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REPORT ON OTHER MEETINGS AND ACTIVITIES

Note by the Secretary-General

Contribution from the Danish Centre for Human Rights and the Institute of
International Education

1. The General Assembly, in its resolution 46/116, requested the Secretary-General to report to the Preparatory Committee on progress made on meetings that had been organized under the auspices of the United Nations programme pursuant to General Assembly resolution 45/155.
2. By letter dated 9 October 1992, Mr. Morten Kjaerum, Director of the Danish Center of Human Rights, on behalf of the Danish Center and the Institute of International Education, requested that the report containing the Conclusions to the United Nations World Conference on Human Rights, June 1993, adopted by a workshop on the role of voluntary organizations in emerging democracies held in Prague from 21 to 24 June 1992 be included in the discussions of the Preparatory Committee. The Conclusions from this Workshop are annexed to the present document.

The role of voluntary organizations in emerging democracies:

**Experience and strategies in Eastern and
Central Europe and in South Africa**

(Prague, 21 June - 24 June 1992)

**Conclusions to the United Nations
World Conference on Human Rights, June 1993**

I Conclusions

1. **Representatives from 25 Eastern and Central European and South African non-governmental organisations met in June 1992 to discuss the role of NGOs in emerging democracies. The participants came up with the following conclusions:**
2. The interconnectedness between the respect for human rights, an open civil society and the existence of a well-established democracy, was implicitly acknowledged by the participants, and there was an unanimous view of the value to the democratic process of an organised civil society.
3. The existence of well-functioning NGOs is certainly in itself evidence of at least minimal respect for such basic human rights as freedom of expression, freedom of assembly, and freedom of association. Some NGOs explicitly have among their tasks the defence of human rights issues and are thus important promoters of the respect of human rights standards.
4. In periods of transition to democracy, the need for organisations defending the basic rights of the people, civil and political as well as economic, social and cultural rights, is urgent. However, limitations of governments, as well as of NGOs, constitute barriers to the creation of the optimal conditions for such organisations to emerge in periods of major political and societal changes.
5. To ensure the continuing progress of democracy, it is a precondition that the establishment of NGOs is not only made possible but indeed facilitated by governments. In order to do this, the meeting agreed that the following steps should be taken:
 - In accordance with the Universal Declaration of Human Rights, articles 19 and 20, the right to freedom of expression, freedom of assembly, and freedom of association should be included by the governments in their constitutions.
 - Governments should promote an environment where lobbying is seen as democratically important, with a clear and constructive purpose for NGOs.
 - NGOs should have access to participate actively in the constitution-making and law-drafting process when it comes to setting conditions of importance for the legal, political or economical framework of NGOs.
 - Governments should promote a legislative framework in which NGOs can operate. In the field of tax-regulations, the need for clear and appropriate legislation is particularly urgent.
 - It should be possible for NGOs to choose between a variety of possible legal forms. There should be no requirement of registration of NGOs, unless this is related to a functional need.

- **Governments should increase their knowledge of the nature of NGOs, their needs, and how they can be effective counterparts. Conditions for a constructive dialogue between NGOs and the political sector should be established.**

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II Introduction

6. The Institute of International Education (New York) and The Danish Center for Human Rights were in June 1992 the coorganisers of the Workshop entitled **The Role of Organisations in Emerging Democracies: Experience and Strategies in Eastern and Central Europe and in South Africa.**
7. The purpose of the workshop was to provide a forum for representatives of 25 NGOs from the two regions to discuss the functions of NGOs in furthering democratic development. Representatives of Western NGOs, such as European Consultation on Refugees and Exiles (United Kingdom), Minority Rights Group (United Kingdom), British Charities Aid Foundation (United Kingdom), Centro Informazione E Educazione (Italy) and Save the Children (Denmark) participated as well, and so did official representatives from the EC and the UN Centre for Human Rights, Geneva.
8. At the Workshop the following issues were specifically discussed: The functions of NGOs in fostering democratic development; similarities and differences in the challenges facing Eastern and Central Europe and South Africa; the legal and policy frameworks required for an open civil society and the internal and external dimensions of institution building.
9. When discussing the development in these regions, in particular in the Eastern and Central European Communities, the focus of interest tends to be the development in the economic and political sphere. At the Workshop the central theme of discussion was the responsibility of NGOs, as well as of the government, in strengthening the civil sphere. The interventions and the debate at the Workshop, as well as the actual events in the regions concerned, show, that in order to consolidate and strengthen positive economic and democratic development, the creation of a strong civil sphere is crucial, in particular in fulfilling an educative task vis-à-vis the public.

The following report presents the main points made at the workshop.

