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The Developing Role of Non-Governmental Organizations in Global Policy and Law Making

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THE DEVELOPING ROLE OF NON-GOVERNMENTAL ORGANIZATIONS IN GLOBAL POLICY AND LAW MAKING*

CHARLOTTE KU**

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I. INTRODUCTION: STATES AND POPULISM IN THE LATE TWENTIETH CENTURY

The history of international relations in the twentieth century may appear principally to be the story of the state. In numbers alone, the gradual universal acceptance of statehood as the form of political organization attests to its conceptual power. From twenty-six states represented at the First Hague Peace Conference in 1899, the United Nations now counts 184 members. The great wars of the century ended empires and generated new states—the successor states to the Austro-Hungarian and Ottoman empires, the states which emerged from the French and British empires, and most recently the states formerly part of the Soviet empire.

At the same time, the history of international relations in the twentieth century is also one of international organizations as a means to support and strengthen the state's ability to discharge its primary functions of promoting order in the international system and ensuring the security of its own citizens. The proliferation of international organizations in the twentieth century is an example of states responding to transborder problems and needs they could not effectively address alone. Some international organizations were necessitated by increased cross-border activities and new technologies—the tele-

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graph, airplane, automobile, etc. Pressure for international action also emerged because of the need to eradicate diseases like smallpox or to mitigate flooding by changing the course of rivers. The desire of governments to undertake collective approaches gave rise to the cross-border and international cooperative enterprises which were the predecessors of the World Health Organization, the Food and Agriculture Organization, UNESCO, UNICEF and other institutions—many of which are now specialized agencies of the United Nations system. An even more aggressive approach to meeting the needs of states is through aid programs like the UN Development Program.

These international organizations were created by governments, usually by treaty, to address common needs and problems through common institutions and methods. States created international organizations to supplement state functions and thereby ensure their continued existence. The most dramatic example of this is the collective security provisions of the UN Charter, which provide that when one member is attacked or is a victim of aggression, all other member states are committed to come to its defense.

In the late twentieth century, with the increase in transborder communication and activity, the emergence of global problems, and limited financial resources, states and the international organizations they created still appear inadequate to meet new demands. Louis Henkin described the change in state interests: "More states, diversity of states, have slowed the movement from state values ("sovereign") to human values, as in the law of human rights or law for the environment."¹ The emergence of non-governmental organizations seems part of a spreading populism in the domestic and international political landscape. Indeed, NGO's have been described as an "institutionalized representation of new populist movements."²

A driving force is the expressed and organized desire of individuals to exercise "greater control of decision-making in issues which directly affect their lives."³ This desire for direct action confronts governmental institutions and authorities which appear inadequate or unable to address various problems—environmental protection, economic and political development, human rights, for example. These are areas in which single-minded commitment to an issue, claims to moral authority, and specific expertise may be highly effective. Devel-

1. Louis Henkin, "Notes from the President," in *ASIL Newsletter*, January-February 1994, p.1.

2. The Stanley Foundation, *The UN System and NGOs: New Relationships for a New Era?* Muscatine, Iowa: The Stanley Foundation, February 1994, p. 15.

3. *Ibid.*, p. 14.

opments in technology and communication help by supporting far flung networks of individuals who would otherwise have difficulty staying in touch to develop common strategies and positions. Such networks now also have the financial and professional resources to further their goals.

Voluntary organizations of individuals may command greater credibility in areas where governments have been discredited by their past actions; such groups may be able to extend scarce resources by organizing and mobilizing individuals on a volunteer basis, and may be more accessible and closer to the people at the community, neighborhood or village level. As a result, both states and international organizations now seek the assistance of non-governmental organizations to supplement their efforts. U.N. Secretary-General Boutros Boutros-Ghali describes this relationship:

