

THE RISING PROFILE OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS AND THEIR ROLES IN CONTEMPORARY CONCEPT OF INTERNATIONAL GOVERNANCE*

Abstract

Nongovernmental organizations, ordinarily, refer to any scientific, professional, business or public interest organizations that are neither affiliated with nor under the direction of a government; an international organization that is not the creation of an agreement among countries, but rather is composed of private individuals or organizations. The rising profile of these organizations is not unconnected with the level of awareness created by their participations in international governance which have made different countries under the United Nations to be aware of the happenings at international affairs. This awareness has made these organizations to press for the rights and privileges of countries in the areas of human rights, environmental rights, and humanitarian and global governance participations under the UN Charters. This work therefore is aimed at exposing the objects and functions of these international non-governmental organizations, international global governance and humanitarian attributes under the United Nations for the benefits of their member countries and their citizens for sustainable development. The methodology adopted by the writer was doctrinal method and he used both primary sources, he brought his position home for easy understanding and appreciation. He recommended that United Nations via their agencies should broaden their scope and awareness of the member countries to be aware of the opportunities available for them and their citizens for the development of mankind; devoid of intimidation, abuse of their rights, degradation of their environment and for sustainable development.

Keywords: International, Non-governmental Organizations, Contemporary Concept, International Governance and International Law

1. Introduction

The word 'International' means connected with or involving two or more countries.¹ Non-government organization under international law depicts any scientific professional business or public interest organization that is neither affiliated with nor under the direction of a government; an international organization that is not the creation of an agreement among countries, but rather is composed of private individual or organizations, which are often granted consultative status with the United Nations., include Amnesty International, Green Peace and the International Committee of the Red Cross.² It is also termed private voluntary organizations.³ It is popularly abbreviated as NGOs.

2. Conceptual Clarifications

Nongovernmental Organizations

What is an NGO? The term NGO stands for nongovernmental organization, and it includes a variety of organizations such as 'private voluntary organizations,' 'civil society organizations,' and 'nonprofit organization'.⁴ The term NGO describes a range of groups and organizations from watchdog activist groups and aid agencies to development and policy organizations. Usually, NGOs are defined as organizations that pursue a public interest agenda, rather than commercial interests. It is believed that the first international NGO was probably the Anti-Slavery Society, formed in 1839. However, the term NGO originated at the end of World War II when the United Nations sought to distinguish between private organizations and intergovernmental specialized agencies. NGOs are a complex mixture comprised of alliances and rivalries; businesses and charities; conservatives and radicals. The funding comes from various sources, and though NGOs are usually nonprofit organizations, there are some that operate for profit.⁵ NGOs originate from all over the world and have access to different levels of resources. Some organizations focus on a single policy objective of AIDS while others will aim at larger policy goals or poverty eradication.

*By Livinus I. NWOKIKE, OND, HND, PGD, MBA, FNIM, LLB (Hons), BL, LLM, PhD, Lecturer in Department of International Law and Jurisprudence, Faculty of Law, NnamdiAzikiwe University, Awka, Anambra, Nigeria, Justice of Peace, Member, Nigerian Society of International Law, Member, International Law Association & Notary Public. Email: li.nwokike@unizik.edu.ng, tolerancefocus@gmail.com

website: www.geci.org.ng. Phone Number: +2348033521034, +2349073018015

¹ A S Hornby, *Oxford Advanced Learner's Dictionary of Current English* (Oxford: New 9th ed., Oxford University Press, 2015) 823

² B A Garner, *Black's Law Dictionary* (United States of America: 11th ed., Thomson Reuters, 2019) 1266

³ Ibid

⁴ Ibid

⁵ M C Gann & Johnson (2006), UN Agenda 21 Chapter 27 access on 24/3/21 at <http://www.un.org.esa/dsd/agenda21/res-agenda21-27.shtml>

Nongovernmental vs. Governmental

The concept of a 'nongovernmental' organization is an extremely difficult one to handle satisfactorily. The definition at the international level derives from a compromise wording in the early days of the United Nations.⁶ The current crisis in INGO-UN relations⁷ is in part due to the fact that the narrow Western concept of an NGO is not re-examined. (There is also a suspicion that the prefix 'non-' may translate badly into some non-Indo-European language and culture settings and give the sense of 'anti-', or at least a 'non-kosher' connotation.) More or less successful imitations exist as functional equivalents in non-Western societies, but frequently with a strong governmental component making them 'mixed' or 'intersect' organizations.⁸ The government or party influenced 'NGOs' in socialist countries tend to be viewed as political front organizations by the West, whereas the socialist countries tend to view Western 'NGOs' as fronts for secret service activities. A more sophisticated typology is required.

Global Administrative Law

The concept of global administrative law begins from the twin ideas that much global governance can be understood as administration, and that such administration is often organized and shaped by principles of an administrative law character.⁹ With the expansion of global governance, many administrative and regulatory functions are now performed in a global rather than national context, yet through a great number of different forms, ranging from binding decisions of international organizations to non-binding agreements in intergovernmental networks and to domestic administrative action in the context of global regimes. Examples include UN Security Council decisions on individual sanctions; World Bank rule-making for developing countries: the setting of standards on money laundering by the Financial Action Task Force; or domestic administrative decisions on market access of foreign products as part of the WTO regime. Many regulatory functions in global governance are also performed outside such formally public, governmental structures, namely by hybrid private-public or purely private institutions, such as ICANN, the Internet Corporation for Assigned Names and Numbers, or the International Organization for Standardization (ISO).

