

ROLE OF NON-GOVERNMENTAL ORGANIZATIONS IN THE DEVELOPMENT OF COOPERATION BETWEEN THE BRICS COUNTRIES

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ROLE OF NON-GOVERNMENTAL ORGANIZATIONS IN THE DEVELOPMENT OF COOPERATION BETWEEN THE BRICS COUNTRIES

Manish Kumar¹, Dr. Nandini Sahay²

¹Research Scholar Amity Institute of Social Sciences Amity University Noida, Uttar Pradesh

²Associate Professor Amity Institute of Social Sciences Amity University Noida, Uttar Pradesh

ABSTRACT

Role of Non-Governmental Organizations (NGOs) in the development of cooperation between the BRICS countries is one of the important facets of multilateral partnership among the BRICS Nations however it has not been fully realized and still below its potential. The purpose of this paper is to understand the role of NGOs in each BRICS countries and present a case of their collaboration in developing the economic partnerships between regions, municipalities and other agencies of development in the countries. This paper examines the legal architecture which NGOs operate in each BRICS countries, stress the importance of their role in development of the local communities and present evidence of cooperation between NGOs of BRICS countries on developmental issues. It concludes by recommending the need to create more conducive space, multilateral frameworks, informal collaborations by non-state actors to promote track two diplomacy and strengthened the role of NGOs in promoting the multilateral cooperation between BRICS Nations and improve the lives of its citizens. The paper is based on literature reviews and study of various treaties and statutes from BRICS countries on the role of NGOs.

Keywords: BRICS, NGOS, Inter-regional development, Economic Cooperation

1. INTRODUCTION

BRICS, the association of 5 major emerging economies viz. Brazil, Russia, India, China and South Africa, formed in 2006 has been at the helm of regional cooperative discussions between these nations. This has been achieved through various discussions and meetings through formal summits of these nations taking place on a regular basis. BRICS is an influential and important body of interests who comprise of nearly 42% of the World's population, with 23% of the World's GDP and a share in the world which at present hovers around 16%. Multipolar stages of international relations have prompted such groups of committed international economies aiming for an innovative future together. The theme of the BRICS nations to cooperate and grow together while aiding each other is one space where NGOs can utilize their potential through collaborations.

BRICS nations have different backgrounds and social response mechanisms. All BRICS members are democracies in varying ranges and contexts, and it is evident through researches that the political and social landscape of a nation is very reflective on the state of NGOs in those regions. Brazil's political landscape was quite repressive in the 1960s, and that is said to have increased scope for the emergence of social activism and the rise of NGOs even under the military authority to mobilize policy reform. Russia, on the other hand, saw scant resources being contributed to the social causes which defied governmental authority. However, in later years, Putin administration did respond to increased funding in handling causes outside government control. Still, their response towards NGOs is quite prohibitory in cases they assume as a threat to internal security and extremism. India's non-government sector gained increased prominence after the changing dynamics of the Indian political context. Post Emergency in the 1970s, India started seeing an increase in initiatives pertaining to social justice and change. Post-liberalization, the number of NGO's rapidly increased. China also shows estimates of increasing role of social organizations with time in the count of millions but the statistics are also criticized to be inflated due to the estimation of NGOs under a broader category of 'social organization' under which NGOs are considered a sub-category making estimation difficult. South Africa, despite several restrictions, has seen the formation of a South African NGO Network which has developed into a civil society organization, along with many independent members and has seen an increased dependence on NGOs to aid society.

2. NON-GOVERNMENTAL ORGANIZATIONS DEFINITIONAL ISSUES

As defined by the United Nations, an NGO is defined as, “A non-governmental organization (NGO) is a non-for-profit, voluntary citizens’ group, which is organized on a local, national or international level to address issues in support of the public good.”

However, a precise definition which shall flawlessly explain and include all types of NGOs is relatively difficult due to the varying nature and exclusive workings of various NGOs ranging from variety in size and functioning. The funding patterns and profit motives despite NGOs primarily meant to work devoid of a profit motive, cause challenges to restrict the understanding and criteria of NGOs under certain heads. The BRICS nations are quite different in many aspects and coming to a common understanding of NGOs may prove tricky.

Another challenge while defining NGOs is the problem of estimation of the number of working NGOs due to different interpretations of what an NGO is in different BRICS nations. Most nations however talk in terms of civic society organizations, and funding to them through external aids to facilitate estimation. Registration under several legal frameworks helps keep a track of the NGOs that are actively working in different BRICS nations.

Usually, common criterion to be met by entities in the BRICS nations in order to be called an NGO are – not-for-profit; non-profit distributing; free from government control/self-governed and free setup by any group of interested individuals.

