Defining the Nonprofit Sector: Pakistan

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Preface

This is one in a series of working papers produced under the Johns Hopkins Comparative Nonprofit Sector Project (CNP), a collaborative effort by scholars around the world to understand the scope, structure, and role of the nonprofit sector using a common framework and approach. Begun in 1989 in 13 countries, the Project continues to expand, currently encompassing about 40 countries.

The working papers provide a vehicle for the initial dissemination of the work of the Project to an international audience of scholars, practitioners and policy analysts interested in the social and economic role played by nonprofit organizations in different countries, and in the comparative analysis of these important, but often neglected, institutions.

Working papers are intermediary products, and they are released in the interest of timely distribution of Project results to stimulate scholarly discussion and inform policy debates. A full list of these papers is provided inside the back cover.

The production of these working papers owes much to the devoted efforts of our project staff. The present paper benefited greatly from the editorial work of Andrew Green, assistant project director; Regina List, former project manager; Mimi Bilzor, communications associate; and Marcy Shackelford, administrative secretary. On behalf of the project’s core staff, I also want to express our deep gratitude to our project colleagues around the world, to the International Advisory Committee that is helping to guide our work, and to the many sponsors of the project listed at the end of this paper.

The views and opinions expressed in these papers are those of the authors and do not necessarily represent the views or opinions of the institutions with which they are affiliated, The Johns Hopkins University, its Institute for Policy Studies, the Center for Civil Society Studies, or any of their officers or supporters.

We are delighted to be able to make the early results of this project available in this form and welcome comments and inquiries either about this paper or the project as a whole.

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Defining the Nonprofit Sector: Pakistan

by

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Introduction

Voluntary and philanthropic initiatives and activities in the region that is now Pakistan date back to the days before recorded history and are mentioned in regional folklore. In more recent times, these activities were manifested through the creation of trusts to supplement the state’s provision of social services in the fields of education, health, social welfare, and cultural activities. Following independence in 1947, the role of the nonprofit sector gained momentum. Initially, the state was unable to provide emergency relief to the large influx of refugees that resulted from Pakistan’s creation, so nonprofits stepped in to fill the gaps in assistance and service delivery. Later, nonprofits responded to the gradual decline in funding for human capital development. More recently, as a consequence of the erosion of good governance practices and a lack of confidence in the government’s capabilities and capacity, international donor organizations, as well as multilateral, bilateral, and private philanthropists, have resorted to funding nongovernmental organizations (NGOs) directly (SPDC 1998). The government itself is committed to delivering a substantial part of the Social Action Program (SAP) and the programs under its poverty reduction strategy through NGOs. As a consequence, there has been rapid growth of nonprofit organizations involved in social service delivery.

In addition to individual voluntary activities, there have been significant developments in the organized efforts of Pakistan’s “nonprofit sector.” Most NGOs and community-based organizations (CBOs) are supported by community contributions, local donors, and government funds. Over the years, nonprofit organizations (NPOs) have become increasingly involved in community-based initiatives for social and economic development targeted to improve the quality of life or to help alleviate poverty.

Over time, political and religious influences have played an important role in shaping the nonprofit sector in Pakistan. By and large, the government’s attitude towards the nonprofit sector has lacked consistency. While the government appears supportive at the policy level, it has been obstructionist at the operational level. Additionally, though it has been generally supportive of the welfare and service-providing role, it is openly hostile to nonprofit organizations’ social and political advocacy.

1 The authors are the Senior Technical Advisor and Senior Economist at the Social Policy and Development Center (SPDC), respectively. This study is being conducted by SPDC in collaboration with the Aga Khan Foundation, Pakistan.
The spirit of voluntarism and philanthropy in the people of Pakistan stems from religious impulses as well. The system of Zakat, and other mechanisms outlined in Islamic teachings to help the poor by devoting resources to them, provides a strong motivation for philanthropic and voluntary actions. A recent study on philanthropic and voluntary activities in Pakistan estimates that the people of Pakistan contributed 41 billion Rupees (about 1.5 percent of GDP) and volunteered 1.6 billion hours of time to philanthropic activities in 1998 (AKDN 2000).

This paper is organized into five parts. Part A describes the historical background, essentially categorizing the evolution of the nonprofit sector over five eras: (1) the colonial period, and the post-independence period over four sub-periods; (2) the formative years (1950s); (3) the first military rule years (1960s); (4) the democratic years (1970s); and (5) the second military rule years and the post-military years (1980s and 1990s). Part B discusses major types of organizations along with the legal treatment. Part C defines the nonprofit sector using the structural-operational framework. In so doing, we specifically address each of the five components (organized, private, self-governing, non-profit-distributing, and voluntary) developed by the John Hopkins Project. Part D analyses the nonprofit sector and the Pakistani society, focusing on the political economy of the relationship and thus its influence in shaping and forming the sector. Finally, the last part summarizes the major conclusions, highlighting the major issues currently facing the nonprofit sector.

**Part A: Historical Background**

The history of philanthropic and voluntary initiatives and activities goes back to the early-recorded history within the geographical boundaries that now constitute Pakistan. Religion has been the foremost driving force behind this phenomenon. Hinduism, Buddhism, Islam, Christianity, and Sikhism have provided a strong basis and spiritual motivation to their followers to cater to the needs of the poor, sick, and underprivileged in society. Moreover, socio-cultural practices, such as joint family system and community living, have also been conducive to philanthropic activities. Some early examples of these philanthropic organizations (predominantly religious institutions) include Stupas (Buddhist worship places), temples, monasteries, Asharam (Hindu hermitages), Khanqahs (Sufi monasteries), and Gurdwaras (Sikh worship places) that served as centers for undertaking charity and social welfare activities. In 711 AD, Muslims established their rule in the region, and institutions such as mosques and madrasahs (Islamic religious schools) began to play a role in community development and social welfare activities. In the 15th century, a large number of Christian missionaries came to the subcontinent. These missionaries introduced a western education system and provided healthcare facilities to the people.

**COLONIAL PERIOD (TO 1947)**

The colonial period was characterized by the institutionalization of philanthropic and voluntary activities in the South Asia. The main focus of activities carried out by these organizations was social service delivery. In the pre-colonial period, the philanthropic/voluntary sector in this region was characterized mostly by the initiatives of individual philanthropists. “The first sign of institutionalization came about as a result of the efforts of Rajah Rammohan...
Roy, a … pioneer for educational and religious reform. His work was institutionalized in 1830 with the creation of Brahmo Sabha, the first voluntary association of its kind… His work was carried on and the association became the inspiration for many similar associations with the intent of working towards social reform” (NGORC 1999).

British rule initiated institutionalization of voluntary organizations. Various laws regarding the registration and regulation of philanthropic and voluntary organizations were introduced to provide a legal basis for their activities. A number of institutions were founded along modern lines reflecting Western concepts of social welfare and reform. The primary motives behind institutionalizing voluntary organizations appear to be (1) to keep a watch on these organizations so that they would not indulge in activities that could undermine colonial rule, and (2) to encourage philanthropists to come forward and share the responsibility of providing social services in order to lessen the burden on the government. The major characteristic of the voluntary sector in this period remained the delivery of social and humanitarian services such as education, health, and material assistance to the needy.

In a bid to regulate voluntary associations, the Societies Registration Act was promulgated in 1860, followed by the Religious Endowment Act of 1863. Another important development on the legislative front was the introduction of the Trust Act in 1882 in recognition of the philanthropic nature of charity in South Asia. It provided a legal cover for private acts of charity and afforded the creators of trusts substantial power and flexibility in operations.

This period witnessed the emergence of a large number of voluntary organizations which were committed not only to providing basic social services like primary education and healthcare but were also engaged in professional and technical education. Organizations like Anjuman Himayat-e-Islam, National Muhammadan Association, and Dayal Singh Trust were formed to provide higher education to the masses on modern/secular lines. In the field of technical education, Nadershaw Edulgee Dinshawjee established the NED Engineering College through a Parsi endowment that has now become the NED University of Engineering and Technology. Similarly, a medical college and hospital were set up by the Ganga Ram Trust. Christian missions set up numerous schools, colleges, and hospitals that are still playing a pivotal role in the fields of education and health care and are considered to be among the finest organizations in the country.