Despite these widely varying forms and institutions, we can observe in all these examples the exercise of recognizably administrative and regulatory functions: the setting and application of rules by bodies that are not legislative or primarily adjudicative in character.¹⁰ If similar actions were performed by a state agency, there would be little doubt as to their administrative character (except, perhaps, for the examples of private regulation). Classically, however, regarding them as administrative would have been difficult because of their international nature; the term 'administration' was closely tied to the state framework and could, at most, point to the domestic implementation of international norms.¹¹ This categorical distinction, however, has today become problematic: too interwoven are the domestic and the international elements in these processes of regulation. This is most obvious for government networks in which domestic officials are engaged in both the rule-making on a global scale and the implementation on the domestic level, often without any intervening act. Likewise, when the UNHCR conducts status determination for individual refugees, the posited distinction of an international level for relations between states, and a domestic level for relations between states and individuals breaks down.¹² And WTO dispute settlement can in many cases be regarded as another layer of judicial review of domestic administrative action. It is this interwovenness of the different spheres that leads us to regard the conglomerate of regulatory forms as part of one very variegated but recognizably 'global' administrative space. The enmeshment of the domestic and international in governance also has important repercussions for the mechanisms through which administrative actions can be held to account. Under the classical distinction between the domestic and the international realms, international norms were agreed upon on the international level, but the state remained free to adopt them or not, as their obligatory character and effect depended on domestic ratification and implementation. Because of this freedom, domestic accountability mechanisms were thought to be (reasonably) effective: parliamentary process and

⁶ 'Any international organization which intergovernmental agreement shall be mental organization-' (UN ECOSOC Resolution 1296 (XLIV) June 1968), See discussion in G.P. Speeckaert, *ibid*

⁷ A Judge. Summary of the crises in inter-organizational relationships at the international level. *International Associations*, 24, 1972, 5, Also; The UN System's ivory tower strategy. *International Associations*, 23, 1971, pp. 24-48

⁸ E Kenneth, Boulding. Management of 'intersect' institutions. In; Management in a Changing World, Conference Board USA 1972

⁹ For a detailed exposition of global administrative law. see Kingsbury. Krisch and Stewart. 'The Emergence of Global Administrative Law'. 68:3 *Law & Contemporary Problems* (2005) 15

¹⁰ For similar characterizations, see C Tietje, *Internationalisiertes Verwaltungshandeln*(2001); S Battini, *Amministrazioneesenzastato*(2003); J E, Alvarez, *International Organizations as Law-makers* (2005) at 244-245; D Sarooshi, *International Organizations and Their Exercise of Sovereign Powers* (2005) at 14-17.

¹¹ See Cassese, 'Global Standards for National Administrative Procedure', 68:3 *Law & Contemporary Problems* (2005) 109, at 112-113

¹² See Pallis, 'The Operation of UNHCR's Accountability Mechanisms', *IILJ Working Paper* 2005/12, available at www.iilj.org/papers/IILJ2005_12Pallis.htm

administrative procedures could have a meaningful impact.¹³ The more the domestic and international processes are interwoven, however, the more this freedom breaks down, and with it the effectiveness of classical accountability mechanisms. Decisions in an intergovernmental network such as the Basel Committee for Banking Supervision, though not formally binding, commit the participating domestic officials to implementation and will thus have a strong impact on any later domestic administrative procedure. UNHCR findings on refugee status directly determine the fate of the individual refugee. And WTO dispute settlement decisions are in most cases factually decisive for domestic administrative action; the costs of non-compliance would simply be too high to allow domestic administrative processes real freedom to deviate from a WTO decision. In the global administrative space, the classical distribution of labour between the different levels has largely broken down when it comes to ensuring regulatory participation and accountability.

The resulting accountability and participation problems are beginning to be addressed, in part because of an interest of global regulatory institutions and actors in bolstering their legitimacy in the face of growing political challenges. In many areas of global governance, and in highly variegated forms, mechanisms are emerging that seek to enhance, participate the accountability of global regulatory decision-making. The structural similarities between many of these disparate phenomena are striking: they testify to a growing trend of building mechanisms analogous to domestic administrative law systems to the global level; transparency, participation, and review are central among them. This trend is reflected, for instance, in the inspection panel set up by the World Bank to ensure its compliance with internal policies; in notice-and-comment procedures adopted by international standard-setters such as the OECD;¹⁴ in the inclusion of NGOs in regulatory bodies like the Codex Alimentarius Commission; or in rules about foreign participation in domestic administrative procedures as set out in the Aarhus Convention. We argue that this is a general trend of practice toward a global administrative law.

Whether pursuit of accountability, participation and transparency is desirable in particular cases involves far-reaching issues. Accountability can dissipate effectiveness, participation can result in capture by special interests, and transparency can mean populism triumphs over justice. Institutional design is important, there may be robust accountability but to the wrong people or on the wrong topics. Bracketing such issues in descriptive terms global administrative law as we understand it encompasses the legal mechanisms, principles and practices, along with supporting social understandings, that promote or otherwise affect the accountability of global administrative bodies, in particular by ensuring these bodies meet adequate standards of transparency, consultation, participation, rationality and legality, and by providing effective review of the rules and decisions these bodies make. We describe this field of law as 'global' rather than 'international' to reflect the enmeshment of domestic and international regulation, the inclusion of a large array of informal institutional arrangements (many involving prominent, roles for non-state actors), and the foundation of the field in normative practices, and normative sources, that are not fully encompassed within standard conceptions of international law.

