Comparative analysis of legal frameworks governing NGO in Egypt with applications from global practices

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The American University in Cairo

School of Global Affairs and Public Policy

COMPARATIVE ANALYSIS OF LEGAL FRAMEWORKS GOVERNING NGO IN EGYPT WITH APPLICATIONS FROM GLOBAL PRACTICES

A Thesis Submitted to the

Public Policy and Administration Department

in partial fulfillment of the requirements for the degree of Master in Public Policy and Administration

By Maha Ismail
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**Acronyms**

NGO: Non-Governmental Organizations  
ICT: Information and Communication Technology  
CSO: Civil Society Organizations  
UN: United Nations  
NPO: Not for Profit Organizations  
GONGO: Government Organized NGO  
SCAF: Supreme Council of the Armed Forces  
MOSS: Ministry of Social Solidarity  
EIPR: Egyptian Initiative for Personal Rights  
ANHRI: Arabic Network for Human Rights Information  
CIHRS: Cairo Institute for Human Rights Studies  
CCOAIB: Conseil de Concertation des Organisations d'Appui aux Initiatives de Base  
CIVICUS: World Alliance for Citizens Participation  
EHAHRDP: East and Horn of Africa Human Rights Defenders project  
ACCU: The Anti-Corruption Coalition in Uganda  
IKCRMS: Ibn Khaldoun Center for Research and Maghrebi Studies  
NDI: National Democratic Institutions  
USAID: United States Agency for International Development  
ICCPR: International Covenant on Civil and Political Rights  
ACHPR: African Charter on Human and Peoples’ Rights  
SME: Small and Medium Enterprise  
MENA: Middle East and North Africa  
HRAPF: Human Rights Awareness and Promotion Forum  
OPHRD: Observatory for the Protection of Human Rights Defenders
COMPARATIVE ANALYSIS OF LEGAL FRAMEWORKS GOVERNING NGO IN EGYPT WITH APPLICATIONS FROM GLOBAL PRACTICES

Maha Ismail

Supervised by Professor Artan Karini

Abstract

In recent decades, Non Governmental Organizations (NGOs) have become the flag barriers of political and social freedom, poverty alleviation, and empowerment of the poor and marginalized, as well as champions of democratization in the third world. There is an argument raised by scholars (Li, 2011, Bloodgood, 2014, Ruffner, 2015), experts, and practitioners that one of the most important elements that hinder NGOs from reaching their full potential is the legal framework regulating the operations of NGOs. This research analyzes the legal framework of selected countries from Africa, the Middle East, the United States of America as well as China, and highlights lessons learned and potential applications to the Egyptian context. 11 semi-structured interviews were conducted with selected active NGOs executives and practitioners to understand the impact of the legal framework on NGOs establishment and operations. The research findings revealed the strengths and weaknesses of law number 84 for the year 2002 and law of 2016 as perceived by NGOs. It also showed that the relation between government and NGOs not only affected the establishment of the legal framework and whether it is enabling or restricting, but also impacted the implementation of the law. It was evident that one of the major factors affecting the operations of NGOs was how the law was implemented, rather than the law articles. The eight investigated countries represent three continents, however there were commonalities between the governing laws concerning registration, funding and dissolution.
Based on the outcome of the comparative study and interviews, the research presents a general review of the current status quo. This research can be used by other researchers as a starting point for a more in-depth study of the legal framework so as to better enable NGOs to play an active role in the development of Egypt.

*Key words: NGOs, legal framework, comparisons*
Introduction

The rise of NGOs and the increased attention it has been gaining over the past few decades, is due to a “crisis of the state”, which refers to the disappointments over the progress of government led developmental activities (Salamon, L.M & S.W. Sokolowski, 2004). When compared to governments, NGOs are viewed by some scholars and funding agencies to be relatively efficient, independent, flexible and responsive. It is through those characteristics that NGOs are able to reach the poor, work in inaccessible areas and use their resources to complement development efforts of others (de Tray, 1990; Salamon & Anheier, 1991). However, NGOs are still plagued with challenges such as credibility, legitimacy and accountability (Slim 2002 & Lee, 2004).

Egyptian NGOs have made important contributions to the development of the country. The NGOs efforts and services were diversified; they were involved in projects related to alleviating poverty in the poorest of villages, working with youth, empowering women, healthcare, education and promoting civic rights. These are only a handful of the NGOs efforts, which established their role in society as a force for development. Furthermore, after the January 25th uprising in 2011, Egyptian NGOs utilized their resources to track military trials of civilians, to launch campaigns to educate voters, as well as to monitor elections to ensure fairness. The Arab Spring movements across the MENA region provided NGOs with the opportunity and platform to orient citizens of their civil rights, and to exert pressure on decision makers and government officials to move towards more democratized societies. However, there are arguments that the legal framework regulating the work of NGOs is used to control and manipulate NGOs (Cofman 2013).
Hence, it was significant to study the legal framework governing the operations of NGOs in Egypt. Egypt, has over 40,000\(^1\) NGOs working across different developmental areas in all governorates, having an enabling law will enhance the performance of NGOs and can encourage the establishment of more. Due to the current economic situation, the government shouldn’t be the major provider of jobs, healthcare, education among others. This is why NGOs need to step up and assume greater responsibility and to play a more dynamic role in the different aspects of national development. However, this will only happen when NGOs are enabled to perform.

The research investigated the Egyptian NGOs laws from Nasser’s regime to date, with a focus on law number 84 for the year 2002 and the law of the year 2016. The research also investigated the laws regulating NGOs in seven countries representing three continents. This part of the research was very important, since it provided a diversity of different global experiences, allowing for a wider perspective and context when investigating the law of 2016 and constructing lessons learned. An analysis of the literature review and interviews was conducted and findings identified. Although, the results were informative, there were limitations related to time and access to have a representative sample of NGOs population, which will be discussed later on in the research methodology chapter.

This research is divided into five chapters. The first chapter is the Literature Review, which investigates the legal framework of seven countries. Three African countries are included: Rwanda, Uganda and Ethiopia. Two countries representing the Middle East: Algeria and Lebanon. Lastly, China was selected to represent Asia and the US for North America. The reason for selecting these regions of the world and those specific countries is also discussed in this chapter. The second chapter, Egypt’s Country Context examines the laws governing NGOs in Egypt since the 1952 Revolution to date. The third chapter is the

\(^1\) http://nsnbc.me/2014/10/25/egypt-40k-ngos-registered-deadline-approaches/
Research Methodology, which depicts the philosophy guiding this research, the type of data that was collected, how the data was collected and analyzed, as well as how the researcher ensured the validity and reliability of the qualitative research. This chapter also includes a brief background of interviewed NGOs as well as research limitations. The fourth chapter, Discussion of Findings, is the analysis of the data from the literature review and the interviews that were conducted. In this chapter, key comparison areas are set, in addition to an analysis of both the Egyptian Law no. 84 of 2002 and the new law of 2016. The fifth and last chapter is the Conclusion which encompasses the research findings. This chapter includes key lessons learned from studied laws and expert opinions and the potential application of the findings to the Egyptian context.

Research Objective

As stated in the introduction section, the purpose of this research is to present a snapshot of the current legal framework governing the operations of NGOs in Egypt, while investigating the regulations of selected countries and highlighting lessons learned. The findings of primary and secondary data are analyzed and conclusions are drawn, which could provide a base for further research on the issue.

Research Questions

The main question in this research is: how does the legal framework, as compared to global practices and based on perception of civil society experts, affect the operations of NGOs in Egypt?

To be able to answer this question, three sub questions below are addressed as follows:

- How do NGOs view law no. 84 of 2002?
- How do NGOs view the new law of 2016?
What specific lessons could be drawn out of the analysis of select countries that could apply to the Egyptian context?

Chapter 1: Literature Review

1.1 Defining Non Governmental Organizations

The term "non-governmental organization" was first used in 1945 after the creation of the UN. At the time, the UN recognized NGOs to be organizations which can support the UN in consulting projects and services (Article 71). NGOs are considered to represent a specific sub-set of third sector organizations (Lewis, 2007, p. 14; Viterna, Clough, & Clarke, 2015). Third sector organizations refer to both a group of organizations and a social space which represents a wide range of organizations concerned with a perplexing variety of human interests.

There are two main approaches adopted by some scholars when attempting to define NGOs. The first approach is from a legal perspective, where NGOs are defined as “Groups of individuals organized for the myriad of reasons that engage human imagination and aspiration” (Charnovitz, 1997, p. 186). Scholars like Charnovitz document the rise of NGOs, from the early stages of formed groups opposing human injustice, to peace in the era of League of Nations, to the formal creation of NGOs under the UN Charter.

The second approach is concerned with defining NGOs in relation to development from both social and economic perspectives. For example, Vakil (1997), proposes that NGOs are best understood as ‘self-governing, private, not-for-profit organizations that are geared to improving the quality of life for disadvantaged people’.

Salamon and Anheier (1992) analyzed the different approaches to defining NPOs and recognized that NPOs are defined either from a legal perspective, focusing on legal frameworks within different countries, economic views related to how organizations are funded, or functional perspective based on type of activities adopted by organizations.
Accordingly, Salamon and Anheier (1992) have developed what they termed as a “Structural/Operational” definition, which they based on the observable features of an organization. According to Salamon and Anheier (1992), NPOs are formal, private, non-profit distributing, self-governing and voluntary. Vakil (1997) argues that out of all definitions found in literature, Salamon and Anheier’s (1992) definition is the best fit to define NGOs as well.

1.2 The Need to Reform Laws Regulating the Work of NGOs

Governments have great power over NGOs through the laws they pass or administer. The rationale of these laws differs from country to country, although the concept of national security and countering terrorism are found to be most common (Moore, 2006). They can either support or hinder them through the laws and regulations that they use to establish them, to direct their activities, to tax them, to allow them access to funds (public, local, and foreign), to entail them to report, to audit them, and to involve them, or refuse to involve them, in government projects and policies, dissolution or creating quasi-governmental organizations or GONGOs which take the form of NGOs but are ultimately the tools of government (Bratton, 1989). Moreover, they can also have great influence in molding the kinds of NGOs they want (Herbert, 2015).

The relationship between NGOs and government tends to be a complex one and can be better characterized as “uneasiness” (Kudva, 2008). On the one hand, governments encourage NGOs in their social developmental efforts; subcontract them to implement projects where the state does not necessary have the outreach, know-how or qualified manpower. On the other hand, governments are conflicted as to why they should create a legal framework that protects organizations which have not been approved by a democratic process or voted upon; sometimes NGOs compete for funding with governmental agencies, and in many cases oppose and challenge government policies (Matei, 2014).
However, NGOs have the capacity to play a supporting role in the development of social and political spheres as well as economic development. NGOs can promote freedom of association, pluralism, social stability as well as provide support for a market economy (Momen & Brown, 2002). All of this and more should encourage governments to develop laws that support creating an enabling environment for NGOs to operate and grow. Adopting a fair legal framework that can guide the operations of NGOs is considered a key factor to the development and growth for this segment of the third sector (ibid). The legal framework usually addresses elements like registration, mandatory or not, funding (local and foreign), auditing, termination, freedom of association and criminal sanctions. These elements have the capacity to enable or restrict the growth of NGOs. Upon the exploration of these sections within the regulatory frameworks of NGOs in the region, it was found that the diversity of laws span between extremely repressive to excessively liberal (El Bayar, 2005). For example, a country like Egypt, with an average of 40,000$^2$ registered NGOs, is widely different from a country like Saudi Arabia, which bans almost all forms of private associations (Macfarquhar, 2005). Although, there are variations in the laws from one country to another, there are some underlying themes that emerge. For example, the laws are often ambiguous and unclear in their definitions, especially the articles specifying reasons to dissolve NGOs. Moreover, the general sense when reviewing these laws is that there is a tendency, from the government, to control the operations of NGOs rather than to regulate it (El Bayar, 2005).

1.3 National Legal Frameworks of NGOs

The purpose of this section is to showcase current legal frameworks governing the operations of NGOs for selected countries. It provides an opportunity to learn from the experiences of different countries to strengthen the development of NGOs.

[^2]: [http://nsnbc.me/2014/10/25/egypt-40k-ngos-registered-deadline-approaches/]
The nature of how governments are formed in selected countries impacts the kind of laws that have been developed. Some are enabling and others are restrictive and controlling. It is to be noted that the constitutions of many of the selected countries protect civil, political and economic freedom, regardless of current ruling regime. In countries where the relation between the government and civil society, NPOs and NGOs are collaborative, the legislative laws are aligned with the constitution. In countries where the relation is strained and suspicious, legislations do not necessarily align with the constitution, and accordingly the legal framework can be described as “Repressive” (Moyo, 2009).

In the coming section, the governing legal framework in selected countries in Africa, the Middle East, China and the US are explored. The following table shows basic information for each of the selected countries:

<table>
<thead>
<tr>
<th>Country</th>
<th>Population</th>
<th>Area (sq. KM)</th>
<th>GDP per Capita</th>
<th>Literacy</th>
<th>No. of NGOs</th>
<th>Laws issue Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td>40,263,711</td>
<td>2,381,740</td>
<td>$15,000</td>
<td>80.2</td>
<td>93,654</td>
<td>2012</td>
</tr>
</tbody>
</table>
| China   | 1,373,541,278 | 9,596,960 | 15400          | 96.4      | 1,920,000   | Local NGOs: 2016  
Foreign NGOs: 2017 |
| Egypt   | 94,666,993  | 1,001,450     | $12,100        | 73.8      | 40,000      | 2016           |
| Ethiopia| 102,374,044 | 1,127,127     | $1,900         | 49.3      | 3,181       | 2009           |
| Lebanon | 6,237,738   | 10,400        | $18,500        | 93.9      | 8,000       | 1909           |
| Rwanda  | 12,988,423  | 26,338        | $1,900         | 70.5      | 170         | 2012           |
| Uganda  | 38,319,241  | 236,040       | $2,100         | 78.4      | 3,195       | 2016           |
| United States | 323,995,528 | 9,631,420  | $57,300       | 97        | 1,500,000   | 1986 (last update) |

*Figure 1. Overview of selected countries. Author’s compilation. Data for all countries are from CIA Fact Book (2017) and ICNL (2017).*

The decision to examine the legal framework governing NGOs in Africa and its impact was due to their role in development and welfare services which goes back to the pre-colonial era. These were challenging times, when many governments failed to provide basic services to their citizens (Manji & O’Coill, 2002). During the colonial eras, colonial leaders neglected the social welfare of the citizens and mainly focused on the exploitation of the
colony (ibid). This represented an opportunity for NGOs operating in the continent to play this developmental role (Michael, 2004).

Moreover, to date, Africa is still classified as the poorest continent. Many countries in the continent are plagued by diseases like HIV-AIDS, cholera, malaria as well as hunger and political turbulences (Shah, 2009). With such challenges, the role NGOs can play to ease the impact of such sufferings is crucial. Hence, it was important to investigate the current legal framework regulating the operations of NGOs, since many African countries share similarities with Egypt. For instance, similarities include: the history of occupation, the economic situation which entails a contribution from NGOs to support the government development activities, and lastly the geographic location.

The inclusion of NGOs in the Middle East was also important to explore, like Africa, Egypt shares a number of commonalities with many countries in the region. For example, commonalities include: occupation in a similar manner to Africa, language, culture and religion. For many countries in the Middle East, the occupation period represented a turning point for the evolution of civil society (Vallianatos, 2013). Before the occupation, civil society was comprised of community based groups, religious charitable organizations, while tribes led citizens in rural areas. The introduction of modern civil society concepts brought by Europeans, led to the creation of secular and politicized institutions such as trade unions and cultural and sports clubs. After the independence of Middle Eastern countries, civil society was controlled to a large extent by the nationalist and reformist regimes (ibid).

The late 70s witnessed an impressive increase in the number of NGOs in may countries in the Middle East as a result of the economic and political liberalization (Ibrahim, 2005). However, this liberalization was not present in all sectors and it was still overshadowed by government control, which encouraged NGOs but only in relation to their
own developmental agendas. Oppression, harassment and harsh legal frameworks prohibited NGOs from operating properly (Hawthorne, 2004).