Democracy within nations requires respect for human rights and fundamental freedoms, as set forth in the Charter. It requires as well a deeper understanding and respect for the rights of minorities and respect for the needs of the more vulnerable groups of society, especially women and children. This is not only a political matter. The social stability needed for productive growth is nurtured by conditions in which people can readily express their will. For this, strong domestic institutions of participation are essential. Promoting such institutions means promoting the empowerment of the unorganized, the poor, the marginalized. To this end, the focus of the United Nations should be on the "field", the locations where economic, social and political decisions take effect.⁴

In this context, "NGO's are emerging as a special set of organizations that are private in form but public in their purpose."⁵

Lester Saloman writes that the NGO phenomenon is a response to a complex set of pressures: "from 'below' in the form of spontaneous grass-roots energies, from the 'outside' through the actions of various public and private institutions, and from 'above' in the form of government policies."⁶ Responding to these pressures, "NGO's have emerged as prime movers on a broad range of global issues; framing agendas, mobilizing constituencies toward targeted results, and moni-

4. Boutros Boutros-Ghali, *An Agenda for Peace*, New York: United Nations, Second Edition, 1995, pp. 70-1.

5. Leon Gordenker and Thomas G. Weiss, "Democratizing Global Governance," unpublished paper prepared for conference on Nongovernmental Organizations, the United Nations, and Global Governance held at York University, Ontario, April 1995, p. 11.

6. Lester M. Saloman, "The Rise of the Nonprofit Sector," *Foreign Affairs*, Vol. 73, July/August 1994, p. 109.

toring compliance as a sort of new world police force.”⁷ This increased role is encouraged by the nature of the issues faced by states and citizens today, issues which are not responsive to centralized decision-making and a preponderance of power, but which are long-range, open-ended and diffuse in their need for attention. The role of the private voluntary organization is evolving within this context:

The 1990s will demand a redefinition of what constitutes national security. In the 1970s the concept was expanded to include international economics as it became clear that the U.S. economy was no longer the independent force it had once been, but was powerfully affected by economic policies in dozens of other countries. Global developments now suggest the need for another analogous, broadening definition of national security to include resource, environmental and demographic issues.⁸

The story of the twentieth century is thus less one of state proliferation than of state flexibility and innovation in meeting common needs:

While the nation-state and international institutions will continue, their influence and control over humankind is now shared with market-driven economic activity on one hand and private voluntary organizations, associations, and networks on the other. Societal decision making becomes a shared interactive process rather than an autocratic, hierarchical one.⁹

The adaptability of the state to meet new situations and work with differing political structures and dynamics is indicative of its resilience and continued durability as a political concept and factor.

II. NON-GOVERNMENTAL ORGANIZATIONS AS A POLITICAL PHENOMENON: WHY DID THEY COME ABOUT?

We are in the midst of a global “associational revolution” that may prove to be as significant to the latter twentieth century as the rise of the nation-state to the latter nineteenth. The upshot is a global third sector: a massive array of self-governing private organizations, not dedicated to distributing profits to shareholders or directors, but pursuing public purposes outside the formal apparatus of the state. The proliferation of these groups may be permanently altering the relationship between states and citizens, with an impact extending

7. *Ibid.*

8. Jessica Tuchman Matthews, “Redefining Security,” *Foreign Affairs*, Vol. 68, Spring 1989, p. 162.

9. Stanley Foundation, *supra* note 2, p. 7.

far beyond the material services they provide. Virtually all of America's major social movements, for example, whether civil rights, environmental, consumer, women's or conservative, have had their roots in the nonprofit sector.¹⁰

In 1994, the Union of International Associations listed 16,142 organizations in its *Yearbook of International Associations*—a number which doubled from 1991. The numbers are even more compelling on the local front, where the estimates of organizations worldwide range from 20,000 to 50,000.¹¹

Although recent high profile involvement of NGO's in UN-sponsored world conferences—UN Conference on Environment and Development in 1992 and the Vienna World Conference on Human Rights in 1994—has given NGO's heightened public attention, NGO's are not a new phenomenon. The Catholic Church and other religious organizations have long traditions, not only as counterweights to government or public authority, but also as service providers in education and medical care. Much western history has been about the struggle between state and church as brakes on each other's power. Like the Church, newer NGO's with a single-issue focus often challenge government authority.

