CHAPTER VIII

RIGHT TO DEVELOPMENT: PEOPLE'S PARTICIPATION AND THE ROLE OF NGOs

A. Introduction

The World at present is witnessing various kinds of social movements which have usher human civilization in to a new era where organizations that aim to represent values and aspirations of the society are associated with people rather than with state. These organizations address to a range of issue which includes promotion and protection of human rights, environmental issue, women’s right, child right and Right Based Approach to Development and so many other issues pertaining to people’s rights.

This historic change is not a result of an isolated event but it is an outcome of an evolutionary process which witnessed the democratic transition in many countries, disintegration and fall of many socialist powers and the emergence of people organization throughout the globe, all this lead to a situation where people’s participation is now becoming the core issue of present day world order both internationally and domestically.

People today have an impatient urge to participate in the events and process that shapes their lives. This impatient urge is a

---

1 The phrase ‘NGO’ is being used as generic word in this chapter which also include the term ‘Civil Society’. The researcher has used both the expression interchangeably.
4 Ibid.
two edged sword for the society which creates many opportunities but if that is not properly channelized through mature democratic system it can pose various danger to the society.\(^5\)

But it is found that many a times the governments in developing countries often discourage such participation. The governments have most of the time focused on areas like making available food services or assets rather than enabling people to do more for them. Development traditionally has been taken by the government as something to be done for the society rather than empowering them. Sometimes the effort is on putting check rather than nurturing and extending rights to them.\(^6\)

However, slowly but steadily thing are changing, many community groups now command the attention and respect of government in many developing countries. These community groups have succeeded in their effort to persuade the government by their energy and creative solutions. They offered solutions for many critical problems and many governments have finally accepted the value of participatory community groups. Donors have also come forward to channelize their money through Nongovernmental Organization (here in after NGOs) and they are no more romanticized by the idea of official aid.\(^7\) As a consequence of this there has been an explosion of participatory movements in most developing countries.\(^8\)

In this changing scenario many old notions have to be given new meanings. For instance security should be reinterpreted as security of the people, not security for the land. Development must

---

\(^5\) Ibid.


\(^7\) Ibid.

\(^8\) Ibid.
be woven around people not people around development and it should empower individuals groups rather than disempowering them. In this process individual should be the focus of developmental process.⁹

Development needs to become a people centric and people-driven process. As long as it remains a process fuelled by external forces, designed from the outside with people at its periphery, the chances of its success are remote. There is a silent revolution taking place within the development process in various part of world. The single most important feature of this revolution is the growing involvement of civil societies in developing long-term and replicable social and economic development initiatives through public-private partnerships. A pro active civil society is a key instrument for securing good governance.¹⁰

All revolutions in the history were in fact of an outburst of the fury of the deprived and the downtrodden in the society. And most important changes in the social orders had been the results of those revolutions. But not all the revolutions have led to removal of poverty or deprivation and the expressions of fury have often taken forms other than open rebellion, especially in democratic societies, because of the lack of any agency to articulate the specific grievances in terms of such an overriding cause unifying all the deprived.¹¹

For this new kind of governance through participation many of the old institution of civil society need to be rebuild and many new

⁹ Supra note 3 at 1.


ones to be created. It is expected that future conflicts may well be between people and state rather than between states, national and international institution will need to accommodate much more diversity and difference and to open many more avenues for constructive participation.\textsuperscript{12} But at the same time one has to understand that participation is not an event, it is a process thus it has its own logic of evolution in a socio-political environment. It will vary from society to society, country to country and so on. It has various stages of development and will attain one stage of development after another.\textsuperscript{13} That is why it is important that impulses of participation to be understood and nurtured.\textsuperscript{14} NGOs/ Civil Society claims to be representing that impatient urge for participation in the governance. More over as mentioned earlier also that many old concepts have to be given new interpretation in the changing social scenario. Today development is a big issue which is affecting the life of every one irrespective of the fact that whatever socio political status one belongs to.

Many questions are being raised regarding the developmental policies worldwide and it is asked by the people whose ‘development’ it is? Whether the ongoing process of development is just development? Who should be excluded and who should be included in this notion of development? And whether this inclusion or exclusion is with the consent? Whether present model of development is inclusive one by all yardsticks?

There are so many dilemmas of development and models of development. But it is being asserted that process of development should be people oriented development. Therefore it is asserted that participation of the people is important. Initially NGO/Civil Society

\begin{footnotesize}
\begin{enumerate}
\item\textsuperscript{12} Supra note 3 at 1.
\item\textsuperscript{13} Id. at 2.
\item\textsuperscript{14} Ibid.
\end{enumerate}
\end{footnotesize}
have been focusing basically on violation of civil and political rights, but in the last few decades they have realized the importance of development as an issue and its interface with the human rights. Now civil societies are insisting for Right Based Approach to development; even the Declaration on Right to Development, 1986 emphasize on active, free and meaningful participation and consider that human person is the central subject of development and should be beneficiary of the right to development. It is important to note that with the adoption of Declaration on Right to Development, two covenants i.e, ICCPR & ICSECR were merged into one for all practical purposes. This was a new kind of experience in international law in a sense that the world body wanted to achieve in 1948 and probably failed to do so because of the cold war. That has exactly happened with adoption of declaration of Right to Development in 1986. Both the above mentioned covenants are not only interrelated but with the adoption of the Right to Development, both the covenants have been integrated.\textsuperscript{15} Now it is very much accepted that civil and political right cannot be protected without the protection of social, economic and cultural rights and vice versa. With the adoption of Right to Development it is very well accepted that the process of development must be based on Justice and equity. Every person is entitled to that process of development as an inalienable human right.\textsuperscript{16} It is in this context the role of NGOs and its advocacy for Right Based Approach to Development is important.

Interestingly Right to Development also suggests the methods through which these rights have to be exercised. The declaration provides that it should be achieved through transparency, acceptability, effective participation and equality of access.\textsuperscript{17} All these method lead to a situation where it has to be ensured that the

\begin{itemize}
\item \textsuperscript{15} Supra note 11 at 2921.
\item \textsuperscript{16} Ibid.
\item \textsuperscript{17} Ibid.
\end{itemize}
process of development should be transparent and everybody should not know who is getting what. So the process of development should be clean and equitable based. Development should be an informed and participatory development and at no cost it should be imposed upon them.

It is in the above mentioned context that NGOs can play a major role in converting the public sentiments into programmes of change. It is pertinent to mention here that even the single most violation of economic, social and cultural rights is also considered as violation of the Right to Development. This particular fact is also very important from another aspect that the NGOs which are exclusively working for Right to Development are very rare. But that doesn’t mean that exploring the working of NGOs for achieving the objectives of Right to Development is a futile exercise. As it has already been clarified that Right to Development is a composite right, therefore, any NGO, working for either civil right or social and economic rights can be explored from the angle of Right to Development.

B. Civil Society: Meaning and different dimensions

Until the end of 18th century, the term ‘civil society’ used by main European philosophers such as Aristotle, Rousseau or Kant, was synonymous with the state or political society.18 ‘Civil’ was set

---

18 For instance following definitions can be examined to have an insight about the meaning of civil society as quoted in Christoph Spurk, ‘Understanding Civil Society -History, debates, and contemporary approaches’, Nov. 16, 1-26 at 2-3 (2008), available at http://graduateinstitute.ch/webdav/site/developpement/shared/developpement/343/SpurkCivilSocietyInPaffenholz.pdf as accessed on 19.12.2010.

(i) According to John Locke, “Civil Society is a community in which social life of people develops and in which the state has no say”.

(ii) According to G.W Friedrich Hegel, ‘Civil Society is a historical product of economic modernization and bourgeois driven economy positioned between the spheres of family and state.

