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The Effect of International NGOs on Influencing Domestic Policy and Law

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Claremont McKenna College

The Effect of International NGOs on Influencing
Domestic Policy and Law

submitted to
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by
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Abstract

This thesis attempts to understand the impact of international human rights and environmental NGOs on affecting domestic policy and law. In particular, it looks at how State-NGO relations, civil society, and accountability affect the success of international NGOs in enacting change in domestic policy. The focus is on four countries with some of the largest human rights and environmental abuses: Argentina, China, India, and Russia. Through these countries, this thesis shows that NGOs have the most influence when State-NGO relations are strong, civil society is active, and NGOs are accountable to both the State and citizens. A key component to the success of international NGOs is the State's willingness to change. When a NGOs interests align with the State, NGOs are able to push for and achieve the largest results. The contrast between the success of human rights and environmental NGOs highlights this as many times States will not recognize their human rights abuses, but are willing to improve their environmental degradation. As a result, NGOs have been met with more success in advocating for change in environmental policy than human rights.

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Chapter 1: Introduction

Non-Governmental Organizations (NGOs) have become very influential actors in domestic world politics over the last three decades¹. International NGOs have played an increasing role in operating and interacting within States and civil society to promote change in domestic policies. According to the Union of International Associations, there are over 37,000 active international NGOs. Two important areas of special NGO interest are human rights and environmental protection. Focusing on these two areas provides insight into the impact international NGOs may have on affecting domestic policy changes. Human rights and environmental protection NGOs in particular have more influence and achievements in their practice². For example, Amnesty International, an international human rights NGO based in London, has worked as the symbolic protector of human rights and has changed the shared perception of human rights in many countries. Additionally, Worldwatch Institute, an environmental international NGO based in Washington, D.C., plays an important role in educating the public and pushing forward social change.

This thesis attempts to understand the impact of international NGOs on affecting change domestically with respect to human rights and environmental issues. In particular, it looks at the role of NGOs in influencing change in domestic policy and law. With the rapidly growing rise of international NGOs, it is important to determine what contributes to the success of international NGO intervention in the domestic affairs of environmental

¹ Reimann, Kim D., "A View from the Top: International Politics, Norms and the Worldwide Growth of NGOs." Political Science Faculty Publications. Paper 4, 2006.

² Clark, Ann Marie "Non-Governmental Organizations and their Influence on International Society," Journal of International Affairs, 48, p. 507, 1995.

and human rights issues. International NGOs are the best subject as they are able to make the largest impact due to their size and international image and connections.

Domestically, a State can work to obscure or hinder the ability of domestic NGOs or civil society to act. International NGOs, however, have more autonomy in their actions and ability to push for change. This thesis shows that the stronger the international NGO-state relation, the more trust a State has in an NGO, and the larger the impact they are able to make. Additionally, the more active a State's civil society is, the faster international NGOs will be made aware of the issue, and the stronger support base NGOs will have to pressure the government to change their ways. Furthermore, the more accountable international NGOs are, the more trust both States and domestic society will have in international NGOs to do their job effectively.

Taking on human rights causes has become one of the most important functions of NGOs around the world³. International human rights NGOs are engaged in defending and promoting civil and political rights globally. Importantly, some human rights are a peremptory norm under international law, so violations of human rights should not be taken lightly. It is imperative for NGOs to recognize and draw attention to violations of human rights when States are committing them, or unaware, in order to stop them. Most of the time, NGOs are able to advocate for those who may lack the means to do so,⁴ which is why they are so crucial for national policy. With repressive governments, NGOs

³ Tortajada, Cecilia. Nongovernmental Organizations and Influence on Global Public Policy. *Asia & the Pacific Policy Studies*, 3: 266–274, 2016.

⁴ Ezeoha, Abel. "Can NGOs Aid Good Governance and Sustainable Development in Africa? Some Theoretical Insights", *Journal of Sustainable Development in Africa*, Vol. 8, No.3, 2006.

work to lobby and draw attention to violations of human rights, report facts, and promote change.

Environmental NGOs have grown in size and number recently as a result of government negligence towards the environmental crisis⁵. Environmental protection NGOs play an important role in framing environmental policy, mobilizing public support protecting endangered species, and much more. They additionally raise consciousness about the environment and provide educational campaigns to inform the people. Environmental protection NGOs are necessary as they hold countries accountable for abuses in resources that negatively affect the environment, and promote the conservation and protection of nature. Increasingly, the existence of NGOs is proving to be a necessity rather than a luxury in societies throughout the modern world⁶, as they provide help and assistance where the government may be unwilling to act.

Human rights and environmental protection NGOs are the most prominent areas of NGO special interest and expertise that can affect change domestically. Human rights and environmental protection issues are able to garner the support and sympathy from the population that is needed to bolster civil society and enact change domestically. International NGOs play an important role, as many times domestic governments are inadequate in their ability to deal with, and resolve, domestic issues. International NGOs are therefore able to hold States accountable, and also protect the rights of their citizens. NGOs in the international arena often create and institutionalize new norms in the

⁵ Agarwal, Anjali. "Role of NGOs in the Protection of Environment." *Journal of Environmental Research and Development*, vol. 2, no. 4, pp. 933–938, 2008.

⁶ Gaist, Paul A. *Igniting the Power of Community: the Role of CBOs and NGOs in Global Public Health*. Springer, 2010.

domestic societies where they operate,⁷ which is why it is essential to look at the role NGOs have in influencing the domestic policy of states. Additionally, while it may be hard to enact change internationally, NGOs can play a large role in affecting policy and changes domestically for the benefit of both the state and its citizens.

There are many factors that affect how international NGOs are able to influence change domestically. This thesis addresses the problem in the following manner: Chapter 2 defines international NGOs as actors in international relations and international policy and law and lays out what they do, their role, and how they are able to influence domestic policy. Chapter 3 gives a brief overview of the methodology used to provide insight into the data chosen and why. Chapter 4 shows the influence that NGOs have on governmental programs and policies by looking at the relationship between States and NGOs. Case studies from prominent human rights and environmental protection NGOs provide insight into the relationship an NGO may have with a State and the ease or difficulty in affecting change depending on that relationship. Chapter 5 discusses the mobilization of citizens and the importance of civil society and grass roots movements in helping to enact change domestically and the support that contributes to the success of NGOs. Chapter 6 analyzes the accountability of human rights and environmental protection NGOs. States and societies can sometimes be skeptical of the work that NGOs are doing, which affects the cooperation from society and, thus, can contribute to or hinder NGO success. Finally, Chapter 7 lays out recommendations for the future success

⁷ Keck, Margaret E., and Kathryn Sikkink. *Activists beyond Borders: Advocacy Networks in International Politics*. Cornell University Press, 1998.

of human rights and environmental protection NGOs and analyzes the role they play in implementing their policy goals and effect on society.

Chapter 2: NGOs as Actors in International Relations

Non-governmental organizations are groups of persons or societies voluntarily created by private initiatives that act on a non-profit basis⁸. They are extremely diverse, and while this may be one definition of NGOs, there is no generally accepted definition⁹. NGOs are organized under national law, and act independently of governments. The scope of NGO activities may be local, national, or international. NGOs may organize around specific issues, such as human rights or environmental protection, or around a broad set of issues. They are direct providers of goods and services and advocate before governments for the interests of citizens who do not have the voice or access to do so themselves. They additionally play a large role in providing information to society. They collect and disseminate information that the public can trust and where it may not be available. Furthermore, they play a fundamental role in creating awareness, educating people, and directing citizens through channels for support.

NGOs are not granted any legal status under international law. That has not stopped them, however, from trying to gain more leverage and a voice in international law and policy. In fact, they have been given a formal role in UN deliberations through the Economic and Social Council (ECOSOC)¹⁰. The consultative status that NGOs are provided from the ECOSOC allows them to participate in the UN system. It is the only

⁸ Charnovitz, Steve, "Accountability of Non-governmental Organizations in Global Governance," *NGO Accountability: Politics, Principles and Innovations*, London: Earthscan, 21-42, 2007.

⁹ Josselin, Daphne and William Wallace (eds.), *Non State Actors in World Politics*, Houndsmills: Palgrave, 2001.

¹⁰ United Nations, *Charter of the United Nations*, 24 October 1945, chapter X, art. 71.

main UN body with a formal framework for NGO engagement¹¹. This gives NGOs an active role and allows them to be present and provide input for potentially important policy decisions¹². While NGOs do not enjoy formal decision making rights, they exercise substantial influence over outcomes through their expertise and policy proposals. Although their participation and influence has not formally spread across UN bodies, they play substantial informal roles. During negotiations towards an International Criminal Court, NGOs participated informally but effectively alongside governments¹³; they spoke, circulated documents, and had a major impact on the outcome¹⁴. Despite their unofficial status, NGOs still manage to participate in important ways to affect change in the international arena.

NGOs also actively engage in ways beyond the UN. They aim to influence States and shape decisions. Increasingly they have advanced from service providers to major players with the funds and potential to influence policy and institutions. NGOs prepare studies for wide dissemination, engage the media to influence public opinion, and contribute expertise to governmental delegations¹⁵. NGOs can adapt quickly and respond to changing needs faster than government organizations.

The four most important functions of NGOs are their ability to set agendas, negotiate outcomes, confer legitimacy, and implement solutions citizens need. NGOs

¹¹ Ibid.

¹² United Nations. "Working with ECOSOC: an NGOs Guide to Consultative Status." *United Nations*, United Nations, www.un.org/.

¹³ Global Policy Forum. "Global Policy Forum." *NGOs and the United Nations*, June 1999, www.globalpolicy.org/component/content/article/176/31440.html.

¹⁴ Ibid.

¹⁵ Dunoff, Jeffrey L., et al. *International Law, Norms, Actors, Process: a Problem-Oriented Approach*. Wolters Kluwer, 2015.

help to set agendas by notifying the public and governments of new issues. They identify new policy areas, debate the consequences of policies, and identify aspects that require review and refinement¹⁶. This provides NGOs an ability to participate in decision making. NGOs negotiate outcomes by offering alternative options for policy outcomes and engage in extensive networking¹⁷. They are able to confer legitimacy as NGOs' judgments can be decisive in promoting or withholding the public's political support¹⁸. Furthermore, NGOs make solutions work as they are able to do what the governments cannot or will not do. They are further able to influence domestic policy both directly and indirectly. Directly, NGOs provide information for governments and lobby governmental officials on their policy options. Indirectly, NGOs increase the public awareness of issues through the free press.

The World Bank defines two categories of NGOs: operational and advocacy.¹⁹ Operational NGOs focus on the design and implementation of development-related products. Operational NGOs can further be broken down into three main groups: community based organizations, national organizations, and international organizations. Community based organizations (CBOs) serve a specific population in a defined area. National organizations operate in individual developing countries and international organizations are headquartered in developed countries and carry out operations in

¹⁶ Gemmil, Barbara, and Abimbola Bamidele-Izu. *Global Environmental Governance: Options & Opportunities*. Yale Center of Forestry & Environmental Studies, 2002.

¹⁷ Betsill, Michele Merrill., and Elisabeth Corell. *NGO Diplomacy: the influence of nongovernmental organizations in international environmental negotiations*. The Mit Press, 2008.

¹⁸ Simmons, PJ. "Learning to Live with NGOs." *Foreign Policy*, no. 112, 1998.

¹⁹ Malena, Carmen. *Working with NGOs : a practical guide to operational collaboration between the World Bank and nongovernmental organizations*. Washington, DC: World Bank, 1995.

developing countries²⁰. CBOs are different from national and international organizations as they are membership organizations that join together to further their own interests. They can be especially helpful in the domestic arena when NGOs are trying to garner more support and participation from citizens. Advocacy NGOs primarily work to defend or promote a specific cause. These NGOs work to raise awareness and knowledge through various activities such as lobbying and activist events.²¹ Many NGOs engage in both operational and advocacy purposes. This paper focuses on the role of international advocacy NGOs as they have the greatest autonomy from the State and more resources to effect change. It also looks at the role of national organizations and their ability to form and work with international NGOs.

Globalization during the 20th century gave rise to the growth and importance of international NGOs. Many problems could not be solved within a nation, which is why it is important to see the role international NGOs play in affecting policy domestically. Under democratic systems, it is common to observe NGOs functioning as information providers, lobby groups, agenda setters, and norm generators²². Not only do NGOs collect, disseminate and analyze the information that they receive, but they also spread it throughout the State. The increasing role of the internet makes the sharing of information effortless. Additionally, through the use of the media NGOs are able to disclose their information to the public. NGOs can lobby to influence votes on specific legislation or to

²⁰ Ibid.

²¹ Prakash, Aseem, and Mary Kay Gugerty. *Advocacy Organizations and Collective Action*. Cambridge University Press, 2010.

²² Allard, Gayle, and Candace Martinez. "The influence of Government Policy and NGOs on Capturing Private Investment." *Global Forum on International Investment*, vol. 7, Mar. 2008.

change policy; they also seek to gain government recognition and promote the issues that are important to them and that they feel need to be changed. They seem to be most effective at lobbying when they combine their efforts with other NGOs or civil society²³. Since lobbying focuses on influence and persuasion to gain backing for their policies, joining together with civil society creates a larger base of support and makes it harder for governments to ignore. Additionally, it is easier for NGOs to influence agenda-setting at the domestic level as they can disseminate their ideas and engage the public in demonstration activities to raise the profile of the issues at stake. Thus, there are more opportunities for the NGOs to engage in as they are able to merge their goals with particular State interests to affect domestic negotiations. The most important role that NGOs play at the domestic level, however, is setting norms. NGOs are able to influence policy and persuade States to create or amend legislation to effectuate the policy change that the NGO is trying to assure²⁴. Furthermore, domestically NGOs play a critical role in enforcing and promoting compliance with international legal norms. They frequently investigate and publicize State violations of international law in order to shame States and build domestic constituencies for compliance.

