At the end of reading this unit, you should be able to know about

- features and responsibilities of human rights NGOs,
- emergence of international human rights movement,
- the nature of response from the UN system towards the human rights movement in the past; and
- how in the present, ambiguities in provisions regarding consultative status are preventing unity of the NGOs for reasons of which the general cause of human rights is suffering.

15.2 HUMAN RIGHTS NGOs: FEATURES AND RESPONSIBILITIES

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.
than fighting against arbitrary arrests, illegal detention, torture, custodial deaths, 'third-degree' methods adopted for extraction of 'confessions', disappearances, fake encounter deaths, etc. In other words, for us in the developing countries, socio-economic and cultural rights and the Right to Development are no less important than civil and political rights. The true test for their being "indivisible and inter-dependent" lies with us in the developing world.

A distinction is usually made between human rights NGOs and other political groups and actors like trade unions, farmers organization etc. What distinguishes a human rights NGO from other political actors, suggests Wiseberg, is that the latter typically are seeking to protect the rights only of their constituents, a human rights group seeks to secure rights for all members of society. It is this 'general disinterested focus' which distinguishes human rights NGOs from 'sectional groups' like trade unions or 'promotional groups' like lobbies which have an ad hoc basis. There is thus a widely shared view that a human rights movement does not aim at capturing state power (as an organized body) which is what precisely distinguishes it from other political associations like political parties etc. "Their aim should not be to take over institutions or to have direct governmental responsibility."

Such human rights NGOs may be as wide as local provincial, national, regional and international. Pick out an example of a local human rights NGOs in your locality and the province. 'People's Watch', for example, in Tamil Nadu, PUCL and PUDR are examples of national groups in India. Amnesty International, Human Rights Internet (Canada) and FIAN (Food first, Information and Action Network) are globally active whereas Commonwealth Human Rights Initiative, Forum Asia (Singapore), HRights (Osaka), FEDEFAM (Buenos Aires) in South America are examples of regional groupings.

15.3 EMERGENCE OF INTERNATIONAL HUMAN RIGHTS MOVEMENT

15.3.1 Vienna Congress

As you know, the UN is at the apex of inter-governmental system but the role of UN in encouraging human rights movement was really nothing much as compared to the spurt of
developments which followed the end of cold war rivalry. The World Conference on Human
Rights at Vienna actually focussed on a vigorous role of the NGOs in human rights movement.
This conference recognized:

[The] important role of non-governmental organizations in the promotion of all human
rights at national, regional and international levels. The World Conference on Human
Rights appreciates their contribution to increasing public awareness of human rights issues,
to the conduct of education, training and research in this field and to the promotion and
protection of all human rights and fundamental freedoms While recognizing that the
primary responsibility for standard setting lies with States, the Conference also appreciates
the contribution of non-governmental organizations to this process. In this aspect, the
World Conference on Human Rights emphasizes the importance of continued dialogue and
cooperation between governments and non-governmental organizations.

This is the first major global level recognition of the importance of NGO's in the advancements
of the cause of human rights. Otherwise, the past of the human rights movement has been rather
patchy from this point of view.

15.3.2 UN Commission on Human Rights

The UN Commission on Human Rights created in 1946 did little till the 1970s. Until 1970 when
the Economic and Social Council (an auxiliary organ of the UN system working under the
General Assembly and with a specific mandate "to promote respect for and observance of human
deads and fundamental freedoms for all") adopted the Resolution 1503 (a Procedure for Dealing
with Communications relating to violations of Human Rights and Fundamental Freedoms"),
thousands of complaints reaching UN concerning human rights violations were ritually sent into
limbo under a 1947 decision that the Commission "was not competent to investigate or take
action on any of these complaints." Human rights monitoring expanded only with the end of the
Cold War rivalry but even now, not more than 2% of the UN budget is spent on human
rights (not including the expenditure on relief for refugees).

