CHAPTER VI

GOVERNANCE AND ACCOUNTABILITY: SECURITY CHALLENGES AND VULNERABILITIES

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CORRUPTION AND GOVERNANCE IN SOUTH ASIA

1. Introduction

Corruption is a phenomenon, which it would be quite safe to say has been experienced in all organized societies at all periods of time. Corruption has been defined by many experts but it would not be necessary for the purposes of this paper, to state, discuss and analyse these definitions; suffice it to say that what most of these definitions have as a common thread is the notion of abuse or betrayal of public trust for private gain. What is stressed by Syed Hussain Alatas who perhaps was the first to formulate a definition of corruption in terms of betrayal of public trust for private gain is that it always involves more than one person, which distinguishes it for instance from theft or embezzlement.¹

Basing herself on Alatas's definition, Susan Rose-Ackerman identifies the following six structural features that create conditions precedent for corrupt behaviour:

i. The government may allocate a scarce benefit to individuals and firms using legal criteria other than willingness to pay;

ii. Public officials may have little incentive to do their jobs well because of low pay and inadequate monitoring;

iii. Private individuals and firms may seek to lower the costs of taxes, duties, and regulations imposed on them by government;

iv. The government may confer large financial benefits on private firms through contracts, privatisations and concessions;

v. Bribes may substitute for legal forms of political influence; and

vi. The judiciary may have the power to impose costs on and transfer resources between litigants.

There are three problems with Alatas's definition of corruption; first, it concentrates on public trust – it is taken to be a problem essentially involving the state or public organs and functions – though there are many instances when corruption takes place in purely private contexts as well, as for instance bribery of members of

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management of a particular company to award a particular contract to a specified party.

Secondly, by concentrating on the aspect of private gain, it does not bring within its fold the misuse and abuse of public resources for partisan political ends, for instance the phenomenon popularly referred to as ‘pork,’ the dishing out of government or public largesse for political ends irrespective of economic rationale, and the grant of specially privileged terms to political favourites. Government abuse of public resources for partisan political ends would be difficult to include within the strict definition of corruption as something involving private gain, though it is something which could be as – or even much more – corrosive of good governance as other standard forms of corruption.

Thirdly, looting of government treasuries would normally be considered theft or embezzlement or breach or trust, but is nevertheless also an aspect of corruption because they could only take place in a background where corruption is already rife, where the abuse of government resources for partisan political ends is already an accepted part of life, and the usual controls and, checks and balances have broken down. In other words, they – and therefore, corruption – are an aspect of the much larger issue of governance.

Delineating the instances where corruption may occur as Rose-Ackermann has done is not very helpful in understanding why corruption should occur more in some places than others. For instance, bribing of judges and bureaucrats could theoretically take place anywhere, yet we find such bribing to be more frequent in
some third world contexts than in first world contexts. In fact, corruption would appear, on the basis of its known incidences, very much more of a third world and emergent nation phenomenon rather than a first world phenomenon.

We have obtained a clue as to why this may be so from our critique of Alatas's definition of corruption - the issue of governance looms large in conditions where corruption on the basis of that narrow definition becomes rife. There is little difference between first world countries and third world countries when it comes to corruption involving the allocation of scarce or valuable resources; one has only to think of the corruption scandals recently exposed in Europe, Japan and South Korea for instance. In our South Asian countries, however, corruption is entrenched in the political economy of these countries in a manner in which it certainly is not in the first world countries. For instance, in India, black money, which was estimated to be 6% of GNP in the 1950s, had risen to an estimated 9% by the end of the 1960s and it is variously estimated to be 30 to 50% of the GNP from the 1980s onwards. In Pakistan, the underground economy estimated to be 20% of GDP in 1973, had grown to an estimated 51% of GDP in 1996.

That corruption has 'a priori' been at least widespread if not increasing in South Asian countries is demonstrable even on the narrow definition of corruption, i.e., the one restricted to private gain

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4 Rasul Bakhsh Rais, "Drug Trafficking in the Golden Crescent: Afghanistan, Pakistan and Beyond", in K M de Silva et.al (eds), *Corruption in South Asia*, op.cit., p.190.
at public expense. Basing herself on this definition, Susan Rose-Ackerman states, “Corruption occurs at the interface of the public and private sectors.”\(^5\) Given the accuracy of this statement, corruption would perforce increase proportionately to the number and variety of the interfaces, which could possibly occur. In our South Asian countries, the number of such interfaces is immense precisely because the governmental and public sectors in these countries loom so very large.

In this paper, an explanation will be attempted as to why public and governmental sectors loom so large in the economies and societies of our South Asian countries. It is posited by this paper that this is so firstly because of the logic of political developments in those countries. Secondly, this development was independently and actively encouraged by the ideology of state-led development which was dominant in development discourse from at least the early nineteen fifties to at least the nineteen seventies. While the political developments would very likely have taken their own course, the ideology of state-led development at least provided an attractive fig leaf behind which naked politics could be conveniently concealed, and we shall examine this aspect first.

2. The Ideology of State-led Development

This has been (in the view of this writer, quite accurately) characterised as “The First World’s Misbegotten Economic Legacy to the Third World.”\(^6\) It has been observed that “Unlike Schumpeter,

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5 Ibid., p.31.

who emphasised the role of innovations and the concomitant private anticipation of entrepreneurial profit as major factors explaining development, most development economists writing in the late 1940s and 1950s visualised a dominant role for the state in initiating and sustaining the development process. A corollary view was the advocacy of comprehensive national development planning under state auspices.\(^7\) As a result, "In many developing countries, the state controls the 'commanding heights' of the economy, owning a large part of the non-agricultural economy and regulating the flow of credit, foreign exchange, and investment licenses. To a large extent, it can play one class against another, local capital against foreign, one transnational company against another, all for the purpose of furthering its own goals.\(^8\)

Two important consequences flowing from the practice of state-led development were the excessive politicisation of society and the growth of a large bureaucracy. Lord Peter Bauer notes the consequences of the excessive politicisation of society as follows:

"When life is excessively politicised, and civil conflict widespread, people's economic lot - even their economic survival - depends on what happens in the political and military arena. They come to be much more concerned with what will happen to them as a result of political, administrative or military action, than with devoting attention, energy and resources to productive economic activity. Over large areas of Asia and Africa, the population has been

\(^7\) T N Srinivasan, "Introduction", in Hollis Chenery and T N Srinivasan (eds.), Handbook of Development Economics, Vol. 1, Amsterdam, North Holland, 1988, p.3.

\(^8\) P Bardhan, "Alternative Approaches to Development Economics", in Hollis Chenery and T N Srinivasan (eds.), Handbook of Development Economics, op. cit., p.65.
pushed back into subsistence production, or has been held in that precarious state of existence.”

Milton Friedman notes the effects of the growth of a large bureaucracy:

“As the scope and role of government expands – whether by covering a larger area and population or by performing a wider variety of functions – the connection between the people governed and the people governing becomes attenuated. It becomes impossible for any large fraction of the citizens to be reasonably well informed about all items on the vastly enlarged government agenda, and, beyond a point, even about all major items. The bureaucracy that is needed to administer government grows and increasingly interposes itself between the citizenry and the representatives they choose. It becomes a vehicle whereby special interests can achieve their objectives and an important special interest in its own right....”

Thus the ideology of state-led development provided the economic rationale for the concentration of political and economic power in the hands of the government and, therefore, in the hands of the bureaucracy. It was an ideology, which was particularly convenient for the ruling elites of South Asian countries to adopt.


3. The Logic of Political Developments

The discussion on the issue is organised below with a focus on four South Asian countries, viz., Sri Lanka, India, Pakistan and Bangladesh.

i. Sri Lanka

Here were issues which could be made inflammatory enough by politicians to set a political agenda which would consume several generations. Sri Lanka’s population comprises the majority Sinhalese and minority Tamil and Muslim groups. The Sinhalese are largely Buddhist. A Buddhist revival commenced in the latter part of the nineteenth century, and demands for greater state patronage of Buddhism reached a crescendo in the nineteen fifties. Demands – logical enough in their way – were also surfacing for the use of indigenous languages in higher education and in official communications, from the 1930s onwards. These were programmes which the politicians of Sri Lanka were quick to latch on to, particularly because they were suddenly, unexpectedly and unpleasantly confronted with the masses on their very doorstep when a visiting British constitutional reform commission, against the unanimous advice of Sri Lanka’s political elite, introduced universal adult suffrage in 1931. The demands for an official recognition of Buddhism and the use of indigenous languages were now perverted to serve the purposes of political expediency; the ‘national’ movement became a Sinhalese and Buddhist movement. Sinhala was declared to be the only official language of Sri Lanka in 1958, and the demands for state patronage of Buddhism were
accommodated in 1972, when with a new constitution introduced that year, Buddhism was declared to be the state religion.

Both major 'national' political parties associated themselves in one way or another with the language and Buddhist policies. Some of these developments were discriminatory against the Tamils, though various measures were in fact taken to safeguard Tamil interests. Tamil militancy, encouraged by the mainstream Tamil political parties in order to embarrass the government, now acquired a momentum of its own, a momentum which acquired some rapid velocity with, it is frequently alleged, the backing of the Indian government, or at least of that of its security agencies. The final outcome of Tamil militancy is one of the most ruthless and murderous terrorist organisations in the world today, the LTTE.

The national movement in language and religion as defined by the politicians, essentially an inward and backward looking phenomenon, was matched in the sphere of economics from the early 1960s to 1977, by a rigidly controlled economy, with an increasingly large state controlled sector fed by nationalisation. These policies were all of a piece with the dominant Sinhala-Buddhist ideology dished up and served by the politicians, for it is patently obvious that an inward looking political ideology could not be contemporaneous with an outward looking economic strategy. Thus, the state became the largest owner, consumer and producer of resources in the island.

These developments could take place because Sri Lanka provided a unique politico-economic context for their occurrence. At the time of independence from colonial rule, the political arena was dominated largely by feudal elements. The economy was
dominated by British capital and their junior partners, the Sri Lankan entrepreneurial class, an extremely tiny group of people. Thus, there was a startling difference with the position in India, where the Indian entrepreneurial class, a powerful one, was at odds with British capital, and actively backed the nationalist movement. The feudal elements in Sri Lanka, as always threatened by the entrepreneurial class, and now with their backs to the wall with the coming of universal adult franchise, at this stage took an astonishing and, as it turned out ultimately, suicidal leap; they patronised the large and amorphous petit-bourgeoisie, activists of the Sinhalese and Buddhist movements, who could attain social mobility only through those means. The language and religious policies, and the milk and water socialist programme, were the only diet on which these people could thrive.

The petit-bourgeoisie made short work of their feudal masters - numbers do count - and gaining control of the state through both major political parties, made it the happy hotbed of opportunity for personal aggrandizement, operation of patronage networks including unproductive employment, scams and kickbacks, and subsidies directed at the home of the petit-bourgeoisie, the peasant agricultural sector.

Thus, we see, as in India, that the state was rigged in favour of particular classes, and this led directly to the normal forms of corruption. Unlike in India, however, the dominant class in Sri Lanka were those who could not face the stiff winds of economic opportunity and change, and as such economic growth faltered badly. In 1971, the declasses, those not benefited by petit-bourgeoisie pandering, rose in armed insurrection; they were not merely trying to
kick in the front door, they were trying to bring the whole house down.

In 1977-78, under the leadership of President J R Jayewardene, a bold, almost revolutionary shift took place away from the political and economic policies, which had been followed thus far. The new constitution of 1978 included a statement of fundamental rights, which were justifiable, and introduced the proportional representation system for parliamentary elections. The minorities were given very substantial political power through the inauguration of a directly elected executive president; the Sinhalese vote being almost equally split between the two major political parties, the minority vote becomes crucial in the election of a President. Recognition of Tamil as a ‘National Language’ occurred in 1987. In the sphere of economic policy, the inward looking policies were replaced by a liberalised open economy, with the emphasis placed on economic growth through the private sector.

The functioning of the 1978 constitution has all along been bedevilled, however, by the weight of the past. Politically, the introduction of proportional representation in Parliament in 1980 should have led to a much greater degree of co-operation between the two major parties, given the difficulties faced by both ‘national’ political parties of singly forming strong governments under the new system. This has not happened and the contest between the parties has only become much more bitter, and quite often violent. The proportional representation system has also played its own part in contributing to election violence, corruption and the criminalisation of politics. Electoral contests, are now contested at the level of the electoral district, which may include several former electorates.
Election campaigns having now to be handled at the level of the electoral district, the scale of resources needed for an election campaign has shown a massive increase, and these costs are met largely by supporters who will present political IOUs in the future.

The terrorist war exploded in the early nineteen eighties, and has continued in its bloody fashion with some breaks for peace talks which never got anywhere. Meanwhile the war has brutalised Sri Lankan society. The war has come to be a bonanza for some sections of the military, and their political masters. Quite apart from commissions and kickbacks, the “Financial Provisions specially meant for ... secret expenditure began to cover multifarious operations of service personnel and the police resulting in unbelievable expansion in the expenditure in this category.”