POST-INDEPENDENCE PERIOD (1947-1958)

Pakistan came into being on August 14, 1947, forming the largest Muslim state in the world, when the British government declared the division of British India into two states: Pakistan (with two sections, West and East) and India. West Pakistan was comprised of the contiguous Muslim-majority districts of present-day Pakistan; East Pakistan consisted of a single province, which is now Bangladesh. In the early 20th century, South Asian leaders began to agitate for a greater degree of autonomy from British rule. The Indian National Congress Party was the foremost organization of this movement. Muslim leaders of the region formed the all-India Muslim League in 1906. In 1913, the League formally adopted the same objective as the Congress—self-government for India within the British Empire—but Congress and the League were unable to agree on a formula that would ensure the protection of Muslim religious,
economic, and political rights. The idea of a separate Muslim state emerged in the 1930s. On March 23, 1940, Muhammad Ali Jinnah, leader of the Muslim League, formally endorsed the "Lahore Resolution," calling for the creation of an independent state in regions where Muslims constituted a majority.

In the general elections held in 1945, Congress was able to sweep the polls for the non-Muslim seats. However, the Muslim League managed to win all the 30 seats reserved for the Muslims. The results of the provincial election held in early 1946 were not any different. Congress won most of the non-Muslim seats, while the Muslim League captured approximately 95 percent of the Muslim seats. In June 1947, the British Government declared that it would bestow full dominion status upon the two successor states—India and Pakistan. Under this arrangement, the various princely states could freely join either India or Pakistan. Consequently, a bifurcated Muslim nation, separated by more than 1,600 kilometers of Indian territory, emerged when Pakistan became a self-governing dominion within the Commonwealth on August 14, 1947. The creation of Pakistan was a catalyst to the largest demographic movement in recorded history. Nearly 17 million people—Hindus, Muslims, and Sikhs—are reported to have moved in both directions between India and the two wings of Pakistan.

The evolution of nonprofit sector in Pakistan, by and large, coincides with the changing socio-political environment since 1947. At the time of independence, civil society responded to the social welfare needs of a newborn country in the process of rehabilitation and socio-economic transformation. Partition of the subcontinent had precipitated an exodus of migrants. The government and the people showed firm determination in tackling the gigantic task of rehabilitating millions of muhajirs (migrants). One of the important initiatives was the Women Voluntary Services, which provided shelter, food, first aid, and healthcare to migrants. The success of these initiatives created a favorable environment for inception of voluntary organizations such as the All Pakistan Women Association (APWA) (NGORC 1999). Pakistan also inherited a segment of civil society made up of ethnic, denominational, and clan organizations that espoused traditional socio-cultural and religious values (Qadeer 1997). These organizations, along with religious trusts and seminaries, also made important contributions in the rehabilitation process.

Overall, for the first few years after independence, the focus of voluntary organizations remained on resettling migrants and providing them the basic necessities of life. During the 1950s, though voluntary organizations continued to focus on reconstruction, rehabilitation, and provision of social service, APWA initiated advocacy work regarding women rights. Another prominent nonprofit organization, the Family Planning Association of Pakistan, was established to promote reproductive health services. As such, diversification in NPO activities started soon after independence.
THE FIRST MARTIAL LAW YEARS (1960s)

After Pakistan formally became a republic in 1956 under President Mirza, it faced an array of serious threats to its stability. Its conflict with India over Kashmir remained unresolved; relations with neighboring Afghanistan were poor; and the country suffered continuing economic difficulties, frequent cabinet crises, and widespread political corruption.

In October 1958, President Mirza abrogated the constitution and granted power to the army under General Muhammad Ayub Khan, who subsequently assumed presidential powers. The political agenda of the military government included developing a closely monitored and controlled system of local governments. The term “Basic Democracy” was used for this system. Voluntary organizations were encouraged to play a supplementary role in the provision of social services. In 1961, the Voluntary Social Welfare Agencies Registration and Control Ordinance was passed to regulate and systemize the activities of voluntary organizations. Prior to this, the National Council for Social Welfare had been formed in 1956 to provide technical and financial assistance to nonprofit organizations. It also contributed to an upsurge in voluntary social welfare organizations in the country.

At the same time, the government took over the Sufi Shrines and Auqaf (endowment and trusts) related to these shrines. These were placed under the control of the Ministry of Religious Affairs. One possible explanation for the takeover is that the congregation of masses at these shrines may have posed a potential threat to the military government, since politicians could have used these gatherings to carry out political activities. This action drastically affected the volume and flow of charitable donations due to a lack of confidence that the people (donors) had in the government officials appointed to look after the shrines and manage their endowments. This situation led to establishment of a number of associations and organizations by the custodians and followers of shrines all over the country. People having reservations about the official control felt at ease giving their charitable donations to private nonprofit religious organizations.

THE DEMOCRATIC YEARS (1970s)

The 1970s witnessed conflicting developments regarding the scope and prospects of the nonprofit sector in Pakistan. Following the fall of the East Wing of the country (in the war with India), the establishment of a democratic government under the Pakistan People’s Party (PPP) led by Zulfiqar Ali Bhutto energized civil society. The PPP tended towards a centralized role of the state in the provision of basic social services as well as in economic activities. In 1972, Pakistan’s nonprofits suffered a major setback when the government nationalized private schools, colleges, and other educational institutions set up and run by voluntary organizations, trusts, foundations, and community organizations. However, many of these organizations did not give up; rather, they set up other institutions. For example, 12 schools and colleges run by Anjuman Himayat-e-Islam (AHI) were nationalized under that policy, but the AHI has established 18 new institutions since then.\(^2\)

\(^2\) The policy of nationalization was reverted in the 1980s, and some (not all) organizations had their institutions returned to them by the government.
On the other hand, due to increased political awareness, “the environment which was not conducive to voluntary organizations fostered trade unions instead (NGORC 1999).” Many other advocacy organizations also appeared on the scene, particularly those focusing on women’s issues. Bhutto’s party swept the early elections of 1977 defeating the opposition Pakistan National Alliance (PNA), which was comprised of nine parties including the Pakistan Muslim League. The PNA leveled accusations of election fraud and called for Bhutto’s immediate resignation. When Bhutto rejected its demands, the PNA organized a series of nationwide protests, drawing on its strong support in small towns, the business sector, and mosques. The increasing unrest brought the Bhutto regime to an end when General Zia-ul-Haq imposed martial law in July 1977 (Qadeer 1997; Shehab 1995; www.storyofpakistan.com).

THE SECOND MARTIAL LAW AND POST-MILITARY YEARS (1980s and 1990s)

During the 1980s, the nonprofit sector in Pakistan went through a significant and multidimensional expansion in the backdrop of the Afghan War (1979-89) and a liberal flow of foreign funds. This coincided with the general perception of people and development practitioners of government failure to provide basic social services to the people. This decade witnessed a rapid growth in small, intermediary, and large nonprofit organizations working in almost every sphere of life.

In response to a general failure of government in providing basic social services to the masses, some large citizens organizations came into prominence. These included the Aga Khan Rural Support Program (AKRSP), working on rural development in the northern areas of Pakistan, and the Orangi Pilot Project, focusing on water and sanitation problems in urban slums of Karachi. These organizations were supported by government and international donor agencies, as well. At the same time, the Edhi Trust, a welfare organization that was primarily based on indigenous resources and was established in 1951, emerged as a legendary social welfare organization due to its tremendous contribution in the area of emergency and rehabilitation. Edhi Foundation runs the largest nonprofit ambulance service in the country. Other services of Edhi’s network include health care, destitute homes, graveyard services, prisoners’ aid, and refugee assistance. Following the model of AKRSP, the government established national and provincial rural support programs and provided endowment funds to these programs to develop networks of small and community-based organizations.

