UNIT 16 NON-GOVERNMENTAL ORGANIZATIONS

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16.0 OBJECTIVES

This unit is meant to make you aware about the functions and role Non-Governmental Organizations play in promotion and protection of Human Rights. After going through the unit you will be able to:

- define the meaning of Non-Governmental Organizations;
- know the functions and role of NGOs;
- understand the relationship between the United Nations and NGOs;
- be aware of International NGOs;
- know about the emergence of NGOs in India and their role; and
- understand the critical evaluation of NGOs.

16.1 INTRODUCTION

The concept of human rights gained currency in the twentieth century. As is well known it was the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948 that provided for universal recognition and
codification of Human Rights. However the momentum gained for human rights advocacy was largely a contribution of the Non Governmental Organizations (NGOs). Non Governmental Organizations are private or volunteer, non-profit professional organizations with a distinct legal character concerned with public welfare goals. These organizations exert influence over legislative and public policy making through generation of public awareness and mobilization. However, there are differences of opinion about the acceptable definition of NGOs and their role. As argued by Upendra Baxi, in the early part of the twentieth Century international NGOs focused on, “creation of regimes of international humanitarian law”. Moreover these initial NGOs were not very different from social movements and were associated with anti-slavery, labour and suffragette mobilizations. Yet the character of NGOs has evolved during the course of the last century. Often a distinction is made between social and political action groups on the one hand and NGOs on the other. The former aim at promoting human rights by manner of mobilizing people, while the latter address “conventional programmes of community development” such as health, agriculture, drinking water and others. Thus the former are geared towards people’s activism while the latter are more in the manner of service-delivery agencies.

While scholars do debate the efficacy of various human rights groups it is essential to stress that firstly there has been phenomenal proliferation of NGOs both at the international and national level in the second half of the twentieth century. Secondly this proliferation has also led to increasing diversity in the issues that they address, their organizational structure, lobbying strategies and goals that they aim to achieve. Thirdly given the global march of neo-liberalism and retreat of the welfare State, developmental initiatives and implementation have in a way been outsourced to civil society organizations. Non-governmental organizations and social action groups hence have a pivotal role to play in representing and empowering individuals and groups in society.

The objective of this lesson would be to look at the changing character and role of NGOs with regard to human rights advocacy. This would involve a look at the various terminological debates associated with human rights, study of the historical context which marked the emergence of NGOs followed by an analysis of the various human rights causes that they have come to be associated with.

16.2 NGOs: DEFINITIONAL DEBATES

As mentioned in the introduction, literature on voluntary organizations often makes a distinction between groups that are mobilizational or radical in character and those that are reformist and status-quoist in their functioning with NGOs being placed in the latter category. This distinction became popular amongst intellectuals and political activists following criticism of the functioning of NGOs during the 1980s. Given the criticism many commentators have attempted to distinguish NGOs from other voluntary organizations. For instance, Siddharth Sen, makes a distinction between Community Based Organizations (CBOs), Grassroots Organizations (GROs) and NGOs. However the distinction assigns a middle class professional status to NGOs which is often not acceptable to the latter. Further, not all middle class urban associations are NGOs as Resident Welfare Committees often serve limited private needs. Another distinction made by Sangeeta Kamat is that between groups engaged in ‘struggle-based politics’ and those working for ‘constructive development’. However in criticizing such
a “strict binary Opposition” Rob Jenkins quotes the example of the Rajasthan based Mazdoor Kisan Shakti Sangathan (MKSS). This organization apart from being engaged in struggling for the rights of cultivators also operated fair-price shops thereby helping in speedy and transparent distribution of basic goods. Therefore he argues that social action is not always pursued to the exclusion of developmental initiatives.

The purpose of introducing these debates to you is to outline the shift in identity witnessed by NGOs. While there is no consensus on what exactly defines an NGO, for our purpose we can rely on the definition of a Non-Profit Organization (NPO) as outlined by the Society for Participatory Research in India (PRIA). According to this definition an NGO must meet five criteria i.e. it has an institutional identity, it is separate from the government, is non-profit distributing, self-governing and has been set up voluntarily.

16.3 HUMAN RIGHTS NGOs

Human rights NGOs are groups of organized people engaged in protecting and promoting (civil) security against excesses of the state agencies. But should one remain content with ‘civil’ aspect of security or one should also assert and struggle for social security as well? In so far as human rights movements are concerned struggle for social security like right to food security, shelter, an adequate standard of living, right to education, cultural rights, etc. are no less important.