Another important aspect of NGOs in the Middle East is the increase of religious associations, such as the Muslim Brotherhood in Egypt and Islamic Salvation Front in Algeria, which had an abundance of funding and was active in many clusters (e.g. human rights and criticizing government policies). However, their contribution to the democratization movement is complex (Kepel, 2002).

The 90s witnessed a rise of small pro-democracy NGOs, which were promoting political reforms. However, due to government oppression and restrictive legal frameworks these associations were unable to effectively play a role in the reform process (Kubba, 2008, p.28-29; Al Nosour, 2011). Any success stories were merely due to personal connections within the government.

Over the past decade, many countries in the Middle East, such as Egypt, Tunisia, Jordan and Morocco, witnessed numerous protests and strikes. Countries like Jordan and Morocco were able to introduce reforms which satisfied their citizens, while countries like Egypt and Tunisia failed to do the same which led to the failing of their regimes after dramatic demonstrations, which is widely referred to as “the Arab Spring” (Brown, 2012).

It is important to note that in the years leading up to the “the Arab Spring,” NGOs played a role in creating awareness among the public on practicing their rights to protest against injustice (El Agati, 2013). Despite the difficult political situation, NGOs contributed to the success of the uprisings across the region and the following transition phase, whether through filling the gap of the declining role of the government, raising awareness of human rights violations, supporting social movements that were calling for change and democratization (e.g. Kifaya and the National Association for Change in Egypt) through opening their offices to activists and protestors as meeting locations, as well as providing
research expertise and legal counseling (Glasius & Ishkanian, 2014). Moreover, NGOs acted as historians in documenting the progress of the uprisings.

In the case of Egypt, right after the Arab Spring, the efforts to silence civil society had reached unprecedented levels, many foreign funded NGOs offices were raided and employees imprisoned (Behr & Siitonen, 2013, p.15). The SCAF and interim cabinet launched smearing campaigns accusing NGOs of supporting foreign agendas; they have created an environment of fear in the country. NGOs existed in fear of government retaliation and ordinary citizens have been affected by this as they feared and mistrusted NGOs and their activities (Newby, 2012).

A country like Tunisia which was moving towards more democratized regimes, witnessed an increase in the number of NGOs (Meltz, 2016). In Tunisia for example, the government introduced a new progressive regulatory framework governing the operations of NGOs, which was adopted on September 24, 2011. In 2015, a coalition of Tunisian NGOs won the Nobel Peace Prize for the coordination of CSO leading to a peaceful uprising (ibid).

However, the situation in other Arab Spring countries remains unclear. The current status quo, with its uncertainties will require NGOs in Arab Spring countries to play a larger role today than ever before (Yom, 2015). While NGOs are promoting for democratic structures, they need to ensure that these practices (transparency, accountability, inclusion and equality) are upheld in their own internal operations, to gain the trust of the citizens (Halaseh, 2011, p.271-272). Moreover, NGOs need to work more closely with youth, and educate them on constructive ways for political negotiation and to manage expectations. They also need to channel the opinions of the citizens they serve to reach concerned government officials, as well as to work towards increasing civic engagement (ibid).

However, the regulatory framework can be used to restrict the operations of NGOs in the region. NGOs in countries like Tunisia and Morocco had to be creative to overcome the
obstacles that the laws presented in order to operate successfully (Newcomb, 2009). In Tunisia, an NGO such as Enda has succeeded in establishing itself as a micro-finance agency. This provided a source of funding to cover their operational expenses including employee’s salaries, and gave them the freedom to choose the programs which align with their career development and market readiness programs, which are their areas of focus (ibid). This way, Enda was successful in overcoming the pressure of accepting any presented programs to cover their costs. In Morocco, the Najah Belghazi center, which is run by volunteers and which provides free legal advice to domestically abused women, succeeded in overcoming their lack of international connections through participating in international conversations on women’s rights. This allowed them to create their own network and visit their counterparts around the world and share experiences (ibid p.98).

This research study also includes representation from Asia due to its diversified cultures and economic development. Therefore, China was selected to be part of this research. The evolution of Chinese civil society and NGOs is noteworthy, especially with the development of NGOs during both China’s civil war and its war with Japan (Zhang Yi, 2003). At the time Mao Zedong came to the conclusion that the Chinese Communist Party must form coalitions with other associations against Japan and Kuomintang (ibid). Mao stated that “The task of the Communist Party as well as people of the whole country is to unite with all progressive anti-Japanese forces, and to oppose retrogressive and surrendering forces…For the objective of fighting the Japanese invaders, it is necessary to have the unity and progress of everybody in the country.”

China’s efforts towards modernization and economic reform in the past 40 years or so provided an opportunity for NGOs to grow in number and to develop. The need for social

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3 On Unite with All the Anti-Japanese Forces, Oppose Counter Communist Hardliners, Selected Works of Mao Zedong, Vol. 2
services, which were not completely fulfilled by the government, as well as citizens’ aspirations to organize their own institutions in a way that can influence policy making, was the corner stone for the evolution of NGOs (Simon, 2013).

Furthermore, the development of a legal framework governing the operations of NGOs in China, as well as revisiting the laws to make it less restrictive over the years indicates how dynamic and effective the civil society is becoming (ibid).

The inclusion of the US as part of this research was due to the country’s vibrant civil society that dates back before its independence on July 4, 1776. This is evident from the famous quote of Alexis de Tocqueville, the French politician who stated that “Americans of all ages, all stages of life, and all types of disposition are forever forming associations.” This dates back to the “Gospel of Wealth,” and the obligation of the rich to give back to society.

The growth and development of NGOs in the US was due to the country’s belief of the importance of citizen participation, freedom of action, community engagement, and responsibility. Scholars such as Claire Gaudiani (2010), argue that the US would not have achieved its current economic development and high standards of living without the contribution of civil society in the development process.

As stated earlier in the abstract, understanding the legal and regulatory framework of NGOs for selected countries and the potential applicability of the lessons learned in the Egyptian context, is the focus for this research. Thus, CIVICUS country reports are cited in this research in relation to Ethiopia, Rwanda, Uganda, Algeria and Lebanon. CIVICUS reports presented thorough and updated information, in addition to showcasing threats like harassment, restricting demonstrations, imprisonments and physical threats on civil society activists.

Apart from the US and Lebanon, all studied countries have reviewed and changed their legal framework governing NGOs between the years 2009-2016. This represented an
opportunity for the research to investigate if these countries are moving towards a more enabling environment or not. So, besides occupation, geographic location and culture, how recent the regulatory framework have been revisited was the last criteria for selecting these countries.

1.3.1 Africa

Political liberation in a number of African countries was supported by citizen’s movements, religious organizations and different groups from civil society (Moyo, 2009). The role civil society played in dismantling colonialism and apartheid regimes cannot be ignored. This is true not only in Africa, but also in other parts of the world such as in Central and Eastern Europe (ibid). This is why it was important to select African countries and explore the progress in the relation between NGOs and government, within changing political, social and economic spheres.

In this part, the cases of Rwanda, Ethiopia and Uganda are reviewed. These countries were selected due to their recent efforts to re-visit the laws governing the operations of NGOs.

Rwanda

Before the start of the civil war in 1994, there were a large number of religious formations and NGOs who were involved in the development process across the country, following a bottom up approach. The government authorities at the time were in support of these developmental activities, but the war and genocide intervened with these hopeful beginnings (Kumar, 1996).

Looking into the current governing law in Rwanda, new laws were passed in 2011 governing national NGOs (Law 04/2012), international NGOs (Law 05/2012) and religious based organizations (Law 06/2012). The new governing laws were widely discussed with local and international civil society organizations and experts. The new set of laws, though
not perfect, represents a positive step towards an enabling environment which encourages NGOs to perform (ICNL 2013d). The national NGOs law limits the government’s power to deny registration, and developed procedures which allow NGOs to play a role in the development of policies and legislations (CCOAIB 2011). The registration process itself as depicted in the legal framework is perceived as simple with minimum requirements (ibid), however, others still claim that the registration as well as reporting tools are lengthy and time consuming (Freedom House, 2013e), especially with many governmental institutions supervising the operations of NGOs and requiring periodical reports. The international NGOs law is similar to a great extent to local NGOs law, although it requires a 30% limit on administrative expenditure. Furthermore, NGOs and human rights organizations must register as members at the National Civil Society Platform. There are no constraints governing funding or allocation of resources, local or foreign (The protection project, 2014).

In the case of Rwanda, in spite of having a relatively strong legal framework, NGOs that work on issues such as human rights, advocacy or who openly criticize the operations of the government, are threatened to be prosecuted with severe legal actions (Bertelsmann Stiftung, 2012c). While the government opposes the involvement of civil society and NGOs that openly challenge it (Bertelsmann Stiftung, 2012c), the government is more lenient in accepting the involvement of civil society and NGOs in the development of policy making (Freedom House, 2013e).

Both, CIVICUS and EHAHRDP in their universal periodic review submitted to the UN on March 23, 2015, urge the government to create a fully enabling environment for journalists, human rights defenders, and NGOs, to allow them to operate in accordance with the rights secured by the Rwandan Constitution and the UN Declaration on Human Rights Defenders.
As stated above, the government shows tolerance only when local NGOs and international NGOs take on projects as service delivery and integrate their activities into institutionalized development implementation programs (Bertelsmann Stiftung, 2016).

**Ethiopia**

The Ethiopian Charities and Societies Proclamation was introduced in 2009. The main focus areas of the Proclamation were to decrease the dependency on foreign funding, enforce NGO accountability, and minimize foreign meddling in political activities (Geset, 2009). The Proclamation classifies not-for profit organizations into two types, the first is charities, and the second is societies. Charities are split into endowments, institutions, trusts and societies. Societies are defined as “organizations or individuals established on a non-profit making and voluntary basis” (Article 55).

However, before the law was approved, the government presented it to the community for discussion. A number of NGOs provided proposed amendments and met with the Prime Minister more than once to listen to their concerns. Yet, the draft did not change and the government announced that the law did not violate any of the articles in the Ethiopian constitution (Moyo, 2009).

The law differentiates between Ethiopian, Ethiopian Resident and Foreign Charities and Societies. Organizations working in more than one district of the country, and/or those which receive more than 10% of their funding from foreign sources are obligated by Federal Law to register with the Charities and Societies Agency (ChSA) which is accountable to the Ministry for Federal Affairs (Yalemzewd et al. 2009). Afterwards, organizations are then classified as either a charity or a society. Organizations which receive more than 90% of its funding from within the country are referred to as “local” organizations. NGOs which receive more than 10% of its funding from sources out of the country are referred to as “resident” organizations. NGOs which are based outside of the country are referred to as
“international” organizations (ibid). Registration of a charity or society can be rejected if the purpose of creation is perceived to jeopardize public peace, ethics or is considered illegal. The Proclamation allows only local charities and societies to be involved in the enhancement of human and democratic rights. As such, local charities and societies cannot receive more than 10% of its funding from international donors (Herbert, 2015). However, some were successful in receiving exemptions from the government, which recognized the need to collaborate with civil society to achieve its own goals.

The Ethiopian government issued the anti-terrorism proclamation in 2009. One of the articles of that law states that if a protest is blocking access to a public entity, then it will be considered as an act of terrorism, which can result in imprisonment of up to 20 years. Subsequently, this weakens Ethiopian citizens’ freedom of association (Sekyere & Asare, 2016).

Meles Zenawi, the Prime Minister at the time, appeared in a BBC interview on April 2, 2009, and responded to a question regarding the NGO law and how it weakened the freedom of civil society, by emphasizing that the law does not undermine the independence of NGOs, and that it merely controls the foreign funding of politically active Ethiopian NGOs (Badawi, 2009).

There is no consensus on the efficiency of the 2009 Proclamation on its ability to create an enabling environment for NGOs to operate. The number of NGOs working in the field of human rights has decreased significantly (Yeshanew, 2012). This decrease is especially prevalent for the ones who receive foreign funding and the delay of adopting the 2009 Proclamation restricted observations of the 2010 parliamentary elections (Milofsky, 2010). In 2012, the government shutdown 10 NGOs, claiming that these NGOs were advocating for inappropriate activities and an additional 400 NGOs received warning letters (Sudan Tribune, 2012). Bank accounts of other NGOs were frozen due to foreign funding.
issues (Deutsche Welle, 2012). Moreover, and since the law was put into place, at least seventeen NGOs in Ethiopia have changed their operations from human rights to developmental work as a result of financial issues (Amnesty International, 2012, p.12).

Although, over 3,000 international and local organizations have registered under the new law, it can be argued that the 2009 Proclamation has not been successful in developing NGOs (Gebre, 2016).

**Uganda**

NGOs registered under the 1989 Act, amended in 2006 until January 30th, 2016, when President Museveni approved the new legal act. The NGOs act of 2016 came into effect in April of the same year. Like the case of Egypt, which recently underwent a change in the legal framework governing NGOs as of November 2016 (Fully discussed in the chapter two), the research reviews both laws, the amended law of 2006 and the new NGO act of 2016.

Under the 1989 Act, amended in 2006, NGOs and international organizations are registered with the NGOs Board. The yearly registration process entails submission of forms, recommendations and registration fees; moreover, the law does not differentiate between local and international NGOs. Registration can be denied, although the law does not provide clear reasons for denying registration (Kiija J., 2016). The law does not include any restrictions to foreign funding and international cooperation, although it does require that international NGOs receive recommendation from the diplomatic mission in Uganda and that foreign funding must be received through the government controlled bank (ibid).

According to the NGO policy act which was approved in 2010, NGOs were allowed to engage in projects which supplement government work. This specification of the type of projects which NGOs are allowed to undertake clearly links the operations of NGOs to government policy agenda. The law defines four types of NGOs: national NGOs, regional
NGOs, international NGOs and community based organizations. The Office of the Prime Minister is the entity responsible for NGOs policies and The Ministry of Interior Affairs is the entity responsible for overseeing the operations of NGOs and it also hosts the NGOs Board which is responsible for the registration and monitoring of NGOs.

During the past few years and especially under the amended law of 2006 and the NGO policy of 2010, the space allocated to civil society organizations has been narrowing (Jjuuk, 2016). The governing legal framework has been criticized and identified as a tool used by the government to control and repress NGOs. There are many government interferences in NGOs activities, especially in relation to human rights and oil and land (Human Rights Watch, 2012b). Some of these interventions include the disruptions of workshops related to homosexuality and the closing of NGOs that promote their rights (Edwards & Jocelyn, 2012); anti-corruption activists and media representatives shedding light on these issues have also been arrested (Human Rights Watch, 2010). While many civil society organizations and NGOs assisted in preparing the Petroleum Bill in 2012 in collaboration with the government, the ones who attempted to visit the local communities who might be affected by the exploration activities have been arrested (EHAHRDP, 2012). The government blocked and controlled many of the social media outlets as a result of the people’s “Walk to Work” protest (Kakooza, 2012).

Despite the challenges facing NGOs, there are cases that played a role in shaping public policy (Foltz, 2012). The first case is the Save Mabira Crusade, which succeeded in shifting the government decision to allocate a large tract of protected forest land to an agricultural developer. The second case is the formulation of ACCU in 2004, where they held a one-week annual meeting, in which over the years they succeeded in raising awareness of both corruptions in health policy, as well raising the visibility of policy issues, making it more politically significant for government officials. The third case is the Disability
Advocacy in Uganda which focuses on improving the welfare of people with disabilities. The efforts paid off in passing the Ugandan People with Disabilities Act in 2006 (ibid).

