Preventing deadly conflict in divided societies in Asia: the role of local NGOs

Scheper, E.E.

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V. State - NGO relations in Asia

5.1 NGO generations, missions and governance

Non-Governmental Organisations are private, non-profit, professional organisations concerned with public welfare goals a distinct subset of civil society and a distinct subset of civil society. Five generations of local NGO strategies can be distinguished (Korten, 1990 and Gidron, 2002), which reflect the evolution process from relief and charitable agencies to development, rights, advocacy and conflict resolution organisations working for structural policy and practice change.

- First generation NGO strategies are welfare based and involve direct delivery of services (food, health, shelter, etc.) to meet an immediate deficiency or shortage among a beneficiary population;
- Second generation NGO strategies attempt to develop the capacities of communities to better meet their own basic needs;
- Third generation NGO strategies focus on sustainable development systems, looking beyond the community proper as well and aiming at structural changes in policy and practise;
- Fourth generation NGO strategies aim to build a global people’s movement for self-development and developed out of frustration with “repair” work and institutional resistance or hostility against NGO work.
- Fifth generation strategies that came in vogue in the late 1990s, promote peace building and conflict resolution, but have different organisational means to achieve this objective.

International aid agencies classify development NGOs according to either their mission or their organisational structure. The classification by mission stresses goals of the programmes:

1. Direct poverty eradication: Direct poverty eradication refers to direct support to the “poorest of the poor” to improve their basic living conditions and end absolute poverty. Community organising, vocational skill training, income generating, micro credit, sustainable land use, environmental protection, disaster preparedness, housing, health and education are the most common project foci.

2. Civil society building: Civil society building NGOs aim to build strong, representative and cohesive groups with locally rooted accountability systems to address specific problems of deprivation, exclusion and injustice in a society. Women’s movements, human rights organisations, free legal aid services, trade unions, environment watches and ethnic minority networks are among these groups. Training, documentation and extension work is central to this approach and information gathered is fed to NGOs with missions that fall in the last category, advocacy for local change.

3. Advocacy to change policies and practices in the home country: Advocacy for policy change is intertwined in the two previous categories as well, but is an essential approach in its own right for which specific skills are needed. The assumption underlying their support for national advocacy for policy change is that local NGOs are not meant to replace the government or take over part of their role, instead development NGO work can provide an excellent breeding ground to explore and test alternative approaches which may be more effective. Ideally, such best practices should be taken over by official development policy and programmes, and tenacious advocacy work is required to convince government experts, ministries and parliamentarians of this. Furthermore, professional NGO advocacy work is essential to monitoring good governance and
Preventing Deadly Conflict in Divided Societies in Asia

maintaining political and civil rights; their political pluralist role is essential in functioning democracies.\textsuperscript{58}

The third way of classifying development NGOs is by the nature of the organisation:

1. Mass or member organisations
2. Service delivery organisations
3. Research or advocacy institutes

While research institutes tend to focus primarily on advocacy for policy change and service organisations focus largely on income generation, basic service provision and civil society building, the mass and member organisations can be active in all three areas simultaneously. The general image of local NGOs in developing countries is that of a poor people’s membership organisation, but in reality most of the internationally sponsored local NGOs are not-for-profit service organisations, committed to serving the poor.

In the 1990s, the pressure on local NGOs to play a bigger role in basic social service delivery to the poor increased as the result of several of factors. First, NGO programmes in remote areas tend to be more cost effective and cheaper, particularly when compared to the public sector or international aid agencies. Second, governments of poor nations are under pressure by international financial institutions to reduce their public spending and hence were forced to downsize their public service apparatus. Third, local NGOs are recognized for their greater effectiveness and ability to involve local communities through participatory and more socially sustainable approaches. Fourth, international aid agencies are expressing increasing interest in collaborating with local NGOs because they are looking for alternative partners outside government circles, especially where bad governance, corruption and impunity prevail. With the increased role for local NGOs, came a set of conditions from international agencies. In particular, as the roles and responsibilities of local NGOs in service provision expand, the pressure is mounting to live up to the three good governance principles commonly preached by NGOs to the State and corporate sector: legitimacy: transparency and accountability.

