



## Civil society organizations and its limitation

Dr. PK Rana

Reader, M.S. Law College, Cuttack, Odisha, India

### Abstract

The legitimacy of Civil Society also rests with the people. While many non-governmental organisations can claim a claim a mandate to speak on global concerns and represent those interests unrepresented in the traditional political process, they are not accountable to direct democratic control. Although, these organisations are not democratically structured internally, however, they shall be accountable to the people in general.

**Keywords:** civil society organisation, transparency, ineffectiveness

### Introduction

Concept of civil society is as old as the democracy and philosophy of popular participation. It could have form the clouds of French Revolution or many national movements in past, but the growth of international organizations and the search for panacea for good governance have transformed these socially viable entities to great extent.

The World Bank, on the basis of opinion of a number of leading research organizations has adopted a definition of civil society as "the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their; members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations (CSOs), therefore, refer to a varieties of organizations: community groups, non-governmental organizations (NGOs), labour unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations".

When we compare with government, civil society means a realm of social life - market exchanges, charitable groups, clubs and voluntary, associations, independent churches and publishing houses - institutionally separated from territorial state institutions. This is the sense in which civil society is still understood today: a complex and dynamic ensemble of legally protected nongovernmental institutions that are nonviolent, self-organizing, self-reflexive within government control. In most regions of the world, the language of civil society has also been applied to such disparate political phenomena as the decline and restructuring of welfare states, the rise of "free market" economic strategies, and the growth of social movements.

### International Strategy of Civil Society:

Civil Society is recognised by international organizations like UNO, World Bank and others. The Integrated Civil Society Organizations (ICSO) System is been developed by the Department of Economic and Social Affairs (DESA). Over 13,000 CSOs have established a relationship with the Department of Economic and Social Affairs (DESA). The vast majority of these CSOs are NGOs; there are also institutions, foundations, associations and almost 1,000

Indigenous Peoples Organizations (IPOs) listed as CSOs with DESA - which maintains a database of registered CSOs. Once registered with DESA, CSOs can also apply for consultative status with the Economic and Social Council (ECOSOC). If consultative status with ECOSOC is granted, the organization can participate in relevant international conferences convened by the United Nations and in meetings of the preparatory bodies of these conferences.

The United Nations is both a participant in and a witness to the growing global civil phenomenon. Non-governmental organizations (NGOs) and other civil society organizations (CSOs) are active partners of UN system and are valuable UN links to civil society. CSOs play a key role at major conferences of United Nations and have become indispensable partners for UN efforts at the national level. NGOs are consulted on UN policy and meetings and conferences for NGO representatives who are accredited to UN offices, programmes and agencies.

The World Bank first began to interact with civil society in the 1970 through dialogue with non-governmental organizations (NGOs) on environmental concerns. Today the World Bank consults and collaborates with thousands of members of Civil Society Organizations! (CSOs) throughout the world. The World Bank has learned through these three decades of interaction that the participation of CSOs in government development projects and programs can enhance their operational performance by contributing local knowledge, providing technical expertise, and leveraging social capital. Further, CSOs can bring innovative ideas and solutions, as well as participatory approaches to solve local problems.

Civil Society is the critic, and advocate of the unrepresented or the underrepresented before government. Often government fails due to its weak structure or policy and due to problems that may not be solved through planning from above, here comes the role of civil society. It creates awareness, interest and call for involvement. It has capability to mobilize the people and to penetrate the hearts and minds of the citizens who may find it hard to believe that their governments are making a genuine effort to tackle corruption. And, above all, it is essential to raise public awareness, to awaken society to the disastrous effects of corruption and to

get across 'the message that fighting it is possible.

### **The Growth of Civil Society**

The present rumour is imminent demise of nation-states, but they remain the predominant actors in the world political system, now challenged by global civil society. Global civil society is made up of nongovernmental organizations (NGOs), International Non-governmental Organizations (INGOs) and Transnational Networks (TNs). These non-state actors are individuals and groups with transnational interests and they frequently have counterparts in other countries than with their countrymen.

NGOs and INGOs are structured along traditional lines with headquarters, officers, membership fees, etc. Networks, however, have no person at the top and none at the centre. They are forms of organization characterized by voluntary, reciprocal and horizontal patterns of communication and exchange. Networks stress fluid and open relations among committed actors working in specialized issue areas.

They survive on finances donated. Donor concern with strengthening civil society in the South is a recent phenomenon. It appears to have emerged from the new policy agenda on good governance that was increasingly promoted by official donors during the 1980s and the early 1990s. As a result of this agenda, Northern donors began to explicitly promote political reform through development co-operation. Some donors advocate policies that limited state interference and reduced corruption in the public sector. There was a particular emphasis on aid recipient countries improving their records on democratic elections, human rights and the rule of law, to name some of the more common areas of reform.