Moving on to the NGOs act of 2016, one of the significant changes is the creation of National Bureau of NGOs. The Bureau is the national regulatory body. The National Bureau has a board of directors comprised of 8 people. One third of the board must be females, and two places must be assigned to NGO representatives. The National Bureau is provided with great powers. For example, Article 7 grants the Bureau the power to revoke an NGO registration. The Bureau can interpret the law objectively, but is can also do that subjectively for virtually any reason. The law also established District NGOs Monitoring Committees and Sub County NGOs Monitoring Committees which report to the Bureau, with the purpose of facilitating the operations of NGOs, since the country is divided geographically into 111 districts. Moreover, section 44 of the act denies NGOs implementing any projects or activities without prior approval from District NGO Monitoring Committee and local government entity in the area of operation. In addition, section 44 encompasses the signing of a Memorandum of Understanding. This act represents a direct threat to freedom of association (HRAPF, 2016). The registration process for local and foreign NGOs remains largely the same. Additionally, no significant changes were made to funding regulations from either local or foreign entities.

Under the new NGOs act, any act believed to be “harmful” to Uganda’s “security,” “interest,” or the “dignity” of citizens is crime, which if convicted is punishable by a fine and/or a maximum of three years in prison. There are no clear definitions for any of those actions. For example, NGOs do not understand the activities which are perceived as “harmful.”

NGOs in Uganda can play a significant role in the development of the country on many levels, but it is apparent that the previous legal and policy framework are attempts to
control NGOs’ activities which are not in alliance with government agendas (ibid). The implications of the new law on promoting the development of this sector remain to be seen. How the government decides to apply the law is the decisive factor.

1.3.2 The Middle East

Since the 1990s, the attention paid towards NGOs in the Arab states has increased. During this era there was an abundant flow of funding for the third sector (Olivier, 2005, p.1001). Hence, there was a rise of associational activity and there was a general sense of optimism towards the contribution of the third sector to the development process. However, more critical studies argued that bureaucracy and legal frameworks were heavily used by governments to monitor and influence collective activities (Wiktorowicz, Quintan, 2000, p. 43). In this section, the cases of Algeria and Lebanon are examined in order to understand if the legal frameworks did in fact impact the establishment and operations of NGOs. It is worth mentioning that academic literature on civil society in Arab states is to an extent lacking when compared to research found from other parts of the world.

Algeria

In the case of Algeria, the current law which is considered the most relevant in relation to the establishment and operations of NGOs is the Associations Law 12-06 of 2012. Under this law, associations are defined as “an agreement governed by the applicable legislation in which individuals or legal entities form a group on a contractual basis for non-profit purposes.”

The relatively new Associations Law 12-06 of 2012 replaced the highly restrictive Law on Associations (Law 90-31 of 1990), but it is still considered limiting in many ways (Amnesty, 2013). The law can refuse registration, and appeals are dealt with through additional procedures imposed by the government that can cancel the request altogether and it

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4 Civic Freedom Monitor, Algeria. From http://www.icnl.org/research/monitor/algeria.html
can suspend the operations of an associations if its operations are classified as an interference in the country “internal affairs” or pose a threat to “national sovereignty.” Members of governing bodies of associations who are not registered are subject to financial penalties (between USD 1350-4,040) and/or imprisonment (between 3 months – 6 months). Additionally, the law limits to a great extent foreign funding, while at the same time offers associations the opportunity to receiving funding from the government if the association is perceived as “being in the general interest and/or of public utility” (Article 34); although no definition of either was included. Hence, it is mainly left to the government to decide which associations would be eligible to receive funding. Additionally, the law does not provide any tax exemptions or discounts to registered associations. The law is considered harsher in dealing with foreign NGOs (EUROMED Rights, 2012). For example, the new law gives the government the right to accept or refuse registration of foreign NGOs within 90 days, while it is 60 days in the case of local organizations (Article 61). In Article 63, the law stipulates that an agreement must be signed between the Algerian government and the government of the foreign NGO for the purpose of promoting friendly relations between the citizens of both countries.

When the registration process was examined in more depth, it was found that the law encompasses numerous obstacles (EUROMED Rights, 2012). For example, the law requires a minimum number of founding members: 10 members are required for a local group, 15 members if the operations are regional and 25 members if the operations are on a national level. Moreover, each member is requested to provide documentation on his/her marital status, professions, residence and police records, which is in addition to the association registration documents and forms. Furthermore, the law gives the government the right to refuse registration if the association activities are deemed to be not “in the general interest” or
are contrary to Algeria’s “national principles, public order, ethics, and in alliance with
governing laws.”

The funding opportunities for associations are also limited to membership fees, income received from association activities and subsidies and donations from individuals and the private sector. The law bans the receipt of foreign funds except if it falls under the umbrella of a cooperation agreement, which must first be approved by Ministry of Interior.

Once the Association Law was adopted, the government requested all associations to re-register (CIVICUS, IKCRMS, 2016). During the re-registration process, authorities have reportedly failed to register some prominent human rights groups within the allocated time frame set by the government, denying them the opportunity to operate legally. Associations like Algerian League for Human Rights and Youth Action Rally were registered organizations prior to the 2012 Association Law. As a result of these practices organizations had to either operate illegally or shutdown to avoid legal actions (ibid). Other associations, such as the National Anti-Corruption Association, were refused registration, with a justification from the Ministry of Interior that the application did not respect the law5.

Ambiguity surrounding the wording and language of a number of articles adds to the restrictive nature of the law and does not necessary encourage associations to speak freely and to be active players in the development of the country (EUROMED Rights, 2012). Furthermore, associations like Amnesty International deems the Law to essentially criminalize the lawful exercise of the right to freedom of association and has called for re-visiting the law in its entirety, else, the civil society in Algeria will face huge repercussions and setbacks (Amnesty International, 2013).

5 Algeria: Bureaucratic Ploys Used to Stifle Associations, from: https://www.ecoi.net/local_link/272807/401733_de.html
Lebanon

The country’s weak government and market economy forms the pluralism and space for civil society organizations to grow, supported by a National Constitution that assures freedom to assemble and association. Therefore, the number of social groups, CSOs and NGOs increased. Several of these groups bind by association, particularly the six major religious groups that all have comparable professional associations, environmental and advocacy groups, trade unions, and women’s organizations (d’Aspremont, 2011).

The above context explains the “hands off” approach the government is adopting when dealing with NGOs (ICNL, 2005). It is a unique approach, and differentiates the country from all other Arab States with their legal framework. In many cases, the legal framework of other Arab States controls the establishment of NGOs as well as the NGOs contribution to the development of local societies and their potential influence to institutionalizing democracy in Arab states (Elbayar, 2005).

The current law governing the creation and operations of NGOs in Lebanon is the 1909 Ottoman Law on Associations. The law defines associations as “a group composed of several individuals who unite their efforts in a permanent fashion and the goal of which is not to divide profit” (section 1). Many of the law articles are outdated and no longer apply. The government did not attempt to create a more updated law to govern the operations of NGOs, since its approach is basically laissez-faire (Elbayar, 2005). Under this law, registration is not mandatory, it requires only notifying the Ministry of Interior to receive a receipt that provides them with legitimacy. There are two main reasons to refuse the registration of an NGO: 1) Incomplete filling of documents, 2) Unlawful basis which violates provisions of governing law. In case of rejections, organizations have the right to appeal to the district supreme council. As for funding, there are no constraints governing the funding of NGOs
from local or foreign organizations or corporations. However, government and international funding agencies are identified as main sources of funding (El-Haraka, 2004).

In the Lebanese context, a large segment of public services is carried out by domestic non-governmental groups, NGOs, or international organizations. As such, it was crucial to have a regulatory framework which would support the third sector in its provision of welfare for citizens. Some criticize the third sector for their low impact on public policy and some of this criticism comes from the sector itself (AbouAssi, 2006, p.106), nonetheless there are many successes that cannot be ignored such as the domestic violence law of April 1st, 2014, and the “Civil Movement for Accountability” which opposed the second parliamentary term extension in 2014 (Ha, Jabara, Khani, Rho, Schechter, 2015). Furthermore, there is also the Lebanese Eco Movement, which allies over 60 environmental NGOs. All of these activities played a significant role in raising public awareness and putting pressure on decision makers (Stiftung, 2016).

Lebanon is the only country in the region where it is recommended to have an updated legal framework to govern the operations of NGOs. The purpose should be providing a framework of rights and obligations and a degree of accountability and transparency. Currently, the number of NGOs operating in Lebanon is averaging 8,000. All are registered on “Daleel Madany,” which is a designated website for job listings for NGOs as well as some government institutions.

1.3.3 China

As mentioned above in chapter one, section 1.3, it was not until China started to adopt economic reform and modernization policies that NGOs began to have the necessary institutional space to grow. Accordingly, in the past two decades China witnessed a significant increase in NGOs in terms of number, scope of operations and impact on societal

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http://www.icnl.org/research/monitor/lebanon.html
development (Lau, 2009). However, many Chinese scholars and experts (Zhang Ye, 2003 & Li, 2011) believe that the country is not fully benefitting from the potential developmental opportunities NGOs can contribute due to highly restrictive legislation governing the establishment and operations of NGOs.

Like many other countries, the government has contradictory ideas about NGOs. On the one hand, the government believes that NGOs can provide social services that the government cannot do as well as NGOs, such as promoting gender equality or citizens with disabilities, etc. On the other hand, there is this fear that NGOs will play a role in challenging government policies and will weaken political stability (Tai, 2015).

The current law governing the Regulations on Registration and Administration of Social Organizations was established in 1989 and was amended in 1998. The law is referred to as a ‘dual administration’ system, which means that any applicant must find a government institution to be its sponsor, who will then have supervision and management responsibilities over the social organization operations. Once the sponsor approval is granted, the civil affair department can then consider registering the applicant as a social organization. The law also adopts “The one NGO per sector” principle, which means that only one NGO can be established per sector in a given locality. This is why some scholars use the term “Corporatism” to describe the relation between the government and society (Aktuell, 2014). According to the law, a social organization must have a minimum of 50 individual members or more than 30 institutional members. The law also specifies minimum assets to be RMB 100,000 for organizations working on a national level and RMB 30,000 for organizations working on a local level. Furthermore, the law prohibits organizations from performing the work of social organizations without registration, and refers to these organizations as an “illegal social organization,” which gives the civil affairs department the right to close these
organizations. Funding is also an issue, since the governing party didn’t not allow independent fundraising, and registered NGOs faced difficulty raising funds.

The legal framework is perceived by many NGOs as restrictive, which resulted in an expansion of unregistered versus registered ones (Deng, 2010). In a study conducted in 2009, the number of registered social organizations was averaging 420,000 while the number of unregistered ones was an average of 1.5 million (local and foreign)\(^7\). The large number of unregistered social organizations is a testament that the governing law is not sustainable.

Due to the high level of criticism of the governing law, the government decided in 2005 to revisit the law and its articles. The discussions around law amendments also included leading NGO scholars. The draft of the amended law did not offer massive changes in regard to “dual administrative systems.” However, it did contain some improvements in relation to representative offices of foreign NGOs as well as to government management which included: an integration of social organization development to be part of government social plan, government payment for services conducted by social organizations, including the budgets of social organizations within the government’s budget as well as tax and labor benefits. Other changes included the cancellation of RMB 30,000 for establishing local social organizations, and that the new amount would be decided by local governmental institutions.

Around the same time these amendment activities were taking place, the “color revolution” was happening in former Soviet republics. The most significant was the Orange Revolution in Ukraine in 2004. The role of civil society and NGOs played in these revolutions made the Chinese government suspicious and the new amended law was not initiated (Li, 2011).

\(^7\)Enter the Chinese NGOs, from:
The Chinese government was put in a situation in which they either would have to go ahead with the amended law and support the development of NGOs and their contribution to the development of the country, at least from a social service perspective, which will also strengthen the legitimacy of the governing law, or to leave things as is, as long as NGOs do not cause any political or social disturbances, on what can be referred to as "no recognition, no banning, no intervention" (ibid).

When Xi Jinping became president in 2013, many of the pending reforms governing the NGOs legal framework were re-examined. The first positive improvement was the Charity Law which went into effect in September 2016. This law is a revamped comprehensive framework for the government management of the social sector, which effectively created another not for profit form: charitable organizations (ICNL, 2016).

Charity Law provides a broader definition of “charitable activities,” offers tax incentives for eligible organizations, new registration procedures, less restrictive fund raising requirements, rules for donation and volunteer management. The law doesn’t only regulate not for profits but also some companies’ corporate social responsibility activities. The requirements to register differs in necessary applications and procedures based on its type, such as foundation, social group, or social service provider (Kaja & Stratford, 2017). However, barriers to registration are minimized under this law, since “dual registration” system will no longer apply (ibid). Social organizations can register with national or local civil affairs. Registered social organizations can apply to be allowed public fundraising credentials after two years from registration (Zeldin, 2016). In the past, only a small number of foundations such as Chinese Red Cross and China Charity Federation had public fundraising rights. This law also allows public fundraising through the internet, as well as cooperative public fundraising agreements in which a charitable organization lacking public
fundraising credentials can still proceed with public fundraising activities, if they do so in collaboration with social organizations that have those credentials.

Observers of the new Charity Law are optimistic that it will contribute to the expansion of civil society, however, the extent of success of the charity law will primarily depend on how it is implemented (Kaja & Stratford, 2017).

The second positive improvement, was the development of Law on Administration of Activities for overseas NGOs (first legislation law for foreign NGOs), which came into effect in January 2017. Currently there are 1,000 foreign NGOs operating in China, and if short term or project-based ones are also included, the number will reach approximately 6,000. The law was created to regulate for the first time the presence of foreign NGOs in China and to promote the rule of law, which if implemented properly can encourage foreign NGOs to officially register and legalize their presence in China.

1.3.4 The United States

The US is included in this research as a best practice, since the country’s regulatory style is permissive, allowing NGOs to be active in both the political and economic spheres. Arguable, the US has the strongest civil society and NGOs. This is due to a liberal legal frame as well as an enabling cultural environment (Sokolowski, 1999). Under the current legal framework, and as stated above, NGOs are allowed political and economic activities. Moreover, the law does not discriminate between US NGOs and foreign ones. The liberal legal framework is probably attributed to the American ideological obligations and respect to individualism (ibid). The US firmly believes that a strong civil society, which is free from state control, is important for democracy.

NGOs in the US undertake a broad scope of activities, such as political advocacy on diversified issues like the environment, foreign policy, women rights and healthcare among...

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9 http://www.bjreview.com/Documents/201606/t20160629_800060787.html
others. There are also many NGOs that are involved in areas unrelated to politics, such as providing basic developmental needs in their communities, empowering youth and the marginalized, supporting the mentally ill, supporting senior citizens and supporting groups of shared religious beliefs. Rarely, will there be a cause not represented by NGOs. NGOs are also allowed to support political candidates, as long as it is not their main activity. Lobbying is also permitted, as long as its fits within their main purposes of establishment (Lobbyists must register with the Secretary of the Senate and the Clerk of the House of Representatives). However, non-US NGOs are not allowed to lobby.

The Internal Revenue Code (IRC) is the main regulatory body of NGOs in the US. Title 26, section 501(c) includes detailed information for creating an NGO, its operating procedures as well as benefits. The registration process is simple; organizations fill out an application, provide documents like articles of incorporation and bylaws and assign local representative and office space. Furthermore, there are no restrictions to funding whether locally or internationally. NGOs can receive funds from corporations, grants on state or federal levels, funding from foreign governments, and philanthropic foundations. Moreover, there are very few restrictions when it comes to freedom of expression and association.

The law allows for tax exemptions for NGOs and provides tax benefits for donors. To be eligible for tax exemptions, NGOs need an employer identification number which they receive through applying to the Internal Revenue Service (IRS). The final step is submitting an application for tax exemption to the IRS along with their financial statements and paying a fee.

Once NGOs are registered, the government does not interfere in how they accomplish their goals. NGOs do not need to notify any government agency about their board members, projects or outreach. Although, NGOs are not allowed to collaborate with countries or individuals sanctioned by the US, or any groups identified as terrorist organizations. Other
than that, NGOs are allowed to work with foreign NGOs and governments to achieve their objectives.

As shown above, the legal framework of NGOs in the US can be considered as one of the most enabling laws in the world. However, there have been some government activities to tighten financial reporting and accounting regulations and limit foreign activities (Bloodgood, Tremblay-Boire & Prakash, 2014). These attempts have mostly failed due to NGOs advocacy and legal actions on state and federal levels. NGOs have filed cases at state and federal courts to uphold NGOs independence from state interference. Furthermore, due to the success of NGOs in service provision and representing the interest of their beneficiaries, the arguments to restrict the current legal framework has been refused by over 70 courts across the US (ibid).