Organization

There are many factors which determine the manner in which different functions are associated with particular styles of organization drawn from the wide range of possibilities of kinds of organization. One example of how a need satisfied by a conventional organization may be satisfied by a functional equivalent in the table is the case of a 'subscription ship'. In one setting it may be necessary to have interaction between members via an 'organization', while in another the need for such interaction maybe satisfied by a journal to which individuals can subscribe. Another example is the case of an 'agreement' which may be considered an hyperformal organization. In one setting a written or even verbal agreement may satisfactorily regulate relations between members, in another an equivalent agreement may have to be administered by a secretariat via an organization. Where formal agreement is not possible, and 15 organizations may even perform the necessary mediating or negotiating functions between its members. A final example is the case of a meeting, and particularly large regular meetings, in a series. In terms of activity, this may be more significant than a small normally constituted organization.¹⁵ One consequence of focusing on conventional organizations only is that functional equivalents, particularly in non- Western cultures¹⁶ are excluded from the analysis thus introducing cultural bias and jeopardizing comparative studies. A complicating feature is that a conventional organization may, for example, perform functions for a 'membership', but at the same time produce

¹³ But see also Benvenisti, 'Exit and Voice in the Age of Globalization'. 98 *Michigan Law Review* (.1999) 167

¹⁴ See Salzman, 'Decentralized Administrative Law in the. Organization for Economic' Cooperation and Development'. 68:3 *Law & Contemporary Problems* (2005)189

¹⁵ Anthony Julje&KjeilSkjelsbaek, *International Non-governmental Organization and their function in A.I.R.* Groon and Pau Taylor: Functionalism; theory and practice of in international relations. (London: University of London Press, 1975). <https://www.laetusinpraesens.org/docs/function.php> accessed on 24/3/21

¹⁶ For example, in Arab countries or those with a Moslem culture, a common form of organization for social development is the 'Waq' (mentioned in the Koran) which bears some resemblance to a Western religious fund or foundation. It is not known whether any of these are 'international'. Similarly, the family name and ancestral province association play an important role in and between countries with a Chinese population

a periodical which serves as a focal point for a subscribership' which is not identical nor coterminous with the membership. A further complicating feature derives from the dynamics of a social system in that the growth or decay of a particular organization form maybe accompanied by transference of functions to another organization form, for instance due to change in technology. The ability to accomplish this transference may be hindered by inertial features, such as vested interests identified with particular patterns of organization. Finally, it is useful to consider what may be termed 'potential' organization, namely the facility with which a network of interacting bodies can get out appropriate organization forms and combinations of members in response to each new detected need. Such organizations come into existence when required but otherwise only exist potentially their potential existence obviates the need for a permanent organization in the domain in question.¹⁷

International versus National

There is a series of problems connected with this dimension. Some organizations may have members from one or two nations, but financial support from one only.¹⁸ Their activities may be geared towards the international system as such, towards the domestic situation in a specified set of countries or towards one single country regardless of the structure of the membership and/or financial contributions. In addition there is a difficulty connected with the distinction between manifest and latent functions. Activities of typically national NGOs to solve national problems for instance a strike organized by a trade union - may very well have unintended repercussions in other nations thus affecting inter-nation relationships. Any cutting point is therefore bound to be arbitrary. The conventional requirements are that an INGO must have members and financial support from at least three different countries and the intention to cover operations in as many. There is a further problem for many organizations in that the nationality of members, funding and activity or office location may be considered of little significance to the members - the organization is not territorially-oriented. In such cases the term 'transnational' is more appropriate.¹⁹

Non-profit versus Profit

Within the UN context, which originated the term NGO, there is no specific restriction on recognition of nongovernmental organizations which themselves have profit making objectives. To date however, of the 350 organizations in consultative status with ECOSOC, more have such objectives - although some, as for example the various trade associations, are clearly attempting to facilitate profit making on the part of their members.²⁰ Tax law may further confuse the issue by recognizing some nonprofit bodies as having 'charitable status' or as being 'benevolent' or 'philanthropic'. This varies very much from country to country.

Voluntary versus Nongovernmental 'Voluntary' is as subject to confusion as 'nongovernmental'. Many NGOs have 'voluntary bodies' as; members, and may even have programmes administered by 'volunteers'. But on the other hand, many differ from profit-making bodies only in the lack of a profit- objective, and would oppose the label 'voluntary'.²¹ There is a tendency to treat 'voluntary agencies' as a special class of INGOs with programmes for developing countries.

Legal Status

INGOs are fictional entities in terms of International Law. They are international 'outlaws'.²² This is true of both profit and nonprofit organizations. No international convention exists to supply either with legal status. In both cases they are treated as national organizations in the country where they are headquartered²³ and as 'foreign'

¹⁷ Each new issue inspires a new configuration of bodies. This has been discussed in connection with political party election machinery in Richard R. Pagan. *Politics and Communication*. Little, Brown, 1966 (Chapter on the 'Components of Communication Networks'). For a means of developing this technique, see; A Judge, *New types of social entity; the role of the potential association. International Associations* 239 1971

¹⁸ Many United States trade unions are 'international' in the title, e.g. International Longshoremen's Association

¹⁹ There is a movement to restrict 'international' to 'intergovernmental' and to refer to INGOs as transnational associations; see; G.P. Speeckaert *Transnational ou International? International Associations*, 24, 1972 4, pp. 225-232

²⁰ The United Nations, even though its Agencies concerned with trade, cannot recognize the existence of multinational business enterprises as INGOs because of the political sensitivity of profit-making. The exception is FAO through its FAO/industry Cooperative Programme on which multinationals are represented. This embarrassment is in sharp contrast with OECD which has a Business and Industry Advisory Committee

²¹ For a broad definition of voluntary, see: David Horton Smith, et al. *Types of voluntary action; a definitional essay*. In: D.H. Smith (Ed.) *Voluntary Action Research*. Lexington, Lexington Books, 1972. (See also *Journal of Voluntary Action Research*.)