The open economy has introduced dynamism to the economy, but for a long time there was no programme of privatisation, and even now privatisation is a slow process. Thus, the public enterprise sector continues to provide the men and material resources for political campaigns. Though the economic policy is of openness, the political culture is still that of the exploitation of government largesse. The open economy itself may ironically have made the political scramble for resources more acute; government spending has to be kept in check for the smooth functioning of the open economy, and since the largesse the government can dole out is therefore more limited than earlier, the competition for resources

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both between and within political parties would 'a priori' have increased.

Thus, standards of public accountability in relation to finances have continued to decline. At the time of political independence from Britain in 1948, the state financial framework was dominated by a Consolidated Fund into which all government receipts were placed, and from which all payments were made by a warrant issued by the Ministry of Finance, following a resolution passed by the Parliament. In course of time, however, Parliamentary control of state finances was vitiated in various ways, in favour of political control. One method by which this was done was, from around the mid-1970s onwards, to make allocations for what is called the 'Decentralised budget.' What this means is that resources are simply pumped to the district level political authorities. Secondly, a proliferation occurred of administrative and other statutory funds, with the control of such funds lying with the Minister in charge of the respective subject.

Thus, whatever economic or constitutional system has been tried out, political processes have managed to securely embed corruption into those systems.

ii. India

The challenges facing India's politicians at the time of independence were:

"...the political, economic and infrastructural integration of the territory of the new state, which now excluded those parts of British

India that made up the new state of Pakistan but included over five hundred territorial units of different sizes that had been ruled by Indian princes exhibiting varying degrees of independence from British control in their management of administrative, financial and infrastructural matters.\(^\text{13}\)

The response to these challenges as devised in what has been called the ‘Nehruvian order’ is said to have provided “…a unique model of integration based on a coalition of diverse interests that the Congress party had represented in the decades following independence.”\(^\text{14}\) The system that gave rise to this unique model as explained by Partha Chatterjee:

“...consisted of a differentiated structure of the party organisation from the central to the provincial to the district and local levels, each level enjoying a degree of autonomy and influence over the corresponding level of government activity and therefore accommodating different class and group interests within the ruling political formation. The effectiveness of the process depended on the mediating efforts of political leaders at different levels of the party organisation who had recognised areas of authority within which they could build coalitions for voicing demands on the state as well as for mobilising electoral support for the party.”\(^\text{15}\)


\(^{14}\) Rajni Kothari, “The Democratic Experiment”, in Partha Chatterjee (ed.), *op.cit.*, p.27.

\(^{15}\) Partha Chatterjee, *op.cit.*, p.8.
G Aloysius\textsuperscript{16} points out that this system led to the perpetuation of the dominance of the traditional elites:

"...What came to be looked upon as the nationalist class was nothing but the disparate and traditionally dominant castes and communities gathered together in their interest to preserve their traditional dominance on the one hand over the lower caste masses, and to enlarge their area of dominance in the new political society on the other."

One way in which the traditional elites enlarged their areas of dominance was through the ideology of state-led development, which necessarily led to a large public sector. Thus,

"There is no question that over the last three decades the state has accumulated powers of direct ownership and control in the economy to an extent unparalleled in Indian history, both in the spheres of circulation (banking, credit, transport, distribution and foreign trade) and of production – directly manufacturing much of basic and capital goods, owning more than 60 percent of all productive capital in the industrial sector, running eight of the top ten industrial units in the country, directly employing two-thirds of all workers in the organised sector, holding through nationalised financial institutions more than 25 per cent of paid up capital of joint stock companies in the private sector, and regulating patterns of private investment down to industrial product level and choice of technology."\textsuperscript{17}

\begin{thebibliography}{99}
\bibitem{Aloysius} G Aloysius, \textit{Nationalism without a Nation in India}, Oxford, India, Paperbacks, 1997, p.221.
\end{thebibliography}
Having centralised resources in the state, the dominant elites could then make use of them for their own benefit:

"India, he (Bardhan) says, is governed by three 'proprietary' classes: industrial capitalists, rich farmers and professional bureaucrats. The industrial capitalist class has benefited from the government’s import substitution policies, the industrial licensing system, the policy of taking over sick firms, and restrictions on foreign investment. Rich farmers have benefited from the government’s price support programme and from subsidised inputs (water, power, fertilisers, diesel fuel) and subsidised credit. And the bureaucrats have gained in political power and income through their control over what has become an elaborate system of patronage. Although these classes have some competing interests..., all three welcome state subsidies...."18

Thus, the political economy of India was rigged ‘ab initio’ in favour of particular groups. It is not surprising that within such a fundamentally corrupt system, individuals within those privileged groups would seek to further their interests in terms of the narrow definition of corruption that we earlier discussed.

Liberalisation of the economy – that great panacea for corruption prescribed ‘ad nauseam’ by Western pundits – has not provided any structural change when it comes to corrupt systems. India’s liberalisation has by no means been a sweeping and comprehensive one; rather, it has been incremental and hedged in by compromises with the previous system. While the external sector has been

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liberalised through lowering of import duties and approximating the rupee more towards it's market rate, the subsidies for export promotion, food and fertiliser still remain. In the words of two recent observers,

"Rather than the reforms redistributing political power, it seems that political power redistributed the reforms... The relative losers of liberalisation in class terms were the same as the losers under the license-permit-quota raj. The winners also were no different from the broad 'proprietary classes' Bardhan saw as the power behind the throne of the Indian state."^{19}

Meanwhile the trend towards political corruption was increasing. The system under which the ideology of state-led development reached its apogee was the 'Congress System,' a system that managed a national coalition of disparate interests in one governing machine. The 'Congress system' could not however remain in stable equilibrium forever. The breaking of its monopoly of political power led to further corruption and also criminalisation of politics. As Ajay K Mehra observes,

"In the wake of its weakening hold over power both at the periphery and at the centre, the Congress resorted to... briefcase politics. It refers to the attempt of the Congress to trade in legislators in states where it lost power...."^{20}


20 Ajay K Mehra, "Criminalisation of Indian Politics", in K M de Silva et.al.(eds.), Corruption in South Asia, op.cit., pp.107-108.
The trend towards corruption in and criminalisation of politics now seems irreversibly entrenched in India:

"The 1990s brought the era of political coalitions in Indian politics and this is likely to remain a prominent feature in the decades to come. Just as the Congress lost the capacity to conjure up an effective political and social coalition ... no other national political party had a strategy to fill the void this created. Gradually several national and regional parties and leaders carved out vote banks and areas of influence among communities... vote banks and areas of influence in this era of highly competitive politics are so brittle that each small group, or even individual, counts in government formation... and the use of money and muscle power becomes more convenient and more acceptable to achieve the ends of politicians."²¹

iii. Pakistan

It has been said that

"...the post-colonial state in Pakistan inherited an administrative structure which continued to adhere to the state-rules-the-society model after independence. In this model, the state apparatus acted as both deliverer of services and spokesman for the public, even under the formal rule of public representatives.... The essential dynamics of rule of public representatives is rendered non-operative in this context. Centralisation of power in administrative and financial fields means that the federal government enjoys monopoly over

²¹ Ibid., p.113.
patronage. It allocates resources through a non-institutional mechanism.\textsuperscript{22}

The same author states that

"When we look at Pakistan’s experience ... we find that the bureaucracy enjoyed a very high level of control over industrial and commercial policy making. It is curious to note, for example, that no major industrial legislation originated in the parliament. Various policy measures in this field were the result of either presidential or Martial Law ordinances. The developmental process which included formation of plans, scheduling of industrial investment and allocation of foreign exchange, thereby affecting size, location, and ownership of industrial enterprises, was dominated by the official class."\textsuperscript{23}

The concentration of so much power with the bureaucracy led almost naturally to widespread corruption:

"The mechanism of financial corruption operated through money flowing in from non-traditional sources. The expenditure on state infrastructure, the so-called tied money, offered few opportunities for corruption. The net of corruption was cast instead on the floating money, the resource input from outside the established channels of revenue extraction. This included development aid, massive relief finds meant for amelioration of refugees or war victims such as during the Afghanistan war in the 1980s or compensation money for


\textsuperscript{23} Mohammad Waseem, “Politics and the State in Pakistan”, Islamabad, National Institute of Historical and Cultural Research, 1994, p.185.
poppy growers in NWFP and the tribal area.... According to Mahbubul Haq, one time World Bank economist, the corrupt bureaucracy of Pakistan annually siphoned off Rs. 40 billion, i.e., 10% of the total amount of economic transactions in the country.\textsuperscript{24}

The question is as to how the bureaucracy, as it turns out civil and military, came to secure such a dominant position for itself in Pakistan. The answer is perhaps a complex one, involving the absence of a large, unified and assertive political class which received widespread popular recognition at the time of the formation of the new state, thereby leaving the field open to the only two major institutions capable of managing the new state and ensuring its survival – the bureaucracy and the army. As Ayesha Jalal points out, these two institutions were backed by the dominant elites of Pakistan:

"Political power came to be concentrated in the hands of the civil bureaucracy and the military very early on in the day. But while their dominance within the state structure has been undeniable, they would not have succeeded in their project of exercising control over the economy and society without the tacit support of at least some of the dominant social classes. These have been identified as the big landowning families of West Pakistan and the nascent industrial bourgeoisie. Although both have remained junior partners in the firm that has managed Pakistan's affairs since the early fifties, they have not failed to extract economic compensation for their subordinate role in the power structure. Despite an inability to turn

\textsuperscript{24} Mohammad Waseem, "Corruption, Violence and Criminalisation of Politics in Pakistan", \textit{op.cit.}, p.156.
economic power into direct political control, the dominant social classes in Pakistan have done quite as well as their Indian counterparts in negotiating terms with the state in support of their material and other interests."

The state itself accumulated immense resources particularly following the nationalisation of the banking and industrial sectors in the 1970s, thus compounding the opportunities for political corruption:

"It led to extractive centralisation on the one hand and distributive privatisation on the other. Chains of dyads based on patron-client relations operated at various levels as political polarisation set in.... In a quarter of a century, political corruption in the form of arbitrary allocation of resources became the dominant pattern of transactional activity in the public field."\textsuperscript{26}

Thus, in Pakistan, we see that corruption is inbuilt not only into the political system but also into the administrative system as well. There is a further problem Pakistan confronts; the vast, if not staggering, amounts of money flowing in and out as a result of the drug trade. The corrupting effect of this trade and its associated flows of money are well known and need no reiteration here; it is only too obvious that their potential impact could be destabilising in every most fundamental sense.


\textsuperscript{26} Mohammad Waseem, "Corruption, Violence and Criminalisation of Politics in Pakistan" \textit{op.cit.}, pp.142-143.
iv. Bangladesh

The problem that bedevilled Bangladesh in the first few years of statehood was economic crisis caused by the socialist policies. This led to the first military intervention of 1975.

It is the argument of a recent writer on Bangladesh, Fahimul Quadir, that the military rulers legitimised and consolidated their rule through an alliance with the business and industrial classes.27 This writer also argues that every subsequent government was bound by this government-business nexus. Indeed, Quadir’s hypothesis is that

“…economic reforms were used primarily to consolidate the power of the ruling elites. Successive regimes, both military and civilian, treated market reforms as an instrument to build and maintain coalitions in particular with traders and industrialists. In exchange for political support, they allowed business elites to use economic restructuring as the primary tool to attain their financial and economic objectives.”28

Another writer, A M Quamrul Alam does not go as far as Quadir, but agrees on the question of the military-business nexus, though his cast of groups involved is wider than that of Quadir;

“It is discernible that the groups, e.g., the bureaucracy (both civil and military), the petty bourgeoisie, the trading and industrial bourgeoisie and the rich peasants have administered the policy in Bangladesh. They have sought to control the state machine in order

28 Ibid., p.198.
to dispense patronage as a basis for expanding power over the polity, and also to seek material benefit from the dispensation of this patronage.\textsuperscript{29}

If we accept the interpretation of Bangladesh economy and politics put forward by these writers, it provides yet another example of the institutionalisation of corruption through politics, and in this sense, Bangladesh is no different to the other South Asian nations discussed in this paper.

4. Effects of Corruption

The effects corruption may be divided into two groups: those at the micro and macro levels, and the discussion below is organised accordingly.

i. Micro Level Effects

In the case of allocation of a scarce resource such as a license or foreign exchange, it has been argued that allocation of the resource through corruption may in certain instances have very beneficial effects in improving the efficiency of resource allocation in economic terms. It is not difficult to think of situations where the government has devised certain methods of resource allocation which are thought to be efficient in terms of politics but which are in fact hopelessly inefficient in terms of economics. Corruption here serves a market clearing function.

What bribery actually does is to allocate licenses on criteria other than the legally stipulated ones; the key factor is that when there is a

scarce resource, methods will have to be, and almost automatically are devised, for the allocation of that resource. If market pricing is not freely allowed, and politically determined criteria cannot be made effective, market prices would reassert themselves through corruption, or some other basis may be hit upon, for instance, the caste or race or birthplace of the applicant, or his ability to supply girls of a more accommodating disposition than may be met with at church choir practice of a Sunday evening.