Although the legal framework remains unchanged, the operations of NGOs are sometimes affected by the political and security situation of the country (Odendhal, 2005). For example, after the 9/11 terrorist attack on the US in 2001, the counter-terrorism regulations have expanded its definition of terrorism to include acts of domestic protest and government opposition to be considered terrorist acts (ibid), and have increased sentencing for terrorism related offences, prohibited the helping of terrorists in any way, including humanitarian assistance and expanding the definition of material support. The NGOs in the US were impacted by these regulations, since many of the NGOs work abroad and in areas of conflict. To comply, NGOs would have to keep verifying the names of its employees, beneficiaries and local partners against government terrorist lists. The reaction of NGOs varied between hiding, ignoring the regulations such as Doctors Without Borders and Eagle Forum Education and taking legal action (Bloodgood & Boire, 2010).

As discussed above and in chapter one section 1.3 of this research, civil society is an important part of the US culture, and its importance has been described very eloquently by
president Obama when he described civil society to be “The conscience of our countries. It’s the catalyst of change. It’s why strong nations don’t fear active citizens. Strong nations embrace and support and empower active citizens.” This statement represents the US’ commitment to create an enabling environment for civil society to operate. Hence, the US funds programs that track restrictive civil society legislations in 40 countries, and partners with national and international partners to propose legal reforms in support of civil society growth and development.

In conclusion, the governing law in the US is supportive of the operations of NGOs, allowing them to grow and benefit their communities. It is worth mentioning that the current number of active NGOs in the US is approximately 1.5 million. ¹⁰

**Summary**

What the literature review part of the research has sought to show is a summary of the legal frameworks governing NGOs across selected countries, and how these frameworks impact NGOs’ establishment and operations.

NGOs have for many years played an important role in social development and the promotion of democracy under harsh political environments. This was apparent for example in the role Tunisian NGOs played in directing the country towards a more peaceful uprising in 2011. Moreover, all of the selected countries, with the exception of Lebanon and the US, have witnessed changes in the legal framework governing laws, to arguably make it less restrictive. This is why it is important to review these new legal frameworks; to examine if they foster an enabling environment for NGOs under a much improved political and social conditions in order to further grow and support their governments in the development of their communities.

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Upon the review of the legal framework of selected countries, with the exception of Lebanon and the US, scholars and experts argue that the governing laws provide obstacles to registration, difficult procedures to appeal rejections or dissolution, barriers to foreign funding as in the case of Algeria and barriers to freedom of association. There were concerns governing the ambiguity of the wording of some articles, which leaves space for subjectivity when interpreting these articles to actions (excluding China, US and Lebanon). However, the law in Rwanda was described by scholars and experts as a move in the right direction in supporting the operations of NGOs. This was not the case in Ethiopia; experts argue that the law was revisited to control foreign funding to NGOs, rather than supporting NGOs and benefiting from their comparative advantage in the societal development processes.

Furthermore, organization such as CIVICUS and Amnesty International highlighted cases on how governments can use legal frameworks to control NGOs. Additionally, governments tend to encourage NGOs when their projects and activities are aligned with the government’s political agendas. Another noted aspect is the relationship between governments and NGOs. If the relationship between NGOs and government is amiable in nature, then, there is leniency when it comes to enforcing governing laws. If the relationship is confrontational, then the laws and its applications are used as a tool to hinder NGOs operations and put them at risk of shutting down due to the sometimes unclear definitions of some of the articles of the governing laws.

There was no evidence from the examined literature of the US that shows any obstacles or constraints governing the operations of NGOs. The US law facilitates the registration process (if NGOs decide to register), allows funding (local and international) and does not give governmental agencies the right to dissolve NGOs.

The review of the literature showed some key learnings. The first is that to create an enabling environment for NGOs to grow, the law’s articles alone are not enough. The
application of the law is a crucial element as revealed in the literature; governments have the power to abuse or go against the law with few to no consequences. The second is that reviewed laws tend to separate political advocacy from developmental activities and services. The revised laws in its entirety support NGOs development work, but also create legal obstacles for political advocacy. The third is that registration, funding and dissolution of NGOs are the most common articles to be reviewed and analyzed by scholars and experts.

Chapter 2: Egypt’s Country Context

This section includes a summary of the Egyptian legal framework for NGOs from the Nasser era to the new NGO law as of November 29th 2016. The opinions of scholars and experts who reviewed the Egyptian NGOs laws are included.

2.1 History of NGOs Laws in Egypt

Since the 1952 revolution the State has used the legal framework and regulations as a tool to control and manipulate the work of NGOs. During the Nasser regime the governing laws favored secular NGOs rather than religious NGOs. This shifted during the Sadat regime
in which fear over the leftists’ power lead to a shift in policies to provide more support for religious NGOs. During the Mubarak regime, the direction shifted once again to support secular NGOs rather than religious NGOs, who were seen as promoting an Islamic State which the government viewed as a threat (Abdelrahman, 2004).

2.1.1 Law 348, 1956

Gamal Abdel Nasser began the modern state efforts to restrict and control the work of NGOs. The law required NGOs to register with MOSS, banned NGOs from receiving foreign funds and allowed MOSS to dissolve NGOs with no resources to appeal (Abdelrahman, 2004).

2.1.2 Law 32, 1964

After the social and economic changes that occurred in the Egyptian society during the late 50s and early 60s, there was a need to regulate the work of NGOs in the country, and hence the development of law 32 of 1964 came into existence.

This law governed NGOs for almost 40 years. This law gave MOSS considerable power. MOSS could refuse to register NGOs if they were deemed a threat to national security or if MOSS decided that the community does not need the activities and subsequently, NGOs did not have the power to dispute the refusal to register (ibid).

MOSS also had the power to dissolve NGOs. MOSS had the power to refuse nomination of board members and could nominate a member of its own choice. MOSS could also transfer assets from one NGO to another. NGOs were allowed to receive funding from abroad only with MOSS approval.

NGOs had to inform MOSS of upcoming board meetings and file meeting minutes from these meetings. MOSS could also veto a board decision. Individuals who violated the law can face criminal penalty up to 6 months of imprisonment.
2.1.3 Law 153, 1999

The law was passed on May 26, 1999 by the parliament. The law was issued after two years of debate on how to support civil society in Egypt. The government allowed 13 NGOs to participate in drafting the law. However, NGO representatives complained that their recommendations for reform were disregarded (Alexander, 2000).

This law increased the state control in some areas while lessening its control in others. The law eliminated MOSS’s power to refuse registration of NGOs on the basis of not being considered fundamental or being seen as redundant to the development of the community. The law also eliminated the need to receive MOSS’s approval before purchasing real estate and before introducing services out of geographical area. The law forced human rights organizations, which often register as civil companies, to register as NGOs or face criminal penalties including up to six months’ imprisonment. MOSS could no longer appoint its own candidate as board members. It also could no longer dissolve NGOs on its own and instead required a court verdict; however, penalties increased from six months to one year of imprisonment (Abdelrahman, 2004). Under this law, foreign funding is allowed with prior approval from MOSS (Article 17). Although there was no specific timeline as to when MOSS should provide feedback to authorize or reject received requests. Law 153-1999 incited strong criticism from NGOs. For example, the Egyptian Organization for Human Rights characterized the law as an “assassination of civil society” (EOHR, 1999). The supreme constitutional court overturned this law for procedural reasons.

2.1.4 Law 84, 2002

The law was passed by both houses of parliament with minimum public debate or press coverage and no discussion with NGOs. The law is considered to be an improvement from previous laws concerning NGOs. However, some of its articles breach Egypt’s international obligations to freedom of association. What is even more important is the
inconsistency and high level of subjectivity in the application of the law (Human Rights Watch, Volume 17).

Under Law 84, MOSS is allowed to reject an NGO’s registration if its activities “threaten national unity, violate public order or morality or advocate discrimination or if it practices any political or trade union activity solely limited to political parties and trade unions” (Article 11). NGOs can appeal a refusal directly to the Administrative Court; all other disagreements between MOSS and NGOs must first be brought before a committee consisting of a member of the Court of Appeal and two government appointees (Article 7), which can make the odds partially in favor of MOSS (Human Rights Watch, Volume 17). MOSS can refuse elements within an NGO’s statutes (Article 8) or decisions taken by an NGO’s board (Article 23). MOSS must be given 60 days’ notice before board elections and can ban candidates from running (Article 34), although it cannot appoint its own candidates. At the request of MOSS, an NGO can be dissolved by virtue of ruling of the competent court (Article 42). Law 84 restores the severe penalties imposed by Law 153, including up to one-year imprisonment for violations of Article 11 (Article 75).

Law 84 also continues to impose procedural and administrative requirements on NGOs. For example, the board of directors must meet at least four times a year with the majority of members present (Article 38). A general assembly of an NGO’s members must be held annually (Article 27), MOSS must be notified and provided an agenda at least 15 days prior, and minutes of the meeting must be sent to MOSS within 30 days after the meeting (Article 26).

Although Law 84 was unclear with the procedures to receive foreign funding, the executive regulations clarified the requirements for an NGO to seek MOSS approval before accepting foreign funding or associating with a foreign organization (Article 17). Several NGOs have reported being required to meet with security services when seeking foreign
funding approval (Elagati, 2013). The law also imposes restrictions on the ability to collaborate with other NGOs, whether local or foreign.

However, for organizations that are able to register and avoid government interference, there are noteworthy benefits to being an NGO. These include exemption from government fees for registering contracts and other legal documents, exemption from customs duties on materials purchased from overseas, exemption from property taxes, a 25% reduction in fees for transporting equipment by rail, reduction in phone charges, and a 50% subsidy on all other utilities (Article 13). In addition, the government can send civil servants to work for NGOs on one-year renewable contracts, thus providing free labor (Article 12).

There have been several attempts by MOSS to revisit the legal framework governing the operations of NGOs. The most recent suggested reform was drafted by MOSS and presented to the Shura Council in February 2013. The draft has received severe criticism from many NGOs (EIPR, 2014). The Cairo Institute for Human Rights Studies has stated, “The suggested law is more restricting than Law 84/2002, which is presently in force. The draft law is more repressive and hostile to civil society organizations than all laws and draft bills under the administrations of Nasser, Mubarak and the supreme military council.”

Members of the US House of Representatives Foreign Affairs Committee addressed a letter to President Morsi on 25 February 2013 urging him to “review and revise the draft law” (OPHRD, 2017).

From the literature reviewed above regarding the laws and regulations governing the relationship between the government and the NGOs since the 1952 revolution to date, the NGO-government relationship seems to be characterized as repressive and manipulative. For example, in 2007 two human rights NGOs were closed, AHRLA and CTUWS. This was the first time in more than 25 years that a legally registered human rights organization was shut

11http://english.ahram.org.eg/NewsContent/1/64/64268/Egypt/Politics-/Draft-NGOs-bill-more-repressive-than-Mubarak-era-L.aspx
down by the Egyptian authorities. AHRLA had been legally registered under Law 84, but began to get into serious trouble when it started working on torture cases, as it was very honest and filed torture cases against state security officers (Handoussa, 2008, p.10). It is important to note that both NGOs resorted to Egyptian courts and won their cases and were able to re-open their NGOs. More recently, a court order was issued to freeze the personal assets of few civil society activists like Hossam Bahgat, the founder of EIPR, Gamal Eid, Executive Director of ANHRI, and Bahey el-Din Hassan, the head of CIHRS.

2.1.5 New Law of 2016

On November 29th, 2016, a new law was approved from the parliament governing the operations of civil society organizations and NGOs. The new law has been sent to the state council for legal review. The executive regulations should be issued within six months from the date of new law approval by the Prime Minister.

One of the significant additions of the new law is the establishment of “The National Body for Organizing Foreign NGOs work.” This is a new regulatory body responsible for regulating the work of foreign NGOs, funding of local NGOs from foreign entities as well as international cooperation between foreign NGOs and local NGOs and governmental bodies, and they are also responsible for receiving local funds requests from MOSS for review and feedback. The “The National Body for Organizing Foreign NGOs work” will be part of the prime minister office. It will be governed by a chair person and will have 10 members comprising of a board representing the Ministry of Foreign Affairs, Ministry of Defense, Ministry of Justice, Ministry of Interior, Ministry of International Cooperation, competent ministry, Central Intelligence Agency, Central Bank, Anti-Money Laundering Committee and the Administrative Control Authority.

According to the new law, there are no apparent obstacles for receiving local or foreign funding. However, prior approval from “The National Body for Organizing Foreign
NGOs work” is required for local and foreign funding, which can take up to 60 days. Moreover, “The National Body for Organizing Foreign NGOs work” has the power to ensure that received funds are spent on what it was originally intended.

The registration process does not have any significant changes other than the increase in registration fees to be EGP 50,000 for local NGOs (Article 8) and EGP 300,000 for three years’ registration for foreign NGOs.

NGOs are allowed to work only in the areas of “Development and Social Welfare” and must be done “according to the State's plans and its developmental needs and priorities.”

Moreover, NGOs are given one year to update their status and organize their operations according to the new law. Currently, there is an average of 40,000 NGOs registered under law 84 for 2002.12

2.2 Summary

Upon the review of the legal framework governing the operations of NGOs in Egypt, the articles which were mostly reviewed by scholars and experts were the ones related to: Registration, dissolution, foreign funding and administration of the board. The literature shows that for the registration process, there were improvements in the governing laws. In law 32 of 1964, MOSS could refuse to register an NGO if their activities were viewed as jeopardizing national security, or their services were deemed not necessary for the public they serve. In law 153 of 1999, MOSS could no longer refuse to register an NGO under the claim that the NGO offered unnecessary services to the public. Moreover, with the introduction of law 84 of 2002 and later on the law of 2016, NGOs are able to appeal a denied registration request through the judiciary system.

Moving onto dissolution, under laws 348 and 32, MOSS had the right to dissolve NGOs with no channels to appeal the decision. However, under laws 153, MOSS can only

12http://nsnbc.me/2014/10/25/egypt-40k-ngos-registered-deadline-approaches/
dissolve NGOs through court ruling. As for law 84, and law of 2016, MOSS has the right to dissolve an NGO through a request to the competent court. For foreign funding, it was prohibited under law 348, however, it was later on allowed through receiving approval from MOSS under laws 64, 153, 84 and the law of 2016.

The administration of the board (members’ selection, decisions made and meeting dates) was heavily controlled by MOSS. The control and restrictions were less under law 84 and law of 2016, however, under these two laws MOSS still has the right to refuse a candidate to be on the board.

A common factor between all reviewed laws was the inability of human rights groups to operate freely.

Chapter 3: Research Methodology

The purpose of this chapter is to describe the research approach and how the research design was developed out of the selected approach. Moreover, it specifies how the research design aligns with the overall research problem. Furthermore, methods to increase validity and reliability are also emphasized.
3.1 Introduction

Research design refers to the overall strategy of the research, which includes the data collection scheme as well as measurement and analysis (Saunders, Lewis & Thornhill, 2007). This research relied on the *research onion* developed by Saunders in 2007, which illustrates the multiple stages when developing a research study. According to Saunders, every research process has layers, and to move from layer to the next, the previous layer must be completed. The research onion process constitutes six steps:

1) Research philosophy
2) Research approach
3) Research strategy
4) Research choices
5) Time horizon
6) Data collection methods

The figure below depicts the research onion process, where each layer is discussed in more detail as the research progresses from one layer to other.

![Figure 2: The research process onion (Saunders et al.)](image-url)
3.2 Research Philosophy

According to Sanders and Yin (2009), the main concern of research philosophy is the way things are viewed in the world. Bryman (2012), defines it as the set of beliefs concerning the nature of reality under examination. More simply, it is the fundamental definition of the nature of knowledge. There are various philosophies explained in Saunders’ research onion. The research will explore only Positivism, Realism and Interpretivism for relevance.

