Global Civil Society:
International Voice Without An International Venue

Hatfield School of Government

Portland State University

Kristen Magis

Table of Contents

INTRODUCTION

Global civil society (GCS) occupies a unique position in the international system. It does not have the formal power or position within international governance organizations (IGOs) as do states. Neither does it have the resources of the business sector that promise an attentive ear of government. It has neither place nor privilege in global policy-making milieus. As such, it carries no formal legitimacy. Civil society must, rather, gain access through informal and 'backdoor' strategies that may not be protected by formal rules and policies. Further, in some countries, civil society's very existence is challenged by their own government. These structural disadvantages make GCS vulnerable, exposing it to powerful and sometimes antagonistic political and economic forces and threatening to minimize, if not silence its voice. The inclusion of GCS in policy-making processes, however, contributes to more effective and viable decisions and policies. The effectiveness and legitimacy of international governance will improve if GCS is afforded an institutionally legitimated place at the table.

The purpose of the University of Victoria project, 'the Voice of Global Civil Society', is to examine various options and processes through which members of GCS can give voice to their interests in global policy-making milieus. In this paper, the reasoning for the need for such processes is explored. To honor conference participants' valuable time and expertise on this topic, this piece is written as a précis, purposefully omitting evidence to substantiate various points. The original work is extensively referenced; however the references are not included herein in the interest of space. Those interested in the references may inquire with the Centre for Global Studies.

The purpose of this paper is to locate the project within the larger historical and political context of Global Civil Society. For the purposes of this paper, GCS is utilized as an ideal type to describe and explain the endeavors of people, working outside governmental and market roles, who are engaged internationally to promote the public good. GCS includes both 'global' and 'local' actors, including non-governmental organizations (NGOs); interest groups; unions; protestors/demonstrators; religious groups; social movements, voluntary associations and individual citizens. The paper presents four primary propositions:

1. The Westphalian state system has been transformed by globalization into a multi-layered, multi-centric and multi-actor form of global governance.

2. GCS is a significant agent internationally, advocating for effective and equitable policies, and providing legitimacy for governance processes and policies.

3. GCS faces significant challenges in its bid to legitimize its presence in global governance.

4. There are opportunities for processes that give GCS effective voice in global policy-making milieus.

The paper reviews global transformations and international governance, proceeds to a discussion of GCS as international agent, then to an examination of its challenges and a description of the opportunity inherent in its structure. It concludes with an overview of three exemplars.

INTERNATIONAL GOVERNANCE

Proposition: The Westphalian state system has been transformed by globalization into a multi-layered, multi-centric and multi-actor form of global governance.

GLOBALIZATION

Europeans, in 1648, formalized the nation-state system with the Peace of Westphalia. The Westphalian system designated states as the sole world powers and created the regime of sovereignty to enable their

peaceful coexistence. Sovereignty recognized the right of nation-states to govern within their boundaries without international interference and to act unilaterally in international affairs (Deudney, 1996; Guehenno, 1995; Nye and Donahue, 2000). The United Nations (UN) enshrined the sovereign state in its Charter, under Article 2.7, further reifying the nation-state as the prevailing paradigm for political organization (Jordan, Archer, et al., 2001). Recent forces of globalization, however, have fundamentally altered the Westphalian system.

Globalization in the 21st century is defined by exponential increases in the global flow of politics, culture, technology and people, the deepening integration of markets and states, and its widespread and profound impact throughout the world (Barber, 1995; Nye, 2002). Scholte (2002) describes the process as creating supraterritoriality, wherein territorialist spaces are giving way to a single world space in which territorialist spaces coexist with global spaces.

Many issues have migrated beyond states to the international arena. Environmental issues, and more recently sustainability, captured a global audience in the 1990s (UNCED, 1992). Social issues have been globalized. For example, human rights were written into the United Nations (UN) Charter and have been upheld through regional agreements such as the European Convention on Human Rights and the American Convention on Human Rights (Falk, 2000b; Florini, 2000). Terrorist networks present a new form of military globalization (Huntington, 1997; Nye and Donahue, 2000). Though these networks may maintain ties with nation-states, they are not beholden to any and easily traverse national borders for membership, information sharing, financing, etc. Law, while historically tied to the nation-state, is also globalizing via the International Criminal Court (Moveon.org, 2003), treaties established by bodies such as the UN, the Arab League and the European Commission (Guehenno, 1995). All these changes have made porous the once solid boundaries of nation-states, and have challenged their sovereignty.

