Nongovernmental Organizations & International Affairs

World Leaders Forum

Address to Seton Hall University
The Honorable John Hume
March 18, 2004

I am delighted to address you here at Seton Hall University this afternoon on my experiences of making peace in Ireland. It is a special honor for me to be awarded an honorary degree by this, the oldest Catholic diocesan university in the United States.

Yesterday, of course, was St. Patrick's Day and this area of the United States has a long history of association with Ireland. From the days of the colonies when so many Irish people settled here to today's links from the airports in the tri-state region.

It is fitting that we gather this week to consider developments in the Irish peace process, when one considers the influence that people from Ireland, and their descendants, had on the formation of this country. In fact, the printer of the United States Constitution was a man called John Dunlap, who learned his trade in a small town called Strabane that sits on the same river as my home town of Derry. Here at Seton Hall, at the foot of South Mountain, from where George Washington surveyed his troops during the Battle of Connecticut Farms in June of 1780, there is a deep sense of history and of purpose.

And that sense of history is put to use in such positive and forward thinking ways. I know that Seton Hall is at the forefront in developing modern and innovative ways of learning such as using the internet to reduce the impact of distances and increasing community-based learning. These are very important in making education available to as many people as possible, which is so critical for developing society as a whole.

This John C. Whitehead School is, of course, a school of diplomacy and international relations. I noted with interest that the web site for the school talked of this as a place of learning that promoted "a blend of theory and practical experience."

Therefore, I would like to talk to you this afternoon on this subject of "the blend of theory and practice in peacemaking."

This takes on a particularly poignant significance in the aftermath of last week's horrendous attacks on the people of Madrid. We must all set about contributing to a process of peace-building in the world.

At home in Northern Ireland, we are still seeing a political deadlock surrounding the suspension of the institutions set up under the Good Friday Agreement. Over what is now approaching six years, we have learned the hard way that sustaining the theory behind the Agreement in practice is one of the most difficult steps of all in resolving our conflict.

In fact, in the time since the Agreement was signed at Easter 1998, we have grown to appreciate that the theory of peacemaking and the practice of peacemaking are two distinct and different things. In any conflict resolution process it can never be taken for granted that one follows on inevitably from the other.

The reality is that making peace is very hard work. There are no easy solutions in the search for conflict resolution. It is a long and difficult path, but we all know it must be walked. As Eleanor Roosevelt once observed: "It isn't enough to talk about peace. One must believe in it. And it isn't enough to believe in it. One must work at it."

In Northern Ireland, success or failure depends on the presence or absence of trust. Without trust a given principle will not necessarily translate into a given reality, and is likely to succumb instead to intransigence, bitterness, or a lack of will.

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Equally with trust, anything is possible, as we saw through the good work over many months of the power-sharing Executive. In fact, only this week the people of my home city which I represent were delighted to see the opening of a major project to improve the road link between Derry and Belfast, a project which was initiated and funded by the Northern Ireland Executive before suspension. The people want to see us return to such bread-and-butter politics which will improve life for everyone in Northern Ireland and across the island.

The Executive's good work actually illustrated that the only way to build trust is to work together to erode past prejudices—what I have previously called the healing process. That has been the single biggest problem in recent times. The trust that had been built up has been badly dissipated and replaced instead with an atmosphere of uncertainty and apprehension that has given rise to the current deadlock.

While many quarters are responsible for these current difficulties, it is ultimately futile to engage in a pointless cycle of recrimination that gets none of us any further forward. It certainly got us nowhere for years.

Remember the Good Friday Agreement is not the property of any political party, politician or government. When the people of Ireland, North and South, voted so overwhelmingly in favor of the Agreement, they took ownership of it.

Therefore, no one has the right to sabotage the people's Agreement. And no true democrat would countenance walking away from the democratically expressed will of the electorate.

Indeed, those who claim that support for the Agreement has diminished need to be clear that if people are less sure-footed now than when they voted for it initially it is primarily because they have not yet seen the Agreement delivered in full. I would contest that community's desire to see the Agreement fully implemented has been consistent and confidence in the Agreement will grow substantially when it is delivered in full. And nobody knows this to be true more than those who constantly try to strangle the Agreement's potential.

The Social and Democratic Labour Party (SDLP) has never swerved in our support for the Agreement. We are not likely to either, given that it took us nearly thirty years struggling against brutal violence and futile intransigence to persuade others that principled compromise does not equal compromised principles. That is the real strength of the Good Friday Agreement. It provides a democratic common denominator between Unionism and Nationalism, allowing both distinct traditions and identities to find expression while galvanizing the common ground that unites us all.

I believe the people of Ireland will continue to stand by the Agreement. Its rock solid ideals of equality, partnership, and justice can and will be sustained as the best basis for creating a new society in the North and throughout the entire island of Ireland.

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The major challenge that faces us all now is to keep working, to keep pushing those rock solid ideals up the hill, even when those who agreed to help carry the burden have either stood back from their responsibilities or even begun pushing against you. A tall order indeed, but no one thought when we signed the Agreement that the problems that have plagued Northern Ireland society for generations would disappear overnight.

We all knew—and we all recognized at the time—that the achievement of agreement meant only the achievement of a new political context in which the divisions in our community could best be addressed.

We all knew when we signed the Agreement that ahead of us lay a long and arduous road. Unionism and Nationalism, two legitimate and honorable traditions that share the island of Ireland, had for centuries endured a relationship of confrontation and partisanship. The challenge was to agree an accommodation so

that people of all outlooks could move on to enjoy a relationship of conciliation and partnership. We fulfilled that objective when we reached the Agreement.

But that was just the beginning, not the end. Now we must redouble our efforts to ensure the full implementation of the Agreement for all the people of Ireland, North and South, so that we can build real and lasting peace in our community and deliver radical and far-reaching change in our society.

In other words, the principal challenge of Northern Ireland politics today is to put the theory of the Good Friday Agreement fully into practice in the day to day lives of the people.

There are two crux issues in the current review of the Agreement. There is a need for an end to paramilitary activity of every kind, from whatever source including the Provisional IRA. There is also a need for all of the unionist parties to agree to work all of the institutions of the Agreement fully, faithfully, and properly.

One only has to look at policing to see what can be done when the Agreement is allowed to progress. Policing in Northern Ireland has been transformed by the work of the Policing Board and of the District Policing Partnerships and it continues to be so. Sinn Féin needs to face up to its responsibilities and sign up to those new structures of democratic accountability for policing, which according to the Oversight Commissioner Tom Constantine meet "the best practice requirements of any police service in the world." All of these undertakings are vital for confidence across the community to be built so that we can move forward.

There is, of course, another reality that we must keep in mind. We understand that as difficult as building peace might be, the consequences of letting the best opportunity for peace in a generation slip away are much greater still.

Only the most narrow-minded and sectarian person could countenance a return to the climate of fear endured for the last thirty years as an alternative to the type of situation provided for by the Good Friday Agreement. Do those who ridicule the Agreement and the peace process not remember the harrowing scenes of destruction and devastation over thirty years caused by the absence of a meaningful process? Can they not now picture the anguish of broken-hearted families burying yet another loved one? The peace process in Ireland is not perfect. But life in Ireland today, Northern Ireland in particular has been transformed and we forget this at our peril.

Without underestimating the seriousness of ongoing paramilitary violence or sectarian tensions, we must register honestly that there is a greater level of peace on our streets today than at any point in the last three decades. Quality of life is much better and expectations among our young people are much higher than we have seen in many years.

For all of the current difficulties, there remain real positives.

We all know as well that the Agreement was working very well for quite a long time. The story of the political process since the Agreement has not all been frustration, disappointment, and stagnation.

· The Northern Ireland Executive, encompassing all shades of public opinion in the North, was functioning well and actually delivering real

and meaningful change in the lives of people on the ground, Unionist and Nationalist alike.
· The North South Ministerial Council had been developing a thoughtful and radical agenda on an all-Ireland and cross-border basis and that agenda was serving to break down many of the traditional mistrusts and misperceptions that had existed.
· The British-Irish Council was becoming an innovative instrument for addressing issues of mutual concern between our islands, of particular relevance in the context of today's smaller world.
· Other important changes have been delivered and continue to be, not least in achieving the new beginning in policing.

At present the British and Irish Governments are holding all-party talks (or at least talks for all those parties who care enough to take part) aimed at creating a new dynamic for restoring the institutions of the Agreement.

I am calling on all participants to these talks to use them constructively. The purpose of the talks must be to address the confidence issues and rebuild the necessary trust so that the Agreement can be put back on track and we can all get back to delivering real change on day to day issues.

In order to achieve this, the talks must result in:
· Confidence that the power-sharing administration will never again be brought down in an effort to appease or prop up any one political party;
· Confidence that we will all be able to enjoy a future free from paramilitary violence and sectarian hatred;
· Certainty that all parties are fully committed to the new beginning in policing, demonstrated through full participation in the Policing Board and underlined by a determination to secure the devolution of policing and justice away from London to the restored Northern Ireland Executive;
· Commitment from all participants to the full implementation of the whole Agreement, not least of all those all-Ireland and cross-border issues that had not yet been fully developed before suspension.

By genuinely addressing these issues I have every confidence that we can put the Agreement back on track in a fuller and better way than ever before. In this new light, people will view the Agreement in a much more positive way than has ever previously been possible. The fulfillment of this objective will have the potential to transform society in Northern Ireland for the better and for good, allowing us to focus on the issues of job creation, education, housing, healthcare, etc.—in other words, real politics.

A former President of the United States, Franklin D. Roosevelt, once said that the best social program is a job. I agree one hundred percent. One of the great causes and consequences of the troubles in Northern Ireland was the cycle of poverty and despair of constantly high unemployment and the absence of any investment in our young people's future.

When we were formed in 1970, the SDLP knew there was space for new and radical thinking in the vacuum of the political life of that era. That is why we dedicated ourselves to focusing on the real issues affecting our people. Incredibly, we were the first political party in Northern Ireland in generations to take this approach, while others remained content to engage in the politics of flag-waving and playing the traditional sectarian card.

We believed that the traditional mindsets had to be challenged on all sides and that by focusing on the real political issues the common ground could be cultivated and a new landscape could grow where putting bread on the table would be more important than painting slogans on the gable.

We took—and continue to take—great inspiration from the European experience, which I have referred to as the single greatest example of conflict resolution in the history of the world. The example of the European Union is central to the Good Friday Agreement.

Consider this: In the second half of the twentieth century, the protagonists in two world wars, which saw millions slaughtered, were able to begin working together in each other's shared interests. If this could be achieved, the SDLP argued, then surely there could be no justifiable reason on earth why the people of Northern Ireland could not find an agreed accommodation to our problems.

The first principle of the European Union is the necessity of respect for difference. Mahatma Gandhi once said, "No two men are absolutely alike, not even twins, yet there is so much that is indispensably common to all mankind." The European Union is built on this fundamental principle. No two people are the same. Difference is an accident of birth and therefore is not something we should ever fight about or kill for. In fact, difference is the very essence of humanity, a natural and healthy component of any society. It should be cherished and respected. The founding motto of this nation E *Pluribus Unum*, "from many, one," teaches the same core philosophy.

[W]hile there may be much that divides us, there is much more still that unites us.

The second principle of the European Union was to create inclusive institutions that give legitimate expression to the differences that exist. In the EU those institutions are the Council of Ministers, a Civil Service Commission drawn from all member states and, of course, the European Parliament itself. In the case of the Good Friday Agreement those inclusive institutions are primarily the Northern Executive, the North South Ministerial Council and the British Irish Council, as well as arrangements such as the Policing Board.

And thirdly, the European experience has taught us to work together in the common interests of all—largely in the social and economic sphere—because while there may be much that divides us, there is much more still that unites us. Poverty and unemployment do not stop to take account of their victim's religion or political beliefs.

Born of the Northern Ireland Civil Rights movement inspired by Martin Luther King's example, it should not surprise anyone that the SDLP has always opposed violence from all sides and in all forms. For us violence is wrong. It is immoral. It is counter-productive. Yesterday we celebrated the life and legacy of Martin Luther King. This extract from his 1964 Nobel Peace Prize speech reflects and inspires the thinking of the SDLP:

> *Violence never brings permanent peace. It solves no social problem: it merely creates new and more complicated ones. Violence is immoral because it is a descending spiral ending is destruction for all. It is immoral because it seeks to humiliate the opponent rather than win his understanding: it seeks to annihilate rather than convert. Violence is immoral because it thrives on hatred rather than love. It destroys community and makes brotherhood impossible. It leaves society in monologue rather than dialogue. Violence ends up defeating itself. It creates bitterness in the survivors and brutality in the destroyers.*

The greatest tragedy of the past three decades in Northern Ireland is that more people did not share our view about the brutality and futility of violence. But the violence served only to strengthen our resolve that a peaceful solution would be found and underline to commitment to find it. We knew as well that we had to go further than mere condemnation of violence. We also had to make every effort to help remove violence from our communities.

From this position we wanted to challenge the traditional mindsets in Northern Ireland politics. We wanted to challenge old Unionist thinking. On one hand, Unionists wished to protect their identity and their ethos. We had no quarrel with that. Not only have Unionists every right to protect their identity, we recognized that it is absolutely essential in attempting to resolve our problem that the identity of Unionism is fully protected and respected.

It was the methods employed by Unionists with which we disagreed, their determination to hold all power in their own hands. The practice of government for fifty years in the old Northern Ireland was to exclude anyone who was not Unionist. This, of course, led to widespread discrimination in jobs, housing, and voting rights, which in the end is bound to lead to division. Our challenge to Unionists was to recognize that because of their geography and their numbers the problem could not be resolved without them. Therefore, we challenged them to come to the negotiating table and reach an agreement through which their identity would be fully upheld. They did.

And it was not just Unionist thinking that needed to be challenged. Martin Luther King often spoke of the need not just to question your opponent but also to question yourself. This was certainly true of Northern Ireland because thinking in my own community—the Nationalist community—also needed to change.

Traditionally Nationalists viewed the problem as territorial, that if we could only achieve territorial unity then the problems would be solved. This, of course, was naïve and misleading.

Our challenge to that mindset was that it is people that have rights not territory, that without people any piece of earth is only a jungle. Historically, it was the people of Ireland that were divided not the territory and therefore agreement among all the people was the only solution. The logic of the challenge to that mindset was that since it was the people of Ireland that where divided violence had not only no role to play in solving the problem. Violence only served to deepen the divisions and make the problems worse. The line on the map is only a symptom of a much deeper border. The real border that had to be addressed was in the hearts and minds of people. That is a problem that cannot be solved either through victory or violence.

We recognized as well that leadership demands more than simple problem identification. We understood that true leadership is not about pointing the finger of blame, but rather it is about pointing the way forward. We knew we had to advance an analysis that reflected the reality of life and not one that merely outlined how we would like life to be. We framed our analysis as the "three sets of relationships:"

·   The relationship between the people of Northern Ireland;
·   The relationship between Nationalists and Unionists across the entire island of Ireland;
·   The relationship between the people of Ireland and the people of Britain.

The SDLP said consistently that the question of how these core relationships should be addressed would have to be central to any future negotiations and at the heart of any prospective agreement. To follow any other approach would be to avoid the real depth of the problem and would ultimately be futile.

In the negotiations that led to the Agreement, we were clear as well that the principle of consent would have to be enshrined. This meant that a majority of the people of Northern Ireland would have to give their consent to a change in the constitutional status of the North. This is a central component of the Good Friday Agreement and should give reassurance to Unionists who have traditionally feared change being imposed upon them.

So often during the past thirty years and more it was the people who had suffered most that showed the greatest compassion and dignity in the face of unbearable grief.

It was the father of a young nurse, murdered in the Enniskillen bomb in 1987, who offered forgiveness to her murderers.

It was the daughter of a murder victim in the Rising Sun bar in the village of Greysteel in 1994 who told me at her father's funeral that her family had prayed that my efforts to bring the violence to an end would succeed.

It was the mother of a young victim of the Omagh bomb in 1998 whose courage shamed the bombers when she referred to the example of Mahatma Gandhi and spoke of good conquering evil.

These are the type of people whose courage, resilience and compassion provided us all with the inspiration to achieve the Good Friday Agreement in 1998. It is in their names, in the names of their loved ones and in the names of all the victims of

the past thirty years that we must now continue to carry the Agreement forward and make it work to the benefit of all.

In the Agreement we vowed to replace alienation with accommodation, exclusion with equality. We pledged to cross the traditional lines of division and forge instead new lines of co-operation. We must get back to this goal.

Through the Agreement we will transform the very nature of Irish society for the better, giving real hope to a brand new generation of young people.

By the Agreement we will stand in defense of the principle of democracy and the leap of faith our people took almost six years ago now.

We in Northern Ireland have not yet fully put the theory of peace as articulated by the Good Friday Agreement into practice. But I pledge we will do all in our power to achieve this aim. We owe nothing less to ourselves and to the world.

Nongovernmental Organizations as the Fifth Estate

by Stuart E. Eizenstat

I. Introduction

Early in the nineteenth century, Macaulay famously dubbed the press the "fourth estate."[1] Since then, an expansive literature has explained the vital role played by the press in monitoring the actions of the executive, legislative, and judicial branches of government.[2] In the classic exposition of its role, an independent press collects and disseminates information about a government to its citizenry, who are then able to make informed decisions. The press, in this view, serves as a necessary counterweight, a vital check, to the official organs of the state.

The press is not, however, alone in its role as watchdog. For centuries this task has also been undertaken by voluntary private organizations. Known today as nonprofits, nongovernmental organizations, or civil society groups, these organizations represent a different kind of actor in the political process. Like the press, private associations are seen as a credible source of information on a variety of issues—groups such as Amnesty International or Human Rights Watch, for example, publish well-respected annual reports detailing human rights abuses around the world. Unlike the press, however, which is expected to be studiously independent in its reporting, these groups are frequently unabashed supporters of a particular point of view. By seeking out others who share that view, and then uniting in common cause, these organizations function simultaneously as a watchdog and advocacy group.

NGOs today are vitally important in providing additional checks on the legislative and executive branches of government. In light of the increased prominence that such groups have come to enjoy in recent decades, and through their increased role in influencing public policy, I believe that it is appropriate to label these groups "the fifth estate."[3]

Over the course of my career, I have seen the civil society groups at home and abroad that comprise the fifth estate come to enjoy an impressive amount of influence over government policy-making and to play an important role in building civil society.

Stuart E. Eizenstat was Chief Domestic Policy Adviser to President Jimmy Carter. In the Clinton Administration he was US Ambassador to the European Union, Under Secretary of Commerce, Under Secretary of State, and Deputy Secretary of the Treasury. He was President's Clinton's Special Representative on Holocaust-era Issues.

But I have also seen some, at times, that work against the interests of their own constituencies and pursue narrow agendas at the expense of the greater good. The fifth estate has strengths and weaknesses. I have seen them at their best and their worst.

II. THE RISE OF THE NGO

Nongovernmental organizations (NGOs) have a rich history stretching back at least to the nineteenth century. During his travels through the United States in the 1830s, Alexis de Tocqueville observed that:

> *Americans of all ages, all conditions, and all dispositions constantly form associations. They have not only commercial and manufacturing companies, in which all take part, but associations of a thousand other kinds, religious, moral, serious, futile, general or restricted, enormous or diminutive. The American make associations to give entertainments, to found seminaries, to build inns, to construct churches, to diffuse books, to send missionaries to the antipodes; in this manner they found hospitals, prisons, and schools. If it is proposed to inculcate some truth or foster some feeling by the encouragement of a great example, they form a society.[4]*

On the other side of the Atlantic, Charles Dickens poked fun at contemporary advocacy groups in his novel *Bleak House*. One of his characters, a Mrs. Jellyby, states that:

> *The African project at present employs my whole time. It involves me in correspondence with public bodies, and with private individuals anxious for the welfare of their species…I am happy to say it is advancing. We hope by this time next year to have from a hundred and fifty to two hundred healthy families cultivating coffee and educating the natives of Borrioboola-Gha on the left bank of the Niger.[5]*

As these examples suggest, private networks with political, humanitarian, moral, or religious components were well-established by the mid-nineteenth century. Notable advocacy campaigns by private groups during this era include the campaign to bring about the end of slavery in the United States, the efforts of suffragettes to obtain the right to vote for women, and the campaign launched by a coalition of Western missionaries and Chinese reformers to eradicate footbinding in China.[6]

The success of each of these endeavors encouraged other private groups to take up causes and lobby for social change. The number of private organizations with international operations increased significantly between 1850 and 1914.[7] In 1874, for example, there were 32 registered international NGOs; by 1914, this number had increased to 1083.[8] This era also saw the founding of two major private international organizations that still exist today: the International Red Cross (in 1863) and the International Olympic Committee (in 1896).

As time wore on, NGOs were increasingly viewed as legitimate actors in their own right in the eyes of intergovernmental organizations. After the First World War, for example, NGOs won a victory when labor unions were made full participants

and decision-makers in the new International Labor Organization (ILO).[9] They expanded on this success after the Second World War when, in 1948, the United Nations Charter granted Consultative Status with the Economic and Social Council (ECOSOC) to certain NGOs.[10]

At the UN Conference on the Human Environment in Stockholm in 1972, the role of NGOs in international proceedings was further enhanced by the provision of "facilities for a concurrent environmental forum of NGOs."[11] This first NGO forum parallel to a UN official conference introduced a process that would become central to the formation and strengthening of advocacy groups around the world. Parallel NGO meetings have taken place at all major UN environmental events since Stockholm. More often than not, their presence at these and other events has had a significant impact on the course of negotiations. Two examples from my own personal experience bear this out.

NGOs were increasingly viewed as legitimate actors in their own right in the eyes of intergovernmental organizations.

When I led the U.S. delegation during the negotiations leading to the signing of the Kyoto Protocol on Global Warming in 1997, for example, the negotiators were very much aware of the presence of NGO observers in attendance. While these groups did not sit at the negotiating table, there is no question that through their lobbying efforts and their constant demands for steeper emissions cuts in carbon dioxide (CO_2), they were able to exert a substantial impact on the course of the negotiations. As environmental advocates, they pressed for unrealistically large reductions in greenhouse gas emissions without consideration of the economic costs. They also helped stiffen the position of developing nations against taking any obligations to reduce even the rate of growth of their emissions, notwithstanding the fact that these same nations will be the biggest emitters of CO_2 by mid-twenty-first century. This stance ultimately undermined support in the United States for eventually ratifying the Kyoto Protocol.

NGOs also exerted a profound influence in every mediation undertaken on behalf of the Clinton Administration of class action suits concerning the disposition of dormant accounts once held by Holocaust victims. Initial negotiations focused on looted assets which had been deposited in Swiss banks during World War II, and later negotiations were devoted to reparations for slave and forced labor, insurance, looted art, and other Nazi confiscated property.[12] Although the official decision-makers in these negotiations were sovereign states—Germany, Austria, France, the United States and the private lawyers on both sides of the issues—all parties knew that no final agreement was possible without first obtaining the approval of key NGOs, such as the World Jewish Congress, The Conference on Jewish Material Claims Against Germany, and several German-Eastern European reconciliation commissions that had been established in Belarus, the Czech Republic, Poland, Russia, and Ukraine. These NGOs, in effect, were the ultimate arbiters as to

whether an agreement between governments and the lawyers would be acceptable to those affected. Their blessing was essential for what were essential political and diplomatic negotiations. Even though they were not parties to the lawsuits, they had a formal role at the negotiating table.

Whereas NGOs can have a constructive influence on policymaking, they can also bring negotiations to a crashing halt. In Seattle in 1999, I vividly remember not being able to leave my hotel as a result of the violent anti-globalization demonstrations taking place outside, led by several NGOs. Those protests—made possible by those same networks that had sprung up to do so much good worldwide—had the tragic effect of slowing a process that held far greater promise for alleviating global poverty than any plan articulated by the protesters. Here, the effect was destructive rather than constructive, with far-flung consequences for the world economy. The successive WTO negotiations, called the Doha Development Round, hit a similar stumbling block at Cancun, Mexico in 2003, with the resistance of developing countries egged on by NGOs.[13] It is only in 2004, five years after the collapse of the Seattle talks, that global trade negotiations have gotten back on track.

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These examples illustrate the fact that NGOs, for good or for ill, are capable of exerting significant influence on the world stage. This increased influence is, by and large, a development of the past two decades, which have seen a dramatic increase in both the absolute number of NGOs and an increase in their membership numbers. Around a quarter of the 13,000 international NGOs in existence today, for example, were created after 1990.[14] Overall, the number of international NGOs increased by 19.3 percent between 1990 and 2000.[15] Between 1990 and 2000, worldwide membership in international NGOs grew by 72 percent.[16] Total membership of ten major U.S. environmental organizations for which continuous data are available grew from 4,198,000 in 1976 to 5,816,000 in 1986 and 8,270,000 in 1990.[17] Amnesty International, founded in 1961, had a membership of 97,000 in 1975; by 2000, it had a membership of over 1,000,000.[18] The International Union for the Conservation of Nature (IUCN) brings together 735 NGOs, thirty-five affiliates, seventy-eight states, 112 government agencies, and some 10,000 scientists and experts from 181 countries.[19] The Friends of the Earth Federation, founded in 1969, today combines about 5000 local groups and about one million members.[20] Both absolutely and relatively, NGO numbers are clearly on the rise.

The nonprofit sector, moreover, is increasingly significant economically. A recent survey of twenty-two countries[21] found the nonprofit sector constituted a $1.1 trillion industry that employed close to 19 million full-time employees.[22] Americans alone give $240 million each year to private charities and an equivalent amount again in volunteer services.[23] NGOs such as the Nature Conservancy control

more than $3 billion in assets, giving them considerable influence and independence.[24] Across the board, therefore, one can see an increase in the absolute number of NGOs, the membership numbers of NGOs, and the funds that they have at their disposal.[25] These statistics provide empirical support for the intuition that NGOs exerting more influence today than they have been in the past.

What are the causes of this increased influence? The two most frequently cited explanations are technological advances and improved access to money. The use of internet, e-mail, and mobile phones has allowed groups to build advocacy networks and to coordinate global campaigns to an extent that would have been impossible even as late as the 1970s. Moreover, as privatization reforms have taken hold in many countries, governments at all levels have increasingly been willing to outsource the provision of services to nonprofits. Consequently, governments and international institutions have increasingly channeled development aid through NGOs[26] even as private foundations have distributed more funds to international NGOs than in the past.[27] Private donations, including individual, foundation, and corporate contributions, to international NGOs went from $4.7 billion to $10.7 billion between 1990 and 1999.[28] These facts and figures do much to explain the increased prominence of the fifth estate in recent years—it is better connected and better funded than ever before.

III. Contemporary NGOs: Strengths and Weaknesses

NGO Strengths

Having achieved this unprecedented influence, what then has the fifth estate chosen to do with it?

Some NGOs have devoted themselves to advocacy, to representing the perceived needs of individuals and groups that they believe are ill-equipped to speak out on their own behalf. Examples of such groups include Amnesty International, Greenpeace, the World Wildlife Fund, and Human Rights Watch. These groups specialize in raising concerns or ideas in the forum most likely to be receptive to them. As one scholar has noted,

> [T]ransnational value-based advocacy networks are particularly useful where one state is relatively immune to direct local pressure and linked activists elsewhere have better access to their own governments or to international organizations. Linking local activists with media and activists abroad can then create a characteristic 'boomerang' effect, which curves around local state indifference and repression to put foreign pressure on local policy elites.[29]

More often than not, advocacy NGOs bring to the table a voice that would not otherwise be heard in social, economic, or political processes.

Other NGOs have gone down the well-traveled road of service provision by setting up clinics and schools in parts of the world with poor access to health care and education.[30] Well-known examples of this type include Red Cross and Red Crescent societies and Médécins Sans Frontières. The rise to prominence of these

NGOs has been prompted, in the words of one scholar, by "growing doubts about the capacity of the state to cope on its own with the social welfare, developmental, and environmental problems that face nations today."[31] It is widely believed today that "citizen groups, unburdened by governmental bureaucracy and political considerations, move faster and more effectively [than government agencies]."[32] Consequently, governments and foundations "increasingly are channeling funds for service provision, development projects, and humanitarian relief through NGOs."[33]

I have personally witnessed the effectiveness of channeling funds through NGOs. As Under Secretary of State in the Clinton Administration, I was one of the leaders of the economic discussions of the Middle East peace process. Because of rampant corruption and poor management, the U.S. government provided economic aid to the Palestinians in the West Bank and Gaza not through the official government organization, the Palestinian Authority, but rather through NGOs on the ground. These organizations were more capable, trustworthy and transparent than was the "official" government. This pattern holds true throughout the developing world and in post-Soviet transition countries. There is no question but that NGOs are indispensable for providing assistance.

Moreover, my government experience made it clear that in-country, indigenous NGOs were essential to building democracies in former autonomic or devastated regions. Democracy cannot be constructed from the top down. A vibrant civic society is an indispensable requirement for democratic governance. Realizing the goals of promoting rule of law, encouraging transparency in government decision-making, and fighting corruption is far more difficult to achieve without the support of NGOs such as Human Rights Watch, Amnesty International, Freedom House, and Transparency International. In their own ways, each of these groups is essential to promoting many key goals of U.S. foreign policy. Transparency International, for example, has played a vital role in helping to implement the Anti-Bribery Convention of the Organization for Economic Coordination and Development (OECD).

I have also seen NGOs at work in my service on the Caspian Development Advisory Panel (CDAP). This Panel was established by British Petroleum (BP) to provide independent advice on its pipeline projects in Asia, focusing on the social, environmental and economic impacts of pipeline construction and operation. The Panel has taken strong positions on the need to assure high environmental standards in the erecting and construction of the pipeline, to preserve pristine sites and provide economic protection, to prevent oil spills, to assure that villagers in the right of way of the pipeline were fairly compensated, and to protect human rights. It has also pressed BP to guarantee that revenues generated by the pipeline flow to the governments of Turkey, Azerbaijan and Georgia.   BP has taken these recommendations to heart, demonstrating the effectiveness that NGOs can have in changing the behavior of corporations.[34]

What unites all of these various groups is a shared commitment to engaging with civil society and developing important institutions from the ground up. The Palestinian Authority may be too corrupt to effectively handle aid flows today, but it

is not impossible to imagine a future in which reforms pioneered by civil society organizations become accepted practice within future governmental institutions. Moreover, the scope of activities pursued by these various groups has expanded in recent years; the three fastest growing types of international NGOs in the past decade were those organizations devoted to providing social services (78.5 percent increase), those providing health care (50 percent increase), and those committed to law, policy, and advocacy (42.5 percent increase).[35] There is no question that these groups have contributed much that is useful and good in the world, due in large part to their ability to form close linkages with local communities, to respond quickly to new circumstances, and to serve as intermediaries between individuals, national governments, and international organizations. The benefits provided by NGOs are manifest.

A vibrant civic society is an indispensable requirement for democratic governance.

NGO Weaknesses

And yet these groups are not without their weaknesses. In recent years, civil society groups have been criticized for urging other institutions (corporations, governments, and international organizations among them) to make themselves more accountable. Yet some of these same civil society groups have demonstrated a notable reluctance to evaluate how accountable they themselves are to the constituencies they purport to represent. While it is true that NGOs' complex relationships to multiple stakeholders and the intangible nature of the goals they seek to achieve (e.g., fairness, justice, development) present clear challenges to any effort to hold them accountable *to* specific actors *for* specific results, this problem does not excuse NGOs from having to demonstrate that they are ultimately accountable for the funds they raise and the actions they take.[36]

Consider, for example, the responsibility of accounting for finances. In 2002, it was revealed that the American Red Cross had routinely exercised poor control over the finances of its various chapters. An exposé by the CBS Evening News reported that local Red Cross fundraisers had used official funds to pad their own bank accounts, to embezzle money to buy drugs, and to pay themselves exorbitant bonuses, among other abuses. CBS also obtained a copy of a report by the Red Cross's own auditor stating that some chapters' financial reports were simply inaccurate.[37] In that same year, a scandal broke out involving the former chief executive for the Washington, D.C. chapter of the United Way. He was ultimately sentenced to over two years in federal prison for charging the organization for personal expenses such as trips to Las Vegas, paying himself for annual leave he had already used, and siphoning more than his share from the charity's pension plan.[38]

These two examples illustrate the fact that some NGO funding tends to be shrouded in mystery. This is so partly because NGOs rarely make it easy to investigate their funding and the uses to which it is put.[39] Transparency International

lists its funders on its web site, but few other organizations do.[40] NGOs around the world, moreover, are generally not required by governments to account for expenditures or to publish lists of their funders. This frequently makes it difficult for outsiders (or even insiders) to hold NGOs accountable for their finances and accounting practices. More seriously, a lack of oversight can permit NGOs to channel funds to those engaged in illegal activities. Since 2001, the United States has frozen more than $136 million in assets allegedly linked to al Qaeda or other terrorist groups and has effectively shut down the operations of the largest U.S.-based Islamic charities.[41] Government oversight is needed, at the very least, to ensure that charities are not used as vehicles for financing illegal or terrorist activity.

When I was Deputy Secretary of the Treasury during the Clinton Administration, we sent two government missions to Saudi Arabia and the Gulf states asking them to shut down certain charities we believed were being used as conduits for al Qaeda and to more closely supervise donations being channeled to a variety of "charitable groups." They refused. Since September 11th, however, there has been some progress on this front. Charitable groups in the United States with formal charity status, like the Holy Land Foundation, have been closed down by the U.S. government. The European Union has joined the United States in putting the civilian counterparts of Hamas and other Palestinian terrorist groups on its terrorist list. And the Soviet government plans to create a commission to regulate its charities.

By trying to be *too* accountable—to too many stakeholders about too many issues in ways the stakeholders have yet to define or agree upon—the network creates an accountability tug-of-war that reduces the NGO's ability to be accountable to anyone.

Another question that is often brought up in the context of NGO accountability is that of precisely to *whom* these groups are accountable. NGOs are often said to be accountable to at least five different stakeholders: donors, clients, staff, partners, and the mission of the NGO itself.[42]

· *Donors.* All NGOs—be they engaged primarily in advocacy or service provision—must ultimately report back to their donors on their results. Those donors could be individuals, private foundations, corporations, government agencies, or international organizations. Donors expect that an NGO will properly handle donated resources and that the programs funded will be run with integrity and efficiency. They also expect that the programs will have an impact on the targeted community. If a donor decides that an NGO has failed to live up to its promises, then it can refuse to provide money for future projects.

· *Clients.* Civil society groups must also be aware of the impact of their actions upon the intended beneficiaries of those actions, often referred to

as the NGO's clients. These beneficiaries could be people who rely upon a local health clinic for vaccinations or people on whose behalf an advocacy group files a lawsuit in a local court. Clients expect that NGOs will be responsive, professional, and will do their best to provide quality service. If a client decides that an NGO is no longer providing useful services, it can decide not to patronize the NGO.

- *Staff.* No NGO can function without a staff that believes in its work and seeks to realize the organization's mission. Staff members expect the organization to continue to support the mission that drew them to the organization. If staff members feel disconnected from the organization, they can leave to find work elsewhere.

- *Partners.* Networks of advocacy groups can be far more effective than any one group operating in isolation. Consequently, NGOs often enter into partnership arrangements with one another to improve the changes of realizing their goals. Partners expect the NGO to live up to its commitments for action made in the course of developing and executing a joint project. If partners feel as though an NGO is not being responsive to their needs, they can terminate the partnership.

- *The Mission.* NGOs engaged in advocacy often root their legitimacy in their mission, rather than in their stakeholders. This means that they see themselves as more accountable to their mission than to other actors. When they deviate from this mission, they are frequently attacked as having strayed or "sold out." In 2003, the Nature Conservancy (TNC) came under scrutiny for straying too far from its core mission. Having amassed $3 billion in assets to support its mission of preserving natural habitats, the Conservancy had logged forests, engineered a $64 million real estate deal on fragile grasslands and drilled for natural gas under the last breeding ground of an endangered bird species. These deals, among others, prompted critics to argue that TNC had gotten too close to big business and lost its way.[43]

One could argue that NGOs should be held accountable to each of these stakeholders. Therein, however, lies a classic accountability dilemma. By trying to be *too* accountable—to too many stakeholders about too many issues in ways the stakeholders have yet to define or agree upon—the network creates an accountability tug-of-war that reduces the NGO's ability to be accountable to anyone.[44] Unless these conflicts are acknowledged and resolved at the outset, any organization runs the risk of becoming paralyzed by its accountability relationships.

One possible solution to this problem would be to follow the path blazed by corporate law and single out one single group—the shareholders, in the case of the corporation—to whom the NGO is solely accountable. The problem with this option, of course, is choosing which stakeholder group should be singled out. Alternately, NGOs could first *prioritize* the various stakeholders and then clarify what kind of accountability relationship it will have with each stakeholder. This is

not as clear-cut as singling out one group, but it may be the best option given the multiple conflicting obligations faced by NGOs.

Different types of NGOs often face accountability dilemmas unique to their particular type. Advocacy groups, for example, often root their claim to legitimacy in their commitment to their mission above all else. There exists, therefore, the potential that the interests of other stakeholders will be sacrificed if they come into conflict with the broader cause. Service providers often find themselves privileging their donors (in order to continue their mission) and their beneficiaries (because fulfilling client needs are the mission of the NGO) over other stakeholders.

Making this dilemma more acute is the notoriously difficult task of measuring the "success" of a project. For any NGO seeking to bring about sustained, long-term change, the impact of any particular undertaking may not become apparent for some time.

Making this dilemma more acute is the notoriously difficult task of measuring the "success" of a project. For any NGO seeking to bring about sustained, long-term change, the impact of any particular undertaking may not become apparent for some time. However, both the NGO (which wants more money) and the donor (which wants success stories to validate the distribution of money already spent) have incentives to gloss over any short-term hiccups in the project and to focus on the likelihood of its long-term successes. To speak of "accountability" in such a context is misleading because there is often no way to tell how effectively or efficiently a donor's money is being spent until much later. A similar problem arises in the context of NGOs engaged in service provision. While in theory the client can express his dissatisfaction with the NGO by going elsewhere, in parts of the world where there is no alternative means of obtaining a given service this is simply not an option. Thus, clients may be profoundly dissatisfied with an NGO's performance yet unable to signal their dissatisfaction for lack of any other options. This inability to sanction the NGO for improper behavior makes it less likely that it will go to any great lengths to ensure that it is accountable to the group in question.

Despite these well-founded concerns about NGO accountability, there are ways of solving these problems. An NGO can explain to its donors, its staff, its partners, and its clients at the outset what its priorities are and identify how it will measure the success of its projects. Donors concerned about the use of funds can condition their grants on commitments made by recipient groups to be audited annually, to be more transparent in their decision-making processes, or to not take controversial positions on certain issues. Several years ago, for example, the Ford Foundation discovered (to its dismay) that it had provided funds to several groups that had taken vehemently anti-Semitic positions at the World Conference Against Racism in Durban, South Africa. Subsequently, all groups receiving money from the Ford

Foundation had to sign a letter promising to take no positions advocating bigotry, intolerance, or the destruction of any state. Through these and other means, NGOs can be made more accountable than they are today. In addition, NGOs should publish a list of their donors in an annual report. Foundation World, another NGO, has come under increased scrutiny by the U.S. Senate Finance Committee, which held hearings in 2004 on tax abuses, particularly by small foundations.

IV. CONCLUSION

The fifth estate unquestionably has its weaknesses. It is unelected, often unaccountable, and has been criticized (not always unfairly) as a self-appointed spokesperson for groups that may or may not endorse the actions taken on their behalf. Advocacy NGOs are often uninterested in compromise and intent on pursuing narrow agendas to the exclusion of all others. Civil servants, corporate officers, and members of international organizations such as the World Bank have complained that it is almost impossible to satisfy the demands of the fifth estate. Concessions to their demands are, all too often, met not with praise but with demands for further concessions.[45]

With all of this in mind, however, there is no question that the rise of the fifth estate has been a positive development in world affairs. NGOs around the world help to build the institutions necessary for functioning democracies. They put pressure on corporations, governments, and intergovernmental organizations to adhere to higher standards. They collect and distribute valuable information and ensure that key decision-makers are able to reach informed conclusions. They provide necessary services when governments either cannot or do not provide those services to their citizens. They attract passionate, committed people devoted to making the world a better place. In a world of uncertainty and suspicion, their faith in the power of association to develop the potential inherent in every society is truly remarkable.