Positivism according to Cooper and Schindler (2006) is related to objectivism. In this type of philosophy, scientists present their understanding of the social world relying on objectivity. It mainly depends on observations and experiments to collect numerical data that would allow replication. Moreover, the researcher’s personal beliefs do not impact the outcome of the research study (Easter-by-Smith et al., 2006).

The main focus behind realism, according to McMurray, Pace and Scott (2004), is the reality and beliefs that are already prevailing in the environment. Sekaran & Bougie (2010), divide this approach to two elements, direct and critical realism. Direct reality, is generally identified as what a person hears, see and feels. While critical realism refers to the arguments raised by a person regarding his/her experiences from a specific situation. In other words, it acknowledges the presence of social forces that influence individuals without them being aware of these forces, which ultimately impacts their beliefs and perceptions.

Interpretivism, in contrast to positivism and realism, assumes that reality is subjective. This is why it is important to understand the intention, motivations and actions of the research subjects. In the field of management, this research approach is usually referred to as “Social Constructionism”. When applying Interpretivism, researchers tend to evaluate a rather small sample of the population to get a better understanding of the larger population (Kasi, 2009). Remneyi (1998), views this approach as a tool to either discover the reality or
understand the reality after investigating the details of a situation. This approach is not concerned with generalizing its findings for replication purposes.

However, it is important to mention that Creswell & Plano Clark (2011) argue that some research questions could require a combination of methods.

This research followed the Interpretivism philosophy, since the research area is complicated and multi-faceted, where the objective of the research is to understand the reality of a situation through semi-structured in-depth interviews. Moreover, the knowledge and information which guided the outcome of this research was based on individuals’ point of views, social factors, specific decision making criteria and perceptions.

3.3 Research Approach

Quantitative and qualitative research approaches are the two main classical approaches in research methodology (Creswell, 2009).

According to Creswell (2009), qualitative research approach is most commonly adopted when studying a social issue. The approach focuses on receiving input from research subjects in an informative, holistic and comprehensive way, while being conducted in a normal setting. Creswell went on to describing this approach as constructivist or naturalistic or interpretative and inductive techniques of research study, where the variables and theory are unknown. However, this approach can also have some applications in the area of management and business (Bryman, 2007).

In contrast to the qualitative approach, Creswell, (2009) describes the quantitative approach as a tool to investigate a social issue that is based on testing a theory with known variables which can be measured and analyzed using numerical processes in order to determine its eligibility to generalize findings. Hence, according to Yin (2009), this approach leads to positivist and deductive reasoning in a research study.

Saunders (2007), identifies another classification of research approach which is
deductive and inductive approaches. To adopt the deductive approach, there needs to be a pre-existing theory, where hypotheses can be developed to test it (Silverman, 2013). According to Wiles (2011), this approach can be used to test if the area under study fits with the findings of previous research. Hence, this approach is well suited to the positivist approach (Snieder & Larner, 2009). The deductive approach is defined in literature as a shift from the general to the specific (Kothari, 2004). This means that the theory is developed first, and then the knowledge gained from the research is tested against it.

In contrast to the deductive approach, the inductive approach is viewed as the shift from specific to general, where theories can be developed based on data analysis results (Bryman, & Bell, 2011). According to Flick (2011), there is no guiding framework for this approach when it comes to data collection. In this case, the research area can change from its original focus based on data findings. Researchers and experts look at this approach as a tool to develop new theories, moreover, the findings of a specific study can match with an existing theory (Bryman, & Bell, 2011). The inductive approach is most commonly used in qualitative research, where interviews and/or other qualitative tools are used to collect data for a specific issue, and researchers start to look for patterns among the findings (Flick, 2011). Moreover, this type of research is carried out in disciplines where there are no or little theories available and the body of science needs theories and structures defined. (Saunders, Lewis and Thornhill 2007).

This research adopted the qualitative approach, since the research mainly relied on semi-structured in-depth interviews to understand the views of the research subjects. Moreover, this research utilized the inductive research approach since there are no hypotheses or theories to test, as well as no intention to generalize results.

3.4 Research Strategy

Now, the research moves on to Saunders’ third layer of the research onion process,
which is the research strategy. A thorough understanding of this layer is very important, since this where the methods of data collection are identified according to research questions, available body of knowledge in the research area, available resources, time constraints, as well as research philosophy adopted by the researcher (Saunders, Lewis & Thornhill, 2007).

This research utilized the case study research strategy, since the type of questions this strategy answers (how, why and what) fits with the questions, objectives and general philosophical approach of the research. For example, this study allows researchers to get input and information relevant to the field of study through incorporating the views of individuals (Yin, 2009), which is a key element for this specific research.

3.5 Research Choice

Saunders (2007) identifies three choices in the fourth layer of the research onion. The first is the mono method, which in this method only one research approach is used for the phenomenon under study. The major criticism for applying a single method in research is that it may create bias which could impact the validity of the research outcome. The second is the mixed method, which utilizes two or more research methods (mostly quantitative & qualitative). The third is the multi-methods, where more than two methods are used for a research study. The major difference between the mixed and multi-method is the way data is processed. For mixed methods, a single dataset is created through a combined methodology, whereas the multi-method approach divides the research into separate sections, with each providing specific datasets, and then each is analyzed using different quantitative and qualitative analysis techniques (Feilzer, 2010).

Since this research relied only on semi-structured in-depth interviews as the sole tool for collecting primary data, the qualitative research method was applied for data collection and analysis.
3.6 Time Horizon

According to Saunders (2007), time horizon refers to the time dedicated to complete a research study, moreover, the selection of time horizon is not co-related with specific research methodology. The onion research process includes two classifications for time horizon. The first is cross sectional time horizon, which is also referred to as “snapshot”. In this case, the time frame allocated for the research area is already specified, it is usually utilized when the research study is supposed to capture the results of the situation under study at a specific point in time (Flick, 2011). The second is longitudinal time horizon; this is where the data is gathered a number of times (as specified by the researcher) over long periods of time. Researchers apply this classification when the field under study requires observation of change over longer periods of time (Goddard, & Melville, 2004).

This research adopted the cross sectional time horizon, since the interviews are conducted once, and it will not be repeated over any extended periods to examine change over time.

3.7 Techniques and Procedures

This is the last layer of Saunders’ research onion process. The decisions made throughout the previously completed layers were utilized to guide the tools used for data collection and analysis so as to be able to develop reliable outcomes.

3.7.1 Data Collection

There are two types of data that most researchers rely on to reach conclusions; they are primary and secondary data. Primary data refers to type of data gathered by the researcher through interviews, questionnaires and other tools discussed earlier in this chapter. The secondary data refers to data collected from literature, articles, journals and other research institutions (Bryman, & Bell, 2007). For this research, both primary and secondary data were collected. Primary data is collected through qualitative semi-structured interviews
and open ended questions with NGO decision makers and operations experts. This is done so as to better understand their opinions regarding the impact of governing laws on NGOs’ establishment and operations. The secondary data is covered through the extensive literature review as exhibited in chapter one. The literature review was conducted by spending time at the library, utilizing the online library as a resource for articles, journals and e-books, and through the references within the retrieved articles to find other relevant sources.

A sample interview was conducted to test the research questions and whether it would yield the required results. It was apparent from the interview findings that the research questions needed to be less structured and more open ended to allow those being interviewed to speak freely and share their experiences. Additionally, the order of questions was revised in order to maintain the flow in the interview. The recording of interview findings was completed manually since none of the interviewees were comfortable with the use of audio recording. In some instances, after analyzing the material, some interviewees were contacted via phone afterwards when certain things remained unclear.

The data collection process was conducted during the month of June, 2017. During this period, 11 face-to-face lengthy interviews were conducted. Each interview lasted on average around two hours.

3.7.1.1 Sources of Data

With regards to the interviews of experts’ opinion, 11 NGOs were selected for interviews and thorough face-to-face discussions in order to understand their point of view and perceptions on the laws governing NGOs and whether the laws constituted restrictive or enabling environments for NGOs. Moreover, one practitioner was also interviewed to get insights into the operations of NGOs and to find out if there were any challenges related to the application of laws from the project approval phase, until its conclusion and if there were any government interventions. The selected NGOs varied in size between small, medium
and large NGOs. The NGOs outreach covered Cairo, Alexandria, Marsa Matrouh, Beheira, Suhag and Aswan.

<table>
<thead>
<tr>
<th>NGO</th>
<th>Interviewee Level</th>
<th>Number of Staff</th>
<th>Beneficiaries/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aga Khan Foundation</td>
<td>Decision maker</td>
<td>500 (full time) + a large number of volunteers</td>
<td>100,000, the number increases to two millions if Al Azhar Park activities and visitors are included</td>
</tr>
<tr>
<td>Kheir we Baraka</td>
<td>Decision maker</td>
<td>51 (full time)</td>
<td>25,000</td>
</tr>
<tr>
<td>Educate Me</td>
<td>Decision maker</td>
<td>64 (full time) 35 (volunteers)</td>
<td>2,500</td>
</tr>
<tr>
<td>Tawasol</td>
<td>Decision maker</td>
<td>39 (full time)</td>
<td>3,750</td>
</tr>
<tr>
<td>Ahl Masr</td>
<td>Decision maker</td>
<td>46 (full time)</td>
<td>120 beds</td>
</tr>
<tr>
<td>Nahdet El Mahrousia</td>
<td>Decision maker</td>
<td>35 (full time)</td>
<td>5000</td>
</tr>
<tr>
<td>Ahmus Khalifa</td>
<td>Decision maker</td>
<td>68 (full time) 55 (care givers)</td>
<td>147 rooms</td>
</tr>
<tr>
<td>Alexandria Business</td>
<td>Decision makers</td>
<td>1400 (full time)</td>
<td>1.5 millions</td>
</tr>
<tr>
<td>Association</td>
<td>2 field employees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ruwwad (established by Aramex)</td>
<td>Middle Management</td>
<td>8 (full time) 100 (volunteers, committed to 4 hours community)</td>
<td>1300</td>
</tr>
</tbody>
</table>
### Table 1: List of interviewed NGOs, compiled by author

<table>
<thead>
<tr>
<th>NGO</th>
<th>Decision maker</th>
<th>15 (full time)</th>
<th>15 (part time)</th>
<th>160 (volunteers)</th>
<th>900,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teroos</td>
<td>Decision maker</td>
<td>15 (full time)</td>
<td>15 (part time)</td>
<td>160 (volunteers)</td>
<td>900,000</td>
</tr>
<tr>
<td>Wataneya Society for the Development of Orphanages</td>
<td>Decision maker</td>
<td>30 (Full &amp; Part time)</td>
<td>2000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One subject matter expert</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 3.7.1.2 Sampling Process

Generally, there are two types of sampling techniques. The first is probability sampling, which means that each individual in the study population has an equal opportunity to be selected; hence it is possible to generalize the outcome of the research, since conclusions from the sample can statistically be estimated for the whole population (Neuman, 2014). The second is non-probability sampling, which means that each individual in the population does not have an equal opportunity to be selected; this also means that the study findings cannot be generalized since statistically, there is not a way to calculate the degree to which the sample resembles or differs from its population (ibid, p. 248).

This research utilized non-probability sampling method for data collection, since the target population was too large and there were time constraints to employ probability sampling technique. Moreover, there is no intention to generalize research conclusions and recommendations; accordingly, non-probability sampling was the best fit for this research. To be more specific, judgment non-probability sampling was used to get research subjects opinions, since the selection is based on researcher judgment on respondents’ ability to best
answer the questions.

The researcher targeted NGOs which were involved in development, education and healthcare. The decision to focus on these specific areas was due to the researcher’s belief that those are fields that affect millions of Egyptians across the country in poor and difficult to reach areas. Moreover, the researcher aimed to interview large NGOs, medium size NGOs and small NGOs. The researcher believed that focusing on one type can produce biased information. The researcher also included a foreign NGO who operate in selected fields, to understand their experience and to increase the accuracy of the findings. The researcher also targeted practitioners who were personally involved in establishing NGOs, since their experience would serve the purpose of the research.

The researcher used different websites such as the directory of NGOs in Egypt to identify NGOs under each selected field. However, these websites were not updated and the researcher resorted to social media such as Facebook to gain better access. Once the NGOs were selected, the researcher began additional research to select which individuals to interview in those NGOs. Most of the chosen NGOs had an updated website, but there were too many decision makers and board members in each NGO. Accordingly, the researcher conducted additional research to study each and every decision maker in the selected NGOs using their LinkedIn and Facebook accounts as well as Googling them, to interview the ones which would benefit the research. It is worth mentioning that in addition to this process being lengthy it was also time consuming.

3.7.2 Analyzing Interviews Data

Analyzing Interview Data

This research utilized the inductive research approach as mentioned in section 3.3, since the primary source of data collection for this research is semi-structured interviews. The set of questions designed by the researcher to be used during the interviews was finalized
once chapter 1, which was the literature review, was concluded and once the research questions were slightly modified.

The second step was selecting which NGOs to interview and who within the NGOs to interview. The researcher’s selection criteria were based on four elements: NGOs which had been active for more than 5 years, NGOs with a successful track record in serving their communities, NGOs with active board members, and lastly, the NGOs’ outreach across different governorates rather than just the capital. The researcher then examined who would be the best fit to interview within the NGO, to be able to get accurate data to answer the research questions. The researcher identified senior executives and decision makers of selected NGOs as those who would have the level of expertise needed to provide necessary information. The researcher then decided to include one practitioner since on-the-ground knowledge would also be of value to answer the research questions.

The next step was to conduct a sample interview to test the questions, the researcher found that the way the questions were designed did not allow the researcher to receive the needed information to be able to answer the research questions, moreover, the questions did not allow the researcher to connect with the interviewees and gain their trust to be open in their responses. Accordingly, the researcher went back and examined the questions and edited it to make it less structured. Questions such as “what made you decide to work in social development” and “is it a satisfying experience” and “how would you want people to remember you or the legacy you want to leave behind” were also included. The edited version proved to be successful and interviewees enjoyed sharing their passion for public service; this usually lasted between 15-20 minutes in the interview.

For convenience and to allow interviewees a higher level of comfort, the interviews were held at the NGOs premises, except for the interview conducted with the practitioner, which were held in public place.
The transcript of the interviews was usually edited and modified on the same day of the interview, so as not to lose any data, especially since some of the data was not written during the interview itself. This was done to allow for a more natural flow of information and so as not to lose the connection gained with the interviewee.

The analysis of the transcripts was based on five stages. Stage one, was identifying the units of analysis; the researcher did this by breaking up the interviews into useful blocks of data, mostly sentences and paragraphs. Each sentence was put into a new line; this was useful, since the analysis of line by line allowed the researcher to get a feel of the data.

Stage two was going through the interview and getting one or two words summary or code to each block of data. After coding the entire interview, the researcher collected a list of all codes. The researcher then looked for similar and redundant codes. This approach assisted the researcher in that it reduced the long list of codes to a smaller and more manageable number, especially since most interviews lasted more than two hours.

Stage three was coding the codes. The aim was to identify 5-7 themes or categories that group the codes together. The identified themes clearly reflected the purpose of the research. Afterwards, the researcher identified four types of themes. The first was the ordinary themes, which the researcher expected to come out of the analysis. The second was unexpected themes, which was surprising to the researcher. The third was the hard to classify themes; these were the themes that overlapped with other themes. The fourth was major and sub themes, which encompassed the major, minor and secondary ideas.

Stage four was collecting all of the interviews quotes within a theme and examining the ideas that made up that theme. It was important for the researcher to see how the quotes interacted with each other. Moreover, the researcher looked for evidence of relationship between the overarching themes.
Stage five, is where the researcher started the write-up. Once all interviews were conducted, the researcher constructed a narrative from the themes.

3.8 Validity and Reliability

The objectivity of a qualitative research requires a high consideration of the concepts of validity and reliability.

To achieve high reliability in this research, this chapter described the process of gathering data as well as how the interviews were conducted, including the guiding questions employed to manage the discussions. Although it does not guarantee that other researchers can replicate this study under the same conditions with similar results, this detailed description increased the probability of the utility of this research.

