CIVIL-SOCIETY ACTORS: A DEMOCRATIC CORRECTIVE FOR INTERNATIONAL ORGANIZATIONS?

FRANZ NUSCHELER

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Friedrich-Ebert-Stiftung
Department for Development Policy
- Dialogue on Globalization -
Hiroshimastr. 17
10785 Berlin
Tel.:0049-30-26936-914
Fax: 0049-30-26935-959
Roswitha.Kiewitt@fes.de
www.fes.de/globalization

How are we to define civil society?

The term "civil society," often equated with nongovernmental organizations (NGOs) or citizens' movements in everyday political parlance, is in fact a highly ambiguous concept (Schade 2002). In the history of political ideas, beginning with Aristotle and ending, at least provisionally, with Jürgen Habermas, the concept has been invested with some very different meanings. But the purpose of the present contribution is not to elucidate this conceptual tangle but to look into some social and political groupings that seek to influence international organizations, in particular the World Trade Organization (WTO). For this reason the present article, citing Charles Taylor (1991: 52), will define civil society as "a web of autonomous associations independent of the state which, bound together in matters of common concern by mere existence or action, could have an effect on public policy."

If, on the other hand, we base our definition on Jürgen Habermas (1992: 443), we would find that many of the NGOs active in Geneva, the headquarters of the WTO, would be very hard put to gain recognition as civil-society actors:

> Civil society is made up of more or less spontaneously created associations, organizations and movements, which find, take up, condense and amplify the resonance of social problems in private life, and pass it on to the political realm or public sphere.

Not without a sound dash of pragmatism, the present article will define civil-society actors as organizations which see themselves as such and meet at least two conditions: they must be independent of the state and they must be active in the realm of politics.

The controversial democratization potential of civil-society actors

The growing protests of a more and more transnationally organized "global opposition" are a signal indicating that states are no longer able simply to pursue their own ends as they see fit under the cover of diplomatic exclusivity. The reform pressure exerted by extraparliamentary forces is on the rise. Civil society, ominous though it may be, is getting involved.

But can street protests or participation of civil-society actors in the consultation mechanisms of international organizations already be seen as a "democratic corrective"? Where, in that case, do democratically elected parliaments come in? After all, one of their most original and primary tasks would and should be to function as a "democratic corrective" vis-à-vis international organizations. This is a demand that was also raised by some parliamentarians in the German Bundestag's Study Commission on "Globalization of the World Economy." These parliamentarians at the same time called on the actors of civil society for support, in particular in their attempt to strengthen their weak parliamentary control over the

WTO. What we see here is an – ex officio, as it were – upgrading of NGOs to the role of helpmates in the task of democratizing international politics.

Our concern here is, in other words, to look into the democratization potential of civil-society actors, or, to be more specific, of civil-society actors under the conditions of a growing multilateralization of politics of the kind that has taken on paradigmatic shape in the WTO. What multilateralization means is that momentous decisions are being removed from the autonomous action sphere of the nation-state and shifted to a level at which they are no longer subject to the control of democratically elected parliaments – a situation which even the European Parliament has been unable to rectify fully in the case of the WTO. The Final Report of the German Bundestag's Study Commission notes here (p. 158):

> The Community's democracy deficit is especially conspicuous in this area (i.e. in the field of international trade, F.N.), because both the European Parliament – thanks to its limited competences – and national parliaments are effectively barred from any genuine control.

Ernst-Ulrich von Weizsäcker, the Commission's chairman, stressed in his introduction to the report that democracy, hard-won in the framework of the nation-state, has yet to be invented for the multilateral level.

Looked at in terms of democracy theory, the transfer of decision-making competences to multilateral levels is apt to prove even more problematic if a given treaty is negotiated by bureaucracies and ratified by parliaments on the basis of fast-track procedures. It may well be that no legitimation problem results when a democratically legitimated government defines its diplomats' negotiating mandate or – as in the case of the WTO – the EU Commission, acting in compliance with the EC Treaty, negotiates on its own authority. But in neither case does parliament or the general public have any influence on the negotiation process. What we have here is a problem of legitimacy and transparency.