The interrelatedness between issues has also become evident. In Agenda 21[1], governments recognized that social breakdowns and violence are rooted in economic and social malaise (Iriye, 2004; SouthCentre, 1997). The concept of security has been extended to include environmental protection, defense of economic autonomy, social well-being and human rights (Holden, 2000; Jordan, Archer et al., 2001; Sen, 1999). The concept of development is now seen as inextricably connected to environmental sustainability (Simmons and Oudraat, 2001). And, the conception of human rights has expanded to include social and economic rights, as well as rights to development, peace and self-determination (Falk, 2000a). In this progressively interdependent world, states are no longer the final arbiters of governance, either at the national or international level.

<div align="center">GOVERNMENTS TO GOVERNANCE</div>

In fact, the world now consists of increasingly complex, interdependent and dynamic multi-dimensional networks. These networks, unbounded by national borders, are comprised of multiple, overlapping institutions that both compete with and complement each other. It is a highly fluid and flexible world, characterized by constant change, by the increasing diffusion of power throughout the networks and by the absence of a single center of authority. State governments now find themselves not the sole arbiters of international policy, but partners in a multi-layered, multi-centric and multi-actor form of global governance (Rosenau, 1992). Actors in the networks have expanded beyond states to include business,

Global civil society is recognized as one of the most spectacular developments in global governance of the 20th century (NGLS, 2003). It has always been active internationally. The Geneva Conventions, for example, were initiated in 1864 at the behest of Dr. Henri Dunant, founder of the Red Cross. The Red Cross has been an international presence since that time. GCS expanded its involvement significantly during the last two decades of the 20th century (Nations, 2003). Described as a 'global associational revolution' (Salamon, Sokolowski et al., 2004), the number of NGOs active internationally has exploded from 1,300 in 1960 to more than 40,000 at the turn of the century (Edwards and Zadek, 2003). Its growing status is portrayed through changes in language, for example, its designation as the 'third pillar of modern society' (Galtung, 2000), pg. 148), Boutros Boutros-Ghali's recognition of it as a full participant in international life (Weiss & Gordenker, 1996), and the UN's reference to it as a social partner, signifying equality of status with governments (Willetts, 2000). GCS is employing its growing power to advocate policy positions, challenge power centers, i.e., governments, IGOs and TNCs, and mobilize global public opinion.

Transnational corporations, though in existence for several centuries, have become extremely powerful institutions. 51 of the world's 100 largest economic entities are transnational corporations (Etc.Group, 2003; Haq, 1999; Mokhiber and Weissman, 1999). Through the current form of economic globalization, tied to principles of neoliberalism and the Washington Consensus, states have systematically ceded their control of the market (Aksu, 2002; Cardoso, nd; Streeten, 2001; Williamson, 1994). The market is, hence, increasingly insulated from political influe

ability to mobilize global public opinion and its proven success transforming policy issues into international regimes. Global civil society in the 21st century is galvanized by concerns regarding globalization, and demands for just and equitable social and economic policies, democratic governance and democratically guided markets (Edwards, 2001; Weiss and Gordenker, 1996). GCS theorists provide evidence of the active force of GCS in historic progress on international regimes from human rights, international corruption, democratic governance, development and peace to environmental conservation (Clark, 1995; Khagram, 2002; Risse, 1999; Rosenau, 1990; Wapner, 2000).

Civil society has been an active agent in deposing governments from Philippines and Panama to South Africa and Czechoslovakia (Mbogori & Chigudu, 1999). The International Campaign to Ban Landmines, a global NGO alliance, championed the Ottawa Treaty on Landmines (Paul, 1999). GCS championed and led efforts to establish the International Criminal Court and the Kyoto Protocol on climate change, and to stop the Multilateral Agreement on Investments (Paul, 1999; Simmons and Oudraat, 2001). In July, 2005, the Global Call to Action against Poverty, a coalition of over 15,000 anti-poverty organizations from 100 countries celebrated the G8 commitment, primarily European countries and Japan, to increase Official Development Assistance (Lawson and Green, 2005). A broad cross section of GCS is challenging the policies of the IMF, WTO, World Bank and G7, asserting that they utilize processes lacking transparency and accountability, and generate policies that are unfair and unethical (Aaronson, 2004; Broad, 2002; Edwards and Gaventa, 2001; Kaldor, 2003; Stiglitz, 2002; Waterman, 2001).