The first modern NGO was the British and Foreign Anti-Slavery Society established in 1838. The Sierra Club was founded in the U.S. in 1892 and the National Audubon Society in 1896. As the Industrial Revolution progressed, labor and business both organized to the point where they were extended formal representation with governments in the structure of the new International Labour Organization in 1919.¹² The role played by NGO's in the work of the League of Nations was recognized through the voice given NGO's at the founding conference of the United Nations in San Francisco in 1945 where they played a role in moving awareness of and possible action on human rights issues to the forefront of the governmental conference agenda.¹³

10. Saloman, *supra* note 6, p. 109. Technology has also helped to mobilize individuals. For example, see Walter Wriston's comment on the power of television: "The plight of black people in many sections of the nation went almost unnoticed by many Americans for almost a hundred years. Suddenly the TV cameras brought into our living rooms the image of Bull Connor with his dogs and whips. Americans quickly decided together that this was wrong, and the civil rights movement made a quantum leap forward, drastically changing the country's political landscape." Walter B. Wriston, "Technology and Sovereignty," *Foreign Affairs*, Vol. 68, Winter 1988/89, p. 72.

11. Gordenker and Weiss, *supra* note 5, Conference Paper #1, p. 11.

12. Peter J. Spiro, "NGO's versus the State," *Washington Quarterly*, Vol. 18, Winter 1995, p. 47.

13. *Ibid.*

Apart from the churches, some of the best known NGO's are such service organizations as the Red Cross, Kiwanis, and Lions Clubs. More recently established NGO's have often organized around issues. These include organizations like the International Chamber of Commerce and the International Confederation of Free Trade Unions, Doctors without Borders, Human Rights Watch, and the Centre for Our Common Future—organizations whose purpose is "to advocate, serve, inform and act."¹⁴

By the 1980s, supported by foundation and other private funds, NGO's composed of experts had developed to maintain a flow of scientific, technical, and legal information on specific issues. Examples of this kind of organization are the Worldwatch Institute (founded in 1974) or the World Resources Institute, founded in 1982. These organizations publish annual analyses and data on the world's environmental and natural resources. Organizations like the Natural Resources Defense Council (established 1970) and the Environmental Defense Fund (established 1967) use professional specialists to lobby and to bring court and administrative actions within the U.S. legal system to implement and expand environmental protection and standards. More recently, these organizations have discovered the value and power of the international media, and have added public affairs specialists to their staffs.

The prototype of the contemporary NGO as a challenge to government authority may be Amnesty International, founded in 1961:

Genuinely transnational and unaligned, Amnesty International was uncompromising in taking up the rights of individuals against the traditional rights of sovereigns and unafraid in confronting states with their misdeeds.¹⁵

A similar group is The World Wildlife Fund (WWF), established in 1961 for the protection of the environment. Other groups have in the last few decades focused on issues relating to refugees, population control, nonproliferation, and economic development:

At their start, groups such as Amnesty International and the WWF tended to be elite-driven, much as were many of their League precursors. They claimed moral authority or technical expertise but not broad constituencies, and their numbers were limited. A growing public awareness of international affairs (coupled with a distrust of policy-making elites, in or out of government) has transformed many NGO's into representative organizations that at least purport

14. Stanley Foundation, *supra* note 2, p. 9.

15. Spiro, *supra* note 12, p. 47.

to act in the name of memberships as well as the global common good.¹⁶

The credibility of NGO's was heightened as the public perceived them to be forward-looking groups contemplating issues long before governments and other public entities, including international organizations:

NGO's not only have a capacity for direct action but may also concentrate advanced knowledge on such issues as gender, the environment, AIDS, relief assistance, human rights, and community development.¹⁷

Their ability to mobilize scarce resources stood in marked contrast to unwieldy and wasteful government solutions. "For the most part, NGO's are more informal and task-oriented, driven by people with a common interest, and are often impatient in obtaining results."¹⁸