3. STATUTES/LAWS MENTIONING NGOS AMONG BRICS NATIONS

3.1 Brazilian Legislation

Brazil has a plethora of laws regarding the non-profit sector. The 1988 Federal Constitution actively recognized the importance of a civil society and that led to much more significant developments. Laws like the Voluntary Law established more importance of volunteering activities. In 2014, a new regulatory framework was established for Civil Society Organizations which mentioned rules for non-profit private entities, cooperative societies and religious organizations working towards public utility. The new Civil Code thus allows organizations meeting their specified criteria to be established under the huge context of charitable organizations which includes organizations related to citizen right related groups; cultural promotion groups; social assistance entities; worker rights, etc. In the recent years, Brazil has restrained some power of the NGOs by introducing measures that would allow the Government to supervise and observe the activities of international organizations and NGOs established within national territory. The President Jair Bolsonaro mentions how it is planning to regulate and control NGOs by boosting scrutiny over any public funds and restricting activities out of government control.

Government through the Ministry of Justice grants designations like OSCIP to entities in order to name them as charitable organizations. Other designations include CEBAS and OS. There are certain criteria that need to be fulfilled to gain these designations. Under the Tax Code of Brazil, non-profit organizations are also exempt from paying taxes given they can prove that they are charitable through law. Additionally, associations and foundations cannot be formed by NGOs, they will be treated as corporate tax paying entities if they want to develop into an association. Government regulates activities and legislates through the Ministry of Justice, Education, Health Issues, Federal Supreme Court and other important entities.

3.2 Russian Federation Legislation

The Russian Federation is comparatively stricter regarding the acknowledgement of NGOs with the registration procedure requiring a great deal of documentation and verifiable proofs to be recognized. Funding annual reports need to be published by the NGOs listing all donations they receive and the usage of funds. The Russian Federation also has a criterion for ‘undesirable’ elements entering into NGO based associations based on the Russian NGO Law. China and Korea are some other nations that have a comparably restrictive NGO regime. In 2009 and 2012, certain amendments were seen but many restrictions remained.

3.3 Indian Legislation

Various social Acts under the Parliament of India mention NGOs and laws pertaining to them in India include Indian Trust Act, 1982; Societies Registration Act, 1860; RTI Acts; Indian Companies Act (2013); Foreign Contribution Regulation Act (2010) under the Constitution of India. Various Acts and Laws are applicable in different states pertaining to establishment of trusts and societies.

Regarding registration of NGOs with the Government, it is not a mandatory step for Indian NGOs. However, once registered those NGOs can avail benefits given the Government with regard to tax exemption, funding and other clauses legally. The main classification is under Trust, Society and Non-Profit Private Limited Company. Most NPO’s are also exempt from corporate income taxes. Certain goods are also exempt from GST.

3.4 Chinese Legislation

“In China the administrative category of “social organizations” actually refers to a very broad range of bodies, only some of which would fit into the commonly used definition of NGOs.”

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Law of the People's Republic of China on Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China is the major legislative regulation in China pertaining to foreign NGOs. China's over protective stance is reflected by the fact that this law is closely related to the Counter-terrorism Law, National Security Law, and Cybersecurity Law and a rather restrictive Charity Law of 2016. The 2016 Charity Law provided domestic NGOs clarity regarding their status and setup. The Chinese Law aims at encouraging domestic NGOs to register themselves and raise funds either on their own or by managing to collaborate with other registered charitable organizations. However, it also presents more scrutiny and checks towards the functioning of NGOs. The 2017 implemented General Rules of the Civil Law determine the classification of enterprises into profit, non-profit and special entities. Thus, it can be concluded that post-implementation of the Charity Law, China has invoked a positive feeling towards its NGO sector in the economy. It expects to uphold its philanthropic values as a society and to evolve beneficial outcomes for public ventures and social justice by placing the legal system in right order.

3.5 South African Legislation

The legal framework for NGOs in South Africa is four tiered. The various sections under the Constitution for the Republic of South Africa, Act 108 of 1997 (as amended) mention rules for establishment, voluntary registration of NGOs, tax exemption under the clause of a "public benefit organization" and the right to receive tax-deductible donations. All these legislations are mentioned in the NPO Act, 1997 (amended); Companies Act (2008 & 2011); Trust Property Control Act (1988); Income Tax and other tax related legalities. The organizations which are recognized have to frequently generate reports and narratives to the Directorate of Government on an annual basis. PBOs (Public Benefit Organizations) get some special benefits over operations even outside South Africa.