I have seen this dichotomy between NGO strengths and weaknesses firsthand as a policymaker in several Administrations. I found NGOs to be useful sources of data and informative, but I also learned several important lessons that must be kept in mind when dealing with them. These are:

- Their information and analysis is invaluable, but invariably slanted to support their position. It must be reviewed and taken into account, but never blindly accepted.
- NGOs often have a disproportionate impact on the federal agencies they lobby and whose issues they deal with—environmental NGOs, for instance, with the U.S. Environmental Protection Agency. Agency decision making is frequently responsive to their NGO constituents.
- NGOs need issues to govern their membership base and make them reliant. If they are perceived as too close to an Administration, however friendly, they risk losing the support of their members. For this reason, they are often reluctant to concede any ground on any issue.

Although the fifth estate is an increasingly powerful actor in policy debates around the world, at the end of the day the burden remains with governments to balance out various competing interests and stake out a position that is in the best interests of society as a whole. Going forward, one must endeavor to understand (and correct) the weaknesses of the fifth estate while recognizing its many benefits and seek to take advantage of its strengths.

Notes

[1] Thomas Macaulay, *On Hallam's Constitutional History* (1828) ("The gallery in which the reporters sit has become the fourth estate of the realm."). This quote is often attributed to Edmund Burke, because Carlyle wrote in 1841: "Burke said that there were three great estates in Parliament; but in the reporters' gallery yonder, there sat a fourth estate more important far than all of them." Thomas Carlyle, *Heroes and Hero Worship* (1841). This phrase has not, however, actually been found in any of Burke's writings and Carlyle may have been confused about the attribution of the quotation.

[2] For two contemporary evocations of this idea, see Jed Handelsman Shugerman, *A Six-Three Rule: Reviving Consensus and Deference on the Supreme Court*, 37 Ga. L. Rev. 893, 965 (2003) (arguing that the "fourth estate" is an effective watchdog over national politics because of its concern for civil rights); Christopher S. Yoo, *The Rise and Demise of the Technology-Specific Approach to the First Amendment*, 91 Geo. L.J. 245, 333-34 (2003) (arguing that the fourth estate's independence from the government is critical to its performance of a check on governmental abuse).

[3] Other scholars have used the term the "fifth estate" to refer to television and other forms of electronic mass media. See, e.g., T. Barton Carter et al., *The First Amendment and the Fifth Estate* (2003). This usage notwithstanding, this essay views television as another manifestation of the press, putting it comfortably within traditional definitions of the fourth estate.

[4] Alexis de Tocqueville, *Democracy in America*, bk. II, ch. V.

[5] Charles Dickens, *Bleak House,* 38 (Norton ed., 1977) (1853).

[6] See Margaret E. Keck & Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics,* 39 (1998).

[7] Karsten Ronit & Volker Schneider, "Private Organizations and Their Contribution to Problem-Solving in the Global Arena," *Private Organizations in Global Politics* (Karsten Ronit & Volker Schneider eds., 2000).

[8] Helmut Anheier, Marlies Glasius, & Mary Kaldar, "Introducing Global Civil Society," *Global Civil Society*, 4 (2001).

[9] *See Milestones in the History of NGOs,* available at: http://www.fimcivilsociety.org/english/ MilestonesInTheHistoryOfNGOs.htm.

[10] U.N. Charter, art. 71 ("The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned."). Today, there are 2418 NGOs in consultative status with ECOSOC, and some 400 NGOs accredited to the Commission on Sustainable Development (CSD). See *NGO Related Frequently Asked Questions,* available at: http://www.un.org/esa/coordination/ngo/faq.htm.

[11] Margaret E. Keck & Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*, 123 (1998).

[12] See generally John Authers & Richard Wolffe, *The Victim's Fortune: Inside the Epic Battle over the Debts of the Holocaust* (2002) (describing the process surrounding efforts to reclaim Holocaust era assets).

[13] Jeremy Smith, "WTO Mood at Cancun Worsened by NGOs," *Alertnet*, Sept. 12, 2003, available at: http://www.globalpolicy.org/ngos/int/wto/2003/0919cancun.htm.

[14] Helmut Anheier, Marlies Glasius & Mary Kaldar, "Introducing Global Civil Society," in *Global Civil Society,* 4 (2001).

[15] Helmut Anheier, Marlies Glasius & Mary Kaldar, "Introducing Global Civil Society," in *Global Civil Society,* 300 (2001).

[16] Helmut Anheier, Marlies Glasius & Mary Kaldar, "Introducing Global Civil Society," in *Global Civil*

Society, 290 (2001).

[17] Margaret E. Keck & Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics,* 128 (1998).

[18] Volker Schneider, "The Global Social Capital of Human Rights Movements," in *Private Organizations in Global Politics*, 154 (Karsten Ronit & Volker Schneider eds., 2000).

[19] See Helmut Anheier, Marlies Glasius, & Mary Kaldar, "Introducing Global Civil Society," in *Global Civil Society,* 11 (2003).

[20] See Helmut Anheier, Marlies Glasius, & Mary Kaldar, "Introducing Global Civil Society," in *Global Civil Society,* 11 (2003).

[21] The surveyed countries included the Netherlands, Belgium, Ireland, Israel, the United States, Australia, the United Kingdom, Germany, France, Spain, Austria, Argentina, Japan, Finland, Peru, Colombia, Brazil, the Czech Republic, Hungary, Slovakia, Romania, and Mexico.

[22] Lester M. Salamon, S. Wojciech Sokolowski & Helmut K. Anheier, "Social Origins of Civil Society: An Overview," 3 (*Working Papers of the Johns Hopkins Comparative Nonprofit Sector Project*, 2000).

[23] George Melloan, "As NGOs Multiply, They Expand a New 'Private Sector,'" *Wall Street Journal*, June 22, 2004, at A19.

[24] David B. Ottaway & Joe Stephens, "Nonprofit Land Bank Amasses Billions," *Washington Post*, May 4, 2003, at A1.

[25] The major sources of nonprofit income in these twenty-two countries studied were fees (49 percent) and public support (40 percent). Private philanthropy constituted only 11 percent of total nonprofit income. Lester M. Salamon, S. Wojciech Sokolowski & Helmut K. Anheier, Social "Origins of Civil Society: An Overview," 4 (*Working Papers of the Johns Hopkins Comparative Nonprofit Sector Project*, 2000).

[26] See generally Organization for Economic Cooperation and Development, Geographic Distribution of Financial Aid to Developing Countries (1997). This trend likely explains why NGOs oriented towards the provision of services grew so rapidly in the 1990s.

[27] Helmut Anheier, Marlies Glasius, & Mary Kaldar, "Introducing Global Civil Society," in *Global Civil Society*, 12 (2003).

[28] Helmut Anheier, Marlies Glasius, & Mary Kaldar, "Introducing Global Civil Society," in *Global Civil Society*, 12 (2003).

[29] Margaret E. Keck & Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*, 200 (1998).

[30] Ann M. Florini, "Lessons Learned," in *The Third Force: The Rise of Transnational Civil Society*, 213 (Ann M. Florini ed., 2000). For the most part, NGOs engaged in service provision are not the same groups as those involved in the advocacy coalitions or form only one element of a coalition.

[31] Lester M. Salamon, S. Wojciech Sokolowski & Helmut K. Anheier, Social Origins of Civil Society: An Overview 1 (*Working Papers of the Johns Hopkins Comparative Nonprofit Sector Project*, 2000).

[32] George Melloan, "As NGOs Multiply, They Expand a New 'Private Sector,'" *Wall Street Journal*, June 22, 2004, at A19.

[33] Ann M. Florini, "Lessons Learned," in *The Third Force: The Rise of Transnational Civil Society*, 213 (Ann M. Florini ed., 2000).

[34] At the same time, many of the same NGOs went further and pressed the World Bank to deny lending to any extractive industries existing in developing countries. The World Bank rightly rejected the demands on the grounds they would harm the very people in poor countries dependent on oil, gas and mineral revenues they profess to protect.

[35] Helmut Anheier, Marlies Glasius & Mary Kaldar, Introducing Global Civil Society, in *Global Civil Society,* 300 (2001).

[36] See Cristina Balboa, *Comparing and Contrasting the Existing Literature on NGO Accountability*, 1 (May 21, 2004) (unpublished manuscript, on file with author).

[37] Sherryl Attkisson, "Disaster Strikes in Red Cross Backyard," CBS Evening News, July 29, 2002, available at: http://www.cbsnews.com/stories/2002/07/29/eveningnews/main516700.shtml.

[38] Jerry Markon, "Ex-Chief of Local United Way Sentenced," *Washington Post*, May 15, 2004, at A1.

[39] Ann M. Florini, "Lessons Learned," in *The Third Force: The Rise of Transnational Civil Society*, 229 (Ann M. Florini ed., 2000).

[40] Ann M. Florini, "Lessons Learned," in *The Third Force: The Rise of Transnational Civil Society*, 229

(Ann M. Florini ed., 2000).

[41] Dan Eggan & John Mintz, "Muslim Groups' IRS Files Sought: Hill Probing Alleged Terror Ties," *Washington Post*, Jan 14, 2004, at A1.

[42] See generally Cristina Balboa, *Comparing and Contrasting the Existing Literature on NGO Accountability* (May 21, 2004) (unpublished manuscript, on file with author).

[43] David B. Ottaway & Joe Stephens, "Nonprofit Land Bank Amasses Billions," Washington Post, May 4, 2003, at A1.

[44] J. Koppel, *Pathologies of Accountability: ICANN and the Challenge of 'Multiple Accountabilities Disorder,'* (unpublished manuscript).

[45] I myself discovered this when meeting with NGOs concerning the adoption of the Endangered Species Act during my four year stint (1977-1981) as President Jimmy Carter's Chief Domestic Policy Adviser in the White House. I remember how frustrating it was to work with NGOs interested in adding species to the Endangered Species Act for a truly environmental president, Jimmy Carter. For his efforts, he was blasted by various environmental NGOs for leaving species off the protected list and given very little credit for the many species that had been added to it.

The Role of Civil Society in Foreign Policy: A New Conceptual Framework

by Alfredo Sfeir-Younis

Global interdependence dominates the foundations and practices of foreign policy today. During the last several decades, a public debate has emerged on the social and human dimensions of this interdependence. In the past, what happened inside national frontiers was considered sovereign, and the exercise of sovereignty was regarded as independent from the rest of the world. Yet, globalization has stripped down all possible physical and political boundaries and has questioned the traditional notions of nation-states. Despite the great resistance shown in certain quarters, globalization has provoked a number of changes in strategy, instruments, and programs. These changes are not all coherent, and thus, there are situations in which changes in strategies do not correspond to symmetric or appropriate changes in instruments. Old prescriptions—like those of the market and the state—are still advocated, regardless of the private and social costs to put these into place. The expectations about the market and the state have changed dramatically in the last several years; although it is difficult to identify the real and ultimate causes of the changes. However, there are two things to consider in examining the dynamics of change. First, civil society plays a crucial role in all aspects of daily life today. Second, the normative aspects of economic development hold an increasingly important role in public policy making. These are two grand variables that influence daily life in society.

CIVIL SOCIETY

The existence of an organized and effective civil society, including nongovernmental organizations (NGOs), is the greatest social phenomenon in the latter part of the 20th century and, certainly, in this new millennium. Specifically, civil society organizations have been instrumental in granting power to many people who are poor, voiceless, and powerless. These organizations have de facto become outlets of power for the poorest and a medium through which they can express opinions, views, and possible strategic concerns. The empowerment role that civil society plays is undeniable, even if it follows a traditional set of norms and governance structures similar to those of "quantitative" democracies, e.g., majority voting. Examples of the positive role of civil society include fostering gender equality, demanding the respect and defending

the existence of indigenous peoples and their cultures, and tackling a number of unacceptable forms of behavior, such as lack of transparency and accountability, corruption, favoritism, and violations of ethnic freedom.

THE NORMATIVE ASPECTS OF DEVELOPMENT

No matter how important it is to attain higher levels of economic efficiency and development effectiveness, most societies confront a large number of "normative" challenges. In response to the development and human realities of the poor, in both developed and developing countries, a large number of normative issues, such as poverty, empowerment, equity, security, and social justice, have surfaced repeatedly. The revolution of an organized civil society and the urgent need to address the normative aspects of development has rapidly eroded the consensus over the traditional polarities most public policy makers have. Past instruments are no longer effective in resolving current problems. Top-down approaches to empowerment, equity, and social justice are inadequate and of little value in many societies. Thus, an organized and representative civil society is essential to address these normative issues in development. Addressing the collective challenges globalization has brought must be done through organizational and institutional arrangements that represent the reality and views of the collective. Markets certainly do not address these challenges, so the main question is the role that governments play.

The different organizations of civil society have created a tremendous comparative advantage to act and create political and institutional spaces at the local level.

From a micro/sectoral perspective, governments have been shown to be less efficient than civil society when it comes to reaching the ultimate beneficiaries of development, particularly the poor. The transaction costs are often high and the social benefits rather limited. In addition, many governments have not been able to ensure sustainability of those benefits. Thus, the different organizations of civil society have created a tremendous comparative advantage to act and create political and institutional spaces at the local level. These advantages will continue to be present in development programs and policies as long as they do not adopt the vices of governments and old institutional structures.

Then, what should the role of governments be? One could easily see their effectiveness in wholesaling different aspects of development, as they create an environment characterized by national and local institutions and as they put together policy packages that will most effectively attain the agreed societal goals and objectives. In the end, the interaction between civil society and governments must be mutually enriching.

FOREIGN POLICY MAKING

Civil society also plays a very special role in foreign policy making. Foreign policy is no longer about defining physical frontiers of countries or keeping people away through military actions, despite the fact that these two aspects may be important for some countries. The point here is that foreign policy today is not only about "taking care of my country or my society;" it is also about "taking care of our global village, our global society." Thus, trouble anywhere in the world is instantly reported and has immediate implications for everyone else. Knowing that one country has discovered the cure for HIV/AIDS will be of interest to everyone, not just to those who suffer from the terrible disease. By the same token, knowing that your neighbor, or anyone else for that matter, possesses nuclear capability becomes of interest to everyone. Finally, the destruction of our environment anywhere in the world is of interest to all nations.

Civil society has played a pivotal role in bringing forward the voices and the interests of those who live in poverty.

Foreign policy has become the niche for a serious discussion about our collective future. Many U.N. conferences and meetings have taken place during the last three decades, touching on a large number of very important issues and collective concerns. One witnesses the debates about the collective future daily on the floor of the UN and, to a large extent, at The World Bank, where many of these problems are debated from different angles. Some global consensus is emerging, like the need to address the Millennium Development Goals. What is most interesting to observe is the major role that civil society plays at the global level, especially regarding issues such as the environment and ecology, human security, gender equality, population and demography, social dimensions of globalization, discrimination and ethnicity, and human rights.

Civil society has played a pivotal role in bringing forward the voices and the interests of those who live in poverty. Therefore, civil society plays crucial roles in two important extremes of the public-policy-making spectrum (PPMS): local and global (for completeness, one may also add the regional). And, given the porosity that has been created by globalization, we can see today how the local has become part of the global (e.g., on human security, human rights) and how the global has become part of the local (e.g., migration, the right to development).

THE NEED FOR A PARADIGMATIC SHIFT

For governments and civil society to act effectively in addressing the great challenges facing humanity and to reshape the state of foreign policy making, it is essential to shift, once again, the development paradigm. Without such a shift, many dimensions of what is occurring in foreign policy will be lost. To propose a paradigm shift in a world that moves rapidly in favor of all forms of fundamentalisms may be

seen as an oxymoronic proposition. As we shift towards a new paradigm, foreign policy will have to change accordingly. This change demands significant shifts in the role of civil society.

One area of great debate is civil society's representativeness at the global level, particularly by those leaders or organizations that do not truly represent the leadership or interests of local communities. This gap in representation may be the result of inadequate financial resources to operate simultaneously at the local and global level. Local and indigenous NGOs and other civil society organizations are often handicapped by resources and thus, unable to participate in the formulation of national and global foreign policy. In addition, these groups may be constrained by the lack of indigenous capacity; therefore, it is essential to implement major capacity enhancement programs everywhere.

Clearly, a shift in paradigm must also be accompanied by a major change in the existing development architecture at the global level. While many changes have been proposed to date, these are either not comprehensive enough or significantly ignore the fundamental forces at play that have kept the present system in power. More specifically, many of the claims that have been made—with particular emphasis on drastic changes, such as democratization in governance of international development institutions—do not hold true in relation to their principles and predicted outcomes. For example, it is not self-evident that the democratization of development institutions, understood as a one-country-one-vote system, will result in allocating more capital resources to developing countries or changing very significantly the composition of its allocations. Certainly, the questions of global governance deserve a much more comprehensive discussion than this paper devotes to them. The issues of global governance must be discussed at the open and within the context of the present system of decision making.

CONCLUSION

Though inadequacies of the system are known, there is still no panacea for attaining consensual solutions. However, whatever option one chooses to adopt, this should not ignore the potential role of civil society. A critical path and a road map of concrete steps must be drawn, and it is essential to find the political will to implement them. Without political will and political leadership, nothing will materialize. Finally, the shift in paradigm demands a major revolution in values. One cannot create conditions for a new world without values that become the inner catalysts of that new world. In this regard, the tendency is to focus on the humanistic values of the collective society. These are the most important values that must be supported. Materialism is only one side of human reality. Our non-material existence also requires nourishment and care. Spiritual values are, and will become, essential for a consistent and humanistic paradigm shift. These are the values of individual and collective identity, of quality and orientation of development, and of shaping our human destiny.

Globalization, Civil Society, and Democracy?: An Organizational Assessment

by John Barkdull and Lisa A. Dicke

As globalization has advanced, citizens, activists, and scholars have expressed increasing concern that the growth of corporate power and the blurring of national boundaries have created a global democratic deficit. "For a range of common problems, the world has no formal institutional mechanism to ensure that voices representing all relevant parts are heard in the discussion."[1] National governments can no longer control the forces that affect the welfare of the citizens they represent. They turn to multilateral organizations to manage acute global problems, removing the locus of decision-making authority further from average citizens. Decentralized global markets provide no mechanism for collective public choice, and corporations hold unchecked power to affect citizens' jobs, incomes, communities, and environments. Meanwhile, many new democracies around the world struggle to consolidate and stabilize their institutions of government as well as cope with the burdens imposed by globalization. Some young democracies have already faltered, and others are facing crisis. Against these serious challenges, is there a means for channeling truly global, democratic voices?

One means that has been proposed for confronting the challenges posed by globalization is through the networks of relationships and institutions that comprise civil society (see table 1).

As shown in table 1, civil society occupies that sphere of public activity that lies between the individual and the state and corporations.[2] It encompasses the public associations that lie outside the state and for-profit corporations and includes dyads, informal social ties, grassroots associations, nonprofit and philanthropic organizations, small groups, churches, and fraternal and civic clubs.[3] Korten among others argues that many of the entities that comprise civil society are already coalescing around a "shared vision of a world of diverse cultures and just and sustainable communities

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living in balance."[4] In particular, "citizen groups are reaching out to form national and international alliances committed to transformational changes aimed at addressing root causes of the growing global crisis."[5]

Table 1. Composition of civil society

	CIVIL SOCIETY						
Individual	Dyads or informal social groups	Voluntary grassroots associations	Small, formally organized associations, not legally recognized but with formal leadership structure	Small, formally organized and legally recognized associations with formal leadership structure	Large, formally organized, and legally recognized entities with formal leadership structure	Networks comprised of any combination of these entities	State Actors

Corporations |

In this article, we consider whether one manifestation of civil society, namely, the formally organized, nonprofit and nongovernmental organizations (NPOs/NGOs), offer realistic means by which global, democratic voices could be effectively channeled. Broadly speaking, NPOs share six defining characteristics: 1) they *are* organizations—i.e., they are institutionalized; 2) private—they are separate from government; 3) nonprofit distributing—they are not dedicated to generating profits for their owners and surplus revenues must be plowed back into the basic mission of the agency; 4) self-governing—they are equipped to control their own activities; 5) voluntary—they are non-compulsory and involve some meaningful degree of voluntary participation; and finally, 6) they are of public benefit, that is they serve some public purpose and contribute to the public good.[6] Lindenberg and Bryant define NGOs as having the following four features: 1) provide useful (in some specified legal sense) good or service, thereby serving a specified public purpose; 2) are not allowed to distribute profits to persons in their individual capacities; 3) are voluntary in the sense that they are created, maintained, and terminated on the basis of voluntary decisions and initiatives by members or a board of directors, and lastly; 4) exhibit values-based rationality, often with ideological components.[7] As there is considerable overlap in these definitions, in this article we use the terms NPO/NGO interchangeably.

By focusing on the organizational segment of civil society, we do not mean to imply that the other segments are irrelevant or unimportant. The social capital generated through small group interactions, for example, is important for building trusting relationships and cooperative ventures. And promoting the public good or affecting political change is certainly possible through the efforts of a dyad. Most political agendas are pursued through organizational means, however. And although we applaud the vision of a just and peaceable world governed by free people participating in their futures and strengthening communities in ecologically healthy ways, scrutiny of the organizational foundation for the emergent social movement that Korten describes has not been sufficient. Specifically, we believe that too little

attention has been paid to organizations *qua* organizations and what it takes to support, mobilize, and sustain them. Although nonprofit associations may be expanding worldwide, marshaling them for progressive (or any other) purposes requires, at minimum, a realistic appraisal of their capabilities, stability, and the issues and factors that affect them. In this article, we identify and discuss six issues and factors that we think deserve attention (see table 2). To frame our discussion, we provide an overview of the concerns raised by globalization, followed by a profile of the factors and issues identified. We conclude the article with a discussion of strategies that NGOs might adopt to help maintain their autonomy so that they are better able to serve as vehicles for cultivating and expressing democratic concerns.

Table 2. Organizational factors and issues affecting NGOs

1) Is the development agenda donor driven rather than representative of grassroots concerns?
2) Does the concentration of financial resources on a few major NGOs limit broad-based participation by less funded NGOs?
3) Is excessive bureaucratization undermining the democratic integrity of civil society organizations?
4) Has fundraising supplanted the mission as NGOs and INGOs strive to compete in the organizational marketplace?
5) Are NGOs at risk of co-optation by the same global actors they seek to hold accountable?
6) How much of civil society is supportive of democratic principles?

GLOBALIZATION AND DEMOCRACY

What is globalization? Definitions vary. Globalization is a comprehensive term for the emergence of a global society in which economic, political, environmental, and cultural events in one part of the world quickly come to have significance for people in other parts of the world. Globalization is the result of advances in communication, transportation, and information technologies. It includes the "increasing spread of NGO governance structures, resource acquisition, information sharing, staff, and service delivery across national boundaries."[8] Globalization also includes "political, technological, and cultural forces" and an ideology that "defines basic expectations about the roles and behaviors of individuals and institutions."[9]

The concept of globalization is one of those inherently contested concepts in social inquiry that does not lend itself to precise definition.[10] Nevertheless, certain salient phenomena in world politics can be identified that constitute the multifaceted process of globalization (see table 3).

Table 3. Factors associated with globalization

Factor	Example(s)	Effects
Technology	Jet aircraft, container cargo ships, telecommunications	Time and cost of moving people, goods, information
Integration of global markets	Decrease in tariffs, regulations, capital controls, domestic ownership rules	Increase in movement of goods, capital, creation of global assembly line
Convergence	Increasing similarity of political and economic institutions in different countries	Triumph of western, liberal model
Culture	Popular cultural symbols Mickey Mouse, Coca-Cola, "anime," adoption of English as the world's business language	As McWorld increases, there are decreases in indigenous, local culture

Globalization produces both benefits and costs. Its strongest advocates argue that global and free markets can more equitably determine the allocation of production, goods, income, and jobs. From this perspective, globalization generates the greatest achievable economic growth, which in turn provides the means for addressing poverty, providing education and health care to all, alleviating the impact of inequality, and cleaning up the environment. Free markets are said to undercut authoritarian regimes and spur the development of democratic institutions. Human rights are best protected in societies in which property rights are secure and incomes are high enough to remove the threat of destitution. Economically secure citizens are able and willing to engage in political activity, and they have the education and access to information to do so effectively.

Critics argue that globalization threatens human welfare, ecological balance, and democracy. The relentless corporate quest for profits results in falling wages and worsening work conditions around the world:

> *The consequences of the economic development/growth agenda have been disastrous…each addition to economic output results in a comparable increase in the stress that humans place on the earth's ecosystem, deepens the poverty of those whose resources have been expropriated and labor exploited to fuel the effects of growth, and accelerates the destruction of nonhuman species.*[11]

To keep their jobs, workers must accept low wages and benefits, as well as onerous work conditions, or footloose companies will move their operations elsewhere. In addition, governments must be ready to reduce regulatory and tax burdens to attract and keep corporations from moving to pollution havens and other areas that will cut corporate costs drastically. Reductions of regulatory and tax burdens are used to attract and keep corporations from moving to pollution havens. These public subsidies rob funds that could go to schools and health care. The multilateral institutions that have been created to manage the global economy serve the interests of the dominant corporations. These organizations are closed to public scrutiny and influence and promulgate rules that free corporations from accountability. National governments cannot correct the balance because they have lost the ability to manage a global market that operates largely beyond their reach. As Richard Falk observes:

the principal danger to world order is no longer the absolute security claims of the sovereign state, but rather the inability of the state to protect its own citizenry, especially those who are most vulnerable, in relation to the workings of the world economy, or to mount a sufficient defense of longer-term sustainability in the face of various threats to eco-stability.[12]

Further, the loss of culture is not simply a matter of art and music, as important as these are. Culture embodies ways of life, complex patterns of relating to humans and to nature that have been built up over countless generations. Losing cultural diversity can also mean losing ecological diversity as the folk knowledge that supported ecologically balanced relationships between human society and environment disappear under the onslaught of commodities, entertainment, and advertising.[13]

Globalization is not inevitable, of course. Some countries have taken steps to resist it by closing their borders to outside trade, for example, but it would be an overstatement to suggest that globalization has not had a significant impact in many parts of the world. Given the prevalence of globalization, then, and the often apparent impotence of states and multinational organizations, such as the United Nations, to check the threats posed by globalization, what are the alternatives?

THE RISE OF CIVIL SOCIETY

Can the negative effects of globalization be countered by mobilizing the institutions of civil society? As defined earlier, civil society constitutes the sphere of public activity that lies between the individual and the state and corporation (see table 1). It refers to the civic network of voluntary associations observed by Alexis De Tocqueville in 1831 in the United States, and the bonds that are crucial for citizens to deliberate and enact collective choice noted by Robert Putnam in *Bowling Alone*.[14] Today, civil society is typically understood to encompass those associations that lie outside the state and the corporation. Thus, the various arms of governments and for-profit enterprises are excluded.[15] A strong civil society displays dense networks of such groups and organizations, with most people identifying with at least some of these. In a weak civil society, few such ties exist, individuals feel alienated, and the state may penetrate voluntary associations to serve its own ends. To be sure, society has changed significantly since De Tocqueville's and even Putnam's days but the argument remains. Although social complexity and globalization have increased with staggering potency, citizens also have become more technologically savvy and capable. They are more educated and can take advantage of technology to create and maintain associations.

Indeed, attention to civil society has renewed recently because citizens acting through voluntary associations seem to have had such a large hand in the demise of the socialist bloc. Civil society kept ideas of freedom alive through discussion groups, clandestine literature, oppositional trade unions, environmental groups, and other grassroots organizations. When weaknesses began to show in the eastern European nations, and ultimately in the Soviet Union, civil society groups were ready to press

for reforms to open their societies. Without the Soviet guarantee, the socialist governments of Czechoslovakia, Romania, Hungary, East Germany, Poland, and the Baltic states could not resist popular pressure for rapid reform. In the end, they could not reform quickly enough and Soviet-era socialist governments fell from power. Hence, even against a modern state equipped with all the latest tools of social control, civil society prevailed. If so much could be accomplished in totalitarian societies, then certainly civil society could help to ensure liberty and revitalize politics in the open societies of the west. Even more, perhaps civil society could enable democratic transitions in other areas too—Africa, Latin America, and Asia. Everywhere one looks, civil society seems to offer hope for democratic renewal against the encroaching forces of too powerful states and unaccountable corporations.[16]

GLOBAL CIVIL SOCIETY AND THE DEMOCRATIC DEFICIT

How does the experience of civil society in recent democratic transitions relate to globalization? The apparent efficacy of civil society in domestic politics led some analysts to ask whether a similar force could arise in global politics.[17] As noted, globalization has created serious challenges to democracy as corporate power has increased, markets have decentralized and lack regulation, multilateral organizations usurp the powers of national governments, and policy problems escape almost all political jurisdictions. The structural problem for democracy is that no government exists to which citizens can direct their policy demands. The United Nations is far short of a world government, and no other international organization aspires even to the United Nation's level of global legitimacy and representation. If national governments have lost relevance and global government does not exist, then where are citizens to turn for redress?

In the remainder of this article, we consider the primary organizations that have been proposed as a means for empowering nonstate actors and channeling democratic voice, namely, the small and large, formally organized NPOs and NGOs. These organizations do not constitute civil society in its entirety but rather represent a subset of civil society (see table 4).

Nonstate actors need not be formally or legally recognized by a government, but many individuals recognize the benefits of institutionalized, collective action including leadership, direction, and power in numbers. Their shared normative

Table 4. Subset of civil society organizations

Civil Society Organizations			
Voluntary, grassroots associations	Small, formally organized associations, not legally recognized but with formal leadership structure	Small, formally organized and legally recognized associations with formal leadership structure	Large, formally organized and legally recognized entities with formal leadership structure

concerns are able to be more effectively channeled when there are others that are able to contribute to their causes. In addition, obtaining funds to get out the message is easier when an organization has formal, legal status, and various liabilities can be minimized if a group decides to seek legal status by incorporating.

For the most part, global civil society has been viewed with considerable hope, but with little critical perspective.

For international relations scholars, the main questions have focused on whether global civil society was in fact growing in scope and influence and how it contributed to global governance. For the most part, global civil society has been viewed with considerable hope, but with little critical perspective. We hope to begin to remedy this situation by bringing attention to pertinent organizational issues that we think may impact on the "civil society vision." Although we cannot provide answers to all of the questions we raise, we encourage scholars of both international relations and NPOs to turn to the important task of assessing the organizational components that this vision will require so that effective strategies for doing so may be devised or alternatives generated.

QUESTIONS CONCERNING CIVIL SOCIETY ORGANIZATIONS

Issue 1: Is the development agenda donor driven rather than representative of grassroots concerns?
The question raised here is one of local autonomy. To what extent are NGOs able to retain control of their policy agendas when receiving outside resources? Is policy derived from the grassroots (bottom-up), or are the strings attached to donor funding, which directs or redirects policy agendas in fundamental ways? The question is important to consider when one recognizes that development changes at the World Bank and in the foreign policy community have had more than negligible effects on programs that have successfully attracted their funding. Under civil society theories, people in grassroots organizations must be able to set and control their agendas if they are to successfully influence the international financial institutions (IFIs), international nongovernmental organizations (INGOs), and government entities that operate at the global level. Yet, research from other settings gives reason to question whether this is occurring. Clearly, some of the policy agendas that have been adopted by NGOs in recent years do not seem to reflect the most pressing needs of local citizens. In Eastern Europe, for example, Western donor interest in the trafficking of women is said to have driven local NGOs to adopt this as their concern even though it was not important to most Polish and Hungarian women.[18] Donor-driven agendas in all policy areas are likely to face similar challenges. The general problem is that agendas that are donor driven shape local NGO activity and could undercut, rather than enhance, responsiveness to popular needs and demands.

Issue 2: Does the concentration of resources on a few major NGOs limit broad-based participation by NGOs with less financial capability?

Most financial resources enjoyed by nonprofit organizations are targeted at a handful of major groups rather than evenly distributed across the diverse spectrum of NPOs and NGOs.[19] Does this concentration of resources diminish the potential of the thousands of community groups that comprise the "backbone" of civil society? Possibly so. In the United States, for example, funding from government contracts and umbrella organizations such as area United Ways tend to flow to large, uncontroversial agencies.[20] The unfortunate consequence is that over time outside money may create a pecking order with well-established organizations maintaining a distinct advantage over those lacking track records. Although donors have good reasons to fund organizations with proven performance records, the result is that efficiency may incorrectly be equated with quality. Highly efficient organizations do not necessarily represent local interests or the preferences or needs of the poor. In addition, large organizations may expand the scope and reach of their activities, perhaps pushing smaller but more representative organizations out of existence. This could lead to the creation of monopolistic service organizations, and they may pursue organizational interests rather than retain their development mission.

The bureaucratization of the largest NGOs raises significant concern about their democratic integrity.

Issue 3: Is excessive bureaucratization undermining the democratic integrity of civil society organizations?

As the major NGOs have grown, they have become more hierarchical, bureaucratic, and professionalized. The bureaucratization of the largest NGOs raises significant concern about their democratic integrity. Bureaucratic organizations adopt hierarchical structures to centralize decision making and the direction and flow of information.[21] Although this may enhance administrative control, the design is not particularly democratic. Those at the apex of the organization control participation and allow it at their discretion. Bureaucracies also foster inequality among organizational members and create distance between those who initiate policy and those who are affected by it.[22] Bureaucratic organizations produce "red tape"— rules, regulations, and policies—useful for establishing consistency in products and services and internal accountability. However, red tape inhibits creativity and can lead to the development of a rigid and risk adverse workforce that seeks to defend their own entrenched interests rather than assisting their clientele.[23] Typically, important posts are filled by individuals with professional credentials in law, accounting, public administration, and the like. These well-compensated professionals are powerful, for they have specialized knowledge, but their professional value systems may be very different than the constituency of poor they are to serve.[24] Professionals in large bureaucracies also have access to government and IFI officials and considerable

influence on the development of policy agenda. Meanwhile, many more small organizations struggle with limited resources and limited ability to influence the policy environment. Donors prefer to direct funds to the bureaucratized organizations with skilled professional staff that can meet their management and reporting requirements. "The reluctance of donors to make resources available to these [small] organizations to develop managerial and professional skills has merely reinforced the gap within the sector," and partnerships between small and large NGOs only threaten to limit the "diversity, responsiveness, and innovation that used to be an essential part of the NGO experience."[25] Global civil society organizations operating at all levels have adopted the bureaucratic form to some extent, which can work against maintaining democratic representation and undermine certain types of accountability.

This raises the question as to whether fund development has supplanted the service mission as the organization's primary task.

Issue 4: Has fundraising supplanted the mission, as NGOs strive to compete in the organizational marketplace?

NGOs raise money through a variety of means, including appeals for direct donations, foundation and government grants, contracting activities, sales of goods and services, interest on loans, and market-based activities. They may also partner with for-profit corporations to form a public-private partnership. The forms of theses arrangements may include mergers, the transformation of inside organizations into affiliates with their own national boards and sources of funds, the formation of entirely new partnerships, loose alliances, network memberships, and negotiated partnerships.[26] Because NGOs cannot raise revenues by taxation or other coercive means, they must engage in fund development activities or watch their organizations whither and die. This raises the question as to whether fund development has supplanted the service mission as the organization's primary task. The problem may become especially acute for smaller organizations that lack reliable sources of funding and have small staff with many competing responsibilities.

Issue 5: Are NGOs at risk of co-optation?

The growth in the number of NGOs worldwide has been stimulated in part by an increasing use of bilateral and multilateral resources. These resources include funding organizations such as the World Bank and regional development banks, USAID, the Office of the UN High Commission for Refugees and the World Food Programme, among others. In addition, some NGOs have attracted corporate donations or established partnerships with corporations.[27] Although NGOs gain capability, they may risk co-optation. Co-optation is the "process of absorbing new elements into the leadership or policy-making structure of an organization as a means of averting threats to its stability or existence."[28] Global actors may attempt to induce

this process of absorbing new elements to ensure that their policy agendas are enacted. For instance, the World Bank and the International Monetary Fund have outreach programs, ostensibly to incorporate civil society organizations into the decision-making process. The incentive for the IFIs and other entities to undertake such programs is to identify "worthy" partners and to lend legitimacy to their policies. International NGOs gain recognition and access by participation. Yet, the drawback is that to maintain access, NGOs may avoid controversial opposition to IFI policies, and their very participation in these outreach programs also serves to legitimize IFI policies, even those the NGOs oppose. Moreover, co-optation of local and national NGOs can emerge from relations with the state. Indeed, the paradoxical experience of Chilean NGOs has been that they moved from an oppositional position to a supportive stance as Chile democratized. Rather than continue to provide a democratic voice for the citizenry, these NGOs became "more distanced from the grassroots movements" while developing "more intimate links with the state."[29]

It is doubtful that the emergence of a global civil society is likely to simply evolve and pursue a democratic or progressive agenda.

Issue 6: How much of civil society is supportive of democratic principles?

Our final question draws attention to an oversimplification often made about civil society. Civil society, including NPOs and NGOs, is often conceptualized as necessarily altruistic or supportive of progressive ideals. But civil society is a complex and contradictory phenomenon. In all societies, antidemocratic elements of civil society exist as well as those supporting democratic and progressive politics. Although an organization might provide valuable social support for the poor and disenfranchised and may even enjoy considerable popular support, it may not have a democratic orientation. Unless one adopts a normative orientation that allows only those groups with a certain set of progressive values to count as civil society, it remains necessary to research rather than assume the relationship between civil society and democracy.[30]

In sum, there are many reasons to question civil society's ability to provide democracy in countries buffeted by globalization. The problem is that civil society organizations remain organizations. As such, they are prey to all the pitfalls facing organizations in other sectors of society. Thus, they can lose sight of their missions, and they can lose touch with the people they purport to serve. Elected officials have good reason to question whether NGOs ought to have greater democratic credentials than they do. In what sense, that is, are co-opted, money-seeking, hierarchical, large organizations more representative than the officials of government? Unfortunately, raising this question could lead to the depressing assumption that no effective voices for popular will can ever exist. However, this is neither our intent nor our conclusion.

DISCUSSION: CAN CIVIL SOCIETY ORGANIZATIONS SERVE TO HELP CHECK THE NEGATIVE FORCES ASSOCIATED WITH GLOBALIZATION?

What is to be done? Several scenarios could unfold.

One is to allow global free markets to determine the allocation of production, goods, incomes, and jobs. The benefits of global free markets could be enjoyed regardless of the consequences. The problem, of course, is that this approach does nothing to strengthen democracy, alleviate global inequities, or address other negative externalities associated with globalization.

A second approach is to continue to hope that the growth of global civil society will somehow evolve and ensure the representation of the democratic aspirations of people around the world. A variety of theoretical perspectives could be marshaled to support this scenario. Solidarity, for example, which includes the recognition of interdependence and a willingness to help others in order to help oneself is one perspective that could lend credence to this hope. In addition, theories associated with the limitations of the market, the inherent limitations of governments to respond to market failures, the need that democratic societies have to promote cooperation among individuals, the value that is attached to pluralism and freedom, and theories of caring, altruism, and stewardship that are predicated on the willingness of human beings to reach out to others in need are others that could be similarly employed.[31]

Although theoretically justifiable, it is doubtful that the emergence of a global civil society is likely to simply evolve and pursue a democratic or progressive agenda. Social change requires more than theoretical possibility; it requires concerted action. Organizational actors who are privileged by current institutional arrangements are unlikely to relinquish their power and they have means for discouraging opposition: layoffs, demotions, severing of vendor ties, etc. Likewise, mobilizing people who may have only a passing interest in global affairs and who are poor and perhaps illiterate presents an additional set of operational challenges. Under these circumstances, it might be easy to conclude that against the growing power of the global market, multinational corporations, and the states that support them, democracy has little chance of prevailing. NGOs and activists in developed countries may be sympathetic to the interests of people living in less developed nations, but they may be no more democratic or reliable in upholding the local interests of these people than officials in multilateral corporations. "There is a general tendency among international assistance agencies to ignore local circumstances and histories."[32] Although the World Wildlife Fund or Amnesty International may appear to be more democratic than private multinational companies, as we have shown, organizational factors can cause any organization to be as distant, unresponsive, and removed from the grassroots as IFIs and foreign policy agencies.

So, realistically, can anything really be done? We believe that there is reason for hope, but recognize that our position represents a "most difficult route" scenario. A final option is for civil society organizations to address head-on the issues that we have raised. Obviously this is a tall order. Nonetheless, there are levers for inducing change and meeting the challenges.