The aspect of bribery in relation to the grant of licences has been drawn attention to by David Osterfeld, though his argument is applicable to the grant of many scarce benefits;

"Granting licenses to those offering the highest bribes, and then pocketing the difference between the official price of the licence, not only benefits the bureaucrat but, more importantly, ensures that the licences are allocated efficiently, since those able to offer the highest bribes are the most productive and efficient firms. The result is that the corruption serves to reduce the harm of the government policy.

In short, these bribes are the grease that keeps the wheels of the economy running. Without them, a few producers would enjoy a monopoly. The bribes increase competition and thereby raise the choices available to consumers, reduce prices and, just as importantly, new jobs are created in business, which, if licensing requirements were met, would not exist."

Osterfeld has perhaps too easily made the assumption that those able to offer the highest bribes are the most productive and efficient

firms; that need not necessarily be the case. Again, the ability to obtain licenses through bribes may actually strengthen monopoly rather than weaken it. The damage done would of course be to the extent that the political objectives sought to be effected through the licensing or other system of allocation are vitiated, provided of course that the political objectives were rational and desirable in the first place.

Nevertheless, that corruption improves efficiency in certain contexts cannot be gainsaid. For instance, in an investigation of corruption in the New York city construction industry, which at the time of the study, 1975, was faced with the formidable problem of obtaining some 130 permits from a variety of city departments for large projects, it was found that none of the associated bribes resulted from a builder’s effort to get around the requirements of the building code. What was being bought and sold, ...was time."31

Serious problems arise, however, when officials will not exercise their proper functions or powers until they are paid off. For instance, a high level committee investigating corruption in India some years ago found that the “custom of speed money has become one of the most serious causes of delay and inefficiency.”32 Much more dire in its potential consequences is when proper functions and powers are not exercised by the relevant officials precisely because bribes have been paid, for instance, members of the police who turn a blind eye


32 Ibid., p.187.
to the activities of particular criminals or criminal gangs because they have been paid off.

The system becomes pernicious when corrupt bureaucrats or politicians intentionally introduce new regulations and red tape or put new projects on stream which would never have otherwise been approved on environmental, humanitarian, health, safety or other grounds exclusively in order to be able to extract ever larger amounts as bribes. How pervasive this type of corruption is, is anybody's guess. There is hardly any evidence to make any kind of useful remark about it.

It is difficult to estimate the costs of these types of corruption for individuals or society in economic and social terms, but none of these effects would appear to be disastrous for societies at large. Their effects would often be similar to that of the depredations of mosquitoes, annoying for the most part, posing serious hazards at particular times and places, but not for the most part threatening the fabric or foundations of society.

The preceding analysis of the effects of corruption concentrates on the more micro effects — the effects that may or may not take place at the level of a particular bribe — of corruption. However the macro effects of corruption also deserve attention.

ii. Macro Level Effects

Macro level effects of corruption are the effects as experienced at the level of the whole society. Syed Hussain Alatas in his work already cited posits three stages of corruption: a) The stage at which it is relatively restricted without affecting a wide area of social life;
b) The stage at which it is rampant and all pervading; and 3) The stage at which corruption becomes self destructive, having destroyed the fabric of society. The problem with these stages is that they are merely stages; there is nothing to show as to when and under which circumstances a society would progress from one stage to another, or what forces would work to both hinder and help such a move from one stage to another. Clearly it is not necessary that such a progression be made, and empirically one is hard put to think of any society, which has passed through Alatas’s progression.

We have argued that in South Asia corruption occurs largely because of the construction of the state itself, in that it is rigged through and through in favour of various groups of people. But corrupt systems as they actually operate may sometimes soften the rigidities of the system. For instance, it “...is also argued that corruption sometimes provides access for groups otherwise excluded from political influence, for example, ethnic Chinese minorities in Thailand and Indonesia.... Similarly, an expert on Asian politics argued recently that corruption in China had had some positive economic effects by providing access to marginalised groups, ‘which has led to the diversification and strengthening of the economy’...”

Corruption in South Asian countries is also intimately tied up with patronage networks, for entire clans of supporters have to be kept happy to maintain the wielders of power in their positions. The startling and colourful revelations of instances of individual corruption tend to sometimes make us forget that those instances are

32 Ibid., p.197.
only one aspect of corruption, and that corruption works quietly and behind the scenes bringing a wide range of people and events within its fold through patronage networks, giving it an amazing staying power.

An important aspect of patronage networks is that they

“...are not totally harmonious internally, but they are unlikely to produce out-of-control corruption. The machine leadership profits, politically and economically, from the status quo; it is in business for the long term and will dole out patronage with an eye to maintaining its dominance rather than to looting the state. This is not to imply that the corruption involved is not serious or that it does not do economic and social damage. Machine-style corruption diverts wealth into the hands of the few; levies a “political tax” on business, investment, and many ordinary jobs; and maintains the poor in a deliberate state of dependency. Damage to the political system, however, is more likely to come in the form of stagnation and postponed change than in the form of a short term crisis or collapse.”

Other aspects of a functioning corrupt system also include the fact that it is one method of capital accumulation, and this would be important where other methods of capital accumulation would not be functioning, or not functioning efficiently, due to the dirigiste nature of the policies being implemented. Certainly, the funds involved could be enormous, as we have already noted earlier in this paper. It

is not a valid criticism of this type of capital accumulation that it
does not benefit the regions from which the funds originate; the same
criticism could be made of the general process of economic
development. Rather, it would be more productive to realise that
corruption is in fact an efficient mechanism of capital accumulation
and to seek to find methods by which black money could be
converted into white.

In this light, the much despised money launderers may be
carrying out an extremely beneficial task for society through their
endeavours. All funds in the black economy do not go back to black
activity; much of it is re-invested in quite legitimate businesses, and
to the extent this is done, society benefits. In this light, corruption
will come to an end only at the moment of its greatest triumph; when
the profits from the legitimate businesses of corrupt persons are
larger than the profits from the corrupt activities themselves.

It may be noted that corruption on a national level may also work
to improve the distribution of incomes; the funds from bribes etc.
may be an important method of redistributing incomes, and such
redistribution may not occur in the absence of corruption. Patronage
networks are also methods of redistributing incomes.

The link between corruption and the criminalisation of politics is
clear, and has been baldly set out by Ajay K Mehra:34

"The nexus between politics and crime is logical as well as
paradoxical. It is logical because politics is about power and the
pursuit of power in highly competitive electoral contests and these

34 Ajay K Mehra, op.cit., p.101.
require huge sums of money (preferably unaccounted), which is more easily available in the world of big crime than anywhere else. The game of power is also incomplete without muscle power, which gives the contestant a visible but undefined intimidating edge. The world of crime, on the other hand, has two important ingredients sought by the world of politics, the power of money and muscle. The investment of both these ingredients in politics is highly profitable in terms of legitimacy (in a purely legal sense) and systematic protection. Irrespective of who seeks the other first, the nexus has a logic, howsoever, contrived or resented by society."

However, to the extent that political parties do receive funds from the black sector, which they otherwise would not, corruption does in a strange way strengthen democracy, for the funds and muscle power at the disposal of the rival political parties would be some type of guarantee against the dictatorship of any one of them.

Thus, corrupt systems are also comprehensive systems, in that they take care of certain essential needs of society, which otherwise may not be met. They are, therefore, in every sense complementary to the weak and confused political systems and structures obtaining in our South Asian countries.

5. The Future

In this section we shall try to set out some trends that may well determine the future vis-à-vis corruption in South Asia.

Firstly, the supply of corruptible funds – if one may be permitted to put it that way – will increase over time, on the assumption that global trends in foreign investment seen in recent years will continue.
Foreign investment flows worldwide have increased exponentially over time in recent years. This brings us to the much-hackneyed theme of globalisation. This is a phenomenon, which has been going on ever since the first recognisable ancestor of the human species migrated out of (according to most anthropological evidence) Africa, into other lands. It received a massive boost with the process of colonialism, and it is interesting to note that the battle which was perhaps decisive in deciding the future of the British in India – the battle of Plassey of 1757 – was won by the British perhaps even before it was fought, because the victor of Plassey, Robert Clive, had been astute and enterprising enough to bribe Mir Jafar, the general commanding the forces of the defeated Nawab of Bengal.

Globalisation today is a complex phenomenon, including within itself the global triumph of western democratic political systems, the global reach of various goods and services, and a nascent worldwide uniformity in matters of taste, fashion, culture and the arts. An important part of the globalisation phenomenon is that of sharply rising levels of transnational investments. The trend towards increasing rates of such investments began at least around the 1870s, as Graph 1 indicates. In recent years, however, the rates of increase of such investments has been truly astronomical, as Graph II would clearly show.
Graph I - Three Waves of Globalization


Graph II - Transnational Investment, 1970 – 1998

The lead role in increasing transnational investments has been played by the transnational corporations, and it is a well-recognised fact that these corporations are also a major source of corruption in the countries in which they invest. For instance, Peter Eigen, Chairman of Transparency International, in a foreword to the 1997 report of his organisation states that

"Corruption is the explicit product of multinational corporations, headquartered in leading industrialised countries, using massive bribery and kickbacks to buy contracts in the developing world and the countries in transition." 35

Thus, if transnational investment increases over time then logically corruption too must necessarily increase. The sums involved are indeed very large. As Susan Rose-Ackerman points out,

"...to give a sense of scale, if just 5 percent of the $90 billion of foreign direct investment in the developing world in 1995 were paid as bribes, the total would be $4.5 billion annually. If a similar value of merchandise imports were diverted into payoffs, the combined total would be almost $80 billion." 36

This supply of corruptible funds also moves according to the following account, literally at the speed of light, because of developments in computerisation and communications:

35 Quoted in Ijaz Hussain, "Legal Control of Corruption and Money Laundering in Pakistan", in K M de Silva et al. (eds), Corruption in South Asia, op. cit., p.223.

“Today the international financial system comprises hundreds of thousands of computer screens linked by satellites in instantaneous communication with one another; they are in closer contact than the stalls in a village market. The volume flowing through this network is almost incomprehensible – well over one trillion a day in foreign exchange transactions alone. In the vast majority of instances, the only physical act needed to transfer funds is a tap on a keyboard or the click of a mouse. Money circulates around the globe literally at the speed of light. Once funds enter the system they can be disbursed in an instant to any number of far flung locations... law enforcement officials today are forced to search for dirty funds afloat on the oceans of legitimate payments....”

On the side of demand for corrupt funds, we may take as axiomatic the complete futility of the voluminous sets of laws directed against corruption; these laws are supposed to be made effective by people who very often would be part of a corrupt system. Again, it would be, in many cases, useless to rely on such parliamentary oppositions to clean up a corrupt system. They themselves are part of the system, and very often are only waiting in the wings to obtain the full benefits of a corrupt system for themselves and their supporters. The anti-corruption laws may however be of some marginal use to them in that it gives them a stick with which to beat their predecessors once in power.

The demand for corrupt funds would if ever be reduced in South Asia only with major structural changes in the economies and

societies of those countries. Our analysis of four South Asian countries clearly indicates that in those countries the state is rigged in favour of certain classes or groups. Hopefully, with the process of economic growth and the structural changes in society that process necessitates, these countries will become more open, more democratic, and approximate to what Robert A Dahl has called ‘polyarchies.’ As he points out,

“In any given country, the lower the barriers (the greater the opportunities) for expressing, organising, and representing political preferences, the greater the number and variety of preferences and interests that will be represented in policy making. The number and variety of preferences and interests represented in policy making are therefore greater if the political regime is a polyarchy than if it is a mixed regime, and greater under a mixed regime than under a hegemony. Hence, the transformation of a hegemony into a mixed regime or polyarchy, or a mixed regime into a polyarchy, would increase the number and variety of preferences and interests represented in policymaking.”38

The point itself is simple. The more interests and groups represented in policymaking, the less the chance for any particular interests or groups to rig policies and practices for their own benefit. The more inclusive representation of interests and groups in policymaking is, in fact, what democracy is all about, and that would be the ultimate solution to corruption. The kleptocracies, particularly in African states, which have received wide publicity, would clearly

indicate that the level of corruption is inversely related to the level of democracy. How our South Asian countries will become more democratic is another question. A process of economic growth would generally empower several interest groups. Yet on the other hand in the short term at least, economic policies would be stacked in favour of those formulating them, as we have seen in the cases of both India and Bangladesh. However, yet again, even a process of growth which primarily benefits corrupt cliques could be expected to have trickle down effects, in that the corrupt cliques need to reinvest their capital, leading to further economic growth which ultimately, once it attains a critical mass, goes beyond the control of the cliques themselves. Perhaps we have seen something of the kind in China in recent years. Almost certainly, the era of the 'rotten burroughs' in England and that of the 'robber barons' in the United States passed ultimately due to the process of structural changes in society in the direction of greater democracy induced by economic growth.