(iii) According to Karl Marx, ‘Civil Society as such develops only with bourgeois and it is the entire material interactions among individuals at a particular evolutionary stage of the productive forces.
against the state of nature or against uncivilized forms of government, like despotism. Thus civil society in this conception expresses the growth of civilization to the point where society has become civilized.¹⁹

Civil society is the sector of voluntary action within institutional forms that are distinct from those of the state/political sphere, family, economy/market keeping in mind that in practice the boundaries between these sectors are often complex and blurred. It consists of a large and diverse set of voluntary organizations, competing with each other and oriented to specific interests. It comprises non-state actors and associations that are not purely driven by private or economic interest are autonomously organized, and interact in the public sphere; thus civil society is independent from the state and political sphere but it is oriented towards and interacts closely with them.²⁰

Unlike state based membership inherent in citizenship, association in civil society is voluntary and is characterized by individuals coalescing around common ideas, needs and causes to promote collective gain. Individuals who participate in collective action seek to achieve some desirable end that they could not attain by acting alone. Often they undertake to shape the larger political and social reality facing them or invoke rights of public debate

---

¹⁹ Id. at 1.
²⁰ Id. at 5.
around common concerns. The civil rights movement in United States and the global human rights movement are examples of this phenomenon.

The American writer Jermy Rifkin calls civil society ‘our last, best hope’; Labour politicians see it as central to a new project that will hold society together against the onrush of globalizing markets; donor agencies see it as one of the keys to ‘good governance’ and poverty reducing growth.

At its simplest, civil society is the arena in which people come together to pursue the interests they hold in common- not for profit or political power but because they care enough about something to take collective action. These are as follows:

- The space of uncoerced human action.
- The vehicle through which people take action as moral beings.
- All organizations and association above the level of the state.

The use of term ‘NGO’ interchangeably with civil society dates from 1950 when United Nations coined the expression. When the interest’s embroded in a social movement evolve structurally to form a free standing presence within the broader institutional environment, the resulting entity is termed as NGO.

---

22 Michael Edwards, Nailing the Jelly to the Wall: NGOs, Civil Society and International Development’, available at www.futurepositive.org/docs/JELLY.doc as accessed on 12.01.2011.
23 Supra note 21 at 466.
24 Id. at 465.
The civil society can be divided into four levels:

At the base level are grass roots or community based organizations which are generally informal grouping that develop coping strategies to address immediate problems affecting the community. This includes:

- **Actor Oriented Approach**: Actor Oriented Approach concentrates their studies on the performance and features of specific civil society actors. Actor oriented approach often examines civil society model and only organizations working with specific objectives and sometimes with specific behavior. Thus important players are either overlooked or paid less attention whereas the role of not so important players might actually be overemphasized. To exclude by definition some potential actors and to systematically neglect functions of civil society actors that might actually play important roles puts limitation of the end funding of any relevant research. For the empirical research to engender relevant finding on how civil society works within society and for political transformation, a different and much more open approach is necessary. This can be found in what is termed here the ‘functional approach’.

- **Functional Approach**: In contrast to actor oriented models, the functional model concedes that various ‘models’ or ‘concepts’ of civil society exist of which none has a prior priority. Merkel and Lauth are two main authors who have elaborated functional approaches. Their model sees civil society not as a specific historic form, but as an analytical category. This decoupling from history helps to distil the functions of civil society
as they relate to democracy and to analyze different regional or cultural context and societal conditions. These five essential functions of civil society are Protection, Intermediation between state and citizens, participatory socialization, Community building and integration and communication.

Formal structured civil society organizations operating at local, state or national level compose the next level. Such organizations usually support community based organizations in service elelvery, research and advocacy.

Umbrella organizations and thematic networks such as national associations and federations exist at the next level. Such networks are often mandated to defend common interests, share information and enable strategic planning etc.

Fourth level is constituted by platform or common dialogue for various umbrella networks and formal organizations.

C. NGOs and United Nations

The relationship between the UN and NGOs has always been one of the controversy and fluctuation. To begin with the one can find a reference of NGO in Article 71 of the UN charter. The said Article allows that Economic and Social Council (ECOSOC) may make suitable arrangement for the consultation with nongovernmental organizations. This mechanism provides a kind of

---

5 Supra note 10 at 17.
6 Supra note 2 at 113.
7 Article 71 of UN charter declares as under –The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned, as available at http://www.un.org/en/documents/charter/chapter10.shtml as accessed on 12.1.2011.
forum where NGO, can be consulted on various issues. However, this consultative process was allowed to the areas covered by ECOSOC.

The present arrangements for consultation with NGOs is subject to review of rules are set out in ECOSOC Resolution. None the less the growing importance of NGOs can be judged from the fact that between 1968-1993 more than thousands NGOs, had been granted the formal consultative status with ECOSOC by way of these arrangements.

The underlining fact of UN and NGOs relation is also determined by the fact that the UN Charter defines NGOs as not governmental organization; this state centric approach reflects a continuing and pervasive tension in UN arrangements for cooperation between states and NGOs. There were certain other issues which has also played central role in determining the UN and NGO relationship. For instance resolution made in 1968 provides that aims of NGOs must be consistent with the principles and spirit of UN Charter. One can also observe the reflection of shades of cold was affecting this relationship. Although it is asserted that in the early years of UN, there was strong co-operation between ECOSOC and NGOs which were working for social and humanitarian cause. But opposition to these NGOs came from communists and developing countries and NGO were basically considered fulfilling the vested interests of the western countries. Even the working of ECOSOC could not remain untouched from the cold war politics as the cold war intensified the relationship between ECOSOC and NGO touched another low.

---

28 Supra note 2 at 109.
29 Ibid.
30 ECOSOC Resolution 1296 [XLIV] of 27th May1968. See also Supra note 2 at 109.
31 Supra note 2 at 109.
32 Id. at 110.
33 Id. at 113.
was the perception of the third world and communist countries that ECOSOC is dominated by western perception and interest, therefore most of its work was hindered in General Assembly where the third world was having majority.  

The above mentioned crisis lead to review of this relationship of ECOSOC and NGO and its domination by western countries in 1968 and the resolution of 1968 provided for suspension or withdrawal of consultative status in certain circumstances.

This effort on the part of UN brought change in the perception of third world and communist countries. This changed perception lead to establishment of more NGOs based in the east and evaluation of NGOs by the south, particularly those involved with development. The new found acceptance and wider state support for NGOs participation in the UN was clearly apparent by the second review in 1978. This changed environment confined their criticism to few NGOs and took the opportunity to praise the work of others, pointing to the fact that UN is almost totally dependent on NGOs to provide expertise in many areas. Some of the states went a step further and opined that NGOs represents various aspects of global public opinion and aspirations of the people of the World. At the same time some views of oppositions were felt inside the UN.

It is pertinent to mention here that the UN and NGOs relationship is being managed by the committee on NGO. But at the same time it has been observed that the committee on NGOs has

---

34 *Id.* at 114.
35 *Id.* at 114.
36 For instance, evidence of Secret Financial influence by governments, NGO is systematically engaged in political activities against state.
37 *Id.* at 115.
40 The committee on NGOs is a body of states which was established by ESC Res 3(II); this committee is again regulated by the resolution 1296 of ECOSOC of 1968.
itself been very controversial. And decisions of the committee on NGOs have been politically motivated.42

None the less UN-NGO relationship also exists outside the realms of resolution of 1296 and NGOs have assumed a significant role in UN intergovernmental conferences. The participation of NGOs just like members of state delegations in activities run parallel to the governmental conferences has increased in recent years.43 Now NGOs have started developing mutual and common strategies and take collective positions on various issues. These developments accelerated with the open accreditation process of 1992 UN conference on environment and development, which formally recognized the participation of some 1500 NGOs.44 In fact the Rio-declaration clearly emphasize on participation of major group and co-ordination with NGOs. One can notice that thereafter, there is a kind of acceptance for NGOs participation in UN conferences. Moreover, since then, UN world conferences on population and development, social development and women have continued to practice of adopting liberal criteria for NGOs participation.45 Participation of these NGOs in different conference fetches result in terms of influencing the outcome of these conferences by NGOs. Rather many policies documents of UN are greatly influenced by NGOs.