Successful NGO's combine forward thinking with the ability to mobilize constituents and recognized expertise. Today, new technologies support their global networking through computers and other means of advanced communication. Technology can reduce the importance of geographic location by "creating the possibility of a cohesion that is not tied to territory."¹⁹ By facilitating both travel and ongoing and interactive communication through telephone, fax and e-mail, technology can contribute to the development of global communities.²⁰ Widespread literacy makes it possible to mobilize people through such technology.²¹

Independent financing has also increased government recognition of NGO's as a political force. At the same time, money channeled by governments and intergovernmental international organizations through NGO's seek to enhance state effectiveness through partnerships with non-governmental organizations. These partnerships may be most prominent in the area of development. Part of this prominence stems from the size of the financial resources channeled through NGO's—an estimated \$8 billion annually. Twenty-five percent of U.S. assistance is channeled through private voluntary organi-

16. *Ibid.*

17. Gordenker and Weiss, *supra* note 5, Conference Paper #1, p. 12.

18. Stanley Foundation, *supra* note 2, p. 19.

19. Spiro, *supra* note 12, p. 47.

20. An example of this is in the financial area where: "[m]oney and ideas move across borders in a manner and at a speed never before seen. Markets are no longer geographical locations, but data on a screen transmitted from anywhere in the world." Wriston, *supra* note 10, p. 72.

21. Between 1970 and 1985, literacy rates in the developing world rose to 60% from 43%. Among males, they reached 71%. Saloman, *supra* note 10, p. 117.

zations.²² Forty percent of World Bank projects have NGO partners.²³ Moreover, NGO efforts bring to the development pot an additional \$5 billion annually from private contributions and another \$2.2 billion from public government funds, but channeled through NGO's. This total represents about 13% of development assistance worldwide.

Apart from the additional resources NGO's bring to development projects, private sector programs may have greater sustainability than public sector programs. There is a dominant development ideology among major donor governments which is "predisposed in favor of the private sector: enterprise to produce wealth, and NGO's to redistribute it."²⁴ NGO's are seen as being able to reach more deeply into communities and to involve them in the development enterprise because of their "flexibility, community trust, capacity to work with the poorest of the poor, in remote areas, independence from governments, etc."²⁵ NGO's may also be better informed about local conditions and can address these local conditions with expertise on a par with that of governments.

Such NGO's may be in a position to mobilize local support for international organization policies and programs. NGO's prove to be effective transnational and national lobbies because they can readily mobilize numbers of people on a single issue. Although several of the U.S. environmental organizations date to the late nineteenth or early twentieth centuries, they only became important political forces in the 1960s and 1970s when their memberships surged.²⁶ Organized into chapters and affiliates, they could mobilize significant numbers of citizens to confront their national, state and local representatives with specific issues:

These organizations and their millions of members were thus pivotal in lobbying for the adoption of major U.S. framework legislation on pollution control and management of public lands

22. Gordenker and Weiss, *supra* note 5, Conference Paper #1, p. 13.

23. Peter Uvin, "Scaling Up the Bottom and Scaling Down the Top: The Relations between Grassroots Organizations, Governments, and the United Nations," Unpublished paper prepared for conference on Nongovernmental Organizations, the United Nations, and Global Governance, York University, Ontario, April 1995, p. 21.

24. *Ibid.*, p. 7.

25. *Ibid.*

26. "Total membership of the dozen or so major national organizations increased from about 4 million in 1981 to roughly 7 million in 1988. By the beginning of 1990, these organizations had an estimated 11 million members, and their combined revenues totalled more than \$300 million." Barbara J. Bramble and Gareth Porter, "NGO's and the Making of U.S. Policy," in Andrew Hurrell and Benedict Kingsbury, eds., *The International Politics of the Environment*, Oxford: Clarendon Press, 1992, p. 317.