SOURCE OF LEGITIMACY

Legitimacy is granted to governments by citizens when governments are perceived to be acting in ways that are lawful, justified and fair. Once endowed with legitimacy, governments are given the right and responsibility to negotiate and create public policy (Edwards, 2003; Scholte, 2001). IGOs face a unique and significant legitimacy challenge. IGOs do not represent the full range of the worlds' states, the direct voice of the people or the representative voice of their parliaments. (HelsinkiProcess, nd; Scholte, 2002; SouthCentre, 1997). They are dominated by governments and corporations from industrial countries (Edwards, 2003) and often lack representation from GCS. Absent the voice of GCS in policy deliberations, decisions are at risk of reflecting only the voices at the table, e.g., business and governments. These decisions are unrepresentative and can lack accountability and transparency, so often are not perceived as legitimate.

In the background paper for the Secretary-General's Panel of Eminent Persons on UN Relations and Civil Society (UN, 2003), the UN asserted that participation of civil society in global governance enhances and confers legitimacy on decisions and improves the transparency and accountability of the governance process. Secretary General Boutros Boutros-Ghali reinforced that sentiment, stating that NGO, '…*participation in international relations is, in a way, a guarantee of the political legitimacy of those international organizations*.' [2]

Inclusion of GCS exposes decision-makers to global public opinion, enhancing the information base, including unconventional ideas and accounting for potential implications of prospective policies. Subsequent analyses and debate are thus more comprehensive (Edwards and Zadek, 2003; Nations, 2004) and likely to result in policies that are more effective, ethical and legitimate. Further, the policy-making process is more transparent, responsive and accountable to the global public (Archibugi, Balduini et al., 2000; Krut, Howard et al., 1997; Nations, 2004; Scholte, 1999; Weiss, Forsythe et al., 2004). Hence, the quality of the decision-making process is improved and resultant policy is more effective.

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[2] Boutros Boutros-Ghali, speech to the DPI Annual Conference, UN, New York, September, 1995. Italics added by author for emphasis.

international governance is, however, far from simply a logistical issue. The growing force of GCS is also being met with an equal and sometimes oppositional force, that of states.

STATE CHALLENGE

Global civil society claims its place in international society despite the fact that it sits entirely outside the Westphalian system. GCS represents a significant threat to the Westphalian system (Clark, 2001). With the advancement and deepening of international normative regimes regarding social, political, environmental, security and economic issues, states and IGOs have become increasingly open to GCS influence (Keohane and Nye, 1989; Keohane and Nye, 2000; O'Brien, Goetz et al., 2000). The human rights regime, for example, challenges state sovereignty, as state actions against their citizens can be contested (Ruggie, Autumn, 1998) by actors outside the particular state.

Advancing and protecting human rights is one of the oldest endeavors of GCS. GCS has taken a leading role in monitoring government actions with regard to internationally negotiated regimes such as human rights, earning for itself the title of the '…new world police force…' (Spirio, 1995pgs. 45-46). Organizations such as Amnesty International, World Conservation Union, Third World Network and Transparency International research, disseminate information, and mobilize public opinion in an attempt to increase government transparency and hold governments accountable. Their reports regularly trigger UN special investigations and focus worldwide attention on the offending country. The pursuit of General Augusto Pinochet in 1998, the Guatemalan truth commissions of 1997, and Suharto's forced abdication in Indonesia in 1998 illustrate the active agency of GCS (Risse, 1999). Global civil society exerts this pressure equally in other policy areas, exposing governments' lack of follow-through on international obligations and pushing for additional extension of government responsibility to humanity. This incursion into state sovereignty is prompting a reaction against global civil society (Cardoso, nd; Naidoo, 2003; Weiss and Gordenker, 1996; Willetts, 2000). Paul (1999) asserts that there has been a growing movement within some member states to diminish NGO rights. NGO's legitimacy, representativeness, sources of funding and tactics are being challenged (United Nations, 2003).

