

# Struggle of civil society organisations in Pakistan for pro-people legislation

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Over the past decade, successive governments in Pakistan have tried to change the existing legislation governing civil society organisations (CSOs). In 1995, a new bill, the Voluntary Social Welfare Agencies Regulation and Control (Amendment) Act was introduced in parliament. Under the bill, NGOs (both intermediaries and community-based organisations) would have to register with the state authorities and could be suspended or dissolved, thus violating citizen's fundamental rights to association, expression, and assembly. According to government sources, the reason for introducing the law was that some NGOs were involved in sectarian and ethnic clashes and anti-state activities. They also argued that there were inadequate checks and balances in the existing law governing NGOs, and that state authorities did not know about the nature and scope of activities carried out by the various organisations.

The proposed bill was strongly opposed by NGOs on the grounds that it violated the fundamental freedoms available to citizens of Pakistan under the constitution. They argued that that powers of registration, suspension, and dissolution of NGOs given to the Department of Social Welfare were bound to be misused and would discourage independent social thinking and citizen action. They began to develop strategies to oppose the bill.

## Phase I: Developing strategies

A group of 20 NGOs (mainly support organisations) joined together to initiate a process of consultation and dialogue among NGOs. The first meeting of this core group decided to adopt a four-pronged strategy:

- Analyse and develop a comprehensive critique and alternative position on the government's proposed bill.
- Form a task force to give legal input on the bill and develop alternative, supportive legislation.
- Form different committees to:
  - mobilise NGOs all over the country
  - engage with relevant government departments to convey the concerns and demands of the NGO community
  - negotiate with the ruling political party as well as opposition parties who might support the NGOs while the legislation was under discussion

- Engage in a consultative process with a wide range of organisations from all parts of the country.

The core group felt there was a need to mobilise civil society and build a broad-based movement to oppose the law and suggest alternatives, but there was no formal representative body of civil society that could engage government and political parties on their behalf. Most NGOs operated with a welfare mindset and considered advocacy to be too 'political'. There were also strong differences of opinion at the very beginning of the campaign, in part because development NGOs had no experience in this kind of legal activism, and there was some pro-government NGO influence. The members of the core team also realised that there was little support for their position from parliamentarians, either in the ruling party or the opposition. The media was very hostile and, with the blessing of the government, regularly slandered the NGOs and their campaigning NGOs in the press.

The NGOs started the campaign at various levels but the focus was on mobilising the larger community to highlight the negative impact of the proposed bill and negotiate with government, especially the relevant ministries.

## Phase II: Engaging with civil society organisations

The core group started to mobilise the NGO community to create a strong and representative voice against the proposed bill. As a result, five coalitions of NGOs and CBOs were formed in all four provinces of Pakistan to publicise the negative effects and legal problems in the proposed bill, and advocate for the alternative legislation. These coalitions then formed a national forum called Pakistan NGO Forum (PNF), the first representative NGO body in Pakistan. The Forum also gained the support of some important politicians and civil servants.

At the same time, the NGOs held several dialogues with government, which resulted in government's agreement to the basic principles of the NGOs position. When a bill was sent to the senate committee for its approval, the NGOs had a feeling of victory, especially in the PNF, until they learned that the senate committee was sent the same old bill that the NGOs had rejected. The PNF was shocked.

After the government was illegally dissolved, NGOs held another round of meetings with the senate committee and the new government. But with the PNF in place, there was a qualitative difference in the campaign: less effort, more results. The NGOs had learned to be more effective. To stay a step ahead, PNF took responsibility for preparing an NGO Bill with the help of prominent lawyers and its own technical committees. A consensus bill was drafted after a debate at the provincial and national level where a large number of diverse NGOs were involved.

### Principles of the consultations

Throughout the campaign PNF consciously adopted the following principles of consultation:

- All member and non-member like-minded organisations should be engaged and consulted before developing alternative laws and policies.
- Member organisations, regardless of their size, nature of activities, rural or urban profile, new or established, will be given equal status in the consultations. Each comment or suggestion received from these members will be taken seriously and on merit.
- The process will be bottom-up and not top-down. Comments and suggestions received from the lowest tier coalition will be used as basis for further consultations at the provincial and national levels.
- Language and format will be kept simple and conform to local situations, so that the maximum number of groups can be involved in discussions without the risk of alienating them because of complexity of format or language.
- All suggestions and comments should be properly recorded, documented, and reflected in other forums.
- Concerns of community and indigenous groups (who are in the majority in Pakistan) should be given priority in the final process.
- For all consultations with government, political parties, and media, the PNF delegation should include members from those organisations working at the grassroots so that they can directly articulate their concerns to the policy makers and opinion leaders.
- There should be decentralisation of power.
- There should be no permanent secretariat but rather a permanent coordinating mechanism.
- Any federating unit can invoke the coordinating mechanism when needed.
- The mechanism will under no circumstances serve as a go-between for donors and NGOs.