Legitimacy (credibility) refers to rightful representation, participation and ownership of the NGO’s constituency. Ideally, planning and implementing sustainable poverty eradication programmes are done in close consultation with the intended beneficiaries and facilitate maximum ownership, empowerment and smooth hand over. Community ownership is vital to the success of every development project. Leadership of mass organisations should be subject to (re-)election and independent, representative NGO boards should oversee the executive leadership of service organisations. Advocacy groups, who speak on the behalf of the poor, should consult their constituencies to seek their opinions and support them in both the selection of topics and in the dynamics of the dialogue with authorities whose policies are targeted for change.

Transparency and accountability are closely linked to an NGO’s legitimacy and leadership; NGOs need to be transparent in planning, decision-making, remunerations and management procedures and to be publicly accountable. Bilateral and multilateral donor funds are largely generated through direct income taxes, while private foundations obtain financial donations from both the general public and governments. When NGOs begin to manage public funds, they take on added responsibilities. Professional accounting and public disclosure of the annual audited financial statements are minimum requirements for local NGOs that receive international development assistance.

\textsuperscript{58} The ideal allocation of funding resources to achieve the sustainable development country objectives for organisations like Novib (Oxfam Netherlands) is: 65% direct poverty alleviation, 25% civil society building and 10% local advocacy for policy change.
It is important to realise that putting these fair but tough conditions on local development NGOs comes with a price. Most international aid agencies are eager to fund indigenous, community-based member organisations that design, implement and evaluate their own programmes, but this is often an illusion. Directing ones focus and financial resources to the poorest in a marginalised society implies targeting undereducated groups who live in remote and deprived places without dependable means of existence. These people lack resources, skills and often the political room to organise professionally: they lack the ability to generate State support or mobilise external (international) funding; and they lack the networks and knowledge to lobby their government for better treatment. In recent years it has become increasingly difficult—if not virtually impossible—for small indigenous member organisations to obtain international donor assistance. Indigenous minority groups in the rain forest or informal self help sex worker networks in Asian capital slums, for example, lack the professional expertise and experience and do not have the funds to recruit skilled staff. Hence, most of these deprived groups are unable to meet planning, proposal formulation, and monitoring and financial accounting requirements. And although national research and advocacy NGOs often include the minority people’s issues in their national and international advocacy agenda, minority representatives are seldom found among their core staff. Meanwhile, the more effective service delivery NGOs are invited to increase their reach in terms of both beneficiaries and geographical coverage, with the risk of becoming quasi-governmental institutions, especially in countries where official service provision is weak. This professionalism of aid flow has rocked the NGO sector at the very core of its existence and the innate civil society advantages are at stake. This catch-22 is elaborated below.
5.2 History of local NGOs in Asia

The local NGO sector in Asia emerged in four distinct historic courses (Scheper, 2003). In countries like India, Sri Lanka, Malaysia, Indonesia, Philippines an active local NGO scene began to emerge in the post WWII independence. It started in the 1950s with a core of charitable, health and education oriented organisations, often with religious origins or affiliations. Out of this, a more diverse, politically savvy and internationally connected NGO sector evolved in the late 1960s and 1970s that was conscious of poverty and injustice issues. But it was not until the mid-1980s that this NGO sector became more structurally engaged in national development cooperation and quickly expanded in size, operation and professionalism.

A second group of Asian countries (i.e., China, Laos, Myanmar, North Korea and Vietnam) had limited colonial ties and went through a process of violent inter- and intrastate conflict, leading to a radical political transformation towards one-party governance systems in the 1950s and 1960s. The regimes in these countries legally and proactively discouraged any form of private initiative and political activism and controlled the press and other information flows, severely curtailing civil society. State-organised and State-controlled mass organisations were the only associations permitted and were usually mobilised by professional group: farmers, industrial workers, soldiers and veterans, civil servants and women. Their main purpose was to support State ideology and socio-economic policies. They could not, therefore, play an independent, pluralistic mobilising role. Voluntary NGO work was not permitted and the attitude of the regimes towards the concept of an independent professional NGO sector was hostile; citizens were denied the right to organise, meet and express themselves freely.