It is precisely at this point that the question arises whether civil-society actors, moving in to fill a vacuum, might not, after all, assume the role of a "democratic corrective." Here I may be permitted to narrow down these civil-society actors to include only NGOs, the reason being that I assume that both business associations and labor unions are in possession of effective lobbying instruments which allow them – bypassing parliament – to directly influence the negotiating positions of their governments. This is both common and legitimate practice in today's "federation state." It is, however, questionable whether such lobbyism merits the seal of approval of a "democratic corrective."

The assessments we have of the democratic potential of civil-society actors are highly controversial. It is not least democratically elected parliamentarians who have considerable difficulties in delegating their "democratic corrective" function to extraparliamentary actors. Now, however, following an initial phase of euphoria, and having taken a hard look at empirical realities, political scientists are also increasingly beset by sobering second thoughts. Marianne Beisheim (2002: 370), for

one, makes this point. Referring to the example of international climate policy, generally seen as something of a playground for the civil-society "watchdogs of globalization," she notes:

> Per se, interest groups are neither good nor bad; nor does their inclusion in the governance of the world automatically guarantee the democratization of global governance. This applies also – and *precisely* – to "NGOs." Even though these groups are actively engaged in the international arena, they themselves do not see democratization of global governance as their primary task. What they have in mind is not global democracy but their "own interest" in regulating, or not regulating, certain given problem contexts. Still, their engagement does hold considerable democratization potential, so to speak, as a "side effect." … In contrast to the national level, however, the international level still largely lacks the institutional wherewithal to ensure that this potential is in fact developed.

In international trade policy the democratization potential of NGOs is even weaker than it is in the field of environmental policy, even though the mass demonstrations accompanying recent WTO rounds may seem to suggest something else. The WTO is an intergovernmental bargaining forum, and the public – even in the form of NGOs – is barred from the sanction-reinforced dispute-settlement procedures and negotiations conducted in its notorious "green rooms." So what this corrective function means in the end is that only the outcomes of these closed-door bargaining rounds are subject to public criticism. Neither the European Parliament nor national parliaments, seeking to exercise their function as a "democratic corrective," are in a position to compel the trade organization to accept any corrections.

NGOs in national and international politics

There is hardly an international organization that does not gather NGOs around it, involving them in its dialogue forums and seeking to mollify them with appropriately dimensioned benefits. The dramaturgy of the most recent world conferences has shown that instead of being, as they once were, ushered to the antechambers or side tables of international negotiations, NGOs are now sometimes even incorporated into government delegations. In UN organizations they have long since enjoyed consultative status of one kind or another. Evidently both sides anticipate advantages from this cooperation: governments and international organizations tap the expertise of NGOs, embracing them as a means of blunting their protest potential. NGOs are given access to power knowledge and are pushing into the vestibules of power – and this nearness to power is seductive.

What we are experiencing at all levels, from the local to the global, is that civil-society actors are seeking to secure for themselves a piece of the political action. In 1998 UN Secretary-General Kofi Annan made out a "quiet revolution" behind the scenes of the world of states, which, to judge from telegenic appearances and the claims it itself raises, continues to be the sole moving force of world events – although in reality this has long since ceased to be the case. The active role played by human rights organizations in international human rights policy, the effective

influence exerted by environmental groups on global environmental policy, and impacts of the development lobby, itself increasingly transnationally networked, on both national and international development policy have led many to ask whether we have not already experienced a privatization or indeed an "NGOization of world politics" and a shift of power from the world of states to the world of (civil) society. Even the highly reputed *Foreign Affairs* has come out with theses on these lines, though these were soon followed up by vehement countertheses roundly declining to join in the dirge on the demise of the Westphalian system of states (cf. Brühl et al. 2001 on phenomena and tendencies of privatization). Or must NGOs, even on account of such assessments, be seen as the most overrated actors in international politics, as some critics – including Peter Wahl of the German NGO WEED – have ventured to assert?