(especially clean air and water, toxic and solid waste disposal, forest management, and strip mining control).²⁷

By the 1980s, these groups had all "made a major commitment to work on global issues"— climate change, ozone depletion, and the loss of biodiversity, for example. In doing so, effective domestic forces began to link up with their international counterparts and to emerge as significant political factors internationally:

The fastest growing environmental organization in the U.S. in the 1980s, Greenpeace USA—which was doubling its membership and budget every two or three years, and was adding 50,000 new members each month by 1989—is part of such an international network. From five international affiliates in the late 1970s, Greenpeace International has become a federation of twenty national organizations, all committed to an overarching international programme, with more than 3.3 million members.²⁸

On the international scene, lobbying takes on a different character. Instead of mobilizing letter-writing campaigns to Congress, it involves maintaining a presence at international negotiations, analyzing and reviewing draft documents.²⁹ International networks with strong national domestic bases can play an ongoing role in the further development of international and domestic standards and legislation. Conflicts, however, may arise because advocates often aim for maximum standards, which may not be achievable at the same time domestically and internationally.

NGO's may be particularly helpful in the implementation of programs agreed on by governments in international fora. The growing institutionalization of consultations between NGO's and the World Bank and the U.N. Development Program is indicative of this.³⁰ While governments and international organizations have incentives to create partnerships with NGO's, NGO's have reciprocal incentives to interact with them: the need for funds and the desire to influence IO policies and national governments.³¹ NGO's will gain in stature and recognition as long as they remain effective in supplementing the ef-

27. *Ibid.*

28. *Ibid.*

29. See, for example, the efforts of Greenpeace and the Friends of the Earth on the Antarctic minerals negotiations and the Montreal Protocol on ozone protection, the London Dumping Convention, the Convention on International Trade in Endangered Species (CITES), and the whaling moratorium imposed by the International Whaling Commission. *Ibid.*, p. 318.

30. Ten years ago, neither institution had any mechanisms for consultation which have since been created. Uvin, *supra* note 23, p. 11.

31. *Ibid.*, p. 8.

forts of governments, whether as funding multipliers or by reaching populations and doing things which governments are unable to accomplish:

Depending on the issues and objectives at stake, NGO's will be called upon to work with the state as a partner, as a site of power, and as a bank of necessary resources. Yet, NGO's will also be working to strengthen global civil society by expanding local, regional, and transnational linkages which may ultimately lessen the power of states. When this occurs, the NGO's may find themselves in a clearly antagonistic relationship with states and have critical resources and avenues of empowerment closed to them.³²

III. WHAT IS AN NGO?

This question is both conceptual and operational, as NGO's aspire to identify and define their roles within the structures and institutions of "global governance." Their very strength—diversity in form, purpose, and location—makes them difficult to aggregate and analyze:

The term "non-governmental organization" itself is challenged by a host of alternative usages. These include: unofficials; independent sector; volunteer sector; civic society; grassroots organizations; private voluntary organizations; transnational social movement organizations; grassroots social change organizations; and non-state actors. Some of these refer to highly specialized varieties and many are synonyms for each other. There seems no quarrel, however, with the notion that these organizations consist of durable, bounded, voluntary relationships among individuals to produce a particular product with specific techniques. Organizations may analogously develop lasting relationships to each other and thus form meta-organizations.³³

The measure of their success is likely to be their ability to generate support—financial or volunteer. Their political effectiveness depends on their credibility, based on perception of this support and wider sympathy with the issues advanced—for example, saving whales or redwood forests.

One way to categorize the NGO phenomenon is to divide the political landscape into sectors. Marc Nerfin did so by metaphor: "The prince represents governmental power and the maintenance of public order; the merchant symbolizes economic power and the production of goods and services; and the citizen stands for people's

32. Stanley Foundation, *supra* note 2, pp. 13-4.

33. Gordenker and Weiss, *supra* note 5, Conference Paper #1, p. 3.

power. . . [NGO's function] to serve underserved or neglected populations, to expand the freedom of or to empower people, to engage in advocacy for social change, and to provide services."³⁴ In that NGO's are carrying out public functions which supplement those normally regarded as the responsibility of the state, or of international organizations created by states, the term "non-state" actor may more accurately describe NGO's, particularly as part of the international political landscape. However, the term "non-governmental organization" retains its importance as the term used in Article 71 of the UN Charter, which states that: "The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its own competence."³⁵ The Charter was an early recognition that:

[P]roblem-solving formulas must be novel enough to increase participation in decision making and spread the burden of accountability, while simultaneously not further eroding the power and authority of states and their international organizations. The demand for new formulas also creates imperatives for NGO's to come up with strategies for shaping the policy decision process. These formulas will require new configurations of relations between the state, NGO's, and the United Nations for each problem. The United Nations is potentially an ally and a site of empowerment for the objectives of the NGO's, as its agencies increasingly are concerned with developing models for solving these complex global problems.³⁶

To say that NGO's are made up of individuals who have banded together for some common purpose may be accurate, but is not fully satisfactory in explaining what they do and how they do it. How "non-governmental" are NGO's? There are important NGO's which are either so closely allied with or so heavily funded by governments that they would not qualify as grassroots organizations. Extreme examples of these were NGO's supported entirely by government funds and organized by the communist governments in the former Soviet bloc. Another type of quasi-NGO is an organization like the International Committee of the Red Cross which draws heavily on govern-

34. *Ibid.*, pp. 3-4.

35. Pursuant to this provision, the Economic and Social Council's Resolution 1296 sets out categories for NGO participation. Category I is for NGO's which are international in make-up with broad interests in ECOSOC activities. Category II is for organizations more national in make-up with specific interests—for example, human rights and the environment. Roster status is accorded those organizations whose expertise may only be of occasional interest to ECOSOC. The UN Office of Public Information also has a program to assist in its efforts to disseminate information about the work of the UN.

36. Stanley Foundation, *supra* note 2, p. 15.

ment funding and support. Finally, there are NGO's actually organized by governments or international organizations to assist with particular programs—such as those created by the UN in Cambodia to mobilize the population for free elections.³⁷

IV. WHAT DO NGO'S DO?

NGO's serve two broad purposes: to push a policy agenda and/or to supplement a state's functions.³⁸ These may or may not be mutually exclusive. They accomplish this in a variety of ways, among them:

- Act[ing] as issue entrepreneurs by giving voice to issues and people that have been neglected by governments.
- Discuss[ing] issues which were originally citizen concerns and press[ing] governments to take them up as agenda items.
- Act[ing] as advocates for particular policies or courses of action, although some organizations only develop an advocacy role long after working at the local level to solve problems.
- Present[ing] an avenue for political participation to fill the ever-widening gap between citizens and their governments.
- Act[ing] as a watchdog by helping to set standards of accountability and performance in a wide variety of areas, most notably human rights.
- Provid[ing] analysis, information, and expertise. As NGO's flourish in highly technical areas such as the environment, they are often the organizations which provide accurate analysis and expertise on issues of global concern (e.g., NGO input at the United Nations Conference on Environment and Development).
- Serv[ing] as early warning systems. NGO's are frequently close to the action; and as a result, they are often the first to be aware of crises.
- Monitor[ing] and implement[ing] agreements. Environmental groups are demonstrating that NGO's have the expertise to monitor agreements made during the Earth Summit; human rights organizations have long engaged in monitoring activities.³⁹

But how do NGO's act effectively? There are three principal ways: 1) exerting influence on government and international organization decisions; 2) organizing and mobilizing significant numbers of people; and 3) supplementing and complementing the work of public institutions— governments and intergovernmental organizations. An example of each of these follows.

37. Gordenker and Weiss, *supra* note 5, Conference Paper #1, p. 6.

38. Stanley Foundation, *supra* note 2, p. 16.

39. Stanley Foundation, *supra* note 2, p. 18.

1. *Exerting Influence on Government and International Organization Decisions: The Informal NGO Ad Hoc Group on the Drafting of the Convention on the Rights of the Child*

On March 8, 1989, the U.N. Commission on Human Rights completed its work on a draft Convention on the Rights of the Child. This completed a ten-year process in which NGO's played a prominent role in keeping the idea of a convention alive and provided expertise and information used to fashion solutions sufficiently acceptable to governments to allow progress towards concluding a convention.