6. Conclusions

Corruption is a complex phenomenon. It should be studied and understood not as an annoying aberration, but as part of a distinct political and economic system. If corruption is entrenched in society as a result of political factors, it would be eliminated only when the political factors giving rise to corruption are themselves eliminated. While corruption is likely to increase in our South Asian countries in the short and even in the medium term, it is only a process of rapid and sustained economic growth leading to structural changes in society in the direction of greater democracy, which alone would lead to cleaner and more open systems.
Above all, it is important to realise that corruption is not simply an annoying phenomenon which we can eradicate if we really try, much in the same way that we try to carryout mosquito eradication programmes and the like. The problem is far more complex than that; it is part of a system, and the system has to be properly studied and understood if futile efforts are not to be made, and this as true of corruption as of mosquito eradication.
The rule of law is an inseparable element of the modern constitutional State as well as of good governance. The development of the rule of law and an independent judiciary constitutes a historical breakthrough in that prior to it the judiciary was invariably linked to the will of the rulers at the time. The latter not only administered justice, but also created the rules necessary for the purpose. The legal system was a means of sustaining the balance of power. This meant that ecclesiastical and secular rulers alike selected those who were to interpret the law in cases of conflict. This link between law and power gave rise to a symbiosis between justice and politics. Up to and into the Middle Ages, this relationship between State and society was legitimised as a God-given order. It was the Enlightenment and the breakdown of a unified Christian creed (in Europe) that saw the emergence of doubts as to whether rulers in fact applied the law justly. This development gave rise to the demand for independent judges whose activity was geared to establishing the truth and justly administering the law. A further element of the rule of law is that it rules out the use of special courts, since under it all persons are entitled to appear before a lawful magistrate. This demand was first raised in connection with the French Revolution.
with a view to putting an end to the arbitrary justice administered by an absolutist State authority.

Today the judiciary has the status of the third power constituting the rule of law. Like the legislative and the executive, which, in the norms they establish, provide the judiciary with the foundations of jurisdiction, the judiciary is one component of the system marked by the separation of powers. In the end, it is the judiciary that is entrusted with the task of protecting the basic rights of the individual against infringements on the part of politics or third parties. This sphere of basic rights is in need of ongoing reinterpretation (Mengel, 1998, p.310). It must, however, be noted that the rule of law is not in place in all parts of the world. In totalitarian States, the judiciary continues to be instrumentalised as a tool used to secure and exercise political power. But in cases of State failure or armed conflicts, an independent judiciary is, as a rule, not feasible either.

The Rule of Law in Crisis Regions

One feature typical of crisis structures is the lack of the rule of law and an independent judiciary. The absence of a functioning legal system is a typical expression of State failure, general anarchy and absence of a monopoly power firmly in the hands of government. States of this kind must be seen as in collapse. They lack the core element of the functioning State, which Max Weber (1966, p.27) saw in its monopoly of power. Police, the judiciary and other regulative systems are in such cases no longer functional. International assistance is often needed to overcome this state of affairs. This is what the Süddeutsche Zeitung, a leading German newspaper, meant when it wrote, at the end of the twentieth century, that, failing
intervention on the part of the international community, many African countries were doomed to be carved up by warlords.

The modern worldview based on international law goes back to what is known as the Westphalian Order, a system made up of sovereign States. Proceeding from this system, States were gradually consolidated as territorial power structures (Hobbes), subsequently developing into liberal States governed by the rule of law (Locke) and, finally, performance-oriented social States. Still, this conceptual view has coincided more or less with political reality only in certain periods – for instance, in the creation of the United Nations. More recently, it has been cast in doubt by unmistakable tendencies toward a breakdown of the classic nation-State in many regions of the world. The response of the international community has generally been to support – albeit with different degrees of intensity – the restitution of State functions, i.e. a return to the Westphalian Order in the end. An independent judiciary has a key role in this process. The field of politics has coined a rather vague catchphrase for this challenge: human security. In international law the term is derived from a concept familiar from its prominence in the UN Charter: international security, which originally denoted security of States. Now that, seen in terms of the protection of human rights anchored in international law, the individual has, at least in part, become a subject of international law, we are faced with the question of the extent to which the claim to State security is at the same time also applicable to the individual. This issue is all the more important as in situations marked by State failure the problem of national (external) security can, in many cases, hardly be said to exist.
This situation, though, entails risks all the more drastic for individuals since in such cases the State is no longer able to comply with its duty to protect its citizens. In short, the politically coloured—and legally undefined—concept of "human security" is seen by its proponents as meaning that the individual must be safeguarded against infringements of his basic rights as well as against threats to his security and his life (Kim, 2000; p.29). It is self-evident that this can be ensured only by an independent judiciary.

Obligations under International Law

Modern international law increasingly obliges States to abide by democratic and constitutionally defined rules in their dealings with their populations (Heintze, 1998a, p.76). This remarkable progress was achieved within a period of only two decades. When it was adopted in 1945, the UN Charter contained no such provision. The UN Charter limited UN membership to "peace-loving States," remaining silent about their internal constitution. It was in regional organisations that the turn of international law towards democracy and the rule of law was first instituted; and the Council of Europe, founded in 1949 and defining itself as a community based on certain shared values, took the lead here. Democracy and human rights were seen as constituting its underlying values. In 1989, in its Copenhagen Document, the Conference on Security and Cooperation in Europe (CSCE) took up this idea, demanding that its Member States abide by democratic constitutional principles. Finally, in 2000, this development reached the UN as well, which, in its Millennium Declaration, expressly stated in the name of all its Member States: "We will spare no effort to promote democracy and
strengthen the rule of law..." (Resolution 55/2). One other element of this same Millennium Declaration is "respect for the rule of law in international as in national affairs."

The binding legal force of this last-mentioned document, adopted within a global framework, must, however, be seen as rather low. We must, therefore, examine whether there are other – legal – obligations that bind States to respect the independence of the judiciary. Protection of human rights is the chief issue relevant here. This contractual right is reflected in Article 9 of the 1966 International Covenant on Civil and Political Rights (ICCPR), which contains provisions on personal liberty. It states, "No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law"; and that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge." (Nowak, 1993, p.158). This obligation has been repeatedly underlined, most recently, and urgently, at the 1993 Vienna World Conference on Human Rights (UN-Doc. A/CONF.157/23, para.27). The matter is of great importance because this conference also expressly upheld the principle of the universality of human rights. In the end, this means that all cultures are obliged to respect a certain basic number of human rights. These include, incontrovertibly, the independence of the judiciary (van Hoof, 1995, p.4).

**Safeguarding Elements of the Rule of Law in Cases of State Failure**

Human rights law entails an obligation to respect at least non-derogable human rights under all circumstances. According to the
final document of the 1993 Vienna World Conference on Human Rights, the states are also obliged to defend the rule of law. Apart from this, however, the international community also sees in the safeguarding of an independent judiciary a universal imperative stemming from the democratically legitimised State monopoly of power. This is why numerous programmes of nearly all pertinent nongovernmental organisations (NGOs) and international organisations centre on the rule of law (cf. list in Mani, 1998, p.2).

**Safeguarding of the Rule of Law by National Means**

In cases of State failure, the challenge is to use national means and methods, including an independent judiciary, to restore government functions. What is meant here, above all, is a successive (re)building of the State from the bottom up through the self-constitution of a people in the framework of civil society (Cohen/Arato, 1992, p.10, et. seq.). It is in this way possible to create focal points of public awareness and the national will. By building local administration and institutions of public and private infrastructure, it is possible to mobilise the will to make a new start. Such fragmented subsystems can provide the impulses needed to create a public space that can, in the long run, bring about the legitimacy required for the task (Thürer, 1995, p.40). In this regard, elections play an important role.

However, by itself, the holding of elections can be no more than a superficial and limited measure if the process does not succeed in creating "bottom-up" democratic structures. It is for this reason that in Cambodia and Somalia, the UN has instituted numerous information programmes for the population geared to forming local
human rights groups. In Somalia, new regional councils have been created to compensate for the inability of fragmented groups to come to an agreement at national level (Hufnagel, 1996, p.328). Development of democratic structures by the population itself is wholly in line with the international legal norm on the right of the self-determination of people. This, at times, entails merely the obligation to create grass-root democratic structures, since otherwise the only alternative would be to call in the parties to a civil war, which are, as a rule, not particularly representative.

It is only in this way appears to be possible to ensure the independence of the judiciary. For only a judiciary that is accepted by the populace can be truly independent. In such cases, an independent judiciary is called upon to heal the wounds inflicted in times of arbitrary rule. The example of Kosovo unambiguously illustrates the challenges involved here. When the UN assumed governmental power in Kosovo in the early summer of 1999, it was faced with the question of what legal system was to apply there. The answer found was that the Yugoslavian law valid in this territory prior to the abrogation of autonomy in 1989 was to be seen as applicable in this case (Büellesbach, 2001, p.83). The Albanian population was, however, unwilling to accept this law, which it regarded as Serbian. The judiciary, therefore, decided to apply the old law, i.e. not to alter it, but to add to it the formula "in the KFOR version". The consequence was growing public acceptance of this legal system.

The existence of an independent judiciary need not imply that courts alone are in a position to deal effectively with past events. Experiences gained in the recent past point to other possibilities such
as roundtables and truth commissions, which can, in specific situations, contribute to the formation of social consensus and a reconciliation of offenders and victims (Schulz, 2000, p.52, et. seq.). Still, measures of this kind can prove successful only against the background of an independent judiciary. If such attempts at reconciliation are not accepted by individuals, there must be a possibility to seek judicial redress (Bronkhorst, 2000, p.40).

**Safeguarding of the Rule of Law by External Intervention**

External intervention used to restore governmental functions gives rise to a situation even more complicated than that involved in recourse to national means. The parties to the relevant human rights conventions are mutually bound to one another by a legal relationship. They have committed themselves to safeguarding an independent judiciary at home. If they fail to do so, such States are guilty of a violation of international law. Other parties can demand that the State in question comply with the law and restore the independence of the judiciary. The monitoring bodies established by the relevant individual conventions are also authorised to lodge complaints: the UN Human Rights Commission, for instance, in cases of violations of the UN Human Rights Convention. Under certain circumstances, Member States can also lodge national complaints concerning non-compliance with treaty obligations, though this implies no further-reaching competences such as a right to intervene.

Theoretically, an intervention would be unlikely to pose problems, since in cases of State failure there is no reason to assume the existence of a State. Still, practical experience shows that even in
such cases the international community continues to abide by the fiction of sovereignty. The most impressive example in this case is Somalia. In 1992, this "State" was already largely deprived of its effectiveness, and yet the UN Security Council took action only when requested to by the Ambassadress of Somali to the UN – even though she no longer represented a functioning government (Herbst, 1999, p.240). This stance of the international community appears to indicate an unwillingness to create precedents (Heintze, 1998, p.170).

The Search for Local Partners

International peace missions have, as a rule, been most successful when the parties to a civil war have assented to such a mission. In the literature there are many sources that point out that international assistance measures are bound to fail if they are not supported by local forces, which mainly means securing the support of NGOs (Thune, 2000, p.207). However, any such cooperation presupposes coordination and harmonisation between various national and international NGOs. Numerous overlaps have been observed precisely for rule-of-law programmes. Many initiatives are weakened by duplications and conceptual contradictions in the measures taken, as has been noted for the cases of Rwanda, Congo/Zaire, and El Salvador (Mani, 1998, p.3, et. seq.).

Yet the assent of conflict parties can play a positive role only if the groups concerned are clearly defined and stable ones that are representative of certain segments of the population. This is most clearly the case when a group has been recognised as a conflict party or has already created a stabilised de facto regime (Epping, 1999,
The situation is far more complicated when the players are a number of small splinter groups and it is not clear whether and to what extent such groups in fact represent forces of society. Often such heterogeneous players in fact prove unable to implement obligations either inside or outside their own group. In situations of this kind, international assistance must be directed, via local authorities, to the population itself. Another important consideration in situations involving civil war is to bring the most important groups to the negotiation table as a means of providing for the legitimacy needed to rebuild the State in question.

**Rule of Law and International Courts**

Solutions from the outside geared to an independent judiciary and imposed without the assent of the local population are highly problematic. This is demonstrated by the practice of the Tribunal on the former Yugoslavia. This ad-hoc criminal court – a peacekeeping measure, yet, at the same time, one with a coercive mandate – was created by the UN Security Council (Resolution 827, 1995) under Chapter VII of the UN Charter, in other words, without the assent of the parties to the conflict. From the very beginning, the international community has been accused of acquiescing in this measure simply in order to "do something because something obviously had to be done" (Heintschel von Heinegg, 1999, p.86). The court's legality is, thus, entirely open to question.

This legal problem was very soon to become the grounds for an appeal in the Tadic case (Case No. IT-94-1-AR72). Pointing to the European Convention on Human Rights and the International Covenant on Civil and Political Rights, the petitioner claimed that
the Yugoslavia Tribunal was not a "law-based court." What was needed to create such a court, the argument went, was a legislative act, i.e. a democratically controlled legal norm, and not merely an executive measure.