On the one hand, for hard-boiled statists in foreign and economic affairs ministries as well as for "realists" in the academic discipline of international relations, the "motley troop" of NGOs continues to be a bothersome, vociferous, though in the end powerless troublemaking potential in the rarefied realm of governmental and diplomatic competence and action. On the other hand, there already exists a whole genre of literature that exalts NGOs as the leaven of an emerging world society, the fountain of youth of a cosmopolitan society, and the democratic counterbalance to the sinister powers of globalization. To put it in a nutshell, assessments of the role of NGOs tend to waver between an uncritical romanticization that at times fosters a self-overestimation on the part of NGOs and an unmannerly contemptuousness on the part of their detractors. Neither extreme does justice to their actual role.

Reasons for the political buoyancy of NGOs

So it is well worth asking: What functions do NGOs fulfill in politics and society? What role do they play in the interplay of political forces? What strengths and weaknesses characterize them at present?

With their protests and provocations, NGOs disturb the well-oiled routines of politics; their increasingly skillful media work generates counterpublicity, and with it counterpower. They function as society's sensors, pounce on neglected issues, and render politics a good service by pointing early to social problems and warning in time of conflicts in the making.

Furthermore, NGOs confront the world of inherent constraints and hard-won compromises with ideals and utopias which, while often far removed from political expediency, can nevertheless impart normative orientations to the sphere of politics. They can afford to look beyond the foreshortened election-day time horizon and to advance proposals which for political leadership groups, guided as they are by election tactics or the demands of powerful interest groups, are strictly taboo. And they owe some of their popularity to the weaknesses of representative institutions, the erosion of public confidence in political parties, and a widespread sense of

powerlessness in the face of bureaucratic apparatuses and intransparent decision-making processes and power structures. This applies in particular to both the international level and the EU.

NGO networks, increasingly transnationally organized, are organizational cores of an emerging international civil society and shock troops of a global opposition to power concentrations in world politics and the world economy. Today they can be seen gathering wherever the world's rich and powerful come together behind high walls and police cordons – be it in Davos, in Seattle, in Prague, in Gothenburg or Genoa. They throw sand into the works of intransparent power cartels and wrest a measure of openness and transparency wherever such power cartels seek to elude democratic control in the process of the globalization and multilateralization of politics. It is with this in mind that Achim Brunnengräber and Heike Walk (2000) have termed NGOs "watchdogs of globalization." This watchdog role is no substitute for control by democratically elected parliaments, but NGOs can push, and enable, elected representatives to more effectively exercise their control rights. For one thing is certain: In keeping a watchful eye on the doings of international organizations NGOs are more effective than parliamentary committees.

On the other hand, when protest actions slide into violent riots, blind attacks on persons and things, they discredit the criticism of globalization that they set out to articulate. When they place obstacles in the way of international conferences convened to deal with global problems and work out solutions to them, they are torpedoing the dialogue between politics and civil society, playing into the hands of the "statists" who have always preferred secretive diplomacy in exclusive circles, and doing a marked disservice to efforts aimed at transparency and participation.

Efforts aimed at shaping the process of globalization in a political way, what has come to be known as global governance, are in need of the critical commitment of civil society, no less than they are in need of a willingness and ability to engage in critical dialogue. While what took place on the streets of Seattle and Genoa was less the fault of the – for the most part – peaceful demonstrators than it was the work of isolated riot-bent gangs, these events have served to reinforce doubts as to the lofty goals and the legitimation of the "global opposition."

Though there is light, there are also shadows

So the strengths and potentials of the "NGO scene" cannot obscure some palpable weaknesses. But a differentiated view on it is necessary. The "NGO scene" is a stage for a number of entirely different groupings, each with its own virtues and weaknesses:

1. NGOs often zoom in on quite selective problem fields and acquire considerable expert competence in these fields, although one consequence of this narrowness of focus is that they may overlook the impacts of their activities on other problem fields. Furthermore, NGOs often suffer from the

same myopia that they impute to established politics. And part of their success rests on their privilege of not being obliged to balance out goal conflicts and come to hard decisions. Some NGOs are intent on staging scandals for consumption though the media, aiming in this way to step out of the shadow of larger competing organizations. Competition in the market for donations and subsidies is fierce.