In response to growing international criticism from a globalising world and to avoid missing out on substantial development aid flows and beneficial trade agreements, most of these countries now allow international NGOs to operate, albeit usually under tight State control of budgets and geographic spread and only in the provision of relief goods and basic needs (income generation, education and health). The presence of international NGOs can have a positive influence on the eventual emergence of a local NGO sector, for instance through on-the-job training of local staff members, who can mobilise local NGOs once legal restrictions are relaxed. However, because these countries are protected by their economic and geopolitical importance, they have managed to buy time and the international community has been lenient in pushing for dramatic reforms in the political and civil rights arena. The local political discourse is still impaired by the discussion of the universality of rights, Asian values, religious intolerance and political prisoners and a quick relaxation of the civil society restrictions is not expected.

Half way between these two extremes is a third group of countries (i.e., Cambodia, Nepal, Bhutan, Mongolia and Central Asian countries), each of which went through a process of radical political transformation in the 1960s and 1970s but had to revert back to some form of political pluralism as the result of intrastate rebellion, regional war, international isolation and political pressure, natural calamities or, and this was most often the case, a combination of these factors. Commonly, international relief NGOs were first invited to assist transitional governments in responding to emergency needs after large natural or manmade disasters devastated the infrastructure. These NGOs hired and trained local staff to implement infrastructure rehabilitation and reconstruction programmes and, in due course, the young, trained cadre either established their own NGOs or ‘localised’ the international NGO with gradual phasing out of control by expatriate staff. Under international pressure, most of these countries liberalised regulations on the freedom of Association and Assembly in the early nineties, after which the local NGO sector

Source: http://www.sitesatlas.com/Maps/Maps/Asia.htm

82
mushroomed and international funding of local NGO initiatives became a popular alternative to inefficient government grass roots projects. The resulting competition for funds between NGOs and the State has created additional animosity in the historically tense State-civil society relationship.

Lastly, a special category of countries exists in which development NGO work was never actually prohibited but was strongly discouraged by autocratically run regimes (i.e., Japan, South Korea, Thailand, Singapore and Pakistan). Working for the poorest and advocating for social transformation and structural economic reform was considered a form of political extremism because it broke cultural taboos against publicly criticising national leaders and centralised governments. As a result, staff of local NGOs foreclosed any professional career in the commercial or governmental sectors. Moreover, the authorities put tight restrictions on receiving international financial aid and there was hardly any funding, public or private, available to them locally. As a result, the local NGO scene in these countries is typically composed of highly principled, research-oriented activist leaders with limited grassroots outreach and limited experience in basic social service provision. Since the early 1990s, attitudes have gradually changed here as well and appreciation of the contribution a strong civil society can make to a nation’s social cohesion is rising (e.g., the NGO response to the Kobe earthquake in 1994 resulted in a new appreciation of civil society work in Japan). But in sharp contrast to the overall level of development of their countries, these local NGOs still struggle to attract professional staff, manage effective poverty eradication programmes and secure sizable and sustainable development funding.
5.3 Freedom of Association, Assembly and Expression

Having a clear mandate, skilled staff, good management and adequate funding is necessary for the success of NGOs, but if the political space to work is not guaranteed, all NGO work will suffer. Local NGOs active in advancing human rights, justice and sustainable development have all experienced difficulties with their governments at some point and had to assert their rights to associate and to represent and provide services to their constituencies. These infringements can range from simple bureaucratic measures like complicated registration processes and tedious security regulations (e.g., requiring permits for any public activity) to incarceration, public scrutiny, confiscation of work materials and closing of offices. Currently, local NGOs do not have the right to associate freely in five Asian countries and in nine others the NGO sector is barely one decade old, as freedom of association was granted only recently. Even in countries where the NGO scene is well established, popular and legal battles with authorities over political freedoms are recurring events. Obviously, NGOs working on human rights violations, corruption and impunity are in frequent confrontation with the authorities, especially when they engage in international advocacy to convince UN agencies and the international community to apply diplomatic pressure or punitive economic sanctions to make the government change its policies and practices.