In this research, a written transcript of the interviews was sent back to the interviewees to receive their approval of the transcript material, in order to increase the validity and to decrease the possibilities of using the researcher’s own interpretation of the data.

3.9 Limitations and Challenges

There have been two major limitations to the research. The first was the reluctance of NGOs to engage in discussions about the legal framework. The second was that the researcher was just promoted to an executive position, and it was very difficult to take time off from work. At the beginning, the researcher took one day off each week to go and visit NGOs which she believed would be of value to the research. The researcher met with prospective experts, but once the purpose of the research was discussed, the request for interviews was declined. At this point the researcher was very frustrated, because she thought that she will have to compromise and meet with any NGOs just to get it done. This compromise would not have led to useful insights which would be necessary to produce research that could ultimately be considered informative for policy makers, NGOs or activists.
interested in establishing NGOs, as well as researchers, who would be interested in using the research findings as a base for future research.

Eventually, the researcher used her professional contacts as a way to deal with lack of access. Although, this was not an easy task for the researcher since she prefers not to use professional contacts for personal advancements. Moreover, the researcher was advised by three of the interviewed experts not to attempt to interview human rights organizations for security reasons. Community Development Associations (CDAs) is also a segment not represented in this research, due to lack of access even within the researcher professional network, and the limited time available to submit the research, which didn’t allow for further investigations for experts who can connect the researcher to one or two CDAs. Lastly, most interviewees asked to not be identified.

Chapter 4: Deliberations and Reflections

1. Introduction

The researcher conducted 11 interviews with decision makers from reputable local and foreign NGOs in Egypt as well as one interview with a subject matter expert. The selected NGOs have been active for many years with successful portfolios of projects across different
governorates. Among the NGOs interviewed, the average number of beneficiaries per year exceeds 3 million, while they employ approximately 2000 fulltime employees. The NGOs work in the fields of healthcare, development and education. The researcher processed their responses and discovered key findings. Based on the feedback of experts captured in the interviews which were conducted by the researcher, the findings were split into strengths and weaknesses of each of the two laws which this study focused on.

2. Findings and Analysis

The strengths and weaknesses of both Law 84 of 2002 and Law of 2016 are represented in below diagrams, and will be discussed at length later in this chapter.

2.1 Overview of Strengths and Weaknesses of Law 84 as Perceived by NGOs

![Figure 3. Strengths of law 84. Author’s compilation.](image)

![Figure 4. Weaknesses of law 84. Author’s compilation.](image)
All of the interviewed experts immediately highlighted the following as key advantages of the law: allowing the NGO to run self-sustaining economic projects providing them with a degree of financial independence, and governmental benefits provided to NGOs. Four out of the nine experts interviewed by the researcher used the exact terms “Fair” and “Efficient” when asked to describe Law 84 of 2002. Three experts believe that the Law 84 of 2002 is an improvement, with regards to the registration process, compared to previous laws.

The key weaknesses of the law included funding approvals and delays, general commitments to deadlines, and the unfair implementation of the law as the three major weaknesses as perceived by the NGOs that were interviewed. Following those, impediments to registration and then vagueness of law articles were considered as additional weaknesses. Lastly, came the governance of NGOs and risk of dissolving NGOs.

2.2 Overview of Weaknesses of Law of 2016 as Perceived by NGOs
Although, imprisonment is not an article by itself, but rather mentioned in the law as a penalizing tool, based on the collective expert opinion, it was evident that imprisonment for administrative infringements in law of 2016 is a major concern for NGOs. Next are issues of funding approvals and its delays, then risk of dissolving NGOs and vagueness of law terminology. These two are closely followed by administration and operational issues and governance obstacles, and lastly, the complications associated with registering NGOs.

In the coming section, a detailed analysis is conducted of the key findings mentioned above. The section includes six areas: rule of law, registration, commonalities between investigated laws, funding, merits and flaws of Law 84, perceptions of experts on the law of 2016 and finally summary of the analysis. This section also includes findings from the literature on the other 7 countries as well as if/when it applies for comparison purposes so as to provide a more holistic overview of the entire research.
3. Rule of Law

This section includes some cases in which the laws regulating legal framework were not carried out as stated. This is a serious issue that was highlighted by a majority of the NGOs that were interviewed. The statement “It’s not just the law, it's the implementation of the law,” can be seen as a mantra that appeared throughout the interviews. Most of the shared cases are related to NGOs’ financial stability, government abuse of authority, or simply the government turning a blind eye to unregistered NGOs if it serves its agenda. One of the interviewees shared her personal experience with law implementation by stating that “The law itself can be considered fair, but the implementation of the law is horrible. We originally planned to establish our NGO in Giza governorate, but we had to change the location because MOSS staff who will be handling our file in this area are not entirely familiar with law articles, and this in itself is a weakness” (Anonymous, June, 2017). In making this comment the interviewee argue that MOSS unfamiliarity with law articles affects its implementation.

3.1 Financial Stability

In the case of Egypt, almost all of the experts interviewed refer to Article 18 as a lost opportunity. This article allows NGOs to engage in projects that can reinforce its financial resources. This article has proven to be very difficult to implement. In practice, as advised by one of the interviewed experts, NGOs such as Youth Association for Population & Development (YAPD), which attempted to benefit from this article, established a bookstore a few years ago to sell stationary. They faced a number of obstacles and overall mistrust by the government regulators which resulted in the project shutting down. Same challenges were faced by Alashanek Ya Balady (AYB). In a similar fashion to YAPD, AYB efforts to achieve financial independence have been hampered. MOSS states that the law is not clear in its wording, so accordingly they deny these requests. One of the interviewed experts who is responsible for a large micro finance project stated that “This is a direct contradiction to
Micro Finance Law, which clearly states that NGOs have the right to establish commercials companies” (Anonymous, June, 2017). The statement shows that vagueness of laws articles and weaknesses of integrating related laws affects the financial independence of NGOs.

Still, MOSS refuses to abide by the micro finance regulations. One of the interviewed experts believes that if an NGO has connections within the government, this NGO will be allowed to establish companies. It is important to note that this article was edited in the law of 2016; the article included a sentence that prohibits board members from benefiting from this article if they do create companies.

With only a notification to MOSS, NGOs are allowed to receive funds from both local sources as well as from foreign organizations that operate under agreement with the Ministry of Foreign Affairs in Egypt. However, in practice, MOSS sent NGOs a list of foreign funding agencies, prohibiting NGOs from accepting direct funding from those agencies without the pre-approval of MOSS, which is in direct contradiction with the executive regulation.

Moreover, almost all of interviewed NGOs complained that while the law specifies 60 days to receive feedback on foreign funding requests, this is never the case. Only two NGOs reported that they received feedback and approval on foreign funding requests within the stated 60-day period. Two NGOs reported that they received responses within 6 months. All other NGOs reported that they received feedback in a time frame of 6 months to two years, and in some cases they never received any feedback at all.

3.2 Misuse of Law applications

In the case of Egypt, according to three of the interviewed experts, they believed that MOSS misuses the dissolution law (Article 92). They reported that the process itself is accepted, but this is not how it is implemented. They explained that, if an NGO commits any infringements, there is a committee in each governorate who records the incident (all interviewees agreed that the committee never really meets, at least not in the governorates
they are active in) and then notifies the NGO to align itself with the law. If the NGO does not comply, then the committee sends a report to MOSS, which sends a recommendation to suspend/dissolve the NGO to the concerned ministry, which then investigates the issue and makes a decision. The implementation does not necessarily follow the process. If the relationship between the NGO and the government is not amiable, MOSS can easily suspend the NGO operations with no consequences. It takes the NGO months and sometimes years to reverse the decision, but the bottom line is that their operations and projects are interrupted, and their reputation is damaged.

One of the interviewees revealed that in 2016, MOSS changed their approval stamp and announced that all approvals acquired with the old stamp were void, and that all NGOs must re-register and receive approval using the new stamp. The interviewee believes that they did this in an attempt to not allow some NGOs from re-registering. This resulted in the delaying of the NGOs’ activities that request prior approval from MOSS.

As shown in chapter 1, sections 1.3.1 and 1.3.2, NGOs in Rwanda, Uganda, Ethiopia, and Algeria, which are working on issues like human rights, advocacy or who are openly criticizing the operations of the government are threatened to be prosecuted with severe legal actions, even if these activities are approved by law and are a part of the constitution.

3.3 Arbitrary implementation of the Law

This section includes some inconsistencies in law implementation globally. The mentioned cases are for two of the studied countries as part of this research, which is Lebanon and China. The reported incidents highlight how governments can demonstrate flexibility when implementing the law, if it would benefit their agendas.

Lebanon and China have adopted “laissez faire” and “no recognition, no banning, no intervention” approaches respectively. Lebanon has adopted this approach mainly due to the government’s inability to provide necessary services to all citizens across the different
geographic areas of the country. However, China has adopted this approach to benefit from the large number of NGOs operating in the country (registered and unregistered), as long as they are not involved in political activities or cause social disturbances. Even after China launched the new law regulating the operations of foreign NGOs, grey areas remain. This is due to the relatively small number of supervisory units (sponsors), in comparison to the large number of foreign NGOs; moreover, there are a limited number of incentives for these units to have that role.

4. Registration

Law 84

Although registration under this law has improved in relation to previous laws as indicated by interviewed NGOs, it still has its impediments which are highlighted below.

a. Headquarters requirements

The law requires that the headquarter needs to be owned by one of the founding members or have a renting lease for at least three years, which is very difficult for young entrepreneurs who do not necessarily have the financial means to meet these requirements.

b. Documentation, delays and coordination among government entities

The majority of interviewed NGOs agree that there is too much paperwork requested in order to establish an NGO. Apart from paperwork, six out of nine do not view the process favorably. After further investigation of the reasons behind the complaints from the registration process, the researcher found that four of the six faced significant delays to establish their NGOs, mainly as a result of waiting for MOSS approvals.

One of the other cases was related to a lack of coordination between government entities to complete the process. One of the interviewees who is managing an NGO in the healthcare sector and suffered from delays in establishing his NGO stated that “It took eight months to have my NGO registered, because of bureaucracy and the lack of swift communication
between government agencies such as the district and fire department to get my five stories building approved” (Anonymous, June, 2017). The statement shows that delays in receiving approvals can hinder the swift introduction of healthcare services in communities that need it the most.

c. Registration of Human Rights organizations

Even though this law widened the field of activities permitted to NGOs, it is still very difficult for human rights organizations to register. Accordingly, many organizations register as civil companies or law firms to be able to operate, leaving these organizations exposed to harsh penalties and possibly imprisonment, should the government choose to move against them.

**Law 2016**

The analysis of the registration process for law 2016 showed that more than half of interviewed NGOs view the process negatively. There were a few articles caused concern:

- The registration fees under this law are too high (EGP 50,000), this will not allow youth and entrepreneurs with a passion to serve the less advantaged communities from participating in the development process legally.

- In article 5, the law allows 10% of the board to be foreign nationals. This cannot be applied if the board is only 5; this forces NGOs to have 11 board members to benefit from this. The percent should be 20% to allow for one person.

- In Article 8, the criminal status sheet and financial disclosure statement of every founding member is requested. This is not necessary, as mentioned by interviewed experts; the declaration sheet that is signed by founding members should be enough. There is a presumption that everyone is guilty unless proven otherwise. Moreover, it is a violation of personal privacy. The majority of interviewed experts are certain that most of the board members who are business men will leave, because no one will
agree to disclose their financial statements.

- In article 9, the law gives MOSS the right to reject an application of an NGO within 30 working days after notification (meaning the NGO has notified MOSS with its request for establishment). The word “reject” is very inaccurate in this context. Since at this stage MOSS has already received the notification along with the documentation from the person/s establishing the NGO, and once the person/s establishing the NGO obtain a receipt that their notification is received by MOSS, then by law the NGO has acquired its legal entity. Accordingly, the law cannot use the term “reject,” because at this stage the correct description would be “dissolve”.

5. Commonalities in Regulating Laws

This section includes main similarities among reviewed laws. The similarities are related to registration, freedom of association, relationship between NGOs and the government, and unclear definitions of articles within the laws. The findings can be summarized in one word, which is “security.” It seems that the majority of reviewed laws share the same concerns governing the operations of NGOs. As one of the interviewees describing the law of 2016 put it “The word security was mentioned 10 times in the law, and terrorism was mentioned twice, enough said” (Anonymous, June, 2017). In making this comment, the interviewee argues that the new law in general is mainly concerned with security issues, which is reflected in the law articles and wording.

When reviewing the laws, the main reasons for an NGO to be declined registration are: jeopardizing public peace, ethics, morality or that it is considered illegal. This is troublesome for many NGOs because the laws are unclear; for example, the law does not clarify what would constitute as a breach to national ethics.

Another common factor among the reviewed laws is related to human rights and freedom of association. Although protected by the constitution and in most of the NGO laws
in the selected countries, the implementation in most countries violates both the constitution and the regulatory NGOs laws. The two exceptions to this are the case of the US and Lebanon.

The vague definitions of laws’ articles are a common concern, with the exception of China, Lebanon and the US. For example, the Ethiopian proclamation law allows only 30% expenditures on “Administrative activities,” without providing a clear definition for it, leaving space for subjectivity when auditing the accounts of an NGO. The same applies in the case of Egypt and Algeria; both countries have broader definitions for activities that can invoke the suspending or dissolving of an NGO. One of the interviewees pointed out that article 3 mentions violations of public honor and morals, without providing clear definition of what activities would be considered as such. Five of the interviewees expressed concern that this would open the space for subjectivity when interpreting the law, thus allowing the government more control over NGOs. The interviewees agreed that the articles that left space for subjective interpretations were avoided (if possible). The interviewees were from five different NGOs and the interviews were conducted separately but they all had similar concerns.

The implementation of the law is affected by the NGO-Government relationship (section 2.2). If it is cordial, the law will be upheld and exceptions will be made. If the relationship is confrontational, violations, obstacles and hurdles will be enforced to control the operations of NGOs.

6. The challenges of Funding

Funding regulations is one of the most important elements of NGOs law, since it impacts the survival and sustainability of NGOs. The interviewed NGOs had concerns of committing to deadlines for Law 84, and many of the funding articles in the law of 2016. This is why a separate section of the analysis was dedicated to funding issues.
a. Law 84

Under this law, the major concern shared by NGOs on the issue of funding was on the delays in receiving feedback on foreign funding. The law allowed NGOs to receive funds from legal persons and associations working in Egypt (local or foreign) such as USAID and UN Women Program to directly fund NGOs. However, NGOs received communication from MOSS that they must acquire approval before any funding is received from these entities. These approvals add additional delays to an already challenging situation, especially considering that this does not only impact NGOs, but also international donor agencies that plan years in advance for funded projects. However, one of the interviewed experts commented on this by saying “Are the donors frustrated from the delays? Yes, but they will not walk out of Egypt. Egypt is a big country, and remains to be important. This is why donors want to play a role in supporting the country’s shift to liberal democracy” (Anonymous, June, 2017). In other words, the interviewee believes that the international donor community will keep supporting Egypt and will tolerate the bureaucratic practices for the greater good.

b. Law 2016

Article 23, requires NGOs to notify MOSS with 30 working days prior to receiving or collecting any funds. Moreover, the funds cannot be spent without receiving MOSS approval. In its entirety this article is unclear. First, it does not clarify if this applies to foreign donations or not. Second, it does not specify a time frame to receive either the approval or rejection. Third, it does not mention if this applied to members donating to their NGO. This article is heavily criticized by majority of NGOs, since it slows down their actions and response time to assist people in need in moments of crisis (e.g. floods, fires, earthquakes...etc.), until they receive approval from MOSS to spend money from the received donations.
Article 24, is related to NGOs receiving funds and donations, from local or foreign sources. The article stipulates that received funds are to be put in a bank account, and to be reported within 30 days of receiving the funds. MOSS has the right to decline the request to receive funds within 60 days, and if no response is sent within the 60 days, the request is considered rejected. The language of the article is problematic, if within the 60 days no rejection was sent to the NGO, then non responding should be considered an approval (in the law of 84, if no input was received within two months, the request is considered approved). Furthermore, the law did not include the mechanisms and procedures to receive funds and return it if the request was not approved, and left that up to the executive regulations. One of the interviewed experts expressed her concern over funding under the new law by stating that “we have survived the delays in receiving approvals for foreign funding which in my experience takes from 1-2 years, but now they want us to get pre-approval for local funding as well. Not only that, we have to receive two approvals from MOSS and the National Body for Organizing Foreign NGOs work. This will create a bottleneck and will definitely exceed the 60 days for requests to be processed. And if no response is received in 60 days, the request is considered to be declined. NGOs will eventually be forced to shutdown” (Anonymous, June, 2017). The interviewee poses a valid concern based on previous practices, where commitments to deadlines were barely met.

