve civil society organizations.”<sup>103</sup>

## Financial aid

Despite the ramifications of the Libyan government's Executive Order 286, the country receives a significant amount of financial support in financial aid from international actors and nation-building assistance from the United States government.

The European Union has spent €94.5 million through its humanitarian partners in providing humanitarian assistance. €5.7 million was spent in response to the Storm Daniel, which occurred in September 2023.<sup>104</sup> Due to an increase in security and migrant complexities in

<sup>98</sup> Human Rights Watch. (2021). *Libya: Draconian Decree Would Restrict Civic Groups*. [online] Available at: <https://www.hrw.org/news/2021/06/04/libya-draconian-decree-would-restrict-civic-groups> [Accessed 9 Jun. 2024].

<sup>99</sup> Human Rights Watch. (2021). *Libya: Draconian Decree Would Restrict Civic Groups*. [online] Available at: <https://www.hrw.org/news/2021/06/04/libya-draconian-decree-would-restrict-civic-groups> [Accessed 9 Jun. 2024].

<sup>100</sup> Human Rights Watch. (2021). *Libya: Draconian Decree Would Restrict Civic Groups*. [online] Available at: <https://www.hrw.org/news/2021/06/04/libya-draconian-decree-would-restrict-civic-groups> [Accessed 9 Jun. 2024].

<sup>101</sup> Human Rights Watch. (2021). *Libya: Draconian Decree Would Restrict Civic Groups*. [online] Available at: <https://www.hrw.org/news/2021/06/04/libya-draconian-decree-would-restrict-civic-groups> [Accessed 9 Jun. 2024].

<sup>102</sup> CIHRS and The Libya Platform (2021). *Libya: Human Rights Briefing (November – December 2020)*. [online] Cairo Institute for Human Rights Studies (CIHRS). Available at: [https://cihrs.org/libya-human-rights-briefing-november-december-2020/?lang=en#\\_ftn5](https://cihrs.org/libya-human-rights-briefing-november-december-2020/?lang=en#_ftn5) [Accessed 9 Jun. 2024].

<sup>103</sup> CIHRS and The Libya Platform (2021). *Libya: Human Rights Briefing (November – December 2020)*. [online] Cairo Institute for Human Rights Studies (CIHRS). Available at: [https://cihrs.org/libya-human-rights-briefing-november-december-2020/?lang=en#\\_ftn5](https://cihrs.org/libya-human-rights-briefing-november-december-2020/?lang=en#_ftn5) [Accessed 9 Jun. 2024].

<sup>104</sup> civil-protection-humanitarian-aid.ec.europa.eu. (2023). *Libya*. [online] Available at: [https://civil-protection-humanitarian-aid.ec.europa.eu/where/middle-east-and-northern-africa/libya\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/where/middle-east-and-northern-africa/libya_en) [Accessed 9 Jun. 2024].

Libya, the country has required further assistance – approximately 706,000 migrants now exist in Libya, originating from across 44 countries.<sup>105</sup>

The United States Agency for International Development (USAID) partners with various civic organizations, the private sector, and institutions in Libya. Tens of millions of U.S. Dollars have been spent thus far. Sponsored by DAI Global, LLC – a global development institution based in Maryland, USA, \$56.4 million has been spent on local governance and civil society in Libya. The project supposedly strengthens the relationship between government institutions and civil society.<sup>106</sup>

USAID is committed to the long-term economic, security, development, political, and governance stability of Libya. In their *Country Strategic Framework 2021-2024* – an outline of their strategy toward Libya – they mentioned they are committed “to address emergent opportunities while ensuring that programming and resources are reaching intended beneficiaries for their intended development purpose.”<sup>107</sup>

Other American partners, such as The Pragma Corporation, implement other projects under USAID. They are contracted by a project called *Libya Public Financial Management*. The project costs up to \$33 million – helping to strengthen Libya’s macroeconomic growth.<sup>108</sup>