All the above facts lead to the conclusion that this growing force of NGOs in the international community is due to primarily to the emergence of new social movements consciously concerned with issues of peoples rather than states. The growth of International civil society is both

41 Supra note 2 at 114.
42 Id. at 116.
43 Id. at 118.
44 Ibid.
45 Id. at 119.
reflected and bolstered by the grounds well of NGO participation in international conferences. It has introduced a new dynamic of embryonic participatory democracy to the global community and to the shaping of international law. 46

D. Interaction of NGOs with People & State: Dimensions & Debates

As it has been discussed in foregoing paragraphs about the growing recognition of NGOs in UN and how NGOs have been influencing the working of world body. At the same time it is also important to explore that how NGOs or civil societies are interacting with people and governments.

(a) NGO and People47

Empowerment of people through the participation in governance is at the heart of interaction of NGOs with people. Since most of NGOs asserts that they are raising the voice of people therefore it is always questioned and scrutinized that how they ensure participation of people in governance.48 For instance NGOs nurtured and supported a range of popular movements to oppose the exiles of national security states and to address poverty issue at the local level.49 The interaction of the NGOs with people also depends on the nature of state on government and its response to NGOs. If the governments are hostile but weaker than NGOs can exploit this situation to promote participatory development through social and economic projects.50 With the passage of time many NGOs have learnt a lesson that efforts to promote participation and empowerment

46 Id. at 120.
47 Supra note 6 at 89.
48 Ibid.
49 Id. at 91.
50 Ibid.
can’t be divorced from concrete economic achievements. While interacting with people NGOs must keep in mind that it should be value driven rather than profit oriented or bureaucratically propelled. Bringing people to the centre of development through participation should be the objective. They should strive to increase the capability of people and should facilitate to get their voice directly at the highest level. This should be done at the highest level to avoid the famous warning given by John Dryden approximately three hundred years ago; “Beware the fury of patient man”.

(b) NGOs and Governments

One can say that relationship between NGOs and government is like a love and hate relation. They try to play with each other sometime language of co-operation and sometime it is language of conflict on a range of issues. As also noted above this interaction depends on the nature of the governments. Sometimes government is hostile, but weak, some where the strong government may want to dictate their term and condition for allowing a particular office. NGOs contributed to nations in their own manner while playing various roles according to the situation which includes as promoting participation to working as development agent.

Lately governments have been engaging NGOs in some of the social service that governments could no longer finance. Now they both have developed a kind of understanding that the key issue is how best to promote the strengths and interest of both governments.

51 Id. at 90.
52 Supra note 6 at 91.
53 Id. at 90.
54 Supra note 11 at 2920.
55 Supra note 6 at 91.
56 Ibid.
and NGOs.\textsuperscript{57} Most of the NGOs have underlined the fact that they have no option but to engage themselves more constructively with governments otherwise there are chances to be marginalized in national debates on the participatory approach to development.\textsuperscript{58}

NGOs and governments interact with each other at different levels that is national, regional and local. Today the presence and partnership of NGOs can be easily observed in various parts of the world and sometimes it has been observed that the indirect impact of NGOs is often much wider than their direct contributions.\textsuperscript{59}

E. Relation between Civil Society, State and Market Economy

In the post liberal era, almost every walk of life is either determined or affected by market. Although NGOs primarily interacts with states and people but in changed scenario where market is also one of the crucial part of the human civilizations it should also recapture the private domain based on establishing profound civil connections. At the same time it should respect environmental conditions, market economy of a particular state. The economic and productive role of civil society centre on securing livelihood and providing services where states and markets are weak and nurturing social capital for use in economic settings-the trust and cooperation that makes markets work. The quality of relationships between people has a major influence over economic performance and those relationships are nurtured above all in civil society.\textsuperscript{60}

In United States, economic restructuring has been accompanied by the social creation of vast changes in the distribution of income and wealth. The socially created nature of these consequences is evident when one considers the case of Japan. The head of one of

\textsuperscript{57} Ibid.
\textsuperscript{58} Supra note 6 at 91.
\textsuperscript{59} Id. at 92.
\textsuperscript{60} Supra note 22 at 5.
Japan’s major trading companies said, ‘We would be outcasts if we did what many American firms do’. When Nippon Steel closed a blast furnace in Kamaishi, they set up a factory making artificial meat out of soybeans. The sole purpose was to create jobs, whether or not it was profitable and it never has been.\(^6\) Modern industrialist’s capitalism is not without its ultimate values and commensurate metric of Justice. Non economic costs are considered exogenous and irrelevant. Moreover in such a matrix of social justice, inequalities are not necessarily considered bad because they offer incentive for people to work hard and make themselves more valuable in the market.\(^6\) While the economy needs to be free and relatively independent of politics, it cannot be completely unchecked and unconstrained or it would destroy any semblance of social order.\(^6\) In these circumstances there is scope for NGOs to keep constant check on the market forces, which has inherent tendency to giving to shock to social fabrics.

F. Reasons for Rise of NGOs

Over the last twenty years the civil society has emerged as a major and forceful actor in international development activities. The number of NGOs working at both national and international levels rose dramatically. According to data from the Union of International Organizations, the number of international NGOs quadrupled from 9,500 in 1978 to 44,000 in 1999. Half of all NGOs operating in Europe were founded after 1978.


\(^{62}\) Id. at 150.

In the political sphere, Justice is, ideally, derived from somewhat different ultimate values such as universalism, equality before the law, and equal rights, perhaps within a protective Constitutional frame work that applies to all citizens. Considerable attention is paid to rights, opportunities and procedures but less to outcomes. Finally, Civ. society provides fertile seedbeds for still other ultimate values, such as commitment, responsibility, trust, solidarity, caring, love, intimacy, companionship, protection and extra help when needed. While civil society offers multiple conceptions of social justice, in general, these ideas are more particularistic than those found in the economy or polity. They may for example, be focused more on need than on contribution and on outcomes as well as opportunities. Major outcomes of civil society organization which are the reasons for their rise are as follows:-

(a) Civil Society and Good Governance

Good Governance is purposive, development oriented, citizen friendly, citizen caring, participatory and responsive public management committed to improvement in quality of life of the people. Thus good governance is ‘SMART’ (Simple, Moral, Accountable, Responsive and Transparent) governance. Organizing collective action movements designed to influence the creation of laws and public policies, evaluating and monitoring the legislative processes, creating awareness, motivating the demand for rights providing skills and improving capacities are the major functions that can be attributed to the working of many Civil Societies.