With the rapidly growing rise of NGOs, concerns regarding accountability have arisen. Since there is no global mechanism to ensure that NGOs are accountable, issues emanate over the lack of regulation. This critique centers on the NGOs' assertion of a legitimating role on global governance and whether NGOs are representatives of those

²³ Gemmil, Barbara, and Abimbola Bamidele-Izu. *Global Environmental Governance: Options & Opportunities*. Yale Center of Forestry & Environmental Studies, 2002.

²⁴ Joachim, Jutta M. *Agenda Setting, the UN, and NGOs: Gender Violence and Reproductive Rights*. Georgetown University Press, 2007.

they claim to represent²⁵. NGOs have proven their effectiveness in holding institutions and governments accountable to the public and exposing them to public scrutiny when they fail to do so. However, at times NGOs may also complicate or disrupt the law making process, and some States believe that NGOs take an inappropriate activist tone and do not focus enough on the relevant issues²⁶. Subsequently, issues have arisen over agenda setting. According to an independent review commissioned by UNAIDS, NGOs have played a more active role in shaping rather than responding to the agenda of meetings²⁷. This is dangerous as NGOs may be pushing their agenda separately from that of the State. While the intentions of the NGOs may be good, it is important that NGOs bridge their causes with that of the State to ensure that the State will follow through with the policy changes.

Additionally, concerns exist over the funding sources of NGOs. NGOs are funded by donors, governments, multilateral agencies, private foundations, or charitable individuals²⁸. NGOs are held accountable by these donors; at the same time, however, NGOs do not always provide full transparency over their funding sources. This creates apprehension as States do not know who is providing NGOs with their funding. They therefore do not know the intentions of the NGO and their donor, which can create tension between a State and NGO. Furthermore, donors want to see that their money is

²⁵ Anderson, Kenneth. "What NGO Accountability Means - and Does Not Mean." Review of NGO Accountability: Politics, Principles & Innovations, edited by Lisa Jordan and Peter van Tuijl. American Journal of International Law 10, no. 1: 170-78, 2009.

²⁶ Dunoff, Jeffrey L., et al. *International Law, Norms, Actors, Process: a Problem-Oriented Approach*. Wolters Kluwer, 2015.

²⁷ Independent Consultant. "NGO/Civil Society Participation in PCB." *UNAIDS*, UNAIDS, Dec. 2012, www.unaids.org/en/aboutunaids/unaidsprogrammecoordinatingboard/ngocivilsocietyparticipationinpcb.

²⁸ Townsend, J.G. & A.R. Townsend. Accountability, motivation and practice: NGOs North and South, *Social & Cultural Geography*, 5:2, 271-284, 2004.

being used effectively and creating change. As a result, NGOs may prioritize accountability to big donors over accountability to their recipients in order to secure more funding for the future. This is problematic because it changes the role and goal of NGOs.

Therefore, there is a need for NGO transparency.²⁹ Transparency in this context means a committed, coordinated action toward a plan intended to achieve specific goals set out publicly by NGOs³⁰. Full disclosure from NGOs about their activities enhances public trust. Greater transparency ensures to the State and community that NGOs are working for the citizens and not for their own power, or that of their donors. A step towards greater transparency has been made by some NGOs, as in 2006, the International Non-Governmental Organisations Accountability Charter was established³¹. With 27 current members, the Charter was signed to foster responsibility of NGOs, while also ensuring public trust. The Charter is an important first step by NGOs to ensure greater transparency and accountability. Hopefully, it will grow larger in the future holding more NGOs to higher accountability standards.

²⁹ Ebrahim, Alnoor. "Accountability in Practice: Mechanism for NGOs," in *World Development* 31, no. 5, 2003.

³⁰ Brown, Dyann, "The Effectiveness of Non-Governmental Organizations (NGOs) within Civil Society." *International Studies Masters*. Paper 75, 2009.

³¹ Accountable now admin. "About." *Accountable Now*, Feb. 2018 <https://accountablenow.org/about-accountable-now/>

Chapter 3: Methodology:

The primary form of research and data is qualitative. Qualitative studies are the best choice for this paper as the research question is exploratory in nature and the purpose is to gain more insight into a topic. Qualitative research allows the gathering of new information on specific areas of research. With the growing influence and scope of international NGOs, it is beneficial to look at qualitative data to delve into the different components that allow for their success or failure. The qualitative data thus provides depth and detail. The aim of this study is not to measure or quantify something, but to improve the understanding of the different characteristics that enhance the effectiveness of international NGOs on influencing domestic policy. By obtaining information from experts and case studies, qualitative data allows this to be done.

To most adequately delve into the research question, the focus is on four countries: Argentina, China, Russia, and India. Three countries are used to show the influence of human rights NGOs, and three for environmental NGOs. These countries were chosen because they have some of the largest human rights and environmental abuses. In order to examine the role that international NGOs play in affecting change in a given state, it is necessary to look at difficult cases with known misconduct. These countries additionally have governments that may not support or be open to help from international NGOs. It is therefore important to analyze if there are ways to work around abrasive governments. Furthermore, these countries provide contrasts as governments may be reluctant to enforce change or address human rights abuses, while accepting change with respect to environmental issues. This difference adds insights into understanding the conditions for international NGO success.

Many different characteristics affect the success of international NGOs. While a State may change its policy when an NGO is on-site, it may revert back to its old ways once an NGO relieves pressure. It is therefore important to look at characteristics of effectiveness to determine where, how, and when NGOs should intervene and the best way to do so. The relationship that an NGO has with the State, civil society, and the accountability of NGOs are all factors that help strengthen NGO achievement, or lack thereof. Argentina, China, India, and Russia all have significant human rights and /or environmental abuses. With the growing number and engagement of NGOs it is important to assess when they are needed, and if they can make an impact in a reasonable way.

In order to analyze characteristics of success, it is important to start with the domestic context of the State. Looking at the domestic government and expanding internationally helps to provide a framework to the relationship a State may have with an international NGO. It is important to address both the domestic and international environment in order to discover the true impact that an NGO may make and how it may become more effective.

Many studies exist on the different characteristics of NGOs. None have compared, however, the differences between human rights and environmental NGOs using country specific data. Other studies help to provide a qualitative framework and enhance the understanding of the topic. This paper seeks to combine the qualitative data with case studies to determine how NGOs can produce effective results. Case studies help to analyze the effects of international NGO intervention and also provide a framework and history to guide further research. Additionally, using data from large international

human rights and environmental NGOs allows first hand experiences to be shared and evaluated. Qualitative data and case studies thus provide the background and evidence needed to determine how NGOs are most successful and where they face shortcomings.

Chapter 4: NGO Influence on Governmental Programs and Policies

The relationship an NGO has with a state plays a critical role with respect to the implementation and effectiveness of cooperation. NGOs can have a cooperative or antagonistic relationship with States. The better the relationship, the more likely it is that change can occur. When a lack of trust exists between a state and NGOs, NGOs can be accused of pursuing the political interests of their home states or those of the international community as their agenda; and states can use legal instruments to curtail the activities of NGOs³². The relationship between a state and an NGO is crucial as many times it plays a large role in the continuation of a policy change without NGO insistence. Another important factor in state-NGO relations is NGO maturity and States' regime type. Risse-Kappen argue that the longer that NGOs exist, the more independent they become from governmental control and the more influence that they can exert over governments' policies³³. Therefore, the more mature an NGO is, the more trust a state may have in its effectiveness. Additionally, NGOs in democratic countries are normally able to influence governments more strongly than in non-democratic countries³⁴.

The objective of NGO action plays a large role in determining State-NGO relationships. Most States welcome NGO activity if the services provided by the NGO

³² Josselin, Daphne and William Wallace (eds.), *Non State Actors in World Politics*, Houndsmills: Palgrave, 2001.

³³ Risse-Kappen, Thomas. *Bringing Transnational Relations Back in: Non-State Actors, Domestic Structures and International Institutions*. Cambridge University Press, 2003.

³⁴ Fogarty, Ed. *States, Nonstate Actors, and Global Governance: Projecting Politics*. Routledge, 2014.

support or supplement the State's effort. A healthy State-NGO relationship is most likely to occur when both parties share common objectives. If the government's commitment to policy change is weak, however, NGOs will find collaboration frustrating, or counter-productive³⁵. A collaborative relationship between a State and NGO can be found if there is a genuine partnership based on mutual respect, acceptance of autonomy, independence, and pluralism of NGO opinions and positions³⁶. Unfortunately, many times, the interests of the State and NGO are at odds. Often times, when NGOs confront the entrenched interests of States, such as States pursuing the perceived national interests at the expense of the environment, progress is likely to be slow or non-existent³⁷. In some cases, a hostile State-NGO relationship emerges. The government may fear that NGOs will erode their political power, and are thus a threat to their sovereignty³⁸. Hostility arises when governments do not support or approve of the work of NGOs, and can make a State distrustful of them. This makes it harder for NGOs to accomplish their work and can even prevent it. Therefore, establishing an open, cooperative relationship with the State is crucial for NGO success

Governments can also play a critical role in assisting NGOs. Huntington argues that without governments' direct or indirect support, it may be difficult to see the

³⁵ Clark, John. *The State and the Voluntary Sector*. The World Bank, 1993, *The State and the Voluntary Sector*, documents.worldbank.org/curated/en/304061468767382451/pdf/multi-page.pdf.

³⁶ Ibid.

³⁷ Duncan, Raymond., et al. *World Politics in the 21st Century: Student Choice Edition*. Houghton Mifflin, 2009.

³⁸ Clark, John. *The State and the Voluntary Sector*. The World Bank, 1993, *The State and the Voluntary Sector*, documents.worldbank.org/curated/en/304061468767382451/pdf/multi-page.pdf.

emergence of international NGOs in developed countries³⁹. The relationship that an NGO has with a state can help an NGO in enacting policy and sustaining the work of NGOs without State oversight. In fact, the US was one of the main forces that drove the development of US-based international NGOs. In particular, Huntington gives the example of the Cooperative for Assistance and Relief Everywhere (CARE). CARE is a humanitarian NGO that was founded in 1945, and originally supported by the United States government. Today, CARE has become one of the leading international NGO humanitarian organizations fighting global poverty⁴⁰ with fourteen CARE National Member States. With the original help of the state, CARE was able to expand into the international sphere and create a larger impact than the work it was doing in just the United States. Additionally, with time, CARE was able to mature and gain the support and assurance of other states.

Another important aspect to international NGOs is the effect that civil society and international pressure plays. Many times international NGOs become interested when domestic NGOs and civil society cannot produce their desired results and draw attention to their cause. International NGOs, which are typically larger, more mature, and hence more powerful than domestic NGOs, become involved and put international pressure on states to change. In particular, international pressure on human rights has played a large role in the coordination of collective actors at the national level⁴¹. Looking at case studies

³⁹ Huntington, Samuel. "Transnational organizations in world politics." *World Politics*: 25:333–368, 1973.; Banks, Nicola, David Hulme, and Michael Edwards. "NGOs, States, and Donors Revisited: Still Too Close for Comfort?" *World Development* 66: 707–718, 2015.

⁴⁰ Care admin. "About." *CARE*, 23 Feb. 2018, www.care.org/about.

⁴¹ Huntington, Samuel. "Transnational organizations in world politics." *World Politics*: 25:333–368, 1973.

in Latin America, China, India, and Russia show the influence and difficulty in State relations and recommendations.

Argentina

Argentina faces long standing human rights violations that include official corruption, torture by federal and provincial police, endemic violence against women⁴², and more. For these reasons and a surplus of others, NGOs have justified their existence and intervention in Argentina. International NGO intervention, however, has been met with mixed success. The State has sought to delegitimize the NGOs and disregard their actions. When Amnesty International visited Argentina in 1976 to press for improvements in human rights conditions, the government was hostile. During this time, the government of Argentina was a civic-military dictatorship. Upon their visit, Amnesty International reported that the intention to intimidate was apparent⁴³. The policemen who were assigned to protect the delegates questioned, intimidated, and even detained a number of people whom they met. At times, this limited their freedom of inquiry. Amnesty International additionally relayed that reports described fictitious incidents and gross misrepresentations of statements made by the delegates. The abrasive manner in which the Argentinian government treated Amnesty International shows the hesitation and reluctance of States to allow NGOs to intervene when their interest do not align. In such instances, it can be extremely difficult for NGOs to accomplish their mission of

⁴² Human Rights Watch. "World Report 2017: Rights Trends in Argentina." *Human Rights Watch*, 12 Jan. 2017, www.hrw.org/world-report/2017/country-chapters/argentina.

⁴³ Amnesty International. "Report of an Amnesty International Mission to Argentina." *Amnesty International*, Nov. 1976, www.amnestyusa.org/files/annual_report_book_15_16_english-2.pdf.

protecting human rights, and even harder for States to continue to respect those human rights once an NGO alleviates pressure.

In response to the Amnesty International Report, the US, French, and Swedish governments denounced the human rights violations. In addition, the US reduced its planned level of military aid for Argentina⁴⁴. Concerned about the international human rights condemnations and pressures, Argentina adopted a series of varying responses. Instead of seeking to improve human rights, Argentina first tried to deny the legitimacy of international concern over human rights in Argentina⁴⁵. When this approach was still unable to still international protest, it permitted the exercise of some human rights, while still repressing others. When this yet again did not satisfy the international community, the Argentinian government made concrete improvements in its repressive practices. Argentina learned that it could not co-opt the Inter-American Commission on Human Rights, or other independent reviews, and therefore needed to change its ways⁴⁶. It worked to end the practice of disappearances, to release political prisoners, and to restore some political participation⁴⁷. After 1978, involuntary disappearances significantly decreased. The eventual cooperation with human rights improvements shows the powerful role that NGOs can play in releasing information to encourage other states to halt funds and provide support to other countries. Although the relationship between the NGOs and Argentina was hostile, the NGOs were able to accomplish their human rights mission by publicizing the atrocities and internationally embarrassing Argentina. The

⁴⁴Sikkink, Kathryn. Human Rights, Principled Issue Networks, and Sovereignty in Latin America. *International Organization*, 47(3), 411-441, 1993.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

pressure of the other states was essential to Argentina changing its ways as it feared backlash from the international community.