Human Rights NGOs, however, are not to be confused as products of the UN system only. P. Archer identified the Anti-slavery Society founded in 1837 as the first human rights NGO but the creation of Amnesty Internation in 1961 marked the real beginning of development of an international human rights movement—a trend which visibly peaked up with over 1500 NGOs participating in the Vienna Congress in 1993. The effective strength of this NGO led movement began to make its presence felt with the beginnings of 1990s. It focused on basic needs of the people with coming into evidence of the ever-widening inequality and rampant authoritarian political governance in most of the developing countries. Political repressions spawned grass-roots movements as the Third World walked blithely into the debt trap laid by the World Bank and the International Monetary Fund. Fall of a superpower (former Soviet Union) broke the balance, and thus entered aggressive forces of globalization (especially economic and financial) led by the Trans National Corporations (TNCs). In this era of globalization, human rights movements have a bigger responsibility than before. In order to undertake them successfully, the same Informational Communication Technologies which have destroyed global distance for financial capital, can be intelligently put to use for consolidation of the democratic forces all over the world. The latter in turn, will give rise to a global civil society over years of consolidated human struggle. A widespread human rights movement of these characteristics will constitute globalization-from-below which can resist mindless invasions by globalization-from-above represented by aggressive capitalism (especially the speculative and financial) of the TNCs.

16.3.1 Functions of Human Rights NGOs

Human Rights Organizations perform the following functions:

1) Monitoring of Human Rights Violations: The utmost duty of human rights NGOs is to monitor the violation of human rights in countries. By monitoring
the violations, the NGOs bring the issue before the world community and help create an international opinion so that the government of that country initiate a dialogue with the voluntary groups and take appropriate action regarding the same.

2) **Documentation:** The second most important task human rights NGOs perform these days is to document the events of atrocities. For this, they not only depend on their own first hand reports but also depend on the local organization, regional newspapers, the reports of other organizations including the official reports if there are any. Documentation helps the NGOs to formulate their strategies and present a better understanding of the problem.

3) **Lobbying:** Lobbying is another important task that human right NGOs have been involved in. Most of the cases of lobbying are where the third party is involved. After the globalization process began in the third world countries, a large number of projects began to be funded by the developed world. In many countries local NGOs and people’s movements have been waging a war against some of the projects which have been funded either by the developed countries or global institutions like the World Bank or International Monetary Fund. In this case, the human rights organization lobby for the people if there is any kind of human rights violation due to the funding of a project. For example, the Sardar Sarovar Project on Narmada, the Project has been funded by the German government and the World Bank. It is reported that after persuasion of the Narmada Bachao Andolan, these institutions have withdrawn from the project and the Indian government is doing the same on entirely on its own efforts.

4) **Preparing Parallel Report:** All the Governments who have ratified the two International Covenants on Civil and Political Rights, and Economic Social and Cultural Rights are supposed to submit their reports on human rights situation in their respective countries to monitoring bodies. We know how government reports are prepared and how the documents are fudged. Keeping this in view and to ensure more transparency, the UN Human Rights Commission has allowed the NGOs to prepare independent reports of the countries. These are called Parallel Reports. Reports of NGOs are always taken seriously because there are always doubts over the reports presented by the government agencies about the conditions related to human rights in their countries.

5) **Human Rights Education:** An important work the human rights NGOs have been taking up these days is ‘human rights education programme’. The programme is aimed at the vulnerable sections of society as well as to educate those in the power who are supposed to implement the national laws. Due to their ignorance as well as arrogance they often violate their own framed laws, hence the human rights groups take up such educational programmes to teach these individuals/sections their duties towards the vulnerable sections. Human rights education is not only the national and international laws but also they discuss about the social movement in various countries.

6) **Campaigning:** International and National human rights organizations have found campaigning a very important and effective tool to sensitise people
on human rights issues. Even the government bodies such as police and Panchayats have started campaigning for their cause. After the human rights organizations take up certain causes which they consider important to create public awareness and opinion so that government acts on that. For example, Human Rights watch in collaboration with Ford Foundation and various Dalit groups have launched a campaign about the Dalits rights: 'Dalit rights' are Human Rights. Similarly, FIAN has organized International Solidarity day with the landless peasants of Brazil who were the victims of high-handedness of their government. On April 19th, 1998, FIAN activists all over the world staged protest march and handed over memorandum to Brazilian embassies in their respective countries. The result was that the Brazil government became serious about the issue and issued notices to their own agencies.