In Asia, where the universality of human rights is still debated and Confucian ethics or interpretations thereof do not encourage public condemnation of one's leaders, critical local NGOs are particularly vulnerable to State intimidation and intervention. Women's organisations aiming to end gender discrimination have regular battles with the religious leadership and preservers of cultural heritage. Environment and community development organisations are caught in dire straits when their work provides proof of corruption, illegal exploitation of natural resources and forced indigenous community labour. At times government agencies join with NGOs to catch perpetrators and monitor the situation in remote provinces (e.g., to observe illegal natural resource exploitation by multinational corporations or illegal cross-border trafficking operations) but usually the main perpetrators are in government service or have their actions condoned by bribed officials and are, therefore, protected by authorities. When governments decide to silence NGO criticism and political activism, three political and civil liberties are likely to be curtailed: the freedoms of association, assembly and expression. These rights are laid out in the International Covenant on Civil and Political Rights (ICCPR), articles 19, 21 and 22:

Article 19
1. Everyone has the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.
3. The exercise of the right provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: a) for the respect of the rights and reputations of others; b) for the protection of national security or of public health or morals.

Article 21
The right for peaceful assembly shall be recognized. No restriction may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a

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60 Countries with no local NGO sector are China, Vietnam, Laos, North Korea and Myanmar; and with an NGO sector that is a decade or less old are Cambodia, Nepal, Bhutan, Mongolia, East Timor and four Central Asian countries.
democratic society in the interests of national security or public safety, public order, protection of public health or morals or the protection of the rights and freedoms of others.

Article 22
1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

In the mid 1990s human rights NGOs from six Asian countries conducted a comparative field survey of the “Three Freedoms” in each of their countries to assess how the essential prerequisites for NGO work can be secured and how State-NGO relations have developed over the past decade. The aims of this survey were to study the legal and regulatory framework for NGOs and its enforcement in different Asian countries (to develop a regional database, to mobilise support to promote respect for the three freedoms and to contribute to the larger debate in Asia and globally on the role of NGOs in development. The initial research focussed on the Freedom of Association only, but the Indonesian legal team convinced the group that the freedoms of Assembly and Expression needed to be included, because being prevented from meeting publicly and speaking and exchanging ideas freely proved to be the most efficient tools to suppress NGO work in Indonesia, where freedom of association is, in principle, guaranteed in the constitution. The report formulated these three critical rights as:

"It is the premise of the study, strengthened by the experience of the last two years, that NGO advocacy is critical to democratisation, and that the three basic freedoms of association, assembly and expression are critical to the well being of NGOs. Freedom of association enables NGOs to have a legal identity, hire staff and raise funds without fear of being closed down. Freedom of assembly allows them to hold meetings or sponsor public gatherings. And freedom of expression enables them to make known their concerns about policy developments through writing, speech and other media. The three are interlinked (Forum Asia, 1999, p.10).

When the study commenced, Asia’s economic boom was at its peak and growing desires had emerged among the new middle class for more political participation, civil liberties and government accountability and for an end to official corruption. Asian NGOs lobbied for civil and political rights and criticized their governments for halting political liberalisation, social justice reforms and equity demands under the pretext that national interests prevail over individual rights to secure sound economic growth. Meanwhile the income gap between rich and poor widened and environmental degradation became a threat to sustainable long-term development. Only two years later Asia went through the devastating economic crisis of 1997 and both local reformists and the international community acknowledged that one of the many factors contributing to the Asian crisis was the lack of governmental accountability and infringement on basic political and civil rights that limited the checks and balances, in particular infringement on the three freedoms. Responses from governments were diverse. It seemed that in the countries worst hit by the crisis (Indonesia, Thailand and South Korea) new appreciation for the three freedoms emerged with the new political leadership, while in Malaysia, which was also rather

61 The coordinating NGOs were: ADHOC (Cambodia), Human Rights in China (HRIC), Hong Kong Human Rights Monitor (=HKHRM), Institute for Policy Research and Advocacy (=ELSAM-Indonesia), Alternative Law Research and Development Inc (=Alterlaw – Philippines), Law and Society Trust (=LST, Sri Lanka), Union for Civil Liberty (=UCL – Thailand) and Forum Asia (Regional Asian human rights network, the coordinator).
badly affected, the government began a systematic crackdown of the reform movement and imposed tighter restrictions on the three freedoms to prevent the reform movement from gaining ground. In countries less affected by the crisis, like those in mainland Asia, civil and political freedoms remained restricted, while in South Asia threats to the three freedoms came more from emergency regulations to curb internal armed conflict.