The hostile relationship that Argentina had with NGOs was most likely over issues of sovereignty. In response to the Amnesty International Report, Argentina claimed that such statements constituted by Amnesty International were unacceptable interventions in their internal affairs and a violation of Argentine sovereignty⁴⁸. The Argentine government did not approve of Amnesty International publicizing its human rights violations, and, as a result, became abrasive to the NGO and wanted to limit the information that it was disseminating. During this time, the civic-military dictatorship wanted complete control over Argentina. The abuses in human rights, such as disappearances, allowed the government to maintain control. Publicizing these human rights abuses and calling for an end to them would have hindered the Argentine government's strength. Thus, Argentina was hostile to the international NGOs to protect its sovereignty.

In 1983, Argentina transitioned to democracy, yet it still did not hold those responsible for human rights abuses accountable and continued to commit various human rights violations, the most concerning of which being police abuse. Argentina did not focus on improving human rights conditions until 2003, under the Kirchner government. From the 1990s until 2002, every year Human Rights Watch reported that human rights activists faced death threats and harassment⁴⁹. The threats and assaults followed publications of articles against the Argentinian government or police. Until Kirchner, the

⁴⁸ Ibid.

⁴⁹ Human Rights Watch. "Argentina." *Human Rights Watch World Report 2002: Americas: Argentina*, 2002, www.hrw.org/legacy/wr2k2/americas1.html.

government was reluctant to improve human rights and take responsibility. Rather, it was trying to secure control of the state by threatening and punishing those who spoke out against the government.

Since President Kirchner, Argentina has been trying to improve its responsibility to end impunity with respect to human rights abuses. In 2006, President Kirchner annulled the 1986 full stop law and the due obedience law, which excused soldiers who were obeying orders from prosecution of human rights abuses during the 1970s⁵⁰. It was not until 2015, however, that the Supreme Court ruled in favor of annulling these two laws. The amnesty laws blocked the prosecution of crimes committed under the military dictatorship. This blanket amnesty allowed for the human rights abuses to be covered up. Human rights NGOs such as Human Rights Watch and Amnesty International protested for years⁵¹ that such amnesty laws contravened international law⁵². They proclaimed that the amnesty laws violated the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Argentina had ratified. For many years, international NGOs pushed to hold individuals accountable and rescind the amnesty laws.

Although it took nearly thirty years for Argentina to repeal these amnesty laws, it shows that Argentina is beginning to take responsibility and accountability for human rights violations. This, however, also shows the weakness of NGOs in promoting policy

⁵⁰ Human Rights Watch. "Argentina: Amnesty Laws Struck Down." Human Rights Watch, June 2005, www.hrw.org/news/2005/06/14/argentina-amnesty-laws-struck-down.

⁵¹ They commented on the impunity of Argentinian personnel and need for accountability until the amnesty laws were overturned.

⁵² Amnesty International. "Argentina and Chile: The International Community's Responsibility Regarding Crimes Against Humanity." Amnesty International, 1998, www.amnesty.org/en/documents/amr03/001/1998/en/

decisions that the state does not support. It was probably not the petitioning of NGOs that motivated President Kirchner's decision; after all, it was nearly thirty years later. Nevertheless, the newfound commitment should be commended. In particular, Human Rights Watch claimed that such annulment was a landmark victory against impunity for gross human rights violations⁵³. While Argentina still has a long way to go, it recognizes and looks to end their violations and ensure that such grave abuses of human rights do not occur in the future. In fact, in 2005, Human Rights Watch commended the Kirchner government in its attempts to press for accountability for human rights violations⁵⁴. Additionally, since 2002, there have been no reports of international NGOs or individuals in Argentina facing threats or a hostile government after the publication of human rights abuses. Under the Néstor Kirchner presidency and continuing, Argentina has taken great strides at increasing its commitment to human rights. While its human rights record remains mixed, it does protect many basic freedoms.

Although Amnesty International was successful in the 1970s and more recently, it took significant pressure and a large effort from NGOs. The time and work that NGOs need to put in to affect change shows that Argentina is still not supportive of the work of NGOs. At times, the government may try to discredit an NGO, claiming that it is pursuing partisan politics, like in the case of Amnesty International. This can be seen more recently when in November 2017, in an unprecedented move, the Argentinian government blocked dozens of NGOs from coming to the WTO summit in Argentina for

⁵³ Ibid.

⁵⁴ Human Rights Watch. "Argentina." *Essential Background: Overview of Human Rights Issues in Argentina* (Human Rights Watch, 31-12-2004), 2005, pantheon.hrw.org/legacy/english/docs/2005/01/13/argent9844.htm.

undisclosed reasons⁵⁵. While many international NGOs and countries were upset, there was nothing they could do. Amidst backlash, President Macri explained that he blacklisted NGOs who made explicit calls for manifestations of violence through social media, expressing the intent to generate schemes of intimidation and chaos⁵⁶. Sally Burch, an NGO representative who was blocked from entering Argentina said that the accusations are not true, as advocating for a violent protest would be against the NGOs principles⁵⁷. The question arises then as to why the Argentine government would seek to block NGOs. It could be because they threaten State sovereignty, or for other unknown reasons. Although, as seen, the Argentine government tries to delegitimize NGOs whose interests may not align with it.

Human rights NGOs in Argentina are met with hostility as their interests do not align with the State. Argentina views the NGOs as a threat to their sovereignty and is therefore not supportive of them. Although under President Kircher Argentina has begun to accept a minimal responsibility for human rights, they still have a long way to come.

China

The Chinese government places extensive regulations on NGOs. NGOs are perceived by the Chinese government as a source of political risk as well as indispensable gap fillers for addressing the increasingly serious social problem⁵⁸. To mitigate the

⁵⁵ Goñi, Uki. "Fury as Argentina Blacklists WTO Attendees over 'Calls for Violence'." *The Guardian*, Guardian News and Media, 11 Dec. 2017, www.theguardian.com/world/2017/dec/11/argentina-social-media-ban-world-trade-organisation-conference.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Foot, Rosemary. *Rights beyond Borders: The Global Community and the Struggle over Human Rights in China*. Oxford Univ. Press, 2005.

political threat, each NGO is under supervision of a professional supervisory authority (government sponsor). This supervision though can constrain the NGOs ability to effectively serve the public. It additionally creates a major hurdle for NGOs as they appear to be a liability and not an asset to its sponsoring institution. In addition, Chinese regulation provides that there should not be more than one organization for any specific area of work⁵⁹. This restricts the number of legal NGOs that are authorized to work in China. This regulation, however, has not hindered many domestic NGOs. Although Green Earth Volunteers and Han Hai Sha are unregistered, they operate publicly and are prominent⁶⁰. While these examples show the temperance of China to allow non-registered NGOs to garner public attention, they are both environmental NGOs. China supports many environmental NGOs as they have encouraged the development of a third force for handling environmental problems. In fact, the State Councilor for China, Song Jian commended environmental mass organizations such as Friends of Nature, the oldest environmental NGO in China, and called for the support of the healthy development of these organizations⁶¹. Praise of environmental NGOs, shows Chinas willingness to accept the help of NGOs when their interests align as China benefits from their results.

Due to governmental support, environmental NGOs have faced less hostility and more success in achieving their desired results compared to human rights NGOs in China. Since the 1990s, the Chinese government has decentralized its control over environmental NGOs⁶². China even incorporated environmental policy into the nation's

⁵⁹ Ibid.

⁶⁰ The Worldwatch Institute. *State of the World, 2006: Special Focus: China and India*. Norton, 2006.

⁶¹ Ibid.

⁶² Schwartz, Jonathan. "Environmental NGOs in China: Roles and Limits." *Pacific Affairs*, vol. 77, no. 1, pp. 28–49, 2004.

strategy for growth under their five-year plan in 2016. Furthermore, Greenpeace has had large success in monitoring and ensuring a decrease in pollution in China. In a 2015 report, Greenpeace reported that Chinese officials halted new coal mine approvals for the next three years and announced plans to close 1,000 mines⁶³. Greenpeace had been calling for stricter controls of coal burning for many years. They released two reports exposing the high levels of pollution that increased death rates in urban areas to raise awareness in China and the international community. China's ability to change its policy shows its receptiveness to and acceptance of its role in pollution. Greenpeace has been successful in communicating with the Chinese government, but most importantly, China is choosing not to ignore the warnings and reports of Greenpeace, but to change its ways.

Although environmental NGOs have had great success in China, they have also faced difficulties with the State. One such difficulty is Chinese censorship. Greenpeace reported that in an attempt to expose a coal company's overexploiting water resources, and illegally discharging waste, inside China, the report fell prey to a media blackout⁶⁴. This again shows the need for the State to accept its responsibility and commit to changing its way in order for NGOs to be successful. While NGOs may expose a State's abuses, they cannot force a State to alter their ways. Although successful in pushing and promoting environmental rights, NGOs in China are still met with challenges. Luckily,

⁶³ Greenpeace International. "2015 Annual Report: East Asia." *Greenpeace International*, 2016, m.greenpeace.org/eastasia/Global/eastasia/publications/annual-reports/2015/Greenpeace-Annual-Reports-2015-eng.pdf.

⁶⁴ Greenpeace International. "How China's Shenhua Group Is Plundering Water Supplies." *Greenpeace International*, July 2013, www.greenpeace.org/archive-international/en/news/Blogs/makingwaves/how-chinas-shenhua-group-is-plundering-water-/blog/46032/.

the rest of the world is not under the same censorship as China, and Greenpeace can report the story in other parts of the world.

Human rights NGOs in China have not been met with as much success as environmental NGOs. There are still many human rights violations such as freedom of expression, association, assembly, and religion, but China has begun to accept minimal human rights. Historically, China worked consistently and often aggressively to silence the criticism of its human rights abuses⁶⁵. It has tried to avoid and ignore responsibility for its violations. Global actors, however, influenced a change in China's attitude toward human rights. China's relations with the rest of the world began to change after the government was elected to the UN Human Rights Commission in the 1980s. Being elected to an important human rights oversight entity has helped China improve its image internationally as other States see their commitment to advancing human rights. In becoming elected and taking part in the Commission, China also shows that it believes that domestic human rights are a subject of international concern, and this further helps to strengthen the claims for the universality of human rights⁶⁶. Thus, China has become more receptive to improving human rights to improve its image internationally.

Save the Children, an international NGO that promotes children's rights, believes that tremendous change has taken place in China. In its 2012 report, Save the Children writes that it has seen continued strengthening of government policy for specific

⁶⁵ Human Rights Watch. "The Costs of International Advocacy | China's Interference in United Nations Human Rights Mechanisms." *Human Rights Watch*, 28 Oct. 2017, www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights.

⁶⁶ Foot, Rosemary. *Rights beyond Borders: The Global Community and the Struggle over Human Rights in China*. Oxford Univ. Press, 2005.

children's issues⁶⁷. Yet, despite some positive changes, China still has many human rights abuses. In its 2016-2017 report, Amnesty International reported that China continued to draft and enact a series of new national security laws that presented serious threats to the protection of human rights⁶⁸. Many human rights defenders were silenced, or censored, showing the state's inability to fully accept and stop its human rights abuses. In addition, there are still efforts by the Chinese government to manipulate and undercut key UN human rights mechanisms⁶⁹. Beijing in particular has used its political clout and bureaucratic maneuvering to block international NGOs from obtaining consultation status at the UN⁷⁰, which might be critical of China. Although under scrutiny and international pressure to improve human rights, China still has countless examples of human rights violations. Without full acceptance and support, it is difficult to achieve complete devotion to a cause.

Despite the difficulty in influencing governments' decisions in authoritarian regimes, environmental NGOs in China have maintained relatively good relationships with the state. NGOs have been able to build relationships with the state when their interests align. Yet, the hostility met by human rights NGOs shows the difficulty in enacting and pushing for change when an NGO is working against a state's interests. While human rights NGOs may see temporary improvements, in follow-up reports, the

⁶⁷ Save the Children. "Save the Children: China Programme Annual Review 2012." *Save the Children*, 2012.

⁶⁸ Amnesty International. "China 2017/2018." *Amnesty International*, Jan. 2018, www.amnesty.org/en/countries/asia-and-the-pacific/china/report-china/.

⁶⁹ Kellogg, Thomas. "China Is Getting Better at Undermining Global Human Rights." *Foreign Policy*, Foreign Policy, 18 Oct. 2017, foreignpolicy.com/2017/10/18/china-is-getting-better-at-undermining-global-human-rights/.

⁷⁰ *Ibid.*

abuses of human rights are still seen and accepted by the government. Therefore, the case of China shows that the more embracing a government is towards areas of NGO interest, the more receptive the government is toward policy decisions and changes and applying international norms.

India

India also does not have strong protections of human rights. There are limits on free speech, attacks on religious minorities, and minimal rights for women. In the 1940s and 1950s, India was very cooperative with NGOs. The state broadly supported NGOs, which were largely modernization and welfare oriented⁷¹. This period of cooperation was followed by antagonism, with the state challenging the more action-oriented NGOs. The 1980s and 1990s, were marked by increased state control of NGOs. This control may have constrained NGOs, as the state was either unwilling to accept or felt threatened by the alternative development models presented by the NGOs⁷². Additionally, the government would deny allegations of abuse, and would not reply to criticism directly. International NGOs like Amnesty International were not given access to India, and human rights abuses increased⁷³. In the 1990s, the government accepted that human rights abuses took place, but pointed out that the government took action wherever there were incidents of abuse⁷⁴. Today, India has uneasy partnerships with NGOs. Some NGOs

⁷¹ Sen, Siddhartha. Some aspects of state-NGO relationships in India in the post-independence era. *Development and Change*, 30, 327–355, 1999.

⁷² *Ibid.*

⁷³ Thomas, Kumar. *Left-Wing Extremism and Human Rights: The Role of Civil Liberties Groups in Andhra Pradesh*. SAGE, 2014.