7) Case Studies: Sometimes the NGOs ask their representatives to do a case study of certain situations which cause human rights violation. Human Rights Watch report on Dalits is a compilation of case studies. FIAN International also involve itself in case studies and last year the Tamilnadu section of FIAN did extensive work on the suicide of farmer in Andhra Pradesh and Karnataka.

Check Your Progress 1

1) What are the different ways in which NGOs have been defined?

2) What to do you understand by Human Rights NGOs?

3) What functions Human Rights NGOs are expected to perform?
16.4 THE U.N. AND NGOs

The United Nations and various other international organizations recognize the importance of NGOs. However, they have special procedures and requirements for the official recognition of NGOs, and on the fieldwork of accredited NGOs to supplement the work of the NGO bodies. In the United Nations system, the ECONOMIC AND SOCIAL COUNCIL, CHARTER, has made arrangements for consultation with non-governmental organizations concerned with matters falling within its competence (Council resolution 1296 (XLIV)). This resolution provided for certain principles to be applied in the establishment of consultative relations, among them:

1) The organization shall be concerned with matters falling within the competence of the Economic and Social Council with respect to international economic, social, cultural, educational, health, scientific, technological, and related matters and to questions of human rights;

2) The aims and purposes of the organization shall be in conformity with the spirit, purposes, and principles of the Charter of the United Nations;

3) The organization shall undertake to support the work of the United Nations and to promote knowledge of its principles and activities, in accordance with its own aims and purposes and the nature and scope of its competence and activities;

4) The organization shall be of representative character and of recognized international standing;

5) The organization shall be international in its structure;

6) The basic resources of the organization shall be derived in part from the contribution of the national affiliated or other components or from individual members.

This final stipulation is to ensure that no NGO is government-supported or dependent in any way on financing from a governmental source they may seek to influence the NGO.

In addition, NGOs also supply information concerning allegations of violations of human rights to bodies authorized to supervise the application of various international instruments in the field. Under these arrangements, the UN COMMITTEE ON NON-GOVERNMENTAL ORGANIZATIONS divides such organizations into three groups:

Category I, which is made up of NGOs having a basic interest in most of the Council’s activities;

Category II, which is made up of those having a special competence but are concerned with only a few of the Council’s activities; and

The Roster, which contains the names of NGOs that can make occasional and useful contributions to the Council’s work.

All the organizations in “consultative status” may send observers to public meetings of the Council and its subsidiary bodies. They can submit written
statements for circulation and present their views orally. As regards human rights, more than 100 NGOs regularly attend and participate in meetings of the UN COMMISSIONS AND COUNCILS.

16.5 INTERNATIONAL ORGANIZATIONS

International non-governmental organizations are those organizations which do not have any national identity and which have chapters in various countries. Apart from various groups supporting them, these international NGOs have individuals support also in different countries who show solidarity with their cause. The solidarity could be in the form of working, writing protest letters, campaigning etc. The international human rights groups have also been supporting the UN human rights system and bringing out various reports. There are a number of international human rights groups but we would be discussing some of the very prominent human right organizations:

1) Amnesty International
2) Human Rights Watch
3) Commonwealth Human Rights Initiative
4) Anti Slavery International for the Protection of Human Rights

16.5.1 Amnesty International (AI)

Amnesty International was founded in 1961 by a British Lawyer Peter Benenson who urged people every where to work impartially and peacefully for the release of ‘prisoners of conscience’. Within months thousands of people from various countries sent in offers of practical help — many were prepared to help to collect information on cases, publicise them and approach the governments — and what started off as a brief publicity effort became the most influential and highly respected human rights organization of the world.

Today, AI has about one million members spread over 150 countries. It has a research staff in London of about 320 persons (plus above 100 volunteers) which is much larger than the staff of the UN Human Rights Centre in Geneva.

As its primary mandate, AI seeks to release ‘prisoners of conscience’ — those detained for their beliefs, colour, sex, ethnic origin, language, or religion who have not used or advocated violence. Through the network of members, supporters, AI takes up individual cases, mobilizes public opinion, and seeks improved international standards for treatment of prisoners. Observers are sent to various countries on fact-finding missions and verify the government version of the report. In 1977, Amnesty International got Nobel Peace Prize, for its contribution ‘to securing the ground for freedom, for justice and thereby for peace in the world’. On the occasion of the 30th anniversary of Universal Declaration of Human Rights (1978) Amnesty International was awarded the UN Human Rights Award.