²² Those 'recognized' by the United Nations acquire a measure of legal significance. There have also been attempts to extend the interpretation of the status of private persons in international law to cover collectivities. See; *Universite Catholique de Louvain. Premier colloque de Departement des Droits de L' Homme (1969); ies droits de l'homme et Iespersonnes Morales*. Bruxelles. Emile Bruylant. 1970

²³ Belgium is the only country to recognize and provide special legislation and facilities for INGOs (Law of 25 October 1919 expanded by Law of 6 December 1954) which is one reason why 490 INGOs have offices there. Efforts are being made by the European Economic Commission to define a 'European Corporation' to which international trade unions will have a specially recognized relationship

organizations in other countries. This situation has had a marked negative influence on the thinking of scholars unwilling to recognize any body not accorded existence by law. Even at the national level, however, many organizations remaining unincorporated for a variety of reasons - one of which may be the illegality of their activities. Organized crime is an important feature of the social system, at least through the influence of the 'nationwide cartel and confederation', 'the single loosely-knit conspiracy' operating in the United States, and most probably through other related international crime syndicates, about which information is unobtainable). In some respects organized crime resembles a set of normal profit-making enterprises, although illegal; in others the underlying 'family structure' (as with the Tong secret societies) are significant; or, as a totality, it may be a network loosely-knit structures, possibly with a central arbitrating 'commission'¹ International organized crime is almost entirely ignored in analyses of governmental and business systems due to its 'abnormalities', but aside from thus falling into a catchall category of INGOs it may through its functions as a network of pressure groups or established structures and properties bear a strong resemblance to the legitimate network of associations (as well as infiltrating some', such as unions and trade associations) Such organization may perform some positive functions.²⁴

3. History of the Nongovernmental Organizations Movement

The first NGO was the Anti-Slavery Society followed by the Red Cross and Caritas, a movement that arose at the end of the 19th century. Most of the other NGO movements were founded after the two world wars and, hence, were primarily humanitarian in nature. For example, Save the Children was formed after World War I, and CARE was formed after World War II. The decolonization of Africa in the 1960s led to a new way of thinking - one that aimed at causes of poverty rather than its consequences. The armed conflicts of the 1970s and 1980s led the European NGOs to take on the task of mediators for informal diplomacy. Their support for locals had an impact on the demise of the apartheid regime in South Africa and the dictatorships of Ferdinand Marcos in the Philippines and Augusto Pinochet in Chile. In addition, in the mid-1980s, the World Bank realized that NGOs were more effective and less corrupt than the typical government channels. The food crisis in Ethiopia in 1984 spurred a new market for 'humanitarian aid.' In the history of the NGO movement's growth, there have been several milestones. One of the first milestones was the role of the solidarity movement in the political transformation in Poland in the 1980s. The next was the impact of environmental activists on the 1992 Earth Summit in Rio de Janeiro. Another milestone was the fifty years is enough campaign in 1994. This was organized by the South Council and was aimed at the World Bank and International Monetary Fund (IMF) on the belief that these two institutions had been promoting and financing unsustainable development overseas that created poverty and destroyed the environment. The most recent milestone was the organization of the labor, anti-globalization, and environmental groups that protested and disturbed the Seattle World Trade Organization (WTO) meeting in 1999. The following international nongovernmental organizations shall be discussed.

The World Wildlife Fund

The World Wildlife Fund, also called the world wildlife fund for Nature, with its familiar panda logo, is renowned for its wide-ranging conservation efforts. The Switzerland-based organization is generally known simply by its initials, WWF. Its mission statement signals the scope of its commitment.²⁵ 'To stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature, by conserving the world's biological diversity, ensuring that the use of renewable natural resources is sustainable, and promoting the reduction of pollution and wasteful consumption.'²⁶

Ever since it was founded in 1961, WWF has included both conservationists and businessmen, knowing that to be successful in its mission it would need public support, well-managed action, and solid scientific data. WWF also recognizes that effective efforts involve cooperation between non-governmental agencies, local governments, and local populations. From the outset, WWF has worked closely with the World Conservation Union (IUCN), and these days, it maintains a diverse range of partnerships, from talking to Baka Pygmy tribes in Central African rainforests to face-to-face discussions with world leaders and representatives of the United Nations, World Bank, and European Commission.²⁷ Over its 45 years of existence WWF has raised many millions of dollars, funding thousands of conservation initiatives around the globe. These include efforts focused on individual species, freshwater, forests, and marine issues as well as climate change. Equally important are its efforts to provide a safe and sustainable habitat for the world's peoples, both urban and rural, including clean water, clean air, healthful food,

²⁴ President's Commission on Law Enforcement and Administration of Justice. Task Force Report: Organized Crime. Washington. US Government Printing Office, 1967. Note that profits to organized crime from gambling, loan sharking and narcotics (excluding infiltrated legitimate business and other operations) are probably in the region of \$ 8 billion per year in the United States alone

²⁵Anita Wolff, The Global Conservation Organization, WWF available online at <https://www.britannica.com/explore/savingearth/wwf.theglobal-conservation-organizationwwf> assessed on 24/3/21

²⁶ Ibid

²⁷ Ibid

and rewarding recreation areas.²⁸ Today WWF is active in more than 100 countries and has millions of supporters. Its more than 90 offices are focused on national and regional action. In addition to specific local issues, WWF is addressing such global issues as climate change, sustainable development, safe agricultural practices, and responsible international trade.²⁹