(b) Civil Society as Duty Bearer

When human rights become a frame of reference for development policy, the perspective changes from a moral

---

64 Supra note 61 at 150-151.
65 Supra note 10 at 18.
commitment and some hybrid form of welfare policy in the development sphere to legal claims of the right holders, duties of donors and governments receiving development aid. Thus, adequate food, education and health are no longer a matter of charity, but every person has the right to have his or her basic needs met. This requires duty bearer (donor and recipient states and international organizations) to design their development policies so that they respect, protect, and fulfill human rights.\footnote{Brigitte I. Hamm, “A Human Rights Approach to Development”, Human Rights Quarterly, Vol. 23, No. 4, 1005-1031 at 1014 (Nov., 2001), available at \url{http://www.jstor.org/stable/4489369} as accessed on 07.12.2010.}

(c) Lobbying and Networking by Civil Society

By the 1990’s, NGO participation had expanded in both lobbying and networking. NGO lobbyists would spend much of their time at the site of the official conferences. The NGOs more interested in networking or locking official accreditation, took advantage of the fertile ground for NGO exchange provided by the forums, as the vast majority of NGOs however allowed to distribute proposals and even speak at conference sessions like the Stockholm environment conference in 1972, but only where and when governmental delegates permitted it.\footnote{Ann Marie Clark, Elisabeth J. Friedman, Kathryn Hochstetler, ‘The Sovereign Limits of Global Civil Society: A Comparison of NGO Participation in UN World Conferences on the Environment, Human Rights, and Women’, World Politics, Vol. 51, No. 1, (1-35), at 12-13 (Oct., 1998), available at \url{http://www.jstor.org/stable/25054064} as accessed on 6.12.2010.}

A big issue for environmental lobbyists was how to incorporate the growing stream of NGOs. In the Vienna Conference process, many of the larger and older human rights NGO’s defended the principles of universality, interdependence and indivisibility from possible retrograde movement while pushing concrete proposals for better implementation of human rights measures.\footnote{Id. at 14.}
sheer number of NGO participants attests to the emergence of the
government-monitoring frame among NGOs in all issue areas.
Thousands of participants spent time and money that showed
commitment to action at the level of global processes. Further
evidence is provided by the fact that since the conferences in 1990’s,
NGOs have shown a commitment to following up on the promises
they and government made at their conference.69

(d) NGOs and Service Delivery

NGOs were especially presented as alternative implementers of
development assistance when states or governments of partner
countries were weak or performing poorly. The preference for NGOs
was due to their perceived political independence, flexibility and
effectiveness in reaching beneficiaries in contrast with bureaucratic
state apparatuses.70

The World Bank highlights advocacy, monitoring and direct
service delivery as three main functions of civil society. The
potential of community based organizations to advocate for the poor
is enhanced by the legitimacy provided by their effective delivery of
services.71 It is crucial that NGOs find ways of doing this without
themselves becoming mere ‘ladles in the global soap kitchen’. While
this does not imply that NGOs should never be involved in direct
poverty reduction or employment expansion programmes, it does
imply that their state substitution roles in scaled up direct service
delivery should be limited to situations of short term crisis and
humanitarian response as far as possible. Their major role at the local
community level, in addition to demonstrating innovative approaches
of service delivery for replication of government, should be to

69 Id. at 22.
70 Supra note 18 at 11.
71 Kamal Malhotra, ‘NGOs without Aid: Beyond the Global Soup Kitchen’, Third
World Quarterly, Vol. 21, No. 4, NGO Futures: Beyond Aid, 655-668 at 665 (Aug.,

378
strengthen the capacity of poor, powerless and marginalized communities and population groups to make legitimate social demands on the state and governments in power. This once again, implies prioritizing awareness building, organizing and analytical capacity building functions over direct service delivery. Thus, since their very inception, NGOs are playing the role of societal watchdogs and activists.

(e) Civil Society and Health

Civil Society now has the power to achieve what appears to be spontaneous action in new areas. Arriving without warning to those outside the civil society organization community, these campaigns are actually the result of years of consciousness raising education, organization and network building. NGO led projects in India have received € 7.5 million since 2003 to fight HIV/AIDS. Implemented by international and local NGOs, these projects aimed at: reaching vulnerable youth, especially in tribal and rural communities; addressing the health and social needs of sexual minorities; preventing HIV/AIDS among child bearing women in north east; ensuring access to sexual and reproductive health service to vulnerable women; promoting rights based action to improve youth and adolescent health; addressing exclusion of disabled people and people living with HIV/AIDS; and guaranteeing health rights and needs of tribal people in malaria, tuberculosis and HIV prone areas.

G. NGOs: Global Character and Global Presence

In many terms some of the NGOs are not only raising the Global concern but even their presence can be felt globally. Rather it

---

72 Id. at 666-667.
is asserted that it is a broad movement of global citizenship for economic and social justice.\textsuperscript{74} Nature of these issues are such that these issues have to be addressed by truly international NGO.\textsuperscript{75}

For instance some organization like Amenity International has been raising the violation of human rights issue in various parts of the world. To name few others like, Transparency international has been exposing corruption in various walks of life at international level. Besides the above mentioned there are number of other NGOs which are working on various aspects like child rights, domestic violence, environment protection, right to food and so on. All of them in one way or other are connected with the issue of development. To understand this global character and concern some related issues can be examined as follows.

(a) \textbf{Northern NGO in South}\textsuperscript{76}

There are so many NGOs from northern countries which are working for developmental issues in developing countries. They pump huge sums in to developing countries. Two thirds of the funds by these northern NGOs are raised from private contribution.\textsuperscript{77} Northern NGOs also serves as rout for the governmental fund. On average one third of their fund is coming from governments.\textsuperscript{78} Some of them execute their own programmes in south.\textsuperscript{79} It is a well known fact that even big NGOs in south depend heavily on those in the North for finance.\textsuperscript{80}

\begin{thebibliography}{99}
\bibitem{Supra} Supra note 6 at 88.
\bibitem{Ibid} Ibid.
\bibitem{Ibid} Ibid.
\bibitem{Ibid} Ibid.
\end{thebibliography}
Milestones led by Civil Society at Global level

The greatest disadvantage of most developing countries remains the poor quality of governance of their government. Poor nations must improve the effectiveness of their institutions and bureaucracies in spite of entrenched opposition and poorly paid civil servants. In a world that is still governed by ‘state rights’ real progress in achieving accountable government will require reforms beyond the mandates of multilateral institutions\(^8\). International NGO networks have become effective participants in setting and moving the agenda of international policy debates and effecting impressive shifts in policy changes, to the extent that NGOs committed to advocating social justice. Successful examples are the well known campaigns, which are as follows:-

(b.1) UNDP- NGO collaboration: The UNDP focuses on sustainable development that places people at the centre of development cannot be achieved without the robust engagement of NGOs and its organizations. Civil society is an arena of both collaboration and contention whose configurations may vary according to national setting and history. The following broad priorities were identified as potential entry points for UNDP-NGO engagement.\(^8\)

- Leveraging the relatively trusted relations of UNDP with governments to create the political space for civil society to express alternative views and influence policy dialogue and decision-making at all levels: local, national and global.

\(^8\) Supra note 74 at 11.
- Taking a stand on international human rights norms and standards and working with NGOs to realize the rights and obligations they entail for people. These include supporting the societal watchdog functions of NGOs in defending and monitoring the commitments of United Nations conferences and human rights.

- Ensuring genuine NGO engagement in the development, implementation and monitoring of key policy processes.

- Initiating multi-stakeholder partnerships among governments, donors and civil society for sustainable human development at all levels (local, national, regional and global).

- Supporting the capacity of civil society to articulate demands, offer options and defend the rights of people living in poverty at all levels. This implies supporting the crucial intermediary role played by NGOs in building bridges between local realities and macro-level policy issues.

- Facilitating the relational capacity of NGOs to negotiate their concerns with government and business sectors of society.

- Jointly identifying ‘campaign issues’ and mobilizing a broad-based constituency (at local and global levels and especially between South and North) using and advocating greater access to information technology.
• Facilitating traditional and horizontal linkages between NGOs that are critical to determining the quality of relationships between communities (otherwise known as bridging social capital). This has been found to be particularly crucial in both preventing and resolving conflict.

• Recognizing the differentiated impact of development on diverse vulnerable populations, particularly indigenous peoples, and ensuring that they have a voice in key development policy processes affecting their lives.

• Creating an enabling legal and regulatory environment for a vibrant civil society and ensuring the inclusion of NGOs in key legislative processes.