15.3.3 NGOs Promoting Human Rights Movement

When the UN system was not effective during the cold war era, streams of sustenance flowed
from political formations outside the nation-state (para-statal). It was in the background of the
pressure of the Afro-Asian countries of the Non-aligned Movement, that the monitoring of
complaints received was given a start in the Commission's office. The pressure came particularly
from the African countries to end the racist apartheid regime then in South Africa. Similarly, a
coalition of forces could be forged in early seventies; particularly in Latin America. The first
salvo was fired with the military overthrow of Allende of Chile in 1973 which provoked many
human rights organizations to take up issues with the military dictatorships which sprang up soon
in the southern cone of South America. Dissidents in Eastern Europe and Soviet Union received
enormous boost on signing of the Helsinki Treaty and with the support flowing from the Helsinki
Watch committees and Soviet Jewry groups that emerged in the West soon after. The development
of a social justice agenda and liberation theology by elements in the Catholic Church following
Pope John's Vatican II (1961) and the move from 'study' to 'action programmes' among them
gave an effective push to the agenda of human rights movement. As Wiseberg observes:

The development of a human rights program by the Ford Foundation in the mid-1970s
which made resources available to human rights NGOs, the awarding of Nobel Peace Prize
to Amnesty International in 1977, the end of the Vietnam War, which meant that
progressive Americans could redirect their energies to a broader range of concerns, and the
coming into force of the human rights covenants in 1976 - all contributed to the coalescence of the movement. Thus in 1977, when US President Carter took up the banner of human rights as his own, and got human rights inscribed as an enduring item in the international political agenda, he was less a leader than a follower of a trail already blazed by NGOs.

Human Rights NGOs, however, are not to be confused as products of the UN system only. P. Archer identifies the Anti-slavery Society founded in 1837 as the first human rights NGO but the creation of Amnesty International 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 1970s, as the second Development Decade (1970s) began taking a point of departure from the first decade. Whereas the first decade had the goal of encouraging economic growth, the second focussed 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 enter aggressive forces of globalization (especially economic and financial) led by the 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 their 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.

1. **An important action:**
   (i) Vienna Delegation gave the first major recognition to the role of NGOs in human rights movement.
   (ii) UN Commissioner on Human Rights did little to promote the cause of human rights.
   (iii) President Carter placed the human rights movement high on his foreign policy agenda.
   (iv) NGOs can make use of information and communication technologies to forge globalization-from below.

2. **Developments during 1970s were crucial for emergence of human rights movement. List them.

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   16
Article 71 of the UN Charter creates formal relations between the UN and the non-governmental organizations with a view to facilitating effective functioning of the ECOSOL which a mandate to advance the cause of human rights. Therefore, though there were NGOs before, they actually got articulated with primary reference to the UN system. To a large extent, an NGO is defined by what it is not: it is not governmental, that is, it is not controlled by the government. While the 'basic resources' must come from contributions made by individuals or non-governmental agencies, provision has also been made, exceptionally for national NGOs 'after consultation with' the government concerned.

15.4.1 Committee on Non-Governmental Organisations

Pursuant to Article 71, the ECOSOL has raised a Committee on Non-governmental Organizations to receive information from and supervise application of, the international human rights instruments through the NGOs which it divides into three groups:

i) Category I has those NGOs which have a basic interest in most of the Council's activities

ii) Category II has those NGOs which have special competence but are concerned with only a limited number of Council's activities.

iii) The Roster which contains the names of the NGOs which make occasional but useful contributions to the Council's work.

15.4.2 UN and the League: Differences over Associating the NGOs

Article 71 did not, however, go too far, definitely not beyond what the NGO representatives enjoyed in the committees of the League of Nations. ".....although not able to vote, (they) were allowed to speak, present reports, initiate discussions, propose resolutions and amendments, and be assigned to sub-committees." The UN, however, clearly distinguishes between 'consultation' with NGOs in Article 71 and 'participation without vote' granted to specialized agencies as well as states (not members of the Council) in Article 70. Further, the NGOs in consultative status have been subjected to threats of 'suspension or withdrawal of status' if they are found politically motivated and supplying unsubstantiated information against the Member States.