The aftereffects of the Afghan War also played an important role in shaping the development of the nonprofit sector in Pakistan. Due to a great influx of refugees from Afghanistan, many relief and emergency oriented international donors and NGOs set up headquarters in Pakistan (NGORC 1999). Another important impact of the Afghan War was the growth of religious organizations that fought against the Soviet Union in Afghanistan and were based in Pakistan. These religious organizations focused their attention on relief and welfare activities in refugee camps and established religious schools and welfare institutions in Pakistan, where they provided shelter, food, education, and healthcare services to the needy.

Advocacy organizations focusing mainly on human rights and women’s issues became much stronger and more visible during this decade. New organizations were created, existing
ones became more active, and many unaddressed social issues were taken up by these NGOs. Among the prominent advocacy NGOs are the Human Rights Commission of Pakistan, the Women Action Forum, and the Pakistan Institute of Labor, Education, and Research. These advocacy organizations became active in response to the general policy of the martial law regime that was based on suppressing human rights in order to prolong its rule. Some religious organizations have highly criticized, and even resisted, the agendas being pursued by NGOs including campaigns against blasphemy law, honor killing, and women’s empowerment. In the case of service delivery, the efforts of NGOs related to reproductive health have been under attack. This has inflamed tensions between secular and religious nonprofit organizations. Their increased rivalry is essentially a phenomenon of the 1980s that continues to this day.

During the 1990s, the nonprofit sector in Pakistan continued to develop almost along the pattern of the 1980s. One new element was the policy shift in favor of NPOs involved in the delivery of social services. Financial assistance from the government and donor agencies significantly increased in the 1990s. Government policies and initiatives to encourage nonprofit organizations and involve them in the process of service delivery include the Social Action Program, establishment of the Trust for Voluntary Organizations, and the Poverty Alleviation Fund. However, for the nonprofit organizations engaged in advocacy for human rights, the overall environment is still not very positive. Moreover, tension between secular and religious organizations has continued to grow over time.

Overall, the evolution of NPOs in Pakistan has been strongly affected by political and social developments in the country. Responding to the needs of the time, NPO activities/objectives have diversified, expanding from being largely religious in pre-colonial times to including social welfare, rehabilitation, social service provision, and social development. The course of their development has also been affected by political forces. Post-independence governments, both military and civilian, have essentially promoted their gap-filling role in service provision. However, their role in advocacy or creating social/political awareness has not been similarly encouraged.

**Part B. Major Types of Organizations**

The nonprofit sector in Pakistan can be divided into two broad categories: unorganized and organized. The unorganized sector is composed of relatively small informal and unregistered entities that work mostly at the grassroots level. The organized sector can further be divided into registered and unregistered subsectors. Organizations are registered under various laws, and they include a variety of organizations characterized by the particular registration law, size, and scope of activities, and the way in which they are operated and managed. These may include umbrella NGOs, national NPOs, and mid-level and grassroots level organizations. The unregistered segment of the organized sector generally includes small NGOs, CBOs, and grassroots level organizations, although some mid-level organizations may also opt to be unregistered (see Chart A). These organizations, though organized in the sense that they have definite identifiable existence, structure, and operations management procedures, opt to remain unregistered. There are several reasons why an NPO may choose to remain unregistered. For instance, an NPO might
have already received recognition, and on the basis of the goodwill earned through its work, be able to attract funding or technical assistance without getting registered.

**Chart A**

Composition of the Sector

- **Unorganized**
  - **Unregistered**
    - **Grassroots Level**
  - **Organized**
    - **Registered under Law**
      - **Umbrella NGOs**
        - **National NPOs**
          - **Midlevel**
            - **Grassroots Level**
    - **Unregistered**
      - **NGOs/CBOs**

The terms “nonprofit sector” and “nonprofit organization” are not used extensively, nor are they commonly and uniformly understood, in Pakistan. Apart from the several legal terms used to define these organizations, various other terms and phrases are also used to refer to nonprofit sector organizations in the country. These terms include voluntary organizations, associations, or agencies; welfare organizations; societies; trusts; foundations; cooperatives; or citizens organizations. In recent years, the terms “NGOs” and “CBOs” have also attained greater recognition in society at large, and are being extensively used and understood in a broader sense to describe voluntary and nonprofit organizations. However, many of these terms are not well defined and are used in a broad context. It is, therefore, not always possible to distinguish these terms on the basis of the basic characteristics of organizations depicted by each term.

Voluntary organizations, welfare organizations, social welfare agencies, and welfare societies are used synonymously to refer to organizations that work for the welfare, benefit, and betterment of either society as a whole or of a certain segment of society. These organizations are involved in a wide range of activities. Voluntarism and welfare-oriented activities are among the basic characteristics of these organizations. These organizations range in size from small entities such as **mohallah** (neighborhood) and village committees established either for a specific purpose or for a general wide-ranging sphere of activities, to large organizations such as welfare associations and societies set up to provide education, health, and other social services to people at the national level.

The coverage of voluntary and welfare organizations is very extensive. Their objectives, for instance, may include establishing and maintaining mosques and **maktabs** (religious schools) to impart religious and preliminary education; providing basic health services to the destitute by establishing medical centers, clinics, and mobile medical units; establishing special education institutions for the handicapped and disabled; awarding scholarships to needy students for higher
education; providing monetary assistance to the poor, orphans, widows, and persons in distress; and establishing vocational institutions.

There are a number of motivating factors characterizing voluntary and welfare organizations. For example, some organizations have a secular agenda to serve the community at large while others are religiously motivated. Secular organizations are involved in promoting particular interests or providing specific welfare services; examples include the All Pakistan Women’s Association, Pakistan Family Planning Association, and the Hilal-e-Ahmer Society. In most of the religiously motivated organizations, sectarian division is prominent, though they do not discriminate on these bases while providing services. Almost all religious parties and groups have welfare work on their agenda, and they have set up voluntary organizations that are involved in the provision of collective goods like education, health, and burial services. Examples of these types of organizations include Al-Khidmat (an urdu word for service) and the Al-Mustafā Welfare Society. Many of the voluntary and welfare organizations are characterized by ethnic and clan denominations; examples of these are the Muslim Rajput Welfare Association, Sadat-e-Amroha Welfare Society, and Katchhi Memon Welfare Society.

The term “trust” generally refers to welfare and charitable organizations set up as a result of large donations of property or wealth by individual(s). Trusts can be private or public, but they are assumed to be working for charitable and welfare purposes. Beneficiaries of the trust might be society generally or a particular section of society. Their size and scope may vary from small organizations working at the grassroots level to provide charity to widows and orphans to large organizations like the Ansar Burney Trust working at the national level to promote human rights and provide legal aid to people. Religious congregations also tend to form trusts.

Like voluntary and welfare organizations, foundations are also involved in a wide variety of social and economic activities. They are normally engaged in providing collective social goods. Foundations are considered to be nonprofit welfare organizations; however, they do not work on a voluntary basis. This term usually refers to large organizations. A number of foundations in Pakistan are also set up by the corporate sector, either as tax havens or for the welfare of the parent organization’s employees and their families. The Dawood and the Adamjee Foundations are examples of corporate sector foundations. They are funded through donations/profits to groups of trading/industrial establishments and are mandated to work for social welfare in all of its facets and for all of the disadvantaged segments of society. The various foundations established by government agencies and the defense services, such as the Fauji, Bahria, and Shaheen Foundations of the Army, Navy, and Air Force, respectively, and the Police Foundation, operate commercial/industrial undertakings, which are staffed by their retired personnel. The profits generated are used for welfare purposes—establishing and operating educational, vocational, and health facilities generally accessible to all segments of civil society. In these instances, while there is little voluntarism, the welfare activities are substantial.

Cooperatives are organizations set up for the mutual help and economic benefit of members. The controlling power of a cooperative lies with its general body. Cooperative societies can be established either for a specific purpose or span a wide range of activities. Cooperative societies may include resource societies, producer’s societies, housing societies, and general societies. The bulk of the cooperative societies are established for mutual benefit.
Housing societies are engaged in urban land and shelter development and management for their members. Agricultural societies are engaged in providing access to rural markets, ensuring a higher return on produce, and maximizing price benefits to their members. However, one study notes that most of the cooperative societies established for rural development became practically defunct due to feudal capture, financial mismanagement, and lack of accountability processes (AKDN 2000). Credit cooperatives are largely engaged in providing low-cost credit to members through their own savings placed in a central pool.