Table 5. Strategies for addressing organizational challenges

Issues	Primary concerns	Is condition present?	Strategies	Methods available
Is the development agenda donor driven rather than representative of grassroots concerns?	Autonomy Accountability	Yes	Funding diversity Internal audits Environmental scans	Yes Yes Yes
Does the concentration of financial resources on a few major NGOs limit broad-based participation by less funded NGOs?	Limited access Limited participation Limited influence	Mixed	Redistributive policies Fundraising Skill/capacity building Leadership	Yes Yes Yes Yes
Is excessive bureaucratization undermining the democratic integrity of civil society organizations?	Unrepresentative	Unclear	Internal audits Restructuring Advisory boards	Yes Yes Yes
Are NGOs at risk of co-optation by the global actors they seek to hold to account?	Autonomy Accountability	Yes	Funding diversity Internal audits Environmental scans	Yes Yes Yes
Has fundraising supplanted mission as NGOs strive to compete in the organizational marketplace?	Goal displacement	Unclear	Internal audits	Yes
How much of civil society is supportive of democratic principles?	Overgeneralization	Unclear	Presumption of mixed sector	Yes

One democratically motivated organizational strategy already underway is sponsored by the Concord Project, an international research and action program organized for the purpose of bringing together people with fundamentally opposing views to promote civil society.[33] Among their organizational strategies is the promotion of overarching values that unite rather than divide participants—an approach advocated widely in recent years by nonprofit and organizational culture scholars.[34] Building coalitions requires strong leadership, a shared vision, and the ability to manage conflict. Community leaders with a willingness to champion democratic values, mobilize and sustain community support, and challenge NGOs that purport to, but do not, legitimately represent local interests must be identified and others trained. This can be an extremely arduous process but it is not impossible. The democratic ideology, a belief that inequality, exploitation, and inequity are wrong, is a powerful message that can build interest, volunteerism, commitment, and solidarity among people. Other strategies are shown in table 5, and discussed below.

Is the development agenda donor driven rather than representative of grassroots concerns? Are NGOs at risk of co-optation by the same global actors they seek to hold accountable?

Although each of these issues represents a separate concern, the common problems they introduce include loss of organizational autonomy, unintended policy shifts, and hijacked agendas. NPOs are at the highest risk of succumbing to these undesirable outcomes if they are too dependent on the revenue from any single funder or do not scrutinize funding opportunities to ensure alignment with their mission. Organizations can resist these problems by diversifying their funding

portfolios early on to avoid the fiscal crises that frequently precipitate entry into ideologically mismatched partnerships. Identifying partners for purposes of obtaining or sharing resources also requires a careful stratagem. Simple tools and methods for creating strategic plans, raising funds, finding kindred partners, and building coalition networks are widely and readily available.[35]

Operations such as strategic planning can be complex, cumbersome, and time-consuming but such activities can help organizations revitalize themselves and adapt to changing environments.[36] Strategic planning requires organizations to build commitment by engaging key stakeholders, including clients and community leaders. Thus, strategic planning includes not only board members and executives but also "numerous other parties including staff, volunteers, and external stakeholders."[37] The involvement of all of these can help an organization become more open, responsive, and accountable.

Organizations should also routinely conduct internal audits of their board composition and programmatic activities. Board reviews can be used to help ensure representation or identify agency capture. Programmatic audits can help organizations determine if they are straying from their missions or investing disproportionately in only tangentially related activities. Fund development and internal audit committees can be established to carry out these activities.

Does the concentration of financial resources on a few major NGOs limit broad-based participation by less funded NGOs?

The number of NGOs is increasing but the extent to which their access to important policy arenas has been blocked is not known. If participation is obstructed, however, addressing the problem could take a variety of forms. One solution would be a redistribution of resources to allow all organizations to compete on a more level playing field. This could be accomplished through government regulation or tax policies, public donations, or investments in skill and capacity building for less funded NGOs to help them more successfully compete for private funding. Creating additional opportunities for underfunded and underrepresented NGOs to access public funding is another option. This would require, at minimum, a leadership champion.

While not uncontroversial, one example includes President George W. Bush's championing of Section 104 of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA PL 104-193). Often referred to as "Charitable Choice," Section 104 allows faith-based service providers to use religious criteria when hiring staff, to maintain religious symbols in areas where programs are administered, and to use faith-based concepts in providing services. In a major departure from prior practices, Section 104 also encouraged government agencies to partner directly with sectarian organizations, including those that are pervasively sectarian, to provide a wide array of social services. The policy was justified, in part, on the grounds that faith-based organizations had been discriminated against and had encountered barriers not required by the First Amendment, and thus unfairly were

denied access to government funding opportunities, namely government contracts.[38] Although findings suggest that faith-based organizations have been slow to seek out government contracts, Section 104 does provide greater access for them. Under less controversial conditions, over time, or in other policy areas, access and participation levels might be higher.

Is excessive bureaucratization undermining the democratic integrity of civil society organizations?

Bureaucracy as an organizational form is highly undemocratic. Decision making emanates from a hierarchical organizational apex, and superior/subordinate chains of command are adopted to ensure compliance with downward-moving directives. It is a structure that is much maligned, yet copiously replicated. As organizations increase in size or the scope of their activities multiplies, they become unwieldy. Bureaucracy provides organizational leaders with a means of control. Under conditions of excessive bureaucratization, work processes are overly rigid with workers functioning as virtual automatons.

While bureaucratization is inherently unequal, it also introduces equity.

Paradoxically, while bureaucratization is inherently unequal, it also introduces equity. Standardization, for example, helps to ensure fairness, consistency, and procedural due process. Many NPOs applaud the professionalism that has resulted from the adoption of bureaucratic structures and directives. Organizations need not become excessively rigid and antidemocratic, however. Government reforms in the United States, United Kingdom, Australia, Canada, and other countries have shown that by flattening organizational hierarchies, decentralizing, empowering front-line employees, and creating additional opportunities for transparency and community input, their organizations can be more flexible and responsive.[39] Although there are expenses associated with the reforms, participatory accommodations are achievable and NGOs can seek to temper excessive bureaucratization by incorporating democratic features.

Has fundraising supplanted the mission as NGOs strive to compete in the organizational marketplace?

As mentioned at the outset, NPOs and NGOs are nonprofit distributing, i.e., they are not dedicated to generating profits for owners and surplus revenues must be plowed back into the basic mission of the agency. Mission (above all other concerns) is what sets NPOs/NGOs apart from government or profit-seeking organizations. Nonetheless, all organizations need resources to carry out their activities. Most nonprofit executives would not admit to supplanting their mission in order to raise funds but most report that fundraising is a priority for their organizations. Findings from the Listening Post project (a joint initiative headed by the Center for Civil Society Studies at the Johns Hopkins Institute for Policy Studies), for example, show

that 90 percent of 249 surveyed nonprofit executives reported fiscal stress in their agencies, with over half reporting severe or very severe stress.[40] When asked to identify their major operational priorities, financial self-sufficiency was among the top two responses given. By contrast, fewer than 10 percent cited "preserving our ability to reach or serve those least able to pay" and fewer than 5 percent claimed "maintaining our advocacy/civic engagement role."[41] It is easy to understand why. NPOs must compete for funds, and managing revenues effectively is essential to their survival. Many individuals serving on NPO boards of directors are selected for their business savvy and ability to raise funds. However, the professional values of these individuals may or may not be aligned with the substantive mission of the NPO. Yet, concern for mission should not be outweighed by concern for revenues.

How can NPOs manage both? One strategy is to screen potential board members for both professional skills and a commitment to the organization's ideals. Such individuals are probably less likely to compromise mission in pursuit of revenues. Screening matrices designed for these purposes are readily available.[42] Finally, organizations must diversify their funding portfolios. Raising funds should be only one part of a well-rounded business plan. In addition, organizations should not overlook their volunteer base as a source of funds since they are major financial contributors to NPOs. Developing a strong volunteer base can help an organization derive funds from those who are most likely to have a keen interest in the mission of the organization.

Finally, how much of civil society is supportive of democratic principles?

Demographic research that could precisely map the composition of the NPO/NGO sector is probably a pipedream. For our purposes, however, it is not necessary. We already know that some NPOs and NGOs are committed to promoting democratic principles while others are not. Here, the strategy is simply to lay to rest the myth that the NPO/NGO sector is a homogeneous collection of altruistic, public-minded organizations. Those who envision the NPO/NGO sector as a vehicle for combating the ills of globalization must recognize the diversity of the sector and the pressures that such organizations face. Failure to do so is to risk being blindsided by opposition from "within."

CONCLUSION

With all of the challenges facing NPOs/NGOs in today's world, we might conclude that democracy is either unachievable or irrelevant. Instead, performance should guide our judgments. Are the poor less in misery? Are all segments of society becoming healthier? Is education available to all classes and groups? Are women brought into society as equals, educated, and afforded access to responsible jobs? Has violence in the home declined? Are children able to enjoy their youth, to learn, and to grow into healthy adults? Are those suffering from drug and alcohol abuse receiving appropriate treatment and attention? Is the environment receiving proper protection and is resource

use sustainable? Although we might be persuaded that improvement on these dimensions matters more than whether the nation's political system displays the attributes of representative democracy, we do not take this position.

Performance matters, but so too does respect for local culture, autonomy, equality, representation, and participation. To give up on democracy would be defeatist. There are no easy solutions to the thorny problems globalization has produced. Global civil society does offer a viable alternative to the current global system, a system characterized by the preponderant influence of the state and the multinational corporation. Yet, a democratic global civil society will not simply emerge without attention to organizational concerns and committed leadership. This means that democratizing the organizations of global civil society is essential. The organizational problems that we have cited, problems that reduce accountability and legitimacy of civil society groups, are issues that have been addressed before. Certainly, these organizational challenges will always exist. They can only be managed and mitigated, not fully eliminated. Nevertheless, nonprofit organizations in the United States and in other countries have managed and mitigated them. These lessons can be learned and applied to the groups and organizations that constitute global civil society.

Notes

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[4] David Korten, *Globalizing Civil Society: Reclaiming Our Right to Power* (New York: Seven Stories Press, 1998), p. 7.

[5] Korten, *Globalizing Civil Society*, p. 72.

[6] Salamon, *America's Nonprofit Sector: A Primer*, p. 10.

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Relations with Nongovernmental Organizations: Lessons for the UN

by Gary Johns

INTRODUCTION

Only very recently have relations between governmental institutions and nongovernmental organizations (NGOs) become a significant policy matter. The significance is driven by the recent phenomenal growth of national, transnational, and international NGOs,[1] many of which seek to influence public policy. This phenomenon has caused governments and intergovernmental institutions such as the UN, EU, IMF, and others to respond by opening the doors to NGOs. How far an entry NGOs make may be a reflection of the institutions' democratic mandate, their policy role, and their preference for either "liberal internationalism," an international legal order and governing institutions, or "democratic sovereignty," in which democratic sovereigns are at the center of the international system.[2]

The increased propensity and ability to organize civil voices through NGOs is a major element of advocacy or participatory democracy. By contrast, governments and intergovernmental institutions are the product of representative democracy. The essential issue is to seek the proper relationship between representative democracy and participatory democracy. The management of the relationship is an important point from which to observe these two modes of democracy. A common characterization of the two is "vote" and "voice." The characterization is misleading for two reasons. First, the language of "voice" is used to reassure elected representatives that organized opinion is no threat. Indeed, it is not, unless, of course, representatives transfer their authority to the advocates.[3] Second, the characterization undersells the concept that representative democracy is a process of recognizing voices *and making sense of them* by settling the myriad claims upon public power.

Elections are but one part of the architecture of representative democracy. Other aspects are the courts, which assist private dispute resolution and the review of government decisions; the taxation regime, which funds programs; and, the intense focus of the daily media. These are the well-tested elements of the "daily plebiscite"[4] of politics in the liberal democratic state. They operate with intensity and a grounded nature that only occurs at the scale of the nation-state and below. This does not

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mean that the system does not suffer in the eyes of the voters from unfulfilled expectations of ever greater access and preferred outcomes, but participatory democracy reaches its peak within the representative framework of the liberal democratic state.

PROBLEMS OF NGO LEGITIMACY IN INTERNATIONAL FORUMS

By contrast, participatory democracy at the international scale flounders. The desire by intergovernmental institutions to incorporate participatory democracy into their processes, in the absence of the architecture of representative democracy, may simply be a reflection of the desire to seek a new role for their organizations. That new role may be built on a new constituency among those who are enthusiastic for the agendas they share. It has been observed that there is a "symbiosis between international NGOs and international organizations, [a] mutual legitimation in which international organizations treat international NGOs with all the legitimacy and deference that domestic democratic governments must treat their domestic voters."[5] Unlike the domestic voter, however, NGO claims to public policy access need to be substantially qualified. Their claims rest on being the voice of civil society, whether or not it represents their members' interests, universal interests, public interest, or in their expertise in a specific policy arena. Like political leaders though, NGO leaders are an elite. Their values are likely to be in the vanguard of their supporters, and they are certainly not likely to reflect broad opinion.

The release of the UN Report of the Panel of Eminent Persons on United Nations–Civil Society Relations on June 11, 2004[6] stimulated an intense debate about the proper relationship between the two modes of democracy and the management by intergovernmental institutions of the NGO relationship. The claims of the panel in these regards are bold.

> *The rise of civil society is indeed one of the landmark events of our times. Global governance is no longer the sole domain of Governments. The growing participation and influence of non-State actors is enhancing democracy and reshaping multilateralism. Civil society organizations are also the prime movers of some of the most innovative initiatives to deal with emerging global threats.[7]*

The claim is supported by a number of propositions. The major ones are paraphrased below, in italic, with a preliminary response immediately following.

Traditional democracy aggregates citizens by communities of neighborhood (their electoral districts), but in participatory democracy citizens' aggregate in communities of interest.[8]

There is a fundamental flaw in the argument about different aggregations of public opinion. Only when interest-based opinion is filtered through electoral district opinion, not to mention a myriad number of other filters, are the outcomes not driven by a consensus of activists. The consensus is constrained by those who do not share the activists' worldview. Global civil society is the largest and least defined electorate imaginable. NGOs constitute a very particular slice of that civil society,

the politically active elite. They are elite in the sense that elected officials are elite. Politicians' attitudes vary considerably from those of their constituency; it is a part of their motivation "to do good" and "to make a difference." They are not merely vessels of public opinion. They are nevertheless constrained by having to be formally accountable for their actions, and they are constrained to not move too far from the values and preferences of their bosses, the electorate. NGO leaders suffer no such constraint, sometimes not even within the bounds of their organization and certainly, not from the wider constituency.

Global civil society is the largest and least defined electorate imaginable.

The UN needs to reflect on its mandate. Although it is keen to quote from its masthead "We the Peoples," it is, of course, a creature of nation-states. If it attempts to become a world forum for all comers, without the architecture to test world opinion or the responsibility of raising taxes and armies, then it must not pretend to have the authority of world opinion. If it attempts to be the moral conscience of the world, it must be prepared to acknowledge that it has neither the spiritual substance of the church nor the certainty of a single politico-economic system (to claim the liberal democratic West as the model would destroy its credibility with much of its constituency). The UN may seek greater relevance, but it risks becoming nothing more than a platform for untested opinion.

Nowadays, non-State actors are often prime movers—as with issues of gender, climate change, debt, landmines and AIDS. The first step is often the creation of global policy networks to promote global debate. The United Nations has to date often played a weak role in such innovations.[9]

The statement is a plea by the UN to keep itself in the game. It may be true that non-state actors were instrumental in the named campaigns, but it is naive to suggest that the campaigns were successful, the policy prescriptions correct, or that the major incubators of change were not liberal democratic governments, acting in response to their constituents, many of whom were NGOs. The UN is seeking to add value to the policy process, but providing forums for NGOs may not assist the policy process. "What the panel essentially means is that the General Assembly is lagging behind the leadership of the Secretariat and of NGOs, and must now catch up. Presenting the UN as backwards is a way of exerting pressure on governments to accept the Secretariat's agenda for reform."[10]

There is increasing public dissatisfaction with the institutions of global governance. Transnational civil society networks are moving to fill this challenge and enjoy increasing public support.[11]

The difficulties with these claims are that public dissatisfaction cannot be readily gauged without an election, and no such mechanism exists for the UN. Dissatisfaction will almost certainly rise as the ability to voice opinion rises. Access to policy forums is a positional good and only so many places are available; the more voices that

appear, the louder will be the cry by those who miss out. Further, the panel uses the term governance as a ready substitute for government, thereby hoping to bypass the essentials of representative democracy. It also underlines the fact that the UN is in no sense a government, but a committee of governments. The statement also implies the familiar criticism of democracy within the nation-state. For example, "all modern states face a crisis of legitimacy … that prevents publics from shaping state policy. Instead, they are manipulated by it."[12] The argument serves the interests of NGOs, but it not apparent that NGO access will solve the so-called crisis of democracy.

There is increasing public disenchantment with traditional democracy, in an age of global inter-connectedness and concerns about sustainability. UN conferences begin to fill the gap by taking on characteristics of a global parliament.[13]

A global parliament consisting of whoever is fortunate to receive an invitation to a UN conference does not constitute a responsible body of opinion. Nor does it have any of the means of enacting its desires, such as raising funds and passing laws. In this sense, it is doubly irresponsible. A test of the validity of NGO representation of the public interest is to ask if the sum of all NGO opinion represents public opinion. The answer is almost certainly no. The UN has provided forums where up to 300,000 NGO activists, representing 2600 NGOs, have attended.[14] This is not a policy-making forum. This is a bazaar. The UN appears to acknowledge this criticism with its recent statement, "the age of the big United Nations conferences is largely over,"[15] but this appears not to have dissuaded the UN secretariat from expanding its agenda of NGO engagement.

There is no logical reason why an international forum per se has solutions that a national or nation-sponsored forum has not. "There is nothing conceptually or practically obvious about believing that the international ought to have the conclusive word on the universal."[16] Any numbers of national constitutions, as well as the common law and other legal systems, have for generations defined and refined the meaning of human rights. These nations have passed anti-discrimination laws and conservation laws and run highly sophisticated health systems to deal with the threat of AIDS. They also produce great wealth, sufficient to aid those nations who do not produce enough for their needs. They also produce the science that drives wealth production. In short, all of the claims that the UN and the internationalists make for the healing powers of internationalism are already in practice in the successful nations. Moreover, almost none of the named problems are international, they are simply found in many nations and regions.

The major conferences have begun to level the North-South playing field. The power and confidence of Southern voices have risen dramatically. The Southern voices gain protection from the UN in criticizing their governments.[17]

Advocacy implies inclusion, but in fact, it leads to a differential ability "to access nonelectoral arenas" such as lobbying, court processes, news coverage, and so on. "There is no clear equivalent to 'one person, one vote' for advocacy democracy."[18]

In deciding which group is to have access to a forum, for example, some will be excluded. Questions must be raised about the credentials of those granted access as a means of verifying and justifying access. In terms of political equality, advocacy leads to problems of very unequal use. While a high proportion of citizens' vote, very few are politically active. This low activity has always been a feature of the representative system, in as much as few people joined a political party, but the inequality was to some extent remedied by the fact that the parties presented their candidates and policies for public election. Activists who can bypass the public scrutiny have a lesser burden of proof than the elected official. In terms of enlightened understanding, advocacy can stimulate debate but it can overload citizens, in effect leaving them to have the matter determined by others, much as occurs in the representative model. The difference is that a new set of activists are now included.

What value do Northern NGOs add to debate, given that they are already articulate within their nations, and they already have access to the media and to private philanthropy?

A further issue is whether UN sponsorship of Southern NGOs makes them advocates for their people or ambassadors for the UN agenda. The argument about a lack of voice is only valid in undemocratic nations. Should the UN therefore only recognize NGOs from undemocratic nations? Of course, it could not allow this since it would reveal a fundamental schism between democratic and undemocratic states within the UN. It would encourage a caucus of democracies and reveal that these are also the Northern nations. In this context, what value do Northern NGOs add to debate, given that they are already articulate within their nations, and they already have access to the media and to private philanthropy? The UN lifeline to civil society is really a second vote to (predominantly leftist) Northern NGOs.

If NGOs in international settings are unable to provide the legitimacy of a verifiable constituency, then their claims to utility must rest elsewhere. One claim may rest in an ability to provide the "best" priorities. Two pieces of evidence can be used to test that proposition. A survey of the priorities of NGO leaders and a list of priorities generated by a group of eminent economists at the Copenhagen Consensus[19] suggests that the two vary substantially. This is not to argue that all that is required of government is a scientific approach to goal setting, but that claims by NGOs on these grounds are highly contestable and probably very weak.

The recommendation from the Copenhagen Consensus 2004 expert panel of world leading economists, for example, was that combating HIV/AIDS should be at the top of the world's priority list. This was followed by policies to attack hunger and malnutrition by reducing iron-deficiency anemia through food supplements, increase spending on research into new agricultural technologies, and reform global trade. The latter included reduction of tariffs and non-tariff barriers, together with the

elimination of agricultural subsidies, the extension of regional trade agreements, and the non-reciprocal lowering of rich-country tariffs on exports from the least developed countries. The panel looked at three proposals, including the Kyoto Protocol, for dealing with climate change by reducing emissions of carbon, but regarded all three as bad projects with costs that were likely to exceed the benefits.

Contrast a recent survey[20] of NGO leaders' visions of globalization in the year 2020. A very strong majority of NGO leaders indicated that they wanted a greater focus on the protection of human rights (95 percent), the environment (95 percent), as well as greater telecommunications and Internet access across the "digital divide" (91 percent) and social standards and social security (89 percent). NGO leaders considered completing the Doha Trade Round (19 percent) least important.

There is no architecture available that can turn an international governing institution into a responsible transnational government.

Interestingly, Southern NGO leaders were significantly more likely than Northern leaders to want a greater focus on economic factors, such as international trade (61 percent vs. 27 percent, respectively), and direct foreign investment by companies (49 percent vs. 16 percent). Southern NGO leaders were more inclined than Northern to consider "very important" those initiatives that build developing countries' capacity, including improving the transfer of technology to developing countries (84 percent vs. 66 percent) and the reduction of farm (70 percent vs. 47 percent) and textile (64 percent vs. 46 percent) subsidies and import restrictions in industrialized countries.

On the issue of changes to the political architecture, a strong majority of NGO leaders did not support American-led multilateralism (79 percent) and the presence of strong national governments with few international controls and weak international institutions (68 percent). Instead, leaders were more likely to select a reformed and strengthened UN and multilateral institutions controlled by sovereign states (67 percent) or an evolving world government that was accountable directly to citizens rather than to nation states (66 percent). In the management of global affairs, NGO leaders believed that NGOs (84 percent), developing countries (82 percent), and individual citizens (80 percent), as well as the UN (82 percent) and its agencies (79 percent) should all have stronger roles in the management of global affairs by the year 2020. Conversely, these leaders called for weaker roles for the United States (66 percent), military alliances (64 percent), global companies (57 percent), multilateral agencies (48 percent), and industrialized countries (40 percent).

NGOs are clearly in the "liberal internationalist" camp. They clamor for access to the UN, and the UN secretariat is keen to accommodate them. Moreover, Northern NGOs are a special subset of the international electorate. They seek to turn their minority opinion into majority opinion, through intergovernmental institutions. The effect is to distort priorities and to replace constituencies with lobbies. The governance

of international affairs, in as much as intergovernmental institutions operate, is built on the membership of nations. There is no direct voice by a transnational electorate. Until there is, no amount of encouragement by international bureaucrats, seeking their own constituency among "international civil society" NGOs, and more latterly, business, can substitute for that lack of direct voice. There is no architecture available that can turn an international governing institution into a responsible transnational government.

SOME PRACTICAL REMEDIES

Putting aside for the moment these fundamental difficulties with NGO access to intergovernmental forums, how are those who clamor for a voice at international level to be accommodated? The UN arguably has been the least disciplined of the intergovernmental institutions in its management of NGOs. The global conferences of the 1990s and the Millennium events, which included UN secretariat-sponsored NGO agenda setting forums,[21] suggests that the UN permanent officers have in mind a political strategy to enhance the UN as an instrument of "non-state actor" policy makers. Similarly, the EU Commission has been ill-disciplined in its management of NGO relations, although there appears to be some rebalancing with the recent implementation of a disclosure regime for NGOs, possibly at the behest of Members of the European Parliament. By contrast, the IMF has begun to open its door to NGO involvement, but with a clear understanding that the role of NGOs is to aid specific IMF policy objectives. The same could be said of the WTO. By contrast, in Australia, as an example of a nation-state where clearly there is a "daily plebiscite" in place and where NGO involvement in policy formation has been generally welcomed, there is discussion within the government to enhance an NGO disclosure regime.[22] The EU, IMF, and Australia have some practical lessons that may be useful for the UN.

The UN arguably has been the least disciplined of the intergovernmental institutions in its management of NGOs.

The EU is neither a federation like Australia or the United States nor is it an organization for cooperation between governments like the UN. The member states pool their sovereignty on a range of issues and are governed by a Council, appointed by member states, and a directly elected Parliament as co-legislators. As the European Parliament stated in its Resolution on the white paper on Governance, "consultation of interested parties … can only ever supplement and never replace the procedures and decisions of legislative bodies which possess democratic legitimacy."[23] The EU commitment to participatory democracy may soon gain constitutional status with an Article of the Constitution under consideration dealing with participatory democracy that suggests, "The European Union recognizes participatory democracy as

complementary to representative democracy. The institutions of the Union guarantee a high level of transparency and put in place procedures of information, hearings, and consultation in order to allow the appropriate participation of associations of organized civil society."[24]

The guiding principle for the Commission is the familiar refrain to give interested parties a voice, but not a vote. The Commission has underlined its intention to "reduce the risk of the policy-makers just listening to one side of the argument or of particular groups getting privileged access."[25] It seems not to have recognized that even "balanced access" can generate costs. Allowing a great deal of access to organized voices can create agendas so strong as to constitute a vote. For example, the EU established a Social Platform in 1995 to bring together over thirty European NGOs, federations, and networks. The members of the Social Platform represent thousands of organizations, associations, and voluntary groups at local, regional, national, and European level. Ninety-five percent of the Social Platform is funded by a grant from the European Commission to support its running costs.[26] A weakness with the EU "consensus" approach, in which it appears that everyone has a say, is that there is also a propensity for the Commission to fund much of the activity. For example, there are six different consumer NGOs funded by the EU Commission. There is the danger of co-option when the institution, in its desire to listen to new voices, simply funds those who are deemed not to be able to afford it, but who in the end may echo the preferences of the EU Commission.

In general, the IMF has often preferred to keep its links with civil society associations at some distance.

The redeeming feature of the "funded consensual" approach is that in June 2002, the EC established the Consultation, European Commission and Civil Society (Coneccs) database. The Coneccs Internet site offers public information on non-profit organizations established at the European level and information on the committees and other consultative bodies the Commission uses when consulting organized civil society in a formal or structured manner. The rationale is that "with better involvement comes greater responsibility. Civil society must itself follow the principles of good governance, which include accountability and openness."[27] The index of organizations is compiled on a voluntary basis and is only an information source. It is not an instrument for securing consent or a system for accrediting organizations to the Commission.[28] Neither is it a single point of enquiry for all relevant matters on EU Commission-NGO relations. The direct grant of funds to NGOs is not specified in the database so that, for example, grants awarded by the Director General of Environment are contained at a separate site, as others are in different portfolios.[29]

In contrast to the UN and EU and other technical bodies, such as the World Bank[30] and the WTO,[31] the IMF has no juridical basis for links with civil society built into its constitutional document.[32] In general, the Fund has often preferred to keep

its links with civil society associations at some distance.[33] The IMF-NGO engagement has been largely seen as an "external communications strategy."[34] Where the IMF has engaged NGOs, it has been for instrumental purposes, as a way to foster local "ownership" of IMF-supported policies. For example, since 1999, low-income countries applying debt relief or new concession loans from the IMF (and the World Bank) are required to develop their own Poverty Reduction Strategy Papers through a consultative process that involves wide and substantive participation by civil society.

There is the danger of co-option when the institution, in its desire to listen to new voices, simply funds those who are deemed not to be able to afford it, but who in the end may echo the preferences of the EU Commission.

The IMF's engagement with NGOs recognizes that some bring relevant expertise and experience for understanding economic issues and policies in Fund member countries, and that the Fund can therefore benefit from listening to their views in formulating policies. More importantly, the Fund recognizes that consultation can increase national ownership of Fund-supported policies. The Fund has an instrumental approach to NGO engagement. It has a clear policy mandate and engages NGOs to help the policy be successful. Nevertheless, this is not to argue that NGOs need to be compliant. The initiative to move from a "closed" to an instrumental approach may well have been a result of lobbying by US-based NGOs. In 1994, the US Congress withheld three-quarters of a requested $100 million appropriation for the replenishment of the Fund, subject to greater information disclosure.[35] The point is to allow sufficient space for deliberation by those responsible for decisions without a mandated role for NGOs at every forum. This may be labeled weak NGO engagement.

The case for NGO access to the policy apparatus is strong within a nation precisely because the opportunity to filter it through electoral and parliamentary mechanisms is greatest. Even so, the model of disclosure under discussion in Australia—a Protocol—is more formal and rigorous than that available at the EU. While the role of NGOs in Australia as a voice of the public is developing apace, the ability of the representative system to manage and decipher these voices is under considerable pressure. Political accountability must therefore incorporate not just access for groups, but a record of the access. In effect, that record is used to demonstrate that while access cannot be equal, it can be managed in a rational and equitable way. The proof of which is to keep the "unorganized" interests informed of the government's relations with the organized interests.

No mechanism exists in the government whereby citizens are informed as to how conclusions are reached about the bona fides and representativeness of NGOs granted standing. Without such a mechanism, it is possible that, in terms of the potential to transfer authority from government to citizens in participatory processes,

there is nothing more than the transfer of authority from government to NGOs. A key element of the Protocol is the creation and maintenance of a single Australian government website. The website, for the sake of illustration, called "Australian NGO Link" would be an interactive site that would enable any person to make an assessment of the myriad relations between government and NGOs. It would enable the individual to assess in any year, or for a number of years, the standing of each NGO and sources of government funding of any NGO with significant relations with a government department or authority. It would also enable the assessment of the government's use of NGOs across the whole range of departments and programs.[36]

- · Participatory democracy has inherent inequalities.
- · Voice without constitutional architecture is undemocratic.
- · Even with constitutionality, there is the need for transparency.
- · NGO engagement could be used instrumentally, but "good" policy is not necessarily produced by "participation."
- · Encouraging NGOs can lead to co-option.
- · NGO engagement must not be used to transfer authority from a government or an intergovernmental institution to members of civil society.
- · Strong NGO engagement is possible in a nation-state; weak engagement is preferred for intergovernmental institutions.

Constitutionality and transparency are the minimum requirements of democratic processes that incorporate representative and participatory democratic modes. A possible antidote to institution building and agenda building is to ensure that when government officials grant access to the policy process, such access should be fully transparent. The need for transparency increases as the constituency becomes more remote from the elected representatives. Almost precisely the opposite seems to occur. Where the resistance to the siren call of participation is weak in an intergovernmental institution, the mode of participation must also be weak.

UNITED NATIONS: CULTIVATING A CONSTITUENCY

How do these principles apply to the proposals of the Panel on UN-Civil Society Relations? First, the report does not arise in a vacuum. The UN has been increasing its capacity for NGO engagement for a number of years, and the secretariat has been increasing its capacity to free itself from the funding constraints of its member nations.

The UN authority to engage with civil society rests on one highly circumscribed article in the UN Charter, referring to one committee, the Economic and Social Council (ECOSOC).[37] From this, the relationship has expended enormously. Applications for ECOSOC accreditation have grown substantially. In the 1970s, there were twenty to thirty new applications per year. This has risen to 500 currently, not including a backlog of 800 applications. Currently about 1400 NGOs, mostly Northern, are accredited with Department for Public Information (about 600 of

which overlap with ECOSOC list). These commit to "sharing the UN's ideals and to disseminating information about its work to important constituencies via their newsletters, journals, magazines."[38] This is a strange specification in the sense that any nation-state that made such a specification would be deemed authoritarian. The criteria for accreditation should surely be value neutral and concern representation and expertise.

The UN Fund for International Partnership*s* (UNFIP), which was created in 1998, serves as the interlocutor between the UN Secretariat, some thirty UN agencies, and the UN Foundation. The UN Foundation was created in 1998 after Ted Turner of Time Warner, committed one billion dollars ($100 million per year for ten years) in support of UN programs.[39] It contributes to "the quiet drifting of the UN towards a multi stakeholder identity."[40] Further, at the World Economic Forum at Davos in 1999, Kofi Annan launched a direct partnership with business, which he called the Global Compact,[41] asking business to internalize nine UN principles in the area of human rights, labor, and the environment. Over 1,000 companies have now joined the Compact.

The next phase in NGO engagement will be most likely based on the report of High Level Panel on UN-Civil Society.[42] It has made a host of recommendations for reform of UN civil society engagement. The most important are paraphrased in italic, with following comments.

Proposal 1. Member States need opportunities for collective decision-making, but they should signal their preparedness to engage other actors in deliberative processes.

There must be a clear distinction between deliberative processes and information gathering. It is a normal process to have lobbying at many stages of any decision-making process, but to invite NGOs into substantive deliberative forums is a clear breach of constitutionality and exacerbates equality problems.

Proposal 4. The United Nations should retain the global conference mechanism but use it sparingly to address major emerging policy issues that need concerted global action, enhanced public understanding, and resonance with global public opinion.

The proposal acknowledges the unwieldy nature of the global conferences but maintains the device may be essential to the UN's purposes if its constituent members are no longer responsive to some proposition that resonates with global public opinion. But whose test of global public opinion will be believed, the sum of NGO opinion?

Proposal 6. The General Assembly should permit the carefully planned participation of actors besides central Governments in its processes. In particular, the Assembly should regularly invite contributions to its committees and special sessions.

The General Assembly is a deliberative forum and under no circumstances should it admit other than constituent members. In a national parliament, members use the term a "stranger in the House" to call to the Speaker's attention any person within the chamber who is not an elected member. The only exception is for a visiting head of state, and then, in rare circumstances.

Proposal 7. In order to mainstream partnerships, the Secretary-General should, with the approval of Member States and donor support, establish a Partnership Development Unit.

This is an interesting proposal in as much as it seeks independent sources of support. It may be used to free the hand of the secretariat. Then again, it has the potential to enhance the opportunity for NGOs to play a lesser role of UN informant.

Proposal 12. Security Council members should further strengthen their dialogue with civil society by installing an experimental series of Security Council seminars to include presentations by civil society.

There is no more sensitive forum than the Security Council. The concept of seminars is extraordinarily naive, as the only matters that may involve civil society actors would have to be of such a sensitive nature as to be handled "in camera" or in a judicial manner by way of evidence.

Proposal 15. Member States should make way for an enhanced role for parliamentarians in global governance.

This is interesting given that governments sign UN covenants, using foreign affairs powers in the domestic constitution, often without reference to their parliaments. The proposal may work to make states less likely to sign up to any more covenants and other programs. There are lessons as well for constituent nations. It is a tradition of governments to include NGOs in official delegations to international forums. Governments should consider very seriously the implications of allowing some voices to be amplified, as if they were the voice of the nation. Disclosure of the delegation credentials is a partial remedy. More properly, a total rethink of the use of NGOs by national delegations would be more appropriate. The solution to having the voice of NGOs heard beyond the borders of the nation-states is to leave them to their own resources and forums. The only "problem" that arises in this laissez-faire proposition is that the poor NGOs may not be able to attend. Anyone who has tracked the amount of aid and philanthropic moneys available to NGOs to attend international forums knows that this is no longer insurmountable.

Proposal 19. The United Nations should base accreditation on the applicants' expertise, competence, and skills. To achieve this and to widen the access of civil society organizations beyond Economic and Social Council forums, Member States should agree to merge the current procedures into a single United Nations accreditation process.[43]

The first part of the proposition, to make expertise the key to accreditation is sensible, but it does not follow that "to achieve this" NGO access needs to be opened to more forums.

Proposal 24. There should be an Under-Secretary-General in charge of a new Office of Constituency Engagement and Partnerships, absorbing a number of other units.

The rationalization of engagement processes within the UN seems eminently sensible, if its brief is for a modest role for NGOs. "Management has become

concerned about the competing agendas of governments and civil society, about mounting member state questions concerning the legitimacy, representativity, and sources of funding of some of the NGOs."[44] Better coordination, however, does not relieve the issue of the prerogative of sovereign nations; it may, in fact, exacerbate the problem.

Proposal 25. The Secretary-General should appoint 30 to 40 constituency engagement specialists to help the United Nations and the wider system enhance engagement with a diversity of constituencies.[45]

This proposal leads to the conclusion that the Secretariat is not envisaging a modest role for NGOs!

Proposal 27. The United Nations should establish a fund to enhance the capacity of civil society in developing countries to engage in United Nations.

Does setting up a fund for Southern NGOs (as with the European Commission fund for the Social Platform and the consumer groups) risk having them echo the corporate UN agenda? What about the capacity for independent action by civil society? Consensus through participation is no guarantee to better policy. It may be better to leave the NGOs to their own devices; it seems that the amount of aid and philanthropic funds available to Southern NGOs is more than sufficient to have major voices attend functions.

CONCLUSION

The multilateralists tend to overstate the benefits and effectiveness of multilateralism. Universal consensus standards are unlikely to be "better" than standards worked out over many years within a nation-state under the scrutiny of a parliament elections and the electorate familiar with the issues. Further, multilateralists underestimate the nation-state democratic architecture, which consists of elections, parliaments, administrative and judicial review, free press, and so on. There is a large element of UN secretariat aggrandizement in the engagement of civil society. It is actively seeking a constituency. To the extent that the UN wants to increase its engagement with civil society, a greater clarity of accreditation procedures is essential. More important is a greater clarity of roles. Input at hearings is acceptable, access to deliberative forums never is. Transparency can help to overcome the equality problem in participatory democracy, but it cannot overcome the constitutionality problem. The only remedy for that is to keep the NGO lobby at distance from deliberative forums, perhaps as far away as the real civil society, ordinary citizens.

Notes

[1] "[W]e are left with only one unambiguous fact about trends in associational life worldwide: the numbers of formally registered nongovernmental organisations has risen substantially since 1989." Michael Edwards, *Civil Society* (Oxford, UK: Polity Press, 2004), p. 23.

[2] Kenneth Anderson. "We're Not from the Government, but We're Here to Help: The International NGO Phenomenon" (Luncheon keynote address, conference on June 11, 2003 at American

Enterprise Institute and Institute of Public Affairs, Washington D.C.) transcript available online at http://www.aei.org/events/filter.,eventID.329/transcript.asp.

[3] A point well made in Organization for Economic Co-operation and Development. *Citizens As Partners: Information, Consultation and Public Participation in Policy-Making* (Paris: OECD, 2001), p. 93.

[4] Quoting Ernest Renan in Gregory Jusdanis, *The Necessary Nation* (Princeton, NJ: Princeton University Press, 2001), p. 24.

[5] Kenneth Anderson, "The Limits of Pragmatism in American Foreign Policy: Unsolicited Advice to the Bush Administration on Relations with International Nongovernmental Organisations," *Chicago Journal of International Law*, Fall 2001, p. 379.

[6] Report of the Panel of Eminent Persons on United Nations–Civil Society Relations. *We The Peoples: Civil Society, The United Nations And Global Governance*. June 11, 2004, General Assembly 58th session. Available online at http://www.un-ngls.org/Final%20report%20-%20HLP.doc.

[7] Fernando Henrique Cardoso. "Transmittal letter dated 7 June 2004 from Fernando Henrique Cardoso, Chair of the Panel of Eminent Persons, on United Nations–Civil Society Relations addressed to the Secretary-General," in *We The Peoples: Civil Society, The United Nations And Global Governance*. June 11, 2004, General Assembly 58th session.

[8] *We The Peoples*, p. 8.

[9] *We The Peoples*, p. 9.

[10] Marguerite Peeters. "Sweeping Assessment of The UN-Civil Society Relation—Kofi Annan's High Level Panel–Part One." Interactive Information Services Report 209. October 17, 2003. available online at http://www.worldsecuritynetwork.com/showArticle.cfm?article_id=8819.

[11] Paper for the Secretary-General's Panel of Eminent Persons on United Nations Relations with Civil Society. "UN System And Civil Society—An Inventory and Analysis Of Practices," section VII. May 2003. available online at http://www.un.org/reform/pdfs/hlp9.htm.

[12] Edwards, *Civil Society*, p. 60.

[13] "UN System and Civil Society," op.cit.

[14] Fourth World Conference On Women, Beijing 1995. "UN System And Civil Society," section II.

[15] *We The Peoples*, p. 49.

[16] Anderson, "The Limits of Pragmatism in American Foreign Policy," p. 374.

[17] "UN System And Civil Society," section VII.

[18] Russell Dalton et al. "Advanced Democracies and the New Politics." *Journal of Democracy*, 2004, vol. 15, no. 1, p. 134.

[19] Eight of the world's most distinguished economists were invited to consider ten global challenges selected from a wider set of issues identified by the United Nations. The panel was asked, "What would be the best ways of advancing global welfare and particularly the welfare of developing countries, supposing that an additional $50 billion of resources were at governments' disposal?"