The unresponsiveness of India's political parties and government has encouraged the Indian public to mobilize through nongovernmental organizations and social movements. The consequent development of India's civil society has made Indians less confident of the transformative power of the state and more confident of the power of the individual and local community.

### **Limitations of Civil Society**

The civil society is not an integrated and territorial unit with constitutional mandate. It is more social than political, inherently more market oriented than social. The government has not made the clutches free. With the ideology the CSOs operate, there are still some lapses in everyone's mind. To least few of them:

#### **1. Lack of Accountability and Transparency**

Non-government organizations are organizations that are not controlled by government and are nonprofit making. The allegations against the CSOs / NGOs are that they are supposed to be effective on their objectives and also accountable to those they serve. However, the NGOs have increasingly failed by being unaccountable to those they are supposed to work for, they have continually been ineffective in their performance and they have adapted to elitist nature whereby they segregate themselves from others. They consider as independent government within a State and potentially have challenged the legal and financial status of their territory by their external links. The testimony of their activities is selfish in the way they work for a group that

catches the attention of others. The ineffectiveness, the unaccountability and the elitist nature of NGOs is evident among much renowned organization and this can be seen to be true when one assesses their performance with regard to the current debate on good governance and civil society.

CSOs continue to face the complex issue of accountability; when CSOs rather than the state provide basic social services, such as health care, education and water supply to whom are they accountable? Some CSOs are membership organizations that seek to mutually benefit their members and are directly accountable to them. But the vast majority of social services delivered through CSOs are provided by professional development organizations with self-appointed boards (NGOs). Such boards rarely contain representatives of beneficiary communities but are normally made up of urban-based elites. Thus accountability downward to the beneficiaries of the services is generally weak in the CSO sector. In practice, the strongest form of accountability facing CSOs undertaking service delivery projects is to their international funders in industrialized countries.

The concept of accountability of an NGO is gaining worldwide acceptance. People often have their reservations against the projects in which the money that they are giving out will be spent by an NGO. The Governments of various countries are trying to formulate policies according to which every NGO must be listed and full report of the projects be made to the Accountability Committee.

One of the defining features of globalization has been profound proliferation of the NGOs and the increasing influence and reach of such actors at global stage. There has been sustained boom on international trade and investment activity, the not-for-profit activity also has grown with equal magnitude. But, like the purpose-built trade and investment agreements, the not-for-profit activities have been under looked by the architects of global governance, presently the international legal regime governing the not-for-profit organizations is far more skeletal than the for-profit activities.

#### **2. Performance**

There is the question of performance. Can the access, coverage, quality and efficiency of CSO service delivery be up to mark in quality and quantity?

#### **3. Ineffectiveness**

How can CSOs engage effectively with government at different levels? One of the major directions taken by public sector reforms in many developing countries is decentralization. This is an instance of ineffectiveness.

#### **4. Inefficiency**

UK's Overseas Development Institute (ODI) Zimbabwe, India and Bangladesh has reported that CSOs are successful in benefiting the poorest households or women, or ensuring self-sustainability of local CSOs.

#### **5. Deficiency**

Clearly CSOs, on their own, cannot overcome the wider factors disabling health service access and public sector service provision. Services of CSO cannot be seen as a substitute for the state. It is suspected that the CSOs may not handle epidemics in a populous country like India.

## **6. Elite Capture**

Evidences of Elite Capture have been found to be the central theme of management of CSOs. It is the broad base of functioning of CSOs and highlight on their prospects through elites? and media.

## **7. Away from Good Governance**

The root of origin of CSOs is Good Governance, but the ideologies of Good Governance are on turmoil on the functioning of CSOs. The current debate on good governance and civil society emphasizes on peace building, democratization, quality leadership, responsibility and proper civil institutions. NGOs should assist in helping in peace building in countries in which they are situated, they should be involved in the resolving existing issues in the country for example by helping to find solutions to a countries conflicting issues when they arise, mediating disputing groups when there are ethnic tensions caused by political instability, coming up with measures that will reduce tribalism, nepotism and corruption, help in recovering to normal order.

## **8. Fragmenting the Government**

It can be quoted as example: Many believe that strengthening civil society in Latin American countries will strengthen democracy. Others think that civil society associations weaken and fragment the political parties and government institutions on which democracy depends.

## **9. Destabilizing the State**

The not-for-profit organizations often are blamed for arousing 'destabilizing a nation' by the wealth of foreign finance and on the pleas of human rights as evidenced from reports on Zimbabwe, Human Rights Watch.

## **Reference**

1. Ashutosh Varshney. Status of Civil Society, The New Indian Expres, 2011.
2. Parthi RK. Civil Society & Global Policies, Arie Publ. & Dist. New Delhi, 2006.
3. Arato A. Civil Society, Constitution & Legitimation, Lanham M.D.: Rowmen & Littlefield, 2000.
4. Hall JA (ed.). Civil Society, Cambridgege Polity Press, 1995.
5. Bawa PS. Civil Society Initiatives in Dealing with Corruption, IIPA, 2011.