The term “NGO” has gained much recognition in society in recent years. Theoretically, almost all kinds of voluntary and welfare organizations, trusts, and foundations can be classified as NGOs and are generally referred to as such by government, donors, and the NGO community. However, generally in Pakistani society, the term NGO is used to refer only to the relatively modern organizations espousing secular causes, and, by and large, with specific purposes, e.g., freedom of speech, freedom of association, basic human rights, and provision of services. Examples of such organizations include giants like the Aga Khan Foundation, an international NGO operating in Pakistan at one end of the spectrum, and SHEHRI, Citizens for Better Environment, a local city-based NGO at the other end.

The scope and size of NGOs are as wide as the other nonprofit organizations described earlier. NGOs in Pakistan can be divided into four broad categories. The first is national level capacity-building, research, advocacy, and/or funding organizations. These include organizations such as the International Union for the Conservation of Nature (IUCN), World Wide Fund (WWF) [environment]; Sustainable Development Policy Institute (SDPI) [research and advocacy]; Social Policy and Development Center (SPDC) [research]; NGO Resource Center (NGORC) [human resource development]; Human Rights Commission of Pakistan (HRCP), and Citizen-Police Liaison Committee (CPLC) [human rights, legal aid]. The second category is implementing and/or support organizations such as Strengthening Participatory Organizations (SPO) and South Asia Partnership Pakistan (SAP Pak). These work directly with communities to establish community-based organizations in specific regions, helping them to shift from welfare orientation to participatory development, and supporting their development projects. The third category is umbrella NGOs. The term umbrella NGO is used to refer to organizations that attract a large quantity of funds from donors or government, such as the Family Planning Association of Pakistan, the Population Council, the Trust for Voluntary Organizations and the National Rural Support Program. They act as conduits to channel funds to smaller NGOs and even to the CBOs who deliver the services. Rural Support Programs (RSPs) have followed the Aga Khan Rural Support Program model in empowering communities by forming village or community organizations. They are working in micro-credit for income generation, land development, poverty alleviation, education, health, and sanitation sectors such as the Orangi Pilot Project, Sarhad Rural Support Corporation (SPDC 1998). The fourth type of NGO is involved in social service delivery such as basic education, health, and family planning. They may range from small local organizations to mid-level NGOs.

Apart from the perceptions of the common people, the term “NGO” is commonly used by government, donors, and the NGO community to describe the nonprofit and volunteer sector in Pakistan as a whole. A document produced by the Ministry of Planning and Development, Government of Pakistan (GOP 1990) uses the terms NGO and voluntary organization
synonymously and defines NGOs as “a group of persons who freely and voluntarily or on a private basis organize themselves for the pursuit of one interest or several interests in common and for collective good or welfare purposes in a human society.” It further states that “the most striking feature of NGOs is their ‘voluntary grouping’ on the basis of freedom of association as contrasted with the ‘involuntary grouping’ of families, kin, castes, races, classes, government, and military organizations on the basis of cultural demands, administrative urgencies, and defense requirements.” The characteristics of an NGO described in this definition, by and large, coincide with some of the criteria of the structural and operational definition, i.e., organized, voluntary, and private. This definition does not explicitly cover the nature of governance and profit distribution.

Hussain (1996) refers to NGOs as “all nonprofit organizations which are undertaking charitable or development work either on a voluntary or professional basis.” Similarly, Zia (1996) states, “the term ‘nongovernmental organization’ or NGO ... is commonly used to refer to nongovernmental, nonprofit entities that are engaged in relief, development, and advocacy activities. The entities can be formally constituted or informally organized; are usually voluntarily set up; are largely independent of government; and have humanitarian or public interest objectives. The term does not include trade unions or political parties.”

The term “CBO” (community-based organization) is also used to refer to small nongovernmental organizations whose area of operation is small rural and semi-urban localities. For example, Alam (1996) defines community-based nongovernmental organizations (CBNGOs) in terms of three characteristics: they are organized locally; they are controlled by those who benefit directly or indirectly from their activities; and they provide consumption-oriented services to their constituencies.

It appears that, in general, the set of criteria for the structural-operational definition of the nonprofit sector adopted by the Johns Hopkins Comparative Nonprofit Sector Project (Salamon and Anheier 1992) is applicable to the terms used to describe the nonprofit sector in Pakistan. However, there are a number of types of organizations that may be considered as hybrid or borderline cases. Examples of such cases include political parties, religious organizations, trade unions, cooperatives and mutual societies, professional associations, and quasi-NGOs (QUANGOs). These types of organization are discussed in Section C.

Aspects of voluntarism that are often overlooked are organizations set up for mutual benefit or self-help. Some of these take the form of formal registered organizations, such as the growing number of residents and homeowners welfare associations. Yet others are informal and transient in character, such as savings committees established by housewives or households with low or lower-middle level incomes and mohallah (neighborhood) watch committees.

While the residents and homeowners welfare associations require the mandatory membership of all residents and homeowners within their area of operation, the management committee members provide their services voluntarily. The savings committees revolve around one individual who is the repository for all contributions, and who then distributes the amount collected to each member of the committee. Once again, the service is voluntary. It is this latter
As part of the institution and reforms started by the Social Action Program, several community/facility-based committees have been established. Members of the community or beneficiaries are nominated to these committees to manage, operate, or supervise work. The effort of these members is un-remunerated. While these organizations are not strictly nongovernmental, they are nevertheless essentially nonprofit.

LEGAL FRAMEWORK

The legal framework governing the nonprofit sector in Pakistan is both archaic and confusing (SPDC 2002a). Of the over ten laws through which NPOs can either be registered or recognized, seven of the laws specifically recognize nonprofit organizations. All others provide legal protection to for- and not-for-profit organizations. There does not appear to be a clear, concise legal definition of nonprofit organizations under any law that grants legal status to these types of organizations. Moreover, each of the laws restricts the mandates of organizations registered to a few activities. However, the restrictions imposed by these laws are worded such that a wide spectrum of activities may be undertaken. For instance, the Societies Registration Act of 1860 limits organizations to “the promotion of literature, education, and fine arts, or for the diffusion of useful knowledge or for political and charitable purposes.” Promotion of education could range from primary education to basic research. Only the Companies Ordinance places no restrictions on what type of work any company can undertake.

To achieve the legal status of nonprofit organization, the entity has to be registered under any one of a number of laws. A significant majority of such organizations are registered under four laws: the Societies Registration Act, 1860; the Trust Act, 1882; the Companies Ordinance, 1984; and the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961.

The legal framework for NPOs contains laws, which either require registration or confer registration by virtue of the organization’s very creation (SPDC 2002a), or which grant tax concessions or exemptions. There is no automacy in the advantages of the latter accruing to the NPOs. An analysis of the registration or recognition body of the law reveals complementarity and no overlap, other than for the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961. Any organization that wishes to gain access to the funds available from the Social Welfare Departments of the provincial governments must register under this Ordinance. This is despite having been registered or recognized under any of the other avenues.

Other than the Companies Ordinance, 1984, all laws are implemented by each of the provinces. They can create and alter rules to suit their own purposes. For instance, the government of NWFP decided that they will no longer register organizations engaged in “social welfare” under the Societies Registration Act, but register them only under the Voluntary Social Welfare (Registration and Control) Ordinance, 1961. They have, therefore, merged the two registration offices. Similarly, in the case of Karachi, making registration under the Societies Act mandatory for schools to be recognized by the respective Directorates of Education also limits choice.
Descriptions of organizations provided in these laws are as follows:³

**Voluntary Social Welfare Agencies Registration and Control Ordinance, 1961.** This ordinance was based on a concept of social welfare that recognizes the “poor and destitute” of society who need institutional, rather than merely charitable, support. The Ordinance requires that all organizations engaged in social welfare or charitable works must be registered with the Social Welfare Departments of the provincial governments. The Ordinance states that a Voluntary Social Welfare Agency is an organization or undertaking established by people, of their own free will, for the sole objective of providing welfare services in any one or more of the following fields:⁴

1. Child, youth, and women’s welfare;
2. Welfare of the physically and mentally challenged;
3. Family planning;
4. Social education, i.e., education aimed at adults for developing a sense of civic responsibility;
5. Rehabilitation and welfare of patients;
6. Welfare of juvenile delinquents;
7. Rehabilitation and welfare of released prisoners;
8. Welfare of socially handicapped;
9. Welfare for the elderly and destitute;
10. Recreational programs to divert people from anti-social activities;
11. Training in social work; and
12. Coordination of social welfare agencies.