[20] Report of the Second Survey of the 2020 Global Stakeholder Panel. "What NGO Leaders Want for the Year 2020: NGO Leaders' Views on Globalization, Governance, and Sustainability." (2020 Fund, 2004). The survey comprised 521 qualified respondents, including 386 NGO leaders from 90 countries. Available online at http://www.2020fund.org/downloads/GSP_2_exec.pdf.

[21] Marguerite Peeters. *Hijacking Democracy: The Power Shift to the Unelected* (Washington, D.C.: American Enterprise Institute, 2001), p. 31. available online at http://www.aei.org/docLib/20030103_hijackingdemocracy.pdf.

[22] Senator Kay Patterson. "Transparency Maintained for Growing Engagement between Government and Non-Government Organisations." (Press release on June 16, 2004 by the Minister for Family and Community Services) "The Australian Government will consider the most effective ways to ensure that the transparency of the growing engagement between Government and Non-Government Organisations is maintained." In response to Gary Johns and John Roskam. *The Protocol: Managing Relations with Non-Government Organisations* (Institute of Public Affairs, April 2004). Available online at http://www.ipa.org.au/Speechesandsubmssns/ProtocolWeb.pdf.

[23] Commission of The European Communities. *European Governance: A White Paper* (European Commission, 2001), p. 15.

[24] Social Platform. "Participatory democracy: bridging the gap between citizens and the EU," March 13, 2003. available online at http://www.socialplatform.org/code/EN/camp.asp?Page=456.

[25] Commission of the European Communities. "Towards A Reinforced Culture Of Consultation And Dialogue—General Principles And Minimum Standards For Consultation Of Interested Parties By The Commission," (European Commission, 2002), pp. 4–5. available online at http://europa.eu.int/eur-lex/ en/com/cnc/2002/com2002_0277en01.pdf.

[26] Social Platform. "The way we are funded," available online at http://www.socialplatform.org/ code/en/abou.asp?Page=113.

[27] Commission of The European Communities. *European Governance: A White Paper* (European Commission, 2001), p. 15.

[28] Commission of The European Communities. *Report From the Commission on European Governance*, (Belgium: European Communities, 2003), p. 16. available online at http://europa.eu.int/comm/ governance/docs/comm_rapport_en.pdf.

[29] EUROPA. "Grants Awarded by DG Environment in 2003." available online at http://europa.eu.int/ comm/environment/funding/2003_grants.htm.

[30] For a review of World Bank management of NGOs see Paul Nelson, "Access and Influence: Tensions and Ambiguities in the World Bank's Expanding Relationship with Civil Society Organizations." (Ottawa: The North-South Institute, 2002). available online at http://www.nsi-ins.ca/ ensi/pdf/access_influence.pdf.

[31] For a discussion of WTO-NGO management issues see Daniel Esty, "The World Trade Organisation's Legitimacy Crisis." *World Trade Review*, vol. 1, no. 1, 2002, pp. 7–22. And the response by David Henderson, "WTO: Imaginary Crisis, Real Problems." *World Trade Review,* vol. 1, no. 3, 2002, pp. 277–296.

[32] Jan Scholte, "Civil Society Voices and the International Monetary Fund." (Ottawa: The North-South Institute, 2002), p. 21. available online at http://www.nsi-ins.ca/ensi/pdf/Int_Mon_Fund.pdf.

[33] Discussion with Michael Callaghan, Australian representative, International Monetary Fund, October 2002.

[34] International Monetary Fund. "A Review of the Fund's External Communications Strategy," (IMF, 2003), p. 95. available online at http://www.imf.org/external/np/exr/docs/2003/021303.pdf.

[35] Scholte, "Civil Society Voices and the International Monetary Fund," p. 42.

[36] Gary Johns and John Roskam. *The Protocol: Managing Relations with Non-Government Organisations* (Institute of Public Affairs, April 2004). Available online at http://www.ipa.org.au/ Speechesandsubmssns/ProtocolWeb.

[37] "The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence." Chapter X, The Economic and Social Council, Article 71. available online at http://www.un.org/aboutun/ charter/chapt10.htm.

[38] "UN System And Civil Society," section VII.

[39] Report of Secretary General, United Nations Fund for International Partnerships. 53rd session 1998-99.

[40] Marguerite Peeters. "The Institutional Dimension Of Partnerships: The UN Fund For International Partnerships." Unpublished Interview With Amir Dossal, Executive Director Of UNFIP. (Interactive Information Services, 2003), Report 201.

[41] The Global Compact Leaders Summit was held on June 24, 2004.

[42] *We The Peoples*, pp.16–22.

[43] *We The Peoples*, p. 54.

[44] "UN System And Civil Society," section IV.

[45] *We The Peoples*, p. 63.

Nongovernmental Organizations and Accountability in an Era of Global Anxiety

by Patrick Kilby

INTRODUCTION

One of the little discussed effects of the post–September 11 world order is the global shift in attitudes towards nongovernmental organizations (NGOs) including international development NGOs. Like their domestic counterparts, these NGOs, in most countries, are under scrutiny on a number of fronts, one of which is in their engagement in the public policy process as advocates for social change. This scrutiny may be related to the current reassessment of national policies of openness and tolerance, in favor of a more closed, inward, and conservative politics in many, if not most countries. This shift is in part a response to a perception that many aspects of globalization have affected personal and political security in a way that has lead to increased fear and anxiety. These fears have generally been directed at external forces and the outsider so sharply brought into focus by the attacks of September 11, 2001 and its aftermath. The rise of a neo-conservative political agenda and the growth of more conservative and fundamentalist religious sects are two examples of this fundamental shift.

This closer scrutiny of course does not apply to the full panoply of NGOs, but rather applies to the large group of *public benefit organizations* who work on issues of social justice, rights and social disadvantage both as advocates for policy change and as direct practitioners. It is these public benefit NGOs that concern this paper. These NGOs are not only being queried on their role as advocates but are also being directly linked to a second concern: their effectiveness as service providers. The question continually comes up as to why NGOs should not compete directly with market–based providers in service provision. If market–based providers can deliver services, then policy makers may be relieved of pesky advocacy NGOs. A third area of concern is the perception of poor formal systems of accountability that NGOs have to their supporters, their donors, or the people with whom they work – the constituent or beneficiary.

These three issues are interrelated but it is the latter one on accountability that opens the door to the critics, and gives them traction in public policy debates. This paper reviews these changes in approach to NGOs, and will offer some explanation

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of the role of NGOs as public benefit organizations, and the unique accountability relationships they have. It will offer both a defense of the NGO approach as well as some suggestions for change that not only reduce their vulnerability to criticism but also improve their effectiveness.

THE ROLE OF NGOS

A recurring theme in the modern development discourse is the role of development and other NGOs in strengthening civil society for poor and marginalized communities.[1] This process *inter alia* includes organizing and 'empowering' marginalized communities to overcome the effects of disadvantage and marginalization. This is done generally through promoting the greater participation of the poor and marginalized in the economic, social, and civic domains within their communities.[2] Hopefully, the poor and marginalized can gain improved access to government and community resources that previously has been denied, and to engage in the process of government as citizens. In short, NGOs are seen to have a role in democratization.

This task, however, involves more than the provision of services, it involves advocacy, and some entry into the policy debate by NGOs. This can occur both at a local and national level, but also at an international level in those issues such as human rights and globalization, which have profound effects on marginalized citizens in developing countries. However, critics such as the corporate interest NGOs like the Free Enterprise Institute in the Unites States, or the Institute of Public Affairs in Australia ask the question: from where do NGOs obtain their mandate to enter the public policy debate as advocates for social change?

NGOs are seen to have a role in democratization.

This concern regarding NGOs, and their role, plays out in a number of ways that affect NGO practice, in both developed and developing countries alike. In Bangladesh, there has been unprecedented scrutiny of NGOs not only for their probity, but also in their anti–fundamentalist advocacy, and perceived anti–Government stance.[3] In India, while NGOs have been scrutinized since the early 1980s,[4] there has been a marked increase recently due to the former Union government which depended on a fundamentalist support base. This closer scrutiny in India is manifest in the adverse targeting of Islamic and Christian NGOs, increasing regulation including prior Government approval being required at local level for many NGO activities, and a crack down on those NGOs involved in 'instigation,' i.e. more direct forms of advocacy.

In Australia, there have been two separate reviews of NGOs and their advocacy activities being undertaken for the Federal Government. One was carried out by the Institute of Public Affairs, a corporate interest NGO with a history of public opposition to public interest NGOs at both local and international levels. The second was a review by the Australian Taxation Office with a view to possibly removing the or limiting the tax deductibility status from those NGOs involved in advocacy, even if

it was part of their service delivery work. In the United States the recently enacted Patriot Act, and its sometimes strict interpretation, is likewise limiting a range of legitimate NGO activities.

This concern with the activities of NGOs marks a sharp divide from the 1980s and 90s. At that time the emergence of a neo-liberal paradigm and its associated agendas of free markets, a reduced state, and an institutional reform agenda, provided a role for non-state actors such as NGOs.[5] This role was to fill the gap in service provision left by the withdrawal of the State and where there was market failure, and also be a countervailing force to the authoritarian tendencies of the State.[6]

The overriding reason for NGOs' chosen governance structure is that they see their role as promoting certain values and advancing broader community interests— they are *public benefit organizations* rather than *mutual benefit organizations.*

The shift from general support for NGOs in the 1980s and 1990s, to a questioning of their influence followed the high profile NGO support for the global advocacy campaigns against the World Trade Organization, the associated free trade negotiations in Seattle in 1999, and the Multilateral Agreement on Investment. Here the NGOs arguably challenged the authoritarian tendencies of the market. However, NGOs are now perceived as having too much influence in the public arena as non-representative actors with poor accountability processes.

At the America Enterprise Institute's Washington workshop held in 2003, 'NGOs: the growing power of an unelected few', speakers raised several key issues with NGO activities. Peeters examined participatory democracy in the European Union - which includes NGOs in the governments' consultative processes.[7] His assertion was that participatory democracy has been at the expense of representative democracy. Bate and Tren examine the role of NGOs in medical advocacy arguing there is a marked Western left liberal agenda in the campaign against HIV drug pricing, genetically modified plants, and agricultural and health chemical regulations.[8] Entine in turn attacked campaigns by NGOs for corporate social responsibility as being deliberate designed to 'disrupt free market activities.'[9] Finally, Johns argued that while NGOs may perform a useful role in non-democratic states; in democracies they can undermine the role of government, and reduce or supplant the interest of the citizen with the interests of the NGO.[10] What is interesting is that none of the speakers at this conference chose to examine the role of corporate interests, and corporate interest NGOs, and their advocacy in these sectors by way of comparison.

The key to understanding the rationale for these attacks lies in NGOs' function in society and how they are accountable in that role. While most NGOs working in development and other social sectors will argue that they are part of civil society,[11] and play both an empowering and representative role;[12] they are generally not

membership based, governed, or financed.[13] NGO boards tend to be self–appointed, usually from local elites, rather than having external appointment mechanisms. Added to this, in many places, to receive tax breaks or Government grants, NGOs cannot have direct representation of constituents on Boards—this is to avoid a conflict of interest. However, the overriding reason for NGOs' chosen governance structure is that they see their role as promoting certain values and advancing broader community interests—they are *public benefit organizations* rather than *mutual benefit organizations* such as trade unions or co–operatives.

For development NGOs, broader community interests include *inter alia* alleviating poverty, addressing marginalization, achieving social justice, and advancing human rights - all of which are of concern to a broader community of interests than a particular membership. In brief, a public benefit organization is able to serve a wider group of people in society than a mutual benefit organization, which represents the interests of its members.

An NGO's basis for existence is not in representing a membership of a particular group, but based solely on the representation and promotion of certain values.

What is emerging in the contemporary conservative public policy discourse is a questioning of the validity of taking such a public interest position. New corporate theories of governance argue that public policy should emerge from a contestation of self–interests, rather than to seek a balance of a range of public interests, which has hitherto generally being the case in liberal societies.[14] This new view of corporatist public policy is quite different from neo-corporatist social contract approaches to government which are common in northern Europe.

More recent theories on the role of NGOs are similar to the corporatist societies of the 1920s and 1930s, which restricted the extent to which various interests could organize, and limited the number of societal actors that related to Government.[15] At the heart of the current attacks on NGOs is the desire to restrict the number and range of groups that can legitimately interact with Government through advocacy. As far as the critics are concerned NGOs do not have the same standing as business, for example, when it comes to relating to government.

It is precisely the public benefit role that leaves NGOs open to criticism. They lack the defined accountability path to their constituency that a representative structure provides. Salamon et al. refer to this feature as an 'accountability gap.'[16] While NGOs purport to represent the interests of their constituency, but in representing these there is no clearly defined path by which they can be held accountable by their constituency. For example, while NGOs might be advancing the cause of the poor and oppressed, in practice they cannot be held to account by that group in how they advance that cause, and so the constituency has little power in the relationship. This is a defining feature of NGOs as public benefit organizations that leaves them vulnerable to criticism. It is this point that this article is concerned with.

So What are Public Benefit NGOs?

While the term NGO covers a wide range of organizations, public benefit organizations, as discussed above, have as a key defining characteristic: their governance.[17] They are self–governing independent bodies, voluntary in nature, and tend to engage their supporters or the people with whom they work, based on values or some shared interest or concern i.e. they have a public benefit purpose.[18] Generally, they are in some way formally registered by the state as either private not-for-profit organizations or associations. The World Bank Handbook on NGO Laws defines these NGO as:

> … an association, society, foundation, charitable trust, nonprofit corporation, or other juridical person that is not regarded under the particular legal system as part of the governmental sector and that is not operated for profit — viz., if any profits are earned, they are not and cannot be distributed as such. It does not include trade unions, political parties, profit-distributing cooperatives, or churches.[19]

NGOs generally act as intermediaries between resource providers such as government or other supporters, and small community-based organizations or 'grassroots' self–help groups, which while being notionally representative may not have a formal structure or recognition.[20] These characteristics can be found in both developed and developing country NGOs.

The inclusive approach of public benefit organizations toward their constituents gives them legitimacy with donors and the public.[21] However, Couto argues the lack of formal feedback mechanisms can have an impact on the effectiveness of the work.[22] For example, a study of Indian NGOs found that it was those NGOs that had more formal or predictable and less arbitrary accountability mechanisms that were more effective in their community work.[23] This raises the question of whether their support of certain values hinders these, what I call 'downward' accountability processes.

NGOs and Values

The perspective of NGO management is often derived from a values set that often has its genesis in a welfare ethic of providing a service. This trusteeship role of NGO Boards raises the issue of how well the formal board members of an NGO can adequately reflect the interests of the constituency.[24] The neo-conservatives argue this is the very issue that denies NGOs their legitimacy. What is poorly recognized though is that an NGO's basis for existence is not in representing a membership of a particular group in society such as workers, indigenous peoples, women, or business etc. It is based solely on the representation and promotion of certain values. It is through those values that the representation of the issues of say the marginalized and voiceless occurs.

These values are often religious or spiritually based, but they can also represent values based on humanism, altruism, environmental concern, or the pursuit of rights.

One could argue that the overarching value for development NGOs is humanitarian. That is to make the world a better place for its poorest and most marginalized citizens. Because NGOs represent values rather than a specific constituency that votes, governments and other critics have trouble assessing the representative nature of an NGO, and how they should respond to them. The problem which neo-conservative critics assert is these values are not universally or even widely held.

The values of the NGO may not accord with the values of the constituency. Many values are normative, and people and organizations can promote or exhibit values that are inimical to others in society and can lead to tensions or conflict.

None of this is new. The history of NGOs has been a long one. For example, development NGOs, such as religious missions, have been sending people, not only to proselytize, but also to 'help the poor and needy' for the last three or four hundred years.[25] The whole concept of service and altruism is a fundamental precept of most religious traditions. Private aid for addressing injustice and alleviating poverty at home and in foreign lands occurred well ahead of any thoughts by governments to do the same. The NGO role in delivering aid to poorer countries took off in the early 19th Century, followed by the first formal recognition given to agencies such as the International Committee for the Red Cross in the latter half of that century.[26]

Due to the plight of the people NGOs witness during their work, they became involved in advocacy to change government policy of the time. The Anti Slavery Society, which is still in existence, was founded in 1787. A quick glance at the Nobel Peace Prize winners for the last century will show NGOs including the Red Cross (a staggering four times), the Quakers, Amnesty International, Medicine San Frontiers and a number of NGO Peace groups having all earned the honor for their tireless advocacy. The humanitarian crises that followed the end of the Second World War and the Korean War saw NGOs become more prominent, and in the 1960s, the Vietnam War and Biafran crisis put NGOs on the center stage in public debates of the time. These same processes of NGO interaction with Government and society have also been carried out at a national and local level for probably longer.[27]

This potted history presents a case that NGOs have earned legitimacy as civil society actors.[28] NGOs perform a role in mediating between the citizen and the state in a range of different contexts. The real issue is in that it is the form of representative relationship that an NGO has with the community that determines the effectiveness of the NGO at social change.[29] Couto argues that these non–representative NGOs are at best 'technical representatives': they have a special knowledge of a group, are not members of it, but speak on their behalf.[30] Arguably, that it is distance between the NGO and its constituency that reduces NGO's legitimacy in speaking on their behalf.

It is worth examining this conundrum a little further. Lissner's political science theory of NGOs identifies some dilemmas NGOs face as non–representative organizations.[31] They derive a set of values from a certain socio–political milieu that drives their approach to their work, and so they work for a larger group in society, from a very small membership base – much in the same way a political party does. Elsenhans takes this point further when he moves away from the issue of representation, and the accountability implications, and identifies both an economic and political character of NGOs.[32] He argues that NGOs are part of the non-market economy in that their work with the poor serves to increase the poor's bargaining power over economic rents – that is the poor are empowered.

This increase in bargaining power serves to increase entitlements for the poor without them having a direct economic base for these entitlements. For Elsenhans, the role of NGOs therefore is political in character but economic in impact.[33] It is the increase in the bargaining power of their constituency that is key - and also how NGOs derive their legitimacy. However, to be most effective the bargaining power of the poor should be in relation to the NGO as much as with other societal actors, such as family, government, business, and the like. This way their interests are more likely to be reflected in the NGO advocacy. In the new corporatist theories, however, this approach is probably seen as giving the marginalized beneficiaries of NGO work an unfair advantage in the contest of interests – i.e. with corporate, labor and other such interests. The next section will attempt to draw out the role of values and how these relate to the relationship between NGOs and their constituencies.

THE VALUES BASE OF NGOS

Referring specifically to NGOs, Lissner describes values as:

> …the basis on which agency policy makers interpret trends and events. It emanates from religious beliefs, historical traditions, prevailing social norms, personal experiences, and similar basic sources if human attitudes … [they] cannot be directly translated into concrete action because of their degree of abstraction … yet they are still sufficiently clear for the policy makers to take their bearings from them when deciding on the fundamental direction of their agency.[34]

The discussion of NGOs as values-based organizations is important because it raises a number of issues around NGOs' accountability processes, the role of the constituency in their work, and ultimately their autonomy as non–governmental agents. Fowler argues that regardless of the source of the values, whether they emerge from religious traditions, paternal leadership, or other traditions, it is the values which 'condition the rules of the game.'[35] This approach to values is important in accountability terms as Fowler seems to be implying that the accountability (or being true to) to values is a primary concern for NGOs. This raises the problem of NGOs' representative role as discussed above.

First, the values of the NGO may not accord with the values of the constituency

in terms of their own aspirations. Many values are not universally held, they are normative, and people and organizations can promote or exhibit values that are inimical to others in society, and can lead to tensions or conflict.[36] Rose refers to this as a 'non–bargainable values conflict'[37] that can reduce the consent for and effectiveness of any institution or organization. For example, promoting the interests of the marginalized, such as women, can be seen a threat to an existing social order – which may be the case in Islamist societies. While M. Edwards and G. Sen describe the role of NGOs in normative terms as providing an opportunity for 'expanding moral space,'[38] others argue that the same NGOs are concerned with narrowing a moral space to a particular religious or social ethic or values systems: '…when the values of communities or organisations become the basis for separateness, exclusivity and righteousness they can become internally oppressive as well as externally xenophobic.' [39]

The accountability of NGOs is constantly tested by the state, a source of NGO legitimacy, both via formal legal sanction and registration processes.

Second, a focus on values can lead to a moral hazard. In order to receive a service there may be a tacit or explicit requirement for the constituency to adopt the values of the NGO. In this case, Joshi and Moore argue that when an NGO, because of its values base, articulates its values and priorities as representing the values and priorities of its constituency—then that NGO enters a realm of moral hazard.[40] Judgments must be made by constituents whether they agree with or support the values of the NGO they are receiving support from, or allow the NGO to speak on their behalf. This is very difficult for the poor and marginalized as they have few alternative sources for the services being provided, or the skills to argue different priorities or values to those of the NGO. This felt need by the constituency to adopt or accept the NGO values can negate whatever legitimacy the NGO believes it may have.[41]

NGOS AND ACCOUNTABILITY

The issue of values brings us to the range of accountabilities that NGOs have to respond to. These are complex, diffuse, and multiple to the extent that to some they may seem to be nonexistent,[42] and the tools of enforcement beyond state sanction limited.[43] Tandon identifies three broad accountabilities that NGOs have to meet: to their values and mission; to their performance in relation to the mission; and to their role as a civil society actor.[44] The civil society type accountabilities are generally to their constituents, donors, and the state.[45]

The problem for NGOs is how to privilege accountability to their constituents in this complex accountability environment. Fox and Brown argue that:

> *… although they usually lack formal institutional accountability mechanisms their [NGOs] dependence on maintaining at least the appearance of consistency between theory and practice creates informal, inconsistent, but often powerful accountability pressures.*[46]

The accountability of NGOs is constantly tested by the state, a source of NGO legitimacy, both via formal legal sanction and registration processes; and the state as a donor, through its provision of resources either as direct grants or tax concessions. The effect of these pressures is to move the locus of accountability away from the constituency to the state.[47] From the state's point of view, social mobilization is at best a lesser priority, with NGO performance increasingly measured according to the managerial and market values of efficiency and effectiveness in service delivery.[48]

The point of the problem neo-conservative critics raise is not that NGOs are not accountable, but rather NGOs are accountable in the wrong direction. It is the regulation by states that the critics would like more of, something that restricts NGOs ability to be accountable to their constituents.

CONCLUSION

The current criticism of NGOs in their role as civil society actors, particularly from the neo-conservative groups and private interest NGOs, together with an environment where there is considerable anxiety about external influence has strong implication for NGOs. There is a greater need of NGOs to be more connected with the constituency with whom they are working, that is a focus on the 'downward' accountability of the NGO to the constituent groups as being a source of their legitimacy. As public benefit organizations, NGOs due their work with poor and marginalized communities are in quite a powerful position as they are bodies over which the constituency has little power. As there are few alternatives for the poor to access certain services other than the NGO, and arguably they should have a greater not lesser say in an NGO's work and its advocacy.

Only a small number of NGOs generally have strong 'downward' accountability mechanisms that directly account for their actions or decisions to their constituents. While generally there are no compelling reasons why formal accountability mechanisms should exist for agencies that are providing services, the evidence seems to suggest that those NGOs with more formal mechanisms that inform the agency's strategic direction, as well as its project work, are most effective.[49]

The lack of demand for accountability puts the NGO in the position of being able to drive the accountability relationship, which is not the case for membership bodies where the members are in some position to demand accountability and so are in a position of power within the organization. This paper suggests that a voluntary reversal of the power relationship between NGOs and the people to whom they are providing services is required if NGO work in advocacy or programs are seen to be legitimate. Such a reversal of power is difficult, even with the best of will, because

handing over control can pose a potential threat to the stability and cohesion of the NGO. As Joshi and Moore point out, it is an exceptional NGO who is prepared to risk the basis of its work, which is about a broader public benefit, for a narrower constituent interest.[50] It becomes even more difficult when NGO critics question the fundamental basis of a public benefit and how it is derived and advanced – i.e. through values.

The challenge therefore for NGOs is to seek more *formal* 'downward' accountability mechanisms. The engagement with constituents should go beyond loose notions of participation, and look to notions of 'downward' accountability as the source of legitimacy for NGOs and their engagement in public policy processes. The implications for NGO practice lies in how NGOs balance their accountability to the constituency with their accountability obligations to their values and public benefit purposes, but also to other stakeholders in their work such as donors, and governments that regulate their activities. While this strategy has its dangers it is one way in which the increasing clamor from the neo–conservative critics can be challenged, and taken on directly.

Notes

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[3] T. Islam, "In Bangladesh, Government eyes regulation of NGO 'businesses,'" Inter Press Service, Dhaka, 2002.

[4] S. Sen, "Non-profit organisations in India: historical development and common patterns," *Voluntas*, 3, no.2 (Nov. 1992), pp. 175-193.

[5] D. Lewis, "Theorizing the Organization and Management of Non-Governmental Development Organizations," Public Management Review 5, no. 3 (Sept. 2003), pp. 325-344.

[6] R. Tandon, "The Civil-Society-Governance Interface: and Indian Perspective", in R. Tandon and R. Mohanty (eds)., *Does Civil Society Matter? Governance in Contemporary India*, (New Delhi: Sage, 2003).

[7] M.A. Peeters, "The principle of the participatory democracy in the new Europe: a critical analysis," Paper presented at a workshop sponsored by the American Institute June 11, 2003, *Non-Governmental Organisations: the growing power of the unelected few*, Washington.

[8] R. Bate and R.Tren, "Do NGOs improve wealth and health in Africa," Paper presented at a workshop sponsored by the American Institute June 11, 2003, *Non-Governmental Organisations: the growing power of the unelected few*, Washington

[9] J. Entine, "Capitalism's Trojan Horse: how the social investment movement undermines stakeholder relations and emboldens the anti-free market activities of NGOs," Paper presented at a workshop sponsored by the American Institute June 11, 2003, *Non-Governmental Organisations: the growing power of the unelected few*, Washington.

[10] G. Johns, "The NGO Challenge: Whose Democracy is it anyway?" Paper presented at a workshop sponsored by the American Institute June 11, 2003, *Non-Governmental Organisations: the growing power of the unelected few*, Washington.

[11] While there is a wide theoretical literature on the nature of civil society, a relatively straightforward definition which captures most of the debate is '… that segment of society that interacts with the state,

influences the state, and yet is distinct from the state…" Naomi Chazan, "Africa's democratic challenge: Strengthening civil society and the state," *World Policy Journal* (1992), 9 no. 2, p. 281.

[12] D.M. Abramson, "A critical look at NGOs and civil society as means to an end in Uzbekistan," *Human Organization* 58, no. 3 (1999), pp. 240-250; P.J. Nelson, *The World Bank and NGOs: The limits of Apolitical Development*, (London: Macmillan, 1999); Gaventa, J., 1999. "Crossing the great divide: Building links and learning between NGOs and CBOs in the North and South," in D. Lewis (ed.), *International Perspectives on Voluntary Action: Reshaping the Third Sector* (London: Earthscan, 1999).

[13] A. Fowler, "NGDOs as a moment in history: beyond aid to social entrepreneurship or civic innovation," *Third World Quarterly* 21, no. 4 (2000), pp. 637-654.

[14] G. Johns, "The NGO Challenge: Whose Democracy is it anyway?" Paper presented at a workshop sponsored by the American Institute June 11, 2003, *Non-Governmental Organisations: the growing power of the unelected few*, Washington.

[15] L. Baccaro, "What is Alive and What is Dead in the Theory of Corporatism," British Journal of Industrial Relations 41, no. 4 (2003), pp. 683-706; J. Ralston Saul, The Unconscious Civilisation, 1996.

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[17] L.M. Salamonand H. Anheier, "The Third World's third sector comparative advantage" in D. Lewis (ed.), *International Perspectives on Voluntary Action: Reshaping the Third Sector* (London: Earthscan, 1999), p. 69; L.M. Salamon, L.C. Hems, and K.Chinnock, "The non–profit sector: For what and for whom?" *Working Papers of the The Johns Hopkins Comparative Nonprofit Sector Project*, no. 37 (Baltimore: The Johns Hopkins Center for Civil Society Studies, 2000), p. 4.

[18] L.M. Salamonand H. Anheier, 'The Third World's third sector comparative advantage' in D. Lewis (ed.), *International Perspectives on Voluntary Action: Reshaping the Third Sector* (London: Earthscan, 1999), p.69.

[19] International Center for Not-for-profit Law, 1997. *Handbook on Good Practices Relating to Non-Governmental Organizations*, World Bank, Washington, p. 19.

[20] R. Charlton, "Sustaining or Impact? NGOs in the 1990s," *Third World Quarterly,* 1995, 16(3), pp. 566-575. Carrol, T., M. Schmidt, and T. Bebbington, 1996. *Participation through Intermediary NGOs: Social Development Paper 12*, World Bank, Washington.

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[23] P. Kilby, "NGOs and Empowerment: A Study of Indian Women's Self-Help Groups," Unpublished Ph.D. thesis, Canberra: Australian National University, 2003.

[24] R.A. Couto, "Community coalitions and grassroots policies of empowerment," *Administration and Society* 30, no. 5 (1998), pp. 569-594.

[25] The first record of private foreign aid is from Quebec in the 1600s. J. Lissner, *The Politics of Altruism: A Study of the Political Behaviour of Voluntary Development Agencies* (Geneva: Lutheran World Federation, 1977).

[26] J. Lissner, *The Politics of Altruism: A Study of the Political Behaviour of Voluntary Development Agencies* (Geneva: Lutheran World Federation, 1977).

[27] For a history of Indian NGOs see S. Sen, "Non-Profit Organizations in India: Historical Perspectives and Common Patterns," *Voluntas,* 1992, 3(2), pp. 175-193.

[28] See also *inter alia* A. Van Rooy, (ed.), *Civil Society and the Aid Industry* (London: Earthscan, 1998); B. Edwards and M. W. Foley, "Civil society and social capital beyond Putnam," *American Behavioral Scientist* 42, no. 1 (1998), pp. 124-139; P. Phongpaichit, "Civilising the State: State, civil society and politics in Thailand," *Watershed* 5, no. 2 (2000), pp. 20-27; M. Robinson, "Strengthening civil society in Africa: The role of foreign political aid," *IDS Bulletin* 26, no. 2 (April 1995).also see *inter alia* van Rooy 1998, Edwards and Foley 1998, Phongpaichat 1999, and Robinson 1995

[29] R.A. Couto, "Community coalitions and grassroots policies of empowerment," *Administration and Society* 30, no. 5 (1998), pp. 569-594; P. Kilby, "NGOs and Empowerment: A Study of Indian

Women's Self-Help Groups," Unpublished Ph.D. thesis, Canberra: Australian National University, 2003.

[30] R.A. Couto, "Community coalitions and grassroots policies of empowerment," *Administration and Society* 30, no. 5 (1998), pp. 570)

[31] J. Lissner, *The Politics of Altruism: A Study of the Political Behaviour of Voluntary Development Agencies* (Geneva: Lutheran World Federation, 1977).

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[33] J. Elsenhans, "Marginality, Rent, and NGOs," in N. Bava, ed., *Non-Government Organizations in Development: Theory and Practice,* (New Delhi: Kanishka Publications, 1997), p. 43.

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[35] A. Fowler, "Strengthening Civil Society in Transition Economies – from Concept to Strategy: Mapping an Exit in a Maze of Mirrors," in A. Clayton, ed., *NGOs, Civil Society and the State: Building Democracy in Transition Societies,* (INTRAC – NGO Management and Policy Series, No. 5, Oxford, 1996), p.17.

[36] A. Fowler, "Strengthening Civil Society in Transition Economies – from Concept to Strategy: Mapping an Exit in a Maze of Mirrors," in A. Clayton, ed., *NGOs, Civil Society and the State: Building Democracy in Transition Societies,* (INTRAC – NGO Management and Policy Series, No. 5, Oxford, 1996).

[37] R. Rose, "The Nature of The Challenge," in R. Rose, ed., *Challenge to Governance: Studies in Overloaded Politics,* (London: Sage Publications, 1980), p. 8.

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[39] Paton 1999, p. 138

[40] A. Joshi and M. Moore, "Enabling Environments: Do Anti-Poverty Programmes Mobilize the Poor?" *The Journal of Development Studies,* 2000, 37(1), p. 29.

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[42] C. McDonald, "Internal control and accountability in non-profit human service organisations," *Australian Journal of Public Administration*, 58, no. 1 (1999),pp. 11-22.

[43] John Ferejohn, "Accountability and authority: towards a theory of political accountability," in A. Przeworski, (ed.), *Community, Accountability and Representation* (London: Cambridge University Press, 1999).

[44] Tandon (1995).

[45] M. Edwards and D. Hulme, "Introduction and overview," in M. Edwards and D Hulme (eds), *NGO Performance and Accountability* (London: Earthscan, 1995) and Tandon 1995.

[46] J.A. Fox and L.D. Brown, (eds.), *The Struggle for Accountability: The World Bank, NGOs and Grassroots Movements* (Cambridge, Mass: MIT Press, 1998), p. 21.

[47] M. Edwards and D. Hulme, "Too Close for comfort? The impact of official aid on non-governmental organizations,' *World Development* 24, no. 6 (1996), pp. 961-974, M.W. Foley and B. Edwards, "Beyond Tocqueville: Civil society and social capital in comparative perspective," *American Behavioral Scientist* 42, no. 1 (1998), pp. 5–20.

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[49] P. Kilby, "NGOs and Empowerment: A Study of Indian Women's Self-Help Groups," Unpublished Ph.D. thesis, Canberra: Australian National University, 2003.

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The Role of Transnational Advocacy Networks in Reconstituting International Organization Identities

by Susan Park

INTRODUCTION

International relations scholarship recognizes the important role that non-state actors play in areas such as human rights, the environment, poverty, and development. Constructivism has proved a welcome lens through which to view the actions and ideas of non-state actors, characterized here as transnational advocacy networks. This article argues that constructivism can provide a framework that goes beyond analyzing the strategic aims of such actors to understand the influence they have on the formation of international governmental organization's (IO's) identities. While transnational advocacy networks have had policy victories and defeats in campaigns against IOs, such as the World Bank and the International Monetary Fund (IMF), the interest here is to question how IO identities are reshaped or reconstituted by interactions with transnational advocacy networks. Understanding IO identities is important in explaining why IOs operationalize their mandates in certain ways and not others. As such, it is posited that transnational advocacy networks shape the social structure within which IOs exist. These networks interact with and influence IO identities and therefore behavior. The first section establishes the importance of understanding IO identities. The second section establishes the role of transnational advocacy networks in world politics. The final section then analyses how transnational advocacy networks reshape and reconstitute IO identities through micro-processes of socialization. A constructivist framework provides a means of understanding IO-transnational advocacy networks interaction, giving insight into why IO identities internalize new norms.

THE AGENCY AND IDENTITY OF IOs

The proliferation of IOs within the international system in the post-Cold War period provides ample scope for analysis of how IOs undertake their functions.[1] IOs operate within and across all aspects of international relations (IR) and act not only as fora for states' interests but also as instigators of change in areas as diverse as the

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environment, development, human rights, and scientific practices.[2] Research on IOs suggests that they may not always operate according to the most efficient or optimal means and that they may, in fact, operate in ways not intended by states that establish them.[3] Kenneth Abbott and Duncan Snidal further claim that IO "operations also significantly influence the capabilities, understandings, and interests of states" and they "promote certain norms and practices among states, often in unanticipated ways."[4] Thus, IOs also operate as actors in their own right, teaching states their interests.[5] Providing another reason to analyze IO identities to understand the actions and behavior of IOs is Bob Reinalda and Bertjan Verbeek's statement that many IOs formulate and implement policies that cannot be "described as the simple product of interstate bargaining."[6] This makes a constructivist analysis compelling, or even necessary, in order to explain IO actions that state-centric explanations cannot. Thus, the various ways in which IOs interpret and undertake their mandates require an analysis of how and why IOs operationalize their agenda.

IOs are seen as legitimate if they are able to undertake goals determined by states.

Within IR theory, analyses of IOs tend to be concerned with inter-state cooperation and the impact of IO operations rather than how and why IOs undertake their functions the way they do. First, IOs are seen as arenas for state cooperation as determined by states' perceptions of absolute versus relative gains, which is predicated upon incurring minimal costs acceptable to states for cooperation to occur.[7] Within the broader IR literature, IOs have been viewed as functional: as having an agenda of peace; as vehicles to assist states to realize their goals and in reducing the transaction costs of cooperation; as public goods provided by hegemons; as arenas for state interests; or as components of regimes that explain collaborative practice in issue areas within IR.[8]

Second, IOs have been analyzed in terms of the degree and efficacy of their operations in fulfilling their mandates and achieving outcomes in IR as a whole, or in specific areas including development, environment, economics, security, and human rights.[9] IOs are therefore seen as legitimate if they are able to undertake goals determined by states. Most recently the focus has also been directed towards the control that states attempt to maintain over IOs in principle-agent models.[10] However, IO scholarship has not only focused its attention on interstate cooperation within IOs, state control over IOs, and IO efficacy, but also on how they are influenced.[11] This final strand is a vital subject of scholarship in IR now that IOs are targets of 'global civil society' and has led to renewed interest in how IOs undertake their mandates, and why they are being targeted by forces outside the purview of states.[12] This raises questions about how such events are perceived by IR theorists and requires alternative, non-state centric theoretical frameworks in which to analyze how IOs are situated within world politics. Yet even within the constructivist camp, which need not be state-centric, the focus has not been on IO identities. Rather, constructivists

have viewed IOs as social environments – where states are inculcated into the social environment of the IO or that of the international community.[13] The focus therefore, has been on how states have been shaped by IOs or by other states in IO fora. The aim here however, is to problematize how IO identities themselves are shaped, by examining the role of non-state actors and to examine the processes of socialization which lead to the reconstitution of IO identities. Constructivist insights are therefore used to analyze how IO identities shift. Identity is important because actors' social identities shape their interests, which then influence their actions. Identity can be understood as "a property of intentional actors that generates motivational and behavioral dispositions" meaning that an actor's identity is "at base a subjective or unit-level quality, rooted in an actor's self-understanding."[14] Understanding IO identities, therefore, will aid understanding how and why IOs behave in certain ways and not others.[15]

This article therefore posits that IOs are agents in the international system and that IO identities are shaped by the social structure in which they exist. This is in contradistinction to determining the identity of an IO based on individual staff members or states that comprise the organization. Within this, the concept of identity is crucial, and is defined here as: *an organization's mandate and bureaucratic culture, and is both subjective and inter-subjective*. States are important in establishing IOs by setting their mandate, scope, and function, all of which contribute to determining its identity. Yet IOs historical development and culture based on the professional orientation of the majority of its staff, influence how it will act and react to situations within the international system.[16] Moreover, how the bureaucratic culture informs how the structure of the organization is shaped and interpreted is key to understanding an IOs' identity, and explains the way it fulfills its duties.[17] Thus, an IO has a mandate set for it by states, and a bureaucratic culture based on its dominant profession which influences how it undertakes its functions, but is also informed by how it perceives itself and is perceived by others. The subjective and inter-subjective aspects of identity are key in determining an IOs identity shift, as opposed to purely tactical policy changes.

International norms are a broader structure within which IOs exist, imposing limits on how agents behave. Yet, these limitations do not determine how IOs act.

IOs, it is argued, exist in a social structure of international norms. Norms are defined here as "collectively held ideas about behavior" such that "unlike ideas which may be held privately, norms are shared and social; they are not just subjective but *inter*-subjective."[18] Norms are important as they inform actors about the "logic of appropriate" behavior, such that "collective norms and understandings constitute the social identities of actors and define the 'basic rules of the game' in which actors find themselves in their interactions."[19] Thus, IO identities are shaped not primarily

by states as traditionally argued, but by a social structure of international norms which determine the appropriate behavior of IOs. Put another way, IOs are influenced by international norms, and these are shared by non-state actors such as transnational advocacy networks (discussed in the following section).

International norms are a broader structure within which IOs exist, imposing limits on how agents behave. Yet, these limitations do not determine how IOs act. How an IO responds to international norms is necessarily determined by its identity. Therefore, IOs are expected to behave in certain ways as determined by their identity, yet they may also act in ways that contravene international norms. In order to understand how it is that IOs may diverge from international norms is key to the socialization concept, which is examined next. Each IO has a different identity which determines how it responds to the social structure within which it exists. As such, the World Bank is very different from the United Nations (UN), the World Trade Organization (WTO), and the IMF due to their different mandates, history, and professional base, but also due to their different organizational cultures which determine how they respond to the social structure in which they exist.