The six-country survey highlights a number of conditions that directly affect the protection of the three freedoms and the ability of NGOs to function freely. The study concluded that the lack of independence of the judiciary and the use of emergency regulations are the two conditions that have most hampered the exercising of the three freedoms. In terms of government regulations of NGOs, the survey demonstrated that even authorities that make little effort to prevent NGOs from associating often try to impose regulations to control and, if necessary, obstruct their activities. Besides limiting freedom of speech and public demonstrations, authorities also applied politically charged registration procedures and tried to restrict and control foreign donations to local NGOs.

Although the participating NGOs agreed that there are benefits to the proper regulation on NGO registration, because it protects their legal right to operate, the specific circumstances in each of the countries are so unique and the lack of independence of the judiciary varies to such an extent that no general recommendation for NGO registration could be formulated. The authors did, however, agree on a set of eight minimum requirements that would uphold the independence of NGOs and enable them to fulfill their role in civil society and to make contributions to the process of development:

1. To determine their organisational structure, membership and operating principles freely;
2. To select their officials and staff freely;
3. To obtain legal status through procedures that are quick, simple and inexpensive, but which should not be conditional for the exercise of freedom of expression, association and assembly;
4. To determine their own vision and goals, and set their own priorities;
5. To establish and maintain relationships with other NGOs of their choice, both foreign and domestic, and to reject enforced association with other organisations;
6. To exchange information freely with individuals and organisations at home and abroad, as well as with government and international organisations;
7. To raise funds or seek assistance without impediment;
8. To have government actions or interventions—regarding their legal status, governance or activities—subject to review by independent courts and to have the same rights to legal recourse as any organisation, whether commercial or non-profit. (Forum Asia, 1999, p.256)
5.4 Right to development and role and responsibilities of State and NGOs

The UN covenants on development and basic human rights provide furthermore guidance on the roles of the State, NGOs and the international community in development and peace building processes. According to the UN Commission on Human Security, to protect people--the first key to human security--their basic rights and freedoms must be upheld. This requires concerted efforts to develop national and international norms, processes and institutions, which systematically address insecurities. Efforts cannot be makeshift; they must be comprehensive not compartmentalized, and preventive not reactive. (Sengupta, 2002)

The Declaration on the Right to Development (RTD) was adopted by the United Nations in 1986, almost 38 years after the Universal Declaration of Human Rights, which constitutes both civil and political rights (Articles 1 to 21) and economic, social, and cultural rights (Articles 22 to 28). Global consensus over the interdependence of civil and political rights and economic, social, and cultural rights could not be reached during the Cold War era. Therefore, two separate covenants, one covering civil and political rights and the other covering economic, social and cultural rights were drafted, given the status of international treaties in the late sixties and came into force in the late seventies. A new consensus emerged at the Second UN World Conference on Human Rights in Vienna in 1993, reaffirming the 1986 Covenant on the right to development as a fundamental human right and that its protection and promotion are the first responsibility of the State. The RTD furthermore stresses the collective responsibility of the international community to provide poor countries with the means and facilities to end poverty. Moreover, RTD provides recommendations on inclusion and equity that are of key importance to sustainable conflict prevention work:

"The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised. (RTD, Article 1, paragraph 1)"

Arjun Sengupta, the independent expert to the UN Commission on Human Rights, highlights four essential principles embedded in the Declaration’s opening articles:

1. Development is a human right that is inalienable: it cannot be bargained away, even though the justiciability of some rights may be hard to operationalise (like the freedom from fear or the right to adequate housing).