(b.2) Oxfam International and its Global Strategic plan 2001-2004: Oxfam International is an international confederation of 11 independent nongovernmental organizations dedicated to fighting poverty and related injustices around the world. The autonomous national Oxfams engage in four activities:

• Making grants to development projects of local NGO partners in developing countries.

• Humanitarian responses to emergency situation

• Advocacy to change policies and practices at both the national and international levels.

• Development education, membership mobilization and fund raising.
The Oxfam International plan nicely illustrated how the civil society tries to respond to the globalizing world and the new challenges. The right based approach as set out by OXFAM international has 5 rights:

- Sustainable livelihoods
- Basic services
- Life and Security
- To be heard and
- To an identity.

Oxfam International’s new strategic plan 2001-2004 intends to make a greater impact on the problem of growing gap between rich and poor in our globalized world. While a fundamental shift in public opinion is required to come to global equity, Oxfam International sees an inspiring trend in the growing concern for international justice and an encouraging removal of internationalism.

(b.3) NGOs monitoring government commitments for women’s empowerment: Women’s Organisations at the country and community levels have moved into both service delivery and policy advisory roles and are increasingly involved in delivering vital social services.

---

83 Supra note 74 at 18.
85 Supra note 74 at 18.
and helping governments to design and implement gender sensitive programmes.\textsuperscript{86} NGOs have for instance actively influence the formulation of convention on Elimination of all forms of Discrimination Against Women (CEDAW, 1979). The Convention's enforcement mechanism is based on a reporting system which makes it imperative that NGOs understand and use the reporting mechanism to ensure government accountability both inside the country and at the United Nations.

(b.4) Department for International Development:\textsuperscript{87} Department for International Development, the cornerstones of a 'rights-based approach', as articulated in its 2000 target strategy paper namely 'Human Rights for Poor People', three principles: participation, inclusion and fulfilling obligation. Like Swedish International Development Cooperation Agency (SIDA),\textsuperscript{88} Department for International Development emphasises on discrimination as one of the barriers to realising rights, putting social inclusion at the heart of poverty reduction. Participation is defined as 'enabling people to realise their rights to participate in, and access information relating to, the decision-making processes which affect their lives', which is arguably both a progressive formulation of the concept and at the same time a more restricted notion. If simply having access to information is presented as 'participation', the concept gains considerable elasticity. It is clear, however, from Department for International

\textsuperscript{86} \textit{Supra} note 82 at 3.
\textsuperscript{87} For detail information regarding DIFD see: http://www.dfid.gov.uk/.
\textsuperscript{88} For detail information regarding SIDA see: http://www.sida.se/English/About-us/Organization/.
Development's target strategy paper and from subsequent moves to institutionalize a rights-based approach, that the most radical component of this move to rights is naming participation as in itself a human right, one that is prior to the realisation of other rights. Analysing some of Department for International Development's programmes, it observes that the focus of implementation appears to be on community participation in service delivery and civil society advocacy.

(b.5) CIDA and JICA efforts to integrated new conflict prevention strategies in foreign affairs and development cooperation: In 1996, Canada launched the Canadian Peace building Initiative, a joint initiative of the Department of Foreign Affairs and the Canadian International Development Agency (CIDA), with dual objectives: to assist countries in conflict in their efforts towards peace and stability; and to promote the Canadian peace building capacity and participation in international peace building initiatives.

Peace building is the effort to strengthen the prospects for internal peace and decrease the likelihood of violent conflicts. The overarching goal of peace building is to enhance the indigenous capacity of a society to manage conflict without violence. Ultimately

---


Ibid.

For detail information regarding CIDA see: http://www.acdi-cida.gc.ca/index-e.html.


386
peace building aims at building human security, a concept which includes democratic governance, human rights, rule of law, sustainable development. Equitable access to resources, and environmental security, Peace building may involve conflict prevention, conflict resolution, as well as various kinds of post conflict activities. It focuses on the political and socio-economic context of conflict, rather than on the military or humanitarian aspects.93

The Peace building Initiative brings together government departments, academia and the NGO community. Because it aims at achieving more coherence in the international community’s peace building responses, it also fosters co-ordination with other bilateral donors, the UN and regional organisations. The Initiative has three main elements: ‘preparedness, partnership and implementation’. Its expected results are formulated in terms of increased ability to resolve internal conflicts, strengthened local institutions, new leadership, rapid response capacity and international action. A special Fund was created to foster local NGO peace initiatives.94

It is interesting to note here the difference with the CIDA approach, in which the target audience is the community and the aim is to enhance the indigenous capacity. Japan International Cooperation Agency (JICA) keeps ‘permanent sustainable development’ and its relationship with governments central in their new approach. However, JICA’s continued bilateral Overseas

93 CIDA peace building initiative strategic framework as quoted in Supra note 74 at 27.
94 Supra note 74 at 27-28.
Development Agency (ODA)-emphasis is being somewhat balanced by another initiative JICA took as a follow up to the 1997 Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) guidelines on Conflict, Peace and Development Co-operation, which recognise the importance of good governance and the strengthening of the civil society as the foundation for peace building. This importance was also recognised by former Foreign Minister of Japan in a symposium as follows.

Successful conflict prevention requires collaboration among the factors such as the United Nations, international and regional organisations, states and civil societies including NGOs and individuals, with each actor making its own contribution. In today’s world, we frequently witness ethnic hatred developing into armed conflicts, and many NGOs are playing a vital role on grassroots level, by going to the spots of potential conflicts with a view to promoting mutual understanding and reconciliation among the parties concerned... Today, further collaboration between the civil societies and state governments is urgently required, which will make NGOs’ steady and significant efforts even more fruitful.

---

95 For detail information regarding OECD see http://www.oecd.org/home/0,3675,en_2649_201185_1,1,1,1,00.html.
96 For detail information regarding OECD-DAC see http://www.oecd.org/department/0,2688,en_2649_33721_1,1,1,1,00.html.
98 From Mr. Yohei Kono, Minister of Foreign Affairs’ keynote address to the International Symposium on the Role of NGOs in Conflict Prevention, Tokyo, June 2000 as quoted in Supra note 74 at 29.
Above mention Symposium on the Role of NGOs in Conflict Prevention was one in a series of efforts by JICA to strengthen the NGO capacity, mainly Japanese NGOs, in conflict prevention. Two new institutions were established: in 2000 the Japan Conflict Prevention Center, which trains NGOs to work in conflict zones and in 2001 the Japan Platform, a collaborated effort of the business sector, government, NGOs and media, which will raise fund and engage in national peace education. Much of this peace building work is still on the drawing table, but it clearly indicates a shift in the Japanese context and could have a major impact on the future direction and quality of the Japanese ODA.  

(b.6) Millennium Development Goals (MDGs): Partnerships with NGOs are pivotal to mobilizing public opinion and raising public awareness of the MDGs. In countries across the world, civil society groups have a special interest in one or more of the MDGs. Many have a proven capacity for broad-based mobilization and creating bottom-up demand that holds leaders accountable – skills that will be essential to placing the MDGs at the heart of national debates and development priorities. The role of civil society organizations is crucial not only in campaigning for the goals, but in preparing the analysis for MDG reports, and monitoring progress to generate and sustain political momentum and public interest. They are essential partners for realizing...
the UNDP mandate of campaign manager and scorekeeper of the MDGs.100

(b.7) Environmental Issues: At the 1972 Stockholm environmental conference, NGOs held their first parallel forum, concurrent with the official governmental conferences. Similar to all later NGO forums; the first parallel conference gathered a wider variety of NGO participants than did the official conference. One observer characterized the Stockholm NGOs as "a colorful collection of Woodstock grads, former Merry Pranksters and other as sorted acid-heads, eco-freaks, save-the-whalers, doomsday mystics, poets and hangers-on". These NGOs were quite different from the more sober and scientific NGOs contributing to the official documents. Also presaging future NGO forums, participants in the Stockholm parallel conference spent much of their time simply getting to know each other precluded much impact on the official conference outcomes. 101

Governments did not entirely accept the new NGO frame on the global significance of NGO importance, maintaining their own dominant role, especially at home. The most common kind of reference to NGOs in the Rio conference's Agenda 21 depicts NGOs as secondary collaborators with states, as in this example: "The United Nations. . . in cooperation with Member States and with appropriate international and non-governmental organizations should make poverty alleviation a major

100 Id. at 11.
101 Supra note 67 at 11.
priority". Other language in the documents also reasserts the central role of nation-states. 102

(b.8) Health Issues: International Lesbian and gay Association (ICGA), Brussels and many more NGOs around the world have raised the issue of decriminalization of homosexuality in the various countries of the world basically on the health grounds. As the people indulging in these kinds of activities are more prone to diseases like AIDS/HIV, Lymphogranuloma, Gomerrhea, Hepatitis, Anal Cancer etc.