Asking why IO identities shift is to consider the extent to which IOs come to believe they internalize new norms such as gender mainstreaming by the UN or the idea of security communities and norms of ethnic dispute resolution as held by the Organization of Security and Cooperation in Europe (OSCE).[20] Or, alternatively, such a framework aims to explain why some IOs do not internalize new norms, as noted by Alexandru Grigorescu, when examining transparency norms within the Council of Europe, the North Atlantic Treaty Organization, and the European Union.[21] By stating that IOs are influenced by the social structure of international norms, the analysis goes deeper than arguing that state dictates change IOs, by suggesting that IOs may internalize new international norms or may attempt to resist them, or merely superficially adapt to them. This is not a new thought in IO analysis; scholars have long been interested in examining the differences between what IOs claim they believe, and what they actually believe.[22] IO scholars recognize the influence of the external (outside the organization) environment in shaping the agenda and actions of IOs.[23] For organizational theory, this was called the organization's task environment or milieu.[24] Such analyses incorporate both state and non-state influences, although they tend not to focus on ideational factors as discussed herein. The next section turns to examine the role of transnational advocacy networks in shaping the social structure in which IOs exist, which reconstitutes IO identities through micro-processes of socialization.

TRANSNATIONAL ADVOCACY NETWORKS AND SOCIAL STRUCTURES

Thus far, the importance of IO identities in informing how IOs behave in the international system has been stressed by arguing that agent's identities inform their interests and actions. By arguing that IO identities inform their interests, but recognizing that IOs are located in, and are mediated by, social structures, attention is therefore

focused on how social structures influence IO identities. This section aims to locate IOs within the social structure of international norms which influence, shape and reconstitute IO identities. Here it is argued that a variety of actors share international norms, including transnational advocacy networks. First, the role of transnational advocacy networks will be expounded before analyzing how they increasingly shape the social structure in which IOs exist. The final section of the article will then establish how IO identities are reconstituted by transnational advocacy networks.

Significant work has been done on the role of non-state actors such as transnational advocacy networks, Nongovernmental Organizations (NGOs), and civil society regarding their influence in areas such as the environment, human rights and security.[25] Transnational advocacy networks are made up of the following: research and advocacy NGOs (local, national and international), activists, local social movements, foundations, the media, churches, trade unions, consumer organizations, parts of state bureaucracies and intellectuals.[26] This is a slightly narrower description than the definition offered by Margaret Keck and Kathryn Sikkink where transnational advocacy networks are made up of the following: research and advocacy NGOs (local, national and international), activists, local social movements, foundations, the media, churches, trade unions, consumer organizations, and intellectuals, and parts of government and international government organizations.[27] For the purpose of this analysis, international organizations are not included in order to maintain the theoretical distinction between multilateral institutions and transnational advocacy networks; agents and structures.[28] This is will be detailed further.

Transnational advocacy networks, as with NGOs more specifically, are often touted as the solution to broader issues such as global environmental problems and human rights as they embody a "principled idea or value that motivates their actions" over and above the self interest of states.

Keck and Sikkink state that transnational advocacy networks form campaigns which are "activities that are combined to further an aim or goal which members from diffuse areas undertake collectively, usually based on a norm or principle and focused on policy change, and whose actions are often not based on rational interest explanations." Campaigns undertaken by transnational advocacy networks are often directed towards IOs. Much of the work done by analysts on the World Bank for example, have attempted to explain the ways in which non-state actors have influenced the Bank to adopt measures originally considered antithetical to, or outside of, its conception of development (regarding the environment, the role of women in development, and human rights).[29] Transnational advocacy networks, as with NGOs more specifically, are often touted as the solution to broader issues such as global environmental problems and human rights as they embody a "principled idea or

value that motivates their actions" over and above the self interest of states.[30]

Transnational advocacy networks are analyzed in the context of how they attempt to shape international norms that inform IO identities. Keck and Sikkink analyzed how transnational advocacy networks influenced the World Bank on environmental issues, while others have analyzed how non-state actors influence IOs such as the WTO and the IMF on environment, human rights and labor issues.[31] Campaigns such as the Drop the Debt against the World Bank and IMF have demonstrated the success of non-state actors in pushing for, and succeeding in, creating new IO policies. The current attempt by transnational advocacy networks to influence the Organization of Economic Cooperation and Development (OECD) to institute minimum environmental and social standards for national export credit agencies is one of many such types of interaction between non-state actors and IOs.[32] While these cases demonstrate how transnational advocacy networks influence IO policies, they also demonstrate how advocacy networks challenge what constitutes acceptable behavior for IOs. In this regard, they challenge the conception of development, thus making political previously accepted actions and behavior. As such, one may examine the surface level of IO-network interactions based purely on analyzing advocacy pressure on IO policies, or one may analyze the deeper level of interaction which explores how these policy changes affect the IO's perception of itself and its role in the international system.

The aim is to understand how transnational advocacy networks go beyond influencing IO policies to reshaping and reconstituting their identities.

The intention herein is not to examine the strategies and actions of transnational advocacy networks in policy campaigns against IOs. Rather, the aim is to understand how transnational advocacy networks go beyond influencing IO policies, to reshaping and reconstituting their identities. This goes much deeper than is normally acknowledged within studies of non-state actor-IO interactions.[33] Whether this is a result of the difficulties in determining IO identity change (specified here as a shift in mandate, bureaucratic culture and subjective and inter-subjective understanding of the IO), or whether this is a result of the interests of scholars examining non-state actors, is unclear. While research into whether IOs 'learn' is well established within the field, this is not framed in terms of identity.[34] An analysis of the social structures within which IOs exist will now be explored.

Social structures, in the form of norms, rules, or institutions, are shared between actors within the international system. Norms, rules and institutions are social facts, which result from the collective intentionality of people or groups within society.[35] Social structures matter because they define expectations for behavior. This article prioritizes IO agency because of the power bestowed upon IOs by states. Non-materially powerful transnational advocacy networks constitute the social structure as they mediate the norms, rules and institutions that shape IO behavior. While

norms shape interests, repeated interaction between agents and structures mean that over time, norms shape an actor's identity (which in turn reshapes norms). By arguing that the social structure constructs actors, constructivists are holists, arguing that structures *constitute* actors thus changing the properties of the actor. Indeed, Martha Finnemore and Kathryn Sikkink argue that all constructivists use holism in some way.[36] Holism is deeper and more encompassing than analyzing the behavioral effects of structure, as it ultimately points to the reconstitutive nature of social structures that change the properties of the actor (its identity). As such, constructivists argue that actors cannot be divorced from the social structure within which they act.[37]

IO identities are informed by social interaction, and identity change results from socialization, but how they change is distinct to each organization's identity.

However, constructivists also argue that "human agency creates, reproduces, and changes culture by way of daily practices," such that social structures and agents are mutually constituted and "cannot be reduced or collapsed into each other."[38] Thus, IO behavior is not wholly based on the social structure within which it exists, nor does it exist entirely outside of social interaction. Rather, IO identities are informed by social interaction, and identity change results from socialization, but how they change is distinct to each organization's identity. It is recognized here that transnational advocacy networks are important in world politics because they help shape and influence international norms to which IOs increasingly subscribe. Analyzing the way in which an IO has internalized new norms begins by first examining the IO as an agent, and then tracing how this shift came about. Therefore, any analysis of identity change within IOs would first examine the identity of the particular IO. The shift can then be traced by examining how IOs respond to new norms diffused by other actors, through examining the rise of opposition by transnational advocacy networks to, and their interaction with, the IO. In this way, how IOs interact and engage with transnational advocacy networks in turn mediates and shapes the norm propounded by the network, and hopefully creating shared meanings between both.

For example, transnational advocacy networks charged that World Bank development was 'destructive' and 'unsustainable,' which led to changed perceptions as to what appropriate development was. Yet how sustainable development norms have been reconstituted in turn, needs to be analyzed by reversing the agent/structure role and by analyzing the structural properties of the IO and the agency of non-state actors that influence it. This is necessary to understand the dialectical relationship between IOs and networks. By recognizing IOs as purposive actors in the international system is to recognize the power they are able to wield. The next stage is to reverse the agent/structure dichotomy in order to examine the network exertions upon the IO; that is, to examine how social structures are constituted through practices. Thus,

we need to examine how norms such as international development shifted to incorporate notions of sustainability insofar as they affect the World Bank.[39] This can be done by examining how transnational advocacy networks established and effectively maintained interaction with the World Bank through opposing, constraining, and reconstituting the IO. Such an analysis would also examine how the IO internalizes and then reflects the new norm. This analysis follows scholars working on non-state actors, such as example Lipshultz and Richard Price, who use transnational advocacy networks as agents, locating the source of ideational change and norm diffusion with them.[40] In this sense, transnational advocacy networks as with all other properties have both agency and structure.[41] By examining their specific actions in relation to the World Bank sheds lights on how the broader social structure and rountinized practices are established which then inform the Bank as an actor.

Transnational advocacy networks therefore attempt to influence IOs. It is the oppositional nature of the networks which place them as the normative adjudicators to IO actions. It also makes them agents, interpreting and reinterpreting the logic of appropriateness for IOs. Networks exist to oppose to IOs such as the World Bank, many of them only emerging in response to IO actions such as Bank funded projects which they perceive as creating environmental and social damage. In this sense, transnational advocacy networks are mutually constituted with the IO that they are engaged with and therefore cannot be reduced or collapsed nor separated from each other. Of course, advocacy networks emerged in earnest the 1980s against the actions and interests of IOs, and as such, the existence of IOs did not seemingly require the existence of transnational advocacy networks. Yet increasing knowledge about the impacts of IO actions (such as those of the World Bank, IMF and the newer WTO) led to the recognition that not all IO actions were laudable. While it could be argued that IOs do not need networks like a master needs a slave or a teacher needs a student, in actual fact IOs are not the only actors engaged in a number of important areas in world politics, and that non-state actors hold sufficient expertise and undertake activities in areas of IO operations. Transnational advocacy networks therefore counterbalance and reinforce IOs, ensuring that their actions take social and environmental, as well as security and economic factors into account. The process through which social structures influence agents is socialization. This is examined next.

How Transnational Advocacy Networks Reconstitute IO Identities

This article argues that transnational advocacy networks influence IOs through a process of constant interaction. This process thus shapes and reconstitutes the identity of IOs to internalize new norms and is part of a wider process of socialization. Socialization is defined here as a process whereby agents, such as IOs, internalize norms that constitute the social structure in which they exist.[42] For IOs, the socialization process results from the mutual constitution of IOs and the structure of international

norms. Transnational advocacy networks, as with other actors and global civil society more broadly, shape international norms such as sustainable development, human rights, humane security and economic policies.

Socialization is not a linear process, but one of continuous interaction between agents and structures, or between IOs and international norms. Social structures such as norms promoted by advocacy networks have structural characteristics in that "ideas – understood more generally as collective knowledge, institutionalized in practices – are the medium and propellant of social action; they define the limits of what is cognitively possible and impossible for individuals."[43] They shape the identity of IOs and are themselves shaped by the IO. In order to understand how this relationship reconstitutes the identity of IO, the analysis emphasizes how social structures socialize agents, rather than how agents in turn reproduce and reconstitute social structures. However, the premise of this argument is grounded in the broader norm diffusion literature, which demonstrates how international organizations reproduce and reconstitute norms throughout the international system.[44]

Socialization is not a linear process, but one of continuous interaction between agents and structures, or between IOs and international norms.

The constructivist approach used throughout recognizes that all elements have both agential and structural properties.[45] This section reinforces the reversed agent-structure assumption made in the earlier section. While IOs are agents in the international system, in framing agendas and in providing social environments through which states become involved, all agents have structural elements.[46] In order to understand how it is that IO identities are shaped, it is important to analyze the role of transnational advocacy networks as agents in shaping the norms to which IOs adhere, examples of which are discussed below.

Put another way, transnational advocacy networks hold normative assumptions that influence their attempts to reconstitute IO identities. In this way, transnational advocacy networks shape alternative international norms which they attempt to diffuse within IOs. How IOs respond to this interaction depends on their identity, which is based upon their mandate and bureaucratic culture but is also subjective and inter-subjective. Arguably, analyzing IO identity change can further explain how certain norms are reinforced over others in the international system. In this regard, IOs are agents in the international system and are recognized for spreading norms throughout the international system, teaching states their interests.[47] To reiterate: transnational advocacy networks promote alternative norms and attempt to influence IO identities to internalize them. If IOs internalize these norms, they may then, as agents, diffuse them throughout the international system. This needs to be examined in more detail.

Networks influence and pressure IOs to adhere to a variety of norms such as sustainable development and human rights. Transnational advocacy networks encompass a range of groups involved in mediating and challenging IO actions,

interests and identities. How IOs respond to such normative overtures depends on their identities. IO responses however, influence and mediate the normative claims of advocacy networks, thus reconstituting the norms espoused by transnational advocacy networks. Yet how can this phenomenon be understood in practice? Alistair Iain Johnston argues that socialization can be understood through two micro-processes: persuasion and social influence. Persuasion involves "changing minds, opinions, and attitudes about causality and affect (identity) in the absence of overtly material or mental coercion."[48] Persuasion, he notes, can succeed when the actor is exposed to counter-attitudinal information repeatedly over time.[49] This is where transnational advocacy networks are able to persuade IOs to the relevance of particular norms through constant and ongoing campaigns. Transnational advocacy networks also engage in the second micro-process of socialization: social influence. This second process involves the distribution of social rewards and punishments. Punishments include "shaming, shunning, excluding, and demeaning, or dissonance derived from actions inconsistent with role and identity" which the transnational advocacy networks aspire IOs to acquire.[50] While rewards "might include psychological well-being, status, a sense of belonging, and a sense of well-being derived from conformity with role expectations."[51] Transnational advocacy networks engage in micro-processes of socialization in order to further norms throughout the international system. By promoting new shared meanings and norms across a range of areas within world politics, transnational advocacy networks can reconstitute the identity of IOs. Yet IOs do not just conform to these social structures but help mediate and shape them through their responses to transnational advocacy networks.

By promoting new shared meanings and norms across a range of areas within world politics, transnational advocacy networks can reconstitute the identity of IOs.

This dynamic process occurs through the constant engagement between IOs and advocacy networks throughout international relations. There has already been an attempt to empirically demonstrate how IO identities are reconstituted by transnational advocacy networks through a case study of the World Bank, although the micro-processes are not distinguished according to Johnston's delineation.[52] Rather the research focused on the process of internalization of the norms espoused by transnational advocacy networks and the paths used by the network's in attempting to influence the World Bank. As such, further research into the validity of examining IO identities and how they are reconstituted in the manner described here is warranted. However, by delineating the processes of socialization into two elements, persuasion and social influence, Johnston has attempted to marry the constructivist literature on socialization with the literature on how NGOs and non-state actors influence world politics.

Yet Johnston is not the first to view the process of socialization in steps. Risse, Ropp and Sikkink also attempt to examine the socialization process. Risse, Ropp and

Sikkink argue that some states that violated human rights were socialized to become human rights advocates (including Chile, Guatemala and Indonesia).[53] This process took a number of stages. First, there was outright denial by states that they were violating human rights and that the issue was important. After repeated pressure from transnational advocacy networks, the violating states recognized that human rights were important but maintained no wrong doing. In response to continued pressure, violating states began to recognize their complicity in violating human rights although no change in activities took place. In the final stage, these states began to accord with norms of human rights and "habitualized" an identity of human rights defenders. This is an example whereby socialization has been used to explain change in state actors that go beyond purely material explanations.[54]

By applying Johnston or Risse, Ropp and Sikkink's stages of socialization to instances of interaction between transnational advocacy networks and IOs in a range of issue areas within world politics, greater understanding of IO identities and the social structures within which they exist, can be reached. By doing so, greater pressure on IOs can be incorporated into analysis of IOs and their decision making processes. In addition, such theoretical applications can better incorporate wider IR theoretical discussions with empirical studies of IO-non-state actor interaction. By breaking down the processes of socialization in these ways, insight into how transnational advocacy networks influence IOs can be framed in a theoretical framework, which can then lead to a strong theoretically-based research agenda.

Conclusion

This article attempted to establish an alternative analytical framework through which to understand how transnational advocacy networks influence IOs. Constructivism enables scholars to go beyond state-centric theorizing to locate IOs frame of reference to include the significant role of non-state actors. Transnational advocacy networks aim to influence IOs because IOs are agents in the international system, and can teach states their interests. Recognizing the powerful role transnational advocacy networks play in shaping and reconstituting the social structure in which IOs exist, takes us one step closer to understanding the role of non-state actors in shaping the international system. Examining how international norms are shaped by non-state actors demonstrates that social structures are influenced, mediated and shaped by a variety of sources within world politics, including NGOs, groups within civil society, and transnational advocacy networks. Non-state actors as part of transnational advocacy networks are involved in micro-processes of socialization such as persuasion and social influence on IOs in order to diffuse (and thereby reinforce and reproduce) international norms within the international system.

Notes

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Mirror, Mirror on the Wall: Voice Accountability and NGOs in Human Rights Standard Setting

by Janet E. Lord

INTRODUCTION

States are routinely called to account for human rights violations against their own citizens and frame their response to such criticism in human rights terms, denying or justifying their conduct by explicit reference to their interpretation of international human rights standards. International governmental organizations responsible for overseeing the human rights systems are themselves subjected to "boomerang scrutiny" on the basis of the very international human rights standards upon which they assess state conduct. Such scrutiny extends to corporations urged to broaden and deepen their own accountability beyond the single calculus of profit to multiple indicators including social and environmental factors. It extends also to relief and development nongovernmental organizations (NGOs), whose measures of accountability and legitimacy increasingly reference performance principles reflecting human rights standards.[1] And, increasingly, core principles of human rights are held up like a mirror before the very NGOs that invoke them against states and other actors in their human rights practice, raising questions that bear ultimately upon now familiar issues of legitimacy and accountability.[2]

The pull to assess in detail questions of legitimacy and accountability for what NGOs *say and do* is in part a reflection of their success. Success in a sense refers to achieving a privileged position of influence in decision-making arenas, even against theoretical barriers posed by the hegemonic discourse of realist accounts or the practical barriers to participation relating to access. So successful have been the efforts among NGOs to win access to international decision making processes, it seems that dialogue has started to shift away from assessing whether and how NGOs "get in" and more towards assessing the legitimacy and accountability of their representational role *once they get there*. Caitlin Weisen applies the new discourse around issues of NGO legitimacy and accountability:

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[T]he currency of civil society as a critical actor in the global arena is based in no small part on the perception that it reflects the diversity of society and provides a voice for people who have been marginalized or excluded from the benefits of society. Formal recognition of civil society's role through representation in UN decision-making bodies would increase demands on civil society to be accountable to the constituencies and voices they are perceived to represent.[3]

While there is a burgeoning literature on the subject of NGO legitimacy andaccountability, it has not, interestingly, tended to focus on issues of what Hugo Slim calls"voice accountability."[4] Thus, it has not led to the critical analysis of social relationships occurring within, and in relation to, the actual processes of international standard setting.[5] UN standard-setting processes, whether treaty negotiations or negotiations in relation to non-binding platforms of action or resolutions, are rich fields for social relationships and interaction where norms play crucial roles. Treaty processes command considerable NGO time and resources in their efforts to, in constructivist parlance, *constitute state interests and identities* in relation to a particular issue such as a human rights norm in the making, with "persuasion" and "socialization" playing key roles.[6] While standard-setting processes offer opportunities to examine the way power is exercised between States, and between States and other actors, they also offer fertile ground for examining how NGOs work to exert influence within normative structures and the implications of such participation for assessing NGO accountability.

The vehicle for this analysis is a case study of NGO participation in the current UN effort to develop an international convention on the rights of persons with disabilities. My discussion begins with the case study, outlining in particular issues pertaining to NGO representation of interests and voice accountability in the negotiation process. I then turn to two sets of questions that arise in the literature on transnational advocacy networks and norm development: (i) how normative structures work to shape power relations among actors *within* international standard-setting processes; and (ii) how issues of downward accountability figure into such processes. Drawing on the case studies, my goal is to suggest avenues for approaching these questions that have thus far been overlooked by the literature.

CASE STUDY: THE PARTICIPATION OF NGOS IN DRAFTING A DISABILITY RIGHTS TREATY

In 2001, disability, long framed within international organizations (and elsewhere) as a medical issue to be "handled" by the medical establishment or "dealt with" by charitable groups, suddenly emerged as a serious human rights issue on the agenda of the United Nations.[7] It was prompted in this instance not by disability activists, but by a developing country with an unimpressive human rights record. Suddenly, disability as a human rights issue was brought sharply into international focus by a single event. The fragmented momentum of an emerging global network of disability

activists seeking to reframe disability in the human rights context received an unexpected gift from the UN decision: a major treaty development process around which to coalesce.

One of the core beliefs upon which the international disability rights movement rests is the principle of full inclusion in decision-making processes.

The current initiative to develop an international convention on the human rights of people with disabilities was initiated by Mexico in 2001, following its effort to include disability as part of the Platform of Action adopted at the World Conference against Racism in Durban, South Africa.[8] Soon thereafter, Mexico put forward a proposal before the UN General Assembly that resulted in the adoption of a resolution on November 28, 2001, calling for the establishment of an Ad Hoc Committee mandated to elaborate "a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the field of social development, human rights and non-discrimination."[9] While there are some historical antecedents to the Mexican move to place disability on the international agenda, the initiative came virtually out of the blue, posing considerable challenges to a disparate and divided community of interested disability-focused NGOs.[10]

The early stages of the process centered on building the case for a convention specifically addressing the rights of people with disabilities. This debate occupied the entirety of the first session of the Ad Hoc Committee in 2002. At the outset of the second session of the Ad Hoc Committee (June 2003), the case was won for proceeding with the development of a new convention, and attention centered on the process by which the convention would be negotiated. Subsequent sessions of the Ad Hoc Committee (May/June 2004) and its Working Group (January 2004), have initiated the actual process of formulating a convention text.

NGOs Vying for Access

Securing NGO access to the process, and meaningful participation within it, has been an ongoing focus of NGO efforts, and represents one of the few principles on which NGOs as a whole have been able to agree. One of the core beliefs upon which the international disability rights movement rests is the principle of full inclusion in decision-making processes, hence the familiar refrain within the community, "nothing about us without us."[11] Within the context of the UN process to develop an international convention, NGOs have taken active steps to define and develop avenues for their participation and to confer a sustained legitimacy on their individual and collective roles in the process and on their normative goals. NGOs have worked to promote internal and external norms governing the treaty-making process that broadly communicate standards for inclusion and meaningful participation *within* the process and among NGOs and affected individual and groups *beyond* the process.

For members of the international disability community, then, what Hugo Slim has termed "voice accountability"[12] becomes a central indicator of legitimacy for network activities. For Slim, "voice accountability" refers to two dimensions of NGO accountability, namely, the reliability and credibility of *what* they say and the *locus of their authority* for saying it.[13] Of central concern among NGOs taking a lead role in the UN convention effort is the latter component of voice accountability.

Of central concern among NGOs taking a lead role in the UN convention effort is voice accountability.

Given the placement of the meetings within an Ad Hoc Committee of the General Assembly, in contrast to the relative inclusiveness of treaty-related processes convened under the auspices of the UN Human Rights Commission or other UN bodies, NGO access was not a foregone conclusion. In the months leading up to the first Ad Hoc Committee meeting in July 2002, disability organizations lobbied hard to achieve access to the meeting. One week before the meeting was to commence, the UN General Assembly adopted a resolution that allowed access to all organizations enjoying consultative status with the Economic and Social Council and provided that other, non-accredited organizations could apply for accreditation for the meeting.[14] The Ad Hoc Committee itself reached a further decision on the parameters of participation for accredited NGOs that allowed statements, receipt of official documents, and an allocation of space for NGO materials.[15] These decisions notwithstanding, considerable discretion is left to the Chair of the Ad Hoc Committee, including the sequence and time allotment of NGO oral interventions, the manner of paper distribution (e.g., dissemination within or outside of the plenary conference room), and a host of other details that do impact the ability of NGOs to maximize their influence on the process.

Ironically, the woefully inadequate facilities of the United Nations posed major barriers to access for people with disabilities. During the first session of the Ad Hoc Committee in 2002, the gallery space of the chosen conference room was inaccessible for people using wheelchairs. A move to a larger conference room (now the designated conference room for the remainder of the process) with equally inaccessible space for observers, forced disability activists to find space among delegates on the actual floor of the committee itself. This conferred a major advantage on participant NGOs, however, as they found themselves dispersed alongside delegates and IGO representatives. A relaxation of strict rules has allowed NGOs to confer with delegates even during the course of plenary sessions, with NGOs approaching friendly governments to exert real-time influence as plenary readings of convention text proceeds.

Other accessibility accommodations did not find ready solutions. Participants with hearing impairments discovered conference facilities designed with technology dating back to the 1960s that is incompatible with modern hearing aid devices. No sign language interpretation or real-time transcription services were provided by the

United Nations. Documents were not available in alternative formats appropriate for people with visual impairments. While NGOs have been very active since the first session of the Ad Hoc Committee to ensure that UN facilities are adequately equipped to allow participation by people with disabilities, budgetary constraints continue to be invoked, and people with hearing impairments are forced to arrange for their own sign language interpretation or Computer-Aided Real-time Translation (CART).

NGO Representation on the Drafting Group

   One illustration of the contest over representational roles and the implications that it has on shaping the treaty development dialogue concerns the struggle over the procedure by which the Ad Hoc Committee would draft the treaty text. In June 2003, at the second session of the Ad Hoc Committee, the bulk of the two-week meeting at the UN was devoted to deciding upon the form that a small body mandated to initiate the compilation of draft treaty text would take. Mexico and developing countries generally supported the establishment of a working group composed of Member States and NGOs, while the European Union, along with some other developed countries, supported the establishment of an independent expert working group.[16] NGOs were in accord that they must have some role in whatever form emerged. There, however, the NGO consensus dissolved.

The core group of disabled persons organizations representing the International Disability Alliance remains an exclusive club of federations of membership groups.

   The situation was complicated by the fact that only seven international disability groups worldwide enjoy ECOSOC consultative status, and those groups have enjoyed a privileged role on the Expert Panel established to monitor the implementation of the non-binding UN Standard Rules on the Equalization of all Forms of Opportunities for Persons with Disabilities.[17] The core group of disabled persons organizations (DPO) representing the International Disability Alliance (IDA) remains an exclusive club of federations of membership groups. Some of the main players active in the disability convention process from the start, such as Landmine Survivors Network, Mental Disability Rights International, the European Disability Forum, and the Center for International Rehabilitation, are all relatively new organizations (founded within the last ten years) and do not hold such status. Their participation remained uncertain right up until the morning of the first Ad Hoc Committee in July 2002.[18] The IDA stronghold would dramatically shape the structure and operation of NGO dialogue.

   Early on during the second session of the Ad Hoc Committee (June 2002), Member State positions coalesced around the concept of establishing a working group to develop a text for negotiations at future meetings of the UN Ad Hoc

Committee, once the EU proposal for an independent expert group was rejected. Meanwhile, NGOs struggled *collectively* to ensure their access to the working group and *individually* to secure an organizational placeholder at the table. Early drafts of the resolution that Member States would send to the General Assembly for approval called for seven NGO places at the working group table. The role of the IDA seven was secured as the representatives of those groups met behind closed doors and later announced to some several dozen other NGOs that they would claim all seven seats. The role of other NGOs centrally involved in the process from the start was in doubt. Behind the scenes negotiations between interested NGOs and States ensued, with efforts made to break open the number of NGO spaces on the proposed working group. Ally States came through, increasing NGO placeholders on the proposed working group to twelve.

The definition of disability emerged as a central factor in the NGO debate.

NGOs in the Disability Caucus that had formed during the first, and again at the second, Ad Hoc Committee meeting were consumed with which groups would fill the spots on the proposed working group. Distinctions were drawn between membership and non-membership organizations, with membership governance structures being upheld in the Disability Caucus as badges of heightened accountability, and therefore privileged to fill a seat on the Working Group. In fact very few NGOs present actually met the ultimate test of legitimacy, defined as a global, grassroots membership organizations of people with disabilities. The majority of the IDA seven failed on one count or another, with few being able to claim global grassroots representation (all are based in the North, many have regional gaps in representation). Some were unable to fully claim DPO status because their membership included parents of children with disabilities or non-disabled professional service providers. Governance structures that did not factor into the calculus included board memberships inclusive of disability experience, or accountability structures to a grassroots base. Even non-membership organizations with a disabled employee majority were discounted. Additional distinctions were drawn between groups— whatever their governance structure—that provided services *for people with disabilities,* as opposed to "disability rights groups." Hybrid organizations, disability rights advocacy capacity notwithstanding, were deemed service providers by the membership organizations, thereby further delegitimizing their representational role in the process. "Legitimacy defaults" invoked by the dominant membership organizations operated to elevate the status of some, while squeezing other groups out of contention.[19]

Further debate revolved around the precise identity of the person or persons who would actually fill the designated NGO seats at the Working Group. Here the definition of disability emerged as a central factor in the NGO debate, notwithstanding the complete failure to achieve consensus on the definition of disability as a matter of international law or policy. For the European Disability Forum, for example, a

person with a disability would include an individual with an indirect personal connection to disability, including the parent of a child with a disability. This positioning would enable Professor Gerard Quinn, a well-respected expert in both European and international disability law, to emerge as a chosen representative for one group. Other groups vehemently denied that such an individual would meet the proposed criteria for selection. Some suggested that the group held the seat and could fill it with any delegate or delegation that they chose. Others felt that the Caucus must approve all selected representatives of NGO seats. Some of the IDA organizations claimed that they would decide who among the regions would occupy the additional five seats, in effect giving their organizations extra seats at the Working Group table. The dispute over legitimacy, defined principally by expansive notions of voice accountability and irrespective of other indicators such as NGO credibility for experience and expertise, pushed States to pressure the NGO Disability Caucus to show that a process of selection was indeed possible among NGOs.

Ultimately, the NGOs reached a resolution with a method of allocating the remaining five of twelve NGO seats for the proposed Working Group. In so doing, they drew upon a familiar principle of equity in regional and geographic representation. This provided a persuasive argument. All of the seven IDA groups are Northern based NGOs, and all but one of their chosen head of NGO delegation was from the developed world. Although the effort to carve up the regions into five was contentious, it was resolved. UN methods for carving up the regions did not work, so a new regional structure was devised to account for the NGOs present. North American and Caribbean NGOs decided to forgo their seat in favor of a seat for the West Asia (Arab speaking) region, in a nod to the particularly active and effective participation of disabled activists from that region.[20] For the same group of NGOs for whom norms of participation and voice accountability led to unprecedented levels of access into a UN process by States, shared understandings about equitable geographic representation constituted a key element in resolving what at times looked like a hopeless power struggle. In the end, those individuals whose names were put forward and who served as NGO Working Group head of delegations had combined personal experience with disability, and a range of expertise from every region of the world.

Issue Ownership

The UN General Assembly endorsed the decision of the Ad Hoc Committee in June 2003 to establish a Working Group with the aim of preparing and presenting a draft text of a convention, which would be the basis for negotiation by Member States.[21] The final composition of the Working Group included twenty-seven governments, twelve NGOs and one representative of a national human rights institution. The Working Group was tasked with considering all previous contributions submitted to the Ad Hoc Committee by States, observers, regional meetings, relevant United Nations bodies, entities and agencies, regional commissions and intergovernmental organizations, NGOs, national disability and human rights

institutions and independent experts. The Working Group held a ten-day meeting from January 15 to 16, 2004, and, during that time, drafted a twenty four article convention text which will be presented to the third meeting of the Ad Hoc Committee in May 2004.[22]   All members of the Working Group, government and non-governmental representatives alike, could fully participate in all of the Working Group sessions, both in plenary and in small working groups that took place in the morning, at lunchtime, and late into the night at the New Zealand Permanent Mission to the UN.   No differentiation was drawn between groups insofar as the making of oral interventions or indeed in terms of facilitating small working groups.

Issues of voice accountability—and issue ownership—ultimately figured into the dialogue regarding the proposed content of the convention draft text.   The moral authority of certain groups, particularly those NGOs representing the most marginalized of disabled people in society, served to elevate, and indeed amplify, the voice of particular organizations, thereby narrowing dialogue on particular issues. NGOs on the Working Group that were more cross-disability in their focus, along with other groups without a particular experience on certain disability issues, tended to defer to groups with a narrower identity on their issues.   While this could play well into NGO strategy and coordination, among the very loose and ill-coordinated group it served to narrow the breadth of dialogue regarding particularly complex and contentious issues.   The role played by the World Network of Users and Survivors of Psychiatry (WNUSP) is a particularly interesting example of this dynamic at work, particularly in the context of the Working Group.

For NGOs seeking to exert influence over international norm development, the framing and structuring of dialogue is a fundamental part of their strategic participation in standard-setting processes.

WNUSP has adopted, from the very beginning of the process, an advocacy approach that has as its chief objective the closure of psychiatric institutions and the banning of institutionalization and coercive treatment.[23] Groups with a more moderate position—for example, groups that advocate for the tightest of procedural safeguards attached to any process of involuntary commitment—have chosen to stay silent concerning the strongly held position of WNUSP. It is interesting to note that even within WNUSP, there are differences in opinion as to the strength of position regarding forced treatment.   For those who identify themselves as "survivors of psychiatry," all forced treatment should be prohibited—no exceptions.   For those who identify with "users of psychiatry," a more moderate stance is taken with regard to forced treatment, with exceptions permitted, though in carefully circumscribed situations (e.g., clear and imminent danger to self/others).   The representation of WNUSP, however, has been driven exclusively by survivor-side representatives who take the strictest of positions and are solidly camped in the anti-psychiatry movement.

Interestingly, issues that will figure prominently in several articles of the new convention and which hold importance for WNUSP have received little breadth of dialogue within the NGO community and appear to have narrowed the terms of the debates among States as well. So effective has WNUSP been in elevating its voice on certain issues related to its constituency, the only existing UN standards relating to people with mental disabilities—the Principles for the Protection of Persons with Mental Illnesses and the Improvement of Mental Health Care (MI Principles)[24]—have been so fully discredited that they have been virtually invisible throughout the disability convention process. Though outmoded and problematic in many regards, the MI Principles still offer stronger legal protections for people with mental disabilities than the national legislation of the vast majority of UN Member States. The power to frame and structure debate around a particular issue is an example of the kind of indirect influence often wielded by both States and NGOs in international standard-setting processes, though it remains largely unexamined in the literature. The peddling of ideas by interested actors takes many forms and extends beyond direct inputs (e.g., the crafting of specific language) into the process to indirect forms of influence that are fundamental to shaping the parameters of debate.

ANALYSIS

This case study forces us to rethink some of the dominant literature on transnational advocacy networks and international networks. The illustrations drawn here are not readily explained by reference to traditional accounts of material power and influence exertion. As Keith Krause observes: "NGO influence can be exercised either directly as an input into a particular outcome (bargaining power), or indirectly as the power to frame or structure the debate around a particular issue (agenda-setting or structural power)."[25] For NGOs seeking to exert influence over international norm development, the framing and structuring of dialogue is a fundamental part of their strategic participation in standard-setting processes.

A second insight into NGO participation in such contexts relates to the depth of representation actually achieved as a result of ever-broadening access to sites of norm development. While issues of downward accountability have not figured prominently in examinations of NGO influence over international standard setting, the pull to probe more deeply into NGO representativeness suggests that such inquiries merit closer attention. The analysis that follows offers some preliminary observations in relation to how NGOs exercise power and, in light of such influence, identifies the challenges NGOs face in accounting for their privileged role to their constituents.

How Do NGOs Exercise Power Over Norm Development?

A principal contribution of constructivism in international relations theory is the acknowledgement that the international system is comprised of more than material structures such as military and economic power, subscribing to the view that the international system consists of social relationships.[26] This insight has challenged

long-held assumptions about the exclusive centrality of the state in international politics and the classic realist account of State behavior—promoting its own self-interest through the exercise of power.[27] It has, among other things, opened the door to consideration of the role of non-state actors in influencing what States perceive and demonstrate their interests to be and, more generally, to lines of inquiry that reveal how systems of shared ideas, beliefs, and values work to influence social and political action.[28] Actors in world politics are thus assumed to be "deeply social," with actor identities being shaped by the institutionalized norms, values, and ideas of the social environment in which they act.[29]

Most of the transnational advocacy network literature ignores fundamental issues of relationships within and among networks.

In keeping with the constructivist orientation, international legal scholars, going back to Hugo Grotius, have long understood the international system as a social system.[30] Indeed, the view of law as a social process is the particular foundation upon which the highly influential New Haven School of international law rests.[31] More recently, Michael Byers has worked to integrate the insights of both international relations and international law to reach a new level of analysis according to which law in the international system is seen as "performing the essentially social function of transforming applications of power into legal obligation, of turning 'is' into 'ought.'"[32] His work offers promise for broadening the constructivist realm of inquiry into the operation of existing normative structures on standing-setting processes. For Byers, "shared understandings of legal relevance…constitute a key element in the transformation of State practice into obligation in the form of customary process,"[33] a conclusion with equivalent currency for international treaty or soft-law negotiations. Byers' integrated approach, drawing from both international law and international relations scholarship, shows the complex interaction of power and obligation within a law making process. This approach yields insights not only for inter-state power relationships in law-making, but also for the types of inquiries that animate the claims of constructivism (How do non-state actors influence state behavior?) and its detractors (Do legal norms really matter?).

Much of the leading analysis focuses upon transnational advocacy networks, and is principally concerned with the role of networks in influencing the interests and practices of *governmental* actors and privileges the *outcomes* of inter-governmental processes (i.e., the adoption of a norm) in assessing network influence.[34] While paying obeisance at some level to social relations within the international system, most of the transnational advocacy network literature ignores fundamental issues of relationships within and among networks in ways that actually limit and indeed undermine the very project of broadening and deepening democratic principles of participation and accountability in international processes. Scholars have upheld a

range of non-distinguishing factors, stunning in their variety, to support a finding of network success—such as the ultimate adoption of a particular standard. Primary emphasis is given to political outcomes in assessing network effectiveness such as shaping state and IGO positions in international declarations, influencing ratification of a treaty, or the adoption of a national legislation.[35]

Networks are largely treated as unitary actors whose individual members seem remarkable for their ability to achieve consensus around shared ideas and values, not to mention core strategies, for the ultimate purpose of exerting political influence vis a vis states. However, as the case study of the disability treaty negotiations illustrates, networks are not unitary actors and the ways in which NGOs exert power within networks does not always depend upon the existence of shared ideas and values and the prevalence of core strategies. Single issue NGOs working in the absence of shared NGO consensus can wield influence by drawing on their particular experience and, more importantly, their moral authority to speak for a marginalized community.

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The analysis of transnational advocacy networks in the seminal work by Margaret Keck and Kathryn Sikkink, *Activists Across Borders*,[36] is a particularly salient illustration of how rich description and theorizing about NGO participation in norm development can nonetheless miss key elements at work in NGO activism. While providing some useful explanations of normative development, the analysis does not fully capture the complex social interrelations at work among States, NGOs, IGOs and other actors in norm development, maintenance, and change. In their account of the transnational advocacy network concerning violence against women, for example, a chronological tracking of activities is assembled to support network success in influencing norm formation.[37] Passing references are made to the ability of the network to overcome internal divisions and to coalesce around an apparently cross-constituency framing of the issue.[38] The primary focus of the analysis is the outcome of the women's rights campaign.[39] Left unaddressed, however, are issues that mattered most in the case study: (i) what groups had primary access to the fora within which decisions were made; (ii) how such groups worked within and among each other to exert influence on government decision makers; (iii) the extent to which one or another network actor assumed dominant roles within the process; and (iv) whether and how groups without access effectively channeled their voices into the processes (e.g., via representation through groups with privileged access).

In sum, the dominant analysis of transnational advocacy networks misses key questions of legitimacy and voice accountability within and among networks, exposing only in a more general sense the influence that such activities have on state actor

identities and interests. While influence is tracked and more or less established, their indicators do not speak to issues of performance and accountability, uncovering the dynamic of NGO roles. In this context, there can be no real response to the NGO backlash, nor practical ways of suggesting improvements to their performance and accountability that might reveal, as Paul Wapner has argued with persuasion, that NGOs are indeed accountable, but differently so.[40] Ignoring questions about legitimacy and voice accountability of the very groups that purport to represent global public interest in, for example, a human rights treaty negotiation, does nothing to expose weaknesses in the anti-democratic labeling against NGOs by those who are threatened by their success. Such an analysis is not responsive to the criticism launched against NGOs regarding the legitimacy of their function and may actually fuel the discontent increasingly expressed with the power and influence of unelected non-state actors.[41] Much like the once held, but now vigorously challenged, assumption that the activities of humanitarian and development organizations deployed like "magic bullets" and sprayed in all directions can work to transform societies in transition,[42] scholars have pointed to a myriad of transnational advocacy network activities[43] in support of triumphal, yet largely unsupported, sets of propositions about network influence. Far from demonstrating that transnational advocacy network activity yields penetrating and long-term influence in world politics through the shaping and (re)constituting of state identities and interests, the analysis that merely canvasses a broad landscape of activity without appreciable differentiation between and among different strategies and actors may do more to undermine than enlighten. Thus, time is ripe to deepen accounts of network influence and offer a more critical account of, among other things, precisely who within a network is wielding influence and the forms such influence takes.