III The functions of NGOs in fostering democratic development

A. Introductory observations

10. Although it was agreed that the differences between South Africa and the Central and Eastern European region are significant, and that the Eastern and Central European countries cannot be considered a monolithic bloc, the meeting concluded that there is a valid basis for comparison between the two regions. The key words 'isolation' and 'totalitarianism' were used to describe the important historical parallels between the represented countries.
11. Realising that the two regions, in spite of their similarities, do differ to a substantial degree, the following hypotheses were offered
 - Eastern and Central Europe is trying to get the state out of peoples' lives while South Africa is trying to get the state more responsible in the lives of the people
 - Eastern and Central Europe is moving from the command economy to the free market system, while South Africa may be moving toward less reliance on market forces and a more interventionist role of government in the economy.
12. It was suggested that one substantial difference between the two regions consisted in the fact that Eastern and Central Europe is experiencing a *de jure* constitutionally arrived at emerging democracy while in South Africa there is only the hope of constitutionally arriving at an emerging democracy.
13. The interventions and debates made it clear that, in most Eastern and Central European countries, the cooperation between NGOs and the government is closer than in South Africa. This in turn affects the conditions under which the organisations must operate.
14. The meeting found it important to stress that there might be problems in discussing the civil sphere, if the political sphere and the commercial/economic sphere are weak and even disintegrating.
15. The meeting generated an alternative to the rather negative term 'non-governmental organisation', and the rather misleading term 'voluntary organisation', namely 'civil society organisation'.

B. The nature and role of civil society and NGOs

16. NGOs were defined in terms of their democratic role, their nonprofit and nonstate character, and their adherence to a socially useful cause.
17. It was argued that NGOs perform a dual role in a democratic society. They constitute a precondition for, as well as a supplement to, the constitutionally defined political process and the formal bodies of the democratic state.
18. A number of common functions of NGOs were outlined
 - articulating the demands of citizens
 - encouraging diversity and growth of opinions
 - being agents of political mobilisation
 - being agents of political socialisation

- providing early warning mechanisms, on a national as well as an international level
 - being a buffer against the state and against the market.
19. A number of potential pitfalls to the smooth functioning of NGOs were stressed
- the underrepresentation of NGOs defending the interests of weak, but large, groups such as children
 - the domination of a few big and professionalised organisations in the landscape of NGOs
 - the cooptation of NGOs into the apparatus of the state or the market economy.
20. It was suggested that an important task for NGOs is to represent the citizens, not only in their relationship to the state, but also to the commercial sector.
21. It was stressed that NGOs face specific challenges in times of transition from authoritarian to democratic rule, mainly
- charting new relations with governments,
 - helping formulate new legal frameworks supportive of civil society,
 - generating policy options and public information,
 - monitoring the transition process itself,
 - providing a reservoir of talents from which new ranks of political and government leaders can be drawn as the transition proceeds.
- Strong emphasis was put on the need for NGOs to ensure their own internal democratic accountability.
22. It was suggested that the differences in the socio-economic and political context determine the role, the function, the strategy, and the policy of NGOs.
23. Some urged that NGOs avoid getting too closely identified with political groupings. Political organisations compete for political power and are potential governments. NGOs closely tied to political organisations risk losing the independence and credibility required for the effective performance of the essential roles and functions that have been mentioned.
24. The meeting considered the notion that the relation between the civil society and the state need not automatically be either adversarial or cooperative. It was agreed, that NGOs should not assume activities which are the legitimate responsibility of the state. The role of NGOs in setting the framework of democratic debate and the ensuring of the public good was emphasized.

IV Distinctive features for NGOs in emerging democracies

25. The interventions and the debates showed that all states had seen a veritable explosion in the formation of NGOs since the revolutionary changes of recent years.
26. The participants agreed that the very factor of repression itself had been the mobilising force for and key element in the formation of NGOs whose role would need reevaluation given the demise of the ideological underpinning of the struggle. Some questioned whether there could be sufficient human rights and humanitarian engagement with efficiency and consensus to fill the resulting vacuum.
27. Participants described an often uneasy and sceptical relationship between the NGOs and the authorities, press and public opinion. It was argued that this phenomenon could be explained partly by the present overpolitisation of all societal questions, as well as to the lack of understanding of the role of NGOs and the lack of trust toward these organisations.
28. The situation of NGOs in Eastern and Central Europe was characterised as being one in which the vocabulary of voluntarism has not yet been adopted by the people. NGOs are at the present stage looking for a role between the paternalistic values promoted by the communist regimes which were hostile to charity or other voluntary actions, and the spirit of self-centered individualism, laissez faire capitalism equally hostile to giving and to non-profit actions.
29. All participants pointed to an inadequate, evolving and sometimes chaotic legislative framework in which they were supposed to operate. Problems of cooperation and coordination among NGOs themselves and in relation to local and national authorities were highlighted.
30. It was a common theme of the session that virtually all NGOs were in need of 'management' help, be it in administrative techniques, fundraising, marketing, or computer technologies.
31. Many participants reported serious financial limitations and heavy dependence on foreign funding. The tax system, which will be described below, may provide a partly explanation to this.
32. A variety of views were expressed about the advantages and dangers attached to assistance from outside donors. For some it was the sine qua non of their existence; for others it implied a threat of interference by unquestioned Western European values. Contributions from South African participants underlined the unhealthiness of long-term dependence on outsiders.