The GreenPeace International

This is an international NGO with a goal to 'ensure the ability of the Earth to nurture life in all its diversity.'³⁰ In Australia, there is greenpeace pacific limited. The structure of greenpeace there is as thus: As a registered charity, Greenpeace Australia Pacific Limited takes the corporate form of a public company limited by guarantee. Instead of shareholders Greenpeace Australia Pacific has a General Assembly made up of more than 50 skilled volunteers who are the voting members. These members elect the Board from the existing General Assembly membership. The Board in turn appoints the Chief Executive Officer whom is delegated responsibility of management of the company.³¹ Greenpeace Australia Pacific's constitution defines the objectives of the organization as being to: protect, preserve and enhance the natural government; promote nuclear disarmament and peace; and establish and maintain a public fund for the specific purpose of supporting the environmental objectives.

NGO Profile: Greenpeace International³²

'We defend the natural world and promote peace by investigating, exposing and confronting environmental abuse, and championing environmentally responsible solutions.'³³ The size and organizational structure is that Greenpeace international, the body that co-ordinates global Greenpeace policy and strategy, is an organization of about 175 staff who are largely based in Amsterdam. Its board of directors consists of seven members and its role is to approve the annual budget and audited accounts, and to appoint and supervise the Greenpeace international executive director. It is also responsible for monitoring the operations and activities of the wider organization, including deciding organizational policy. International board members are elected for a three-year period by representatives from the national/regional offices at the AGM. Sources of funding of Greepeace do not accept money from companies, governments or political parties, instead relying on the voluntary donations of individual supporters, and grant support from foundations. It has 2.9 million supporters worldwide. In 2011 it received €23m in donations. Income in the UK was £10.4m. In 1971, a small team of activists set sail from Vancouver, Canada, in an old fishing boat. Their mission was to 'bear witness' to the US's underground nuclear testing at Amchitka, a tiny island off the west coast of Alaska, which was the last refuge for 3,000 endangered sea otters, and home to bald eagles, peregrine falcons and other wildlife. Even though the team was intercepted on route, the journey sparked a flurry of public interest. Nuclear testing on Amchitka ended the same year, and the island was later declared a bird sanctuary. The Campaign sectors of Greenpeace is stopping climate change; defending oceans; protecting forests; eliminating toxic chemicals from industry; and eliminating nuclear weapons.

They have campaigning highlights such as:

- February 2013: Asia Pulp & Paper, the world's third largest paper and packaging company, agreed to cease deforestation in Indonesia.
- December 2012: Brazilian oil giant Petrobras abandoned its plans for deep sea oil drilling off the coast of New Zealand.
- November 2012: The world's largest fashion retailer Zara committed to eliminate all releases of hazardous chemicals throughout its entire supply chain and products by 2020.
- 2010: Nestle agrees to stop purchasing palm-oil from sources that destroy Indonesian rainforests.
- 2009: Kimberly-Clark commits to new sustainability policy after long-running Kleercut campaign.
- 2006: McDonald's agrees to stop selling chicken fed on soya grown in newly deforested areas of the Amazon rainforest.
- 2004: Esso loses its court case against Greenpeace in France for alleged abuse of its logo in the stop ESSO Campaign.
- 1995: Shell UK reverses its decision to dump the Brent Spar oil platform in the Atlantic Ocean.
- 1982: Whaling moratorium is adopted by the International Whaling Commission.
- 1975: France ends atmospheric tests in the South Pacific.

This profile is part of Ethical Corporation's special management briefing on activist NGOs.³⁴

²⁸ Ibid

²⁹ Ibid

³⁰Berkeley Library, University of California on Non-Governmental Organization (NGO) available online at <https://guides.lib.berkeleyedu/c.php?g=496970&P=3427176>

³¹ Ibid

³²Claire Manual NGO Profile: Greepeace international, May 7, 2013 available online at

<https://www.reutersevents/sustainability/stakeholder-engagement/ngo-profile-greenpeace-international>. Accessed on 24/3/21

³³ See their Mission Statement

³⁴ Ibid

International Federation of Red Cross and Red Crescent Societies

They, the National Red Cross and Red Crescent Societies, being the basic units and vital force of the International Red Cross and Red Crescent Movement, founded in 1919 the League of Red Cross Societies ‘as a purely voluntary non-political, nongovernmental, nonsectarian organization, to anticipate, diminish and relieve the misery produced by disease and calamity in a systematic approach’³⁵ They are committed to protecting human dignity and to improving the lives of vulnerable people by mobilizing the power of humanity. They carry out their humanitarian activities in conformity with the Fundamental Principles of the International Red Cross and Red Crescent Movement: Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity and Universalities.³⁶ To alleviate human suffering, they work as auxiliaries to their public authorities in the humanitarian field and through their global network of National Societies and the Movement. With the objectives of ensuring the co-ordination of their international activities, the development and implementation of common standards and policies, organizational development, capacity building and effective international disaster management, and of having an international presence and recognition as a global partner in humanitarian assistance, they, therefore, have agreed to unite themselves and to establish an international body, named the ‘International Federation of Red Cross and Red Crescent Societies’, whose general aim is to inspire, encourage, facilitate and promote at all times all forms of humanitarian activities. With these objectives in mind, they hereby set out the constitutional provisions of this international body and the related rights and duties by which they agreed to abide. They further recall that the mottoes ‘*Inter arma caritas*’ and ‘*Per humanitatem ad pacem*’ together express the ideals of the Movement.³⁷