⁷⁴ *Ibid.*

are met with great support while others are met with resistance. Still, India uses tactics to distract public attention from human rights abuses.

It is interesting to see that India has such a hostile relationship with international NGOs as they are a democratic state, and have been since the 1950s. NGOs in democratic countries are normally able to influence governments more strongly than in non-democratic countries⁷⁵. A potential reason for the hostility between NGOs and States may be because in the 1980s and 1990s, NGOs formed around popular issues such as energy, the environment, housing, or women's rights, which were in opposition to state policy⁷⁶. As a result, the State was not supportive of the work of NGOs and sought to prevent their potential progress and increase control over them. In order to control NGOs, India passed the Foreign Contributions Regulation Act (FCRA) in 1976 to ensure foreign funds were used for purposes consistent with the sovereignty of India, and in line with Indian law⁷⁷. Then again in 1985, there was a further tightening of the provisions of the FCRA to bring NGOs more directly under the influence and control of the government⁷⁸. This crackdown has continued today, as in May 2015, India suspended the license of the Indian branch of the international NGO Greenpeace and condemned its activities as anti-national⁷⁹. Greenpeace continued to speak out against the worsening ecological and climate situation in India. Greenpeace thus threatened Indian sovereignty and its ability to

⁷⁵ Fogarty, Ed. *States, Nonstate Actors, and Global Governance: Projecting Politics*. Routledge, 2014.

⁷⁶ Sen, Siddhartha. Some aspects of state-NGO relationships in India in the post-independence era. *Development and Change*, 30, 327–355, 1999.

⁷⁷ Kilby, Patrick. *NGOs in India: The challenges of women's empowerment and accountability*. Oxon; NY: Rutledge, 2011.

⁷⁸ *Ibid.*

⁷⁹ Greenpeace International. "Annual Report: 2014." *Greenpeace India*, 2015, secured-static.greenpeace.org/india/Global/india/2016/docs/Annual_Report_2014-2015.pdf.

handle problems domestically. The hostility towards international NGOs that began in the 1980s has continued through today, with the government seeking to protect its sovereignty and only agree to work with NGOs when their interests align.

India has ratified the International Covenant on Civil and Political Rights (ICCPR), and numerous treaties protecting the rights of women and children, voted for the UNGA resolution approving the Universal Declaration of Human Rights, and created a National Human Rights Committee (NHRC) established under the UN to ensure the protection of human rights. Yet, many abuses still exist. Amnesty International in its 2017 report wrote that since 2012, the government of India has made limited progress on a range of recommendations. Although India did accept a variety of measures to prevent discrimination and violence against women and members of religious minorities, India has failed to investigate and prosecute violators of these human rights violations. The inability of the State to act on its commitments shows what happens if a State's interests do not align with those of the NGO.

Indian authorities in addition, have used repressive laws to curb freedom of expression and silence critics⁸⁰. Both human rights and environmental defenders and organizations continue to face harassment and intimidation. The Indian government has even tried to prevent environmental NGOs from publicizing environmental abuses in India. In 2015, Indian officials stopped a Greenpeace activist from leaving the country

⁸⁰ Human Rights Watch. "Stifling Dissent: The Criminalization of Peaceful Expression in India." *Human Rights Watch*, 6 June 2017, www.hrw.org/report/2016/05/24/stifling-dissent/criminalization-peaceful-expression-india.

because she planned to testify to British parliamentarians about coal mining in India⁸¹. The harassment of NGOs is extremely concerning and threatens the ability of NGOs to do their job.

Greenpeace has met mixed success in India. It worked to get clean air, clean water, and clean energy for the country; challenged the fossil fuel industry, held some corporations accountable, and disagreed with the government⁸². Such disagreement most likely played a role in the suspension of Greenpeace India from 2015-2016. The Indian government accused Greenpeace of dragging down India's GDP growth⁸³, although Greenpeace believes that it was suspended because it asked tough questions to powerful people⁸⁴. This push for change against the Indian state's wishes, prompted India to retaliate to protect its sovereignty. The suspension of Greenpeace shows the difficulty in enacting policy and pushing for change when it is against the wishes of the State.

Not all international environmental NGOs have been met with as much hostility in India as Greenpeace. In fact, The World Wide Fund for Nature (WWF) has met considerable success. WWF, an international NGO working in wilderness preservation and reducing the human impact on the environment, has played a prominent role in India. In particular, it has been working to improve the degradation of the rivers in India. While it also faces a hostile Indian government, it has gained respect and legitimacy due to its

⁸¹ The Economist. "Who's Afraid of the Activists?" *The Economist*, The Economist Newspaper, 9 May 2015, www.economist.com/news/asia/21650548-democratic-asian-governments-well-authoritarian-ones-crack-down-ngos-whos-afraid.

⁸² Greenpeace International. "Why Is Greenpeace India Having to Fight a Government Crackdown?" *Greenpeace International*, May 2015, www.greenpeace.org/archive-international/en/news/Blogs/makingwaves/greenpeace-india-fighting-crackdown/blog/53039/.

⁸³ *Ibid.*

⁸⁴ *Ibid.*

transnational linkages and history⁸⁵. In part of its campaign for the protection of biodiversity, it filed a case in the Indian Supreme Court against the government for failing to implement national environmental laws and policies⁸⁶. The ability for NGOs to bring cases to the Supreme Court shows the actions that NGOs are willing to take to an unresponsive State for their cause. This is an important feat for NGOs in India. It also shows the willingness of the Indian government to accept a possibility and role from NGOs. It should be noted however, that the beneficial relationship that WWF has with India probably helped, as they were not seen as a threat to the government. The trusting relationship that WWF has with India shows how effective NGOs can be when they have a beneficial relationship with the State. Although the Indian government may have uneasy partnerships with NGOs, it is still willing to accept their help and seek improvements in the domestic arena when it has faith in NGOs that do not overly threaten the state's sovereignty over sensitive areas.

The uneasy relationship that India has with NGOs is due to issues of sovereignty. India is unwilling to improve their human rights or environmental abuses because their interests do not align with the NGOs and India views their actions as a risk to state control. The lack of trust that India has with NGOs also undermines their ability to affect change. As seen with the case of WWF, however, NGOs are able to make an impact when India has confidence in their work. International NGOs in India should therefore work on building trust and stronger relationships with the State to increase their success.

⁸⁵ Randeria, Shalini. Globalisation of law: Environmental justice, World Bank, NGOs and the cunning state in India. *Current Sociology*, 51(3/4), 305–328, 2003.

⁸⁶ Ibid.

Russia

Russia also has serious environmental problems. Environmental protection goes through waves in Russia. Although environmentalism was a driving force throughout perestroika, Yeltsin and Putin deemphasized environmental protection. While Putin declared 2017 the year of ecology, giving attention to environmental issues, in February 2017, the Russian government labelled 30 environmental NGOs as “foreign agents” under a law enacted in 2012⁸⁷. Of the 30, 14 shut down, and only four remain active. The law applies to any organization that accepts funding from outside Russia and engages in political activity⁸⁸. The 2012 passage of the Russian “Foreign Agent” law requires NGOs that receive foreign donations and engage in political activity to register and declare themselves as foreign agents. The government labels these organizations as Russian spies, and in doing so, delegitimizes the organizations. This act thus seeks to limit the number of NGOs receiving international funding and exerting potential influence, and hinders the ability of NGOs to do their job efficiently, if at all. A potential reason for the new Foreign Agent Law is the fact that Russia perceives NGOs as a threat to its sovereignty. In limiting the actions they are able to take, Russia is preserving its control over the State and any changes for society.

Another mechanism that Russia uses to maintain their authority over the State is its strong control over the media. This prevents NGOs from relaying their message, or if

⁸⁷ Human Rights Watch. “World Report 2018: Rights Trends in India.” *Human Rights Watch*, 18 Jan. 2018, www.hrw.org/world-report/2018/country-chapters/india.

⁸⁸ Human Rights Watch. “Briefing on the Shrinking Space for Civil Society in Russia.” *Human Rights Watch*, 24 Feb. 2017, www.hrw.org/news/2017/02/24/briefing-shrinking-space-civil-society-russia.

they do, the government refutes them. In fact, Greenpeace Russia emphasizes that, more than half of Russians are unaware of the problem of climate change⁸⁹. In 2008, President Medvedev acknowledged that over 40 million citizens live in substandard environmental conditions⁹⁰. Due to government censorship, people are uninformed of issues and therefore cannot push the government for change. Nevertheless, since the 1990s, Russian environmentalists have benefited from the international resources of NGOs to support the green cause, and encourage the development and recognition of environmental problems in Russia⁹¹. International environmental NGOs have thus been very effective in raising environmental issues and concerns in the Russian community. Russia has additionally signed more than 15 international environmental agreements⁹² since the post-Soviet period. Although Russia may not have implemented many of these agreements, NGOs have worked to make both Russia and civil society aware of the environmental problems in Russia.

Environmental degradation continues to exist. Less than half of Russia's population has access to safe drinking water, and over 200 cities exceed Russian pollution limits. Greenpeace reports that energy issues are a sensitive topic for the government, especially if connected to work regarding the Arctic, oil companies, or gas and nuclear issues⁹³. The most significant climate campaigns have been carried out by the

⁸⁹ Greenpeace International. "Russia – Climate Killer." *Greenpeace Russia*, Dec. 2007, www.greenpeace.org/russia/en/press/releases/1612802/.

⁹⁰ Fagan, Adam, and JoAnn Carmin. *Green Activism in Post-Socialist Europe and the Former Soviet Union*. Routledge, 2011.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid.

international NGOs Greenpeace, WWF, and Climate Action Network Europe⁹⁴. While these organizations have been met with much success, they have also faced difficulties in enforcing Russia's commitment to environmental issues. In 2008, Greenpeace Russia greatly monitored Russia and its construction plans for the Olympics. Many plans called for a number of venues to be built on the edge of a highly protected nature reserve⁹⁵. Government officials, however, repeatedly asserted that the sites could not be relocated. Greenpeace Russia, along with WWF conducted an independent environmental impact assessment and developed proposals for relocating the venues. The Russian government still refused to relocate.

Months later, Prime Minister Putin suddenly ordered the relocation of some venues, and stated that in determining priorities, Russia chooses ecology over money⁹⁶. Although successful, this campaign shows the struggle to preserve nature in Russia. It further shows that the victory was not based on an effective system of environmental governance, but instead, the results depended on Putin⁹⁷. Greenpeace-Russia, however, in an effort to protect the environment and make Russia aware of the consequences of their actions warned that if the environmental impact of the Olympics was ignored, environmentalists would be compelled to appeal to the international organizations to attract attention to the ecological problems⁹⁸. Greenpeace did this in order to hold Russia

⁹⁴ Henry, Laura and Lisa Sundstrom. "Russia and the Kyoto Protocol: Seeking an Alignment of Interests and Image," *Global Environmental Politics*, 7, 47-69, 2007.

⁹⁵ Fagan, Adam, and JoAnn Carmin. *Green Activism in Post-Socialist Europe and the Former Soviet Union*. Routledge, 2011.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Henry, Laura. 'Between Transnationalism and State Power: The Development of Russia's Post-Soviet Environmental Movement', *Environmental Politics*, 19, 5, pp. 756-81, 2010.

accountable for potential future violations of environmental conditions. The publicity of the Olympics allowed international and domestic actors to carry out plans they normally would not have been able to under different circumstances. Once again, the Russian case provides evidence of government's desire for change only when its interests align with those of NGOs. When their interests oppose each other, NGOs must work much harder to be successful and may not even be able to affect actual change.

Not all environmental NGOs in Russia are met with as much hostility as Greenpeace. In particular, WWF has been met with much success in Russia, as the 2015 report notes that it has helped to preserve and prevent the degradation of Russian forests, and limit greenhouse gas emissions⁹⁹. However, the access of these organizations to top level decision-making has been limited due to Russia's highly centralized institutional structure, and particularly after the adoption in 2005 of the regulations restricting the activities of NGOs. While this did not stop NGOs from trying to make a change, especially in regards to the Kyoto Protocol, it has made it more difficult.

The Kyoto Protocol is an international treaty that commits state parties to reducing greenhouse gas emissions, based on the scientific consensus that global warming is occurring and it is likely from human made CO₂ emissions. Greenpeace International created a Kyoto campaign focused on Russia. NGOs focused on Russia because it has large greenhouse gas emissions. In 2003, Greenpeace International gathered ten thousand signatures for a letter asking President Putin to ratify the Kyoto Protocol, which was delivered to the president's office and to Russian embassies in more

⁹⁹ WWF. "WWF Annual Report 2015." *WWF*, 2015, www.wwf.ru/data/report/wwf_russia_annual-report_eng_1.pdf.

than thirty countries¹⁰⁰. Russian public support remained unengaged in the debate over ratification. Yet, ultimately in 2004, Russia ratified the Kyoto Protocol. International NGOs were thus able to achieve results by pressuring the Russian government. The success of the Kyoto Protocol was a great first step in Russia recognizing the need to reduce greenhouse gas emissions, and NGOs like Greenpeace and WWF have held them accountable. WWF reported that in 2015, greenhouse gas emissions in China are no longer growing¹⁰¹. Although Russia's commitment required significant pressure and effort from NGOs, Russia ultimately accepted its responsibility and committed to reducing emissions.

The strong control that Russia has over the state has hindered the ability of NGOs to affect change. Since NGOs are viewed as a threat to Russian sovereignty, the State is not supportive of them. However, this has not stopped NGOs from publicizing Russia's abuses to pressure the State to change its ways.

Conclusion

The relations between states and NGOs are very difficult and depend on many factors. Their success largely depends on an alignment of interests between governments and NGOs. States become abrasive and hostile to NGOs when they believe an NGO is encroaching on their sovereignty. Upon building strong relationships with States, NGOs will be given more autonomy from the State and will be able to enact change more effectively.