2. Development refers to a particular process of development: “Article 2, clause 3, States the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits there from.” Article 8 elaborates that the measures for realising the right to development shall ensure equal opportunity for all in their access to basic resources, health services, food, housing, employment and in the fair distribution of income” (2000, p.2). The article furthermore stresses that the realisation of RTD also requires women to play an active role in development processes and appropriate economic and social reforms need to be carried out with a view to eradicating social injustices.

3. Development is an inclusive process, in which “Every human person and all peoples” are entitled to participate, underscoring the importance of individual over State interests; and

4. Development is the prime responsibility of the State; as “the prime duty holder” the State has the duty, both individually and collectively, to formulate international development policies

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62 UN Covenants are legally binding for signatories, while the UN Declaration of Human Rights is not.
63 The Declaration on the Right to Development was ultimately signed in 1986, with the United States maintaining a lone dissenting vote questioning the legitimacy, justiciability and coherence of this right. This set back the start to operationalise the Right to Development by several years. See Arjun Sengupta (2000)
Preventing Deadly Conflict in Divided Societies in Asia

and to provide poorer countries with appropriate means and facilities to promote rapid poverty eradication. (Sengupta, 2001, p.1-4)

In his third and fourth report to the Commission, Sengupta (2002, p.12-15) elaborates on the specific roles of State and civil society. Nation-states have the prime obligation for realizing the development rights of their individual right-holding citizens. In the human rights literature, these are associated with the State obligations to respect, protect and fulfil and imply abstaining from ‘carrying out or tolerating any violation of the right in question by agents of the State’. Steiner and Alston (2000, p.1322) identify five State obligations: respect the rights of others; create institutional machinery essential to the realization of rights; protect rights/prevent violations; provide goods and services to satisfy rights; and promote rights, through advocacy and education.

The obligation to protect and promote human rights, however, lies not only with States and national or international institutions. NGOs are recognised to play an important role in the implementation of human rights. Sengupta (2002, p.11) states: “Indeed, when the rights are to be realized in a participatory manner, with participation of the beneficiaries in the decision-making and benefit-sharing, with accountability and transparency and in a widely decentralized process, NGOs may have to play an even more crucial role in monitoring the programmes and delivering the services and may often replace the existing bureaucratic channels of administration. They may also have to play an advocacy role as well as engaging in grass-roots mobilization and organizing of beneficiaries to participate in decision-making.”

Much of the operationalisation of the RTD is still under debate, especially regarding the obligations of the State and international institutions’ to endorse the rights approach to development in their overall work. The UN Commission on Economic and Social Rights is developing and testing the so-called “Development Compact” approach, to which developing countries and their funders sign up on the basis of national development programmes that specify the obligations of the national authorities, civil society and the international community. The RTD provides a good framework to clarify State-NGO relations and task division in development and conflict prevention. States must take steps towards fulfilling their international obligations by adopting legislation that incorporates the rights contained in international and regional human rights treaties in their domestic law, and should ratify these treaties if they have not done so already. They must appoint a national human rights commission and other authorities that can adjudicate on complaints of human rights violations. Lastly, the State should also allow NGOs to operate freely and participate at all levels of the consultation and adjudication process. (p.20-22)

However, issues of funding, identity and accountability of NGOs in Development Compacts are quite complex. Sengupta recommends reviewing the functions of NGOs and of international civil society carefully.
5.5 Democratic deficit, global governance and soft power

Over the past decade, media and information have become important vehicles for the new phenomena of “Soft Power.” The term was first coined in Joseph Nye’s 1996 book “Bound to Lead”, in which he defines soft power as the capability that you get when someone wants to be like you. His later articles in Foreign Affairs magazine argue that soft power is the ability to achieve goals through attraction rather than coercion. It works by convincing others to follow or getting them to agree to norms and institutions that produce desired behaviours. Soft power is highly relevant for the third and fourth generation NGO strategies of building a global peoples’ movement and advocacy for policy and practice change (see section 5.1).