What is the Role of Downward Accountability?

The time is also ripe to scrutinize accountability in NGO participation. Participation in standard-setting processes as discussed in the literature thus far draws a distinction between instrumentalist (process as a conveyor belt, swiftly moving actors in one direction toward the ultimate destination of interest—outcome) and more deeply social models (process as an end in and of itself).[44] International standard-setting as a form of global political process is governed according to fundamental rules intended to account for its global representational character. In a UN process, for example, all Member States may be represented and all have voting rights. IGOs are among other interested actors invited to attend as observers. NGOs with a particular interest or competence in the issues to be discussed are now routinely let through the door, though without voting rights, and without the particular indicators of representative government that support state participation. Accountability deficits have come to be associated with international forms of governance generally, and so too are NGOs challenged to meet "downward accountability" deficits as they are seen as acting and representing interests within international institutions and compromising or neglecting the interests of their constituency.[45]

As the case study demonstrates, the challenges of advancing an international human rights agenda within an intergovernmental process are significant. Responding to downward accountability requires time, something that factors heavily into the fast-paced environment within which standard-setting processes are now negotiated. Some years ago, the Rights of the Child Convention, the UN Convention on the Law of the Sea, and other major multilateral agreements required a decade or more to negotiate.   In recent, years, even some of the more politically contentious treaties, including the Mine Ban Treaty and a host of complex international environmental treaties have been negotiated at record-setting pace. While NGO access to and participation in such processes has been enhanced quite dramatically, via formal procedural mechanisms for inclusion and as a result of deeper NGO engagement in general, such developments raise questions of strategy that may stretch capacities in ways that impact accountability and effective performance.

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In the fast-paced, opportunistic environment of a treaty negotiation process, NGO strategists must decide between mobilizing a close knit group of well coordinated campaigners to further their effort to influence the progressive development of a treaty, versus building and mobilizing a broad grassroots base of support. Resources and time are highly relevant factors, internet communications notwithstanding. Jane Covey has posed the dilemma well: "The dual challenges of mobilising arguments as well as people are great. Arguments that gain the attention of policymakers call for 'expert' knowledge of both the issue and the decision-making process; while public outcry and protest actions that constrain decision makers' power call for an active and organized grassroots constituency."[46]   The question is particularly salient for assessing the long-term effectiveness of a partial policy-influencing effort such as the drafting of an international convention. International human rights treaties are tools for national-level legislative reform and implementation. As the experience with the international disability treaty indicates, policy influence efforts that are geared to the development of a progressive treaty text may or may not foster the conditions for effective implementation at the national and local level, conditions that are generally understood to require broad-based, organized public participation. Indeed, the current environment within which international standard-setting processes operate may not be conducive to creating conditions that will ensure effective implementation. The work of both Jenkins and Covey point out that advocacy campaigns may take forms that strengthen grassroots level advocacy and the voice of grassroots constituents or, on the other hand, they may take a form of implementation that is carried out via intermediaries. The first can contribute to the building of a strong grassroots base while the latter can facilitate the growth of a civil society whose advocacy is

professionalized, thereby weakening the grassroots base.[47] NGOs must adequately address this dilemma if they are to meet expectations about their responsibility to account for their representational role in international processes.

CONCLUSION

International standard-setting processes have become significant expressions of broad community interests, helping to shape national legislative and policy agendas, including environmental protection, arms control, development, human rights, and health. NGO participation in human rights standard-setting processes reminds us that an understanding of the international system that confines assertions of a public interest onto government representatives (e.g., in international human rights treaty negotiations) or single individuals (e.g., before international human rights tribunals) is no longer current. Issues that relate to normative legitimacy[48]—fairness of process, including voice accountability and a host of concepts implicated in frequently invoked appeals to "democratization" of the international system as a whole—give rise to penetrating questions regarding the vogue NGO actors in international standard setting. Brought to the fore are a series of questions raised frequently in literature regarding the "scaling up" of advocacy efforts in development organizations,[49] but largely unexamined in relation to accounts of NGOs participation: Whose interests— and what public(s)—do NGOs claim to represent? Do NGOs maintain a "special relationship" with those whose interests they seek to serve? With radical ideas about social transformation? With alternatives to the prescriptive agendas of the rich and powerful? How are they accountable to their constituents? How do multiple accountabilities play into accounting downward, to a grassroots base? Such questions can and should be similarly directed to NGOs seeking to shape the international human rights system and, in particular, the development of human rights standards in intergovernmental negotiating processes.[50] To put it another way, what are we to make of the claim by Keck and Sikkink that advocacy networks are "among the most important sources of new ideas, norms and identities in the international system" and hold responsibility for "open[ing] channels for bringing alternative visions and information into international debate?"[51]

The current effort to draft an international convention on the rights of people with disabilities provides a useful case study of issues around legitimacy and accountability, particularly questions relating to NGO participation in standard-setting processes. This paper suggests a review of the "social architecture" or structure of relationships between and among NGOs and other actors in standard setting may be in order. Understanding the complex roles played by States, NGOs and other actors in international standard setting compels a consideration of political, moral, *and* legal factors at work in such processes. It suggests ways in which UN standard-setting processes can be usefully examined through a constructivist lens to explore in further depth questions about who exercises power in international decision-making, how this power is sustained and how normative structures can work to support (or

constrain) dialogue among engaged actors. Drawing as it does from international relations and international law literature, the approach adopted here takes us farther down the road to understanding NGO accountability and legitimacy within human rights practice and, more broadly, the role of such organizations within world politics.

Notes

[1] *See, e.g.*, Hugo Slim, "Future Imperatives: Quality, Standards and Human Rights," *Report of a Study to Explore Quality Standards for the British Overseas Aid Group*, (Oxford: Oxford Brookes University, October 1999).

[2] Claude E. Welch, Jr., ed., *NGOs and Human Rights: Promise and Performance* (Philadelphia: University of Pennsylvania Press, 2001).

[3] Caitlin Wiesen, Geoffrey D. Prewitt, and Babar Sobhar, "Civil Society and Poverty: Whose Rights Count?" in *Civil Society at the Millennium* 137-152, 148 (CIVICUS, Kumarian Press, 1999).

[4] Hugo Slim, *By What Authority? The Legitimacy and Accountability of Non-Governmental Organizations* (Geneva: International Council on Human Rights Policy, 2002). Available at: <http://www.ichrp.org.htm>.

[5] The term "international standard setting" as used here refers to multilateral decision-making processes geared towards achieving consensus on key issues of global concern, whether in the context of formal treaty negotiation leading to the adoption of a legally binding text, or a negotiation that results in the adoption of non-binding (though not legally irrelevant) text, such as a declaration or resolution.

[6] Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders* 16 (Ithaca, New York: Cornell University Press, 1998).

[7] For more on traditional models of disability, see Gareth Williams, *Theorizing Disability*, in Disability Studies 123 (Gary L. Albrecht, Katherine D. Seelman & Michael Bury eds., Sage Publications 2001).

[8] In the Final Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance Durban, 31 August—8 September 2001, paragraph 179: "Invites the United Nations General Assembly to consider elaborating an integral and comprehensive international convention to protect and promote the rights and dignity of disabled people, including, especially, provisions that address the discriminatory practices and treatment affecting them." Available at: http://www.hri.ca/racism/official/finalreport.shtml.

[9] *Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities*, Third Committee, 56 Sess., Agenda Item 119(b), U.N. Doc. A/C.3/56/L.67/Rev.1 (28 Nov. 2001).

[10] There were two early efforts within the United Nations to build support for the drafting of an international treaty on the rights of people with disabilities. In 1987, the Global Meeting of Experts to review the Implementation of the World Programme of Action concerning Disabled Persons was convened at the mid-point of the UN Decade of Disabled Persons and recommended that the UN General Assembly convene a conference to draft an international convention on the elimination of all forms of discrimination against persons with disabilities. Draft agreements were in fact prepared by Italy (U.N. Doc. A/C.3/42/SR.16 (1987)) and Sweden (U.N. Doc. A/C.3/44/SR.16 (1989)) but were rejected by the UN General Assembly at its forty-second and forty-fourth sessions, respectively, mainly due to disinterest and treaty fatigue. For more on these efforts, see generally Bengt Lindqvist, *Standard Rules in the Disability Field*, in Human Rights and Disabled Persons: Essays and Relevant Human Rights Instruments 64-65 (Theresia Degener and Koster-Dreese, eds., 1995).

[11] For a book invoking this expression, see J.I. Charlton, *Nothing about Us without Us: Disability, oppression and empowerment* (Berkeley: University of California Press, 1998) (providing a theoretical framework for understanding disability oppression *not* as something that has come from the attitudes of people without disabilities, but because of systems and structures of oppression from which these attitudes stem).

[12] Hugo Slim, *By What Authority? The Legitimacy and Accountability of Non-Governmental Organizations* (Geneva: International Council on Human Rights Policy, 2002). Available at: <http://www.ichrp.org.htm>. For more on this issue generally, see Lisa Jordan, "Political Responsibility in Transnational NGO Advocacy," World Development, 28, No. 1, 2051-65 (2000).

[13] *Id.* at 5. Slim identifies an additional component of accountability, namely, "performance accountability" which he relates to NGO impact or outcome.

[14] *Accreditation and Participation of Non-governmental Organizations in the Ad Hoc Committee to Consider proposals for a Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities*, UN GA Res. A/RES/56/510. Available at: <http://www.un.org/esa/socdev/enable/rights/adhocngo82e.htm >.

[15] *Decision on the Modalities of the Participation of Accredited Non-Governmental Organizations in the Ad Hoc Committee to Consider proposals for a Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities*, 2 August 2002. Available at: <http://www.un.org/esa/socdev/enable/rights/adhocdecision2.htm>.

[16] For more information about this process generally, see http://worldenable.net and http://rightsforall.org.

[17] Disabled persons organizations (DPOs) with ECOSOC consultative status include: Disabled Peoples' International, Rehabilitation International, World Blind Union, World federation of the Deaf, World Federation of the Deafblind, Inclusion International and World Network of Users and Survivors of Psychiatry.

[18] For the relevant UN GA resolution concerning NGO participation in the process to draft a convention on the rights of people with disabilities, see *Accreditation and Participation of Non-governmental Organizations in the Ad Hoc Committee to Consider proposals for a Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities*, UN GA Res. A/RES/56/510. Available at: <http://www. un.org/esa/socdev/enable/rights/adhocngo82e.htm >.for the decision concerning the form of NGO participation, see *Decision on the Modalities of the Participation of Accredited Non-Governmental Organizations in the Ad Hoc Committee to Consider proposals for a Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities*, 2 August 2002. Available at: <http://www.un.org/esa/socdev/enable/rights/adhocdecision2.htm>.

[19] I am indebted to Katherine Guernsey who coined this term in discussions about this paper.

[20] For the final composition of the Working Group, see http://www.un.org/esa/socdev/enable/rights/ahcwg.htm#membership

[21] *See* Report of the Ad hoc Committee, A/58/118 for the complete text of the decision. Available at: http://www.un.org/esa/socdev/enable/rights/a_58_118_e.htm

[22] For the Working Group draft convention text, see http://www.worldenable.net.

[23] For an outline of the position of WNUSP on the disability convention, see http://www.un.org/esa/socdev/enable/rights/contrib-wnusp.htm.

[24] G.A. Res. 119, U.N. GAOR, 46th Sess., Supp. No. 49, Annex at 188-192, U.N. Doc. A/46/49 (1991). For more on the MI Principles, see Eric Rosenthal and Leonard S. Rubenstein, *International Human Rights Advocacy under the 'Principles for the Protection of Persons with Mental Illness,'* 16 Int'l J. L. & PSY. 257 (1993). For a copy of the WNUSP position paper on the MI Principles, see http://www.wnusp.org/wnusp%20evas/Dokumenter/positionpaper.html.

[25] Keith Krause, "Multilateral diplomacy, norm building, and UN conferences: the case of Small Arms and Light Weapons" (Review Essay), *Global Governance*, April 01, 2002.

[26] Alexander Wendt, "Constructing International Politics," 20 *International Security* 71, 73 (1995/6)

[27] See, e.g., Edward Carr, *The Twenty Years' Crisis* (2d ed) (London: Macmillan) 85-8 (1946); Hans Morgenthau, *Politics Among Nations* 5-8 (2d ed.) (New York: Alfred A. Knopf, 1954).

[28] Christian Reus-Smit, "Constructivism" in *Theories of International Relations*, 217 (Scott Burchill et al., eds., New York: Palgrave, 2d ed., 2001).

[29] *Id.* at 219.

[30] Hugo Grotius, *De Jure Belli ac Pacis: Libre Tres* (1625) in *Classics of International Law* (J.B. Scott, ed.) (New York: Oxford University Press, 1925).

[31] *See, e.g.,* Myres McDougal and Florentino Feliciano, *Law and Minimum World Public Order: The Legal Regulation of International Coercion* (New Haven: Yale University press, 1961); Harold Lasswell and Myres McDougal, *Jurisprudence for a Free Society* (New Haven: New Haven Press, 1992).

[32] Michael Byers, *Custom, Power and the Power of Rules: International Relations and Customary International Law* (Cambridge: Cambridge University Press, 1999).

[33] *Id.* at 205.

[34] Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca, New York: Cornell University Press, 1998).

[35] Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders* 25, 192 (Ithaca, New York: Cornell University Press, 1998). The five stages of effectiveness put forward in Keck and Sikkink's account of assessing network effectiveness and influence ("(1) issue creation and agenda setting; (2) influence on discursive positions of states and international organizations; (3) influence on institutional procedures; (4) influence on policy change in "target actors"…; and (5) influence on state behavior") sets the foundation for an instrumentalist approach that leaves unexamined issues of legitimacy in relation to process. *Id.* at 25. The discussion of "issue characteristics" and "actor characteristics" that might give rise to deeper explorations of contestation and representatives within networks is not explored in any depth, rather, these additional parts of the argument are employed in the service of supporting propositions about network impact on political outcomes. *Id.* at pp. 26-29.

[36] *Id.*

[37] *Id.* at pp. 165-198.

[38] *Id.* at x.

[39] *Id.* at 186, 187.

[40] Paul Wapner, *Defending Accountability in NGOs*, Chicago J. of International Law vol. 3(1) (2002), p. 197. See also, Julie Mertus, "International Law and Social Movements: Towards Transformation," American Society of International Law Annual Proceedings, vol. 97, p. 295 (2003)(with excerpts of speeches by Wapner and Sikkink); Julie Mertus, "Human Rights and the Promise of Transnational Civil Society," in *The Future of International Human Rights,* Burns Weston and Stephen P. Marks, eds. (New York: Transaction, 1999).

[41] A particularly troubling manifestation of this type of discord and backlash is the establishment of NGO Watch, a joint project of the American Enterprise Institute and the Federalist Society. *See* http://www.ngowatch.org/

[42] For works contributing to the critical examination of the role of NGOs in development, see especially, David Hulme and Michael Edwards, "NGOS, States and Donors: An Overview," in *NGOs, States and Donors: Too Close for Comfort?* (David Hulme and Michael Edwards, eds. New York: St. Martin's Press, 1997).

[43] This is the advocacy typology adopted in Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca, New York: Cornell University Press, 1998) and which informs much of the literature on transnational advocacy networks.

[44] Process plays a constitutive role not only in ordering all relationships, but in regulating whose voice is heard, when, how and to what effect. These approaches to participation and fair process are variously expressed by reference to the "intrinsic" or "inherent" values of decisional processes themselves or, as Mashaw prefers, "A concern for values inherent in or intrinsic to our common humanity." ðJerry Mashaw, "Administrative Due Process: The Quest for a Dignitary Theory," 61 Boston U. L. Rev. 885, 886 (1981).

[45] David Hulme and Michael Edwards, "NGOS, States and Donors: An Overview," in *NGOs, States and Donors: Too Close for Comfort?* 3 (David Hulme and Michael Edwards, eds. (New York: St. Martin's Press, 1997); Harry Blair, "Donors, Democratization and Civil Society: Relating Theory to Practice," in Edwards and Hulme at 23, 28.

[46] Jane Covey, "Accountability and Effectiveness in NGO Policy Alliances", in Michael Edwards and David Hulme, eds. *Non-Governmental Organizations—Performance and Accountability: Beyond the Magic Bullet* 167, 167 (London: Earthscan, 2002). J.C. Jenkins, "Non-Profit Organizations and Policy Advocacy", in WW Powell, The Nonprofit Sector: A Research Handbook (New Haven, Yale University Press, 1987).

[47] *Id.*

[48] Normative legitimacy as used here corresponds in part to the usage employed by Thomas Franck insofar as he considers legitimacy to be derived from the (right) processes of rule creation as well as additional factors and that of Michel Byers who, adopting a somewhat narrower conception, limits its application to the legitimizing effects of the customary international law process itself on transforming applications of power into normative (customary law) structures. Thomas Franck *The Power of Legitimacy among Nations* (New York: Oxford University Press, 1999); Michael Byers, *Custom, Power and the Power of Rules: International relations and Customary International Law* 9-10 (Cambridge: Cambridge University Press, 1999).

[49] *See especially*, David Korten, *Getting into the 21st Century: Voluntary Action and the Global Agenda* (West Hartford: Kumarian Press, 1990); Thomas F. Carroll, *Intermediary NGOs: the Supporting Link in Grassroots Development* (West Hartford: Kumarian Press, 1992); David Hulme and Michael Edwards, "NGOS, States and Donors: An Overview," in *NGOs, States and Donors: Too Close for Comfort?* 3 (David Hulme and Michael Edwards, eds.. New York: St. Martin's Press, 1997); Marc Lindenberg and Coralie Bryant, *Going Global: Transforming Relief and Development NGOs* (West Hartford: Kumarian Press, 2001); Michael Edwards and David Hulme, eds., *Non-Governmental Organizations—Performance and Accountability: Beyond the Magic Bullet* (London: Earthscan, 2002).

[50] David Hulme and Michael Edwards, "NGOS, States and Donors: An Overview," in *NGOs, States and Donors: Too Close for Comfort?* 3 (David Hulme and Michael Edwards, eds. New York: St. Martin's Press, 1997).

[51] Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders* x (Ithaca, New York: Cornell University Press, 1998).

African States and African Interests: The Representation of Marginalized Groups in International Organizations

by Kathryn C. Lavelle

INTRODUCTION

Formal discussions concerning the "North-South dialogue" and the "New International Economic Order" of the 1970s were pushed aside with the ascendancy of neo-liberal thought in the 1980s and the subsequent end of the Cold War. Less formal, yet highly contentious, discussions of economic globalization have nonetheless emerged within a nascent transnational civil society, and have continued many of the themes associated with discussions of the past. In the present era, representatives of developing *states* rarely walk out in protest of activities in international meetings; however, activists within nongovernmental oganizations (NGOs) have brought issues onto the international agenda, and mobilized public opinion against the activities of international organizations judged to have damaging effects on the poor and marginalized within developing societies. These actors embody what for Hanna Pitkin is the essence of representation, in that they "make present in some sense of what is nevertheless not literally present."[1] Many NGOs directly deny that they perform a representative function, claiming instead that local communities can represent themselves. Intentionally or not, though, they do perform a representative function when they use their expertise and knowledge in a particular forum to carry a campaign to a new level of decision making.[2] Concurrently, states continue to represent these groups through formal mechanisms.

Therefore, the representation of relatively less powerful groups in formal international organizations has proceeded on two tracks: the ongoing state track, and a transnational society track. At times, these tracks run parallel to a common policy goal; yet at other times, civil society is actively seeking to alter the activities of a given government. In addition, these two tracks can at times compete with each other for the ability to control development resources. Therefore, as the role of both advocacy and service provision NGOs grows, the post North-South dialogue era, poses a particular analytical problem, because representation of the marginalized has become the task of individuals and organizations disproportionately headquartered

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and financed in the North. Their activities benefit citizenries in the global south because they force a necessary examination of significant issues and problems, which would otherwise be ignored. Yet their activities also have the consequence of undermining the sovereignty of southern states, and eroding the fundamental premise of International Organizations (IOs) as organizations with states as members.

This article begins to tackle the problem of North-South representation through states and NGOs by investigating the mechanisms of African state diplomatic representation to the Bretton Woods financial institutions, as well as to the U.S. government in Washington DC. The first section considers problems with the analysis of NGOs, given the nature of their relationship with African states. Extending analyses based on mutual interests to NGO activities unpacks and illuminates the complicated alliances that form within the diplomatic community. The second section seeks to demonstrate the representation of an individual African state operates in a variety of forums, and there is little official interaction between NGOs and these forums. It applies this understanding of representation to specific Bush administration proposals for the African continent, and proposes that conflict arises between NGOs and states when their policy goals conflict, i.e., when it is the objective of the NGO network to change the state's policy. Conflict also arises when states and NGOs compete for development resources, and appear to have interests in tandem. Finally, the article draws conclusions about appropriate, effective, and adequate African representation in formal IOs on behalf of both states and their citizens.

NGOs and Representation in Formal International Organizations

NGOs are difficult to isolate as analytical constructs because they are defined according to what they are not, i.e., "governmental." This difficulty in isolating them poses two problems. The first problem is that most understandings of NGOs and formal international organizations contain an implicit or explicit analogy between civil society and its relationship to the liberal state, and *transnational* civil society and its relationship to the IO. This analogy separates NGOs from IOs analytically, and thus ignores whatever activities they conduct in tandem. The second problem is that these understandings of NGOs tend to conceptualize them according to the object of inquiry, which tends to overstate conclusions about their activities, and understate conclusions about the activities of rival non-state actors.

The first problem with understanding NGOs and their representative function, i.e. the analogy of NGO to liberal state and NGO to formal IO, is that it overlooks the degree to which NGOs and formal IOs, and NGOs and developing states are, in a sense, "captured" by each other. That is, IOs and NGOs are not easily separated as analytical constructs in many cases because their functions, budgets, and operations are so closely interconnected at the international in addition to local levels. Many NGOs may play a role in advocacy within international society, but some also carry out a service delivery role. This role is frequently funded and perpetuated by the

World Bank, some UN agencies, and national governments. Countervailing pressures stem from these two roles, particularly when the advocacy role contradicts the activities of the IOs in a region.[3]

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Commenting on the similar difficulty in separating grassroots NGOs, civil society, and the African state in the domestic context, Claire Mercer argues the democratic role of NGOs is circumscribed by wider social, economic, and political cleavages. NGOs "pluralize" some spaces at the neglect of others.[4] Likewise, John Harbeson argues for the importance of investigating the political *functions* of civil society.[5] Tim Kelsall and Claire Mercer argue that NGOs' attempts to empower Tanzanian communities can, in some cases, disproportionately benefit an elite, and that the idea of development as "empowerment" is itself inserted into the community from the outside.[6] Ben Rawlence argues that NGO manipulation of local to international connections and networks have the tendency to atomize political behavior, and inhibit the growth of a nationally conscious polity with the ability to hold a national government accountable to their constituents. The fact certain individuals work for the state and then, later for an NGO contributes to a blurring of the distinction between the state and civil society, as it has been blurred since the colonial era.[7] Similarly, Ronald Kassimir argues civil society associations are themselves fields of power and authority, and not merely collective actors in opposition to the state.[8]

The second problem associated with understanding NGOs and their activities in IOs concerns the delineation of NGOs as objects of inquiry in transnational civil society. Literature on NGOs and transnational civil society has a tendency to categorize NGOs to suit the object of inquiry, and in so doing, isolate them within the broader category of "non-state" actors.[9] That is, some analyses include religious or business organizations, etc. as NGOs while others do not. The manner of isolation has the effect of magnifying their role because the other non-state actors are left unexamined. Moreover, it overstates the degree of consensus among NGOs.[10] For example, Kenneth Rutherford's study of NGO advocacy for the Ottawa Convention banning the sale of landmines does not sustain any serious discussion of *rival* state, non-state, or epistemic communities that framed the issue of the landmine ban in terms of national security.[11] Indeed, NGOs (as he defines them) were successful in introducing the issue onto the international arms control agenda. Yet why did many major powers *not* sign the convention, if anti-ban states' security-oriented arguments were incoherent? This is a difficult question to answer without considering the actions of other actors, and retreating into more interest and power based explanations.

A complete picture of NGO behavior, therefore, needs to account for a broader range of non-state actors, and to consider more than how these actors can frame issues.[12] It needs to account for how they determine policy outcomes. For example, Andrew Walter shows how NGOs *and* business organizations competed during the negotiations for a multilateral agreement on investment. While the NGOs were successful in opposing the negotiations themselves, business organizations also achieved a degree of success insofar as global investment flows have continued to grow even without an international investment regime.[13] Similarly, Lisa Jordan depicts struggles between NGOs *and* business organizations in her consideration of the contest between environmental groups and human rights groups, and U.S. oil interests (i.e. the Conoco Corp.) in Ecuador.[14]

When the picture of NGO and state activity is broadened, alliances appear to be forged based on common interests and power capacities determined by the issue at hand. Therefore, while the NGO community ostensibly seeks to work on behalf of marginalized Africans, state and society representatives do not always concur concerning policy outcomes. Differences are pronounced in certain development issue areas. For example, on the question of 100 percent debt cancellation, African states' prime concern is with retaining access to continuing inflows of finance. While some states would certainly welcome 100 percent relief, others would prefer to focus on additional, non-monetary resources for development, such as human skills or human resources. In the extreme case, there can be open tension between protestors on "behalf" of Africa, and government officials representing African states. Referring to protestors, J. Kuyembeh, the Minister of Finance from Sierra Leone, remarked:

> *I was in Seattle, and I will tell you: no one is fighting for me. Those are highly sophisticated, self-made attitudinal people who have their ideas of what the good world is and the bad world is. Quite honestly, if you go deep down there, they may fight for you; if you don't care, when you get out, you may be boxed by them . . . So, actually, it is their will they are carrying.[15]*

The debt issue is illustrative because debt is connected to a wide range of international actors: states, NGOs, banks, and IOs. Literature in economic sociology argues that with all debt, debtors depend on creditors for money. Yet creditors are beholden to their debtors once a loan is made, because the creditor then has a stake in the ability of the debtor to repay the loan. Nonetheless, in the domestic scenario, political institutions support the rights of the creditor to collect the loan. Thus, the debtor has an interest in repayment in order to avoid legal retribution, and the creditor has an interest in the return of the loan. This commonality of interest in repayment between debtors and creditors forges certain kinds of alliances between these two groups. Sovereign debt obviously complicates this relationship because the political institutions are part and parcel of the debtor by definition. Thus, lending to sovereigns is riskier, and any type of alliance is more difficult to forge.[16]

During the period of British state formation in the seventeenth century, loans to the Crown were similarly riskier than other types of loans because a creditor could

not sue the King for repayment in his own courts, and a creditor could not seize collateral from the King without the threat of political or military reprisal. Hence, the Crown was subject to higher rates of interest to accommodate the higher risk factors, and domestic capital failed to mobilize. The creation of liquid financial instruments helped to resolve the problem of long-term lending because liquid instruments allowed for the Crown to create political allies out of a broader group of creditors, who could transfer obligations among themselves according to different time frames, and thus mobilize domestic capital.[17]

The historical tradition of the sovereign forging alliances with creditors is relevant to a current understanding of alliances with respect to debt and international organizations. In using this tradition as a guide, one would expect the state to forge alliances not exclusively with other *states,* and not necessarily with NGOs, but with the non-state actors providing credit (i.e. banks, international financial organizations, etc.). When states borrow in private markets, they continue to tap certain sources of liquid capital, and they forge political alliances as did the British state during its own formation. Contemporary sovereign emerging market debt poses additional problems for both debtors and creditors because lending remains risky, and because creditors are frequently located outside the state in question. The state forges alliances with a variety of non-state actors in this issue area as it works within the constellation of international organizations.

The historical tradition of the sovereign forging alliances with creditors is relevant to a current understanding of alliances with respect to debt and international organizations.

Whereas understandings of norms and advocacy networks would conceptualize state interests that emerge from new concepts generated by the networks, the proposition advanced here is state interests are designated by a state's position in the international structure.[18] Thus, interests coalesce around a range of non-state actors that provide development finance, and the state can be expected to forge political and economic alliances with individual sources of finance. The alliance structures of advocacy networks are similarly issue-specific, and fluid. They do not form around each claim or issue amenable to international action. Rather, Margaret Keck and Kathryn Sikkink propose that activists themselves produce the networks, wherein interests are the cultural legacy of the 1960s.[19] The networks and their associated interests also emanate from religious traditions.[20]

MECHANISMS OF AFRICAN REPRESENTATION IN WASHINGTON DC

Washington DC presents a fertile ground for investigating mechanisms of African representation and its associated networks, because most African states maintain a

diplomatic presence there, and because so many NGOs also maintain offices there. These embassies and NGO offices act through both the institutions of the U.S. government, and multilateral financial institutions, to achieve their policy goals (advocacy), and attract resources for development and other purposes (operations). However, while they may seek to serve the same constituents, states and NGOs rarely operate in tandem. This section considers formal African diplomatic representation first, and then turns to the issue of NGO activities on behalf of African constituencies.

FORMAL AFRICAN DIPLOMATIC REPRESENTATION

African diplomatic institutions in Washington DC address both their bilateral relations with the U.S. government, as well as relations with the multilateral financial institutions, i.e. the International Monetary Fund (IMF) and the World Bank, that are located there. African representatives coordinate their activities through monthly meetings, as well as regional meetings. In addition, they participate in the Group of 24 (G24) preparations for annual meetings of the Bank and the Fund.

> **These embassies and NGO offices act through both the institutions of the U.S. government and multilateral financial institutions to achieve their policy goals (advocacy) and attract resources for development and other purposes (operations).**

The monthly meetings of the working group for African representatives are held at the Africa Care House, a NGO based in Washington DC, that is concerned with drawing closer connections between Africans and African-Americans. The group invites U.S. government officials, as well as representatives from NGOs, to address related issues, depending on the group's sense that a particular issue is of importance. Although the group does not vote in any multilateral agency as a bloc (as, for example, the regional blocs within the G77 have voted in the United Nations), it does serve to open a dialogue with the U.S. government on issues, and provide an opportunity for questions and answers, give and take. At these same meetings, representatives have an opportunity for exchanging ideas with each other. Regular meetings, however, are confined to ambassadors from African governments. NGOs only participate in these meetings if they are invited to speak on behalf of a particular issue.

In some circumstances, the group has been successful in acting in concert with each other, yet not in achieving the desired results. For example, the group unsuccessfully lobbied the U.S. Congress against passage of the Zimbabwe Democracy Bill, which imposed sanctions on that country following elections and growing human rights abuses in 2001. The group lobbied successfully, however, for specific aid to address flood relief.

African representatives coordinate their activities in the multilateral financial institutions more formally, through constituency groups established by the IMF and the World Bank. The Group I constituency comprises Anglophone countries, and the Group II constituency comprises francophone countries. A third set of African states operates through the Maghreb grouping. Constituency groups to the IMF and the World Bank are represented by an executive director, and an alternate to the executive boards of each institution. The constituency elects their executive director every two years, and also nominates a candidate to chair the African caucus every four years. Taken together, the Africa Group I constituency's IMF shareholding and voting power in the Fund and Bank is low. In 2001, it represented 69,968 votes, or 3.23 percent of the total.

The work of the constituency offices in Washington DC mostly concerns representing member states during board discussions. As members of the executive board, the constituency groups also cast votes in regard to the programs established between the IMF and other members when these programs are discussed. Therefore, the constituency groups participate in Africa specific as well as general policy discussions associated with the executive board. Finally, the constituency offices receive delegations headed by the ministers of finance, or central bank governors of member countries during their visits to Washington. The executive director and staff of the groups brief these delegations ahead of any negotiations or meetings with Fund management.[21]

Finally, African representatives participate in broader groupings of developing states. Unlike the United Nations system, however, the broadest of these groupings, the G77, never operated in the Bretton Woods financial institutions. Developing countries organized themselves in the Bretton Woods institutions through the G24 and various other "issue groupings" led by the North.[22] More an organization of finance ministers than heads of state, the G24 deputies discuss issues and approve a document containing details of the consensus views of member countries regarding these problems. Similar to the G77, decision-making within the G24 is by consensus. However, unlike the G77, the G24 meets twice a year, preceding the spring and fall meetings of the International Monetary and Financial Committee, and the Joint Development Committee of the World Bank and the IMF. The heads of the IMF and the World Bank, and senior officials of the UN system, address the G24 when it meets in plenary. In addition to these meetings, a United Nations Conference on Trade and Development (UNCTAD) technical support project, coordinated by Professor Dani Rodrick at Harvard University, prepares a collection of research papers for the G24 to generate analytical capacity and negotiating strength among developing countries with respect to international monetary and financial issues. The project receives financial support from the International Development Research Centre of Canada, the governments of Denmark and the Netherlands, as well as the participating countries of the G24.[23]

Therefore, these representative structures demonstrate, other than in a very informal capacity, few of the official governmental representatives from Africa in Washington DC appear to have any ongoing contact with large, northern NGOs

headquartered there to coordinate policy.[24] They do, however, receive direct and indirect support from various NGOs such as the Constituency for Africa, and governments of other countries that provide meeting facilities and development studies that are more sympathetic to the positions of developing countries in general.

NGO ACTIVITIES REPRESENTING AFRICAN INTERESTS

Within the broader NGO community, most analysts distinguish operational from advocacy NGOs, environment from development NGOs, and northern from southern NGOs. Just as it is difficult to separate states from NGOs analytically, it is difficult to separate operational from advocacy NGOs by their nature. From the outset, providing aid for a particular activity or group is itself a form of advocacy. Nonetheless, operational northern NGOs channel approximately $7.7 billion in annual assistance to developing countries. On an annual basis, the amount NGOs channel comprises at least 13 percent of official development assistance, which is more aid than either the entire UN system or the World Bank's International Development Association (IDA) provide.[25] Therefore, when these NGOs take on an advocacy role, their contribution to the debate on a given development strategy is significant. Moreover, when these NGOs take a position on a given conflict in Africa, they can have a real impact on its outcome even if Africa as a region is not their exclusive domain or area of specific expertise.

NGO activities resemble those of official diplomatic representatives of African states in terms of presenting issues and seeking resources. Thus, many of these activities center on the multilateral financial institutions and institutions of the U.S. government in Washington DC. Among the groups that seek to change the workings of the World Bank, environmental and development NGOs predominate. These NGOs are mostly advocacy and operationally oriented, respectively.

As a group, the environmental advocacy NGOs have been more successful in changing Bank policies than the development operationally oriented NGOs, because the former have a singular focus on advocacy, and they have large memberships whose political activities can threaten the Bank's funding. For example, the environmental movement allied with Republicans in the U.S. Senate in the mid 1980s and with Democrats in the House of Representatives in the early 1990s to achieve their goals with respect to the World Bank.[26] NGOs publicized the negative consequences of large-scale Bank programs that forced massive relocations of indigenous peoples as well as significant negative environmental consequences. Neither of the two most prominent environmental cases (i.e. the Polonoroeste project in Brazil and the Sardar Sardovar project in India) involved Africa. Nonetheless, environmental activism motivated the World Bank to create a World Bank and NGO committee in 1982. This committee has NGO representation from each region of the developing world. Funded by the World Bank, the committee is chaired by an NGO and a Bank official.

In regional and global negotiating activities, northern governments tend to use northern NGOs as assets, in order to maintain a close relationship with them. For example, northern governments use NGOs as depositories of useful information, receptacles of institutional memories, mobilizers of media coverage, and sources of contact networks. Southern governments, on the contrary, tend to keep indigenous NGOs "at arms length." Therefore, there does not at present appear to be any countervailing group of "southern" NGOs in relation to the northern ones. When northern and southern NGOs work together, the latter are generally perceived as the "junior" partners.[27]

Just as it is difficult to separate states from NGOs analytically, it is difficult to separate operational from advocacy NGOs by their nature.

Many of the NGOs in the Washington DC area have a religious affiliation. These affiliations further complicate distinctions between service provision and advocacy roles, since some religious NGOs do not provide services to those outside their faith community. In extreme cases, religious distinctions in service provision can exacerbate regional conflicts, and reinforce ethnic cleavages.

CONFLICT AMONG REPRESENTATIVES

Current initiatives of the Bush administration with respect to Africa dominate the lobbying activities of both formal and informal representation concerned with the continent. The Bush administration has set four priorities for assisting African development, related to the issues it perceives as blocking development. First of all, the Bush administration has launched a significant initiative in the fight against HIV/AIDS by proposing an additional $500 million should be targeted to twelve African countries to prevent HIV/AIDS transmission between mother and child. Secondly, the Bush administration has proposed teacher training programs to address the lack of educational opportunities in Africa. Thirdly, the administration hopes to explore free trade agreements to lower trade barriers to African countries. Finally, it hopes to address problems related to war and terrorism: specifically the wars in Congo and Sudan. Conflict among representatives of African states, and African interests, occurs over these Bush administration policies, as well as over the allocation of resources connected to them.

The first of the Bush administration initiatives, the HIV/AIDS initiative, has been widely discussed among the working group of African ambassadors in Washington DC. African diplomats have organized and lobbied for this U.S. budget allocation in the U.S. Congress, and met with representatives of the Bush administration to exchange ideas about how the money will be distributed. They have also jockeyed among themselves to present their own countries' individual AIDS initiatives in the best possible light. As a group, they have sought to keep *all* African countries within

the list of eligible recipients. Yet they are aware that governments will compete with development operational NGOs to channel the resources to African societies. Much of the pessimism with respect to the distribution of funds stems from the sense that NGOs are better connected to the institutions of the U.S. government through networks established at school, and fostered in professional settings. In short, NGOs appear to know better "how the system works."

The NGO community does not merely introduce and frame issues, as some literature would imply.

The other major Bush initiative to have strong NGO connections is the Bush administration's efforts to resolve the war in Sudan. War in Sudan broke out immediately prior to independence in 1956, and was at first a regional conflict between northern inhabitants of the territory who had received disproportionate benefits from the British colonial regime, and southern inhabitants of Sudan, who feared domination by the north in the post colonial state. Since the southern inhabitants had Marxist affiliations, the government in the north was aligned with the U.S. during the Cold War, and the southern rebels aligned with Ethiopia.

As the Cold War gradually approached its end, the regional conflict took on a more religious tone. A military coup in 1989 installed a government that later sided with Iraq in the first U.S. gulf war. Southern rebels, although only having a Christian minority, came to be assisted by many Christian affiliated NGOs through Kenya.[28] The Clinton administration had sought to contain the government of Sudan. However, the activities of these religious groups, through lobbying Congress and the executive directly, resulted in the Bush administration's direct engagement in the conflict. Common efforts in the war on terrorism have also improved ties between the U.S. and Sudan. The religious significance of NGOs involved with the war in Sudan is not to be understated, however, since they were highly successful in reframing the question of the war from one of containment of a regime opposed to U.S. policies, to one of religious persecution.

Conclusion

The vision of an emergent transnational civil society and relationships between states and IOs should not, to use Michael Bratton's terminology, "prejudge the nature of state-society relations."[29] The NGO community does not merely introduce and frame issues, as some literature would imply. Rather, it engages in an ongoing dialogue on various policy proposals, carries out service provision for other international agencies, and provides development funds and other types of finance itself. NGOs and transnational advocacy networks are therefore not analytically distinct from the states and IOs themselves. As elements of civil society, they both act on, and act as, agents of IOs and global governance.

This article has demonstrated that representation of African states and African constituencies in Washington DC takes place through formal diplomatic channels, as well as through informal networks of non-state actors in transnational civil society that advocate for a given position on an issue, and compete for resources on others. Therefore, alliances between states and these non-state actors are possible only when they have interests in common, and when there is agreement on how resources should be distributed. When policy goals conflict, and competition for resources grows, the community of NGOs divides and individual NGOs form alliances with other state and non-state actors. Since many are located and funded in the North, and also lobby northern governments, their activities have the effect of magnifying the importance of northern governments (chiefly the United States) and their positions both in the North-South dialogue, and in the multilateral institutions.