2. Some NGOs evince a liking for a rigoristic ideological moralism, which has earned them the somewhat unflattering reputation of being "*Gutmenschen*," right-minded do-gooders: Good in intent, but not particularly well advised, and even less in step with reality! This moral self-righteousness of the "high-minded" undercuts dialogue and is, even in the well-understood self-interest of such NGOs, counterproductive. What is meant here is not a look back to moral principles (like justice or solidarity) but a self-righteous moralism which has no room for other truths and may, for that reason, sometimes be obtrusively intolerant.
3. The sheer number of NGOs now active – NGOs have experienced something of an inflationary boom since the 1980s – may obscure the existence of tendencies working toward an oligarchization of the "NGO scene." Not many NGOs can afford the staff levels required to engage in professional publicity and lobbying work. Yet this limited number of "major" NGOs – like Greenpeace or BUND, Amnesty International or the relief organizations of the churches – have managed to shape an image of their own and to gain privileged access to the vestibules of power. The actual involvement of civil society tends more to be articulated in smaller, more grassroots-oriented organizations that can survive only on the basis of volunteer work. It is here that we find what Jürgen Habermas sees as the essential core of civil society: civil society as the autonomous, self-organized, often spontaneous association of citizens with the aim of achieving non-profit-oriented objectives.
4. NGOs are forced to operate within the bounds of a dilemma that may in many senses be termed existential. The less they set their sights on organizing protest and campaigns, and the more they allow themselves to become involved in cooperation with state institutions with an eye to gaining access to the vestibules of power, the greater the risk that they will find themselves sacrificing a more or less large share of their autonomy and being instrumentalized for the ends of their state-sector hosts. The ample subsidies received by church relief organizations have aroused the suspicion, e.g. of the Catholic relief organization Misereor, that they might find themselves cast in the role of "unwitting vehicles of charity and alibis" and expected to repay their debt by providing church blessings for government development policies. This risk grows as a function of the financial dependence of NGOs on state-sector subsidies. And in this case the (broad) way leading from the NGO to

the sham NGO, the "quasi-autonomous NGO" (QUANGO), and to the functionalization of NGOs as an "extended arm of the state" is not a long one.

The intraorganizational democracy problem

The further NGOs go on the road to acquiring the professionalism they need to launch campaigns and/or to fill the role of the savvy partner for dialogue and cooperation, the greater is the danger that they will, in the process, lose touch with the ground and sacrifice their grassroots-democratic character. The ones demand what the others criticize them for: the willingness and the ability to engage in conflict or dialogue with the powerful. Only few NGOs master this tightrope walk between competing claims and demands without losing some of their credibility. This is the reason why the most vehement criticism comes not from the outside but from within NGOs themselves. A proneness to masochism is part and parcel of the "NGO scene."

It is precisely the big NGOs that have an intraorganizational democracy problem. And Greenpeace is not the only NGO whose organizational structure is hierarchic and elitist. While opinion polls indicate that NGOs continue to enjoy great esteem among the population, this demoscopically certified acceptance is by no means tantamount to democratic legitimation. In whose name do NGO functionaries speak, where donors do not have any influence in electing them? They represent at best a virtual community.

So the myth of the grassroots organization bound only to high-minded objectives is in need of correction. Indeed, some NGOs are questionable outfits that use shrewd, indeed sometimes even fraudulent, advertising methods to canvass donations, and have in some cases even landed on the blacklists of rating agencies. While the financial conduct of public administrations is subject to control by parliamentary budget committees and public-sector audit offices, the boards of most NGOs are formally empowered to approve their own activities.

There is a growing group of professionalized NGOs that have no grassroots membership and are funded by rich sponsors. A prototypical organization of this type is Human Rights Watch, an internationally highly respected NGO for which an open-handed sponsor – namely George Soros – provides the means needed for a professional management. Church relief organizations have a special status here; their activities are, in the end, monitored and audited by church hierarchies, but not by church members, who donate generously and, at least in Germany, pay a church tax. The welfare-oriented "Option for the Poor" is no substitute for democracy. To be sure, donors – unlike taxpayers, who are not asked – at least have the option of using their donations to signal their support for the goals and the work of NGOs.