The Appeals Chamber rejected this view, pointing instead to the fact that UN organs cannot be classified in terms of national categories and noting that for this reason the principle of the separation of powers was not applicable in this case. Consequently, the Chamber went on, the "law-based" principle was applicable only within States, not, however, under international law. It further noted that as long as the UN Security Council remained within the scope of the powers defined by the UN Charter, it was also entitled to establish courts. The decision further stated, however, that such courts were then obliged to act in conformity with the rule of law, which meant that the rights of the accused had to be ensured by means of adequate procedural and court rules. In legal terms, the Chamber's line of argument raises a number of questions, though the establishment of the Tribunal must be seen as correct in political and practical terms (Uertz-Retzlaff 1999, p.89).

The example of the Yugoslavia Tribunal clearly illustrates the difficulty involved in actually complying with the stringent standards implied by the rule of law and the principle of an independent judiciary in cases of armed conflict. If even an organisation like the UN, endowed as it is with considerable powers, reached the limits of the principle of the rule of law in creating the criminal court, it is easy to understand how complicated it is for small States with unconsolidated structures to respect the principles associated with the rule of law.
Another important factor is that even an international criminal court cannot function without local support. The first point here is the extradition of accused persons, as we saw in the tug-of-war surrounding the handing-over of Milosevic to the Hague Tribunal. The successor States of the former Yugoslavia are also expected to provide help in securing evidence, protecting witnesses, etc. Since the Yugoslavia Tribunal was established as a coercive measure as per Chapter VII of the UN Charter, all States are required to cooperate with it. Croatia and Serbia's behaviour for many years has shown that it is nevertheless possible to refuse such cooperation, even though such refusal is unlawful. There is little doubt that the main reason for the "soft" stance the international community long maintained toward this resistance, as well as for the reticence it has shown in making arrests on its own, stems from fears of negative impacts on the peace process in Bosnia-Herzegovina (Böhme, 2000, p.118). The pictures of UN blue helmets taken hostage have left their mark.

All this gives an inkling of the difficulties faced by the international community in dealing with crimes against international law if the process is not backed by the authority of the Security Council or if, for political reasons, the mandate the Council gives its blue-helmet forces is inadequate to the task at hand.

Taking Local Factors into Account

The example of the Yugoslavia Tribunal, particularly, different kinds of national resistance to cooperation with this organ of the international community show how sensitively States may react when they feel that inroads are being made into their sovereign rights
in this case, into their sovereign penal jurisdiction. This also explains why the Cambodian Government decided to set up a national criminal tribunal to try the cases of genocide committed in the country. In this case, UN international experts and expertise were allowed, even though the court was established on a national basis.

This mirrors a general problem faced by international assistance for crisis regions. The problem consists in the fact that it is very difficult to take adequate account of regional factors. Yet the political context can prove to be an impediment to the rule of law. Because they see political and economic tasks as more urgent, new rulers often accord low priority to the establishment of an independent judiciary following a crisis situation. In addition, those in power must frequently fear a loss of their power if an independent judiciary is in fact established. The literature (cf. Mani, 1998, p.6, et. seq.) cites a number of examples. The Government of El Salvador, for instance, dragged its feet in implementing the binding recommendations of the Truth Commission and disbanding the country's corrupt supreme court. When Namibia became independent, the Government also neglected to take the steps required to sanction infractions of the law committed by the country's liberation movement, SWAPO, during the struggle for independence.

The situation in Cambodia was even worse for years; here, with an eye to securing the fragile peace, the international community insisted on a continuing participation of the Khmer Rouge in the Cambodian Government. Under these circumstances it was quite inconceivable to build an independent judiciary. Western legal experts, calling for the introduction of a new legal order – common
law for the Americans, the code Napoléon for the French – were themselves running the risk of disregarding the interests of the local population and showing insufficient understanding for the country's historical and mental peculiarities (Lithgow, 1994, p.44, et. seq.). This missionary zeal necessarily gave rise to the false impression that Cambodia is a territory without any century-old legal traditions of its own. Any approach of this kind is more apt to put off the local population, though the aim should be to ensure its involvement as a means of building an independent judiciary. It is, therefore, imperative to ensure a strong involvement of local NGOs at the earliest possible date in order to gain the participation of a given region's civil society in the process of rebuilding government structures. The experience gained in East Timor underlines this fact (Patrick, 2001, p.52, et. seq.).

Practical Experience in the Role of Law Following Conflicts

The rule of law is a key element in rebuilding social structures after conflict and collapse. This is seen in the medium term as a precondition essential for peace and durable internal stability. It is for this reason that a large number of international players are involved in supporting efforts aimed at creating an independent judiciary. These include various UN bodies such as the Office of the High Commissioner for Human Rights.

The World Bank lists ten elements on which legal reforms in developing countries should be based (Thürer, 1995, p.30). These include:

creation of an independent judiciary;
security for judges;
streamlining of legal procedures and improvement of legal management;
selection and training of judges;
establishment of legal institutions and an information system;
opening up of access to courts;
legal groundwork needed to create courts or bodies of arbitration and mediation commissions.

The growing importance of the fields of justice and security has also found expression in UN peace operations. Practitioners have proposed setting a new priority here (Brahimi Report 2000). The means available to promote the consolidation of peace include the use of civilian police and other law-oriented forces such as justice experts to secure both the rule of law and human rights (UN-Doc A/55/305, para.29, et. seq.). A central role is assigned in this connection to reform of the judiciary and criminal justice as well as to support for the process of democratisation (Cumaraswamy, 1996, para.4, et. seq.).

Compared with national law, the options available to enforce international law are very weak. Apart from responses of the UN Security Council to threats to or breaches of peace, there is no central international enforcement mechanism. Consequently, it is as a rule not possible to use international coercion to force countries to institute an independent judiciary. Instead, customary international law and treaties binding under international law oblige the world's States to guarantee an independent judiciary at national level. If such
countries are called upon by other countries or by international bodies to do so, this can in no way be seen as interference in internal affairs. However, the international community has no choice but to rely on the cooperation of the States concerned in redressing grievances.

This being a crosscutting problem, various UN organs have been concerned, since 1980, with the independence of the judiciary as well as the related issues. As early as 1980, the UN Economic and Social Council (ECOSOC), in its Resolution 1989/124, proposed appointing a special reporter on these issues. Such a special reporter was finally appointed by the Human Rights Commission in Resolution 1995/36. His mandate consisted in assessing, on the basis of international best practices, the significance of an independent judiciary and analysing the impact of international assistance such as advisory services and technical support. The aim was to adapt relevant international assistance to the challenges posed by the task of supporting democratisation processes and the protection of human rights in the post-Cold War era. The reports, analysing above all relevant existing human rights instruments, reflect the present state of international legal affairs. The second part of these documents describes the situation in various crisis-torn countries of the world. Since most of these countries have declared their willingness to cooperate with the special reporter, the reports also reflect the positions of both the countries concerned and the relevant aid organisations. Interested parties will be able to distil some general information from the reports as well as from UN practice.
In its peace missions in collapsing States in the 1990s, the UN increasingly assumed a trusteeship role (Hufnagel, 1996, p.320). Any such concrete activities of course require a detailed mandate for specific operations and must be geared to local conditions. Still, some main lines of development have become visible in practice. The international community is, for instance, unable to rebuild government structures in crisis regions without reference to certain values. This is based on a concept of good governance that is reflected in the specific mandates adopted by the UN Security Council. If we look, for instance, into the UN missions in Namibia, Cambodia, and Somalia, we find that they share a number of common characteristics. These show that efforts aimed at instituting the rule of law and setting up an independent judiciary have been embedded in a comprehensive catalogue of measures.

Democratic governmental structures are aimed for in all such cases. In Namibia and Cambodia this was achieved by means of nationwide elections, while, in Somalia, efforts have been aimed at forming representative organs at local level. The UN's commitment here was not restricted to the expression of the population's democratic will, but also extended to the preparatory work for elections. Comprehensive awareness campaigns were used to inform people of their basic rights. This was aimed at countering any attempts to intimidate the population. These activities included information on possibilities of gaining access to the media, presentation of the general right to vote, and a declaration that this right applied to all persons, including refugees.
All UN operations have also been based on the aim of improving the human rights situation on the ground. This was approached by means of information programmes geared to creating an awareness of human rights and educating people to respect human rights. In addition, the missions also had the task of investigating human rights violations on their own initiative.¹ In Cambodia the mission included a special human rights component. One important task of these UN interventions was to secure the State's monopoly of power. Since both police and military, as armed and organised groups, play a key role in internal conflicts, any solution must begin with them. It is for

¹ In Somalia, though, the credibility of UN commitment suffered heavily when, in 1993, at the height of the conflicts with General Aidid and other warlords, UN and US troops were themselves involved in severe human rights violations; and human rights organisations such as Amnesty International and African Rights levelled serious charges against them. What was at issue here were, first – as was noted above all for the Canadian contingent – cases of torture and racist excesses perpetrated on Somalis. In the second place, hundreds of Somalis were detained for months without trial. And, finally, UNSCOM troops had used wholly unreasonable force against the civilian population, in this way violating international humanitarian law. After the charges levelled by UN representatives had been rejected on problematic or indeed flimsy grounds, a UN commission of investigation appointed by the Security Council, while clearly placing the blame on Aidid, also criticised the US and the UN for the aggressive nature of their actions and recommended payment of compensation to the victims among the Somali civilian population. Furthermore, in September 2001 the UN human rights representative for Somalia, Ghanim Alnajar, recommended a comprehensive investigation of war crimes committed during the phase in which the UN troops were withdrawn.
this reason that control over the armed organs of the State and their subordination under the political leadership has always been a priority task.

Apart from the ceasefire, peace operations have focused on disarming, barracking, and demobilising the conflict parties. In practice, however, there have been major problems here. Disarming the conflict parties proved impracticable, for instance, in Cambodia and Somalia.

The experience gained in building armed organs in the countries to be stabilised has likewise differed from case to case. In Namibia, the task was merely to monitor the process of reorganising an existing police force. In Somalia, on the other hand, the police force had to be rebuilt from scratch.

One feature shared by these operations is the aim of creating a police force that acts not as an instrument of oppression but as a protector of human rights on the basis of the rule of law. This task is derived from the human rights of personal security and the right of freedom from fear. The monopoly of power, which at the same time implies a subordination of executive power under the democratically legitimised political leadership, is one of the core elements of any democratic order.

The goals named above cannot be achieved if care is not taken at the same time to institute the rule of law and create an independent judiciary. This is why the UN devoted so much effort in Cambodia and Somalia to creating a new system of courts designed to operate independently of the government. As far as human rights and the right to vote are concerned, international organisations or bodies
have in some individual cases even assumed jurisdictional functions. Under Annex 6 of the Dayton Agreement, for instance, a Human Rights Chamber was created for Bosnia-Herzegovina. Its task is to ensure that the country maintains the highest possible standard of internationally recognised human rights. This court is made up of 14 judges, six from Bosnia-Herzegovina's constituent States, and eight international experts (Nowak, 1998, p.192). Furthermore, the international community is also providing support for the training of judges, lawyers, and judicial staff. These missions have also been engaged in monitoring prison systems and the treatment of prisoners (Bartole, 2000, p.162 et. seq.). Numerous changes in the national protection of human rights as well as in electoral laws are likewise due to UN missions. And such countries have also, not least, been provided support in working out democratic constitutions.

The task of building an independent judiciary in crisis areas can prove successful only if it is accompanied by efforts aimed at reviving the economy, though this is not a task immediately associated with UN peace operations. Still, practice shows that it is, in many cases, impossible to strictly separate the tasks of instituting the rule of law and (re)building an economic infrastructure. To this extent, development-assistance measures are also instrumental in creating the conditions needed for an independent judiciary.

In his 1992 Agenda for Peace (UN-Doc A/47/277), former UN Secretary General Boutros Boutros-Ghali expressly referred to this state of affairs and called for a new type of technical assistance. The issues involved here are support for the reshaping of inadequate national structures and capacities as well as the strengthening of new democratic institutions. The fact that the UN has had every reason to
become active in this field becomes evident when we consider that social peace is just as important as strategic or political peace: "There is an obvious connection between democratic practices – such as the rule of law and transparency in decision-making – and the achievement of true peace and security in any new and stable political order. These elements of good governance need to be promoted at all levels of international and national political communities" (Boutros-Ghali 1992, Section 59).

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1. Introduction

At the dawn of the 1990s, the entire notion of security witnessed radical changes. The birth of new states posed a new set of problems for their political architects. Overnight, secessions from a larger political entity sparked off a chain of ethnic cleansing, population displacement, food, water and electricity shortages, unemployment, economic bankruptcy, political uncertainty, and health hazards. The international organisations, apart from the United Nations, were faced with a mountain of humanitarian challenges. India has been no exception. India is one of those states, where human security threats do not emanate out of secessionism, but rather secessionism itself becomes a human security threat. It forces one to ask what is the meaning of security if independence or secession results in further violence and socio-political and economic insecurity?