In practice, NGOs usually work in one or more of the above-mentioned areas under this Ordinance. However, other areas of work are also permissible, provided they fall into the category of “social welfare.”

Once registered under this Ordinance, the welfare agency is legally established, but does not enjoy the status of an “artificial juridical person.” While it has the authority to institute and defend suits and other legal proceedings, it cannot own property under this Ordinance. However, it has protection from suit, prosecution, or legal proceedings for anything done in “good faith.” Under the Ordinance, the Department of Social Welfare can make funding arrangements to social welfare agencies. Therefore, it would be in the interest of social welfare agencies not only to maintain contact with the relevant authorities, but also to be registered. The main role of the registration authority vis-à-vis a registered NGO is that it can act as arbitrator in the case of disputes or dissolution. This is an important advantage. The only other apparent benefit of registration under this Ordinance is access to funding from the Social Welfare Department.

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³ Descriptions of four laws are presented here. A great majority of nonprofit organizations are registered under these four laws.

**Societies Registration Act, 1860.** Societies may be established for the promotion of literature, science, or the fine arts; for the diffusion of useful knowledge; the diffusion of political education; or for charitable purposes and funds. This act specifies charitable assistance as the purpose for which a society can be registered under this Act. Societies can be established for the promotion of:

1. Science, literature, or fine arts;
2. Instruction and the diffusion of useful knowledge;
3. Diffusion of political education;
4. Foundation or maintenance of libraries or reading rooms for use among members or open to the public;
5. Public museums and galleries of paintings;
6. Works of art;
7. Collection of natural history;
8. Mechanical and philosophical inventions;
9. Instruments or designs; and
10. Education and medical services.

Once an organization receives its certificate of registration, its legal status is that of a registered society, which means that it can enforce its rules against its members, sue and be sued in its own name, and maintain a bank account in the name of the society. In addition, if any judgment is passed against a person on behalf of the society, the judgment can only be enforced against the property of the society, and not against the person. Another important benefit of registration is that the organization may acquire government owned land at half the rate of residential plots (NGORC 1991).

**Companies Ordinance (Section 42), 1984.** Any association formed to further the development of commerce, art, science, religion, sports, social services, charity, or any other “useful” objective may be registered as a nonprofit company, with limited liability, under Section 42 of the Companies Ordinance of 1984. It must adhere to the following criteria:

1. It directs, or it intends to direct, its profits, if any, or any other form of income, in advancing its objectives.
2. It prohibits the payment of any returns to its members.\(^5\)

In most cases, registered nonprofit companies are organizations engaged in research with donor funding, clubs, and very large organizations engaged in delivering social and welfare services. The government, when establishing QUANGOs (quasi nongovernmental organization) such as the Pakistan Poverty Alleviation Fund, the Khushhali Bank, and other such organizations

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that deliver welfare or poverty amelioration services, also uses the provision in the law for registration.

The perceived main benefit of registration as a nonprofit company is usually legal status and the flexibility to engage in commercial-type activities, with profits being used to promote the objectives of the company. Organizations registered under other acts may also engage in commercial activities, but these organizations are given the status of separate legal entities.

**The Trust Act, 1882.** A trust is an obligation annexed to the ownership of property. It is a “gift” of property to a person or institution that benefits both parties. To create a trust, it is necessary that there be a creator or author of the trust; a person in whom the confidence is placed (i.e., the trustee), and a person for whose benefit the trust is created (i.e., the beneficiary) (Janjua 2000). A trust, which can be revoked, may be created for any lawful purpose. The Trust Act, with a component for Public Trusts, provides legal protection for private acts of public charity and allows the creators of the trust tremendous flexibility in their operations.

There are two types of trusts: a) public charitable trusts and b) private trusts. A private trust can be established for the benefit of an individual or a group of individuals. A public charitable trust, unlike a private trust, benefits all society or certain sections of society. Charitable objectives (according to the classification of charity under Transfer of Property Act) can be clarified under the following divisions:

1. Advancement of religion;
2. Advancement of knowledge;
3. Advancement of commerce, health, and safety of the public; and
4. Advancement of any other object beneficial to mankind.

The advantages of being registered are as follows:

1. Retaining control by providing succession of trustees and having no members;
2. No interference from any other body;
3. Simple procedures for creation, e.g., no scrutiny pertaining to documents; and
4. If it is an irrevocable trust, and created for public and charitable purposes, the trust can apply for exemptions under the Income Tax Ordinance to the Central Board of Revenue (CBR).

The four avenues for registration above provide a substantial choice for registration. The least stringent is the Trust Act, which places no restrictions whatsoever. A trust under this Act is created by a declaration on a non-judicial stamp paper. The declaration may, or may not, specify the rules under which the trust may operate, but must specify the purpose for which it is being created and the property vested to it. Registration also requires little oversight as the declaration can be filed under the Registration Act and, subject to payment of fees, is registered by appointment. There are no subsequent reporting requirements. The most complicated method of registering is the Companies Ordinance, 1984. Registration is a two-step process under Section 42. It first requires that a license be obtained from the Corporate Law Authority. The investigation can, and does, include the antecedents of the subscribers to the Memorandum of
Association and can last for up to a year. Its reporting requirements are also the most stringent. Any change to the Board of Directors must be reported upon occurrence. A list of members must be filed annually. Minutes of meetings must be available to all members. Accounts must be audited by a chartered accountant.

The advantages of registration under each option vary. The Trust Act provides blanket secrecy and zero interference by the government. The Social Welfare Agencies (Registration and Control) Ordinance eases registration for grassroots CBOs, provides access to small grants from the Social Welfare Departments of provincial governments, and offers some modicum of respectability and recognition in society. The Societies Registration Act, 1860, is the option most preferred by all types and sizes of organizations, as the procedures for registration and reporting are relatively simple, auditing standards are not stringent, and there is considerable flexibility in the way things can be managed. However, in the event of a complaint, the government has the right to interfere.

With regard to tax exemption, it appears that the income tax law, as applicable to nonprofit organizations, is a grey area. Registration as a nonprofit organization does not mean that the organization has automatically obtained tax-exempt status. However, it provides a basis for requesting tax-exempt status from the Central Board of Revenue.

The Income Tax Ordinance does not distinguish between either the various types of nonprofit organizations, or the legislation under which they are registered. Thus, it treats each type of organization equally. Each application for exemption from income tax or to be recognized as a charitable organization (so that contributors may claim exemptions on the amount donated) is treated on a case-by-case basis. Neither the Ordinance, nor the rules framed as a consequence, contain any set criteria against which each application is judged.

Consequently, the absence of a set criteria to establish the validity of the application and the very limited interpretation of the definition applied by the authorities, gives substantial and unbridled discretion to the sanctioning authority, the Member Income Tax for exempting the income and the Income Tax Officer for exempting donations.

A registered NPO can also apply for an exemption from entertainment duties to the local District Commissioner if the NPO wishes to raise funds through public activities such as carnivals, festivals, or theatrical shows. This will exempt the taxation imposed on sales of tickets and other items.

**Part C: Defining the Nonprofit Sector: The Structural-Operational Definition**

The structural-operational definition of nonprofit organizations (Salamon and Anheier 1992) presents a core set of criteria for nonprofit organizations that governs their inclusion as an NPO. The criteria consist of *five crucial characteristics*, namely: organized, private, self-governing, nonprofit-distributing, and voluntary. In general, the types of nonprofit organizations
in Pakistan, described earlier in Section A, exhibit the characteristics envisaged by this criteria, and, therefore, the structural-operational definition is generally applicable to the terms used to describe the nonprofit sector in Pakistan and provides a comprehensive framework for defining and studying the country’s nonprofit sector. In this section, we analyze this definition in the context of Pakistan. We also elaborate on those types of organizations that are borderline or hybrid cases and the rationale for their inclusion or exclusion. Decisions about inclusion or exclusion of various types of organizations are presented in Chart B.