To publicise its concerns and activities, Amnesty International supports a large scale publication programme. The most influential and widely disseminated of its many reports is the annually published Amnesty International report, which provides a country by country survey of AI’s work. The Amnesty International Newsletter, a monthly bulletin brings out updated monthly reports of fact-finding
missions, details of arrest and release of political prisoners and reliable reports of torture and executions. Amnesty reports on Kashmir conflict and the cold-blooded killings of Muslims in Maliana (Hashimpura) township of Meerut by PAC (Provincial Arms Constabulary) in 1982, are classic. Amnesty’s reports on Afghanistan, Kosovo, China, South Africa and East Timor are eye openers and have been widely appreciated by world human rights fraternity.

16.5.2 Human Rights Watch

Based in New York, Human Rights Watch (HRW) was initially known as Helsinki Watch when it began its journey in 1978 with foundation offices in Europe and Asia. The objective of Human Rights Watch is dedicated to protecting human rights of the people around the world. “We stand with the victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in war time and to bring offenders to justice.” The organization investigates and exposes human rights violations and holds abusers accountable. They challenge the governments and those who hold power to show examples of ending abusive practices and respecting international human rights law. The organization also enlists support of the public and the international community to fight for the cause of human rights for all.

Apart from New York, the HRW has its offices in Washington DC, London, Belgium, Moscow, Dushanbe, Rio de Janeiro and Hong Kong. It has its divisions covering Asia and Africa, Americas and the Middle East. In addition it includes three thematic division on Arms, Children’s Right and Women’s Right.

In 1998, Human Rights Watch brought out an excellent report on the plight on India’s 160 million untouchables. It was the first time that an international organization did spend its energy and time to investigate the plight of Dalits in India in which the research head of the HRW Ms. Smita Narule did travel all over India and met about 300 Dalit activists and organizations and presented a huge report which exposes the so called democratic power being delegated to Dalits. The report is an eye-opener. The credibility of HRW lies in its proven and total commitment to the cause of human rights and in its persistent stand for not taking any government and official support in various campaign.

16.5.3 The Commonwealth Human Rights Initiative (CHRI)

It is an independent international NGO mandated to promote the practical realization of human rights in the countries of the Commonwealth. It aims to promote awareness of, and adherence to the internationally recognized human right norms, the Commonwealth Harare Principles of 1991 as well as domestic instruments supporting human rights in Commonwealth member states. Launched in 1987 by six Commonwealth associations and originally based in London, in 1983 CHRI moved its headquarters to New Delhi. It happened when these activists decided to from FIAN in order to go to the roots of the problems of poverty and related violations of human rights. CHRI adopts an approach similar to that of AI in the sphere of civil and political rights, to make available right to food security to the hungry and under-nourished.

CHRI is one of few international human rights organizations which have been head quartered in the developing South. Human Rights education and advocacy are the core themes of CHRI’s activities the aims and ends of all its reports and investigations.
CHRI lays emphasis on working in close collaboration with human rights commissions, understanding their functioning, disseminating information about them and encouraging interaction between them and the communities they protect. Besides addressing issues of capacity building (like these), CHRI has also launched initiatives for targeted human rights education for police and common people.

CHRI’s fact finding missions not only highlight growing and continuing violations of human rights in a specific Commonwealth country, but also accesses the nature of infringements, and advocate for early adherence to international norms.

Every two years since 1991, CHRI publishes its report on the human right situation in Commonwealth States which is kept ready before the Commonwealth Summit. CHRI Quarterly Newsletter is a reflection and review of CHRI’s on-going activities.

16.5.4 Anti-slavery International for the Protection of Human Rights

An International NGO in Consultative Status with UN ECOSOC (Category II), ILO, UNESCO, UNICEF, is also known as the Anti-Slavery Society. The organization was amalgamated in 1909 with the Aborigines Protection Society. The Society works to eliminate all:

- Forms of slavery, including forced labour,
- To promote well being and defend the interests of the oppressed and threatened indigenous and other peoples,
- To promote human rights in accordance with the principles of UDHR,

The society participated in activities that led to the adoption of the League of Nations Convention on Slavery and the UN Convention on Slavery (1956) and in the appointment of the Working Group on Contemporary Forms of Slavery.

In 1989 Session, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (Resolution 1989/1940) congratulated the Anti-Slavery Society, ‘the oldest human rights organization in the world’, on the occasion of its 150th anniversary noting ‘the great contribution that the Anti Slavery Society has made to the cause of the human rights over the last century and a half by its tireless advocacy, research and concern for indigenous people as well as those suffering from the abuses of slavery and slavery like practices’…. ‘the important and continuing vital work the Society does in maintaining its global programmes and providing information to the Sub-commission’…. And the need for these valuable sources to be maintained.