¹⁰⁰ Henry, Laura and Lisa Sundstrom. "Russia and the Kyoto Protocol: Seeking an Alignment of Interests and Image," *Global Environmental Politics*, 7, 47-69, 2007.

¹⁰¹ WWF. "WWF Annual Report 2015." WWF, 2015, www.wwf.ru/data/report/wwf_russia_annual-report_eng_1.pdf.

Chapter 5: Role of Civil Society

NGOs have an interrelationship with civil society. Civil society plays a critical role in strengthening NGO support and increasing pressure on a state to adopt new policies. Yet, NGOs are another component that strengthen civil society's ability to operate vigorously and independently¹⁰². Civil society is organized social life autonomous from the state with the goal of advancing or expressing a common purpose through ideas, actions, and demands on governments¹⁰³. Civil society thus involves citizens acting collectively in a public sphere; it is a bridge between the State and its citizens. Domestic NGOs play a significant role in combining different classes into associational groups as they provide a forum for citizens to come together and fight for rights. Globalization has allowed for a greater emergence of civil society and for issues to extend beyond local, regional, and national borders¹⁰⁴. The rise and prevalence of civil society has allowed for the formation of domestic NGOs and increased awareness and support from transnational NGOs.

Technological changes have played a role in the speed and promotion of transnational social movements. Human rights problems increasingly cross state borders and environmental issues extend beyond state borders. The internet allows individuals to create a community of informed activists, regardless of location¹⁰⁵. Internet user groups

¹⁰² Mercer, Claire. NGOs, civil society and democratization: A critical review of the literature. *Progress in Development Studies*, 2(1), 5–22, 2002.

¹⁰³ Cohen, Jean L., and Andrew Arato. *Civil Society and Political Theory*. MIT Press, 1999.

¹⁰⁴ Keohane, Robert O., and Joseph S. Nye. *Transnational Relations and World Politics*. Harvard University Press, 1981.

¹⁰⁵ Deibert, Ronald J. *Parchment, Printing, and Hypermedia: Communication in World Order Transformation*. Columbia University Press, 1998.

and websites have created a new arena where political and social norms are proposed, debated, and determined¹⁰⁶. Technology has thus made it possible to ignore borders and create communities based on common values to push for change within states, which helps to create a global civil society.

Civil society representatives possess significant experience and expertise at the grass roots level. This knowledge, helps international NGOs formulate policy and strategy effectively. Civil society also provides credibility and legitimacy to international NGOs. Normally, civil society has the largest impact in democratic countries¹⁰⁷. Since civil society can be trusted more than governments, businesses, and the media, showing support to international NGOs allows citizens to rally behind them, which helps NGOs do their work more effectively. In non-western countries however, especially in authoritarian regimes, where there are relatively low-scale economic developments, and a weak civil society, human rights NGOs are usually seen as a threat to state sovereignty and authority¹⁰⁸. The more active a civil society is therefore contributes to the success of international NGOs.

Argentina

Civil society does not play a very important role in human rights issues in Argentina. Argentina historically had a weak civil society during the authoritarian and totalitarian regime. The democratic transition that occurred in Argentina in 1983 provided an opportunity for individuals and civil society organizations to express demands for

¹⁰⁶ Ibid.

¹⁰⁷ Marcinkute, Lina. 'The Role of Human Rights NGO's: Human Rights Defenders or State Sovereignty Destroyers?', *Baltic Journal of Law & Politics*, vol. 4, no. 2, p. 56, 2011.

¹⁰⁸ Ibid.

government accountability. However, due to the belief that democracy has not worked for the good of the citizen because the political classes are corrupt, self-serving and seek only personal aggrandizement, fame, power, and money, there is still a widespread lack of interest in politics¹⁰⁹. Thus, the elite dominated civil society makes many organizations personalistic and hierarchical¹¹⁰. Members usually belong to the middle or upper class, and have few links to the poor. Additionally, some organizations lack a clear identity. This lack of identity leaves them open to be coopted through state programs or political parties¹¹¹, which makes it extremely difficult to create stable networks in Argentina.

In addition, the state is not supportive of developing a flourishing civil society. In 2015, CIVICUS, a non-profit aimed at strengthening civil society around the world, released a report detailing the difficulties in creating a strong civil society in Argentina. They describe the tension that exists between civil society and state agencies when civil society presents different ideas and criticism of government actions. To hinder their progress further, many civil society organizations were closed down by the state as a way to silence critics, or mentioned in a negative way to discourage a further following¹¹². These actions by the state generate a feeling of mistrust towards civil society organizations and limits the progress they are able to make. The repressive state also

¹⁰⁹ Wolfenden, Katherine J. "Perón and the People: Democracy and Authoritarianism in Juan Perón's Argentina," *Student Pulse* 5 (02), 2013.

¹¹⁰ Jacobs, Jamie Elizabeth, and Martín Maldonado. "Civil Society in Argentina: Opportunities and Challenges for National and Transnational Organisation." *Journal of Latin American Studies*, vol. 37, no. 1, pp. 141–172, 2005.

¹¹¹ *Ibid.*

¹¹² CIVICUS. "Snapshot of Civil Society in Argentina." *CIVICUS*, June 2015, www.civicus.org/images/Snapshot_of_CS_in_Argentina.pdf.

makes it harder for NGOs and other international organizations to garner support from civil society and pressure the government to change its ways.

Despite these difficulties, however, the most prominent contemporary issue in civil society is the human rights movement. Argentina has a large base of domestic human rights NGOs with autonomous and independent individuals and groups¹¹³. Due to the history of human rights abuses in Argentina, there have historically been many promoters of human rights. In the 1970s, the Grandmothers of the Plaza de Mayo, a domestic human rights organization in Argentina, used the international community to report the abuses of human rights. They traveled to Europe, the US, and Canada to denounce human rights violations in Argentina and seek international solidarity¹¹⁴. These civil society organizations documented abuses and protested against repression. International pressures additionally helped protect domestic monitors and open spaces for their protest. International NGOs then amplified both the information and symbolic politics of the domestic groups and projected them onto an international stage¹¹⁵. This forced Argentina to take responsibility and acknowledge its human rights abuses. Domestic society can thus provide invaluable assistance in publicizing abuses of human rights which allows international NGOs to pressure governments to change their ways.

In the 1970s and 1980s, human rights organizations pressured the regime to address its central claims for the rule of law and justice. With the passage of the final stop and due obedience laws in 1987, the human rights movement split over whether to work

¹¹³ Keck, Margaret E., and Kathryn Sikkink. *Activists beyond Borders: Advocacy Networks in International Politics*. Cornell University Press, 1998.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

inside or outside of the system¹¹⁶. Furthermore, the growing economic crisis halted the movement, and participation in civil society organizations declined from 35 percent to 19 percent of the population between 1984 and 1991¹¹⁷. While this number has risen to 27 percent¹¹⁸, it has still yet to reach peak levels. New civil society organizations such as the piqueteros, emerged during the 2001-2002 economic crisis. Yet many of these organizations disappeared with the economic recovery, others were co-opted by the Néstor Kircher government, or joined with the agrarian farmer unions¹¹⁹. Civil Society flourishes in Argentina during times of crisis, but remains relatively weak otherwise. The lack of a civil society makes it harder for international NGOs to engage with the public and garner a large base to increase domestic pressure on governments.

Civil society in Argentina thus needs to be strengthened in order to make the impact of NGOs more effective. As with international NGOs, the government seeks to silence those when their interests do not align. This hinders the ability to enact change in Argentina.

China

Civil society in China is beginning to grow despite strict regulation and monitoring from the Chinese government. When the Communist Party took over in 1949, it eliminated anything that stood between the state and the individual, including churches

¹¹⁶ Friedman, Elisabeth Jay, and Kathryn Hochstetler. "Assessing the Third Transition in Latin American Democratization: Representational Regimes and Civil Society in Argentina and Brazil." *Comparative Politics*, vol. 35, no. 1, pp. 21–42, 2002.

¹¹⁷ Ibid.

¹¹⁸ Collier, Ruth Berins, and Samuel Handlin. *Reorganizing Popular Politics: Participation and the New Interest Regime in Latin America*. Pennsylvania State University Press, 2009.

¹¹⁹ Stiftung, Bertelsmann. "Argentina Country Report." *European Country of Origin Information Network*, 1 Jan. 2016, www.ecoi.net/en/document/1305370.html.

and independent associations¹²⁰. There was no civil society in China until Mao Zedong's death in 1976. After Zedong's death, China began a period of opening up, allowing organizations, but under strict limitations. Domestic NGOs could not participate in issues that could become political, and were limited to charitable concerns¹²¹. Until 2012, any NGO that wanted to be legal, had to register with a sponsoring organization, thus insuring government control over all domestic NGOs. After the 2008 Sichuan earthquake, government regulation over NGOs let up as the government saw the role and potential effectiveness of NGOs. There are currently 500,000 NGOs registered with the state. Yet, many of these NGOs are quasi-official or organizations trying to get government money¹²²; they do not care about human rights or environmental issues in China. However, China has slowly allowed unofficial, unregistered NGOs, which have the desire to affect change and alter China policies. Currently, there are 1.5 million unregistered NGOs, and they are growing in number and influence.

A rise in the Chinese middle class has also helped contribute to the increasing role of civil society. The middle class plays an important factor in civil society as better educated people with a stronger economic base, claim citizens' rights and try to assert themselves in the policy making process¹²³. The middle class thus threatens the government's ability to coerce civil society.

¹²⁰ The Economist. "Beneath the Glacier." *The Economist*, The Economist Newspaper, 12 Apr. 2014, www.economist.com/news/china/21600747-spite-political-clampdown-flourishing-civil-society-taking-hold-beneath-glacier.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ye, Zhang. "China's Emerging Civil Society." *Brookings Institute*, Brookings Institute, Aug. 2003, www.brookings.edu/research/chinas-emerging-civil-society/.

Civil society in China regarding environmental issues has taken an active role. Disasters and major social events have allowed civil society to flourish. In 2007, thousands of Chinese citizens successfully protested in Xiamen to halt the construction of a toxic petrochemical plant. These were mainly middle class citizens attempting to pressure the government for a more transparent and accountable system¹²⁴. Recently, Chinese citizens have had considerable success in enacting change with the state. Pushing for change through state-approved NGOs however has proven more difficult. Many NGOs are scared to become too big, or challenge the government as they may be shut down as a result. Friends of Nature, the longest and most reputable environmental NGO in China is worried about expanding¹²⁵. They currently have six full time staff members, and 1,500 members. Their membership base could far exceed 10,000 members, and it could have numerous regional branches. Yet, Friends of Nature limits its membership and rejects branch affiliation requests. They are concerned that if they attract too many members or establish a close relationship with any regional groups, it may be viewed as contravening government restrictions of NGO activities¹²⁶. Even more recently, legislators met with Liang Congjie, the head of Friends of Nature to warn him to avoid public activism due to government crackdown¹²⁷. He stated himself that he feared Friends of Nature would be shut down if he went too far, and voluntarily limited

¹²⁴ Chen, Jie. "Transnational Environmental Movement: Impacts on the Green Civil Society in China." *Journal of Contemporary China*, vol. 19, no. 65, pp.503-523, 2010.

¹²⁵ Schwartz, Jonathan. "Environmental NGOs in China: Roles and Limits." *Pacific Affairs*, vol. 77, no. 1, pp. 28-49, 2004.

¹²⁶ Ibid.

¹²⁷ Lanteigne, Marc, and André Laliberté. *The Chinese Party-State in the 21st Century: Adaptation and the Reinvention of Legitimacy*. Routledge, 2011.

membership to 10,000¹²⁸. This fear greatly inhibits a NGO's ability to conduct research, lobby the government for change, and share human rights abuses. The dependence on the government thus greatly hinders civil society's ability to do its job effectively. Civil society is therefore limited in its ability to press for change for fear that it may be shut down.

As a result of limited membership, Friends of Nature and other domestic NGOs encourage citizens to establish their own independent NGO or community groups. While this gives citizens a place to form together and share their interests, it would be more effective to have one large association. Lack of cohesion makes it harder to push for policy changes effectively. Such pressure from the government additionally raises concern that cooptation equalizes neutralization¹²⁹. Chad Hansen, a research ecologist and board member of the Sierra Club, an environmental club in the US, worries that many domestic NGOs lost sight of the fact that ecosystems are more important than the organization. He fears they succumbed to the intoxication of political access¹³⁰. Thus, Hansen believes that domestic NGOs are so concerned with their relationship with the government that it takes away from their ability to promote environmental issues adequately.

Furthermore, domestic environmental NGOs receive a lot of legitimacy and respect from international NGOs. International NGOs help introduce domestic NGOs to major events in global governance, which allows them to expand their reach and share

¹²⁸ Shapiro, Judith. *China's Environmental Challenges*. Polity Press, 2016.

¹²⁹ Ho, Peter. "Greening without conflict? Environmentalism, NGOs and civil society in China," *Development and Change*, Vol. 32, No. 5, pp. 893–921, 2001.

¹³⁰ *Ibid.*

their ideas with NGOs all over the world. This globalization has allowed them to become exposed to international awards. When Yu Xiaogang, a founder of the Green Watershed NGO in China won the Goldman Environmental Prize, it greatly enhanced his NGOs domestic reputation and improved its standing with the government¹³¹. International NGOs can therefore help provide legitimacy to domestic NGOs which in turn improves the domestic standing in the State. International NGOs in addition help domestic NGOs get funding. Since many domestic NGOs in China are reliant on the government for money, international NGOs help domestic NGOs receive other sources of financial backing. This allows for NGOs to attract more citizens and increases their effectiveness.