<table>
<thead>
<tr>
<th>Type of Organization</th>
<th>Included</th>
<th>Data Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organizations registered under:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voluntary Social Welfare Act 1961</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Societies Act 1860</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Companies Ordinance 1984, Section 42</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Trusts</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Foundations</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Residents Welfare Associations</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Political Parties</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Religious Organizations</td>
<td>Yes</td>
<td>Partially</td>
</tr>
<tr>
<td>Trade Unions</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Co-operatives and Mutual Societies</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Professional Associations</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>QUANGOs</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

**ORGANIZED**

According to this criterion, an organization should be included if it has some institutional reality to it, even if it is not legally incorporated. The ways in which institutional reality can be demonstrated include: some degree of internal organizational structure; relative persistence of goals, structures, and activities; and meaningful organizational boundaries. This criterion does not automatically disqualify those informal organizations that have no budget or accounting procedure to keep track of expenditures and revenues.

This criterion is, therefore, broad enough to cover a vast majority of nonprofit organizations. In the Pakistani context, only organizations that emerge infrequently or are transient in character will be excluded from the study. For example, at the level of local community, some groups or individuals become active on festive occasions, such as Independence Day or Eid-e-Milad-un-Nabi (the celebration of the birthday of the Prophet Muhammad), and hold processions and arrange other activities like national song competitions. Some organizations are also created with a sole purpose for a limited period of time, such as a committee established by a community to collect funds for a charitable purpose or by an educational/medical institution to collect donations by holding a bazaar or mela (fun fair). Once the purpose is achieved, they are disbanded. In general, these groups have no real structure,
in institutional identity, or continuing persistence of goals. Therefore, they are excluded from analysis, although they are involved in voluntary and nonprofit initiatives.

**PRIVATE**

This characteristic includes nonprofit organizations that are not part of the government apparatus and have an institutional identity separate from that of the state. This segment covers almost all NPOs, except the QUANGOs, which are established by governments to permit a flexibility in operations not available to government departments, for example, the National Rural Support Program. These QUANGOS are generally considered an integral part of the NGO sector, because they serve as channels for funding operations of regional and local NGOs and community-based organizations. However, according to the set of criteria stated earlier, they are excluded from the study because they are controlled by the government or have government appointed boards or chief executives that may be replaced at a moment’s notice.

**SELF-GOVERNING**

A significant degree of autonomy in controlling internal activities is an essential characteristic of this criterion. In Pakistan, some corporate foundations, which are tightly controlled by their parent organizations, do not truly exhibit the characteristics of self-governance. But, they are registered under the same Acts as other foundations. Because registration authorities do not treat and report them separately from other foundations, it is impossible to exclude them unless a comprehensive analysis was undertaken on a case-by-case basis. Similarly, the student wings of various political parties do not have a significant degree of autonomy, since they are strictly controlled by their parent political parties, and they generally follow the primary agenda of these parties. Examples of this type of organizations are *Islami Jamiat Talaba* (the student wing of a religious-political party *Jamat-e-Islami*) and People’s Students Federation (the student wing of Pakistan People’s Party). Nevertheless, they do exercise autonomy at the local institutional level as they elect their own leadership and develop their work plans locally. In principle, these types of organizations should be included in the definition of the nonprofit sector in Pakistan. However, data on these organizations are not readily available, and as a result, they will be excluded from the current analysis.

Similarly, if any member of the society lodges a *prima facie* non-frivolous complaint of mismanagement, governing bodies of cooperative societies can be superseded for long periods of time by an administrator appointed by government.

**NON-PROFIT-DISTRIBUTING**

Under this definition, the grey area, cooperative societies and trade unions, need to be treated with caution. Cooperatives are created for the mutual economic benefit of their members. In the strictest sense they generally do not distribute profits, but their ability to either market or purchase in bulk and gain access to better terms for farm credit on behalf of their members confers a distinct price/cost advantage, which translates into higher profits for members. Moreover, the law allows a cooperative society to pay dividends to its members.
Therefore, the cooperatives fail the acid test of profit distribution and will be excluded.

Trade unions by their very nature are created to safeguard the collective interests of the workers who make up their membership, but do not generate profits. Some trade unions also operate a number of welfare oriented activities which are devoted primarily to the benefit of their members, and a substantial proportion also provide services to disadvantaged segments of society in the areas in which they operate. The trade unions should be included in the ambit of the nonprofit sector. However, due to the lack of available data on trade unions, they will not be included when estimating the size, scope, and revenue structure of the nonprofit sector currently in Pakistan.

In recent years, there has been a rapid growth in organizations that undertake work as consultants and are registered as nonprofit organizations. These NGOs work as consultants for donor agencies and are sometimes set up by individuals with profit-earning motives. These NGOs are registered under the same Acts under which other NPOs are registered. It is not possible to differentiate between profit-earning and nonprofit-earning organizations. Therefore, they will, by necessity, be included in the nonprofit sector.

**VOLUNTARY**

This criterion of structural-operational definition defines voluntary as involving a meaningful degree of voluntary participation. According to this criterion, even the presence of a voluntary board of director will suffice to qualify an organization as “voluntary.” In Pakistan, there are some implications in adopting this definition. In some cases, establishing a voluntary board of directors or board of governors may be pursued solely to fulfill legal requirements. For example, many educational societies that run private schools (apparently for earning motives) are registered under the Societies Registration Act, 1860. The Act requires that a Board be created. However, these directors have no influence on the operations and activities undertaken by these societies. According to this criterion, these organizations will qualify as nonprofit organizations.

There are several types of organizations which are included in the definition of the “nonprofit sector,” on which we did not collect and report data. These include religious organizations and political parties. Religious organizations currently play a significant role in voluntary, charitable, and welfare activities. Almost all religious groups and political parties have set up organizations, either as independent agencies or as distinct wings, which are involved in providing collective social goods. They receive large amount of resources (in the form of donations and voluntary time) from both domestic and trans-national sources. As these “daughter-organizations” are registered under the laws pertaining to registration of nonprofits, they will essentially be included. However, given the current political environment and growing tension between religious parties and the military government, collecting data on religious organizations could encounter practical problems. The same is true for political parties because the government has banned political activities (such as holding public meetings and processions) leading to heightened tension between political parties and the government. Keeping in mind the practical problems of collecting primary data (secondary data on political parties and religious
organizations are not readily available), political parties and religious organizations will not be included in the data analysis, nonetheless, they are included in the definition of the nonprofit sector. However, to the extent that some religious organizations have Maktabs or Madaris (religious schools) affiliated with them, they will be part of the survey.

Professional associations such as associations of medical practitioners, lawyers, accountants, engineers, and architects are created to grant professional affiliations and practicing licenses, without which such professionals cannot operate. These associations require a compulsory membership to work in a particular profession. They are, therefore, non-voluntary. Although such associations by definition cannot distribute profits and thus could be considered nonprofits, on the criterion of voluntarism, these associations do not merit inclusion as NPOs and are excluded.

**Part D: Civil Society and the Nonprofit Sector in Pakistan**

The concept of civil society has a long history in political philosophy and has been much debated—as there have always been widespread disagreements over definitions, scope, and policy formulation. Definitions of civil society are diverse, and the differences between them are often rooted in alternative social and political philosophies that are hard to reconcile. The most modern conception and interpretation of the notion of civil society is the one presented by Gramsci, who describes civil society as “the sphere which battles capitalist logic. Civil society takes on the notion of ‘terrain,’ a place where the state, the people, the market interact and where the people wage war against the hegemony of the market and the state.”

In general, one can discern two underlying conceptions of the term civil society—the political and the sociological. The political conception of civil society is rooted in the Anglo-American tradition of liberal-democratic theory, which identifies civic institutions and political activity as an essential component of the emergence of a particular type of political society based on the principles of citizenship, rights, democratic representation, and the rule of law. The sociological conception of civil society is that of an intermediate associational realm situated between the state and the society. UNDP (1993) defines civil society as one of the three spheres (together with state and market) that interface in the making of democratic societies.