The relationship between the NGOs and the UN are under review. Till date, however, Resolution 1296 of the ECOSOC provides for specific features which an NGO should have in order to take up human rights issues at the global level. Resolution 1295 passed by ECOSOC under the heading "Arrangements for Consultation with Non-governmental Organisations" mentions that the "Organisation shall be of representative character and of recognized international standing; it shall represent a substantial proportion, and express the views of major sections of the population or of the organised persons within the particular field of its competence, covering, where possible, a substantial number of countries in different regions of the world." Accordingly, the following conditions may have to be fulfilled for effective working of international human rights NGOs, (Peter R. Baehr).
15.5 CONDITIONS NECESSARY FOR EFFECTIVE WORKING OF HUMAN RIGHTS NGOS

15.5.1 Reliability

Providing reliable information is a foremost requisite since, now a days, dependence on NGO information has become credible. They help various UN experts committee 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 organizations 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 e.g. 'ethnic cleansing' taking place in former Yugoslavia, Rwanda, Kosovo, etc.) protection of international human rights standards is considerably strengthened.

15.5.2 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 really not so in politically not so open societies. In some countries, former NGO executives hold positions in national governments and the NGO 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 Gardenker would identify an important channel of access in the pioneering human rights defenders like former President Jimmy Carter, former Norwegian Prime Minister Gro Harlem Brundtland and former Dutch Foreign Minister Peter Kooijmans. Each country has such famous figures: Rajni Kothari, Soli Sorabjee, Justice Rajinder Sachar, Justice Krishna Iyer, Sunderlal Bahuguna, Baba Amte, Medha Patkar, Illa Bhatta, Swami Agnivesh, among many others active in India, Asma Jahangir I.A. Rahman in Pakistan, Kamal Hossan. Mohammad Yunus of Bangladesh, Radhika Coomanswamy and A.T. Araiattne of Sri Lanka bring to bear considerable importance of their personalities on the human rights cause they may be advocating or campaigning for.

15.5.3 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 project 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 marginalised communities – a 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) 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 assistance from the North is now in the conduit of the NGOs.

NGOs may contribute to expanding representativeness in performance of 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 ensued through exercise of voting rights or other appropriate democratic and transparent decision-making processes. Criteria for judging such representativeness are 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 fiefdoms by not so scrupulous 'human rights activists', taking shelter behind pompous formalities and high-sounding rhetorics.
15.6 NGOs: A DIVIDED HOUSE

The overall scenario presents an important message: NGOs are not united in claiming their pound of flesh. Southern NGOs have been criticized for lack of transparency. Northern NGOs have not yet succeeded in internalizing the Vienna Declaration's stipulation:

"Non-governmental organizations should be free to carry out their human rights activities, without interference, within the framework of national law and the Universal Declaration of Human Rights.

Vienna Declaration, it may be recalled, asked of the member states to promote and protect all human rights and fundamental freedoms "while the significance of national and regional peculiarities and various historical, cultural and religious backgrounds must be borne in mind".

But as Laurie Wiseberg reminds us, the G-77 countries have been paying only lip-service to this provision as can be seen in the highly divisive issue (among the NGOs) on democratization of the relationship between the UN and the NGOs, i.e., wider access for the NGOs to consultative status of the UN. She observes:

On the one side were the NGOs (and governments) arguing for a democratization of the relationship between NGOs and ECOSOC by allowing political space for new actors (especially from the South) to participate more fully. On the other side, were the NGOs concerned that opening the UN so broadly would erode the rights and privileges they (reference is to the northern NGOs) had worked so hard to achieve. These include the right to make oral and written interventions at meetings of ECOSOC's subsidiary bodies, and in some cases, propose items for the agenda.

These considerations have led influential countries in G-77 to adopt an ambiguous posture: welcome (in principle) Southern NGOs into the UN system but stall, for all practical purposes, national human rights NGOs from attending. And for doing so, they have stood firmly behind a paragraph which states:

"Organizations accorded special consultative status because of their interest in the field of human rights and humanitarian assistance should have a general international concern with this matter, not restricted to the interests of a particular group of persons, a single nationality or the situation in a single state or restricted group of states."