A controversial article was brought up by three experts, regarding an article stating that NGOs must pay 1% of received donations to MOSS. Two experts are doubtful about this article, one stated that “millions will be send to the government out of donations intended for NGOs and their projects, with no way to know if it will be spent in the right channels” (Anonymous, June, 2017). The interviewee reason that these funds were intended for specific developmental programs, made by donors who might not necessarily agree that their funds goes to the government.
One of the interviewed experts advised that NGOs can negotiate this with donor agencies to be covered by the donor, unless, the parliaments of those donor agencies do not approve the justification behind adding an additional 1% of funds sent to Egypt.

One of the interviewed experts believes that from his own personal experience, the smaller NGOs will be the ones who suffer the most if this law is passed. For example, any funding that is more than EGP 50,000 needs approval from MOSS. By practice, these types of approvals can take up to 6 months, making it very difficult for the smaller NGOs to pay for expenses and supplies necessary to meet their project plans and deadlines.

7. Merits and Flaws of Law no. 84

This law has been governing the operations of NGOs for almost 16 years. The analysis of the literature review (chapter 2: country context) shows that this law is a step up from previous laws since 1952. The interviews with experts and leaders of NGOs in Cairo and Alexandria view this law as relatively fair, although it had its weaknesses. One of the interviewed experts argued that starting in 2002 the number of NGOs has increased mainly due to the much improved Law 84, as well as the fact that at that specific time, the government was pro-NGO and was more supportive of the civic movement and youth development. Furthermore, the majority of interviewed experts agree that it is not just the law articles, but rather its implementation that impacts the operations of NGOs.

7.1 Merits

In this section, the research included the positive elements of Law 84 as perceived by interviewed experts and NGOs leaders.

1) Enhanced registration process

Three of the interviewed NGOs agree that the registration process has improved compared to law number 32 of 1964 and law number 153 of 1999. One of the experts had established three NGOs under Law 84, he doesn’t believe that this would have been possible
under law number 153. Another expert advised that he has been a civil activist for more than 40 years, and he operated NGOs under laws 32, 153 and 84, and from his experience registering NGOs under law 84 was much easier.

2) Allowing financial independence

Another area of strength of the law, which was mentioned by all experts, is that the law allows NGOs to engage in projects that can generate revenue to maintain financial independence. One of the interviewed experts advised that he personally knows of 25 experiences of NGOs conducting economic projects successfully. The NGOs are all operating in the villages of Aswan. However, this is the only recorded incident where the law was applied from all conducted interviews.

3) Government benefits for establishing NGOs

The government provided exemption from customs, taxes and other duties on the imported equipment, the exemption extended to real-estate taxes, a 25% reduction on railway transport duties for equipment, as well as 50% reduction on consumption value of water, electricity and natural gas. All interviewees agreed that this is a positive element of the law that cut the costs for NGOs.

7.2 Flaws

In this section, the research included the negative elements of Law 84 as perceived by interviewed experts and NGOs leaders. It is important to note that weaknesses related to implementation of the law, registration and funding were analyzed in separate sections (3, 4 and 6) due to their importance as deducted from interviews findings.

1) Governance obstacles

This issue was highlighted by four NGOs, which relates to the law allowing for only one board member to be authorized to sign off on the NGOs’ financial obligations; he/she is not allowed to delegate signatory privileges to any other board member. For active NGOs, this
would entail requiring that authorized board member to come almost every day and sign off on payments. If the assigned board member is unable to come in daily, settling financial obligations would be delayed including salaries of employees. To overcome this issue, sometimes the assigned board member signs blank checks to facilitate NGO payment of obligations. Another NGO worked around this issue by having the board member send the signed documentations directly to the bank by faxes. One NGO assigned their executive director to be the authorized board member with signatory powers since in his/her capacity as an executive director they are present at the NGO more often.

Articles 27&28 stipulates that, if there are any changes in the internal regulation of the NGO, the law specifies that more than half of the assembly members (50+1) must be called to an “extraordinary” meeting to vote on the changes. In practice, this is very difficult to materialize. One of the NGOs provided a practical example, which they faced in the last quarter of 2016. The NGO had a few changes in its internal regulation, and they had to call for the meeting 4 times before being able to bring more than half of the members, as specified by the law.

2) Easiness of dissolving NGOs

The easiness of which NGOs can be dissolved was also mentioned as a weakness. The law allows MOSS to dissolve an NGO with a request to the competent court. NGOs have the right to resort to the Egyptian courts, but the process can take between 3-4 years and in some cases even more. According to two of the interviewed NGOs, this allowed MOSS to dissolve NGOs if the government has concerns over the founders or the people providing donations or support to the NGOs. The cases below were provided by the interviewed NGOs to substantiate their input as requested by the researcher:

The first case is the Tahrir Academy, which is an NGO that provides online educational programs. According to the interviewee, MOSS withheld all NGO funds requests until they
had to close. The interviewee believes that this NGO was flagged by MOSS because it was supported by Wael Ghoneim, who wrote a book about the uprising and all of the proceeds of the book went to establishing and supporting Tahrir Academy, even though Ghoneim was neither a founder nor a member.

The second case is Arab Digital Expression Foundation (ADEF), which works on the development of Arab youth to express their opinions digitally and increase the Arabic content on the internet. MOSS delayed NGO funding requests from 2012-2015, and when the NGO inquired about the request status, they received input that it was still in process. The result was that 14 employees left and 12 kept on working in the NGO without getting paid. However, this NGO survived due to the perseverance of its dedicated team.

3) Government lack of commitment to law deadlines

Another key weakness area which was mentioned by the majority of experts and NGOs leaders (except for two), was “commitment to deadlines” in general, and especially to receiving feedback on foreign funding requests in specific. For example, according to the law, MOSS should provide feedback on the request within 60 days, but this is rarely the case. Sometimes it takes between six months to two years to receive feedback, other times, no feedback is received at all. When the NGO inquires about the request status, they are usually advised that the file with the application is currently being investigated by concerned security authority.

One of the interviewed experts advised that the NGO needed to add a training activity in their internal regulation, which falls within their scope of work, but had to wait six months for approval from MOSS. Another NGO shared that the delay in the registration process forced them to resort to media to shed light on their issue and put pressure on MOSS, which paid off as the NGO received approval one week after the airdate of the show.
More than half of interviewed NGOs believe that the delays are due to two main reasons: The first is MOSS employees are perceived in some cases as lazy, incompetent or corrupt. The second is the extended amount of time for security clearances to be received.


The civil society community did not receive the new law well. Many NGO leaders in Egypt view this law as an elimination to civil society work in the country (El-Sheikh, 2016). Almost 60 NGOs have sent a petition to President El Sisi not to approve the law in its current version, stating that it will dismantle civil society (ifex, 2016). Few of the parliament members formed a coalition of 25-30 advocating against the law. One of the parliament members explained that the law was not passed unanimously, but it was difficult to know who voted for or against it since the electronic voting system was not used. He further explained that the State Council had concerns regarding 23 of the 89 articles, indicating that the law was not thoroughly studied. Moreover, a number of human rights organizations and political parties issued a statement condemning the law. A number of seminars were conducted to discuss the new law, which is perceived by many as unconstitutional and that it does not comply with international conventions such as ICCPR and ACHPR (Mecky, 2016).

Furthermore, the law garnered international attention. Senators John McCain and Lindsey Graham issued a statement describing the new law as “draconian.” (MacCain, 2016). They both urged President Sisi to refuse the law and respect Egypt’s constitutional commitment to freedom of association and assembly.

The interviews with experts and leaders of NGOs in Cairo and Alexandria indicated that they view this law as highly restrictive. The experts described the law as “crippling” and “scarecrow” to NGOs. Almost all experts agree that non compliance with administrative issues are highly penalized and lead to imprisonment.
One of the experts who addressed the law in its entirety stated that “the overall feel of the law is that there is a general mistrust of everyone working in charitable and development work, it made us all feel like criminals and will be charged for any infringements under unlawful earning law” (Anonymous, June, 2017). This comment coincides with previous quote related to how security concerns are impacting the laws articles and wording, making experts who are working in the development sector feel unappreciated and under attack.

One of the interviewed experts, argues that this law was presented to achieve three objectives, the first is to separate politics and advocacy from developmental activities and services. The second is to comply with international standards on anti-money laundry act and terrorism finance act, and the third is to unify monitoring and evaluation mechanisms for all NGOs operating in the country. The attempts to describe the law continues by another expert who labelled the law to be “an insult to civil work in Egypt. We feel that we are not appreciated and looked upon as criminals. If this law is released in its current format, I will leave my position. I’m too old for this” (Anonymous, June, 2017). So far, the statements show that NGOs share similar understanding and reaction towards the new law.

**Issues with the Law**

In this section, the research included the negative elements of the law of 2016 as perceived by interviewed experts and NGOs leaders. It is important to note that weaknesses related to registration and funding were analyzed in separate sections (4 and 6) due to their importance as deducted from interview findings. As one expert explains “this law doesn’t say how to make your life easy, it says how to keep you controlled” (Anonymous, June, 2017). The interviewee is arguing that all elements of the law are governed through a restrictive set of article, from registration, funding to dissolution among others.
1) Vagueness of articles definitions

The majority of interviewed NGOs agree that the language of many of the law’s articles is vague, and that it either can be interpreted in more than one way or that it is not well defined. However, this issue might be less critical once the executive regulation is released. One of the examples provided was related to article 3, which mentions that NGOs must respect public honor and morals, without a clear narrative of what constitutes as public morals, leaving it to the subjective interpretation of the regulator. This was also an issue in Law 84. One of the interviewed experts expressed her concerns on this and inquired “is contraceptives, family planning and female genital mutilation campaigns would be in alignment with how the regulator defines public honor and morals” (Anonymous, June, 2017). The un-clarity of some of the laws articles could discourage NGOs from taking on projects and launching campaigns that would serve the disadvantaged in local communities.

One of the interviewed experts highlighted one of the requirements of article 14 as an example of vagueness. It is stated that the work of NGOs must be “within the scope of government plans and development needs.” There are no clear guidelines or definitions to what those plans are, and nothing was sent to NGOs for them to abide by this article.

2) Administration & Operations

Across different articles, the law invokes imprisonment penalties for administrative infringements. All interviewed experts believe that this should be removed from the final draft of the law. Below are the major problematic challenges as identified by interviewed experts in relation to administration.

In article 14, the law prohibits NGOs from issuing certificates which is necessary for NGOs working in education and development who give the participants that attend their programs certificates as proof that they have the knowledge and knowhow of the skills they were trained to do. This is also a form of motivation for beneficiaries to complete offered
programs which should better prepare them to actively join the workforce. One of the interviewed experts who work in the field of education stated that “we run classes for students in the primary stage in very poor areas, and we have the necessary approvals from the Ministry of Education. We have to issue certificates to our students, but if we do that, we will go to jail” (Anonymous, June, 2017). This statement shows the level of negative impact of this article for all NGOs working in the education field.

Under this article, NGOs are prohibited from conducting surveys even if it is within its scope of operations. This is a core activity for NGOs to understand the needs of the communities they serve. According to the law, prior approval must be obtained. This is one of the articles that can be penalized with imprisonment. The issues of surveys and certificates where highlighted by three NGOs as critical to their operations. One of the three NGOs said that surveys and polling are part of their activities, since they are carried out to measure impediments to economic development and investment. The NGO acquires pre-approval from the Central agency for Public Mobilization and Statistics before conducting the surveys, and adding another body for approval causes a lot of delays and administrative work. From the NGO perspective, approval should be from one entity either from the Central agency for Public Mobilization and Statistics or from the National Body for Organizing Foreign NGOs Work. A second NGO shared that they are in the educational field and they do pre, mid and post assessments as well as give certificates to their students, so this article will make it impossible for them to operate.

Article 19, is related to obtaining approval from MOSS prior to the participation of NGOs in civic activities with other local or foreign NGOs, on the condition that it does not contradict the purpose of its establishment. This article will limit the collaboration between NGOs who are interested in conducting joint activities for the benefit of the communities they serve. So, this article needs to include a time frame (as proposed by two NGOs) to
receive approvals which should not exceed one week, since these NGOs are working within the approved set of activities.

According to article 21, establishing a new branch or office for the NGO requires a prior approval from the concerned Minister. The law did not specify a timeframe to receive the approval. Large NGOs can open multiple new offices in one year. Such a requirement is an impediment to carry out swift operations of these branches as well as to begin introducing services to communities in need of these offerings.

Article 26, is related to the right of the NGO members to view all documents and reports whenever requested. The article did not specify the types of documents and reports to be made available whenever a member requests them. This is also a huge administrative burden for NGO employees. Moreover, some reports, like committees and employees’ evaluations, might be subject to publishing even before being reviewed by the board members.

Two NGOs complained that hiring foreign nationals requires approvals from MOSS, which is a very time consuming process. The process should be “notification” only, not approval-based.

3) Dissolving NGOs

The majority of interviewed experts and leaders are more concerned about dissolving NGOs now than previously under Law 84, since many of the stipulations which can be used as base of dissolution are not well defined and remain largely ambiguous.

4) Governance obstacles

In Article 5, the law allows 10% of the board to be foreign nationals, which cannot be applied if the board is only 5, this forces NGOs to have 11 board members to benefit from this. The percent should be 20% to make up for one person.

In Article 34, the NGO is obligated to notify MOSS with the names of candidates for membership of the Board of Directors on the second day following the closure of the
nomination period. MOSS will notify the NGO within seven days on any objections of members who do not meet the requirements. If the candidate did not remove his/her nomination within 15 days, MOSS must issue a decision removing the candidate. The problem with this article is that the candidate must be the one notified and not the NGO. Moreover, the mechanism which will be utilized by MOSS to verify the candidate eligibility is not clear. This article is considered a direct violation to the constitution which gives the citizens the right to establish NGOs and associations.

Based on above analysis of Law 84 of 2002 and law of 2016, below is a summary of how both laws are viewed by interviewed experts

<table>
<thead>
<tr>
<th>Key Factors</th>
<th>Law 84 of 2002</th>
<th>Law of 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registration</td>
<td>Too much paper work</td>
<td>Too much paper work</td>
</tr>
<tr>
<td></td>
<td>Minimum cost</td>
<td>High cost</td>
</tr>
<tr>
<td></td>
<td>Some delays in receiving approvals</td>
<td>Some of the required documentation violates personal privacy</td>
</tr>
<tr>
<td>Funding</td>
<td>No approvals required for local funds</td>
<td>Prior approvals needed for local and foreign funds</td>
</tr>
<tr>
<td></td>
<td>Prior approval needed for foreign funds</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Significant delays in receiving feedback on foreign funding requests</td>
<td></td>
</tr>
<tr>
<td>Governance</td>
<td>Semi-problematic</td>
<td>Problematic</td>
</tr>
<tr>
<td>Vagueness of law articles</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Risk of dissolving the NGO</td>
<td>Yes</td>
<td>Higher risk</td>
</tr>
<tr>
<td>Room for manipulation of Law implementation</td>
<td>Yes</td>
<td>Will be evaluated once the executive regulation is released</td>
</tr>
</tbody>
</table>

Figure 6. Summarized comparison between law 84 and law of 2016. Author’s compilation.