Weak *states* are system "takers" in the sense that their interests derive from their position in the overall system. NGOs, however, may not have formal political power, yet they have great capacity to include issues on the agenda that would otherwise be absent, by broadening individuals' access to information about a dispute, and by mobilizing widespread concern for the marginalized. Nonetheless, future investigations into the NGO phenomenon will have to address the fundamental difficulty in isolating NGOs as an analytical construct. This article has proposed that in the Washington DC diplomatic community, African states make alliances with each other, and with providers of finance. It has also hinted that in regional conflicts, such as that of Sudan, NGOs make alliances according to religious affiliation, and have taken their concerns to the U.S. executive and the U.S. Congress. Therefore, both state and non-state actors form alliances based on mutual interests, much as states themselves do. As in the example of state-based alliances, these alliances are highly fluid.

Notes

[1]Hanna Fenichel Pitkin, ed., *Representation* (New York: Atherton Press, 1969): 19.

[2] Lisa Jordan, "Political Responsibility in Transnational NGO Advocacy," *World Development* 28, no. 1 (2000): 2053.

[3] Jordan, "Political Responsibility." Also, Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics,* (Ithaca: Cornell University Press, 1998). Admittedly, Keck and Sikkink acknowledge that the networks they study operate as both agents and structures. They refrain from using the civil society analogy to describe the phenomenon. This usage, however, is not consistent within the literature.

[4] Claire C. Mercer, "NGOs, Civil Society and Democratization: A Critical Review of the Literature," *Progress in Development Studies* 2, no. 1 (2002). For an inquiry more specific to Africa, see Claire C. Mercer, "Performing Partnership: Civil Society and the Illusions of Good Governance in Tanzania," *Political Geography* (forthcoming).

[5] John W. Harbeson, "Civil Society and Political Renaissance in Africa," in *Civil Society and the State in Africa*, ed. John W. Harbeson, Donald Rothchild, and Naomi Chazan (Boulder, CO: Lynne Rienner Publishers, 1994). In an early consideration of the relationship between African states and NGOs, Bratton points out that NGOs have achieved a degree of autonomy from governments, yet the autonomy is apparent because other formal organizations have failed to achieve it. In addition, NGOs have a distinct presence at the grassroots level. See Michael Bratton, "The Politics of Government-NGO Relations in Africa," *World Development* 17, no. 4 (1989): 569-87.

[6] Tim Kelsall and Claire Mercer, "Empowering the People? World Vision and 'Transformatory Development' in Tanzania," *Review of African Political Economy* (forthcoming).

[7] Ben Rawlence, "NGO Wars: The New Field of Politics in Africa," in *African Studies Association Annual Meeting* (Washington, DC: 2002). For a discussion of early NGOs and their relationship to colonial regimes, see Frederick Cooper, "Networks, Moral Discourse, and History," in *Intervention and Transnationalism in Africa: Global—Local Networks of Power*, eds., Ronald Kassimir Thomas Callaghy, Robert Latham, 23–46, (New York: Cambridge University Press, 2001).

[8] Ronald Kassimir, "Producing Local Politics: Governance, Representation, and Non-State Organizations in Africa," in *Intervention and Transnationalism in Africa: Global—Local Networks of Power*, eds., Ronald Kassimir Thomas Callaghy, Robert Latham, (New York: Cambridge University Press, 2001).

[9] Leon Gordenker and Thomas G. Weiss, "Pluralizing Global Governance: Analytical Approaches and Dimensions," in *NGOs, the UN, and Global Governance*, eds., Leon Gordenker. Thomas G. Weiss (Boulder, CO: Lynne Rienner Publishers, 1996). See also Rachel Brett, "The Role and Limits of Human Rights NGOs at the United Nations," *Political Studies* XLIII, no. Special Issue (1995), 96-110. And Peter Willetts, "From 'Consultative Arrangements' to 'Partnership': The Changing Status of NGOs in Diplomacy at the UN," *Global Governance* 6, no. 2 (2000): 191–212, for additional conceptualizations of NGOs.

[10] Deep differences among states and NGOs, and among NGOs themselves exist. See Chadwick Alger, "The Emerging Roles of NGOs in the UN System: From Article 71 to a People's Millennium Assembly," *Global Governance* 8, no. 1 (2002): 198-9. See also Jordan, "Political Responsibility." 2062.

[11] Kenneth R. Rutherford, "The Evolving Arms Control Agenda: Implications of the Role of NGOs in Banning Antipersonnel Landmines," *World Politics* 53, no. 1 (2000): 74–114.

[12] Van Tuijl argues, for example, human rights NGOs need to move beyond making contributions to global culture, and need to root a human rights culture in new relationships and shared institutions. See Peter Van Tuijl, "Entering the Global Dealing Room: Reflections on a Rights-Based Framework for NGOs in International Development," *Third World Quarterly* 21, no. 4 (2000): 617–26.

[13] Andrew Walter, "NGOs, Business, and International Investment: The Multilateral Agreement on Investment, Seattle, and Beyond," *Global Governance* 7, no. 1 (2001): 51–73.

[14] Jordan, "Political Responsibility," 2061.

[15] J. Kuyembeh, Basil P. Mramba, Emile Doumba, Ali Badjo Damatie, and Lucie Mboto Fouda, "African Prospects: Facing the Challenges," (paper presented at the International Monetary Fund, Washington, DC, April 28, 2001).

[16] Bruce G. Carruthers, *City of Capital: Politics and Markets in the English Financial Revolution* (Princeton, NJ: Princeton University Press, 1996).

[17] Carruthers, *City of Capital.*

[18] For a discussion of the nature and composition of this structure, see Susan Strange, *States and Markets*, 2nd ed., (London: Pinter Publishers, 1988), Chapter 5.

[19] Keck and Sikkink, *Activists Beyond Borders*, 14.

[20] Colette Chabbott, "Development INGOs," in *Constructing World Culture: International Nongovernmental Organizations since 1875*, eds., John Boli and George Thomas (Stanford, CA: Stanford University Press, 1999): 222.

[21] Cyrus D.R. Rustomjee, *Handbook: Africa Group I Constituency.* (Washington, DC: International Monetary Fund).

[22] The G24 was established in 1974 to coordinate the positions of developing countries on monetary and finance development issues in the IMF and World Bank; it is thus a smaller and more specialized body than the G77. See Group of 77—A Voice for Putting the Issues on the Global Agenda. *Journal of the Group of 77*, 1994. Special Edition. The membership of the G24 is segmented into regions. Region I (Africa) has Algeria, Cote d'Ivoire, Egypt, Ethiopia, Gabon, Ghana, Nigeria, South Africa and the Democratic Republic of Congo as members. Region II (Latin America and the Caribbean) has Argentina, Brazil, Colombia, Guatemala, Mexico, Peru, Trinidad and Tobago and Venezuela as members. The membership of Region III (Asia and developing countries of Europe) comprises India, Iran, Lebanon, Pakistan, Philippines, Sri Lanka and Syrian Arab Republic.

[23] Aziz Ali Mohammed, "The Future Role of the International Monetary Fund," (New York and Geneva: United Nations Conference on Trade and Development and Center for International Development Harvard University, 2001).

[24] The evidence for this conclusion came from a week-long study of representation. The government representatives from Africa, however, did not constitute a scientific sample. Most of the questions focused on development-related activities of NGOs.

[25] Charles Abugre and Nancy Alexander, "Non-Governmental Organizations and the International Monetary and Financial System," *International Monetary and Financial Issues for the 1990s,* IX, (1998) UNCTAD, Geneva, 107–125.

[26] Abugre and Alexander, "Non-Governmental Organizations," 116.

[27] Abugre and Alexander, "Non-Governmental Organizations."

[28] These NGOs include the Institute on Religion and Democracy, the US Committee for Refugees Samaritan's Purse, Catholic Relief Services, the Center for Religious Freedom, Servant's Heart, American Anti-Slavery Group, and Safe Harbor.

[29] Michael Bratton, "Beyond the State: Civil Society and Associational Life in Africa," *World Politics* XLI, no. 3 (1989) 417.

Strategic Risk Management for Development NGOs: The Case of a Grant-maker

by Ricardo Wilson-Grau

INTRODUCTION

The global environment in which nongovernmental organizations (NGOs)[1] operate is changing quickly, as is the very nature of the risk management function and the process for making decisions about risk. These changes affect not only NGOs and the public that is served, but also the organizations that fund them. Keeping pace with changes in the overall economic, political, and cultural environment in risk management practice and in leading thinkers' understanding of risk is vitally important to every NGO's success in carrying out its mission and accomplishing its long-term goals. That is, managing risk is a strategic challenge today.

Recent advances in the global understanding and management of risk open opportunities for grant-making NGOs to improve their process of funding NGO grantees. The grantor can enhance its own and its grantees' performance by applying sound, consistent strategic risk management. The recipient organization will achieve more and ultimately, so too will the world these organizations strive to improve.

The first part of this article describes how strategic management of risk can make a difference to organizational operations in the fast-paced, demanding environment of development NGOs. The second part draws on the experience of a major Dutch private donor NGO to exemplify applying strategic risk management to the grant-awarding process.

OVERVIEW OF NGO STRATEGIC RISK MANAGEMENT

These are hard, challenging times for NGOs around the world. Whether service or social change oriented, NGOs operate in dynamic economic, political, technological, and institutional environments. For NGOs devoted to development in both the North and South, with increasing frequency, their legitimacy is questioned and accountability demanded. Stakeholders and the broader society and governments are frequently asking NGO leaders about their impact on society?

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These changes require that NGOs modify how they respond to the world and seek to shape it. Consequently, many development NGOs are altering their strategies, as the shift to rights- and results-based approaches exemplifies. Moreover, they are varying their strategies more frequently than in the past. Change, of course, has always been important in every organization's life. Indeed, for NGOs, change is absolutely essential; every NGO's mission statement commits it to improving some unacceptable aspect of the world. Change, however, brings with it uncertainty and risk.

Risk—The Simple and The Complex

The root word of risk, *risicare*, means "to dare." Daring to act audaciously is inherent to the lives of NGOs. Without taking risks, there is no innovation or social change. The nature of NGO work is to dare constantly to make decisions and act to achieve positive results, while daring to hazard bad outcomes. One of the beauties of the risk concept is its simplicity. As with anything occurring in the future, there is uncertainty about the results, desirable or undesirable; there are *consequences* of each good or bad result; and one needs to focus on the *probability* of positive and negative results. Of course, life cannot be so simple. There is an equally important and much more complex dimension to risk. Individuals, organizations, and societies are all unique. Thus, risk is rooted in specific historical contexts—from the political and psychological to the economic and environmental—that shape people's perceptions of the consequences and the probability of an uncertain event.

Business and local and national governments apply risk management principles.

Even in situations where there is a precise mathematical calculation of probabilities, people will act on their *beliefs* about the chances of good and bad results. Similarly, people take action based on their *preferences* for one result over another, even when they know precisely the potential benefits. Of course, when a judgment is about the uncertain future results of social change, the decision is especially subjective and risky.

Risk management is relatively new for NGOs. One reason is the ease NGO decision-makers have in confronting operational hazards that only one hundred years ago would have been terrifying. Insurance controls the damage caused by illness or accidents. Personnel access loans in case of personal or family emergencies. The dangers of disaster that come with all new technology are more readily mitigated than ever before, as when NGOs use virus shields and back-up systems to protect computers against electronic attack or human error.. A second reason is that applying risk management to achieving upside results, and not solely avoiding the downside ones, is a recent innovation. In today's highly competitive and unpredictable environment, NGOs not only face major opportunities and new dangers to achieve their missions, but these positive and negative risks are arising much more rapidly

than in the past and are becoming more complex. They must be managed as never before. Consequently, NGO decision-makers that use strategic risk management may actively nurture success and counter threats of failure.

The Emerging Concept of Strategic Risk Management

In the last ten years, the concept of risk management has expanded from its origins in the insurance industry. It has extended into the fields of investment finance, medicine, environmental management, space science, and meteorology. Today, business and local and national governments apply risk management principles. The theory and practice has also grown from its original focus on exposure to negative risks to address positive risks as well. Building on traditional risk science, strategic risk management centers on a reinforcing, iterative process, a recycling sequence of steps for making and implementing decisions involving potential bad or good results.

- Clarifying what the organization seeks to achieve—*goals.*
- Identifying the principal opportunities and dangers that may affect achieving these goals—*uncertainties.*
- Assessing the likelihood that each opportunity or threat will materialize—*probabilities.*
- Calculating the extent of the resulting gain or loss to the organization from each opportunity or danger—magnitudes of the good or bad *consequences.*
- Weighing what the organization can do: 1) to increase the probability and the magnitude of the good consequences of each opportunity, and 2) to decrease the probability and the magnitude of the bad consequences of each danger—*risk management techniques* for each opportunity or threat.
- Deciding whether and how the organization is able to take these actions—*costs and benefits* of each technique.

This definition of risk is powerful. Instead of struggling to avoid all uncertainties—for that would be to avoid all chances of positive outcomes—an organization strives to increase the chances and size of positive outcomes while reducing the odds and magnitude of the negative outcomes. *This dual strategy is the essence of strategic risk management.* It contrasts with the narrow, negative traditional focus—merely preserving the organizations past achievements from future losses. While guarding against loss, the NGO that manages risk strategically takes carefully chosen chances, purposely mindful of the positive side of a potentially surprising future. An organization managing risk strategically dares to succeed.

A Tool for NGO Decision-makers

In recent years around the globe, NGO organizations that are committed to social change have strengthened their professional management to achieve their missions and long-term goals. NGO leaders once could safely assume that internal and external conditions with a potential major impact on their stakeholders, programs, property, income, and reputation would be stable for a year or two. No more. Currently and even more so in the future, the strategy is short term. For example, one major

innovation in NGO management has been to introduce systems of strategic planning. Commonly, NGOs engage every three, four, or five years in this fundamental decision-making for achieving institutional goals. Increasingly, however, change is so rapid that managers at all levels of the organization must make decisions vital to achieving their missions outside the multi-year cycle. Now, monthly and even weekly, an NGO's entire management must adapt to and participate in incisive strategic thinking and prompt strategic action. In fact, virtually everyone in an NGO must continually understand, accept, and participate in actions sharply focused on achieving their organization's fundamental purpose and goals.

This is easier said than done. Organization-wide involvement with uncertainty can create feelings of apprehension and insecurity. Strategic risk management offers a tool to build understanding and enthusiasm for change. From the broader perspective of risk as *risicare,* an NGO's staff comes to understand that changes— some bad, some good—are not only inevitable, but the organization can thrive with these changes. Everyone comes to recognize that change, properly anticipated and wisely managed, while still posing possible dangers, is a potentially positive force. Uncertainty becomes something with an upside and a downside, something that can be managed not just by decreasing the potential for losses, but also by increasing the potential for gains.

Empowered by this broadened approach to uncertainty and change, an NGO's personnel quickly think beyond the merely negative, accident-centered, insurance-oriented concept of risk. Recognizing that changes can be positive, even surprisingly good and certainly necessary, an organization's staff can come to work with risk as an opportunity to achieve positive outcomes, daring to succeed as well as to fail.

Capacity-building Through Strategic Risk Management

Strategic risk management can enhance but never replace a development decision-maker's knowledge, field experience, cross-cultural skills, and other personal abilities. More specifically, strategic risk management enables NGOs to enhance their capacities in three areas.

Information. In management, the information function is vital. In today's "knowledge societies," decision-makers are flooded with data and ideas. The technological possibilities are a temptation to nurture a false sense of security by attempting to process all available information. Of course, managers must constantly observe, consult, read, and listen. Strategic risk management, however, offers NGO decision-makers a methodology for rapidly sifting through and selecting the most relevant information.

Action. Today, NGO managers must combine hard, in-depth analysis with fast decisions. Risk management enables a decision-maker to act even as she or he thinks. Past successes and failures are analyzed not so much to know what happened or to explain why things are as they are, but primarily to take the best decision about new activities. Exercising risk principles enables a decision-maker to identify what to change and innovate in order to maximize gains and minimize losses today, tomorrow, and in

the future. For strategic decisions, certainly the search for truth must be rigorous. Strategic risk management incorporates the rational perspective of science, but the purpose is to understand in order to decide, to set objectives and make plans, but not at the expense of acting on them.

Delegation. Never before has the need for subsidiarity been greater for development NGOs. Strategic risk management facilitates delegation because risk principles are applicable at all organizational levels. Strategic risk management enables decision-makers to spread authority and responsibility upwards, downwards, and across. Everyone can be engaged in taking risks responsibly to achieve their work units' "missions" or long-term goals. Thus, for instance, in an organization where everyone uses a risk approach, senior program managers with substantial field experience will be able to delegate with greater confidence to junior staff. In addition, a quick-learning, self-critical program staff will develop faster.

Strategic risk management can enhance but never replace a development decision-maker's knowledge, field experience, cross-cultural skills, and other personal abilities.

In sum, traditional and strategic risk management both emphasize a proactive attitude towards risk-taking and employ similar methods of analysis and techniques for coping with risk. All risk-taking is based on logical analysis of essential information. Risk decisions also involve strongly reasoned beliefs and preferences about the probability and the importance of the desirable and undesirable outcomes. Thus, the advantages of both traditional and strategic approaches to risk combine art and science, integrating reasoning with intuition. The fundamental difference is that traditional risk management focuses on *only* threats of loss; strategic risk management encompasses *both* opportunities for gain and threats of loss. At best, traditional risk management can only keep an organization where it now is; strategic risk management enables an organization to advance and develop its potential.

STRATEGIC RISK MANAGEMENT AND GRANT-MAKING AT NOVIB

Founded in 1956, the Netherlands Organization for International Development Co-operation (Novib/Oxfam Netherlands) is a non-governmental foundation funded by the Dutch government and public. Novib's purpose is to encourage a world community in which socio-economic contradictions between rich and poor are eradicated, the wealth of the world is more justly divided, and people and population groups can learn about and come to respect each other's cultures, and in the interest of their own development, cooperate on the basis of shared responsibility and mutual solidarity. Furthermore, Novib is a member of Oxfam International, a confederation of 12 organizations[2] working together with over 3,000 counterpart organizations in

more than 100 countries to find lasting solutions to poverty, suffering and injustice. As do all the Oxfams, Novib takes a rights-based approach to achieve structural, enduring improvement in the quality of life of people. Every NGO must customize its use of strategic risk management in accordance with its mission and long-term goals, which pose special challenges for an organization that approaches grant-making from highly political and normative perspectives.[3]

Grant-making Guided by Organizational Values Rather than by Partisan Ideology

Novib works for changes in policies and their corresponding practices to modify the structures and relations of power that are obstacles to people exercising their political, civil, economic, social, and cultural rights. In every society and community, access and control of resources are structured in ways that benefit some individuals and groups and discriminate against others. Thus, the key to success of a rights based-approach to development and social justice is empowerment. Citizens and social organizations obtain the capacity to be significant actors in a process to change the structure and relations of power to benefit the many and not just a few dominant sectors. To contribute to these ends, Novib applies three institutional strategies.

Every NGO must customize its use of strategic risk management in accordance with its mission and long-term goals.

First and foremost, Novib is a donor to approximately 850 local organizations in more than 50 countries in Africa, Asia, Latin America, the former Soviet Union, and Eastern Europe. These grantees are NGOs who work directly with and for the poor and disenfranchised. The aim of this cooperation is to increase the capacity of people to exercise their individual and collective rights and to make decisions about control and use of material, human, intellectual, and financial resources. The support, however, is purely financial. Novib believes that because of the power of money, a donor-recipient partnership may be undermined if the grant-maker also attempts to provide these organizations with professional or technical assistance on ways and means to improve their performance. It can easily lead to dependence, disempowerment of the grantee, and strategic or organizational problems.

Second, Novib strives to inform Dutch public opinion. It educates the Dutch public about the non-Western world by challenging conventional images and encouraging deeper insights concerning development. Novib also tries to make the cultures of the South accessible to the Dutch public through, for example, publishing books written by southern writers. Novib promotes the personal involvement of Dutch individuals and organizations in actions such as fair trade aimed at a more equitable distribution of the world's resources. Third, with the other Oxfams, Novib defends the interests of developing countries in the political and economic power centers of the West and tries to influence policy decisions in favor of the world's poor.

Novib bases its core work of grant-making on a strongly normative approach to development as cooperation between independent social actors. Institutional autonomy, mutual accountability, consultative decision making, and transparency between donor and grantee are the four pillars of Novib's relationships of development cooperation. Novib channels well over 80 percent of its annual budget of US$170 million to fund like-minded counterpart organizations. Novib does not make grants to individuals. The average annual value of a grant is around US$150,000, and Novib is highly flexible in its funding. Grantees largely decide where Novib's donation can do them the most good. In addition, Novib strives to fund its grantees in three-year cycles and frequently, for nine or more years. In the rapidly shifting environment of international development cooperation, however, throughout each year staff increasingly face strategic choices about what grantees to fund.

In a Changing Political Environment, Novib Applies Strategic Risk Management to Appraising Grants

As is the case with NGOs around the world, Novib's stakeholders increasingly expect to know what has been achieved with their support and involvement. Furthermore, Novib now competes for funding from its principal donor, the Dutch Ministry of Development Co-operation, based on the quality of results and not solely on professional grant-making. Consequently, since 2000, Novib has given much more emphasis than before to the results it strives to achieve. To this end, Novib is applying strategic risk management in a variety of areas of operational decisions. The principal area is grant appraisal.[4]

Novib realized that if grantees and Novib itself only practice traditional risk management, then Novib's grants might be relatively safe, but the potential for more significant impact in a rapidly changing environment would be limited.

In 1980s and 1990s, the quality of the partner organization was the guarantee of positive results. Novib approached this challenge with a checklist of what it considered good grantee practice. That instrument was designed to provide a reading of the health of an organization and the quality of the project it proposed that Novib fund. Novib's rationale was that the closer a grantee was to standards of organizational excellence, the more likely the grant would be used wisely and the project successfully implemented. Solidarity, the right strategy, and excellent management continue to be important but are no longer sufficient. Novib and its grantees must demonstrate impact. Committed to this demanding task in often volatile circumstances, Novib realized that if grantees and Novib itself only practice traditional risk management, then Novib's grants might be relatively safe, but the potential for more significant impact in a rapidly changing environment would be limited. To

increase the magnitude of the results, Novib understood that it must dare to manage risks strategically and not bureaucratically if it were to contribute to development. Novib decided that the emerging concept of strategic risk management would offer an especially appropriate tool for managing its grant-making. This methodology permits holistic, non-linear and dynamic analysis and decision-making about the potential for results. Consequently, from 2001 to 2003, Novib researched and developed a grant appraisal methodology grounded in risk management science. From August 2003 through February 2004, Novib field-trained over one hundred of its grant makers and managers in the new methodology.

The Appraisal Product—Judgments

In Novib, a team of two to three program officers, a financial officer, and a team secretary are responsible for the Novib portfolio in a country or region. They use an appraisal manual, the "Toolbox," to support them in formulating their risk judgments. The product—their strategic risk appraisal—is a narrative document of four to eight pages with three components.

1. The upside risks: the opportunity for cooperation

The starting point is the congruence between the positive *results* a grantee wishes to achieve and one or more strategic objectives of Novib for the country or region. The Novib team identify and interpret what the grantee wishes to achieve that will improve the quality of life of sectors affected by economic, social, and political inequality. In particular, the team explains what it believes is the potential contribution to changes in policies and practices.[5] They also identify other positive *consequences* or "added social value" of the grantee's activities.

The positive consequences are the most important but not the only element of the opportunity for co-operation and for Novib to provide funding. The amount and duration of the grant also depends on the *probability* of success. Thus, the team looks hard at the counterpart organization's resources and track record and at the environment in which it operates. It identifies the capacity that the grantee has demonstrated to achieve similar results and to manage change. Furthermore, the team takes into account favorable external social actors and factors. With this foundation, the team formulates its judgment about the probability of this organization achieving its results.

2. The downside risks: the principal dangers to success

The second component of the appraisal is the down-side risks or threats that endanger the success of the opportunity. Novib calls these "principal dangers." They are the risks in which the probability of occurrence and potential negative impact could undermine a grantee's ability to achieve the results. Equally important, the team explains how the grantee proposes to manage these "mortal" risks to success.

3. The upside-down risks: changing opportunities and dangers

Risk exposure to both positive and negative results must be managed into the future and this, of course, is the grantee's responsibility. The project proposal is essentially a plan for the management of the positive risks. The grantee informs Novib how it will manage the negative risks. Together, they agree on an agenda to monitor and review progress towards the results and the control of the principal dangers. This annual reflection analyzes how the opportunity and dangers may have changed, but also identifies new opportunities and emerging threats for the coming year. In sum, the content of the appraisal highlights the positive risks and the opportunity to contribute to significant social change. The negative risks are those that endanger success.

The Four-step Appraisal Process—Engagement and Dialogue

Novib's grant appraisal methodology is based on mutual respect between Novib and its grantees and a sound understanding of each other's expectations and needs. A program officer and the officer's team quickly confirm a promising opportunity (and weed out others). They analyze only the important obstacles to success and make decisions using judgment and reflection, as well as facts and figures, all in consultation with the grantee. The risk appraisal enables Novib staff and grantees to negotiate agreements about enhancing the opportunity to cooperate and mitigating the dangers to the success of that cooperation.

1. The pre-assessment team meeting

First, Novib communicates to all applicants that Novib supports grantees that take risks in seizing new opportunities to achieve their social change goals. Upon receiving a project proposal, one team member, usually a program officer, decides or confirms in the case of a current grantee if the project proposal meets Novib's minimum criteria.

· Fits within Novib's grant-making strategy for the country or region.
· Is compatible in terms of organizational purpose and values.
· Fulfills minimum administrative and financial standards, such as being a
    legally constituted NGO organization with a bank account.

If the team agrees in principle to appraise the organization and its proposal, the program officer in the lead prepares a draft appraisal for discussion by her team with the information at hand. This includes the grantee's proposal and for current grantees, evaluations, annual reports, audits, and field visit notes.

Experience to date is that key additional information is always required. For example, usually there is a lack of clarity about the intended results of the grantee's activities. In Novib's case, this is especially true concerning potential policy and practice changes. Of course, the use of a risk appraisal methodology also requires a change in mindset within the Novib team. For instance, the previous appraisal methodology was calibrated to identify problems and set conditions, not embrace positive and negative risks.

2. Visit to the grantee

Generally, not all the missing information can be obtained through correspondence. The customary emphasis by donors is on what the grantee is going to *do* with their grant. Novib's new focus on what is to be *achieved* and on the results represents a new dimension to the donor-grantee relationship and requires face-to-face dialogue. Therefore, the team crafts the questions that one or two program officers, sometimes accompanied by the financial officer, pursue during the visit to the organization. They begin with a morning or afternoon of questions and answers to gather information. The grantee's director, senior management team, and board members, occasionally, are present.

In the following day or two, the program officer (and other team members if present) completes the draft appraisal and presents it to the grantee. The grantee reads and discusses internally the appraisal before another session with the program officer(s). In the second half-day meeting, it is the grantee's turn to ask questions, correct misinformation, and comment on the analysis in the risk appraisal. They wrap up discussing how the grantee will manage the negative risks.

The visit is the central event in the appraisal process. The face-to-face critical dialogue is sharply focused on the political dimension of the cooperation—what both NGOs aim to change in society. In the first year, Novib applied the risk appraisal methodology to project proposals from almost 200 NGOs in countries with a wide range of political, economic, and cultural diversity. Around the world, grantees and Novib staff alike consistently consider this respectful, transparent discussion in a spirit of conscious risk-taking and mutual accountability to be the most valuable part of the new methodology. They are able to counter together the pressures for donors to subcontract for results and for grantees to play cat and mouse in order to preserve their institutional integrity. Grantees learn why Novib is supporting (or not funding) a project, as well as Novib's hopes for and concerns about their projects. Novib learns about the fundamental challenges the NGO counterpart faces in achieving significant social change.

3. Team discussion and decision

The program officer responsible submits to the team the appraisal and a ten to twenty page description of the grantee. The two documents—one part analysis and the other part facts and figures—complement each other. The program officer has sifted through considerable amounts of information, has analyzed that which is essential to understand the opportunity for cooperation, and made judgments about the impact and likelihood of both success and failure. All of this has been done in consultation with the NGO grantee. Therefore, the team does not repeat or simulate the process of appraisal. Instead, colleagues enrich the quality and coherence of both products.

In making their decision to fund, the team members go beyond examining the probability and the importance of potential structural, sustainable changes in the lives of people represented by the project to be funded. They strive together to

strengthen, integrate, respect, and accept responsibility for Novib's and the grantee's necessarily different but convergent views.

4. Follow-up and review

The Novib methodology stipulates a review of the opportunities and dangers at least once a year. The grantee and program officer discuss the grantee's experience in the past twelve months in working towards achieving the results and managing the principal dangers and the implications for opportunities and dangers in the second year. The review also looks forward: How has the opportunity changed? Are there new opportunities that may deserve higher priority? How have the threats changed? What new action is required to manage them?

CONCLUSION

Novib discovered in strategic risk management a method to assist in making decisions about grants for social change. Thus, the methodology is politically but also result oriented. Equally important, each party's institutional autonomy is respected. There is mutual accountability, consultative decision making, and transparency between donor and grantee. Furthermore, Novib enhances its ability to demonstrate the impact of its grant-making.

NGO grant-makers and their NGO grantees have a symbiotic relationship in an uncertain world filled with both opportunities and dangers. For either to succeed, both must succeed. Thus, they have a shared interest in their own and each other's effective strategic management of risk in order to advance toward their full potential contribution to people everywhere, exercising their rights and achieving social justice and sustainable development.

Notes

[1] Also known as nonprofit, voluntary, grass-roots, community-based or civil society organizations.

[2] The current Oxfams are based in Australia, Belgium, Canada, Germany, Great Britain, Hong Kong, Ireland, Netherlands, New Zealand, Quebec, Spain, and the USA.

[3] Novib is a NGO hybrid quite common in Europe. As a private donor, it is comparable to the Ford Foundation. Since Novib receives two thirds to three-fourths of its funding from the Dutch government, it is analogous to the InterAmerican Foundation funded by the US Congress. Furthermore, as an advocacy and campaigning organization, Novib is similar to Amnesty International or Human Rights Watch. Novib is not, however, operational. It does not implement development projects.

[4] In addition to grant appraisal, Novib uses risk methodology to: 1) select countries and prioritizing themes for funding; 2) assess opportunities for cooperation with corporations and local government in campaigning, advocacy, and special projects; and 3) evaluate regional and country programs.

[5] Policy changes are modifications of formal or informal, written or unwritten political, cultural, social or religious norms that guide the actions of people, organizations, and institutions in the sphere of the state, the market as well as in civil society. Changes in practice represent a modification of what is done in society—the laws or regulations must be applied or new socio-cultural norms practiced.

Iranian Nuclear Proliferation:
The Trans-Atlantic Division

by Gawdat Bahgat

For many years, Western intelligence agencies have suspected that Iran and Iraq have engaged in clandestine activities to develop nuclear capability. The toppling of Saddam Hussein's regime and the slow construction of the "new Iraq" has removed Baghdad from the category of potential proliferators. Increasingly, the international community's focus has shifted to the other Persian Gulf giant—Iran. In 2003 a series of revelations about Tehran's nuclear program shook the Western intelligence assessment. After intense negotiations that included the United States, several European powers (particularly Britain, France, and Germany), the International Atomic Energy Agency (IAEA), and Iran, a crisis was contained, at least temporarily.

These successful international efforts to convince Iran to disclose its nuclear program and accept closer cooperation and vigorous inspection by the IAEA were the outcome of different approaches by Washington and Brussels. While the British, French, and Germans urged Iran to cooperate and offered economic and technological incentives, the Americans threatened Tehran with economic and political sanctions. Moreover, although Washington's threat of military force was never explicit, it was certainly implicit. At the end of the day, this "good cop/bad cop formula" produced a positive outcome, i.e., Iran's acceptance of a rigorous inspection of its nuclear facilities). This outcome was documented in a resolution adopted by the Board of Governors of the IAEA, issued in late November 2003.

The American harsh stand reflects the longstanding mutual suspicion that has characterized the relations between Washington and Tehran for more than two decades. Diplomatic relations between the two nations have been severed since fifty-two American diplomats were taken as hostages in Tehran in 1979. In the 1980s several military skirmishes occurred between the U.S. navy, which was protecting oil shipments from the Persian Gulf, and Iranian civilian and military targets. Shortly after taking office, President Clinton initiated the "Dual Containment" policy, which imposed series of economic and political sanctions on the Islamic Republic. President Bush's approach to Iran is not different from that of President Clinton. In the State of the Union speech, January 2002, President Bush described Iran as part of an international "axis of evil" along with Iraq and North Korea. In the aftermath of toppling the Iraqi regime several prominent figures inside and outside the Bush administration have advocated a "regime change" in Tehran and mentioned

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Iran as the next target in the global war on terrorism. Paul Wolfowitz, Richard Perle, Douglas Feith, Elliott Abrams, and William Kristol are the most prominent "neo-conservatives", who have strongly advocated an aggressive approach toward Iran.[1]

This hostile American attitude toward Iran is the opposite of the approach adopted by the Europeans. Like the United States, most European countries had hostile relations with Tehran in most of the 1980s in response to the revolutionary regime's extremist domestic and foreign policies. However, the slow but steady rise of a moderate camp within the Iranian leadership since the early 1990s has facilitated a rapprochement with Brussels. The election of President Muhammad Khatami in 1997 represented a turning point in the relations between the two sides. Since taking office, Khatami has paid highly successful visits to several European countries including Italy, Spain, France, and Germany. Although a dialogue between the European Union (EU) and Iran was launched in 1995, it was for the first time in 2001 that Brussels and Tehran took practical steps to put bilateral ties and cooperation in a contractual framework. Top EU leaders, including foreign policy chief Javier Solana and Commissioner Chris Patten, visited Tehran. Similarly, a European Parliament delegation paid a highly publicized visit to Tehran in 2002, which was followed by a visit to Brussels by Kamal Kharrazi, the Iranian foreign minister, who was the first Iranian official to address the European Parliament in February 2003. These diplomatic talks between European and Iranian officials have strengthened their common stands on several issues, particularly trade, energy, terrorism, and the war in Iraq.[2]

The Iranian case suggests that external pressure, combining both incentives and threats, in conjunction with internal debate regarding the benefits and costs of nuclear capabilities is the most effective approach to prevent nuclear proliferation.

The European Union is Iran's main trading partner concerning both imports and exports. While most of the EU imports from Iran consist of oil products, the exports to Iran are more diversified including several manufacture products. For the last few years the two sides have been negotiating a Trade and Cooperation Agreement (TCA). The United States government's decision to ban American oil companies from investing in the Iranian energy sector since 1995 has offered the European companies a golden opportunity to develop Iran's hydrocarbon resources. Furthermore, unlike the United States, several European countries support Tehran's application to join the World Trade Organization (WTO). With regard to terrorism, after a rough start, Tehran and Brussels have adopted similar positions. In a significant gesture to Iran in May 2002, the EU declared the leading opposition group to the Islamic regime, Mujahideen Khalq a terrorist organization. Finally, Iran and several European

countries have supported a leading role for the United Nations in Iraq.[3]

This essay examines Iran's motives and incentives to acquire nuclear capability. Then, a brief review of Iranian efforts to start and develop nuclear program is provided. American and European efforts to disclose, stop or slow down Iranian nuclear capabilities will be compared and analyzed. The lessons learned from this multifaceted diplomacy will be highlighted. The Iranian case suggests that external pressure, combining both incentives and threats, in conjunction with internal debate regarding the benefits and costs of nuclear capabilities is the most effective approach to prevent nuclear proliferation.

MOTIVES TO ACQUIRE NUCLEAR CAPABILITY

An examination of Iran's motivations to acquire and develop nuclear capability reveals a deep concern about national security within a regional and international context that has grown more hostile and dangerous to the Islamic regime since the revolution in 1979. Put differently, Iranian strategists feel threatened by the growing non-conventional capabilities of several of their neighbors as well as the deployment of American troops next to their borders on almost all directions.[4] The lesson that the Iranians have learned from their own experience and that of other countries is that conventional weapons probably would not suffice to ensure their national security and deter potential attacks. Instead, chemical, biological, and nuclear capabilities and the means to deliver them will prevent the country's potential and real enemies from threatening core Iranian national interests.

Turkey is located on the north western borders of Iran. Despite overall good relations between Ankara and Tehran there are fundamental differences in their domestic and foreign policy orientations with clear implications on their national security. While Turkey is a staunch believer in secularism and the Turkish army stands firm to prevent religious penetration of Turkish public life and policy, the Iranian regime's legitimacy is based on its adherence to the Islamic principles and tenets. In short, Turkey is a secular state, while Iran is a religious theocracy. In addition, Turkey is a traditional ally of the United States, and a member of North Atlantic Treaty Organization and, since the mid-1990s, has forged a military and economic alliance with Israel. Both the United States and Israel are Iran's sworn enemies. Finally, since the collapse of the Soviet Union in 1991 Turkey and Iran have pursued competing economic and political strategies in Central Asia.[5] Despite these basic differences, these two Muslim, non-Arab Middle Eastern states have established good relations and avoided any serious military confrontation. Furthermore, Iran greatly appreciated Turkey's refusal to allow American troops to use its military bases to attack Iraq in the 2003 war. Still, a Turkish military threat to Iran cannot be ruled out. Ankara features in Tehran's national security calculus.

Russia is located to the north of Iran. Historically, the Soviet Union/Russia has always posed a threat to the stability and territorial integrity of Iran. In the last two centuries, Iran has lost substantial territory to the Soviet Union/Russia.[6] During the

Cold War the Pahlavi regime strongly resisted Soviet attempts to penetrate the Middle East and promote communism. Since the early 1990s Russia has become one of the closest allies Iran has. Indeed, Russia has helped Iran to build its conventional and non-conventional capabilities.[7] Nevertheless, Moscow and Tehran have taken opposite stands on basic issues. Russia is a main trade partner to Israel and has special relations with the Jewish state due to the approximately one million Soviet Jews who immigrated to Israel. Besides, Russia and Iran pursue competing policies in the Caspian Sea.[8] The two nations disagree on the legal status of the Caspian and the pipeline routes. These disagreements can threaten the current cooperative relations between Moscow and Tehran.

An Iranian non-conventional capability can serve as a deterrent against potential Israeli attacks. In response, senior Israeli military officials and politicians have been explicit about the need to quash Iran's WMD facilities, particularly the nuclear ones.

Pakistan, a nuclear power, is on the eastern borders of Iran. The great majority of Iranians are Shi'ia and Pakistan is one of the largest Sunni countries. Until September 11, 2001 terrorist attacks in the United States, Iran and Pakistan took opposite sides in the civil war in neighboring Afghanistan. Islamabad supported the Taliban, an extremist Sunni movement, while Tehran supported the Northern Alliance, a group of opposition groups including the Afghani Shi'ias. Meanwhile, Pakistan is a close ally to the United States and Iran established close economic and military cooperation with India, Pakistan's main rival.

On the southern borders Iran shares the Persian Gulf with the Arab Gulf monarchies. Since the Iraqi invasion of Kuwait in 1991 Iran and its Arab neighbors have come close and signed several agreements to consolidate their cooperation.[9] Despite this Arab-Iranian rapprochement there are basic problems beneath the surface. Most of these Arab Gulf states have large Shi'ia minorities which have not been completely assimilated. Most of Arab Gulf rulers have forged strong defense links with the United States. They see the United States as their main defender against external threats and allowed American troops and facilities in their countries. Saudi Arabia and Kuwait supported Iraq in its war with Iran and have bought some of the most sophisticated weapon systems in the world. Their military spending is less restrained by financial and political pressure than Iran. Finally, Iran has a standing territorial dispute with the United Arab Emirates, supported by the other Gulf monarchies, over three islands—the Greater Tunb, the Lesser Tunb and Abu Mussa.

Since the early 1990s Iran has had good relations with most of these neighbors —Turkey, Russia, Pakistan, and the Arab Gulf states. A military threat from these countries to the Islamic Republic is unlikely in the near future. Still, deterioration of relations cannot be ruled out. Iranian strategists include these potential adversaries

in drawing their national security plans.[10] More immediate threats, however, come from three sources: Israel, the United States, and Iraq. The conflicts with these three countries are considered the main reasons for Iran to build non-conventional arsenal since the mid-1970s.[11]

Since the Islamic Revolution in 1979 Tehran and Tel Aviv have seen each other as sworn enemies. Iran, even under the Shah, opposed the Israeli nuclear asymmetry in the Middle East and Israel's refusal to sign the Non-proliferation Treaty (NPT). Accordingly, the Pahlavi regime sought to establish its own nuclear program and called for the creation of a Middle East Nuclear Free Zone (MENFZ).[12] The leaders of the Islamic regime in Tehran perceive Israel as having the most extensive chemical, biological, and nuclear arsenal in the Middle East as well as a formidable conventional force, which has the reputation of being one of the most combat-effective forces in the world. Within this context, an Iranian non-conventional capability can serve as a deterrent against potential Israeli attacks. In response, senior Israeli military officials and politicians have been explicit about the need to quash Iran's WMD facilities, particularly the nuclear ones.[13] These Israeli threats are credible for three reasons: A) Israel's pre-emptive attack on Iraq's nuclear reactor in 1981 serves as a precedent; B) Israel's capability to carry out long-range attacks has substantially enhanced in the last several years. Since the late 1990s Israel has acquired a number of cruise-missile-capable diesel submarines and further developed its extended-range Jericho missiles; C) As a result of growing military cooperation with Turkey, Israel effectively has a presence on the Turkish border with Iran; it reportedly operates intelligence-collection facilities there, and Israeli reconnaissance or strike aircraft could over-fly Turkey en route to Iran.[14]

In the post–Cold War environment, there is no other superpower to balance the United States. This unchecked sole superpower has been very suspicious of Iran's intentions and nuclear program.