According to Paul Cameron who is chairman of Family Research Institute in coloradosprings states: Homosexual have been considered non productive and hence inimical to the well being and even the survival of community. In addition, they have been regarded as dangerous because they preyed on the young and perverted them from normal, healthy, productive lives. In their selfish preoccupation with genital pleasure, they sought to rebel against the nature’s order of human life itself. In India due to the hard efforts of NGOs like NAZ foundation, Saathi, Alternative law forum, TARSHI (Talk About Reproductive and Sexual Health Issues), ABVA (Aids Bhedvah Virodhi Andolan) and Bhrosa, Homosexuality has been decriminalized by Delhi High Court on 2nd July 2009.

Furthermore, NGOs have proposed new institutional arrangements to shape UN responses to human right abuses, like the working groups on arbitrary detention and the establishment of special rapporteurs of which there are now nine covering different universal rights like torture, religious in tolerance and violence

102 Id. at 29.
against women. Thus civil society can table issues of social concern and justice with major impact on human well being and equity.103

H. Role of NGO, in the implementation of Right to Development in India

Besides some NGOs like Oxfam, the number of NGOs which have declared their commitment to Right to Development as their stated policy is very rare. But at the same time it has been observed that most of the NGOs are working for either one or other component of Right to Development. India is also not an exception to this because it has been noted that although most of them are committed to one component or other components of Right to Development. However it would be pertinent to clear that most of them insist for Right Based Approach to Development. Although in India civil rights movements are comparatively new but recently India has started experiencing some serious civil rights movement in different forms. As mentioned earlier that since NGOs are working on one or other aspect of right to development however, those efforts are worth mentioning. NGOs have been very active on almost all the issues related to social-economic and political development. It would not be an execration to give them the credit of heralding many change in Indian society be it, legal, social or political.

NGOs have always been in forefront in filing various public interest litigations and provided judiciary a fertile land for its judicial activism. It should be underlined that judiciary have been praised in India for its activism in last few decades but at the same time judiciary should alone not walk away with all the credits for social change. NGO also holds some share of this change.

103 See note 74 at 9.
To have few, it is well known fact that ‘PUCL’ has been fighting for right to food for so long. Whatever may be the final outcome of this litigation but in all sense even the ‘interim orders’ of the Supreme Court are historic in this case.

The ‘NAZ’ foundation has been fighting for the cause of Lesbian, Gays, Bisexuals and Transgender (LGBT). There are so many other NGOs which are working for the cause of right to health. Constitutional guarantee to right to primary education is also an outcome continuous effort by the NGOs like National Alliance for Fundamental Right To Education (NAFRE) and many others working for this cause.

 Particularly in last two decades India has witnessed so many public movements which were a kind of ventilation for public anger. Recently even International Society has witnessed so many public protests in different parts of the world104 where people have not been allowed to participate in governance. At the same time Independent India has also witnessed probably second105 time such a public outburst on the issue of corruption which was recently lead by ‘Anna Hazare’.106 It would be again pertinent to mention here that the movement against corruption and demand for passing the ‘Jan Lok Pal Bill’ is again lead by an umbrella organization of various NGOs which have their own agenda. The very acceptance of joint drafting committee by issuing the official notification by government of India reflects that how civil society can influence the policy of the state. The present era is the testing time for all the NGOs in India. Current

---

104 For instance public protests in Egypt, Libya etc. which were basically a reflection of public anger for not allowing participation in governance.
105 If the movement led by late Jai Prakash Narain (popularly known as J.P movement) in mid 1970’s can be called first such kind of public anger against non governance in Independent India.
106 See: Cover story Beyond “Anna Hazare”, *Frontline*, and May 6, 2011.
developments in Indian society are an indicator for future role of NGOs in the governance of the country.

I. Evaluating the Effectiveness of NGOs

The relevance and effectiveness of NGOs has to be examined like any other social institution. Any system of governance cannot claim to be humanitarian in ethos if it does not provide a mechanism for the participation of even the most marginalized person in the society. Good governance and participation of people is indispensable to the realization of human rights. Although participation can be ensured in different manner and one can imagine various forms of participation that do not necessarily coincide or go with the democratic norms. However, till today democratic institutions are considered to be the best guarantor of stable and continuous participation and the growth of civil society. And at the same time it discourages dependence on paternalistic and arbitrary good will. 107

Many a times this dilemma is raised that how can participation work in societies where democratic structures are not so deep rooted or substantially not so strong? Some time very participation agenda can be swayed away by some powerful member of the society. The interest of group leaders may mould the way communities participate in and decide about development projects. It has to be conceded here that there is no readymade answer or simple recipe to avoid these possible traps. However, the promotion of democracy and of the general conditions that enable people to decide by themselves will be a contribution in this respect.108

NGOs are playing very crucial role for democracy as social institution in fact they are enabling and empowering people to

---

107 Supra note 66 at 1020.
108 Ibid.
participate in the system of governance (rather it would be more appropriate to say system of self governance). As it has aptly observed in the following word: 109

NGOs have a rather formal understanding of participation, which means informing the people concerned of more or less fully planned and designed projects. In contrast, a human rights approach implies that participation is a right and not an instrument to increase the acceptance of programs and projects that are “brought” to the people. The essential difference is that participation includes control of planning, process, outcome, and evaluation. Participation in this sense is empowerment and implies that the people have the right to determine their path of development. For this they need other human rights, above all the rights to education and to information. An appropriate standard of living with adequate food, housing, health, etc. is another precondition for participation as well as an outcome. This basic understanding of participation strongly affects development policy, for it changes the direction from top down to one that integrates from the bottom up. Participation of the people concerned requires the decentralization of programming from the headquarters to the local level, a state of events that is now unusual. In its policy paper of 1999, the Overseas Development Institute (ODI) states that a rights-based approach requires performance

109 Id., at 1018-1019.
standards that are best negotiated locally. This will not only strengthen civil society, but increase the sustainability of the outcome, because the measures are not imposed from above.

The focus of rights-based versions of participation is about shifting the frame from assessing the needs of beneficiaries or the choices of customers or clients, to foster citizens to recognise and claim their rights and obligation holders to honour their responsibilities.\textsuperscript{100} It is in this context the effectiveness of NGOs has to be seen that how they are capable to do this and what are their strength. Following are some of the broad strength or capabilities which are attribute to NGOs which enable them to promote participation of people:\textsuperscript{111}

- Their ability to find methods of identifying the poor and help the governments to deliver the benefit of various social schemes to the genuinely poor with the least wastages in their amounts.

- Impartial image-most of the time NGOs carries impartial image because of not being the part of administration.

- Knowledge of local condition- NGOs has the special advantage of the knowledge of local conditions, not only to design the programmes better but also monitor them effectively.