While discussing the evolution of civil society in the context of the relatively young countries in the developing world, like Pakistan, several realities should be taken into account. The evolution of civil society in Pakistan lags behind state building and economic development. Before independence, the foundation of civil society stemmed from a system based on religious values, clans (Biradaries), and village councils (Punchayat) led by religious personalities, rural landlords, and town notables (Qadeer 1997). Since independence, Pakistan’s civil society has evolved with the changing economic and social structure. The concept of civil society (in terms of modern terminology) has not gained much recognition in Pakistani society. A very limited

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effort could be found so far in the epistemic community to study and define the concept, significance, and imperatives of civil society in Pakistan.

Malik (1997) states, “An ideal civil society in a case like Pakistan would imply decentralization, democratization, and de-bureaucratization, allowing greater populist participation in the composition and operation of the state structure.” Qadeer (1997), taking a sociological or functional approach, views civil society as institutions, organizations, and practices—both traditional and modern—which define, influence, and constrain the state’s behavior, as well as serve as the organizational base for collective action at the intermediate levels of social life. According to his analysis, civil society in Pakistan has “long operated on two tracks. One the urban and modern, which is visible in conferences, seminars, and meetings of NGOs, bar councils, professional associations and literary clubs… The second track of civil society is made up of ethnic, denominational, sectarian, and clan organizations that espouse traditional religious values. This track is made up of mosques, seminaries, and Islamic/ethnic/territorial segments of student and labor unions, bazaar traders, and small town industrialists” (Qadeer 1997: 754). The evolution of nonprofit organizations in Pakistan can also be related to these tracks of civil society.

This approach, however, tends to ignore a very significant and substantial part of the nonprofit sector in Pakistan that is comprised of relatively small and mid-level voluntary social welfare organizations that lie between the extremes of modern secular and traditional religious organizations. These organizations are generally involved in the provision of basic social services at the local level and work for the welfare, benefit, and betterment of society as a whole or of a certain segment of society. It is also important to note that nonprofit organizations in Pakistan, even if they are created on the basis of sectarianism, clanship, or ethnicity, generally do not discriminate on these bases while providing services.

The evolution of the nonprofit sector in Pakistan highlights a strong link between the sector’s development and that of Pakistani society, in particular, political and social development. These have had not only an impact on the scope and size of the nonprofit sector, but on the nature of its activities as well. By and large, government policy towards the nonprofit sector has lacked consistency. In the post-independence period, there have been periods when policies can be considered to have been broadly supportive. This is evidenced by increasing references in recent five-year plan documents to the role of nonprofit organizations, as compared to previous plans. Other supportive acts include recent special fiscal incentives to encourage philanthropic contributions by corporate entities or individuals to nonprofit organizations, and the explicit recognition given to the role of nonprofit organizations in major programs of social development such as the Social Action Program (SAP) and the Family Planning Program. Perhaps the ultimate symbol of recognition of the role of modern NGOs was the induction of well-known leaders of nongovernmental entities into the federal cabinet in October 1999 following the military takeover. Important portfolios such as information and broadcasting, education, environment, women, population planning, and local government have been allocated to these representatives.

In contrast, a number of actions have indicated a hostile attitude, especially with regard to nongovernmental organizations engaged in either social or political advocacy. This culminated
in 1998, in the intelligence inquiries and deregistration of advocacy groups by provincial government of Punjab. Since 1996, there has also been an NGO bill pending with the parliament, which many see as an attempt by the government to bring the nonprofit sector directly under its control and regulation.\(^7\) Prior to this, in the 1970s, the nationalization of educational institutions run by philanthropists and voluntary organizations constituted an important blow to the development of the nonprofit sector in the country.

There are a number of factors that explain the dichotomy in the government’s posture towards the nonprofit sector. First, while government is supportive at the policy level, it is obstructionist at the operational level of line departments in federal, provincial, and local governments, who see nongovernmental organizations as competitive with respect to funds and influence. Enhancing the role of the latter is seen as cutting into the functions and responsibility of the former.

Second, government is generally supportive of the welfare and service providing role of the nonprofit sector, but openly hostile with regard to the role of nonprofit organizations in social and political advocacy. As highlighted earlier, the granting of tax exemptions to charitable donations made primarily to social welfare nonprofit organizations like the Edhi Foundation, and the explicit recognition of the role of nonprofit organizations in programs like SAP in social service delivery are demonstrative of their support. As opposed to this, the government has felt increasingly threatened by nonprofit organizations’ role in mobilizing the support of civil society on issues such as violence against women, honor killings, blasphemy law, freedom of the press, accountability, and corruption. The resulting hostility has been reflected in attempts to penetrate various nonprofit organizations and, in extreme cases, in attempts to close them through deregistration.

The posture has also tended to vary among different parts of government. By and large, in recent years politicians from the ruling parties (like the PPP and PML) have been neutral in their attitude towards nonprofit organizations. This is based on the perception that in Pakistan such organizations have not yet become influential enough to significantly impact the political agenda and the voting choices of the electorate. Bureaucracies, especially in the finance and planning ministries, are mostly supportive because they realize that in the presence of severe fiscal constraints, an enhanced role for nonprofit organizations in service delivery saves the government money. Line ministries have an ambivalent attitude and prefer to use nongovernmental organizations only when there is a well-defined gap in capacity or resources. Intelligence and security agencies are generally hostile and openly distrustful of nonprofit organizations, especially those performing an advocacy role.

There also appears to be a major dichotomy in the government’s posture depending upon the nature of the nonprofit organization. There is a greater tendency to support “indigenous” nonprofit organizations, which mobilize resources locally and frequently operate at the grassroots level helping communities organize the provision of local services. Such support arises

\(^7\) A recent development in this regard is the Enabling Environment Initiative of Pakistan Center for Philanthropy (PCP). The government of Pakistan has commissioned PCP to undertake a study and consultative process to develop an enabling regulatory and fiscal framework for civil society organizations.
from the recognition that there are serious limitations on the government’s outreach, especially to pockets of poverty in the far reaches of the country, and that this task has to be left to local NGOs. It is also predicated on the need to promote “self-help” by communities, so that the burden on government is minimized. The best example of this is the establishment at the national and provincial levels of Rural Support Programs to perform the task of social mobilization by establishing CBOs at the village level.

In contrast, there is hostility to “foreign-funded” nonprofit organizations whose operations remain largely outside the regulatory control of government, either because they are part of a large international umbrella nonprofit organization or because they receive funding directly from bilateral or multilateral donor agencies. However, the hostility arises not only because of their financial and functional autonomy, but also because many of these nonprofit organizations have taken up causes such as the human and women’s rights, the environment, political freedom, nuclear disarmament, and municipal building regulations which are considered politically sensitive or have security implications.

The important question that arises is: what are the underlying philosophy and principles that result in such a posture? One of the fundamental principles that guides government policy is that “the government cannot deliver alone and civil society has to share the burden.” This realization has become more acute in the face of rising fiscal constraints and the fact that the bulk of public expenditure has been pre-empted by the costs of debt servicing, defense, and civil administration. It is also based on a recognition of the impediments facing government service delivery to poor, marginalized groups in relatively inaccessible areas. Such delivery is unlikely to be cost effective and properly targeted. Therefore, the logical role for nonprofit organizations is to supplement government in the process of basic service delivery.

The second principle is that of “self-help.” Communities need to organize themselves collectively to cater to some of their basic needs. This is especially true at the grass-roots level. As such, local self-government or community-based organizations need to be encouraged to collaborate and organize the provision of local service for the welfare of the more vulnerable members of the community. This also explains the philosophy of decentralization of government and devolution of power followed by the military government. As a result of implementation of the Devolution Plan, a number of functions have been transferred to local governments, down to the union council level (a collection of villages or urban neighborhood), and community-based organizations are expected to oversee the provision of services and make line departments more accountable.

