

Opinion: NGOs Have a Right to Receive Foreign Funding

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By Kenneth Roth, Executive Director of Human Rights Watch

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A common way for people to join together is by creating a non-governmental organization (NGO). So when autocrats want to keep society cowed—to avoid organized pressure for change—a top priority is to handcuff the NGOs. Because simply banning NGOs would so obviously flout the right to freedom of association, autocrats these days pursue more subtle approaches. An increasingly common technique involves two steps: first, generating sufficient fear so few residents dare fund an NGO like a human rights group that is genuinely independent or might criticize the government; and second, citing nationalism or the alleged dangers of outside interference to ban or restrict foreign funding of NGOs.

Ethiopia enacted a law in 2009 that prohibits human rights groups from receiving more than 10 percent of their funding from abroad. That has decimated the country's human rights movement. Russia adopted a law in 2012 requiring NGOs that receive foreign funds to proclaim themselves "foreign agents." Russian human rights groups have refused, even under threat of prosecution, because the label is so stigmatizing. Now Egypt is debating a law that would empower the government to determine which NGOs are allowed to receive foreign funding. That would invite the government to pick favorites, approving foreign funds for lapdogs while rejecting them for critics.

But why are foreign funds so nefarious when NGOs get them yet apparently uncontroversial when others do? The Ethiopian government is one of the largest aid recipients in Africa; does that make it subversive? The Russian government lives off its sale of oil and natural gas to foreign buyers; is that an act of treason? The Egyptian government receives billions of dollars in US military assistance and is negotiating for billions more in loans from the IMF; is that an act of disloyalty?

Of course not. So why is it wrong for NGOs to solicit financial support from foreign friends? Bolstered by foreign funds, governments routinely advance their political agendas. Militaries and businesses do the same. Why should NGOs be singled out for restriction? It leaves the impression that their real sin is not accepting foreign contributions but criticizing the government.

Restricting NGOs may be the first rule of the Autocrats School, but it violates the first principles of democratic societies. That is because elections alone provide insufficient opportunity for the public to influence the decisions of government. The mere act of voting, important as it is, is too blunt an instrument by itself for citizens to express their views. At best people vote for a political party -- a tendency or orientation -- but that periodic vote does not mean uncritical endorsement of every decision the party might make about the broad range of issues—some foreseeable some not—that arise in day-to-day governance.

That's where the rights of free speech and association come in. People need the freedom to speak out on issues whenever they arise, not only on Election Day. And the way to increase the reach of each person's voice is through such megaphones as social media, the press, and the ability to join together with like-minded people

through groups such as NGOs. Human rights NGOs play the added role of defending those whose voices a government wants to silence.

It should be no surprise that NGOs -- like the media -- sometimes criticize government decisions. That is not subversion. It is the essence of democracy. Any government effort to bar funding for critics or to steer funding only to groups that parrot official views undermines this essential democratic role.

That is not to say that anything goes for NGOs. Like everyone else, they should refrain from criminality. If an NGO worker really is plotting to violently overthrow the state or to commit some other legitimately proscribed act, he or she should be prosecuted under the regular criminal code. There is no need for additional restrictions specifically for NGOs.

Any regulation of NGOs should focus on their conduct, not their source of funds. So long as an organization is engaged in peaceful advocacy, even if that is critical dissent, it should be entitled to do so as a matter of right, regardless of who funds it.

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