- The leakages in the employment generation schemes, or public works programmes can be effectively plugged only with the help of the NGOs.

\textsuperscript{100} Supra note 89 at 1424.

\textsuperscript{111} Supra note 11 at 2922.
Spreading consciousness for poverty eradication as for the general aim of delivering human rights.

As explained in the foregoing paragraphs that NGOs have played a constructive role to promote participation of people in the governance and what are the unique capability of the NGOs. But as far the evaluating the effectiveness of NGOs are concerned that is not an easy task from the perspective that at present NGOs deals with wide and complex ranges of issues. NGOs have certainly increased their outreach in every walk of life in recent years. Both the funds they spend and the numbers of people they deal with have been rising dramatically. In the early 1980s, one rough estimate suggested that NGO activity “touched” 100 million people in developing countries-60 million in Asia, 25 million in Latin America and some 12 million in Africa. However it would be relevant here that growing global presence brings with it the equally big responsibility. Therefore NGO activity needs to be placed in a perspective. 112 Assessment of NGOs is an area where very less work has been done by the NGOs themselves or by independent organizations. However, some general assessment of impact of NGOs can be done on the basis of some selected issues and areas: 113

(a) Poverty eradication

It is one of the most important criteria for evaluating the work of the NGOs. It assessed that how any NGOs is success in improving the living standards of the poor. There are so many NGOs around the globe which are working for this cause and their work is the success story in this regard. These stories range from allocation of land to landless to empowerment of women and children. NGOs have played

112 Supra note 6 at 93.
113 Ibid.
a crucial role in transforming the lives of millions of people throughout the globe. The results have often been outstanding.

Many a times it has been observed that even successful project is not addressing the problem of structural poverty although the projects have of course diminish some of the worst forms of poverty. These are small but very important steps in right directions. Any assessment of NGOs’ results should also take into account their operating circumstances. Sometimes environments for NGOs are very tough and hostile. NGOs also plays important role in providing credit to poor and it replaces governments or commercial markets in the provision of credit.

(b) Reaching the poorest

NGOs often manage to reach groups that governments find most difficult to help. As mentioned above NGOs has ability to identify and accessibility to work with people in rural areas, where government services are usually weak or non-existent. Some time even the governments ignore such areas or people for so many reasons. However recently NGOs have also started working in urban areas with urban poor. It has been observed that there are some specific areas where basic facilities regarding health and education are either not available or not affordable by the people. Since they often live in remote and inaccessible regions, reaching to them can be very expensive. An extract from human development report 1993 would be helpful to understand this aspect. It observes as follows:

Id. at 94.

Id. at 99.
When helping in rural areas, it is usually easier to assist those who have some productive land. In the Gambia, NGOs participating in the Farmer Innovation and Technology Testing Programme focus on the middle-income farmers. And in Kenya, a local NGO has Agro forestry Plots for Rural Kenya Project, funded by the Ford Foundation, which has rarely contained representatives from the poorest households. Many interventions do, however, reach such people. NGOs in Latin America and South Asia in particular have often worked with landless labourers. One way even the poorest can be reached is to have the activity embrace everybody in a given area, as with the various Campfire projects run by the Zimbabwe Trust and the Worldwide Fund for Nature in the Zambezi Valley projects that generate income through the hunting and care of wildlife.

(c) Empowering marginal groups

As discussed earlier also that only wealth generation is not sufficient but its proper distribution is also very important in any economy. In most of the developing country one of the reasons for poverty can be structural in nature. In most of the developing countries, poverty is mostly because of uneven distribution of wealth. The NGOs’ can play an important role by empowering the people so that poor people can resist local elites and protect their rights. In these circumstances NGOs can also even face a stiff resistance by various agencies of the state which is generally dominated by the local elite as well as opposition from powerful local interests. In this
connection ownership of land rights have always been a bone of contention where many developing countries have witnessed some of the sharpest conflicts. In recent times in the wake of SEZ (special economic zone issue), India also witnessed so many controversies over the land rights. NGOs have been instrumental in protecting the land rights of many marginalized section of societies especially in developing counties of Asia and Latin America. In several countries, NGOs have helped to empower people in rural areas by organizing them into groups.117

(d) Fighting for the cause of gender Equity

Now gender justice is seen as part of any civil society movement and it is universally accepted as one of the important ingredient of the human rights. However till the early 1980s, like development agencies most NGOs interventions were gender-blind. Today, NGOs are much more sensitive to such issues and gender justice is almost one the agenda of their programs. This is a reflection of growing feminist movement world over. As a consequence of this some specific NGOs came into existence which is devoted to the cause of women in the family and in society. In Cameroon, the Women's Networking Association brings together 50 women's groups.118 NGOs carry out various programs like literacy campaigns, self help group, providing them with micro credit, establishing a cooperative to purchase the produce that village women bring to market but are unable to sell at the end of the day. Organizing seminars and conferences to raise women's issues at the national level and pressing for a favorable legislation. Raising the issues that how degradation of environment leads to poverty and ultimately it affects women more than the men. NGOs in many countries concentrate on advocacy on behalf of women. However it is

117 Id at 97.
118 Ibid.
disturbing fact that despite of the efforts made by various NGO prevailing patterns of gender discrimination still a challenge for them and societies. So many times gender issues are incorporated into various projects have been just an eye wash and it hardly translated in to empowerment of women.\(^{119}\)

(e) Delivering emergency relief

At present the world is not only vulnerable to natural disaster but also the manmade disaster. It has also been notice that sometimes natural disaster leads to or aggravates the manmade disaster and vice versa. Recent disaster in Japan is still fresh in human memory. For last few decades the partnerships with NGOs has developed in this sector. Some NGOs have the ability to respond quickly and effectively to emergencies. In fact so many NGOs have come up for this specific purposes were founded in response to famines, earthquakes and flood etc. following are some of the contribution which NGOs can contribute:\(^{120}\)

a. Warning of disaster- With an extended network of contacts on the ground, NGOs are in a good position to draw the attention of the international community to existing or impending emergencies.

b. Advocacy for international action Following their warnings, the NGOs can lobby governments and international organizations to increase their resources for emergencies,  

c. Speedy response- Untrammeled by bureaucratic and political constraints, NGOs can usually act much faster than official agencies. And since they are less

\(^{119}\) \textit{id.}, at 98.  
\(^{120}\) \textit{id.}, at 97.
susceptible to political pressures, they sometimes work where governments forbid interventions from government or multilateral agencies.

d. Cooperation with indigenous organizations- Emergency aid is generally better administered by local organizations more sensitive to local needs. NGOs have been able to use their existing contacts to good effect and to help boost the capacity of local groups where needed. In the Sudan recently, the only NGO permitted by the government to visit the urban slums around Khartoum has been the Sudan Council of Churches, through which northern NGOs have been able to channel funds.

e. Disaster preparedness-Most disasters hit the poor hardest, the people living on marginal land liable to flooding or in mud houses that collapse in earthquakes. Local NGOs can try to ensure that the poor are better able to anticipate problems.

In the foregoing paragraphs some of the effects of NGOs were discussed however it is not the case that all is well with NGOs, critiques are alleging some serious drawbacks of NGOs from various perspectives. Those are as follows:

- NGOs are motivated by commercialism and the availability of donor funds.
- Some lack the capability to make a positive impact. Even otherwise successful NGOs may compromise their effectiveness if they address symptoms rather than root

---

121 Id., at 98.
122 Supra note 21 at 472.
causes of problems, conceal their failures, or tackle issues that are too complex.

- Some researchers question the effectiveness of NGOs in addressing problems such as poverty and inequality and others suggest that NGOs may be less effective in finding long-term solutions than in identifying short-term responses.

- To some extent, these legitimacy and efficacy issues reflect the challenges associated with developing and maintaining social capital and attendant trust among disparate interests in large groups.