### Achievements

The final version of the law prepared by PNF was submitted to the senate committee and the government to consider. For the most part, the proposed bill was well received. Thus far, no decision has been made because two governments have been dissolved during this time. However, with the consensus bill in the Senate, it will be difficult for any future government to legislate without considering the draft submitted by PNF or without consultation with PNF.

This is the first time in the history of Pakistan that any government has willingly accepted the views of civil society in formulating legislation. This success helped to set a precedent for others to follow.

The PNF, which emerged to protest against bad legislation, has taken on a life of its own, much beyond a movement against a single law. PNF is now considered an important player in the civil society movement in Pakistan. It has a membership of 3500 large and small NGOs spread all over the country.

Representatives from the original five coalitions unanimously decided that they needed to federate themselves into a national body. At the same time, there was a serious concern that this national structure could lead to a concentration of power in the centre while depriving NGOs in the periphery of genuine representation. Principles of parity and participation of all stakeholders on equal terms helped in creating a culture of tolerance, acceptance of each other's points of view, and promoting larger consensus building.

Since there are several thousand NGOs/CBOs in the country, their concerns are numerous and it is not possible to incorporate all of them into the objectives of the federation. But it was considered important for the NGO sector to develop structures to preserve its ability to function independently of government and donor pressures. For this purpose, unity among NGOs is necessary.

While the threat of government control of NGOs through the NGO bill has increased, other equally dangerous threats have also emerged. The NGO representatives felt the need to unite, not only to counter the government's attempts to control them, but also to resist donor agencies' tendencies to determine or direct NGOs' agendas. There was a clear need for greater networking among NGOs and a coordinating mechanism for PNF to accomplish its objectives.

Due to persistent pressure and consistent advocacy at the national level the federal government decided to shelve the bill. In the meanwhile, due to changes in the government, the process on the bill was stopped for some time. Apart from this, PNF started functioning as an independent body, raising its voice on economic and socio-political

issues, organising seminars on issues such as state brutalities and religious intolerance. PNF currently plays an active role for civil society organisations by providing a platform for discourse and collective action.

the NGO community. The self-adopted code of conduct by PNF member organisations helped in cleaning its own ranks and winning people's confidence.

## PNF progress since the campaign

Since the campaign, PNF has organised at the provincial and national levels, and the membership of the Forum has increased. Dialogue has been initiated at various levels of the Forum on the challenges facing NGOs. The Forum has also engaged in policy advocacy with government, opinion makers, and parliamentarians. It organises media dialogues and conveys its position on current issues to the media. PNF devised a legal framework for NGOs through a panel of experts and NGO leaders as well as a code of conduct for the Forum and its member organisations. It organised dialogues with government departments at provincial and national levels, lobbied government on the proposed law, and held several meetings with members of parliament to press for PNF demands. PNF also gathered data on NGOs that had been dissolved by the government and worked to restore the active status of these NGOs.

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## Lessons learned

- In the last ten years, PNF has been mainly involved in facilitating dialogues among government, support organisations, and CBOs to resolve issues concerning civil society and the rights of the marginalised. In recent years, PNF has realised that without engaging media in this struggle to convey its point of view to the larger public, the required support cannot be achieved.
- Similarly, all the discussions and debates should be held in a more transparent and participatory manner. Winning the trust of members is essential for the health of the campaign and for retaining the integrity of members.
- Consultations with grassroots organisations enhance their confidence in the process and increase their ownership. This was critical to building a strong campaign with broad-based support throughout the country.
- As PNF ensured participation of all groups on equal terms, the NGOs and CBOs from smaller provinces felt empowered and contributed generously in the national process.
- A culture of dialogue, debates, and consultation is essential to building and using collective strengths to further common interests.
- In order to win public trust and confidence, PNF also initiated debates on formulating principles of accountability, transparency, and self-regulation within