### State corruption

Libya’s state corruption appears to be one of the reasons for its lack of appetite to enable NGOs to operate in the country, especially organizations that promote human rights and provide humanitarian assistance. Despite multi-millions from international actors being funded into Libya’s development through foreign aid, very little is done to address the issue of Kleptocracy in Libya. *The Sentry*, an investigative and policy organization, issued a report called *Libya’s Kleptocratic Boom*. The report concludes that money laundering by Libya’s government officials will persist unless its political institutions are no longer divided but rather strengthened.<sup>109</sup> Government officials have taken advantage of its broken financial system, which has created a black market and money laundering, undermining the very problems that its financial aid is supposed to resolve. International actors should resolve these issues to ensure that the privatization of public funds is diverted back to Libyan society. Without addressing the issue of state corruption through diplomatic negotiations when foreign aid is distributed, either from the EU or USAID, there should likewise be diplomatic efforts to promote NGOs that can contribute to the humanitarian aid and development of Libya.

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<sup>105</sup> civil-protection-humanitarian-aid.ec.europa.eu. (2023). *Libya*. [online] Available at: [https://civil-protection-humanitarian-aid.ec.europa.eu/where/middle-east-and-northern-africa/libya\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/where/middle-east-and-northern-africa/libya_en) [Accessed 9 Jun. 2024].

<sup>106</sup> [www.usaid.gov](https://www.usaid.gov). (2022). *Our Work | Libya | U.S. Agency for International Development*. [online] Available at: <https://www.usaid.gov/libya/our-work> [Accessed 9 Jun. 2024].

<sup>107</sup> Anon, (n.d.). *COUNTRY STRATEGIC FRAMEWORK 2021-2024*. [online] Available at: [https://www.usaid.gov/sites/default/files/2022-05/USAID\\_Libya\\_Strategic\\_Framework\\_Final.pdf](https://www.usaid.gov/sites/default/files/2022-05/USAID_Libya_Strategic_Framework_Final.pdf) [Accessed 9 Jun. 2024].

<sup>108</sup> [www.usaid.gov](https://www.usaid.gov). (2022). *Our Work | Libya | U.S. Agency for International Development*. [online] Available at: <https://www.usaid.gov/libya/our-work> [Accessed 9 Jun. 2024].

<sup>109</sup> The Sentry. (2023). Available at: <https://thesentry.org/wp-content/uploads/2023/11/KleptocraticBoom-Nov2023-final.pdf> [Accessed 9 Jun. 2024].



## ***Recommendations***

### **1. Smaller organizations discussing partnership with USAID**

In the Libyan report, it was stated that USAID partners with multiple American non-governmental organizations and national Libyan institutions. Despite the restrictions NGOs encounter with the Libyan government, tens of millions of US dollars have been contracted through the United States Government and the partners of USAID to operate within Libya.

Due to the USAID contracts in Libya, its partners would have bypassed the discriminatory behavior and bias other NGOs would encounter, prohibiting the organization from operating in the country. Libya is only one case study in this anthological report, in which USAID operated in a country.

Moreover, in countries where the United States might have similar contracted projects, it might be in the best interest of smaller organizations to discuss with government officials and the United States Agency for International Development and to review opportunities and possibilities for that organization to likewise partner with USAID within that country.

### **2. Organization name**

Organizations that have ideological or religious undertones or connotations that are contrary to the ideology or religion of the country they are applying to are likely to experience delay or refusal to operate in that country. Organizations that have ideological or religious undertones or connotations that would like to operate in a country where their organization name conflicts with the ideology or religious values of the country should explore ways so that would less likely be an issue.

### **3. Diplomatic negotiations**

Several countries in this report receive foreign funding – whether from the United States or the United Kingdom. Foreign funding should be given to countries with conditions that are conducive to the advancement of human rights and humanitarian activities. NGOs should discuss and reexamine with government officials and departments what conditions can be implemented that would be favorable to the advancement of human rights and humanitarian activities. Though this would not be a simple or easy objective to meet, it should be a long-term objective of NGOs that work with their respective governments.

It appears that green and sustainable agendas have taken precedence over human rights and humanitarian programs, as examined in the India report in the UK-Indo-Pacific Region Development Partnership. NGOs should work long-term through discussions with their government or campaign so they can have valuable input in future conditions of foreign aid.



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