Check Your Progress 2

1) Describe the principles prescribed for grant of consultative status to NGOs by the United Nations.
2) What do you understand by International NGOs? What important role Amnesty International has been playing in the field of Human Rights?


16.6 NGOs MOVEMENT IN INDIA

The rise of NGOs in India has been a recent event with the National Emergency of 1975 acting as a trigger for their emergence and increased activities. Earlier, particularly during the Nehruvian era from 1947 to the mid 1960s most of the social and political activism which aimed at representing certain interests emerged from political parties or from groups and movements within the national or State level parties. The Congress party at this time mooted a developmental trajectory which attempted to balance democratic Socialism with Capitalist growth. Such a holistic development strategy found favour with the conservatives and the leftists within the opposition such as the Swatantra party, the Jan Sangh as also the Communists and the Socialists because they all found their interests echoed within the party. The Congress was therefore also able to curb early dissent such as that from the labour sector simply by co-opting the latter within the umbrella organization. Ray and Katzenstein argue that during the first phase of social activism in India, “distributive movements made few disruptive demands”.

16.6.1 The Emergency of 1975 and the Rise of NGOs

However by the late 1960s it had become evident that economic inequalities not only persisted but had sharpened. Economic growth had not reduced wealth inequalities and efforts at redistribution including land reforms had largely failed. The ability of the State to restore the democratic channels of communication and representation of the citizens was further dealt a blow with the imposition of the Emergency in 1975. The Emergency was unique to the growth of NGOs as government excesses reached unprecedented levels. The government suspended all fundamental freedoms. Further, public dissent was curbed by censorship of the media and at times even involved torture and imprisonment of political activists. This phase also marked the political assertion of plural identities such as those of caste, gender, tribe and ethnicity. The electoral landscape also witnessed
change as the domination of the Congress party at the level of the States was challenged by regional political formations. The State was seen as incapable of fulfilling the promise of equitable growth and development. The initiative for the same as well as that of restoring democratic rights and freedoms was thus taken over by social action groups and the NGOs. Growth of NGOs during this period was also a result of many erstwhile political party associations such as women's wings, students' unions as well as kisan and labour organizations breaking free from the parent organization.

The increasing efficacy of NGOs, financially as well as in the domain of civil society was evident from the fact that the government initiated an official association with them. This association was initially in the manner of greater control and scrutiny of NGOs particularly during the early 1980s when Indira Gandhi returned to power. The government even went as far as to establish an enquiry commission (Kudal Commission) to look into instances of corruption amongst the NGOs. The groups investigated were those that had been critical of the Emergency and included the Gandhi Peace Foundation as well as the AVARD (Association of Voluntary Agencies for Rural Development) apart from others. The government's stance changed later and apart from monitoring the NGOs they also attempted to make use of the organizational capacity of this newly emergent voluntary sector.

16.6.2 NGOs and the Promotion of Human Rights in India

During the initial period of their formation NGOs were mainly involved in traditional developmental tasks including welfare, charity and providing relief. However the 1980s marked a shift in the issues addressed by NGOs. It is during these decades that gender, law, environment and human rights came to be added to the NGO agenda. Harsh Sethi refers to the early successes achieved by NGOs in the field of law. These included redrafting of the rape and of the dowry law, stalling of the forest bill, launching of a national campaign on housing rights, introduction of a private bill on child labour in the Parliament and the successful innovation of Public Interest Litigation.

The 1990s marked a great increase in the number of NGOs operating in India, as also many more issues being added to the category of 'human rights'. Women's rights organizations which during the earlier period of their protests had been targeting the State now diverted their attention to providing support to victims and changing long standing social biases against women. In 2005, women's organizations successfully campaigned for the formulation of a bill on domestic violence. The issue of domestic violence was posited as a human rights violation requiring legal remedy. The act so passed allowed NGOs to file complaints on behalf of the victims with the protection officer. Moreover the latter were expected to work in tandem with NGOs and other civil-society groups to help the aggrieved party. Efforts are also on to campaign for a bill on sexual harassment. In this case too the National Commission for Women (NCW) has recommended that NGOs be allowed to head the complaints committee. Women's organizations continue to campaign for reservation of seats for women in Parliament.