Cynthia Price Cohen chronicled the important role of NGO's in the drafting of this Convention. She noted that the very idea for a Convention originated with an NGO—Save the Children International Union (SCIU), founded in Britain by Eglantyne Jebb following World War I. The SCIU was responsible for a 1924 declaration on the rights of the child, which the U.N. developed into the 1959 U.N. Declaration of the Rights of the Child. To mark the twentieth anniversary of the 1959 Declaration, the U.N. designated 1979 as the International Year of the Child, and the General Assembly authorized the drafting of a Convention by the U.N. Commission on Human Rights. The Commission's Working Group took as its point of departure a model treaty drafted by the Polish government.⁴⁰

NGO's offered both written and oral comments in this early drafting period. By 1983, they strengthened their role by forming an Informal NGO Ad Hoc Group on the Drafting of the Convention on the Rights of the Child and framing periodic *Reports of Informal Consultation Among International Non-Governmental Organizations* which were distributed to the U.N. Working Group.

Once a consensus NGO position was reached, all members in the Group acted to promote the position whether the individual NGO had supported it or not⁴¹:

When one looks at the completed draft of the Convention on the Rights of the Child, the imprint of the NGO Group can be found in almost every article. Throughout the draft Convention, there are Group-influenced minor changes in wording such as the use of gender-free language. . . . Similarly, the draft Convention contains a number of totally new articles not included in the original Polish

40. Cynthia Price Cohen, "The Role of Nongovernmental Organizations in the Drafting of the Convention on the Rights of the Child," *Human Rights Quarterly*, Vol. 12, February 1990, pp. 138-9.

41. *Ibid.*, p. 141.

model or proposed by governments which would not be in the Convention but for the NGO Group.⁴²

Article 45 of the Convention states that the Committee shall transmit to concerned NGO's "any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance,"⁴³ and Michael Jupp sees a future NGO role in ongoing consciousness-raising about the rights of the children: "Human rights law is made to be in the service of the public, and a restriction on the license of governments. It follows, therefore, that the strength of the Convention will lie in the support it has among ordinary people."⁴⁴ Enhancing this support while reminding governments of their international obligations is an area where NGO's can be most effective.

2. *On Organizing and Mobilizing Significant Numbers of People:* UN World Conferences and The International Women's Movement

The growing ability of women to incorporate women's issues onto global agendas at recent UN-sponsored world conferences is an example of effective organizing for political action. By using NGO Forums which now parallel intergovernmental world conferences, women have won not only representation and consideration, but also recognition of how the subjects affect women. This has been made possible by the large number of women's NGO's and the international networks of women's NGO's which came into being after the First World Conference on Women in Mexico City in 1975. Two of the most influential networks are the International Women's Tribune Center and Development Alternatives with Women for a New Era (DAWN). Their joining of forces created a powerful North-South coalition of women scholars and activists.⁴⁵

The women's movement matured as an international political force through recognition that the best time to influence the course and agenda of a conference was before the conference took place. At such UN meetings as the 1974 International Conference on Popula-

42. *Ibid.*, pp. 142-3.

43. "The UN Convention on the Rights of the Child," *International Legal Materials*, Vol. 28, p. 1456, entered into force on September 2, 1990. 160 states have ratified it making it the most ratified human rights treaty ever. The U.S. signed this on February 16, 1995, but has not yet ratified it.

44. Michael Jupp, "The UN Convention on the Rights of the Child: An Opportunity for Advocates," *Human Rights Quarterly*, Vol. 12, February 1990, p. 136.