Absence of unity in purpose and consequent lack of cooperation among the NGOs have impaired advancement of human rights movement. It also means abdication of a huge responsibility given to the member states by the World Conference on Human Rights. This responsibility consists in elaborating international standards in the light of all the complexities one finds in diverse cultural backgrounds. Through this route, one can promote universality of human rights in day-to-day practice. Otherwise universal human rights found in the International Bill of Rights may not be a set of practical standards. It may be reduced to being universal in goal, but less applied rights. Clearly, few can rival the capacity of the NGOs in providing flesh and blood to these universal standards meant for all nations and all peoples. Member States (i.e., the national governments), it may be recalled, have the obligation to protect these NGOs. It is actually in the interest of a live and a genuine set of universal human rights that the NGOs may be encouraged within the framework of their own national laws, but, without deviation, to promote universality of 'human rights' in actual practice. We have all agreed on this aspect at Vienna in 1993.
NGOs play a major role in advancement of the cause of human rights. Neither the UN Commission on Human Rights nor the ECOSOC did anything substantial for this cause during the Cold War days. However, private initiatives launched by non-governmental organisations did not give up till Amnesty International set up in 1961 spearheaded the movement. Till 1970s, concentration was for drafting of international standards and promotion of human rights. However with the advent of the second UN Decade, the focus shifted to protection since as Prof. Louis Henkin observed (in 1978):

"The early assumption that states might be prepared to scrutinize other states and be scrutinized by them" has not stood up and there has been little 'horizontal' enforcement.

The real seeds of human rights as a movement were sown in reaction to authoritarian and repressive regimes in the 1970s, mostly in the developing countries. Mainstreaming human rights as a foreign policy plank by Jimmy Carter was the result of following a trail already blazed by the NGOs, rather than the President pioneering a human rights movement.

The relationship between the UN and the NGOs is governed by provisions in the ECOSOC Resolution No.1296. Criteria given there for a bona fide NGO are ambiguous. This particular feature has been a bane of NGO developments in advancing the cause of human rights across the global. Though the Southern NGOs lack transparency (in many cases), the Northern NGOs have
not shown full commitment for entry of the Southern NGOs into the UN process. That is how the Southern NGOs have been kept out of influencing UN policies.

NGOs in general and human rights NGOs in particular have a gigantic responsibility, if human rights are to be made universal in practice (that is, if they are not to be pious aspirations). Incidents at Seattle, Davos and also at Washington with regard to global conferences on world trade are making it clearer that the NGOs should plan towards acquiring more teeth. The Vienna Declaration has focussed on this aspect of making human rights genuinely universal (i.e. in practice) and asked the Member States to keep in mind their cultural specificities. This task of the state can be best performed through adding 'flesh and blood' to the 'dry bones' of the universal human rights, by the NGOs working in the field within the national framework. The quality of human rights protection in future would thus depend on how the UN (and the other inter-governmental agencies) and the Member States create enabling conditions for the NGOs to act in making 'universal human rights' actually so 'in practice'.

45.8 KEY WORDS

Consultative status: person or agency of a particular rank or position providing professional advise.

Civil security: security against exploitation by state/fits agencies.

Custodial deaths; deaths of persons when under imprisonment, police arrest or detention/confinement in prison.

Third degree methods: long and severe questioning methods by police to obtain in information or a confession (illegal).

General disinterested focus: general unbiased with focus no other than the violation of human rights.

Apartheid: system of race based (racial) discrimination of people, Ex: South African White Government.

Blithely: carelessly

Roster: list, register or catalogue,

Arbitrary detention: mindless arrest of people by police.

Ethnic cleansing: mass expulsion or killing on the ground of race or ethnicity.

15.9 SOME USEFUL BOOKS


Rachel Brett; 1995, "The Role and Limits of Human Rights NGOs at the United Nations" *Political Studies*.

15.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1
1. Yes. Both the sets of rights are interdependent and inalienable. If civil security is important, why not 'social'? Elaborate on this.
2. Amnesty International for a and b and give one example from your locality (for c).

Check Your Progress 2
1. (i) True
   (ii) True
   (iii) False
   (iv) True

Check Your Progress 3
1. Relate to 'consultative status' for the NGOs.
2. Ambiguity in criteria.

Check Your Progress 4
4. (i) True
   (ii) False
   (iii) True