General Object

The general object of the International Federation is to inspire, encourage, facilitate, and promote at all times all forms of humanitarian activities by National Societies with a view to preventing and alleviating human suffering and thereby contributing to the maintenance and promotion of human dignity and peace in the world.³⁸

Functions

1. To achieve the general object as defined in Article 4 of the Constitution, in conformity with the Fundamental Principles and in the context of the Statutes of the Movement and the resolutions of the International Conference of the Red Cross and Red Crescent (the ‘International Conference’), the functions of the International Federation shall be the following:
 - A. Services to National Societies:
 - a) act as the permanent body of liaison, co-ordination and study among the National Societies and to give them assistance;
 - b) encourage and promote in every country the establishment and development of an independent and duly recognized National Society;
 - c) assist the National Societies in risk reduction, in disaster preparedness, in the organization of their relief actions and in relief operations themselves;
 - d) encourage and co-ordinate the participation of the National Societies in activities for safeguarding public health and the promotion of social welfare in co-operation with their appropriate national authorities;
 - e) encourage and co-ordinate between National Societies the exchange of ideas for the education of children and young people in humanitarian ideals and for the development of friendly relations between children and young people of all countries, and to share good practices for the participation of youth in volunteer services and decision-making processes; and
 - f) assist National Societies to recruit volunteers and members from the population as a whole and to promote awareness and understanding of the Fundamental Principles and ideals of the Movement to them and to the general public.³⁹
 - B. Humanitarian activities:
 - a) bring relief by all available means to all disaster – affected persons;
 - b) organize, co-ordinate and direct international relief actions in accordance with the ‘Principles and Rules for Red Cross and Red Crescent Disaster Relief’ adopted by the International Conference;
 - c) bring relief to victims of armed conflicts, to assist in the promotion and the development of international humanitarian law and to disseminate this law and the Fundamental Principles, in accordance with the agreements concluded with other components of the Movement; and

³⁵ See the Preamble to the Constitution of International Federation of Red Cross & Red Crescent Societies, 2008 (as revised and adopted)

³⁶ Ibid

³⁷ Ibid

³⁸ Ibid, Article 4

³⁹ Ibid, Article 5

- d) be the official representative of the National Societies in the international field, among others for dealing with any matters in connection with decisions and recommendations by the General Assembly, and to be the guardian of their integrity and the protector of their interests.
2. The International Federation shall in addition carry out any other functions validly given to it by the General Assembly.
3. The International Federation shall carry out the mandates entrusted to it by the International Conference.
4. In each country, the International Federation shall act through or in agreement with the National Society and in conformity with the laws of that country.

Amnesty International (IA)

International nongovernmental organization (NGO) founded in London on May 28, 1961, that seeks to publicize violations by governments and other entities of rights recognized in the Universal Declaration of Human Rights (1948), especially freedom of speech and of conscience and the right against torture. AI actively seeks the release of political prisoners and the relief, when necessary, of their families. It also works with intergovernmental human rights bodies to expand and enforce human rights protections in international law. In 1977, AI was awarded the Nobel Prize for Peace. In the early 21st century the organization consisted of national sections, or offices, in more than 50 countries and some three million individual members, donors, and affiliated activists in more than 150 countries and territories. Its logo is a burning candle wrapped in barbed wire, Headquarters are in London. The organization was founded through the principal efforts of the British attorney Peter Benenson, who had defended political prisoners in Hungary, South Africa, and Spain and who sought to establish a collective agency for the advancement of human rights. From 1961 to 1975 the chairman of AI was Sean MacBride, who was a corecipient of the 1974 Nobel Prize for Peace. AI exposes human rights violations by governments, armed political groups, companies, and other nonstate actors in newsletters, annual reports, and background papers. It relies strongly on the worldwide distribution of 'adoption groups', each of which, staffed by three to eight persons, takes on a limited number of cases of prisoners of conscience and barrages the offending government with letters of protest until the prisoners are released. Other activities include organizing demonstrations and vigils, sponsoring human rights education, and circulating online petitions and alerts. The research department at AI's London headquarters is in contact with human rights activists and other interested parties around the world and provides a network of information for all the organization's publications and activities. AI is governed by an international executive committee headed by a chairman. Members of the executive committee are elected to staggered four-year terms at a biennial meeting of the International Council, which comprises representatives of all national sections. The day-to-day operations of the organization are overseen by an international secretariat headed by a secretary-general, who is appointed by the executive committee.

4. The Role of NGOs in General

It is stated that modern non-governmental organizations have existed for over 100 years, since their creation by Victorian naturalists and philanthropist. NGOs have proliferated in modern terms and they play an important part in contemporary concepts of international national governance. More than 8000 attended the NGOs forum during the 1992 Rio Conference.⁴⁰ Over 100 now attend meetings of the International Whaling Commission (IWC), but the legal developments analysed in this work have also been influenced by the activities and pressure of many industrial and business organizations, as well as those established purely for purposes of environmental protection. Japanese fishermen's unions attend IWC meetings alongside conservationist NGOs. On climate change, organizations representing oil and automobile companies are as active in UN bodies as environmentalist NGOs.⁴¹ NGOs' aims and activities are diverse and often entwined. Some are international professional bodies, usually in the scientific field, such as the International Council of Scientific Unions (ICSU); some have exclusively educational or research purposes, such as the World Resources Institute (WRI), the International Institute for Environment and Development (IIED) and the Foundation for International Environmental Law and Development (FIELD); others are campaigning organizations advocating particular courses of action, such as Friends of the Earth International (FOEI), Greenpeace International, the Sierra Club, the National Audubon Society, the International Fund for Animal Welfare (IFAW), and the World Wide Fund for Nature.⁴² Some, such as the Advisory Committee on Pollution of the Sea (ACOPS), mix various interests on their committees and provide forums for discussion through regular conferences. Some are purely national, others regional, yet others fully international. Most of the major international environmental NGOs are based in northern hemisphere developed states, but national NGOs are also beginning to play an important part in some developing countries.⁴³