45. Marty Chen, "Engendering World Conferences: NGO's and the United Nations," Unpublished paper prepared for conference on Nongovernmental Organizations, the United Nations, and Global Governance, York University, Ontario, April 1995, p. 6.

tion and Development, 1974 World Food Conference, 1979 World Conference on Agrarian Reform and Rural Development, and the 1979 UN Conference on Science and Technology for Development, the women's movement was able:

To participate effectively in the preparatory process as well as the formal policy-making sessions, . . . developed five key strategies: building coalitions and consensus, mounting global campaigns, conducting tribunals, preparing platform documents, and facilitating a "bridge" between the official and NGO deliberations.⁴⁶

Activists also discovered the strength of cooperation and learned to organize caucuses to organize priorities and positions:

At the NGO Forum in Cairo [International Conference on Population and Development], as in Rio [UN Conference on the Environment and Development] and Vienna [World Conference on Human Rights], every morning started with a meeting of the Women's Caucus to review the negotiations. After the advocacy priorities for the day were discussed, the more than 1,000 members of the Caucus went into action.⁴⁷

Finally, women learned that to ensure political effectiveness, their efforts needed to go beyond participation in a single conference, to include ongoing cooperation, consultation, and networking.⁴⁸

3. *Supplementing and Complementing the Work of Public Institutions:*

The public and independent sector partnerships established in development programs seem particularly striking in terms of their effective mobilization of financial resources as well as program delivery and project implementation. NGO's have also played a major role in effecting change in the lending policies of the World Bank and other multilateral lending institutions by influencing both the institution itself and U.S. contribution policy. Working with sympathetic members of Congress, U.S. environmental groups moved the World Bank away

46. *Ibid.*, p. 17.

47. *Ibid.*, p. 15.

48. "[T]he international women's movement must keep the UN and national governments aware that they are watching to see how they will deliver on promises made in Rio, Vienna, and Cairo; must influence and monitor national policies and programs to ensure they reflect the goals and mandates from the recent world conferences; must themselves translate these goals and mandates into concrete projects; must forge working relationships with the specialized agencies of the UN; must train more women on how to use existing treaties, convention, and laws; must encourage women to continue to pursue many of the strategies used in the global campaigns; must nurture the international networks and alliances forged during the global campaigns; and must maintain linkages with the wider development community." *Ibid.*, p. 19.

from an exclusive focus on capital intensive and large scale projects—dams, highways, and the like, to smaller and more environmentally conscious projects. Through the 1980s, the World Bank modified its procedures to require environmental impact assessments of its projects, hired staff competent to make such assessments, and provided special and additional funding through the Global Environmental Facility. The NGO community also managed to win recognition by the World Bank as part of the consultative process in development projects: “This has given a new prominence to NGO’s, tribal minorities, and other local groups within their own countries, and they are now more able to intervene in many issues of national and international concern.”⁴⁹

V. CONCLUSION: MAINTAINING NGO ACCOUNTABILITY AND EFFECTIVENESS

The future importance of the NGO phenomenon will depend on specific NGO’s ability to generate support and resources for their work, and on the NGO community as a whole to maintain its reputation as a constructive player and partner to state and intergovernmental organizations. The challenge for NGO’s is to balance their need for acceptance by states, which may require forms of institution-building and proof of legitimacy (requirements for accreditation, for example), with independence and accountability which are the principal strengths of NGO’s. Nevertheless, it seems unlikely that this twentieth century addition to the international political scene will fade away any time soon, given the importance of NGO’s as agents for harmonizing international and national obligations. Shifting from an initial focus on domestic matters at the local or national level, NGO’s have moved to influence the course of international developments. They are now taking international obligations back into national and local political processes through legal, legislative, and administrative institutions.

If, indeed, the architecture of international law-making is becoming less hierarchical and more interactive with local practice, the watchdog and expert role of the NGO seems likely to increase in importance. However, to maintain their effectiveness, NGO’s cannot lose sight of their grassroots origins and the populism which encouraged and nurtured their recent explosive development. To lose touch with their own constituency will create the public perception that they too can be part of the problem. Unlike governments,

49. Bramble and Porter, *supra* note 26, p. 335.

NGO's depend solely on public perception of their good work and independence for their ongoing success. Specific organizations that lose such a reputation will undoubtedly be replaced by new ones ready to take up the NGO mantle again.