4. EVIDENCE & POTENTIAL OF NGOS IN STRENGTHENING COOPERATION BETWEEN MUNICIPALITIES

NGOs help fill the gaps in the economy by a democratic process which is also capitalist in nature and can address issues which the government or state actors might not address. Municipalities and NGOs have seen much correlation in activities empirically. Lithuanian model suggested that municipalities and NGOs could aid each other effectively, and municipalities could actively interact with and provide information to NGOs regarding the dynamics and other details of the specific region. NGOs could approach municipalities to penetrate to a larger depth in the region and include its services within the roots of the area it is concerned about. NGOs are more connected to their counterparts due to their informal nature and style of functioning. This is also true at an international level where irrespective of national boundaries/border control, many economies have seen active and successful inclusion of NGOs, with foreign share of NGOs too. Municipalities should play the role to create conducive platform where NGOs can collaborate, share best practices, etc. Empirically, municipalities have started buying NGO and their activities. Long term projects have seen a rise. Local Governance has seen a rise in many setups and thus municipalities could serve the interests of the public well in cooperation with NGOs. Ireland also provides good examples of cases where NGOs have cooperated with the federal government to coordinate employment measures. The cooperation of municipal organizations might also help NGOs to monitor their activities effectively. NGOs can thus also oblige the government (in the form of municipalities) to work for society. Action plans with municipal organizations must be developed.

Studies and empirical examples show that medical health treatment programs are more successfully implemented and handled in states where political repression with regards to the local society and governance is lower and state officials have made ample amount of efforts to collaborate with NGOs. A study which researches on the Czech Republic situation of cooperation between government and non-government groups to tackle emergency mentions how integration of NGOs into the society can help with better tackling and response.

BRICS nations and their potential to come together and in combined efforts against modern world issues is much discussed. In that context, NGOs are expected to internationally collaborate among themselves to maintain and extend research beyond individual and governmental researchers and to build capacity, for example in invasion science domain.

India has also been pushing itself towards a self-organized and decentralized approach in social issues through civil society groups (NGOs, social movements, non-profit and voluntary organizations) which do not involve formal and strict state rules. These initiatives have enough potential to experiment the use of new technologies and disaster measures, while having an informed local knowledge of the region they are working in. NGOs in India have worked in coherence with the agendas of the Government like campaigns of Swacch Bharat and Smart City initiatives. For example, Shuddhi NGO is a registered entity which works actively for the Swacch Bharat campaign among many others which have driven the campaign towards success. Smart City NGOs channel active voices in the socio-economic issues and act as lobbyists and advocates, relation harbingers, operation managers and champions of marginalized communities at a very local level. Several government institutes and boards fund NGOs for example

Khadi and Village Industries Cooperatives, Central Social Welfare Board, National Wasteland Development Board, CAPART, etc. Community Policing, Internet activism and peace campaigns have been funded through several governmental and non-governmental organizations in BRICS countries like tackling of security problems in Complexo, Brazil. Micro level measures are most effective under local, decentralized governance is a seeming conclusion for the BRICS nations. Policy proposals by various experts suggest that while modelling public participation towards the facilitation of smart cities, citizens must participate through NGOs to champion the cause. The voices of individuals are strengthened and negotiable discussions are made in groups, as compared to individuals. Local and democratic governance is key for maintaining smart governance models.

5. COLLABORATIONS BETWEEN NGOS FROM INDIA AND OTHER BRICS NATIONS

Nations have realized that although their primary focus is domestic support, humanitarian services beyond the borders can also prove to be a reason for public support with increasing intensity.

Civil Society Organizations in the BRICS countries generally collaborate through SSDC (South-South Development Cooperation) initiatives. These SSDC initiatives are said to promote accountability of the society, helping in disaster management and research and knowledge in the domain of civil society working towards societal benefits. The National Research Foundation had been seeking proposals regarding the initiative of supporting projects and excellent researches among the BRICS nations through individual or NGO level participation. One example of active NGO is the South African NGO Gift of the Givers. UNESCO has also realized that BRICS countries can effectively collaborate amongst themselves in context of social agendas like education and health. In the recent post-pandemic scenario, BRICS members can find much more collaborative efforts in the field of medicines and health. Technological collaborations have also gained prominence in discussions. Russia and China have recently planned to collaborate in the domain of media and communications and NGOs can be one of the channels to promote this.

6. CONCLUSIONS

There is immense potential to promote and support the role of NGOs in promoting economic cooperation and support the development agenda among BRICS countries however governments of BRICS countries need to build frameworks of cooperation which can provide a conducive ecosystem to facilitate the development work done by the non-state actors. Current pandemic of COVID-19 has demonstrated that humanitarian crisis doesn't differentiate between the geographical boundaries of countries and physical distances and barriers may not stop the spread of pandemic. Therefore it is needed to create a conducive environment and channels like track two diplomacy among the non-state actors to support the developmental agenda and humanitarian response for long term cooperation.

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