The effectiveness of NGOs varies greatly according to their seriousness of purpose, funding, depth of research, skills in political advocacy, means of exercising pressure, and narrowness of focus. Some have become increasingly

⁴⁰ P Birnie & A Boyle, *International Law and the Environment* (Oxford, 2nd ed., Oxford University Press, 2002) 66

⁴¹ *Ibid*

⁴² *Ibid*

⁴³ *Ibid*

effective at achieving consultative status at international and regional organizations where their representation and the personal lobbying of their representatives may, if to the point and well researched, influence the negotiating process for conventions and resolutions. Increasingly, they have networked their activities, for example at the Rio Conference, where NGOs met to co-ordinate their policies and actions.⁴⁴ The extent to which NGOs can participate in and influence the work of international organizations depends on the constitution and practice of each organization, and varies considerably. Article 71 of the UN Charter provides only for NGOs to enter into consultation agreements with ECOSOC, but UN resolutions also allow the Secretary-General to invite them to attend public sessions of the General Assembly and Security Council as observers when economic and social matters are under discussion. The practice of most UN specialized agencies, such as IMO and FAO, is similar. NGOs are allowed to participate in meetings as observers only if they are concerned with matters within the competence of the relevant organ or organization. NGO participation remains controversial in some international organizations, notably the IAEA and WTO, due to opposition from some member states.⁴⁵

5. International Union for the Conservation of Nature (IUCN)

One of the most important organizations operating at the international level, which merits special mention, is the International Union for the Conservation of Nature (IUCN), also known as the World Conservation Union. Founded in 1948, this is a federative membership organization, consisting primarily of governments or their agencies but also including scientific, professional, and conservation bodies such as the World Wide Fund for Nature (WWF), with which IUCN has a close association. The diversity of its membership is unique among environmental bodies, comprising seventy-nine states, 149 government agencies, 690 national NGOs and sixty-eight international NGOs. As such it is something of a hybrid organization, neither exclusively intergovernmental nor wholly non-governmental in character. IUCN has a small secretariat located in Gland, Switzerland, and an Environmental Law Centre in Bonn, which, *inter alia*, provides a repository of legal information available to members. Many leading legal experts serve on its International Council of Environmental Law. A General Assembly of all members deliberates every three years. Resolutions which members adopt are presented to governments and relevant bodies, but it operates mainly through numerous standing commissions and committees. The former include Ecology, National Parks, and Protected Areas; Environmental Policy, Law and Administration; Species Survival and Environmental Planning. IUCN lacks real powers, however; its resolutions do not bind and it has no enforcement mechanisms. Despite these limitations, IUCN's hybrid character has helped it to play a catalytic role in initiating or supporting new *legal* developments. It early perceived the need to link environment and development and prepared the IUCN/WWF/UNEP World Conservation Strategy, published in 1980, in which FAO and UNESCO also collaborated. This kind down principles for conservation of living resources and for legal developments to ensure their sustainable utilization,¹⁸⁵ IUCN was also instrumental in drafting the World Charter for Nature, adopted by the UN General Assembly in 1982. Although IUCN's mission is primarily to provide advice and expertise, it helps governments develop international declarations and conventions. It did preparatory work on the Convention on Biological Diversity and the proposed Earth Charter for UNCED, and contributed to the negotiation of the 1972 World Heritage Convention, the 1973 Convention on Trade in Endangered Species, the 1971 Convention on Wetlands of International Importance, and the 1979 Convention on Conservation of Migratory Species of Wild Animals. It seeks, as far as possible, to fill gaps in legal developments, or to co-operate with other organizations in preparing drafts, or in commenting on them, and to provide expert advice and support to developing countries in the drafting of national laws and regional conventions.

IUCN's most ambitious, but so far little noticed, undertaking is the drafting of a proposed. Covenant on Environment and Development in 1995. With seventy-two articles this represents the most detailed and comprehensive attempt to codify and develop international environmental law yet seen. It is at the same time conservative insofar as it follows closely the previous development of the subject. The draft reiterates and builds on the Rio principles; it seeks to provide a framework for further integration of environment and development and to restate fundamental norms and principles. Unlike all prior attempts, it also sets out to codify the law relating to specific sectoral problems, dividing these into four categories: natural systems (ozone, climate, soil, water, forests, wetlands, marine ecosystems, biological diversity, and cultural and natural heritage); processes and activities producing pollution and waste; global issues (such as population, poverty, trade, military activities, and those of foreign firms); and transboundary issues. Further articles deal with implementation, liability, and compliance. There is little here that is novel *per se*; in essence the draft extrapolates principles from existing treaties or other instruments and elevates them to a higher plane of generality. Not every article is necessarily *lex lata*, but overall, this is perhaps the most accurate portrayal of the present corpus of existing and developing international environmental law.