Furthermore, domestic NGOs can work with international NGOs to bring awareness to environmental abuses in order to stop them. In 2004, when the government planned to build a chain of 13 hydroelectric dams on the Nijiang River, domestic NGOs joined forces with international NGOs to prevent this from happening. Green Watershed and Friends of Nature raised awareness of the construction to local villagers about the potential damage to their cultures and livelihood that the proposed mega dams would bring. The domestic NGOs mobilized local villagers to protest against the project¹³². International Rivers, an international environmental NGO began funding and supporting the domestic NGOs to boost their movement. Chinese activists then connected with UN agencies and western media. The campaign extended broadly and stopped when Premier Jiabao intervened to block the plan until a further environmental study was completed.¹³³

¹³¹ Chen, Jie. "Transnational Environmental Movement: Impacts on the Green Civil Society in China." *Journal of Contemporary China*, vol. 19, no. 65, pp.503-523, 2010.

¹³² Ibid.

¹³³ Ibid.

The influence of the International Rivers to provide funding to support and encourage the movement put international pressure on the government. The pressure ultimately halted the project and allowed for environmental precautions to be taken. Civil society can therefore be a crucial first step to raising awareness of and trying to prevent abuses of environmental issues when the international community is unaware of the violations.

On the other hand, international human rights NGOs in China have not met any recent success in collaborating with civil society. As of 2016, the government has made systematic efforts to silence independent civil society voices concerning human rights¹³⁴. Over 16 human rights lawyers and activists were detained in 2015 and held in secret¹³⁵. Chinese Human Rights Defenders, a coalition of Chinese international human rights NGOs reported that China is treating human rights workers like criminals¹³⁶. They disclosed that the Chinese government seems intent on eliminating civil society through a new legislation restricting the funding and operations of NGOs, and the criminalization of human rights activities as a so-called threat to national security¹³⁷. The Chinese government has therefore limited, if not eliminated, civil society in relations to human rights. States play a crucial role in the allowance and acceptance of policy. If domestic NGOs and civil society are not allowed to flourish, then international NGOs will not be made aware of the issues for the state. The strict restrictions that China puts on civil

¹³⁴ Human Rights Watch. “World Report 2017: Rights Trends in China.” *Human Rights Watch*, 12 Jan. 2017, www.hrw.org/world-report/2017/country-chapters/china-and-tibet.

¹³⁵ Ibid.

¹³⁶ Chinese Human Rights Defenders. “‘They Target My Human Rights Work as a Crime’: Annual Report on the Situation of Human Rights Defenders in China (2016).” *Chinese Human Rights Defenders*, Feb. 2017.

¹³⁷ Ibid.

society shows how crucial state acceptance of NGOs are. Without acceptance, NGOs cannot enact change.

Furthermore, civil society in China is restricted by strict media oversight. In November 2017, China passed a Cybersecurity Law to limit online freedom anonymity and further restrict what can be displayed on the internet¹³⁸. The government does not want anything reported that goes against party lines. The tightened control over the internet shows that citizens are not allowed freedom of expression and another way that China seeks to limit the role of civil society. With extreme censorship, the media will only display what the government allows it to and the people will be unaware of the real issues and changes that need to occur.

The strict control that China has over civil society makes it difficult for citizens to form and make an impact, yet alone international NGOs. Domestic NGOs have been allowed to assemble around environmental protection, but under strict regulations. While international NGOs have played a crucial role in legitimizing and funding domestic NGOs, the Chinese government must also be willing to change. In regards to human rights, however, civil society is non-existent as China has recently cracked down to eliminate civil society altogether. The contrast between environmental and human rights NGOs show how crucial the state is to NGO success and effectiveness. Without support from the government there is little, if anything, that an NGO can do to try to make an impact.

¹³⁸ Human Rights Watch. "World Report 2017: Rights Trends in China." *Human Rights Watch*, 12 Jan. 2017, www.hrw.org/world-report/2017/country-chapters/china-and-tibet.

India

India boasts an active and vibrant civil society with over three million civil society organizations¹³⁹. In particular, they play a major role in promoting, protecting, and strengthening human rights¹⁴⁰. Civil society organizations are crucial in working to hold the government accountable for its decisions and advocate for policies to advance human rights. NGOs greatly engage with civil society and extensively promote discussion and debate about human rights and environmental issues. The Indian Constitution has even provided environmental protection and legislative statutory provisions as a result¹⁴¹. Although environmental degradation continues to exist due to a lack of effective enforcement of various laws, NGOs have made environmental protection a part of the on-going issues of concerns in India. Citizens advocate on behalf of environmental concerns, and political groups cannot afford to neglect a commitment to improving environmental conditions¹⁴². While conditions may still be poor and unacceptable, NGOs act as an information barrier not allowing the issues to go unnoticed.

However, with the election of Prime Minister Modi in 2014, the quality of democracy and ability to engage in dissent has drastically shrunk¹⁴³. The government

¹³⁹ Gaebee, Kgalalelo. "India: Democracy Threatened by Growing Attacks on Civil Society ." *Home*, Nov. 2017, www.civicus.org/index.php/media-resources/reports-publications/2991-india-democracy-threatened-by-growing-attacks-on-civil-society.

¹⁴⁰ *Ibid.*

¹⁴¹ Agarwal, Anjali. "Role of NGOs in the Protection of the Environment." *Journal of Environmental Research and Development*, vol. 2, no. 4, pp. 933–938, 2008.

¹⁴² Alveteg, Thomas, and Sanjukta Sarkar. *Increased Awareness and Capacity to Protect the Environment through Indian NGOs*. Swedish International Development Cooperation Agency, 2014.

¹⁴³ Gaebee, Kgalalelo. "India: Democracy Threatened by Growing Attacks on Civil Society ." *Home*, Nov. 2017, www.civicus.org/index.php/media-resources/reports-publications/2991-india-democracy-threatened-by-growing-attacks-on-civil-society.

uses restrictive legislation to deny civil society organizations their rights to register, and in some cases suspends or withdraws permits to operate¹⁴⁴. In addition, some civil society organizations have been prevented from receiving external sources which limits their ability to carry out their activities.

Initially, India was indifferent to the role of civil society. After the 1980s, however, the government welcomed and encouraged participation of domestic NGOs in the development sphere¹⁴⁵. Civil society became more prominent as state structures were criticized for being bureaucratic and corrupt. Domestic NGOs were seen as accountable, responsible, and committed to bringing social change¹⁴⁶. Domestic NGOs thus began to take over the functions that the state was unsuited for and performed them with greater motivation and efficiency. Recently however, India has constrained many NGOs. More than twenty five Indian NGOs lost their license to receive international funding because of their “anti-national” activities¹⁴⁷. This action comes after the cancellation of the FCRA licenses of 11,319 NGOs for failing to apply for renewal within the deadline¹⁴⁸. The domestic NGOs are accused of failing to meet the legal requirements under the FCRA of registration. The cut of funding for many of these NGOs however means that will no longer be able to remain operational in India. A joint statement from Amnesty

¹⁴⁴ Ibid.

¹⁴⁵ Baviskar, B.S. ‘NGOs and Civil Society in India’, *Sociological Bulletin* 50(1): 3–15, 2001.

¹⁴⁶ Ibid.

¹⁴⁷ Doshi, Vidhi. “India Accused of Muzzling NGOs by Blocking Foreign Funding.” *The Guardian*, Guardian News and Media, 24 Nov. 2016, www.theguardian.com/global-development/2016/nov/24/india-modi-government-accused-muzzling-ngos-by-blocking-foreign-funding.

¹⁴⁸ Jain, Bharti. “‘Anti-National Acts’: 25 NGOs Lose Foreign Fund Licences - Times of India.” *The Times of India*, India, 5 Nov. 2016, timesofindia.indiatimes.com/india/Anti-national-acts-25-NGOs-lose-foreign-fund-licences/articleshow/55254613.cms.

International and Human Rights Watch said that the government was using the Foreign Contribution Regulation ACT (FCRA) to muzzle NGOs¹⁴⁹. Many of the NGOs with funding cuts were human rights NGOs frequently opposing the Indian government. The Indian government thus encourages domestic NGOs and civil society, but does not support or want international and outside intervention. As early as 1976, former Prime Minister Indira Gandhi introduced the FCRA to prevent political opponents from receiving foreign funding during the state of emergency¹⁵⁰. Although the state of emergency ended in 1977, the law was not repealed. In 2010, the law was toughened, and in 2017, India cut much FDRA funding.

Prior to strict regulations, civil society was able to make a large impact, especially when in partnership with international NGOs. In the 1980s, India sought to create around 3,000 dams to generate electricity, irrigate land, and provide clean drinking water to many villages in need. At the same time, the project threatened to displace millions of peasants and destroy thousands of forest lands¹⁵¹. The project was a threat to both human rights and environmental issues. The project became known as Sardar Sarovar Project (SSP). In 1978, the initial grassroots mobilization against the SSP began. During protests, many civilians were detained and jailed. Yet, the initial grassroots mobilization failed to halt the momentum behind the SSP in India¹⁵². Eventually, the villagers withdrew their

¹⁴⁹ Human Rights Watch. "India: Foreign Funding Law Used to Harass 25 Groups." *Human Rights Watch*, 8 Nov. 2016, www.hrw.org/news/2016/11/08/india-foreign-funding-law-used-harass-25-groups.

¹⁵⁰ Harnett-Sievers, Axel. "Limited Freedom of Speech, Monitored NGOs: India's Civil Society Under Pressure." *Heinrich Böll Foundation*, Nov. 2016, www.boell.de/en/2016/11/07/limited-freedom-speech-monitored-ngos-indias-civil-society-under-pressure.

¹⁵¹ Khagram, Sanjeev, Riker, James, & Sikkink, Kathryn. (Eds.). *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*. University of Minnesota Press, 2002.

¹⁵² *Ibid.*

protests believing that Congress would represent their opposition to the SSP. However, to the citizens' disbelief, Arjun Singh, a key opposition leader of the SSP became chief minister of the project. In 1983, domestic NGOs stated support to the grassroots protest. Continued domestic mobilization in India and increased monitoring of the World Bank, a major funder of the SSP, produced some changes in domestic resettlement policy.

Grassroots struggle to reform government resettlement policies grew stronger. Indian authorities and World Bank officials faced increasing pressure from a rapidly growing transnational coalition of NGOs linked directly to the grassroots resistance in Gujarat that was dedicated to reforming the resettlement aspects of the SSP. The local Gujarat NGO was being funded by Oxfam, an international NGO. Survival International, an international NGO dedicated to protecting the rights of tribal/indigenous peoples around the world, sent a letter to the World Bank and International Labour Organization (ILO), stating its concerns about the SSP because it violated ILO Convention 107¹⁵³. As a result, the World Bank's board of directors included an explicit condition that Indian authorities execute a resettlement plan consistent with international norms. Oxfam and other NGOs pressured the Gujarat authorities to pass significant policy revisions. This process however took five years of mobilization and lobbying from local and international levels.

Still however, the fight was not over. The dams were still continuing to be built despite the environmental and human rights violations. At this time, environmental issues were becoming a concern in India. Hindu Nature Club and Kalpavriksh, a Deli

¹⁵³ Ibid.

based environmental NGO completed a study of the environmental and social impacts of the SSP. The environmental critique and increasing involvement of India's federal environmental agency with the Narmada Projects produced a major hurdle in the path of the SSP¹⁵⁴. The Ministry of the Environment refused to grant environmental clearance for the SSP.

The construction still persisted. Yet, this once again did not stop civil society from protesting. In the Harsud Valley in 1989, more than three hundred NGOs and sixty thousand people came from all over the country to protest in a transnational campaign against the SSP. Soon after, the Narmada International Action Committee comprised of NGOs from all over the world formed. NGOs were coming together to fight against the human rights and environmental issues. They were gathering more support the longer the projects went on, and the more information concerning the abuses was revealed. Civil society persisted as well and continued to organize rallies, investigate the project and potential alternatives, spreading its message to the wider Indian and international publics through the press, newsletters, and letter-writing campaigns¹⁵⁵. Civil society remained strong and helped draw attention of the human and environmental abuses. The World Bank finally agreed for an independent review.

The independent review by Bradford Morse and Thomas Berger did not occur until September 1991, almost ten years after the start of the project. Domestic authorities still continued with the dam construction. Authorities attempted to relocate villagers, and

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

arrested hundreds of people who refused to resettle. Domestic and international NGOs, such as Amnesty International, documented the human rights violations perpetrated by the Indian authorities¹⁵⁶. The independent review found that the project should not proceed unless in accordance with human rights norms. The World Bank and Indian officials however downplayed the severity of the report.

The Narmada International Action Committee published an open letter to the World Bank in the Financial Times, criticizing them for their duplicity and calling for the suspension of the SSP¹⁵⁷. 250 NGOs from thirty-seven countries signed the letter. In 1993, the World Bank announced that India would voluntarily forego further World Bank funding to support the project. Civil society in India however continued to organize against the movement.

A domestic Indian Review Group was established to assess the project. Allied Indian NGOs pressured Indian authorities to stop project implementation during the review. When they would not, civil society filed two petitions in the Indian Supreme Court. They demanded that the SSP be stopped completely because of its fundamental human rights violations of the people to be displaced, and because the social and environmental costs were too high¹⁵⁸. The court found that the fundamental rights of the persons to be displaced had been violated and that international agreements on various environmental issues had not been fulfilled. The Supreme Court ordered a freeze on construction.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

The case of the SSP shows the integration of human rights and environmental concerns. Civil society played a large role in resisting the construction of the SSP and drawing attention to the human rights and environmental violations. They garnered international support and formed a transnational community to resist the project. International NGOs worked with the domestic society to review the human rights and environmental violations. The NGOs used two international organizations: the ILO and World Bank. They used the violations of the ILO treaty to halt movement of the project. They also drew attention to the failure of the World Bank to follow its own review procedures. The increasing pressure from international agents caused the World Bank to back out. In addition, as a result of the publication of human rights abuses and pressure to ensure their protection, the World Bank strengthened its incorporation of human rights and environmental impact in its review of projects in the future. Ultimately, the continued resistance from civil society halted the project as they sought support from the Supreme Court. The democratic political opportunity that the Indian citizens had access to allowed the resistance movement to reach the international audience.