9. Summary of Data Analysis

This section summarizes the outcomes of the data analysis which was collected from empirical research. This data was based on in-depth interviews with experts and decision makers from local and foreign NGOs.
The summary is categorized into three overarching criteria: the first are the advantages and strengths of Law number 84 of 2002, the second are the challenges and weaknesses of Law number 84 of 2002, the third are the challenges and weaknesses of law of 2016.

Firstly, as the data shows, four areas were perceived by experts as the key strengths of Law 84. In its entirety, the law is viewed as efficient and fair in regulating the operations of NGOs and in governing the relationship between the government and NGOs. The registration process has improved when compared to previous laws, encouraging more NGOs to register. The law also allowed NGOs to receive local funds from individuals and corporations, and while foreign funding requires pre-approvals, it is allowed under this law. Another important advantage of the law is that it allows NGOs to engage in self-sustaining projects providing them with opportunities for financial independence. Finally, government benefits under this law are perceived as strength, since it cuts operational expenditures allowing these funds to go to development.

Secondly, as the data shows, seven areas were perceived by experts as key weaknesses of Law 84. The implementation of the law is a major weakness. The majority of interviewed experts agree that occasionally there are some inconsistencies and abuse of government authority, as well as intentional misinterpretation of law articles in the implementation of the law. The delays in receiving feedback on foreign funding requests are another issue with the law. Such delays result in postponing the implementation of projects as well as damaging the country’s reputation with foreign donors. Registration is also flagged as an issue from the amount of required documentation, paperwork and delays. Moreover, the bureaucracy associated with the communication between governmental entities in order for the process to be completed is time consuming. In a number of cases, the MOSS employees are the main reason for some of the obstacles that were encountered. This is mainly due to the employees’ weak understanding of the nature of projects and in some cases for misinterpreting the law
articles. NGOs also have concerns with the obligation that requires them to assemble more than half of the members for minor changes in the internal regulations. Another concern is associated with the requirement of having only one board member signing off on financial obligations; this increases the governance obstacles facing NGOs. There were also several trepidations concerning the vagueness of a few articles of the law which would allow for subjectivity and abuse of the law by MOSS employees. Finally, the fear of dissolving NGOs was another major concern. This issue is connected to both the implementation of the law and vagueness of law articles. The implementation of the law does not necessarily follow the process of dissolving NGOs, while at the same time, the vagueness of the articles allows for subjectivity in the interpretation of an article, it can be used as a cause for dissolution.

Thirdly, as the data shows, seven areas were perceived by experts as the key weaknesses of law 2016. The law in its entirety is perceived by experts as restrictive. When national security is mentioned 11 times, anti-terrorism is mentioned two times, and administrative errors are penalized with imprisonment, this creates a sense of mistrust from NGOs towards government intentions.

Moreover, the significant increase in registration fees for local and foreign NGOs, and the additional invasive requirements of the NGOs founders, such as asking them to produce their criminal status sheet and produce financial disclosure statements, added to the feeling of mistrust.

The creation of the National Body for Organizing Foreign NGOs work will cause further delays in receiving feedback on local and foreign funding, since now both MOSS and the National Body for Organizing Foreign NGOs work must provide feedback for the requests. The administrative and operational issues not only continue under this law, but they also increase; from opening a new branch, which is close in its process to repeating the registration cycle again, to rejected requests if no response was received in two months. The
law does not consider the possibility of internal delays within MOSS in processing the request which could cause the two-month period to pass. Moreover, the law prohibits NGOs from issuing certificates with no regard to the impact of NGOs working in education and development, it also requires pre-approval before conducting surveys and polls which mandates additional administrative work and will ultimately cause further delays.
Chapter 5: Conclusion

5.1 Introduction

This research set out to investigate the laws governing NGOs in selected countries and the potential applications to the Egyptian context. The research was divided into two activities, the first was a review of the legal framework of eight countries including Egypt, and the second was the empirical part of the research which consisted of conducting in depth interviews with NGO decision makers and experts to understand how they view Law 84 of 2002 and the new law of 2016.

The research began with an attempt to provide a working definition of NGOs to be applied to this thesis. From there, the research presented a historical background of NGOs in Africa, the Middle East, China and the US. This background was important to provide as it offers context and reasoning as to why these countries were selected. Afterwards, the research presented a review of the legal framework regulating the operations of NGOs in each country. The next step was deciding on the criteria needed to select NGOs for the interviews and who specifically within the NGO to select for interviews. The final step was the analysis of the findings.

The main findings and conclusions of the research as set out in the various chapters are as follows:

5.2 Main Findings and Policy Implications

5.2.1 The legal framework and its control over the operations of NGOs

As shown in the research findings, the regulator can control NGOs through the legal frameworks governing NGOs operation. Registration is mandatory in most examined countries with the exception of the US and Lebanon. Hence, the regulator has the authority to reject an application, refuse the renewal of registration, dissolve an NGO, as well as control funding of NGOs.
For countries like Egypt, Algeria, Rwanda, Uganda, Ethiopia and China the regulator has wide unrestricted powers. However, NGOs have the right to appeal against the decisions of the regulator through the judiciary system or concerned Ministry. In the case of countries like Lebanon and the US, the regulator does not have any wide powers over NGOs. It only provides the guidelines and documentation requirements if an NGO wants to benefit from tax deductions and receive funding and grants.

The key identified areas of the examined laws were registration, foreign funding and dissolution. In the coming section, the findings for each area among selected countries are presented.

For registration, the research found varying experiences among the countries studied. For countries like Ethiopia, Rwanda, Uganda, the requirements to register are considered reasonable. In the case of Lebanon, the requirements to register are minimal. In the US, NGOs do not need to notify the regulator unless they want benefit from tax reductions. In China, the only restriction is finding a sponsor for the NGO. However, this was removed from the newly established law. In the case of Algeria and Egypt, the requirements tend to be extensive.

For foreign funding, the research findings showed that countries like Uganda, Rwanda, and Lebanon have very minimal restrictions to receive foreign funding. In the case of Ethiopia and China, the regulators control the flow of foreign funding to minimize international interferences. While in Algeria, foreign funding is prohibited. In the US and Lebanon, there are no impediments to foreign funding. In the case of Egypt, foreign funding requires passing a series of approvals among different ministries. The research findings showed that national security concerns are the primary reason for the regulator attempts to control foreign funding.

For dissolution, in most examined countries, with the exception of the US, the
regulator has the power to dissolve NGOs. In most cases, NGOs can appeal the decision in a court of law. However, this can be a costly and time consuming process. The research findings have shown that if the NGOs’ activities do not align with the government agenda or if NGOs are publicly criticizing government actions, this can create tension and might be a factor to either suspend or dissolve an NGO.

5.2.2 The need to Monitor the Application of the Law

One of the most interesting research findings was that in practice the implementation of the law did not necessary align with the law regulations and articles. The reasons for observed deviation of the law varied from one country to another. In countries where the government does not support NGOs activities in raising the awareness of the citizens on human rights issues and advocacy, NGOs encountered legal actions from the regulator threatening to suspend their operations such as the case in Rwanda and Algeria. In other cases, when NGOs are apolitical and are not causing any social unrest, the regulators turn a blind eye for unregistered NGOs to benefit from their services to the communities in need of development. This often occurs frequently in China, which has a large number of unregistered NGOs. Other regulators tend to abuse the law or capitalize on the vagueness of wording for some of its articles to control NGOs economic activities or dissolve NGOs in conflict with the regulator; a few cases of such actions were recorded in Egypt.

Accordingly, governments should put more effort in monitoring the implementation of the law. The regulator’s violation of the laws should not be accepted as a normal model of operations, and the laws articles must be respected and upheld.

The research showed that broad and discretionary powers can result in arbitrary decision making, and as the research has revealed, this can lead to unwarranted government interferences.
5.2.3 NGOs and government collaboration for enhanced civic engagement among Egyptians

One major takeaway from the review of the legal frameworks of the selected countries is the need to educate Egyptians about civil society and the need for increased civic engagement among citizens. It was evident that each country had historical and cultural elements which impacted citizens’ engagement in civil work, which ultimately affected the construction of the legal framework. The colonial era in Africa, created a strong civil society that played the role of government and introduced basic services to their communities. As such, citizens connected with civil society in its different forms including NGOs.

In the case of Lebanon, due to its turbulent political situation, NGOs had to step in and complement the work of the government for many years. The result was establishing a culture that understands civic engagement and its importance for the development of the country. In the US, the concepts of civil society date back to even before the “Gospel of Wealth,” arguably making it the most prominent example of having the strongest civil society.

Egypt is a country with a large population and with 26% illiteracy rate. This is why it is important, now more than ever, for government and NGOs to work together to educate and engage citizens in civic work and to enable citizens to take ownership of the development process of the country.

5.2.4 Consideration of adopting lessons from Ugandan National Bureau by the Egyptian cabinet

Another important outcome of the review of legal frameworks of the selected countries is how the Ugandan National Bureau formulated its board of directors. The board of directors is comprised of 8 members, one third are females, two members are
representatives of the NGO sector, Chair, Vice Chair, one member with at least 10 years of experience in civil society activities and three more members. The way the membership of the board is constructed shows that the Ugandan government is attempting to support the growth of the sector, by having an equal representation of government and NGOs, without losing sight of gender equality. The same cannot be said of the way the Egyptian National Body for Organizing Foreign NGOs work is formed. The National Body for Organizing Foreign NGOs work is comprised of a board of 10 members representing the Ministry of Foreign Affairs, Ministry of Defense, Ministry of Justice, Ministry of Interior, Ministry of International Cooperation, competent ministry, Central Intelligence Agency, Central Bank, Anti-Money Laundering Committee and the Administrative Control Authority.

The Egyptian cabinet needs to re-consider the unbalanced formulation of the National Body for Organizing Foreign NGOs work members if they are serious in their claims to support NGOs rather than to control them.

Policy Implications

Upon reviewing the laws of seven countries in addition to Law 84 and law of 2016 regulating the operations of NGOs in Egypt, the regulators need to consider seven factors:

1) Implications on Government – NGOs Relations in Egypt

To be able to create an enabling environment that allows NGOs to be independent and effective, there are legal, cultural, political and economical issues need to be addressed. This research focused on the legal framework as one of the issues necessary for NGOs to grow. The research findings provide an opportunity for government, NGOs and other stakeholders to take action to improve government-NGOs relations. The proposed recommendations to reform the regulatory framework for NGOs can provide the basis for a partnership between the government and NGOs that is mutually interdependent and complementary in the national development process. An enabling legal framework can enhance the dialogue between the
government and NGOs to provide a platform to be involved in the policy making process, since NGOs play a role in the implementation of the policies that are formulated by the government, especially those that deal with sustainable development and poverty alleviation, which represents an important step towards a more democratic society.

2) Government, NGOs and International Donor Agencies Partnership

An enabling legal framework which allows NGOs to reach their full potential and effectively contribute in the development process, enhances the trust of the international donor community in both the government and NGOs. The government is responsible for policy making, which plays a major role in the development of the country. Sound macroeconomic and fiscal policies as well as fostering the rule of law leads to sustainable development. On the other hand, NGOs have the knowledge, knowhow and access to citizens on grassroots level, NGOs can identify their needs and introduce solutions to develop these communities. This is why it is crucial for government and NGOs to partner with international donor agencies to make sure that these funds accomplish its objectives. This collaboration will minimize the threat that the government faces of the growing approvals of NGOs from the international donor community. To continue competing rather than collaborating and working in silos will not benefit the country’s development plan.

3) The Underlying theme of Security

It was anonymously agreed upon by all interviewees that the new law is dominated by fear. Accordingly, the regulators need to revisit this law and eliminate articles that will impact the level of trust and respect between NGOs and the government. Hence, the regulators should remove articles related to: 1. imprisonment charges for administrative errors; 2. prohibiting NGOs from conducting surveys, assessments and field researches until obtaining prior approvals; 3. requiring “financial disclosure statement” upon registration from the founding members.
4) Corporate Engagement

The law needs to include an article which allows corporations to receive tax exemptions for their contributions to NGOs to encourage businesses to be more engaged in civil work.

5) Ease of Administrative Operations

- The majority of NGOs are understaffed. Accordingly, the regulators should consider simplifying the processes in the executive regulation for the new law of 2016.

- The establishment of an executive committee with the authority to make decisions and sign off the NGO financial obligations. The purpose is to minimize the administrative work of calling for a majority of members in assembly meetings for any changes governing the internal regulations of the NGO.

6) Financial Independence

NGOs should be allowed to engage in economic activities (through a well defined article) to achieve financial stability. This will minimize reliance on funding in general and foreign funding more specifically, which would decrease the government’s security concerns over funding.

7) Harsher Laws Versus Developing NGOs

A unit for “development” needs to be established as part of MOSS. This unit should be responsible for educating and developing NGOs and its employees. Moreover, they should have a role in orienting the public of what civil work truly means. This will assist in creating a society that respects civil work and engages the society in general in the development process.
Conclusion

Throughout the process of developing this research, the researcher was able to deduce some interconnected keywords that could provide a more holistic overview of the research findings and have the potential to guide other researchers who are interested in further investigating this field of study. It can also be of value to policy makers, current NGOs or individuals interested in establishing NGOs.

The context under which this research was developed was that the establishment and operations of NGOs cannot be separated from its relationship with the government. However, in every structured society, governments need to be accountable to NGOs, hence, the decision to study the regulatory frameworks. The regulatory frameworks are not created in a vacuum; there are many elements that impact the formation of these legal frameworks. This research was able to pinpoint four elements from reviewed literature and conducted empirical work. These four elements are trust, rule of law, dialogue, and engagement.

Trust, is a critical factor to consider in the relationship between NGOs and governments. Governments fear that NGOs could turn into a political opponent that criticizes government decisions, and act as a competitor when it comes to receiving foreign funding. There are also national security concerns that NGOs might promote other countries agendas. On the other hand, NGOs fear government intervention in their operations and control over resources, which can impact their sustainability and financial independence. To be able to create an environment of trust between NGOs and governments, dialogue and rule of law, which is the second and third identified elements, need to be considered.

There are many ways to initiate dialogue between NGOs and governments. For example, coordination committees between NGOs and the government can be established across cities/districts/governorates, encouraging them to work together and build a successful, transparent and trustful relationship. Rule of law is another important element to
institutionalize trust between NGOs and the government. A number of cases were recorded in this research where laws were selectively enforced, and sometimes used to manipulate NGOs operations. Governments have the responsibility to ensure that laws are administered consistently, and must take actions when they are not. Finally, the element of engagement is important to consider. The development process is not the sole responsibility of the government. It is the responsibility of civil society in general with its different organizations, NGOs, corporations and citizens. Through trust, rule of law and dialogue, engaging all other sectors of society in the development process can be achieved.
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Appendix 1

Algerian Associations Law

China’s Law for NGOs

China’s Charity Law
http://www.chinalawtranslate.com/2016charitylaw/?lang=en#Toc446170646

China’s Law for Foreign NGOs

Egyptian NGOs Law (no.84 for the year 2002)

Egyptian NGOs Law (draft law of 2016)

Ethiopian Charities and Societies Proclamation

Rwanda NGOs Law
http://www.rgb.rw/fileadmin/Key_documents/LAW_GOVERNING_NGO_AND_RELIGIOUS_ORGANISATIONS.pdf

Uganda NGOs Law

USA Internal Revenue Code
https://www.law.cornell.edu/uscode/text/26/501
Appendix 2

Interview Questions

- Background of the interviewee
  - What made you decide to work in social development? Is it a satisfying experience?
  - How would you want people to remember you or the legacy you want to leave behind?

- Statistics about the NGO
  - No. of branches
  - No. of staff members
  - No. of key active projects per year

- How do NGOs view law no. 84 for the year 2002?
  - General overview
  - Key weaknesses areas (top 3)
  - Key strengths areas (top 3)
  - Impact on operations

- How do NGOs view the new law of 2016?
  - General overview
  - Key weaknesses areas (top 3)
  - Key strengths areas (top 3)
  - Impact on operations

- Any other issues you would like to share?