This paper reflects on what constitutes human security and if it could become a panacea for the world’s humanitarian concerns? This paper has been divided into seven sections including this introductory one and the conclusion. The second section traces the
origin and evolution of the concept of human security *per se*, its meaning and definition. The third section summarises the recent efforts made by the Government of India (GOI) in addressing the human security issues from developmental perspective. The fourth section looks at the role of GOI vis-à-vis the non-governmental organizations (NGOs) in dealing with the human security challenges. The fifth section highlights the role of NGOs in both developmental and non-developmental efforts, in collaboration with the Government. The sixth section critically examines the Government-NGO relationship in India and the constraints it faces in dealing with the human security issues. Finally, the paper is summed up in the concluding section.

2. Understanding Human Security

The debate on whether security meant only the security of the state or did it incorporate the safety and well being of citizens as well, was never so intense as it became in the 1990s. The *classical* definition of security encompassed only the use of force by states to secure them against threat posed by other states, to their territorial integrity, autonomy and political stability. If this was flawed as it ignored the multilateral or collective approach to security, and stressed more on the unilateral mode of international behaviour, in an age when the World was gradually getting into a more collective and collaborative mould. The *classical* definition was also limited, as it perceived threats emanating only from other states, and excluded all those threats with humanitarian sources, such as natural disasters, disease, drugs etc. If one includes all these threats, the definition becomes more comprehensive. The most important shortcoming of
the *classical* definition was that it perceived threats only to the state and not to its people. It is, therefore, argued that the safety and welfare of the people or human being should be the central component in the definition of security and feature the individual's welfare and security as its prime concern, which can be called *human security*.”

The notion of human security can be traced back to the 1970s when several multinational independent commissions consisting of statesmen, intellectuals, scholars and academics began to explain it in their reports. One such report was brought out by the *Club of Rome* group that produced a series of volumes on the "world problematique", which were premised on the idea that there is "a complex of problems troubling men of all nations: poverty...degradation of the environment; loss of faith in institutions; uncontrolled urban spread; insecurity of employment; alienation of youth; rejection of traditional values; and inflation and other monetary and economic disruptions...". "...a state of equilibrium could be designed so that the basic material needs of each person...are satisfied, and each person has an equal opportunity to realise his individual human potential."\(^2\) The Group argued that the rising trend of complex global problems having bearing on individual's life called for a rethinking of global developmental and security strategies, so as to improve the longevity of the individual.

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The 1980s saw two commissions, namely, the Independent Commission on International Development Issues chaired by Willy Brandt and the Independent Commission on Disarmament and Security Issues headed by Olof Palme. The former brought out the “North-South report” whereas the latter produced the famous “common security” report. Both the reports addressed the need to provide better living conditions, dignity, peace, food and work to every human being. In 1991, the Stockholm Initiative on Global Security referred to “challenges to security other than political rivalry and armaments” and to a wider concept of security, which deals also with spill-over threats from failures in development, environmental degradation, excessive population growth and movement, and lack or progress towards democracy.”

But a significant advance was made on the concept when, in 1994, the United Nations Development Programme (UNDP) released a report that first introduced the concept of “human security” per se. The report outlined the concept of human security based on the idea of the “freedom from fear” and “freedom from want”. The 1994 Mahbub ul Haq’s report on South Asia, gave fillip to the debate over human security. The entire debate over human security hovered around four basic questions: security for whom; security of which values; security from what threats; and security by what means?

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3 Ibid., p.3.
5 Bajpai, op., cit., p.5.
The Haq report illuminated on the question by pushing the argument that states can provide human security by ensuring 'security of the individual and not just territory; securing individual safety and well being; security from drugs, disease, terrorism, and poverty; and security developments not...through arms, respectively'. The report proposed to guarantee human security: developmentally (sustainability, equity of opportunities and global justice via a “major restructuring” of the world’s income, consumption, and life style patterns; militarily (arms reduction, closure of military bases, economic aid instead of military aid, stopping arms transfer, end to arms export subsidies and retraining the arms industry workers); North-South restructuring (providing equitable market access to poor countries by removing trade barriers, seeking compensation from the rich nations for immigration controls and over sharing global environmental resources and compensating for damages due to encouraging brain drain, restricting migration of low-skill labour, export restrictions; institutionally (reviving and restructuring IMF, World Bank and the UN for more developmental programmes; and evolving global civil society (encouraging grassroots participation and commitment from all world governments).

The Haq and UNDP report highlighted the need to tackle seven localised threats to human values namely, threat to economic security, food security, health security, environmental security,
personal security, community security and political security. It also drew attention to several other pressing concerns such as population growth, growing disparity in global income leading to poverty and environmental degradation in the developing world, increasing international migration and refugees flow, environmental decay in various forms, and drug trafficking.

Another endeavour to define human security was made by Canadian report of 1997 and Middle Powers report of 1999. Both these reports focused on the widening gulf between the rich and poor states, state failure and consequent internal conflict, environmental degradation, the proliferation of weapons of mass destruction (WMD), religious and ethnic conflict and migration, transnational conflict, population growth, state repression, anti-personnel landmines, child abuse, economic underdevelopment, high barriers in international trading system and globalisation that has produced large scale violent crimes, terrorism, disease and ethnic conflicts.9 The Canadian paper10 proposed that the above threats could be marginalised through peacebuilding, peacekeeping, disarmament, safeguarding children’s right, and economic development. In this approach the role of governments, NGOs, academics, businessmen and the civil society was very vital. From the Middle Powers’ report11 three basic tools emerged to deal with the threats to human security. They were first, coercion and sanctions applied by the international community; second, national security policies focusing

11 Ibid.
more on human security goals; and third, forming a coalition of states, international organisations and NGOs for promoting development and effective enforcement of agreed upon norms.

The debate over human security was further boosted in May 1998, when the Japanese Prime Minister, Obuchi Keizo, in a speech in Singapore announced that human security would hold a central place in Japan's multifaceted security policy. He suggested that states need to show greater resolve in dealing with the challenges. This also warranted mobilisation of diverse intellectual resources of the region and increased cooperation among the intellectual leaders.

An important aspect of all the reports mentioned above is that besides requiring a commitment from international organisations and agencies, they have all emphasised the role of the state. All the reports more or less, have argued that one way of dealing with the threats to human security was by incorporating more development and human-based programmes in the state policies, thus, making the role of government critical. The reports called for development being given a pivotal place in state policies.

3. Human Development in India

In India, a fair bit has been achieved towards facilitating the awareness and understanding of the concept of human security. The National Human Development Report, 2001 was a result of the resolve on the part of the GOI to assess the level of human development in India. The quality of life and the level of human well-being, in terms of changes in a range of indicators have been collected through different states over in the past two decades. The selection of indicators has been determined by the need to evaluate
the development process and gauge its overall impact on the quality of life and standard of living of people. The debate, which has taken place in the last several years in India, has widened the scope and meaning of the word ‘well-being’. More than just materialistic attainments, it now encompassed outcomes that are either desirable in themselves or desirable because of their role in supporting better opportunities for people. Likewise, poverty was not just taken as lack of adequate income, but as a state of deprivation spanning the social, economic and political context of the people that prevents their effective participation as equals in the development process. This has resulted in a renewed focus on development indicators in the area of education and health attainments – critical for capacity building – and other social and environmental consequences that have a direct bearing on the state of well-being.\(^\text{12}\)

In India, the debate over human development and human security in general has brought about a broad-based consensus to view human development from at least three critical dimensions of well-being. These are:

i. Longevity or the ability to live long and healthy life;

ii. Education or the ability to read, write and acquire knowledge; and

iii. Command over resources or the ability to enjoy a decent standard of living and have a socially meaningful life.\(^\text{13}\)

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\(^{13}\) *Ibid.*
The exact measurement of these dimensions, in terms of the specific indicators which are used, cannot be value-neutral, and need to reflect the specific socio-cultural conditions that prevail in a particular country at a specific period of time. The report highlights contextually relevant indicators that not only reflect the prevailing social values, but also the common development priorities of the States on each of these dimensions. There are indicators that capture the process of accumulation in the attainment(s) over time, as well as indicators that are more sensitive in reflecting changes in attainment levels at more frequent intervals of time. Such a mix of indicators on various dimensions of well-being facilitates inter-temporal analysis and improves the policy sensitivity in the summary measures. These indicators were then categorised into a core set of indices known as Human Development Index (HDI) – reflecting the state of human development for the society as a whole – and the Human Poverty Index (HPI) – capturing the state of the deprived in the society. They were estimated for the early 1980s and the early 1990s for all the States and Union territories. In addition, a Gender Equality Index (GEI) has been estimated to reflect the relative attainment of women as against men for the early 1980s and the early 1990s.

For more than a decade the UNDP through its Human Development Reports has done pioneering work globally to create consciousness and induce policy dimension to the broader concept of human well being. The UNDP has defined human development as a process of enlarging people’s choices as well as raising the level of well being. The HDRs have also underlined the importance of the
three dimensions – longevity, education and the command over resources.\textsuperscript{14}

Besides the National Human Development Report of India 2001 and other private efforts\textsuperscript{15}, a significant advance towards systematically understanding and documenting human development and human security indicators in general has been the production of Human Development reports by three states in India- Maharashtra, Sikkim and Madhya Pradesh. The Government of Sikkim, a state in the northeast of India, has already started taking policy initiatives and introducing reforms on the lines of recommendations made in the Sikkim Human Development Report (SDHR) that was released on September 5, 2001. The SDHR is a product of a joint initiative involving the Government of Sikkim, the Planning Commission and the UNDP.

4. Role of the Government

In a democratic setup like in India, the state adorns the constitutional obligation of looking after the welfare and overall development of the people. This entails formulating programmes and policies focusing on the improvement of the poor and downtrodden, fulfilling the basic minimum needs of the people, securing its political system, providing effective governance and creating a social setup where the rights of every human being are respected.

\textsuperscript{14} Ibid.

\textsuperscript{15} Currently, a Project on 'Human Security in India' is being run at the Jawaharlal Nehru University, which proposes to prepare a human security index and report of India, based on a state-wise analysis, of variables such as dehumanization, deprivation, drugs, disasters, displacement of population, underdevelopment, disease etc.
Although, at present the results and resolve of the GOI falls short of the acceptable threshold in dealing with NGOs, yet it would be unfair not to mention the efforts which have to some extent institutionalised and recognised the government-NGO relationship.

In 1984, the GOI adopted the Foreign Contribution Regulation Act, which specified that in order to receive foreign funding, the NGOs have to be registered with the Ministry of Home Affairs (MHA) and have to provide details to the Government of the foreign funds received. A year later, in 1985, the GOI in an effort to encourage the private sector to make donations to the NGOs, offered to provide tax exemption for their contribution to NGOs workings. The GOI also created separate funds for developmental works in the rural areas to be undertaken by the NGOs. In 1986, a National Council of Voluntary Agencies (NCVA) was established for the purpose of registering all NGOs, regulating the workings of all the NGOs as per the specified 'code of conduct' (one of the points of contention between the Government and NGOs) and monitoring the development related funds to the NGOs approved by the mother agency. In 1986, through the 7th Five Year Plan (1986-1991) the GOI committed a relatively larger resource spending on NGOs to carry out developmental activities in the rural areas. Nothing further could be added in the 8th and the 9th Plan of the GOI. The latest movement on the subject of strengthening government-NGO relationship was made through endorsement of the 'Action Plan', which is discussed latter.

The efforts of the Government, thus, far have not shown great dividends and policies have not been implemented effectively on the ground. Rajesh Tandon, Director of the Society of Participatory
Research in India (PRIA) writes, "By their nature, liberal democracies never fail in mouthing slogans which are populist and pro-people in character. However, the practice at the base and the implementation of those policies and programmes makes it very clear that the political economy of the government, the character of the State and its agents, determines the nature of development programmes and how they will be implemented, and thereby the consequences on the poor and the oppressed". This means, the State should address the needs of the people, especially the poor, and formulate policies accordingly and ensure their effective implementation. The role of the Planning Commission in this becomes very vital. Since the early 1990s, the GOI has stepped up its activities of reaching out to the people at the grassroots based on realisation that development does not only mean growth of the economy. It should also blend in programmes on poverty alleviation, bridging gender gap, health and education among others as well. States like Sikkim, Maharashtra and Madhya Pradesh have taken the lead in addressing the human security matters, by compiling their own State Human Development Reports (SHDR). These reports have set into motion a mechanism with the involvement of other key players such as the non-governmental organisations (NGOs) in implementing state programmes. A number of ministries such as the Ministry of Education, Ministry of Social Justice and Empowerment, Ministry of Health and Family Welfare, Ministry of Rural Development, Ministry of Human Resources Development, and the

Planning Commission have played instrumental role in promoting and implementing programmes with the help of NGOs in predominantly rural areas.