Today, India is a dangerous environment for human rights and environmental activists. They are often subject to intimidation, harassment, and attacks for defending the rights of others¹⁵⁹. It is now common for those who criticize the state, its policies, and actions to be labelled as anti-nationalist or as agents of western powers¹⁶⁰. This greatly hinders civil society as it makes citizens afraid to speak out unless their interests align with the State. As a result, the international community may not be aware of human

¹⁵⁹ CIVICUS. "India: Democracy Threatened by Growing Attacks on Civil Society." *CIVICUS*, Nov. 2017, www.civicus.org/images/India_Democracy_Threatened_Nov2017.pdf.

¹⁶⁰ *Ibid.*

rights and environmental abuses since there is no mechanism to speak out against the State.

It is crucial to have an engaged civil society that can work with international NGOs to effect change, as is seen with the SSP project. While working together, not only are both domestic and international NGOs and civil society made stronger, but they are more effective than when working alone and make the biggest impact.

Russia

Civil society in Russia is extremely restricted. The communist state hinders the formation of civil society. Today, civil society engages only about one percent of the country's economically active population¹⁶¹! Yet, most Russians are generous and eager to engage in community work¹⁶². The low level of civil society engagement is thus a product of deeper sociopolitical forces that impede its development¹⁶³. In the 1980s, the political reforms by Gorbachev removed the Communist Party's control of associational life and created an environment for the growth of civil society organizations. The mutual distrust between government officials and civil society leaders¹⁶⁴, however, hindered the formation of a vibrant civil society. Despite the 2005 establishment of the Public Chamber of the Russian Federation, a state institution with consultative powers designed to facilitate interaction between government agencies and citizenry, the distrustful views

¹⁶¹ Salamon, Lester, et al. *Explaining Civil Society Development*. Johns Hopkins University Press, 2017.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

of the government's role in civil society development persisted¹⁶⁵. This mistrust is further aggravated with the Foreign Agent's Law of 2012.

Since 2012, more than thirty new laws and legislative amendments have been passed that restrict personal freedoms¹⁶⁶. After his reelection in 2012, Putin focused on systematically constricting and marginalizing organizations and individuals who were independent in their thoughts and actions¹⁶⁷. The Russian leadership tightened controls over civil society as they feared a grassroots coup like the ones that occurred in Georgia and Ukraine. These restrictions discouraged citizens to participate in civic associations, and created a weak institutionalization of domestic NGOs¹⁶⁸. Russian NGOs, if active, are inhibited in their work with laws and checks by the authorities. The strict restrictions paralyze their ability to get anything done.

Russian authorities hinder and scare the citizens for criticizing the government and pushing for change. Anna Politkovskaya, a critic of Putin and his Chechen policy was murdered for speaking out against Putin and the government. In 2016, Human Rights Watch additionally reported that Russia exemplifies the shrinking civic space. They described that civic space for both individual and collective action has diminished through legislative restrictions and targeted intimidation of critics¹⁶⁹. This forces people

¹⁶⁵ Ibid.

¹⁶⁶ Human Rights Watch. "Laws of Attrition | Crackdown on Russia's Civil Society after Putin's Return to the Presidency." *Human Rights Watch*, 19 Oct. 2015, www.hrw.org/report/2013/04/24/laws-attrition/crackdown-russias-civil-society-after-putins-return-presidency.

¹⁶⁷ Voswinkel, Johannes. "Civil Society in Russia – Where External Support Is Vital." *Heinrich Böll Foundation*, Sept. 2016, www.boell.de/en/2016/09/13/civil-society-russia-where-external-support-vital.

¹⁶⁸ Evans, Alfred B., et al. *Russian Civil Society a Critical Assessment*. Routledge, 2016.

¹⁶⁹ Human Rights Watch. "Briefing on Shrinking Space for Civil Society in Russia." *Human Rights Watch*, 24 Feb. 2017, www.hrw.org/news/2017/02/24/briefing-shrinking-space-civil-society-russia.

into self-censorship out of fear to speak out against the government. In addition, in 2016, Russia passed Yarovaya laws to stifle dissent and repress opposition. These laws extended the state's power to control the internet and allowed them greater access to users' data¹⁷⁰. Russia has also maintained strict control over the internet through both legislation and executive actions of the state's media and communications oversight agency Roskomnadzor. Since 2014, Roskomnadzor has ordered internet providers to block thousands of websites¹⁷¹. This clearly limits the information that citizens are able to learn and read about. Russia seeks to limit civil society to solely the information it wants them to know. As a result, there is not much, if any, civil society in Russia.

Russia has furthermore sought the suppression of domestic NGOs. Scared by the active role NGOs played in the revolution in Ukraine and Georgia, Russian leadership has tried to stifle and discredit local NGOs. Strong governmental controls exist in order to ensure this. In 2012, Russia passed the Foreign Agents Law. This law requires that NGOs who receive foreign funding and have any political activity enter a register of Foreign Agents¹⁷². The register of Foreign Agents severely limits the credibility of NGOs as they are seen as traitors and intruders. When the authorities saw that few organizations entered the registry, the Ministry of Justice initiated a broad range of inspection. Many received warnings or notifications of violations. In 2014, the law changed so that the state could register domestic NGOs as Foreign Agents. Twenty-eight environmental NGOs were labeled as Foreign Agents by the State. This classification makes it extremely

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² Naturvernforbudet. "Pressure Towards Russian Environmental NGOs." *Naturvernforbudet*, Apr. 2017.

difficult for NGOs to continue the activities of their organization. Consequently, most of the environmental NGOs decided to close down to avoid almost a year or more fighting for survival¹⁷³. These new laws thus make it difficult for civil society to flourish and impede the ability of NGOs to act, if at all.

The effect of the Foreign Agent Law dramatically impacts NGOs who rely on foreign funding to operate. The Russian government is adamant on keeping international assistance to domestic society from operating in Russia. As a result, it is extremely difficult for domestic NGOs to form, yet alone gain international support and funding. Civil society cannot make international organizations aware of issues due to harsh censorship and fear of potential death. These strict regulations severely limit civil society and the ability for international NGOs to make a difference.

Conclusion

Civil society plays a large role in bringing awareness to issues and seeking the support of international NGOs. International NGOs can highlight the violations occurring in the target state and pressure the State for change. By making violations known on an international sphere, States may lose funding or hurt their relationship with other States. Consequently, they change their policies and focus on improving their human rights or environmental violations. International NGOs can also bring legitimacy to domestic NGOs and allow for change to continue to take place once a NGO alleviates pressure on a state to change. As is seen, however, in order to be successful, the target state must also want change. The target State's control over civil society and its ability to form and

¹⁷³ Ibid.

protest the government, plays a large role in the relationship civil society can have with international NGOs. By censoring and making it harder for civil societies to form, human rights and environmental issues may not be known at an international level and therefore remain a domestic problem. It is important that international NGOs work with domestic NGOs and civil society in order to be most effective and push for the most change.

Chapter 6: Accountability of Human Rights and Environmental NGOs

Another important aspect of NGO effectiveness is accountability. To have the most impact, NGOs must be transparent. They must share information about themselves with governments, donors, staff, advisors, other relevant NGOs, and the public. This helps to provide NGOs with legitimacy in the state and thus allows them to get their work done most effectively as they are viewed as honest and trustworthy. NGOs must also be responsible to the needs and aspirations of the community with which they are working; this is especially important in impoverished countries that lack mechanisms for holding NGOs accountable. While the ability to foster participation is seen as a strength of NGOs, NGOs have to remind themselves that the domestic citizens should play an active role. Thus, the citizens, rather than the NGOs, must select the leadership¹⁷⁴. Stepping back to allow citizen groups themselves dictate the agenda and develop structures that suit their concerns is important¹⁷⁵. International NGOs should thus be supportive of independent action in societies where they work. A key component to accountability is participation. If the leadership and objectives of a project are decided before the community can participate, then it is not true participation and there is no accountability of the NGOs. NGOs must therefore find a balance between being accountable to what the people deem best for themselves and what the NGO and its donors deem best for the people¹⁷⁶. In particular, accountability by the NGOs to the community is important because unlike

¹⁷⁴ Jordan, Lisa, and Peter van. Tuijl. *NGO Accountability: Politics, Principles and Innovations*. Earthscan, 2007.

¹⁷⁵ Edwards, Michael. *The Oxford Handbook of Civil Society*. Oxford University Press, 2011.

¹⁷⁶ Jordan, Lisa, and Peter van. Tuijl. *NGO Accountability: Politics, Principles and Innovations*. Earthscan, 2007.

government agencies, community aspirations do not have any form of coercive mechanisms at their disposal.

Accountability of NGOs to both the State and community plays a large role in a NGOs ability to act. Accountability helps both States and the community have faith in the work that international NGOs are doing domestically. If a State lacks confidence in an NGO, it may find ways to limit their work, or place restrictions on them, to make enacting change more difficult. With trust, however, NGOs may be given more freedom and autonomy from the State. A major concern over accountability is transparency in funding. International NGOs obtain funds from various sources, but those funds do not require that activities undertaken by the international NGOs be approved by the communities they work in¹⁷⁷. A government may, therefore, be more suspicious of NGOs which are highly dependent on foreign funds as they do not know who they represent or their motivation. To build a relationship and confidence with States, international NGOs should disclose their motives so that they can work with the State to impact change.

International NGO accountability to civil society is also a key component to ensuring NGO success. International NGOs need to disclose their mission to civil society to establish trust and be held responsible to follow through on their commitments¹⁷⁸. Enhanced transparency also helps NGOs build up public trust, support, and capacity through increased exchanges¹⁷⁹. Positive perceptions of NGOs are found when the

¹⁷⁷ Szporluk, Michael. "A Framework for Understanding Accountability of International NGOs and Global Good Governance." *Indiana Journal of Global Legal Studies*, vol. 16, no. 1, p. 339-361. 2009.

¹⁷⁸ Kaldor, Mary. "Civil Society and Accountability." *Journal of Human Development*, vol. 4, no. 1, pp. 5–27, 2003.

¹⁷⁹ *Ibid.*

citizens believe that an NGO is working to represent their wants and needs. On the other hand, negative perceptions of NGOs are tied to issues of funding, which may cause society to doubt the intentions of the NGOs¹⁸⁰. When international NGOs gain the trust of civil society they can work together to impact change, and domestic NGOs can continue the work of international NGOs. This ensures that international NGOs will be held to commit to their objectives. Therefore, to guarantee success, NGOs should work with civil society on issues that are important to both the NGO and citizens.

Argentina

International NGOs in Argentina are not confronted with accountability issues. Pablo Marsal, who is with the Asociación de Graduados de Organizaciones y Dirección Institucional (AGODI), an association of graduates in the field management of NGOs in Argentina, says that there is a widespread concurrence on the need for an agreement on transparency¹⁸¹. Among large, well-funded organizations as well as grass roots organizations, the importance of transparency is well understood. International NGOs working in Argentina submit their annual report and balance sheets to the International headquarters, which in turn is submitted to a global audit¹⁸². A reason that international NGOs may not have run into accountability issues is because they are seen as contributing to the actions of the State rather than independent bodies. Civic

¹⁸⁰ Jordan, Lisa, and Peter van. Tuijl. *NGO Accountability: Politics, Principles and Innovations*. Earthscan, 2007.

¹⁸¹ Valente, Marcela. "Argentina: Civil Society Wants Transparency – For Itself as Well." *International Press Service*, May 2007, www.ipsnews.net/2007/05/argentina-civil-society-wants-transparency-for-itself-as-well/.

¹⁸² Ibid.

organizations and NGOs stay on the sidelines of the political order bringing up new issues to be processed by the political system and the state¹⁸³. Due to their non-threatening role to the Argentinian government, the NGOs have yet to be questioned and pushed on issues of accountability. This in turn increases the legitimacy of NGOs and strengthens the trust that citizens have in the NGO's ability to accurately represent their interests. As a result, civil society and international NGOs work together to enact change and are stronger.

While International human rights NGOs may not face accountability issues in Argentina that does not mean that the State is willing to comply with the changes that they are seeking. As is seen in Chapter 4¹⁸⁴ with the blockage of NGOs from the WTO summit and reluctance of Argentina to work with international NGOs, the Argentinian government is only supportive and willing to work with international NGOs when their interests align. A potential reason why international NGOs do not have accountability issues in Argentina may be due to the fear of being barred if they are not transparent.

China

China exercises strict control over civil society and international NGOs; therefore, China leaves no room for issues of transparency. The Chinese government has many expectations that are embodied in a series of laws, regulations, rules and policies that ensure NGOs are accountable¹⁸⁵. Such rules include the Regulations on the Registration

¹⁸³ Feinberg, Richard. *Civil Society and Democracy in Latin America*. Palgrave Macmillan, 2016.

¹⁸⁴ See pages 25-26.

¹⁸⁵ Jordanl, Lisa, and Peter van. Tuijl. *NGO Accountability: Politics, Principles and Innovations*. Earthscan, 2007.

and Management of Social Organizations, the Regulations on the Management of Foundations, the Law on Welfare Donations and the Law on Trusts. These regulations hold that NGOs use the donations they receive to finance activities consistent with their purposes, and make public the receipt, management and usage of donations¹⁸⁶.

International NGOs in China do successfully reveal where their money comes from and what it is being spent on¹⁸⁷. This transparency allows the government to have faith in the work of international NGOs and assures the government that NGOs are acting in alignment with the government and their interests. In fact, international NGOs strategically place themselves in poorer regions to appear less threatening¹⁸⁸. This allows them to cooperate with the government and gain the trust of the state in order to do their job effectively. Thus, the government tries to account for all issues with transparency for international NGOs in China and international NGOs recognize the role they need to play to be accepted by the state. Although human rights and environmental NGOs face many challenges in trying to enact change in China, it is not due to transparency issues.

Increased transparency by international NGOs in China has allowed civil society to gain trust in them and collaborate. A concern that arises with international organizations and funding level is if the amount of funding is appropriate at the local level. Providing too much money may overwhelm the domestic community and is thus not suitable. Part of accountability is interacting with civil society. International

¹⁸⁶ Ibid.