The text on human rights by the South Asian Human Rights Documentation Centre, Human Rights, refers to the invaluable role played by NGOs in promoting environmental rights. NGOs are said to have bridged the legislative gap by regularly taking claims to court asserting the, "rights of the people to a clean,
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healthy and regenerative natural environment”. Amongst NGOs working for protection of the environment the World Wide Fund for Nature (WWF) India was the first to advocate conservation of nature on a national basis. Further, through the Conservation Action Programme run by WWF, support is extended to smaller NGOs working at the grassroots level. Another example is that of the National Toxics Movement in India. The movement was inspired by a coalition of NGOs called Toxics Link that campaigned with the government and members of industry to provide for safe disposal of toxic waste. The SAHRDC text also refers to the recent success achieved by Toxics Links in lobbying for a ban on use of mercury-based equipment in Delhi hospitals. As a result of the efforts of the environmental lawyer, M.C.Mehta many ‘green judgments’ were passed by the court. These included protection of the Taj Mahal, reduction in levels of vehicular pollution in Delhi and relocation of polluting industrial units, also in Delhi. However the court’s decision in the latter case was seen as a denial of the right to livelihood of all those workers who were retrenched on account of closure of these industries. Many NGOs that opposed the decision argued that the pollution prevention burden should not be shifted to the lowest class in society. One must note therefore that the category of human rights is also conflict ridden. In this case one person’s right to a clean environment is juxtaposed against another’s right to work and earn a living. Both rights have been provided judicial sanctity by a broad interpretation of the ‘fundamental right to life’ making it imperative for the State to secure the same for its citizens. A similar instance is that of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The act refers to tribal stake and rights in forests and promises to safeguard the same. Yet again NGOs are pitted against one another with regard to implementation of the act. A federation of tribal and forest dwellers’ organizations from eleven States supported by the Campaign for Survival and Dignity, an NGO have been supporting the act. On the other hand, conservationist NGOs such as Vanshakti has been opposing the act on the basis that it would undermine forest protection and wildlife conservation.

NGOs have also had considerable success in the arena of political rights such as campaigning for electoral reform. The SAHRDC text refers to NGO coalitions which since the year 2000 have been petitioning the government to provide citizens with information on the educational, criminal and financial background of electoral candidates. Through a series of court rulings and inspite of opposition from political parties, political representatives have been made accountable to the people. The right to information, which is perhaps one of the most empowering of citizens’ rights, was campaigned for by the civil society organization, the MKSS. The campaign which gave birth to the National Campaign for People’s Right to Information (NCPRI) was based on the slogan that the ‘right to know is the right to live’. The ‘right to health’ campaign is being led by the Jan Swasthya Abhiyan, a national level platform of health and social organizations working on health issues with a rights based approach. Access to health facilities, it is argued is not just a, “a human need, a right of citizenship and a public good, but it is also a pre-requisite to good health.....” (http://www.cehat.org/rrchseminar.html).

While there are many groups engaged in opposing violation of civil liberties, NGOs have more often than not focused on research, documentation and dissemination of information regarding violations of civil liberties by the government and other armed groups. An NGO, which has consistently been engaged in producing human rights literature, is the South Asia Human Rights
Documentation Centre. SAHRDC is a “network of individuals across the region. It seeks to investigate, document and disseminate information about human rights treaties and conventions, human rights education, refugees, media freedom, prison reforms, political imprisonment, torture, summary executions, disappearances and other cruel, inhuman or degrading treatment. SAHRDC has Special Consultative Status with the Economic and Social Council of the United Nations” (http://www.hrdc.net/sahrdc/). People’s Union for Civil Liberties, that came into existence as a reaction to emergency rule in 1975-77 is also active all over India in the cause of Human Rights. Action Aid is another NGO which actively participates in people’s campaigns such as on food rights and livelihood, women’s rights and gender equality, rights of persons with HIV and AIDS, right to education, right to health, right to shelter, right to peace and human security.

### 16.7 CONDITIONS NECESSARY FOR EFFECTIVE WORKING OF NGOs

To be effective and useful in the task of promotion and protection of Human Rights following conditions are considered essential for NGOs.

**Reliability**

Providing reliable information is a foremost requisite since, now a days, dependence on NGO information has become credible. They help various UN experts committees to make their questioning more precise, factual and less abstract. “For any theme or issue-based examination, NGO supplied information is mostly used. No less than 74% of the cases taken up by the UN Working Group on Arbitrary Detentions in 1994 were brought by international NGOs, another 23% came from national NGOs and 3% from the families.