The State’s failure in extending its outreach can be attributed to the culture of *adhocism* in dealing with the NGOs. The absence of a comprehensive Government policy on developmental issues, different ministries and government offices laid their own rules and negotiated with the NGO leaders in an arbitrary manner. This changed in 1994, when the GOI approved the document titled, “Action plan to bring about collaborative relationship between voluntary organisations (VOs) and Government”\(^{17}\), which had by then already sought the approval of the Planning Commission. This Plan, explicitly laid down the respective roles and responsibilities of the Government and the NGOs in developmental activities. On the aspect of the Government’s perceived roles *vis-a-vis* the NGOs and in dealing with the human security issues, the following six recommendations (relating specifically to human security) in the ‘Action Plan’, deserve attention:

i. People-centred development was essential for all Government-NGO collaborative programmes, for which the Government should create a conducive climate in which the NGOs work for the mobilisation of the people;

ii. The eradication of poverty was possible through proper resource mobilisation and well structured planning and implementation, jointly done by the Government and the NGOs;

iii. For an efficient implementation of the developmental plans and dealing with the humanitarian issues, the NGOs should be extended all necessary support at the grassroots level by the governmental agencies or Block Development Officers and Panchayats etc;

iv. As envisaged in the 7th Plan, each Ministry should earmark a fixed quota of its annual budget exclusively for the NGOs and also lay down their priority areas namely, family welfare, education, primary health, women and child development, sanitation and drinking water, problems of urban slum dwellers, street children etc. Family welfare was stressed as an important element in the programme formulation and implementation;

v. The Government should create additional work opportunities in rural areas and specifically to women whose number in the labour market is gradually declining; and

vi. It was necessary to provide better safeguards and protections to NGOs engaged in sensitive activities such as social mobilisation over issues of protection of civil rights, entitlement to land, forest, water and other natural resources as also minimum wages and there become vulnerable to numerous vested interests a repressive elements of the society.
The ‘Action Plan’ also featured numerous recommendation related to setting up institutional mechanism for dealing with NGOs, outlining policies for NGO activities, training of the NGO leaders and workers and funding procedures for the NGOs programmes.18

5. Role of Non-governmental Organisations

In India, the advent of NGO’s could be traced back during the freedom struggle when Mahatma Gandhi gave the call for self-help and social service to achieve freedom in the real sense. After the partition in 1947, the dominant role of the state in the political, social and economic affairs of the country reduced the prevalence and effectiveness of the voluntary movements. Towards the 1970s, the failure of the State apparatus reaching out to the grassroots again catapulted the NGOs on the centre stage. In this period, NGOs limited their role in rural development programmes, within the guidelines of the Government. The Government, also realising the size and vastness of the country, increasing population pressure and its own resource limits, provided in the 7th Plan that it was important to involve the voluntary agencies in developmental programmes especially in the field of poverty alleviation and basic needs. The 7th Plan itself, that for the first time the GOI inserted a separate subsection on NGOs, with the provision of exclusive funding.

Over the past decade, NGOs, mostly local, have mushroomed throughout the country proposing to work on almost all aspects of the human needs, both developmental and non-developmental. The ever-expanding networks of NGOs have catapulted them as a viable

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alternative to the governmental rigidities and inabilitys, for their greater alertness in responding to new challenges than the government. They also enjoy an edge over the Government’s outreach because of their strong local network and proximity to the people.

The salience of the NGOs has also been enhanced due to the limitations and shortcomings of the public and private sectors in reaching out to the peoples’ needs and demands. The nature and utility of the NGOs’ programmes, which are directly linked to the people’s pressing needs, are the key to its popularity and far reaching consequences. Though their workings have not been devoid of criticism. Kamta Prasad says, “NGOs are used to refer to those organisations which possess four basic characteristics which distinguish them from other sectors in civil society. They are voluntarily formed, working towards development, with non-self-serving aims and are relatively independent. NGOs are often expected to perform better than government agencies, they are more responsive and efficient but at the same time valid questions regarding the identity, legitimacy, transparency and accountability of NGOs have been voiced”. 19 This refers to the professional ethics and bad governance of NGOs who are accused of engaging in programmes primarily for economic reasons. NGOs have repeatedly been refused to as money-laundering enterprises, which after receiving sizable financial grants end up spending on their own infrastructure and organizational development, rather than on the cause for which it has been sanctioned. The NGOs invariably have

also been criticized for lack of commitment to and expertise in the concerned field. The sole concern of such NGOs has been to produce a report at the end of the project based on concocted facts and fabricated inputs. B. N. Jha and S. D. Mishra are of the view that the primary role of the NGOs is to work as mobiliser of people and their resources at the local level for an indigenous self-sustaining development. 20 Greater transparency and commitment towards people-centred rather than self-centred approach has been emphasised by the Government while commenting on the general NGO operations in India.

The 7th Plan, envisaged a mechanism of providing financial grants to the NGOs on project basis, through various ministries such as Rural Development, Khadi and Village Industries Commission and Welfare (non Social Justice and Empowerment) and Central Social Welfare Board. The GOI also sought to help the NGOs by giving income tax concessions under sections 35 Ac and 80 G of Income Tax Act to donors for making donations to NGOs. Here mention should be made of a project in rural development, which was established by ANANDRE Foundation in Gujarat in 1979. Forty percent of it was financed by Government, equal percentage by the banks and the rest by the financial institutions, Panchayats, etc. Out of this, 60 percent went for economic development, and 10 percent for education, health, tree plantation and socio-cultural activities. 21


21 Kamta Prasad and Davinder K. Madan, NGOs and Socio-economic Development Opportunities, p.XXIV.
One important success of the NGOs over the years has been the creation of a political space, within which it operates as a viable alternative to the Government. As a result, most of the Government-NGO relationship analyses have looked through the prism of the political space inside which the two actors shape their activities. Sheth defines it as a "...sensitive, ever-changing environment in which all actors strive to shape their purposes and their visions of development.... The state may encourage, tolerate, interfere, discourage or abolish NGO activity through legal or coercive means. Indeed, the political space within which they can operate is explicitly or implicitly defined by the government and is, in fact, quite restricted".22 Bratton says that it is the arena of non-state initiatives, which is dynamic and ever-changing, where the autonomy and control define the Government-NGO relations. The size and the limits of the political space changes or is altered if the non-state initiatives begins to have effect on the state's activities and position.23 This is more common in the 'cooptive' mode of relationship wherein governments if need be, shrink the political space to all non-state initiatives by limiting the activities of the NGOs. Therefore, NGOs prefer operating in a larger political space where they enjoy a fair amount of autonomy of actions and political participation.


In concrete terms what should be the role of NGOs in strengthening the pillars of human security? The following recommendations of the ‘Action Plan’ on this aspect are relevant:  

i. The NGOs should mobilise and organise the poor including the disadvantaged and vulnerable sections namely, women, handicapped, slum dwellers, street children, disabled and the old, and reduce their dependence by facilitating education and awareness among them. Provide delivery services to the GOI in case of natural disasters such as floods, cyclone, earthquakes, epidemics etc.

ii. Help the GOI in creating infrastructure like schools, health centres, rehabilitation centres, old age homes, hospitals etc.

iii. Facilitate Government’s programme of providing basic minimum needs such as drinking water, sanitation, literacy, immunisation, family planning, primary health care, nutrition, energy housing etc.

iv. Provide the required delivery services on building community assets like roads, irrigation, tanks, water harvesting structures, public toilets etc.

v. Support GOI’s policies on economic and social empowerment of women through easy loans, vocational training, independent business, income generation opportunities, childcare and nutrition services.

vi. Play supportive role on issues namely, creation of awareness for conservation of environment, women’s equality and empowerment, national integration, communal harmony etc.

The major focus of the ‘Action Plan’ was on the NGOs’ role in imparting training and skills to the target groups. It also stressed on the need for NGOs’ participation in policy formulation at various levels including parliamentary Committees and other forums, such as, National Commissions as well as monitoring the implementation of social legislation. The Plan also called upon the NGOs to develop their own ‘code of conduct’ to add credibility to their activities and programmes.25

In India, the visibility of NGO’s contribution to the society and its people has increased by leaps and bounds. Many NGO activities have achieved revolutionary success and need to be mentioned here. In 1992, Dr. Bindeshwar Pathak founded the Sulabh International Social Service Organisation, which should be considered nothing short of a silent revolution. To a large extent, it has managed in minimising the nuisance in the slum and poverty stricken areas, where people had the habit of relieving themselves on the streets and elsewhere in the open. Pathak developed and deployed mobile public toilets at places where there were no toilets at all. Apart from this, he also built a chain of permanent toilets nationwide for public purposes, which is maintained by the permanent staff of ‘Sulabh’, who charge very minimum amount for using the facilities. This money is spent towards the maintenance of those toilets. This is a perfect example of how NGOs can play a constructive rôle in

providing social services and neutralising the Government's inabilities in making such services available to the people.

The latest achievement of this organization has been the introduction of Sulabh Public School where 60 per cent of the children from the scavenger families receive education. The school is recognised by the Central Board of Secondary Education (CBSE) and has classes till 9th Standard. In this school, everything, from textbooks and uniforms to transport, is provided free of charge. The school was recognized by the Directorate of Education, Delhi State Government in 2001, which also has promised to give the permission to start the 10th Standard education from 2003, for which the examinations are held by the Government. This school is a pathbreaking achievement in defying and altering the social and caste rigidities of the Indian society. Activities like Sulabh's should be the model for NGOs role in the society and how they can be made historic successes by striking a perfect balance with the Government. Such efforts are instrumental in empowering the target groups at the grassroots.26

Another instance of the Government-NGO cooperation is a project called 'Integrated Nutrition and Health project' run by Care India. This project is considered as India's largest NGO-Government programme. The first phase of this project was launched in 1995 to provide food support at the Anganbari (term for the grassroots) and Panchayat level. Currently it is covering among others, States of Jharkhand, Uttar Pradesh, Madhya Pradesh, Rajasthan, Chattisgarh,

26 Bobby John Varkey, “Valmiki’s Children Script a small epic of Their Own At This School”, Outlook, 26 August 2002.
and West Bengal. In Care India, there are officials who are known as Government Partnership Officers (GPOs) who hold the responsibility of coordinating the entire Care-Government relationship. The responsibility of the Government is to manage the transportation and storage of the food items, and the distribution, planning and monitoring is done by Care India.


The point that now needs attention is what are the constraints in working out the recommendations of the ‘Action Plan’? In general, NGOs have two ways of working—first, on self-created and self-financed projects, and second, projects funded by the Government. In the latter way of operation, NGOs have played a collaborative role and worked basically as the implementing body because of their local outreach and network. Such a role has included programmes relating to drinking water, health care, women and child issues, adult literacy and education, housing and afforestation.

During the implementation of the programme in these areas, NGOs have confronted all kinds of hostilities and problems from the local authorities at the village and block level in the form of non-cooperation, information concealing, unnecessary delays in processing requests and so on. The reason for such obstruction has been the fears on the part of local political and social elites that the programme implementation would disturb the status quo in the area, especially their social status, hierarchy and privileges. Repercussions of such fears have proved detrimental for the NGOs and its workers. Reflecting on this, Tandon writes:
"It is important to recognize that any development effort entails a process of social change and, therefore, implies changes in relations between individuals, families, classes and sectors. If poor tribals in a forest area begin to acquire effective health care service then their dependence on the local touts and witch-doctors is reduced, thereby affecting the economic base of such forces in the area. Obviously, whenever the material conditions, the position of power, status, control, access to resources and information is challenged or altered due to the interventions of a development programme, it is not surprising that those who are adversely affected by these attempt to resist the change or undermine its value. Therefore, at the base level of the state machinery, local village level workers, Patwaris, Block Development Officers (BDOs), primary schools teachers, health care inspectors, forest guards and a host of local officials tend to consider an effective voluntary agency as the source of their trouble. Hence it is not surprising that they begin to put impediments in the effective functioning of such voluntary agencies.... Clearly an educational role played by many NGOs in a country like India is quite in opposition to the existing vested interests within the state as well as the rural urban elites. When a group of landless labourers understand the legally available minimum wages and the mechanism to acquire them, when they begin to struggle to demand minimum wages, local landlords and land-owners may attempt to resist this and consider voluntary agencies supporting such an educational process as the source of all trouble".27

27 Rajesh Tandon, Dr. Rajesh Tandon Papers, op.cit., p.9.
Another important factor, which influences the workings of NGOs, is the way Government handles its relationship with it, through the policy of cooption. As a part of the cooption approach, although the government provides funds to the NGOs, yet it frames rules, laws and norms that suit their (Government’s) self-interests. This enables the Government to effectively soften the criticism made by the NGOs of the former’s policies. One major effect of the cooption strategy is that it shrinks the political space by eroding the autonomy of the NGOs considerably, which are relegated to a merely operating role within the priorities and parameters laid down by the State and its agencies. Ironically, the NGOs have to seek approval of their suitability and genuineness from the Government itself whose failure has been the entry point for an NGO. Philip Eldridge calls it ‘psychological dependence’.28 He writes, “NGOs which collaborate with the government risk losing their own organisational identity and potentially their own development priorities. Is organisational change the inevitable result of collaboration or not? By adapting to the administrative requirements of governments, NGOs must be careful not to overextend and to strain their staff resources, to ‘change their style of operation’, and to expand and diversify their activities, if these measures potentially limit NGOs’ initial effectiveness.”29

This raises the question that if the NGOs are basically going to be governed by the diktats of the State then can it still be considered as a viable alternative to States’ failures and incompetence? The

29 Ibid.
answer is probably yes. Rajni Kothari is a firm believer of the importance of the NGO as a credible political alternative to the State. He says, “In the face of failing government bureaucracies and macro-political institutions such as legislatures, parties and their mass fronts like trade unions, youths’, women’s or farmers’ wings, voluntary action is seen as providing ‘alternative political spaces’. NGOs’ work constitutes ‘deep stirrings of consciousness that could be turned into catalysts of opportunity…it could be seen as an attempt to open alternative political spaces outside the usual areas of party and Government.’”