¹⁸⁷ Jordanl, Lisa, and Peter van. Tuijl. *NGO Accountability: Politics, Principles and Innovations*. Earthscan, 2007.

¹⁸⁸ Chen, Jie. "Transnational Environmental Movement: Impacts on the Green Civil Society in China." *Journal of Contemporary China*, vol. 19, no. 65, pp.503-523, 2010.

organizations need to support local NGOs and be realistic in what their funding will achieve¹⁸⁹. International NGOs in China have done exceptionally well in allowing the autonomy of Chinese society and not pushing their agenda without regard to the needs of the Chinese people. In many NGOs, there is a hierarchy of accountability which guarantees upward and downward accountability¹⁹⁰. At the international level, there is a board of trustees; at the national level there is the Chinese government; and at the local level there are the local bureaucrats and relevant stakeholders to the project¹⁹¹. International NGOs are thus able to work with domestic NGOs and civil society to ensure that their objectives align and are being carried out in a beneficial way for both parties. Not only are the international NGOs accountable to the Chinese government but also to the people. This has greatly contributed to the success of environmental policy changes and explains why environmental progress continues once international pressure subsides. The interconnectedness of all three aspects of society greatly contributes to the success of the international NGOs in China.

India

NGOs are not believed to be transparent in India which has led to tighter regulations and control by the government. NGOs are criticized about their style and sources of funding, use of finances, and whether they are bringing about positive changes¹⁹². Whether this is a valid argument, or an attempt to prevent human rights

¹⁸⁹ Hasmath, Reza & Jennifer Hsu. NGOs in China: Issues of Good Governance and Accountability, *Asia Pacific Journal of Public Administration*, 30:1, 29-39, 2014.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Pinto, Stanley G. "NGOs to Enhance Credibility." *The Times of India*, 18 July 2003, timesofindia.indiatimes.com/city/bengaluru/NGOs-to-enhance-credibility/articleshow/83425.cms.

NGOs from working in India is uncertain. India passed the Foreign Contributions Regulation Act (FCRA) in 2015 to limit foreign funding from international NGOs. The Indian government claimed to do this in an attempt to make NGOs more transparent. The FCRA aims to hold NGOs accountable for how they spend the money from foreign donations¹⁹³. This regulation, however, has raised many questions as to whether the FCRA is justified, or whether it is an attempt by the Indian government to silence organizations that may differ in views. In their documentary on the *Truth about NGOs in India*, BBC notes that even if NGOs in India are corrupt, they probably are less so than the government¹⁹⁴. While this is still worrisome, it is interesting to note that although NGOs may lack transparency, the work that they are doing in trying to hold the government accountable for human rights and environmental abuses may be seen as a greater importance.

Nevertheless, international NGOs are trying to enhance their image in relation to issues of accountability. A consortium of voluntary networks and organizations formed the Credibility Alliance to ensure good governance in the voluntary sector in India. Registered in 2004, the Credibility Alliance seeks to build trust among stakeholders and norms of governance in India¹⁹⁵. Greenpeace International, seeking to become more accountable and credible publicly launched and endorsed the first Global Accountability

¹⁹³ Doshi, Vidhi. "India Accused of Muzzling NGOs by Blocking Foreign Funding." *The Guardian*, Guardian News and Media, 24 Nov. 2016, www.theguardian.com/global-development/2016/nov/24/india-modi-government-accused-muzzling-ngos-by-blocking-foreign-funding.

¹⁹⁴ Little, Allan, director. *The Truth About NGOs: India*. BBC, 2012, www.bbc.co.uk/programmes/p00mmn3s.

¹⁹⁵ Credibility Alliance. "Services & Resources." *Accreditation for India - NGO*, Credibility Alliance, 2018, credibilityalliance.org/.

Charter in 2006. The Accountability Charter sets out core values and operating principles for international NGOs¹⁹⁶. There are currently over 300 NGOs as members, which show the Indian government the international NGOs commitment to increasing transparency.

It should also be noted, however, that in India, NGOs have had difficulty matching their interests with that of the state¹⁹⁷. If this is the case, NGOs may be pursuing issues that civil society may not agree with or that India may not yet be ready to adopt. This would delegitimize the goals of NGOs in India and show that they are working for self-interests. There is a fine line with international NGOs between pushing for domestic policy change in India due to violations of human rights and environmental norms and pushing for the policy that an NGO wants and believes is best for India.

Russia

International environmental NGOs in Russia have been met with much scrutiny by the Russian state as they are believed to lack transparency. As a result of the lack of accountability, Russia imposes strict regulations to monitor NGOs. In 2005, the Foreign Agent Law limited foreign funding in Russia. While controversial, Russia claimed that this law was passed to increase transparency between NGOs and the State. There have also been claims, however, that Russia imposed this law to limit foreign interference in Russian affairs¹⁹⁸. Whether there is a true cause for suspicion, or it is Russia's attempt to

¹⁹⁶ Greenpeace International. "Transparency and Accountability." *Greenpeace India*, Sept. 2006, www.greenpeace.org/india/en/about/our-core-values/transparency-and-accountabilit/

¹⁹⁷ Randeria, Shalini, "Globalization of law: Environmental justice, World Bank, NGO's and the cunning state in India," *Current Sociology*, 51, no. 3-4: 305-328, 2003.

¹⁹⁸ Ridgwell, Henry. "Russia's Foreign Agent Law Has Chilling Effect On Civil Society Groups, NGOs." *VOA*, VOA, 24 Jan. 2018, www.voanews.com/a/russia-labels-media-outlets-as-foreign-agents/4221609.html.

silence critics is unknown for certain. It is hard for international NGOs to gain credibility as there is a choice to work with the state or with transnational actors¹⁹⁹. These are strong opposing choices, which contributes to a divide between civil society and NGOs. NGOs cannot gain accountability and trust by the people when they are viewed as foreign agents acting with foreign interests. Therefore, it is hard for NGOs to establish accountability and legitimacy as the state is constantly undermining them. Even with full transparency, the state's control over its citizens undermines the NGOs, which makes it difficult for them to do their job effectively, and delegitimizes them.

Conclusion

The cases of Argentina, China, India, and Russia show how difficult it is to affect change in the human rights and environmental issues when there are concerns over accountability. Strong hostilities from the state, make it extremely difficult to establish a presence and for the work of NGOs to be carried out efficiently and effectively. Accountability issues play a large role in how a state views an NGO and its ability to affect change. NGOs in Argentina do not have transparency issues and work alongside the government to try to enact change. Yet, their change is only accepted when their interests align with the government. Additionally, NGOs in China do not have transparency issues, but this is due to the tight control and restrictions that China places on NGOs. The interconnectedness with NGOs in civil society, however, has allowed citizens to gain trust in international NGOs and build relationships for them to work together and enact change. In addition, while it is uncertain if there are true transparency

¹⁹⁹ Greenpeace International. "Transparency and Accountability." *Greenpeace India*, Sept. 2006, www.greenpeace.org/india/en/about/our-core-values/transparency-and-accountabilit/

issues in India, the state has enacted countless measures to ensure accountability. International NGOs have responded to such scrutiny from the government in a proactive way, however, and tried to enhance transparency to build up credibility and interact with civil society through the Credibility Alliance. Furthermore, Russia's strong censorship and skepticism of international actors have placed extensive burdens on international NGOs and limited their ability to affect real change and form relations with civil society. It can therefore be seen that accountability issues play a large role in building trust with State and civil society. Increased relationships with civil society can help pressure a State to change, but ultimately, NGOs are most effective when their interests align with those of the State.

Chapter 7: Recommendations

There are many factors that help contribute to the success or failure of the work of NGOs. It is important that once an NGO alleviates pressure for change, the state will continue to carry through with improvements to human rights and environmental issues. To have the most impact, it is critical that an NGO has the trust of both the state and domestic society. The cases of Argentina, China, India, and Russia show the difficulty in forming a cooperative relationship with states. They additionally show the symbiotic relationship between NGOs and civil society. With increased domestic support, NGOs are able to accomplish their goals with ease and ensure that change is able to persist once an NGO relieves pressure. An important factor in building relationships with both a state and domestic society is trust. When a state has trust in an NGO, it is given more freedom and is able to enact change most effectively. Additionally, trust between civil society and NGOs allows change to influence the most amount of people and encourages domestic society to continue to push for reform without the insistence or help from international NGOs. The best way trust can be built is through transparency. Therefore, to be most effective, NGOs should focus on accountability.

Increased transparency seems to be the best way for NGOs to build relationships with both a state and civil society. Trust provides a way for governments to have confidence in the work of NGOs and believe that they are not working to undermine them. A main issue that governments have with NGOs is that they are unaware of their true intentions. This causes states to be weary of the work of NGOs, and as a result, states may work to hinder or limit the role that NGOs can play. Trust within domestic society allows for collaboration with NGOs, which helps provide the most effective outcomes in

the long run. Revealing true intentions would again foster more confidence in the work that international NGOs are doing. NGOs should therefore work to build relationships with civil society to keep them engaged and involved in every step of the process. This allows for channels of communication and would be the best way to connect society with the changes that need to occur.

Continuing to commit to accountability Charters is one way that NGOs can help to enhance their transparency. The 2006, International NGO Accountability Charter, now called Accountability Now, is a great way for NGOs to self-regulate and gain trust worldwide. NGOs need to ensure that they are prioritizing the State over the desires of donors. Publicizing plans and increasing transparency would provide a guarantee that NGOs will follow through on the intended plan and do not seek ulterior motives. Thus, greater accountability would ensure greater trust and allow an NGO to work more efficiently to effect change in domestic society.

Argentina

Argentina still faces long standing human rights abuses. Although recently it has taken measures to hold itself accountable for human rights violations, it still has a long way to go. International NGOs are therefore necessary to call attention to and stop human rights abuses. Argentina has not cooperated, however, with international human rights NGOs. The Argentine government works with international NGOs when their interests align, but otherwise is very hostile towards NGOs. The reason for the hostile relationship is not clear. Yet, it probably has to do with preserving its sovereignty. Argentina has deterred the formation of a vibrant civil society because of tensions between citizens when interests do not align. Argentina thus seeks to control the state and does not like

others interfering with its policy. International NGOs, who publicize and sometimes humiliate Argentina therefore infringe on the sovereignty of Argentina. Going forward, international NGOs should try to work with the Argentine government before immediately pushing for change and publicizing violations of human rights abuses. In doing so, the Argentine government may not feel pressure to immediately change their ways, and can ease in to the process, believing that it is their idea, and not at the insistence of the international community and NGOs.

China

China also still has grave human rights and environmental violations. China seeks to act on domestic policy changes when its interests align with the work of international NGOs. Since China does not want to improve its human rights, in follow-up reports, abuses of human rights are still seen, despite NGO pressure. Coupled with a weak civil society, affecting domestic change with human rights abuses in China remains difficult. The strict regulations and mechanisms in China allows it to control the state, and monitor international NGO involvement in China. Its authoritarian regime restricts international NGO's ability to act and civil society's formation. To improve human rights in China, the state must recognize their importance. International condemnation may help pressure China to stop its violations, but ultimately, China needs to desire change.

Environmental NGOs have had more success in China as the government views them as beneficial. China believes that it needs the help of environmental NGOs and therefore has established a stronger state-NGO relationship than those with human rights. Since the interests of environmental NGOs and China have aligned, they have been able to push China to change its domestic policy. Although civil society for environmental

protection is not as large and cohesive as it could be, it still allows for collaboration with international NGOs, which helps pressure China to change its ways. In order to continue to be effective in the future, international environmental NGOs should continue to work with domestic society and make China aware of the importance and necessity of environmental issues to make China recognize the need for environmental protection.

India

India still needs to focus on human rights and environmental protection as well. International human rights and environmental protection NGOs have a hostile relationship with the state. India does not want international NGOs interfering in its domestic affairs, as it does not trust them. It is not just international NGOs, however, as India has censored its own civil society when citizens speak out against or condemn the government. India therefore has sovereignty issues and wants sole control over the state. In order to be more effective in the future, international NGOs should put an emphasis on accountability and transparency, so as to build a healthy relationship with the state. The trust that India has with WWF, has allowed it to affect domestic policy and granted them autonomy from the State. International NGOs should further seek to work with and engage with civil society because as seen with the blockage of the SSP project, civil society can play a large role in enhancing the work of international NGOs.

Russia

Russia also needs to ensure a greater protection of environmental issues. Russia continues to degrade its environment, with no effort to change its policy or take accountability for its role in environmental deterioration. International environmental

NGOs have pushed for change, but have only achieved success when the international community pressures Russia. International NGOs in Russia also face accountability issues. Since Russia does not trust them, they have passed regulations that make the international NGOs mere presence in Russia difficult. Coupled with the fact that civil society is led to believe that international NGOs are foreign agents, international NGOs cannot rely on civil society to help them promote environmental policy change. In order to be effective in the future, NGOs should try to increase transparency, but more importantly, should publicize Russian infractions and hope that the international community will pressure Russia into changing its ways.

Conclusion

As is shown in the case studies of Argentina, China, India, and Russia, the ability of NGOs to affect change increases when State-NGO relations are strong, civil society is active, and NGOs are accountable to both the State and citizens. Table 1 summarizes the relationship each State has with these factors. It has also been show how crucial State support is in strengthening these factors. Ultimately, in order to affect change, a State must both recognize the importance of the human rights and environmental rights and seek to change its policy.

Table 1:

| | State-NGO relations | Civil Society | Accountability |
|-----------|--|---|---|
| Argentina | Weak with improving relations | Weak | Strong |
| China | Environmental: Strong Human rights: Weak | Environmental: Moderate Human rights: Weak | Strong due to Chinese regulations |
| India | Environmental: improving relations Human rights: weak | Environmental and human rights: weak | Mixed: The State views them as weak, but NGOs are trying to improve their credibility |
| Russia | Weak | Weak | Weak because the State believes that they lack transparency |

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