Collection of reliable information demands that NGOs should have professional expert staff. Amnesty International with a professional staff of almost 300 individuals in its International Secretariat in London compares easily with the Office of the UN High Commissioner in Geneva. Other organization with good expert staff strength include International Commission of Jurists, Human Rights Watch Committee (USA), Article XIX (which works for freedom of expression all over the world).

Reliability is closely linked to credibility. An NGO to remain credible and maintain its reputation must be extremely careful and guard itself against charges with regard to its objectives, financial sources and methods of work. In any case, if such information relates to new areas of human rights violations (like ‘ethnic cleansing’ taking place in former Yugoslavia, Rwanada, Kosovo, etc.) protection of international human rights standards is considerably strengthened.

**Access vs. Independence**

This sums up the foremost dilemma facing a human rights NGO. For an NGO, it is important to have access to government as much as it is important for that NGO to remain independent of it when it comes to processing and passing relevant information to the higher human rights bodies of the UN, for example. In politically open societies like the Netherlands and Norway access to government is easy but it is really not so in politically not so open societies. In some countries, former NGO executives hold positions in national governments and the NGO
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Representatives are routinely included in official delegations to sessions of the General Assembly of the UN or the Special Conferences. Australia provides a bright example: members of parliament (including members of government) serve on the committee suggestively called “Parliamentarians for Amnesty International”. Yet another interesting experiment is the two-day consultations with the NGOs which the Canadian Ministry of Foreign Affairs conducts once a year. Weiss and Gordenker would identify an important channel of access in the pioneering human rights defenders like former President Jimmy Carter, former Norwegian Prime Minister Gro Harlem Brundlandt and former Dutch Foreign Minister Peter Kooijmans. Each country has such famous figures: Rajni Kothari, Soli Sorabjee, Justice Rajinder Sachar, Justice Krishan Iyer, Sunderlal Bahuguna, Baba Amte, Medha Patkar, Illa Bhatta, Swami Agnivesh, among many other active in India, Asma Jahangir I.A. Rahman in Pakistan, Kaml Hossan. Mohammad Yunus of Bangladesh, Radhika Coomanswmy and A.T. Artairatne of Sri Lanka bring to bear considerable importance of their personalities on the human rights cause they may be advocating or campaigning for.

Representativeness

NGOs may provide instruments and facilities which, whether invited or not by the governments, emphasize participation of the majority usually beyond the delivery reach of the state. As Bratton commented in the context of planning of projects: once the question was ‘how can development agencies reach the poor majority?’ now it is ‘how can the poor majority reach the makers of public policy?’ Various studies have confirmed strong correlation between projects success and the participation of grass-roots organizations. NGOs have now become known for their distinctive contributions in the following sectors:

a) their ability to reach poor people, especially in inaccessible areas,

b) their capacity for innovation and experimentation in areas difficult for official agencies

c) their close links with the poor and marginalized communities—phenomenon now becoming known as ‘representivity’.

d) For a rich variety of skills to promote participation out there.

NGOs thus have constituted ‘the Third System’ (the other two being international and national commissions) dedicated to ‘representing’ interests of the majority of people out there beyond the delivery reach of the state. For one of these reasons, John Clark has estimated that a significant portion (12%) of development assistances from the North is now in the conduit of the NGOs.

NGOs may contribute to expanding representativeness in performance on public policies, but not infrequently, they are also known for “grass-roots apathy” — a phenomenon (Fowler has coined the term) of NGOs remaining busy in national and international seminars, conferences, meetings, or remaining confined to working in state capitals, etc. and losing sight of their goals of empowerment in the process. One of the principles laid down to decide ‘representative’ nature of the NGOs may be found in ECOSOC’s considerations for granting consultative status to the NGOs. According to this principle, the organization should have a “representative structure” and possess appropriate mechanisms of accountability so that control over its policies and actions can be ensured through exercise of voting rights or other appropriate democratic and transparent decision-making
processes. Criteria for judging such representatives have not however been spelt out while this has given opportunities to make a virtue of this ambiguity. This unholy advantage has been taken as much by the rich Northern NGOs as by a good majority of Southern NGOs which have been reduced to personal freedoms by not so scrupulous ‘human rights activists’, taking shelter behind pompous formalities and high-sounding rhetorices.