V The legal and policy frameworks required for an open civil society

A Freedom of association

33. In the Eastern and Central European countries constitutions or/and laws allow NGOs and guarantee them rights of freedom of association, freedom of assembly, and freedom of expression but other necessary elements are missing such as a specific and clear legal framework and favorable economic conditions.
34. In apartheid South Africa there have been inadequate legal or constitutional guarantees for NGOs, and freedom of association, freedom of assembly, and freedom of expression have been severely curtailed. The laws have created an environment in which it is possible for NGOs to be established legally, but there still is substantial governmental control on their functioning.
35. The participants agreed upon the fact that even though the state of law differs between the countries, the freedom of association is a **de facto** reality.

B. Problems of transition

36. In the Eastern and Central European countries problems of transition include implementation, a lack of clarity of the position of NGOs because of a mixture of old and new laws, and attempts to interpret old laws in modern circumstance. Legislation has sometimes been hastily drafted and passed without appropriate consideration.
37. In South Africa the 'policing' of NGOs, e.g. through control over fundraising has characterised the situation. NGOs thus risk being banned or limited in their area of operation. International links were said to have provided some protection against banning in many cases.
38. It was stressed that the emergence of democracy does create new space for NGOs but does not automatically create the structures that promote dialogue and cooperation between the political and the civil sector. It was agreed that
 - the political sector should facilitate and establish conditions for this dialogue to take place,
 - NGOs should be invited to participate in the draft-making process of laws and regulation whenever these touch upon issues of relevance for the conditions of the organisations.

C. Fundraising and Taxation

39. There seems to be, as yet, no consistent legal framework in the Eastern and Central European countries for receiving donations or gifts or on fundraising. In some countries the same rules apply to 'foundations', which fund projects, and 'associations', which implement them. There are limited benefits for giving to NGOs, but in some cases there are exemptions and tax deductions for donations. Problems arise when it comes to commercial or profit-making activities, as well as when NGOs supply services for a fee instead of free.

40. NGOs in South Africa have experienced substantial control over the collection and receipt of funds. Taxation policies fully supportive of private and corporate support for NGOs has not yet been enacted.

VI Building institutions

A. Common principles in institution building

41. It was argued that if institutions are to be built on firm foundations, careful thought and planning is essential
- the specific socio-economic and political context in which NGOs are operating should be identified in order to shape the organisations according to the challenges they will meet,
 - the organisations should embrace in their own terms such valuable tools from other sectors as strategic planning, bearing in mind that the process of building the institutions should always be democratic in style.
42. It was proposed that the statute of any NGO should lay down the structures in which both the form and the substance of the organisation should be reflected. Two approaches as to how the organisation can be structured were outlined
- the traditional approach, or the top-to-bottom paradigm, premised on the assumption that substantial development can only be initiated by individuals or units in position of power or authority and bring about change on a wide scale.
 - the participatory approach, or the bottom-to-top paradigm, based on the assumption that those who would benefit most from the development, the grassroots, are the best people to initiate, determine, and sustain these initial efforts. This approach embodies principles such as self-reliance, social and political maturity, and self-determination.
43. It was also argued that NGOs need to develop a common ethic. NGOs must
- be transparent in their structure and functioning,
 - accountable to their members and supporters,
 - practice and monitor equal opportunity policies,
 - ensure that there is a pluralist approach in their decision-making and programming,
 - avoid the marginalisation of other organisations and their issues.
- Participation and consultation with the constituency were also stressed as important elements in the institution building as well as in the 'every day life' of the institution.**
44. If the civil society is to be involved in a democratic process, it can only flourish in the context of educated and informed citizens, and hence it is a specific responsibility of NGOs to educate and to inform the public. Techniques of strengthening the constituency of an organisation were explored and these include seeking allies within or outside the state, and organisations acting in unity. The need for systematic leadership development efforts was

similarly stressed.