These threats and counter-threats made by Iranian and Israeli officials have substantially heightened tension between the two countries. A direct military confrontation between Tehran and Tel Aviv is likely to take place under one of two scenarios.[15] First is an Israeli pre-emptive attack against Iran's nuclear facility. Second, a large-scale terrorist attack against Israeli or Jewish targets carried out by the Lebanese guerrilla Hizbollah (Party of God), or other Palestinian organizations, and sponsored by Iran. These two potential scenarios for direct military confrontation between Iran and Israel are, however, unlikely. Rhetoric aside, the two countries have no specific or direct dispute with each other.[16] Still, they will remain highly concerned about each other's conventional and non-conventional military capabilities.

Iran has had hostile relations with the United States since the monarchical regime was overthrown in 1979. Since then, the Islamic Republic has held an almost

paranoid and conspiratorial view of the United States' role and action in the Middle East and has seen almost every U.S. initiative as a direct or indirect assault on Iran's national interests.[17] Indeed, confronting the United States is one of the few remaining legitimizing symbols for the Islamic Republic. Iran's strategic stand on the international system has further worsened since the collapse of the Soviet Union in 1991 and the emergence of the United States as the sole superpower. In the post–Cold War environment, there is no other superpower to balance the United States. This unchecked sole superpower has been very suspicious of Iran's intentions and nuclear program.

Iranian officials accuse the United States of pursuing a policy of "selective proliferation" by saying nothing about Israel's nuclear capability, which is not a signatory to the NPT, while harshly criticizing and imposing sanctions on Iran, which signed the NPT.

Since the early 2000s, the mutual suspicion between the United States and Iran has been heightened. In October 2001, American troops were deployed to Afghanistan and overthrew the Taliban regime. Less than two years later, March 2003, American troops were deployed in Iraq to topple Saddam Hussein regime. Despite the fact that both the Taliban and Saddam Hussein were Iran's sworn enemies, the American military presence on Iran's eastern and western borders (as well as in the Arab Gulf states on the southern borders and in Central Asia on the northern borders) is a matter of great alarm and concern to the regime in Tehran.[18] In short, since the early 2000s Iran has been encircled by American troops from almost all directions. Tehran's sense of encirclement feeds into its fear and suspicion of Washington's intentions toward the Islamic regime. In the aftermath of the 2003 war in Iraq, many Iranian officials and intellectuals have expressed their concern that their country would be the next on President Bush's list of regime change.[19]

For a long time Iran, along with some Arab states, has argued that there is a double standard in U.S. policy concerning the nonproliferation regime. Iranian officials accuse the United States of pursuing a policy of "selective proliferation" by saying nothing about Israel's nuclear capability, which is not a signatory to the NPT, while harshly criticizing and imposing sanctions on Iran, which signed the NPT.[20] The American-led war in Iraq in 2003 has reinforced these Iranian accusations. The war sent a mixed signal to Tehran. On one hand, the United States was not provoked to attack Iraq, rather it was a pre-emptive strike. This clearly suggests that Washington is ready to use its overwhelming might to prevent the proliferation of WMD. On the other hand, the United States' more benign and less confrontational response to North Korea's nuclear activities suggests that acquiring a nuclear device can serve as a deterrent. Some members in the Iranian political/security establishment believe that a nuclear capability is the only guarantor of the nation's independence and the

regime's survival. The aim of acquiring such capability would be to deter the United States before it "bullies" the Islamic Republic.[21]

Finally, Iraq probably represents the most salient incentive for Iran's drive to acquire and develop WMD. Most of the Iranian efforts to obtain such capabilities started during the war with Iraq (1980–1988).[22] During the war, Iraq launched chemical and ballistic missile attacks on Iranian army and population centers and it has since been revealed that Iraq also had an extensive biological warfare program. Then, Iran's arsenal of these weapons was not match to Iraq's. The existence of a hostile neighboring state with a known chemical and biological capability was an incentive to develop a deterrent in kind.[23] This bloody conflict ended with a cease-fire, which has yet to be formalized into a peace treaty.

Indeed, the underlying reasons for the conflict are deep-rooted and have not been adequately resolved. The two nations still have a territorial dispute over Shatt al-Arab. The demographic structure will always be a factor in shaping their relations. The majority of Iraqis (about 60 percent) are Shi'ia and (40 percent) are Sunni, while more than 90 percent of the Iranians are Shi'ia. This means that Iran will always have the potential to influence the Iraqi domestic policy. Furthermore, the two big and powerful states – Iran and Iraq have their own conflicting ambitions to dominate the rich and small Arab Gulf states.

Iran has developed non-conventional capabilities to deter Iraq.

Given these roots of enmity, Tehran and Baghdad have always been suspicious of each other. This hostility has characterized their relations before Saddam Hussein and is likely to continue in the post-Saddam Iraq. As one analyst put it, "Scenarios of renewed conflict with Iraq are not far-fetched."[24] Iran is wary of the uncertainty regarding the post-Saddam Iraq. The Iranians learned an important lesson by comparing their war with Iraq (1980–1988) and the Gulf war (1991). Iraq used chemical weapons (CW) against Iran because the latter could not retaliate in kind. In the Gulf war Iraq did not utilize its WMD because the international coalition had the capability to retaliate in kind. The lesson is for deterrence to operate, the threatening state must be confronted with the certainty of an equivalent response.[25] Iran has developed non-conventional capabilities to deter Iraq.

IRAN'S NUCLEAR PROGRAM

The most controversial issue regarding Iran's WMD is its nuclear program. Ironically, this program began with the assistance of the United States under the previous Iranian regime. In 1957 Iran signed a civil nuclear cooperation agreement with Washington as part of the U.S. Atoms for Peace Program.[26] Few years later, Iran arranged to buy a research reactor from the U.S., which began operation in 1967. Washington also sold Tehran a number of hot cell laboratories for handling

radioactive materials. In 1974 the Shah established the Atomic Energy Organization of Iran and stated that Iran would have nuclear weapons without a doubt very soon.[27] It is important to point out that in this early stage of building Iran's nuclear capability Israel was not the target. Rather, the Pahlavi regime wanted to deter regional powers such as Egypt and Iraq.[28]

In addition to this assistance from the United States, France and Germany contributed to Iran's nuclear program. They signed several agreements with the Shah to provide Iran with enriched uranium, nuclear reactors and research centers.[29] A significant step in building Iran's nuclear capability was the signing of an agreement with the two German firms, Siemens and Kraftwerk Union, to build two nuclear reactors in Bushehr, a port city along the Persian Gulf. Construction of these reactors, which were 80 and 65-70 percent complete, was frozen by Ayatollah Khomeini immediately after the 1979 revolution.[30] The Iranian leader considered nuclear weapons (as well as CW and biological weapons) immoral and decided not to seek them. In 1985, Iran decided to restart its nuclear program in an attempt to balance the growing Iraqi non-conventional capabilities. The search for uranium was stepped up and Tehran began offering incentives for exiled Iranian nuclear scientists to return home. Little wonder, Bushehr became a major target for Iraqi raids. The reactors were substantially damaged by Iraqi bombardments.

The United States believes that, despite strong denial, Iran is pursuing efforts to build nuclear weapons.

In the aftermath of the Iran-Iraq war Tehran sought to revive its nuclear program and finish the construction of the Bushehr reactors. The opening of Iran's first nuclear engineering center in 1992 can be seen as a sign of these renewed efforts to obtain nuclear knowledge.[31] Under American pressure German firms refused to resume work on the projects. Iran sought assistance from many other sources including China, India, Brazil, the Czech Republic, Ukraine, and Kazakhstan. The threat of U.S. sanctions, however, blocked the participation of these potential partners in Iran's nuclear program.[32] Finally, in early January 1995, Iran signed a $800 million deal with Russia to complete the first of the two units at Bushehr. In response to U.S. pressure, Russia later negotiated with Iran a separate agreement stipulating that all spent fuel from the Bushehr reactors would be shipped back to Russia.

The United States believes that, despite strong denial, Iran is pursuing efforts to build nuclear weapons. In June 2003, President Bush bluntly stated that the United States and its allies "will not tolerate the construction of a nuclear weapon in Iran."[33] American officials believe that there is no economic justification for a state that is so rich in oil and gas, like Iran, to build these hugely expensive nuclear fuel cycle facilities. The Iranians respond by confirming that they are interested in nuclear power for peaceful purposes and that it will help free up oil and gas resources for export, thus generating additional hard-currency revenues.[34] Furthermore, Iran does not want to fall behind in nuclear industry with its wide ranging applications and

that Iranian technicians need to familiarize themselves with this technology. Finally, Iran maintains that as a party to the NPT it has a right to obtain nuclear technology for peaceful purposes.

In order to ensure that Iran is not trying to develop nuclear weapons and is in compliance with the NPT, the United States, the EU, Russia, and the IAEA have demanded that Iran sign the IAEA Model Safeguards Protocol.[35] This document was devised after the discovery of Iraq's clandestine nuclear weapons program and contains measures designed to permit IAEA inspection of undeclared nuclear sites as well as the declared sites that are already the subject of the basic IAEA inspection regime.

The debate concerning Iran's nuclear program was intensified in the summer of 2003 with the revelations that traces of bomb-grade uranium had been found at two facilities in Iran. The amount of plutonium at issue is in micrograms-nowhere near what is needed for a warhead. But experts and diplomats said the key point was that the Iranians were developing the techniques to extract much more plutonium.[36] In an attempt to defuse the crisis the Europeans applied a "carrot and stick" diplomacy with Iran. In August 2003 the foreign ministers of Britain, France and Germany sent a letter to Iran urging it to adopt the Safeguards Protocol and to halt its uranium enrichment program. In return, the letter acknowledged Iran's right to the peaceful uses of nuclear energy and raised the possibility of cooperation on technology, without specifically pledging help with a civilian nuclear energy program.[37] In October, the three foreign ministers visited Iran and obtained an official endorsement of their proposal. To underline its new cooperation Tehran informed the IAEA that it was ready to sign the Safeguards Protocol and voluntarily suspended its uranium enrichment and reprocessing activities.[38]

Iran's evolving democracy suggests that "engaging" Iran and explaining to the Iranian public the high costs of nuclear proliferation and the gains of compliance with international norms would be an effective approach to prevent the country from developing nuclear weapons.

Finally, in late November 2003 the Board of Governors of the IAEA adopted a resolution that emphasized that in order to restore confidence, Iranian cooperation and transparency will need to be complete and sustained so that the Agency can resolve outstanding issues and, over time, provide and maintain the assurances required by the member states.[39] The resolution added that should any further serious Iranian failures come to light, the Board of Governors would meet immediately to consider all options at its disposal, in accordance with the IAEA Statue and Iran's Safeguards Agreement. The resolution did not accuse Iran of violating its obligations under the NPT and stopped short of referring the issue to the UN Security Council. Originally, the United States had pushed for a tougher resolution that would declare

Iran in noncompliance with the NPT and would resort it to the Security Council. In that case, Iran would have faced sanctions. Confronted with strong European objections and seeking to maintain a united Western stand, U.S. officials dropped this demand but called for a trigger mechanism to warn Iran if guilty of further violations of its nonproliferation obligations. The Iranians praised the British, French and German efforts to reach an agreement on the wording of the resolution and announced their intention to further deepen their cooperation with the EU. Iran also pledged to show complete transparency in its future nuclear program. However, in the early 2004 officials in Britain, France, and Germany have viewed the Iranian transparency and cooperation as less than satisfactory.

CONCLUSION

In November 2003 it seems that the crisis over Iran's nuclear program has been contained, at least temporarily. Several preliminary and tentative conclusions can be drawn from this experience. First, no permanent satisfactory solution to the alleged Iranian nuclear proliferation has been reached yet. The future of Iran's nuclear program and, indeed, the overall Iranian strategic planning will be shaped by at least three factors: A) the type of relationship with the United States, confrontational or cooperative; B) the evolving security environment in the Persian Gulf and the broader Middle East, particularly the political orientation of post-Hussein Iraq; C) the outcome of the vigorous power struggle inside Iran between moderates and hard-liners. Second, unlike North Korea and Saddam Hussein Iraq, the other two members in President Bush's axis of evil, most analysts, Including Americans, do not see Iran as a pariah state. A major character of Iranian policy is a quasi democracy with a vibrant debate concerning the country's national security and its foreign relations. This evolving democracy suggests that "engaging" Iran and explaining to the Iranian public the high costs of nuclear proliferation and the gains of compliance with international norms would be an effective approach to prevent the country from developing nuclear weapons.

Third, several prominent Iranian leaders have voiced their concerns that nuclear weapons would undermine rather than enhance the country's national security.[40] Attempts to develop nuclear weapons would increase the chances of pre-emptive attacks by the United States and Israel; would antagonize Iran's neighbors in the Persian Gulf and push them more into closer security arrangements with the United States; and would trigger economic sanctions by the Europeans and Japanese. These are highly undesirable outcomes. Fourth, this internal debate within Iran concerning the country's nuclear program should be supplemented by external pressure. This external pressure, as the recent developments have demonstrated, should be based on two components—threats and incentives. Iran's pledge to cooperate with the IAEA can be explained by both concerns over economic and diplomatic sanctions and promises of technical and trade assistance. Force by itself would have further complicated the question of nuclear proliferation. At the end, the American threats

and European incentives seem to complement each other.

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State Capacity and HIV Incidence Reduction in the Developing World: Preliminary Empirical Evidence

by Andrew Price-Smith, Steven Tauber, and Anand Bhat[1]

INTRODUCTION

As the scourge of the HIV/AIDS pandemic continues its inexorable spread throughout the developing world, it leaves in its wake a toll of enormous human suffering, economic decline, and increasing socio-political destabilization.[2] To date, the contagion has resulted in approximately twenty-seven million deaths. With forty million people currently infected, the virus represents a significant threat to the health and welfare of the entire human species. Over five million people became infected with HIV in 2003, and in that year, AIDS resulted in circa three million deaths, up from two million in 1999. Moreover, the infection is spreading rapidly from its current epicenter in Sub-Saharan Africa into other developing countries such as India, Russia, Ukraine, China, and the Caribbean, which has the highest levels of HIV seroprevalence outside of Africa.[3]

The public health and policy communities have struggled valiantly in their attempts to contain the spread of HIV, with moderate levels of success in highly industrialized nations such as Canada, Germany, France, the United Kingdom, and the United States. However, to date, there has been persistent failures to contain the spread of the epidemic throughout much of the developing world, particularly in Sub-Saharan African countries such as South Africa, Zambia, Namibia, Swaziland, Zimbabwe, and Botswana, where adult HIV seroprevalence levels range from approximately 20 percent to circa 39 percent, respectively.[4]

Drawing upon the axioms of classical dependency theory, certain scholars have argued that the international political economy is structured in such a fashion that

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developing societies are trapped in a cycle of perpetual poverty and marginalization.[5] Thus, the majority of the populace in developing countries will remain mired in destitution, lacking adequate nutrition, clean water, housing, sanitation, and the maintenance of adequate public health infrastructure. Poor nutrition and illness combine to impede the formation, accretion, and consolidation of human capital within impoverished societies, further constraining a given nation's ability to respond effectively to exogenous shocks such as the HIV/AIDS pandemic. Massive debt in developing countries result in low prices for exported commodities, poor infrastructure, marginal levels of human capital, and low levels of economic reserves to deal with crises; thus, these developing countries will typically lack the endogenous *capacity* to respond to the epidemic in an effective and proactive manner. Therefore, states with low endogenous levels of capacity, measured in terms of economic power, infrastructure, and human capital indicators, will theoretically experience far greater difficulty in generating effective adaptive countermeasures to the HIV/AIDS epidemic.

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However, there are several examples of nations—Uganda and Thailand—that exhibit low levels of capacity, but have mounted relatively successful campaigns to reduce HIV incidence within their respective populations. Conversely, countries with relatively higher levels of capacity—Botswana and South Africa—have not fared as well. The successful adaptor nations have utilized alternative strategies to offset their lack of endogenous capacity, such as the mobilization of political elites to induce behavioral change in the populace in order to reduce pathogen transmission rates. In cases of successful adaptation, political leaders worked with local community leaders and non-governmental organizations to mobilize communities, protect the rights of the infected, and distribute prophylaxis and therapeutic anti-microbials, which also served to limit transmission and improve the lives of those already infected.

Despite having a moderate level of endogenous capacity, Botswana is a classic example of maladaptation. It exhibits the highest levels of adult HIV seroprevalence in the world, 38.8 percent, and the epidemic shows no signs of abating.[6] On the other hand, Uganda, which has relatively lower levels of capacity, but higher levels of political commitment and social cohesion, has adopted relatively effective HIV/AIDS policies and successfully reduced the seroprevalence of HIV/AIDS in its populace to about 6 percent. Thailand also has relatively lower levels of state capacity than Botswana does. However, Thailand possesses a greater political commitment and social cohesion than Botswana, resulting in more effective policy implementation and thus, the incidence and prevalence of HIV has significantly declined over the

past decade. However, Thailand did recently decrease its prevention budget.[7]   The conditions in these countries imply that some combination of the independent variable—state capacity—and the intervening variables—political will and social cohesion—is the prerequisite for the formulation and implementation of effective policy, resulting in successful HIV incidence reduction. Theoretically, we posit that when capacity is low, the effect of the intervening variables on the dependent variable—HIV incidence—may intensify. Therefore, this study constitutes a preliminary investigation of the empirical relationship between state capacity and HIV incidence reduction. Further, this study develops a novel empirical index by which to measure state capacity and articulates an empirically validated weighting system for that index.

At present, there are currently no comprehensive multi-national empirical studies that examine why some countries have adapted effectively to the epidemic while others have foundered and seen massive infection of their populations.

At present, there are currently no comprehensive multi-national empirical studies that examine why some countries have adapted effectively to the epidemic while others have foundered and seen massive infection of their populations. Theoretically, it is important to develop models that explain the role of state capacity in a sovereign nation's adaptive response to crises such as the HIV/AIDS pandemic. For the purposes of this study, we conceptualize national incidence reduction as the dependent variable, influenced primarily by state capacity. In the context of the HIV/AIDS epidemic, this is of utmost importance as it helps to explain differential outcomes in the ability of governments to respond to the epidemic.

The foremost explanation as to why some states adapt more effectively than others is based on the notion of *state capacity*, which reflects the endogenous resources that a state may mobilize in order to deal with emergencies, such as epidemic disease. Theda Skocpol initiated the discussion with the supposition that there are five central components of state capacity: sovereign integrity, financial resources, loyal and skilled officials, stable administrative-military control, and the authority and institutional mechanisms to employ its resources.[8] Joel Migdal argued strong states are capable of penetrating society, extracting and appropriating resources, and regulating social relationships.[9] Pierre Engelbert sought to restrict the definition of state capacity to the government's ability to maintain effective institutions and markets and foster economic development.[10] Daniel Esty et al. employed state capacity as an intervening variable that moderated the effects of myriad independent variables upon the dependent variable of state failure.[11] Thomas Homer-Dixon also used the concept in order to measure the impact of resource scarcity upon political stability with reference to state attributes such as instrumental rationality, resilience, and autonomy.[12] With a nod to Migdal, we have refined our definition of state capacity as one country's

ability to maximize its prosperity and stability, to exert *de facto* and *de jure* control over its territory, to protect its population from predation, to extract resources, to regulate social relationships, and to adapt to diverse crises. State capacity concerns a government's ability to satisfy its most important national needs, such as survival, protection of its citizens from physical harm, economic prosperity and stability, effective governance, and territorial integrity.

This implies that those countries that possess very high levels of capacity, i.e., the developed world, will be much more adaptive than countries with declining or low levels of endogenous capacity.

This study draws upon the recent finding that there is a strong positive correlation between population health and state capacity over the long term. In a randomized empirical study of twenty nations, utilizing forty years of data, Price-Smith demonstrated that state capacity exerts a significant effect on population health.[13] This implies that those countries that possess very high levels of capacity, i.e., the developed world, will be much more adaptive than countries with declining or low levels of endogenous capacity.

METHODOLOGY

We collected data on a random sample of 50[14] of the 191 member states of the UN in order to determine how well indicators of state capacity explain a given nation's ability to adapt to the AIDS crisis.

Data and Variables
The HIV/AIDS adaptation variable is measured as the percent change from the historical maximum of HIV incidence in each nation. For example, in nations that have witnessed successful adaptation to the pandemic, HIV incidence has declined from a historical apex. Such an apex is an inflection point after which HIV incidence declines. Such a decline is then measured as a percentage against the apex point and then converted to a score out of a maximum of 100 points. Ergo, a nation that had witnessed a 65 percent decline in incidence against the historical apex point would thereby exhibit a score of 65 on the adaptation continuum. Nations that have not seen any decline in HIV incidence and are therefore maladaptors receive a score of zero. For most of the nations, data exist through 2001. In cases that did not have the latest available information, we used the percent change figure for the most recent available year.

In order to empirically measure variations in state capacity, we employed a core set of cross-national indicators that are based on a revision of Price-Smith's original index.[15] The following seven indicators are logically valid measures of the resources, commitments, outcome, and performance of government functions.

Gross National Income (per capita)

This variable measures the total value of goods and services produced by the state on an annual basis. The sum is divided into a per capita measure and then standardized into current valuations. This indicator is a logically valid measure of state capacity because high per capita gross national income (GNI) values require an effective regulatory apparatus. GNI measures such aspects of state capacity as fiscal resources, autonomy, reach and responsiveness, resilience, human capital, and legitimacy. Data are available from the World Bank World Development Indicators.

Government Expenditure ($US 1,000)

This variable measures the total fiscal outlay of the state on the provision of services, such as education and health care, to its population on an annual basis. Government expenditure is a valid measure of state capacity because variation in state spending is an indicator of the ability of government to fund programs and to generate revenue. Data are available from the World Bank World Development Indicators.

School Enrollment Ratio (secondary)

This variable measures the percentage of the total population of possible school attendees receiving secondary education on an annual basis. It is a measure of state capacity because education is a core state function, and it is expensive. Of course in many states, families pay for education, yet education remains a public good that is subsidized by the state. This indicator also provides a proxy measure for the endogenous levels of human capital formation and consolidation within a state. Data are available from the World Bank World Development Indicators.

Military Spending (per soldier, per capita)

This variable measures the government's annual fiscal outlay for defense. The aggregate amount is divided by the number of soldiers, and then the value is adjusted to reflect a per capita ratio. This ratio allows a relative ranking of the amount spent on the training of soldiers and expenditures on weapons systems. High spending per soldier per capita is an indication of high-tech, capital- and training-intensive armed forces that can only be created and maintained by states that possess high state capacity. This is a valid measure of state capacity because it is one indication of the state's ability to provide a national defense system for the territory it governs. Data are available from the Stockholm Peace Research Institute.

Physicians (per 100,000/rate)

The ratio of health care providers to the general population is an excellent measure of the state's capacity to respond to various and diverse crises, such as exogenous shocks. It is also an excellent measure of the state's ability to train and employ health care providers, which is time-consuming and expensive. Moreover, this is a viable indicator of the level of endogenous health care infrastructure, which is expensive to develop and to maintain. Data are available from the World Health Organization and World Bank and national archival sources.

Telephones (per 100,000/rate)

Societies that have a high level of capacity will also possess a relatively sophisticated means of communication, which is particularly important when responding to crisis situations. This measure includes both landlines and cell phone usage and is a good proxy indicator of the technological sophistication of a given society. Moreover, communications infrastructure is a relatively expensive undertaking that is typically carried out by the state, particularly in the case of landlines. Data are available from the World Bank World Development Indicators.

Paved Roads

This variable is operationalized as the percent of roads in the state that are paved. This is another logical measure of a state's infrastructural capacity. Most states, except small island states, require a terrestrial transportation network in order to ensure the flow of goods and services throughout their sovereign territory. Such transportation networks also facilitate the flow of human capital throughout the state and permit rapid response to national emergencies should they arise. Moreover, paved roads are almost exclusively paid for and maintained by the state and are expensive to build and maintain. Data are available from the World Bank, IMF, and national archives.

FINDINGS

To determine the extent that each indicator of state capacity impacts HIV/AIDS adaptation, we first correlated each of the above independent variables on the adaptation dependent variable. Five of the seven individual indicators are statistically significant (at the .1 level) when correlated with AIDS adaptation: (1) schools ($r=.349$, $p=.015$, $N=48$); (2) roads ($r=.391$, $p=.007$, $N=47$); (3) phones ($r=.434$, $p=.002$, $N=48$); (4) physicians ($r=.266$, $p=.062$, $N=50$); and (5) GNI per capita ($r=.400$, $p=.004$, $N=49$). Military expenditures and government expenditures are not statistically significant.

To analyze the extent that state capacity explains AIDS adaptation, we constructed a composite measure of state capacity. However, we cannot assume that each variable within the index is likely to contribute equally to state capacity; therefore, it is necessary to develop a scheme for weighting those variables. To date, there has been no prior empirical research on which to base the weighting of these various indicators. Thus, we have established a preliminary theoretical justification for the weighting of such an index, which is reinforced by empirical tests below. We accord prominence to the infrastructural variables because these variables speak directly to the state's ability to respond to a wide range of different problems and crises with which the state must contend. On the other hand, we assign a lesser weight to military spending and macro level government expenditure. While military spending is an indicator of the state's power within and beyond its borders, some states do not have standing armies and/or they may not see a need to project power beyond their

borders. Government expenditure is given a lesser weight since it includes the various infrastructural variables. Based on this logic, we assign the following weights to the variables:

GNI	0.2
Phones	0.2
Roads	0.2
Schools	0.14
Physicians	0.14
Government Expenditures	0.06
Military Expenditures	0.06
Total	1.0

Additionally, the units for the different components of the state capacity measures fluctuate wildly. The schools and paved roads variables are percentages; the telephones and physicians variables are measured per 100,000 people; the government expenditure variable is measured in $1,000; the GNI variable is measured per capita; and the military expenditure variable is measured per capita, per soldier. If one were to use these unstandardized outcomes in constructing the composite measure, then the differing units would contaminate the weighting process. The composite measure would reflect the difference of units far more than the weighting scheme outlined above. Consequently, we standardized the variables by converting each value for each variable into its z–score. Specifically, we subtracted the variable's mean from
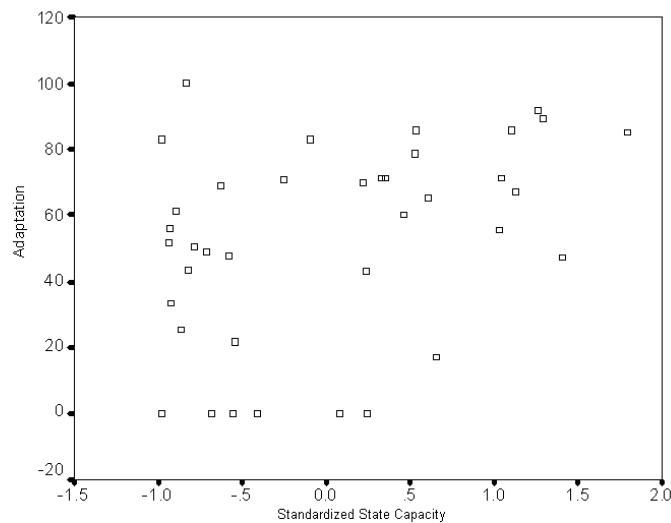

Figure 1. State Capacity and AIDS Adaptation

each value for that variable and then divided the difference by the variable's standard deviation.[16] This procedure for standardizing the variables did not change their relative influence and will not affect how they behave in subsequent analysis.

This composite state capacity variable is statistically associated with AIDS adaptation. Figure 1 shows the scatterplot of the two variables, with the dependent variable AIDS adaptation plotted on the y-axis and the independent variable state capacity plotted on the x-axis. The scatter plot suggests that the two variables are positively associated. As state capacity increases, so does AIDS adaptation. However, there are clearly some outliers.

OLS Regression further establishes that state capacity is statistically associated with AIDS adaptation. Table 1 reports the results for this regression. The state capacity variable is statically significant (p=.018). Additionally, the positive beta coefficient of .381 means that the correlation coefficient between state capacity and AIDS adaptation is 0.381. Although this result demonstrates that state capacity is an important influence on AIDS adaptation, it is worth noting that state capacity only explains 38 percent of the variation in AIDS adaptation. Consequently, factors that we have not yet specified explain 62 percent of the variation in AIDS adaptation. The statistically significant and strong error term (constant) further demonstrates that much is left unexplained. Accordingly, future research should develop a more fully specified model that includes variables reflecting political will and community mobilization. Nevertheless, at this point, we can confidently conclude that there is preliminary evidence that state capacity is statistically associated with AIDS adaptation.

Table 1. OLS Regression of State Capacity on HIV/AIDS Adaptation

Variable	Slope	Standard Error	Beta	Significance
Constant	52.36	4.58	N/A	.000
State Capacity	13.79	5.58	.381	.018

Because our weighting scheme for the state capacity variables is based on a preliminary understanding of the relative importance of the indicators, we need to explore the interrelationships among the seven indicators of state capacity before proceeding to further research. The correlation matrix in Table 2 shows the extent to which each indicator is correlated with one another. While this table demonstrates that many of the indicators are associated with one another, it also shows that some variables are not significantly correlated with other variables.

Although the correlation matrix provides some useful information about the indicators, there are seven variables and twenty-one separate correlations to consider. Therefore, it is difficult to learn much from the correlation matrix. Factor analysis is a useful technique for summarizing the relationships among a large group of variables. It identifies which variables are most closely related to individual factors that underlie the variables.   Since each of the variables related to a factor are similar

to one another, each factor can represent a group of similar variables. Therefore, factor analysis allows us to reduce and summarize the number of variables that constitute state capacity.

Table 2. Correlation Matrix Among State Capacity Indicators (Statistical Significance in Parentheses)

	Sch. Enroll (%)	Rds. Paved	Drs. per 100,000	Phones per 100,000	Mil. Exp.	Gov. Exp.	GNI
Sch. Enroll (%)	N/A	.816 (.000)****	.814 (.000)****	0.794 (.000)****	.150 (.185)	.248 (.066)*	.613 (.000)****
Rds. Paved	.816 (.000)****	N/A	.782 (.000)****	0.675 (.000)****	.261 (.057)*	.107 (.262)	.549 (.000)****
Drs. per 100,000	0.814 (.000)****	.782 (.000)****	N/A	0.610 (.000)****	.121 (.236)	.149 (.186)	.430 (.003)***
Phones per 100,000	0.794 (.000)****	.685 (.000)****	.610 (.000)****	N/A	.344 (.017)***	.383 (.006)****	.921 (.000)****
Mil. Exp.	0.150 (.185)	.261 (.057)*	.121 (.236)	.344 (.017)**	N/A	-.049 (0.385)	.568 (.000)****
Gov. Exp.	0.613 (.066)*	.107 (.262)	.129 (.186)	.383 (.009)****	-.049 (.385)	N/A	.403 (.006)***
GNI	0.248 (.000)****	.549 (.000)****	.430 (.003)***	.921 (.000)	.568 (.000)	.403 (.006)***	N/A

*p<0.1; **p<0.05; ***p<0.01; ****p<.001

Table 3 displays the results of a principal components factor analysis, which identifies as many factors as there are variables. The table shows the extent to which each factor explains the variance in the data.   We also ranked the factors according to amount of variance explained; therefore, table 3 also reports the cumulative amount of variance explained. Factor 1 explains 57.9 percent of the variance; factor 2 explains 16.7 percent of the variance; and factor 3 explains 15.2 percent of the variance. Cumulatively, these three factors account for 89.9 percent of the variance in the data.

Table 3. Principal Component Factor Analysis

Factor	% Variance Explained	Cumulative % Variance Explained	Eigenvalue	Cumulative Eigenvalue
1	57.911	57.911	4.054	4.054
2	16.707	74.628	1.170	5.224
3	15.201	89.829	1.064	6.288
4	5.166	94.995	.362	6.650
5	2.548	97.849	.200	6.850
6	1.814	99.663	.127	6.977
7	0.337	100.00	.024	7.001*

*This figure is slightly over 7.0 because of rounding.

The Eigen values indicates the number of variables that each factor represents in terms of explaining the variance in the data. Thus, factor 1 explains as much of the variance as 4.05 variables would, and factors 2 and 3 each explain as much variance as slightly over 1 variable. Factors 4, 5, 6, and 7 each explain as much variance as a fraction of a variable.   Since the goal of factor analysis is to reduce

variables, factors with Eigen values less than 1 are not useful and should be discarded. Consequently we retained the first three factors, which cumulatively explain 89.8 percent of the variance and yielded 6.29 Eigen values—close to the initial number of seven variables. In other words, using only the first three factors instead of the seven individual indicators does not cause us to lose much explanatory power, but it does reduce the number components comprising state capacity.

Table 4 shows the extent to which each variable loads onto each of the three factors. Load values that are close to +1 or -1 indicate that the variable is closely related to that factor. Therefore, percent enrolled in secondary school, percent of roads that are paved, telephones per 100,000 people, physicians per 100,000 people, and GNI per capita are all related to factor 1. Since these variables all involve conditions necessary for economic development, we can call this factor the economic resilience factor. Military expenditure per capita, per soldier is the only variable that loads high on factor 2, therefore, we will call this factor the military expenditure factor. Government expenditure is the only variable that loads high on factor 3; consequently, this will be called the government expenditure factor. These factor loadings demonstrate that state capacity is best measured through variables that include economic development, military expenditure, and government expenditure.

Table 4. Factor Loadings

Variable	Factor 1	Factor 2	Factor 3
School Enrollment	.901	-.309	-.017
% Roads Paved	.850	-.282	-.233
Physicians per 100,000	.797	-.449	-.135
Telephones per 100,000	.929	.144	.120
Military Expenditure	.405	.734	-.457
Government Expenditure	.364	.166	.892
GNI Per Capita	.850	.454	0.91

Additionally, this factor analysis demonstrates that the economic resilience factor (factor 1) is clearly the most influential. Recall that, as table 3 demonstrates, this factor alone explains almost 60 percent of the total variance among the seven variables. These results confirm the earlier findings that the five economic development variables were the most important aspects of state capacity.

Furthermore, the correlation coefficient between factor 1 and AIDS adaptation is 0.374 (p=0.021), which is almost identical to the correlation between our weighted state capacity score and AIDS adaptation. In short, the five economic development variables constitute the most significant part of state capacity. These empirical findings provide preliminary justification for the weighting scheme of the state capacity variables as developed above.

Discussion

The results of our preliminary analysis confirm that there is a correlation between the multivariate empirical index of state capacity and national HIV/AIDS incidence. The data were standardized to a common unit scale and then analyzed using OLS Regression. The balance of evidence suggests that there is a significant positive association between state capacity and change in HIV/AIDS incidence. However, there is also considerable evidence that state capacity is primarily a function of economic resilience variables and not expenditure variables. Therefore, in future research, we will need to refine the index of state capacity.

This preliminary evidence reinforces earlier findings that state capacity has a significant positive association with population health.[17] Moreover, these recent findings suggest that countries with high levels of endogenous capacity will have an easier time of mounting effective responses to HIV/AIDS than countries with middling to low levels of endogenous capacity. This preliminary evidence also serves to reinforce the claims of the dependency school, that countries with lower levels of capacity are trapped in a cycle of decline as the epidemic increasingly erodes their economic power and socio-political stability, which in turn decreases their ability to respond effectively. Consequently, we still need to investigate further those moderating factors that permit states with low to middling capacity to reduce HIV incidence with their populations. We also need to determine the extent to which the intervening variables become more pronounced as state capacity declines.

Additionally, this analysis demonstrates that state capacity alone does not sufficiently explain a nation's ability to generate successful adaptive countermeasures to counter the HIV/AIDS pandemic. The fact that state capacity explains only 38 percent of the variance in adaptation suggests that other variables such as political commitment and community mobilization may be of equal or greater importance in determining whether a country adapts successfully. Certain constituencies in affected countries may prefer to blame their lack of effective response to the epidemic on imbalances in the international political economy, but this approach exonerates apathetic domestic political elites and absolves the populace of responsibility for behavioral change. The balance of evidence suggests that the international distribution of wealth disadvantages poorer nations; however, despite low levels of capacity, countries that exhibit good governance through strong political leadership and community involvement can in fact mount an effective response to reducing HIV incidence in their respective populations.

Notes

[2] See David Gordon, *The Global Threat of Infectious Disease*, Washington, D.C.: National Intelligence Council, 2000; Andrew T. Price-Smith, "Ghosts of Kigali: Infectious Disease and Global Stability at the Turn of the Century," *International Journal* Summer 1999; Robert L. Ostergard Jr., "Politics in the Hot

Zone: AIDS and National Security in Africa," *Third World Quarterly*, vol. 23, no. 2, 2002, pp. 333–350.

3 See UNAIDS and World Health Organization, *AIDS Epidemic Update 2003*. (Geneva: UNAIDS, 2003), available online at www.unaids.org.

4 UNAIDS, World Health Organization, and UNICEF. 2002 Estimates of Adult HIV Seroprevalence by Country. Epidemiological Fact Sheets on HIV/AIDS and Sexually Transmitted Infections, available online at http://www.who.int/emc-hiv/fact_sheets/All_countries.html.

5 See Paul Farmer, *Pathologies of Power: Health, Human Rights, and the New War on the Poor* (Berkeley, CA: University of California Press, 2003); Alan Whiteside, "Poverty and HIV/AIDS in Africa," *Third World Quarterly* 2002, pp. 313–332; Nana Poku, "Poverty, Debt and Africa's HIV/AIDS Crisis," *Journal of International Affairs* vol. 78, no. 3, July 2002.

6 See UNAIDS, World Health Organization, and UNICEF. Epidemiological Fact Sheets on HIV/AIDS and Sexually Transmitted Infections. It bears noting, however, that in early 2004, Botswana instituted a policy requiring HIV tests to anyone entering a clinic or hospital, unless the patient refused. See Sharon LaFraniere, "Mandatory Tests Bolster Botswana's War on AIDS," *New York Times*, June 14, 2004, p. A8.

7 For more on Thailand's efforts to reduce HIV/AIDS, see Ellen Nakashima, "Cracks Start to Show in Thailand's Model Anti-AIDS Program," *Washington Post*, July 10, 2004, p. A1.

8 Theda Skocpol, "Bringing the State Back In: Strategies of Analysis in Current Research," in Peter B. Evans, Dietrich Rueschemeyer, Theda Skocpol, eds., *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985), pp. 3–43.

9 Joel S. Migdal, *Strong Societies and Weak States* (Princeton: Princeton University Press, 1988).

10 Pierre Engelbert, *State Legitimacy and Development in Africa* (Boulder: Lynne Riennerm, 2000).

11 Daniel Esty et al., *State Failure Task Force: Phase II Report* (Washington, D.C.: Science Applications International Corporation, 1997).

12 Thomas Homer-Dixon, *Environment, Scarcity and Violence* (Princeton: Princeton University Press, 1999).

13 Andrew T. Price-Smith, *The Health of Nations: Infectious Disease, Environmental Change, and Their Effects on National Security and Development* (Cambridge: MIT Press, 2002).

14 The 50 countries are: Algeria, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bolivia, Botswana, Burkina Faso, Congo, Costa Rica, Czech Republic, Eritrea, Equatorial Guinea, Ethiopia, Georgia, Ghana, Indonesia, Iraq, Israel, Kazakhstan, Latvia, Lebanon, Luxembourg, Madagascar, Moldova, Morocco, Netherlands, New Zealand, Niger, Norway, Paraguay, Peru, Portugal, Qatar, Romania, Rwanda, Sierra Leone, Slovenia, Sri Lanka, Suriname, Sweden, Switzerland, Ukraine, United Kingdom, United States of America, Yemen, and Zimbabwe.

15 Price-Smith, *The Health of Nations*, pp. 32–39.

16 $Z = (X_i - \text{mean-}X)/s$

17 Price-Smith, *The Health of Nations*.