Due to technological advancements in computers, software and communication, the costs of transmitting and conveying information have dropped significantly. As a result, larger numbers of people have gained access to the information highway and acquired the ability to transmit large quantities of information quickly and efficiently. While this increased flow of information has both negative and positive effects, Nye asserts that it actually has a decentralizing and democratising influence. Perhaps the most significant way the information revolution encourages democracy is by empowering civil society and increasing the number of non-governmental agents. Through the Internet, individuals and small groups are able to form networks and communities to promote their interests. Non-governmental organisations bring these interests to the forefront and challenge government action for change. The increased information flow not only gives NGOs easy access to valuable and insightful information, it also makes this information accessible to wider constituencies. This enables NGOs to monitor governments and international actors more effectively and lobby for increased accountability and transparency.

Because NGOs tend to represent both national and global public interests, they are uniquely placed to address the trans-national issues that are becoming more prominent with advancing globalisation. NGOs are able to operate in multiple States, regardless of borders and political and cultural divides, bring issues to global attention and play an important role in global governance in the 21st century. This is especially important as the impact of globalisation continues to erode the traditional role and power of the sovereign nation state. NGOs have the soft power to draw various governments into debate and to pressure them into altering policy or governmental norms. Nye argues that strong civic participation, freedom of expression, transparency and accountability are essential for true democracy. With the information revolution, these principles have gradually begun to spread worldwide and this should make it easier for various nations to find common ground and facilitate cooperation. Nye concludes that the international community needs only to take advantage of this and utilize its soft power to govern effectively. There are, however, those who are sceptical of Nye’s views and hesitant to embrace this approach.

Tinker (1999, p.99), for example, argues that international NGOs and bilateral agencies create an alternative decision-making structure within states when they promote NGOs as the panacea for correcting all the inequities and problems encountered when governments of low income countries pursue rapid economic growth. The implications are that national NGOs have a mechanism to ‘end-run’ the State through their international networks and connections to international NGOs and in that process undermine the sovereignty of the State. While many governments in developing countries feel a loss of control, NGO networks and coalitions are propelled by expectations of greater power and prestige. On the positive side one could argue that citizens, often constrained from political participation by authoritarian governments, can influence policies that directly affect their daily lives through their participation in NGOs, which can help to create a political culture and the social capital necessary to sustain democracy. Unfortunately, in most of these countries local NGO work is prohibited and international NGO
work restricted because citizen activism and international interference is a main concern of authoritarian regimes. Tinker concludes that the transition of NGOs from relief to sustainable development organisations is a significant accomplishment and contribution to the development world, but she remains critical of NGO involvement in global governance because of the tendency among articulate NGOs to focus on advocacy and criticism of current international and national policies, rather than practices.

The common uneasiness to partner with the NGO sector among State officials and scholars is not entirely fair. NGOs have been quite successful in filling part of the widening institutional and geographical void for people and communities who want to exercise their rights. Over the past two decades, NGOs have constructively contributed to both international and national discourses on issues of global importance, such as poverty, gender equality, peace, environmentally sustainable development and human rights. For example, NGOs actively influenced the formulation of the CEDAW (the convention on the elimination of all forms of discrimination against women) in 1979 and the 1989 UN Convention on the Rights of the Child. Furthermore, NGOs proposed new institutional arrangements to shape UN responses to human rights abuses, like the creation of special working groups (e.g., on Arbitrary Detention) and the position of Special Rapporteurs. More recently, NGOs have successfully advocated for similar structures in other multilateral organisations like the creation of the World Bank Inspection Panel in 1993 and the lobby of the Women’s Caucus on Violence against Women in War situations, which managed to get eight severe forms of systematic sexual violence officially recognised and approved as crimes against humanity in the constitution for the newly established International Criminal Court.  

Other examples include the successful and world famous campaign to Ban Landmines, which won the Nobel peace prize in 1999, and the Jubilee 2000 campaign for debt reduction for the poorest nations.