A more recently accepted principle has emerged from the new development paradigm that emphasizes “people’s participation and empowerment,” arising from the need to focus people’s talents and resources towards development. This development paradigm has been promoted by international donor agencies. Based on this principle, the task is one of social mobilization through the formation of community-based organizations at the village level. But in Pakistan, this principle has not been carried far enough, so that such social mobilization could go beyond the provision of services to more active participation in the political process and in the advocacy of social change. The existing ethnic and sectarian differences, along with the
continued hold of landed elites and feudal lords in parts of the country, have further acted as impediments to the process of social mobilization.

This takes us to political parties’ or factions’ posture towards nonprofit organizations. Mainstream political parties, like the Pakistan People’s Party (PPP) and the Pakistan Muslim League (PML), which have shared power since 1988 up to the military takeover in 1999, have a somewhat different posture to nonprofit organizations than the fringe religious parties like the Jamaat Islami, Jamiate Ulema Pakistan, and other groups that pursue a fundamentalist Islamic agenda.

During the PPP tenure (1988 to 1990 and 1993 to 1996), some progressive steps were taken to enhance the role of the nonprofit sector and to improve its relationship with the government. Perhaps for the first time, there was some recognition of the legitimate role that nonprofit organizations can play in promoting social and political causes. This explains the emergence of NGOs promoting human rights in general and the rights of women in particular. But there continued to be elements within the PPP government that had an ambivalent attitude towards the nonprofit sector and harbored suspicions about its role. This explains the drafting of the NGO bill in 1996 by the PPP government, designed to achieve greater control over NGOs.

The Pakistan Muslim League government (1990 to 1993 and 1997 to 1999) also initially exhibited some enthusiasm for development of the nonprofit sector. Much of the emphasis, however, was for the use of nonprofit organizations as agents for social service delivery in order to reduce the fiscal burden on government. Consequently, a large endowment was given to the National Rural Support Program; the Pakistan Poverty Alleviation Fund was made operational; fiscal incentives were given for corporate and individual philanthropy; and space was created within the Social Action Program for a greater role of NGOs. But the PML was inherently distrustful of nonprofit organizations playing an advocacy role. The confrontation reached a peak on issues related to the nuclear blasts in 1998, NGOs’ criticism of honor killings of women, and the blasphemy law. This culminated in 1999 with the government of Punjab’s attempt to deregister a large number of such entities.

The Jamaat-i-Islami and other religious parties, which are broadly reflective of the sentiments of the religious segments of society, have developed a strong antagonism towards secular nonprofit organizations. This animosity has been articulated more aggressively as religious parties have taken center stage following the imposition of restrictions on the activities of the mainstream political parties, the PPP and PML, in the aftermath of the military takeover in October 1999. In particular, religious parties have confronted nonprofit organizations that challenged the orthodox Islamic position with regard to the status of women and the blasphemy law. They have argued, on the basis of patronage from international interests with sizeable external funding, that such nonprofit organizations pursue an alien Western agenda aimed at transforming Pakistan from an Islamic state to a secular state. A campaign has been launched to either ban such organizations or bring them under tight government control. The lives and security of leaders of some of the controversial secular nonprofit organizations have even been threatened.
Underlying all this opposition by religious parties, there is a lurking suspicion that the real threat to them is the competition for funds and influence. Financial sustainability is an important issue among nonprofits in Pakistan. While philanthropy is active, much of it is currently channeled to religious activities, such as the construction of mosques. The emergence of large nonprofit organizations like the Sattar Edhi Foundation, which are seen as effectively utilizing funds made available for social welfare or provision of basic services, has increasingly led to a diversion of charitable donations towards such organizations.

Conclusion

The nonprofit sector in Pakistan is characterized by diversity in its synthesis, role, and functions. It includes age-old welfare organizations, as well as modern development-oriented NGOs. Major types of organizations include voluntary and social welfare organizations, societies, trusts, foundations, and nonprofit companies. The terms NGO and CBO have gained currency in recent years. While the traditional role of nonprofit organizations has been the provision of social services, in the 1980s and 1990s new advocacy organizations emerged. The diversity and evolution of the nonprofit sector in Pakistan reflects its strong link with the origins and development of a civil society. This is evidenced by the presence of ethnic, denominational, sectarian, and clan organizations that espouse traditional religious values and the emergence of modern secular organizations.

With the birth of Pakistan in 1947, the nonprofit sector evolved initially to fill gaps in service delivery and to address the government’s inability to provide adequate emergency relief to immigrants arriving from the part of the subcontinent that now constitutes India. Over the years, constraints on financial resources, the public sector’s limited institutional capacity, and declining confidence in the government’s ability to deliver basic services, have led to the emergence of nonprofit organizations funded by both private philanthropy and international donors.

Over time, political and social (including religious) influences have played a role in shaping the nonprofit sector in Pakistan. Civil society has also responded to various sociopolitical developments reflecting the strength of the nonprofit sector. By and large, the attitude of both the government and most political parties towards the nonprofit sector has been dichotomous and inconsistent.

Given this background, the nonprofit sector continues to face a number of important issues. Among these are first, the legal status of NGOs and the degree of government control, and second, recent ideological/political attacks on nonprofits. The legal status of nonprofits has emerged as a key issue in view of the pending NGO bill. Some of the provisions of the bill that arouse suspicion include: requiring that all NGOs re-register with the Ministry of Social Welfare within a specified period; arbitrary powers to government to de-register, suspend, dissolve an NGO, or to remove any provisions of the constitution of NGO; and compulsory external audits. Given the controversy generated by the bill, perhaps it would be best for the government to first improve the climate by preparing, in consultation with NGOs, a statement explicitly highlighting
its NGO policy. The policy should focus on providing an enabling environment for the nonprofit sector, rather than on government control. It should define the relationship between the government and NGOs in the context of service delivery and state the parameters within which nonprofit organizations can engage in an advocacy role.

Formulation of such a policy will not only reduce tension between the government and NGOs, but also between NGOs and political parties, and among NGOs. For this to be achieved, it is important that in the process of policy development there should be a dialogue between NGOs, political parties, and religious organizations, leading to a better understanding of their respective roles. In addition, NGOs should be more forthcoming with information on their governance structure, activities, and funding arrangements. Greater disclosure will improve perceptions about these organizations. Finally, the Comparative Nonprofit Sector Project, which aims to create greater public awareness about the nonprofit sector, its strengths and weaknesses, its contribution to society, and its evolving role vis-à-vis the government and the private sector, will perhaps contribute to improving the existing environment and thereby promote the nonprofit sector’s growth in Pakistan.
References


List of Acronyms

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<th>Acronym</th>
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<tr>
<td>AHI</td>
<td>Anjuman Himayat-e-Islam</td>
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<td>AKDN</td>
<td>Aga Khan Development Network</td>
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<td>AKF</td>
<td>Aga Khan Foundation</td>
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<tr>
<td>CBNGOs</td>
<td>Community-based nongovernmental organizations</td>
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<td>CBO</td>
<td>Community-based organization</td>
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<td>CBR</td>
<td>Central Board of Revenue</td>
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<td>CPLC</td>
<td>Citizen-Police Liaison Committee</td>
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<td>GOP</td>
<td>Government of Pakistan</td>
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<td>HRCP</td>
<td>Human Rights Commission of Pakistan</td>
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<td>IUCN</td>
<td>International Union for the Conservation of Nature</td>
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<td>NGO</td>
<td>Nongovernmental organization</td>
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<td>NGORC</td>
<td>NGO Resource Center</td>
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<td>NPO</td>
<td>Nonprofit organization</td>
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<td>NRSP</td>
<td>National Rural Support Program</td>
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<td>Social Action Program</td>
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<td>SAP Pak</td>
<td>South Asia Partnership Pakistan</td>
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<td>SDPI</td>
<td>Sustainable Development Policy Institute</td>
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<td>SPDC</td>
<td>Social Policy and Development Center</td>
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<tr>
<td>SPO</td>
<td>Strengthening Participatory Organization</td>
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<td>SRO</td>
<td>Statutory Regulatory Order</td>
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<td>SRSC</td>
<td>Sarhad Rural Support Corporation</td>
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<td>UNDP</td>
<td>United Nations Development Program</td>
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<td>WWF</td>
<td>World Wide Fund</td>
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