It is the political influence of the NGOs that the Government has been pressurised to formulate policies, enact laws and legislations on various issues such as the condition and treatment of women, dowry, rape, child abuse, child marriages, sati (self-immolation), adult education and literacy. Besides, the NGOs political importance is also highlighted by their sincere activism and engagements with issues namely human rights, environmental degradation and State sponsored large development projects such as dam building. The movement led by social activist Medha Patkar against the construction of the Sardar Sarovar dam in Gujarat is a burning example of such influential activism. Moreover, NGOs like OXFAM and Environment Defence Fund have been successful in pressurising the Government by asking the World Bank not to give any further

assistance for the construction of the Dam. Kothari argues, "...NGO banner and label are being coopted and captured by the state as well as by the capitalist interests under the disguise of legitimising NGOs...and clearly NGOs should not only question the state’s role in undermining their political space, but also critically analyse the role and interests of international donor agencies as well."32

The success of the NGOs in social mobilization has affected the overall Government-NGO cooperation dynamics in India. The Government has become wary of the intent, outreach and impact of NGOs’ role. But the advocates of Government-NGO co-operation highlight that the governments should forge a healthy and equal relationship with the NGOs instead of a confrontationist one. Tongsawate opines, "NGOs should not be perceived as implementers of the Government’s plans and programmes, but rather as equal partners providing a much needed link to beneficiaries, as well as pioneers in exploring new development alternatives."33 The cooperation and collaboration between the NGOs and Government has to be based on a give and take approach and be mutually beneficial. The government should make use of the wider network of NGOs and its proximity with the people for implementing

31 Anil Bhatt, “Asian NGOs in Development: Their Role and Impact”, in Noeleen Heyzer, et.al, Government-NGO Relations in Asia, 1995, p.87.
programmes in the areas where it fulfils its obligations. Similarly, the NGOs should also provide its workings a more firm foundation by implementing the Government's programmes with greater visibility and sound governance to ensure the availability of funds for the future projects as well.

In 1996-1997 the Commonwealth Foundation, in collaboration with several national and regional organizations and networks organised a series of conferences on the subject of government-NGO relationship in which for the first time NGO leaders and senior government officials participated. The starting point of the discussion was the 1995 Report of the Commonwealth Foundation, *Non-Governmental Organisations: Guidelines for Good Policy and Practice*. The Foundation's objectives behind organising such conferences was to examine the Government-NGO relationship in the light of the 1995 Report, draw insights on how to strengthen and improve this relationship and propose plans which would be implemented regionally and nationally. The Indian leg of these conferences was held in New Delhi in collaboration with the Society for Participatory Research in Asia (PRIA), on *NGO/State Relations in a Changing World*, in November 1996. Eight countries participated in it and a total of 7 government officials and 30 NGO leaders attended the conference. The six broad themes of the conferences were:

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Complementarity and Strategy: How can the roles and responsibilities of the government and non-governmental sectors, and indeed of the private sector, be strategically viewed and organized to ensure maximum complementarity?

Policy: What roles should the government and non-governmental organizations play in the formulation of policy? What mechanisms are needed to enable each party to play its role?

Legitimacy: What legal and institutional frameworks will be best to enable NGOs work?

Accountability and Visibility: What values and ethics should characterize NGOs? How should “good governance” apply within NGOs? How can NGOs be visible and accountable?

Capacity: How can the capacity of NGOs to discharge their increasing responsibilities best be strengthened?

Viability and Sustainability: How can NGOs sustain themselves when confronted by increased need and demand and, at the same time, decreased resources?

At the end of the deliberations, a set of recommendations discussed below was put forward. On the question of complementarity and strategy, while agreeing that a long-term and coherent policy with the equal participation of the public, private and NGOs was needed to address the specific social and developmental needs, the participants argued that before reflecting on the perceived roles of the government and the NGOs, it should be asked what kind of government, civil society, citizen responsibilities are needed to

36 Ibid.
ensure the needs of the communities, state and citizens? It warranted a thorough understanding of the forces shaping the nature of a state, its polity, civil society and the social structure as a whole. Emphasis was laid on striking a dynamic balance between the state, the market forces and the civil society and seeing that none dominate the other.

On the question of policy, there was an overwhelming acceptance of the fact that governments must involve the NGOs more and more in formulating policies. It was also proposed that to facilitate such a process an effective dialogue should be held between the two parties and their attitudes and practices required re-thinking. Providing recognition to NGOs was considered an important step towards a better relationship and it was said that policy, including recognition needed to be a part of a larger strategy chalking out the roles of the civil society, private sector and NGOs. Importantly, the conference furthered that for a conducive environment where NGOs could flourish and human rights were respected, a democratic government was ideal. There was also a need to have a formal system for NGOs to communicate and interact with the government, besides the informal mechanisms. It was vital that the NGOs should rise above their funding and tendering game and not neglect the people whom they represent.

On the legitimacy front, there was a unanimous recognition that in most of the countries the old laws that governed the NGO activities were inadequate and had become redundant and, therefore, needed revision. The insights of the participants also stressed for the need to have a new definition of NGOs which outlines its purpose, roles, structures and also reflects the kind of activities it should conduct – grass-roots ‘community based’ or the stereotype ‘charity’.
It was also essential that the development of legislative and institutional frameworks must be based upon policy dialogue and consultation among NGOs and between NGOs and governments.

On the accountability and visibility issue apart from the institutional framework to provide legitimacy to NGOs, there was a need for the NGOs to set up an umbrella association which prepares a 'code of ethics' applicable to all the NGOs, their leaders and officials because it was seen that the NGOs have not been setting high standards of ethics, accountability and governance. For this it was necessary for the NGOs to stick to their vision and purpose and be visible, transparent, democratic and accountable to the target groups as well as the Government. The code of ethics should restructure the existing organizational guidelines and values which also specifies NGOs' mode of governance, establishes organisational practices, delegates responsibilities and focuses on self-evaluation and compliance. It was also expressed that the NGOs should have a good leadership, sound management and properly skilled, knowledgeable, committed and trained staff to implement the programmes successfully.

To enhance the capacity of NGOs the recommendations included the same content as for accountability and visibility. In other words, the need for NGOs to be honest and seek human resource training for better accountability was essential. The relationship between government and NGOs should be driven by the need to develop human resource capacity of NGOs and establish a long-term relationship. The government should also show commitment and understanding and the government-NGO relationship moves beyond 'funder-provider aspect'. However, it was also agreed that if a strong
network among NGOs on the one hand facilitated expertise, on the other, it also led to competition especially in the wake of reduced government fundings.

For viability and sustainability the conference recommendations underlined that there was a strong linkage between capacities and viability and sustainability. Stronger this linkage, longer the sustainability of NGOs would be. It also had linkages with other five themes discussed above. On the financial aspect the participants concluded that NGOs should be given tax exemptions wherever possible, individuals and corporate bodies should be encouraged for donation by giving them tax breaks (envisaged in the 7th Plan in India), short-term and yearly fundings and contractual outcomes should be discouraged; NGOs should be encouraged for income-generating activities; accounting and auditing procedures should be developed to make NGOs capacities visible; and collaborative mechanism put in place where NGOs can share and avoid duplication of their services and activities, and make fundings more realistic that includes costs of human resource development, internal capacity building and research.  

Some analysts furthered suggestions through a rather smaller version of mechanism to enhance Government-NGOs relationship. Samuel Paul provides a three-tier formula consisting of the following:

37 Ibid.
Collaboration for Demand Mobilisation: NGOs can mobilise, organise, and educate the poor for government services and activities, by playing a catalysing or facilitating role.

Collaborative Planning and Delivery of Services: NGOs have the capacities to tap local knowledge, and to utilise it to ensure the effectiveness design, planning and implementation of government programmes and activities.

Collaboration for Replication: NGOs should act as research and development innovators for regional and national level programmes administered by the government. The idea is to scale up successful development initiatives to higher levels and thus widen the scope and impact of these activities.

James V. Riker identifies five modes of interaction between Government and NGOs, which could shape a healthy, workable and mutually acceptable Government-NGO relationship. These are:

Autonomous/Benign Neglect: In this mode of interaction the NGOs enjoy a fair deal of autonomy in financial, organisational and policy matters. The government follows a ‘hands-off policy’ and considers the role of a NGO non-threatening to its policies.

Facilitation/Promotion: This particular mode of interaction features facilitation on three aspects – financial, organisational and

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policy. In this, government perceives NGO initiatives to be complementary to its own policy and programmes and, therefore, supports activities by creating a climate which is conducive for Government-NGO cooperation.

**Collaboration/Cooperation:** This mode involves the government benefiting from the indigenous NGOs, where by working together the strengths of each actor are directed towards a common development endeavour. This is a partnership-based interaction in which all the parties (government, NGOs and outside donors) contribute to the development efforts.

**Cooption/Absorption:** With regards to financial, organisational and policy affairs the government attempts to capture and direct NGOs’ initiatives by regulating their operations. This means that the NGOs are subject to varying degrees of formal governmental control and the nature of extent of cooption differs according to the measures adopted by the government.

**Containment/Sabotage/Dissolution:** This is the mode, which has created all the misgivings and is the subject of debate among the analysts. In this kind of interaction, the government put all types of checks and balances on the NGOs and seeks to curb or quash any NGO initiatives, which are considered threatening to its authority. As a part of this strategy pertaining to financial matters, government pressurises the NGOs and its officials by denying them financial aid, framing charges of corruption and mismanagement, denying them government funds and services such as transport and setting up investigations to look into the above charges.40

7. Conclusion

In the light of the wide-ranging human security concerns emerging from multiple sources (non-military threats), the governments should realise the futility of trying to tackle them alone. For this, a collaborative approach has to be adopted where the NGOs and the private sector share the burden in rational proportions. Before hand, it is essential that the governments shed the old tactics of manipulating and pressuring NGOs through isolation, sabotage and vigorous scrutiny and harassment. The ‘Action Plan’ and the Commonwealth Foundation’s recommendations have provided with concrete procedures and suggestions, which can be utilised effectively to synthesise the government-NGOs efforts in dealing with the human security.

The GOI should move from its cooption policy towards cooperative or collaborative one. It should not perceive NGOs as threats or competitors, but rather as equal partners in its developmental efforts. Excessive cooptive strategy will undermine the credibility of the government and have an adverse effect on its political base in the concerned areas. The entire gamut of Government-NGO relations has so far been viewed in terms of controlling the entire development programmes and ascertaining who takes the credit for it. This is not advisable. This has drawn the two parties repeatedly on the path of collision. Here it is pertinent for both, the Government and NGOs, to remember that their roles and positions are complimentary and therefore non-threatening to each other’s positions, credibility and domain. Hence, instead of adopting containment, sabotage or dissolution tactics, the government must draw advantages from the NGO’s popularity and wide network in the
rural where the it has not been able to deliver the goods for various reasons. This calls for a collaborative relationship between the Government and NGOs in which both the parties are visible and derive credit out of the programmes.

However, the larger issue then striking a balanced relationship between the Government and the NGOs is implementation of the findings and recommendation of the accomplished programmes. Sometimes the projects which are being run by the NGOs such as poverty alleviation, family planning, adult literacy etc. are themselves a kind of implementation of the Government’s policies. But on many occasions the challenge is to execute or implement findings which emerge out of NGO’s activism on issues namely, human rights violations, crime against women and children, domestic violence, drug addiction, status of women, environmental concerns like construction of dams and displacement of the local populations etc. The implementation of the findings on these issues would mean asking the Government to completely alter its policies, which would not be acceptable to it for reasons of their own, primarily political.

This requires a great deal of courage on the part of the Government, which on most of the occasions is lacking. The Chief Minster of Sikkim (third state to produce the HDR), Pawan Kumar Chamling, while reacting to the problems that his State faces in implementing the recommendations of the SDHR says, “The implementation of the recommendation of the SDHR is a challenging task. This is because these recommendations are a major deviation from our past policies and practices. They also require a new set of approaches, tools and resources. The most crucial factor in the
implementation of these recommendations, of course, are social commitment, political consensus and political will. I can assure you that we have all these factors in place today in the State.\textsuperscript{41}

Therefore, human security is not just compilation of data, facts and other relevant information. It is not just a question of cooperation between different actors. More than anything else it is about understanding where the priorities lie and then mustering enough courage and political will to do the needful.

\textsuperscript{41} Naunidhi Kaur, "A Blueprint for Development", \textit{Frontline}, June 7, 2002, p.94.