45. Education and training were two recurrent themes in discussing institution building. Needs in training should embrace not only staff, but also volunteers. The range of options suggested includes
- exchanges of staff,
 - sharing experience and good practice,
 - bringing in experts,
 - sharing expertise among organisations.

In the wide-ranging debate it was recognised that the education, training, and development of the governing board should not be forgotten.

46. Other fundamental elements in the institution building process were stressed as well
- consultation,
 - the need for better understanding of planning,
 - the development of a strong public relations or communication system, and of clear fund-raising policy,
 - financial and basic management, marketing, and computerisation.
47. Starting from the position that the relationship between the state and the NGO is a crucial ingredient in a democracy, the following suggestions emerged aimed at furthering the mutual understanding
- improvement of the education of local and central governments as to the nature of organisations, their needs, and how they can be effective counterparts
 - governments should promote an environment where lobbying is seen as democratically important, with a clear and constructive purpose for many NGOs, giving voices to the voiceless.
- Conversely,
- education of NGOs in the methods of government may also be helpful,
 - NGOs should seek to recognise successes as well as failures in state activities, if their critical evaluation is to be credible and honest.

B. Pitfalls in institution building

48. With a few exceptions the participants all agreed that foreign funding may be essential for the NGO's existence, due to the specific socio-economic conditions which prevail in times of transition.
49. Issues relating to dangers in institution building included the danger of dependency, and more specifically that of financial dependency of private as well as governmental funding. The dilemma when engaging in fundraising was said to be that of creating a dependency on external sources.
50. In order to maintain their independence and avoid distortion in the objectives and work of NGOs, it was suggested that they diversify their funding sources. However, it was admitted that the paucity of alternative sources of funds in fragile economies leave few choices for organisations that require guaranteed, long-term funding to build sustainable projects.

51. It was suggested that the key word when facing the abovementioned problems is openness; openness toward the constituency, to the people that the organisation is servicing, as to where the money is coming from, and openness in the relation between donor and recipient, in order to avoid 'hidden agendas'.
52. Participants emphasised the need for NGOs not to move from one fashionable issue to another, but to develop 'staying power' to influence attitudes and environments in order to change the root causes of the particular problems that are being dealt with.

VII Networking

53. It was agreed that 'decentralisation' and 'pluralism' are two important key words in the creation of an open civil society and the building of NGOs. If the organisations are highly decentralised there is obviously a need for communication among them. Similarly, if the advantages of pluralism are to be realised, there has to be some kind of device for sharing the natures and outcomes of these many diverse experiments.
54. It was suggested that networks are vehicles for sharing or gaining access to much-needed technical information about particular fields that an organisation may be engaged in. Networks can also provide the possibility of exploiting available technology which is not readily useful, unless the activity can be linked to a wide community of organisations.
55. Networks may also be a vehicle for assuring a person that his or her work in an NGO is important and for providing solidarity, particularly in periods when the environment may not be entirely hospitable to the work of these organisations.
56. Networking can also help in building consensus among groups that are approaching a common set of demands or issues. The network can in that context play the role of bringing people of common objective closer together in determining what their priorities are and what their underlying approaches should be.
57. Networks can increase the effectiveness of NGOs in bringing their views to bear on a host of processes, e.g. on the framework-setting process, establishing the constitution, as well as the basic laws affecting the civil sector. Similarly, networks are useful in providing advice on a host of policy issues on which the civil society organisations work. They may also serve as vehicles for providing an effective voice in gaining access to funding from local government sources, from bilateral foreign donors, from multilateral donors or foundations.
58. Networks may have the function of alerting people to impending crises. They may also perform a role in helping bring in resources from outside, not only financial resources, that are necessary to respond quickly to the problems of for example human rights violations, drought or famine.

VIII Closing remarks

59. The interconnectedness between the respect for human rights, an open civil society and the existence of a well-established democracy, was implicitly acknowledged by the participants, and there was an unanimous view of the value to the democratic process of an organised civil society.
60. The existence of well-functioning NGOs is certainly in itself evidence of at least minimal respect for such basic human rights as freedom of expression, freedom of assembly, and freedom of association. Some NGOs explicitly have among their tasks the defence of other human rights issues and are thus important promoters of the respect for human rights standards.
61. In periods of transition to democracy, the need for organisations defending the basic rights of the people, civil and political as well as economic, social and cultural, is urgent. However, limitations of governments, as well as of NGOs, represent a barrier to the creation of the optimal conditions for such organisations to emerge in periods of major political and societal changes.
62. To ensure the continuing progress of democracy, it is a precondition that the establishment of NGOs is not only made possible but indeed facilitated by governments.

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