- Cultural, language, and identity differences are among the limitations to global NGO formation and sustainability.

- NGOs are notoriously resource-strapped and tend to discount their non-financial resources when they bargain with cash-rich actors.

It is further alleged that: 123

- They are caught in their own trap. Instead of helping the poor, NGOS tend to become self-perpetuating.

- NGOS talk a lot about partnership but they are themselves looking for partners for reasons best known to them.

- NGOS intend to be innovative, flexible and participatory, but a closer look at the reality of their

---

work shows that many of their supposedly 'unique selling points' are often overstated and feeble.

- NGOs do not hesitate to question the legitimacy or conduct of everyone else in the world, but have no adequate answer if their own accountability and legitimacy are questioned.

- NGOs promise much but have too little to show.

- NGOs are moving in the opposite direction, from the private to the public domain.

Because of the above mentioned reasons some important doubts are raised about the authority and credentials of NGOs to be representing the aspirations of the people. Therefore it can be said that alarm bells are ringing for NGOS. NGOs will have to face some thorny issue in the wake various emerging trends of globalization. It in the light of above mentioned facts it would be useful to see that what the challenges to NGOs in future.

**J. NGOs: The Path Ahead**

At present NGOs in all the parts of the world are engage in various debates which pertain to a range of issues such as the debt crisis, international trade, structural adjustment, and environment, women in development and peace which were referred earlier also. Now NGOs are not just group of some loosely connected people but they now even use the most modern technologies and hire professional and specialist like economists and oversee such matters and produce detailed reports and provide them with ideological and other logistical support. Today NGOs is accepted word in the entire circle from state to corporate sector and also considered as voice of the people. They do not only lobbying in just their own governments
or enterprises, but also many international gatherings. These activisms on their part have ultimately lead many actors to change their policies which can have an impact of structural adjustment on the poor. 124

It is well known fact that at the time of the Earth Summit in Rio deneiro in June 1992, NGOs played a constructive role and kept up constant pressure on their governments for real changes in policy. This kind of advocacy for policy change will be a major task for all the NGOs. Interaction of NGOs with people and state is bound to increase in coming days therefore in eradicating poverty and providing social services, NGOs are suppose to persuade them to focus more on the human development of the world’s poorest people. Yet again, NGOs significance lays more in making the point that poverty can be tackled and making it clear that it will not be tolerated any further. This is also going to be a serious responsibility for NGOs. 125

Focus of NGOs should be on encouraging participation by responding sensitively to the felt needs of people. While performing this task NGOs should be careful enough that it should meet those needs without “taking over”. This happens when there is too much emphasis on effective delivery rather than on nurturing and strengthening participation. At present when the NGOs are up in arm against each other to grab the government fund. Since the government aid is given to them therefore it natural for the government to ask for regular quantitative results and reports which lead to the above mention tendency of “taking over”. NGOs have to establish itself as separate entity than the government. NGOs are no more a story of some people struggling against the state for some rights but lately a new corporate culture has also entered in NGOs

124 Supra note 6 at 98.
125 Ibid.
and there are NGOs which can be called corporate NGOs. It may happen where NGOs can outshine governments in term of salaries and other facilities and they can drain out the human resources from the governments. None of these concerns is new to the NGO community, but surely it is a big challenge for them because this can take them away from their real agenda and purposes.

As their responsibilities and activities increase further, they will no doubt respond to this new challenge with their usual energy, creativity and commitment. The ever growing number of civil society is an indicator of growing demand of people all over the globe to participate in various movements of civil societies. These movements have natural tendency that once set in motion then it’s grow on its own because of it’s inherent rhythm and momentum. With the advent of the information technology and ever increasing knowledge base People are raising their voices ever more loudly for greater participation in every process that affects their lives. In the changing scenario it will be mandatory for every institution ranging from state to market to respond to the pressing needs of people. Any effort to gag this voice for participation in governance will not fetch good result because it is a historical fact that nobody could suppress these public outcries at any point of time. Importance of this participation has been aptly observed as follows:126

Authoritarian regimes might still stifle and repress. And new forms of intolerance, such as fundamentalism, might suddenly capture attention and power. But history is not on their side. The steady trend towards the dispersal of power, information and ideas cannot be reversed. If states are to survive, they will have to establish new

\[126\text{ Id., at 99.}\]
relationships with their people. Governments that have been able to respond sensitively and flexibly have so far been able to keep their countries intact. Others have not, and their states have come under increasing pressure. Greater people’s participation is no longer a vague ideology based on the wishful thinking of a few idealists. It has become an imperative—a condition of survival.

In the light of various debates and discussion regarding the NGOs one can say that NGOs should act like careful watchman of people’s rights where it should ensure that states cannot adopt flip-flop policy to secure people’s full realization of their rights. A message has to be given to the states that only big promises in golden letter is not sufficient but the same golden seeds have to be planted on the earth where every people can themselves reap the crops of their rights. The unique position of state does not absolve it in any circumstances from fulfilling the people right despite the fact that there are other crucial players like market and civil society are also affecting people in various manners. Therefore NGOs should put all the pressure and keep the states on their toes as to deliver its binding duty with respect to fulfillment of human rights as being a party to International Human rights Law. 127

NGOS should also focus in the areas that how the work at micro level can affect the policy at the macro -policy alternatives which are better suited to the poor and vulnerable in society. Making this kind of effort surely need some sort of training and require a range of negotiating and advocacy skills that most NGOs have not demonstrated so far. However, they have realized that without

127 Supra note 123 at 620.
integrating the micro with the larger macro issue and vice versa their objectives will remain utopian.128

It has been noted that NGOs talk too much about the authenticity, responsibility and participation but at the same time when it comes to its own authenticity, responsibility and participation they by and large silent on these issues. Therefore, to root out these inherent problems it is the need of the hour that a firm institutional grounding of NGOs in the UN framework should be done which gives human rights their principal global legitimacy. For this the following procedure should be adopted.129

- NGOS must be willing to open up their own organizational standard setting, such as the establishment of NGO codes of conduct, to the advice of UN institutions.130

- NGOS must be willing to subject their performance to the scrutiny of the UN human rights mechanism. There are currently no such provisions.131

- A global NGO campaign for an institutional addition to the UN human rights system to check the accountability of the NGOS themselves.132

At the same time state should guarantee some fundamental freedom to NGOs in order to perform well. Those basic rights can be enumerated as follow:133

128 Supra note 71 at 666.
129 Supra note 123 at 625.
130 Ibid.
131 Ibid.
132 Ibid.
• Freedom of Association (the right to organize),
• The Freedom of Assembly (the right to meet and organize rallies and community events) and
• The Freedom of Speech (the right to share your ideas freely).

However, while dealing with the growing influence of NGOs it is natural that the state will be swayed by its domestic issues and interest. While NGOs need to persuade governments to do the right thing, like establishing an independent judiciary, secure budgets for social services, enforces labour laws and uphold environmental standards, governments need to determine the space they allow for civil society.\textsuperscript{134}

Finally, it can be said that the famous definition of democracy that is “by the people, for the people and of the people” which has lost its meaning somewhere in the modern state, has to be revisited and the people has to be brought back in to governance. Participation of people must be ensured otherwise it can lead to revolution. As the issue has been aptly observed by Arjun Sengupta in following words:

People must be able to claim their rights and make the governments meet their obligations. The original proponents of human rights, both during the American and the French revolutions, declared that if the governments cannot deliver those fundamental rights, they have no business to govern and people have the right to throw them out. It is only when people can assert their right


\textsuperscript{Ibid.}
in such a way that things start to change. The NGOs have the responsibility of making the people conscious of their rights and translate their fury against the non-fulfillment of those rights into effective public action.¹³⁵

¹³⁵ Supra note 11 at 2922.