At the same time, ambiguity regarding State-NGO relations partnering remains, especially on the part of States. In his opening speech to the Federation of Commonwealth Office Conference on Leadership, held in London on 6 January 2003, David Green (the Director-General of the British Council) expressed the uncertainty that overtakes state institutions when they attempt to seek closer relations with NGOs as follows:

"NGOs are independent, organic organisations, with many different structures and objectives. Increasingly, like multinational companies, they are becoming international in scope and ambition, successfully engaging and or antagonising governments across the world. And those who seek to coerce them for specific ends may find the experience as rewarding as harnessing zebras for use on a children’s pony trail. But the global reality is that diplomacy today must recognise NGOs as effective players who can mobilise public opinion rapidly, and spread opinions – all made that much easier through ICT [information and communication technology]. Some commentators argue, as Mark Leonard has done. that – and I quote – ‘embassies should be re-tooled to become lobbying and policy exchange organisations which link up political parties and think-tanks across borders to create public policy space; engaging with the domestic politics of other countries, linking up with NGOs to change public opinion.’"

Quizzing the audience at the opening of the conference session on NGO collaboration on the need for the Foreign Commonwealth Office to “do more with NGOs”: Green summarized the key dilemmas of State-NGO collaboration.

"We have to assess where it is appropriate and where it is impractical. Much of the co-operation so far has been at the centre. Where it has taken place in country, it has often been as a demonstration of "soft" power – of capacity-building of NGOs, to improve human rights in country, or to strengthen civil society in state’s coming out of the shadow of Communism. (...) How far is it compatible with traditional diplomacy, particularly in an international environment where

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Such as rape, sexual slavery (comfort women), sexual mutilation, forced marriage and forced pregnancy.
a priority has been put on the ‘war against terrorism’? (...) And how can we categorise NGOs? They are a diverse sector with differing goals, modi operandi and their own international networks. Most function totally within the law but some rely on direct action. Their reputations may be high in the UK, but much lower in the countries where they function on the ground. They may be popular with the dispossessed and unpopular with governments – conversely, they may be plugged into urban elites, but unknown to the poor – and indeed, unwittingly, they may sustain patron client relations."

Three dilemmas that were addressed by working groups at the conference were phrased as:

- Should and can we effectively create partnerships with NGOs in order to gain greater credibility with overseas publics? The term ‘diplomacy by stealth’ carries an undertone of crouching behind the greater popularity of NGOs. Does this not carry dangers of dilution of message and lack of control of the final message?
- Can we engage NGOs as a means of reducing the appeal of anti-globalisation movements to the politically disaffected?
- Should we seek to engage NGOs, because they enable us to demonstrate we are a pluralistic society that welcomes a diversity of views? Will this be understood in certain societies, or viewed with resentment, particularly if the NGOs’ views and tactics are considered co-terminus with those of Her Majesty’s Government?

Green’s opening remarks clearly illustrate not only the reserve of state institutions to partnering with the NGO sector but also candidly reveal the State’s agenda. Earlier chapters revealed similar sentiments regarding the acknowledgement of the need to work with NGOs, in spite of the lack of enthusiasm to do so. The Commonwealth governments’ concerns illustrate the wider debate among UN member states on inclusive governance. Four main concerns seem to trouble States most. First, the legitimacy of NGOs as unofficial sector is a worry: who is the NGO leadership representing, what checks and balances are in place to guarantee accountability and transparency. States try to ‘separate the good NGOs from the bad’ through excessive registration and regulation in an effort to protect the State from NGO interference in official affairs. Second, there is concern on the control over the end message in State – NGO collaboration, as NGOs are known to be vocal about government performance and might be sympathetic to actors that are in conflict with the State. Third, as a consequence, there is concern over potential damage of NGO criticism to the public image of the governments, both in their home country as well as in relation to Southern governments, known to be less civil society minded. Four, there is the access issue. Governments would like to reach out to for example anti-globalisation movements or reform minded individuals in the Middle East, who are being suppressed by their governments and can not be reached through official channels. In these cases States tend to be concerned over the impartiality of NGOs and their diplomatic abilities

These concerns resonate the official criticism on NGO partnerships in Track Two peace building diplomacy (see chapter II.6) that among others stressed NGO amateurism, manipulation and the lack of even-handedness because of NGO’s close relations to certain constituencies: all of which relate to questions of legitimacy, leadership and control, image and access. The next chapter will analyse the local NGO sectors in Cambodia, Sri Lanka, Indonesia and Myanmar in detail and illustrate how more effective State-NGO collaboration can be facilitated.