16.8 CRITICAL ANALYSIS OF NGO ACTIVITY

As stated earlier, since the late 1980s NGOs have faced flak on many counts and from many quarters including the State, other ‘non-NGO’ voluntary organizations, commentators and even from within the NGO community. Sethi has argued that NGOs are currently pressurized from two sources. Firstly, they have to meet three different kinds of expectations i.e. from the grassroots, those of the donor and that of the government. They are thus plagued by what he calls the ‘overload factor’. Secondly and contrary to popular perceptions, it is becoming very difficult for NGOs to court donor agencies. NGOs are said to be in the midst of a ‘recessionary’ market. In the IMF-World Bank vision of a free-market economy, NGOs are seen as having only nuisance value as they unnecessarily raise issues of justice and equity. It is also argued that often external-donor concerns come to dominate the functioning of NGOs such that critical self-assessment takes a back seat. In an attempt to woo foreign funding agencies, NGOs often style themselves around the ideological and organizational matrix of the former. This results in loss of autonomy and commercialization of the whole idea of social service.

Issues of financial accountability and transparency continue to plague NGOs. Mahi Pal (Mahi Pal, ‘Voluntary Sector and Credibility Issues’, Economic and Political Weekly, vol. 39, no. 26, June 26-July 02) mentions that in 2004, The Council for Advancement of People’s Action and Rural Technology (CAPART), stopped assistance to and blacklisted about 600 voluntary organizations nationwide. The year before the Central Social Welfare Board blacklisted 3,000 NGOs for unsatisfactory progress. Vimala Ramchandran (Vimala Ramchandran, ‘Voluntary Organizations: Professional Agency or Sub-contractor’, from M.L.Dantwala, Harsh Sethi and Pravin Visaria (eds.), Social Change through Voluntary Action, Sage Publications, New Delhi, 1998) refers to the fact that 30-40% of funds meant for development are spent on ‘administration, consultant fees, overheads of donors etc.’ Another 20-30% of funds are used up by the voluntary agency for infrastructural purposes. Thus only about 20% of the total funds reach the targeted beneficiaries.

Check Your Progress 3

1) Trace the growth of NGOs in India since Independence.

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2) What role NGOs have played for promotion and protection of Human Rights in India?

3) Describe the necessary conditions for effective working of NGOs.

4) Critically evaluate the role and place of NGOs in society.

16.9 LET US SUM UP

In summing up the role of NGOs in implementation of human rights, it is evident that there is no conclusive opinion in favour of or against the organizations. NGOs are said to have bureaucratized the activity of voluntarism such that it has become dissociated from society. Voluntary action is no longer spontaneous but contrived and commercialized. Thus it’s potential to mobilize people and transform social structures and ideology is also limited. Moreover the language of ‘rights’ being used by NGOs is said to reflect a value orientation which is western in nature. The idea of ‘human rights’ undermines community values and norms. As Jenkins argues, commentators often say that the ‘disembedded approach’ of NGOs to rights have led them to ignore issues of caste, environmental and gender justice. Yet on the other hand one must also acknowledge that the language of ‘rights’ have helped NGOs to move beyond ‘welfarist’ approaches towards strategies that are inherently ‘empowering’. From being mere service delivery agencies NGOs are increasingly involved in mobilizational efforts. Also, notwithstanding increased government scrutiny, there is greater collaboration between the government and NGOs not only for implementation of programmes but also to impart local level training as well as monitoring of government schemes. A well prepared regulatory mechanism as well as periodic impact assessment will help NGOs become more effective and efficient. One may then say that NGOs form an invaluable and inseparable part of the human rights movement in India.
16.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) NGOs are private, non-profit professional organizations involved in public welfare or interest activities. There are some differences about the real nature of these organizations. For these differences see section 16.2.

2) Human Rights NGOs are volunteer organizations active in the course of promotion and protection of Human Rights. For details see section 16.3.

3) See sub-section 16.3.1

Check Your Progress 2

1) NGOs are recognized by the Economic and Social Council of the UNO as authorized by Article 71 of the United Nations Charter. For principles applied for recognition see section 16.4.

2) International NGOs are those NGOs which operate in many countries and take up issues both general in nature and country specific. For Amnesty International see sub-section 16.5.1.

3) See sub-section 16.5.2 and 16.5.3.

Check Your Progress 3

1) NGOs, particularly Human Rights NGOs in India started emerging more prominently after proclamation of National Emergency in 1975. To begin with these NGOs were suspected by the government but later government itself started associating with them.

2) NGOs in India have played important role in the field of civil and political rights, women's rights, environmental rights etc. They have influenced enactment of various legislative measures and policy decisions. For further details see sub-section 16.6.2

3) See section 16.7

4) See section 16.8

16.11 REFERENCES AND READINGS


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