DEVELOPMENTAL CHALLENGE

The backlash against global civil society, however, is not entirely driven by political antipathy. It also represents a reasonable demand of any actor that claims to speak for the people. GCS is being challenged to justify its new status and influence (Panel of Eminent Persons on UN-Civil Society Relations, 2004). GCS cannot be assumed to be democratic (Scholte, 2002). The challenges it faces include its representativeness as well as its potential to reinforce structural problems in recipient communities and to reify the disparity in power and voice already extant across GCS.

Global civil society is challenged with regard to its representativeness. Kaldor (2003) distinguishes between mutual benefit and solidarity NGOs. Mutual benefit NGOs are comprised of people who are working to improve the conditions of their own lives, e.g., the Bangladesh Rural Advancement Committee. Solidarity NGOs are comprised of people who may not be affected by the problems they are trying to resolve but who, nonetheless, are committed to the wellbeing of others, e.g., Amnesty International. Solidarity NGOs many times can't look to their beneficiary constituency for guidance and hence can't make claims on their behalf without having their legitimacy effectively challenged. Moreover, when different solidarity NGOs make divergent claims on behalf of the same constituency, there is no mechanism to discern which one truly represents the people (Krut, et.al., 1997).

The relationship between southern and northern NGOs highlights other serious challenges. Northern NGOs dominate internationally, being the primary recipients of funding and playing the most prominent roles. Eight northern NGOs currently receive half the US$8 billion funding for NGOs, i.e., CARE, World Vision International, Oxfam, Medecins Sans Frontieres, Save the Children Federation, Cooperation Internationale pour le Developpement et la Solidarite, Coalition of Catholic NGOs, Association of

Protestant Development Organization in Europe and Eurostep (Krut, et.al., 1997; Weiss & Gordenker, 1996). While funding is then channeled to many sout

4. create commitment by enabling participants to identify with the outcome and to value it, thus increasing the likelihood of successful implementation;

5. allow for groups un- or under-represented in formal governance structures to have their say in policy-making;

6. allow for clear and shared definitions of responsibilities in the implementation of change;

The Multi-Stakeholder website[10] describes the multi-stakeholder process (MSP) as a process '…which aims to bring together all major stakeholders in a new form of communication, decision-finding (and possibly decision-making) on a particular issue.' They aim to achieve equity and accountability in communication, transparency and participation in the process and partnerships between stakeholders. Multi-Stakeholder processes are customized to fit the specific issues, objectives, participants, scope and timelines extant in a particular situation.

WOMEN'S CAUCUS

The Women's Caucus was designed by Women's Environment and Development Organization[11] (WEDO) after its hugely successful effort to organize women internationally for the 1992 UN Conference on Environment and Development (UNCED). In Linkage Strategy 2000[12], the Caucus is described as '…a broad participatory forum for NGOs to critically examine government policies, build consensus on strategies for gender-aware policies and promote equal participation in decision-making.'

The Women's Caucus was successfully used at many UN conferences, including: UN International Conference on Population and Development (ICPD), Cairo, Egypt, 1994; UN World Conference on Social Development (WSSD), Copenhagen, Denmark, 1995; UN Fourth World Conference on Women (FWCW), Beijing, China, 1995, and UN World Conference on Human Settlements (HABITAT), Istanbul, Turkey, 1996. It has also been utilized in country-level endeavors, for example: in Senegal, Cameroon and Zambia to increase women's political power and presence in elective office, in Brazil to advance environmental sustainability through local Agenda 21 councils, and in India, Germany and Canada to challenge intellectual property regimes that patent life forms for private profit and threaten women's and indigenous people's rights to knowledge and biodiversity.

These three processes are all somewhat different. Civil G8 addresses one intergovernmental process, while the MSP and Women's Caucus are utilized in various governmental settings. The MSP elicits input from a broad spectrum of stakeholders, while Civil G8 and the Women's Caucus gather input exclusively from members of GCS. Governmental agencies are increasingly convening MSPs, while GCS generally convenes processes like Civil G8 and the Women's Caucus. All three processes have been utilized successfully to gather input from GCS and to provide voice. They offer important lessons regarding how to gather input from GCS and move toward shared

civil society, a powerful force for social change norms. Despite its effective agency internationally, GCS has no formal or institutionally protected venue through which to project its voice and parlay its intent into international policy-making milieus.

Absent the voice of GCS, international decisions can lack transparency and accountability, so often are

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