⁴⁴ Ibid

⁴⁵ Ibid

6. Global Governance and Global Administrative Law in the International Legal Order⁴⁶

Globalization and the rise of global governance are transforming the structure of international law, though much of this transformation takes place beneath the surface of the international legal order and often goes unnoticed. From the perspective of classical, interstate, consent-based international law, global governance may still appear merely as a quantitative increase in international legal instruments, sometimes coupled with stronger enforcement mechanisms and accompanied by some changes in procedures of treaty-making. Yet central pillars of the international legal order are seen from a classical perspective as increasingly challenged: the distinction between domestic and international law becomes more precarious, soft forms of rule making are ever more widespread, the sovereign equality of states is gradually undermined, and the basis of legitimacy of international law is increasingly in doubt. Global administrative law, the focus of this symposium issue, approaches cognate changes from a particular angle. It starts from the observation that much of global governance can be understood as regulation and administration, and that we are witnessing the emergence of a global administrative space: a space in which the strict dichotomy between domestic and international has largely broken down, in which administrative functions are performed in often complex interplays between officials and institutions on different levels, and in which regulation may be highly effective despite its predominantly non-binding forms. In practice, the increasing exercise of public power in these structures has given rise to serious concerns about legitimacy and accountability prompting patterns of responses to those concerns in many areas of global governance. Accountability problems are addressed through greater transparency, through notice-and-comment procedures in rule-making, and through new avenues of judicial and administrative review, in a vast array of disparate areas, such as global banking regulation, Security Council sanctions administration, the international administration of refugees or the domestic regulation of transboundary environmental issues. Global administrative law proposes drawing together these dispersed practices and understand them as part of a common, growing trend towards administrative-law type mechanisms for holding global regulatory governance accountable, and to inquire into the challenges this set of issues poses to both domestic administrative law and international law.

Can the World Be Governed?

What do we mean by global governance? A short definition is collective efforts to identify, understand, and address worldwide problems that go beyond the problem-solving capacities of states.⁴⁷ As such, it may be helpful to think of global governance as the capacity within the international system at any given moment to provide government-like services and public goods in the absence of a world government. A longer definition is the combination of informal and formal ideas, values, rules, norms, procedures, practices, policies, and organizations that help all actors - states, IGOs, civil society and NGOs, TNCs, and individuals - identify, understand, and address trans-boundary problems. At its simplest, global governance is a set of questions that enable us to work out how the world is, was, and *could be* governed, and how changes in grand and not-so-grand patterns of governance occurred, are occurring, and ought to occur. As we look at today's headlines or listen to talking heads, a disconnect is apparent between the nature of a growing number of contested global problems -for example, climate change, the proliferation of weapons of mass destruction, terrorism, mass atrocities, financial volatilities, cyber-threats, transnational crime, and pandemics - and the rickety political structures for international problem-solving and decision-making. We lack systems that would allow us to plan and implement effective measures to attack and avoid the global problems that are on the horizon or that are actually upon us. However, in many specific domains there is a significant, and even surprising, degree of stability, predictability, and order. A letter or a package can be mailed from one hemisphere to another, and people pass from country to country by rail, road, and air with few constraints and by increasingly easier modes of travel. Finances and commerce move electronically. Safety and reliability are expected - in fact, disruptions and failures in international interactions are less frequent and spectacular than they are within countries that supposedly have functioning governments.

Many a cynic asks, 'Can the world be governed?' To a significant extent, it already is. The question is, 'how?' And the follow-up question is, 'how can we make it better?' To take one example, commerce transits the seas via container vessels with remarkable efficiency, in a process that involves shippers, insurers, port authorities, labor unions, governments, and intergovernmental organizations. But the resulting global governance in that sector is hardly without problems - oil spills, the exploitation of seafarers, and maritime piracy to name a few. Digging deeper into many issues leads us to see dramatic flaws in the international system. International NGOs were, in many cases, created in response to these flaws. NGOs and businesses have shown a remarkable ability to establish transnational links, address global problems, and work to resolve failures in the global system. Nonetheless, the rising tide of

⁴⁶ N Krisch and B Kingsbury, *The European Journal of International Law* Vol. 17 No. 1 © EJIL 2006, doi: 10.1093/ejil/chi170

⁴⁷ This short definition first appeared in G W Thomas and T Ramesh, *Global Governance and the UN: An Unfinished Journey* (Bloomington: Indiana University Press, 2010). For additional reading, see G W Thomas, *Global Governance: Why? What? Whither?* (Cambridge: Polity Press, 2013); Ian Goldin, *Divided Nations: Why Global Governance Is Failing and What We Can Do about it* (Oxford: Oxford University Press, 2013); J S Timothy, *Global Governance* (Cambridge: Polity Press, 2012); and Deborah D. Avant, Martha Finnemore, and Susan K. Sell, eds., *Who Governs the Globe?* (Cambridge: Cambridge University Press, 2010)

international organizations that tackle specific global issues requires an appreciation of their limitations as well. What exactly do we mean by a 'proliferation of non-state actors'? Do they matter for global governance? What are their limitations?

7. Conclusion

We have highlighted the role of nongovernmental organizations; which are organizations that were not as a result of creation of agreement but were granted consultative status of with the United Nations. They have played many roles in contemporary concepts of international national governance. Some of them are international professional bodies, usually in the scientific field while some are for educational or research purposes. The effectiveness of NGOs vary greatly according to their seriousness of purpose, funding, depth of research, skills of political advocacy, means of exercising pressure, narrowness of focus and so on. However, despite the rising profile of these NGOs which has greatly influenced international governance; as their influence and consciousness have affected global governance, much still need to be done by United Nations to educate the local populace of the activities of the world leaders and international governmental organizations. This is the only way the governed can be educated. The United Nations need to make more budget provisions and positions for NGOs to participate at international cum global governance. They should support them with funds to achieve and realize the objectives and functions within their institutions. Thus, with the level of environmental degradation and decline at the international water courses, the United Nations should provide more incentives to the international non-governmental organizations, to create more awareness in these areas for sustainable development.