The controversial legitimation problem

In view of the fact that the ongoing discussion on NGOs centers on the question of legitimation, an issue that has been foregrounded above all by hard-pressed politicians, bureaucrats, and functionaries, a few additional reflections are called for here. Interest groups like labor unions or business associations, positively stressing their own profiles as opposed to those of NGOs, point to the fact that their work is guided by intraorganizational democracy – that they are funded and controlled by their members. But the question of legitimation, addressed in an increasingly reproachful tone of voice in discussions on NGOs, is an issue that they themselves must face when they seek to influence political decisions in today's "association state." This is of course the aim of associations and NGOs alike, though they approach the matter differently, and with different levels of success. The German *Verband der Deutschen Industrie* (BDI) or the German National Labor Federation (DGB) may be more secretive in pursuing their lobbying activities, but they are also more effective than the vociferous chorus of NGOs.

If the lobbying activities of business associations in favor of particularist interests is acknowledged to be a legitimate instrument in a pluralist democracy, then it is hardly possible to deny the same legitimacy to NGOs, especially in view of the fact that the latter tend more to work for public-interest-oriented goals. Viewed in terms of democracy theory as well, civil-society participation, an elixir of democracy, and the contribution of NGOs to a political culture of pluralism constitute a base of legitimation, even though, in constitutional terms, such organizations are without any express democratic mandate. NGOs are marred by fewer legitimation deficits than the powerful industrial lobbies which operate, at the national and international levels, behind the backs of voters and parliaments. NGOs do not shy away from public notice, they seek it, because it is only with the support of the media that they can make themselves heard.

One important argument for the legitimation of NGOs is provided by experiences from the field of environmental policy. Environment ministries again and again stress that the public pressure exerted by environmental organizations helps them in implementing active environmental policies in the face of recalcitrant ministerial interests, above all those of economic affairs ministries, and against the resistance of the industrial lobby. Asked to comment on the issue of legitimation, Thilo Bode, former chairman of Greenpeace, responded as follows: "Our justification is based on the fact that aside from the legitimated organs of power – political parties, parliaments, governments – there must also be interest groups if reasonable decisions are to be reached in an open exchange of opinions."

Put in more general terms, NGOs may claim legitimacy if they succeed in convincing society that they are needed in a pluralist democracy as a leaven of civic commitment and as a counterforce to powerful interest groups – and see themselves not as a substitute for but as a complement to democratically legitimated institutions.

NGOs and WTO

Transnationally organized and active civil society exerts more reform pressure on the WTO than the world's parliaments. It was the former that – against the resistance of Western economic affairs ministers – saw to it that both the debate over environmental and social standards and demands for amendment of the TRIPs agreement were placed on the agenda of the WTO's bargaining rounds. In the end, however, the "democratic corrective" function of NGOs is restricted to the creation of more transparency in internal WTO bargaining procedures. The Study Commission of the German Parliament on "Globalization of the World Economy" (p. 159) also called, above all, for more "external transparency."

> Patterned after the accreditation procedures usual at other international organizations, representatives of international organizations, nongovernmental organizations, labor unions, and associations should receive observer status and have access to meetings of the WTO bodies.

In particular among governments of developing countries, this demand has run up against fierce resistance. The latter instead favor improving "internal transparency" and are calling for aid for the two dozen poor and small WTO member countries that are unable to afford any representation of their own in Geneva and therefore at times only can participate occasionally and with insufficient expertise in complex negotiations.

By taking up some of the reform demands of NGOs, national parliaments and the European Parliament have ensured that something like a reform alliance between parliamentary and extraparliamentary forces has come about in the first place. This has given rise to a democratic corrective consisting of both democratic, grassroots forces without any formal claim to legitimation and democratically legitimated groupings. It is only an alliance of this kind that can develop a corrective that by gaining influence on national governments can also bring its influence to bear on international organizations. The corrective, in other words, must be sought in the creation of more transparency.

However, when NGOs claim to be acting in the capacity of a "democratic corrective", they are turning a blind eye to certain manifest contradictions. The demands for reform raised by North NGOs and South NGOs, for instance, may differ in quite substantial terms. Can those who set their sights on anchoring minimum social standards in the WTO or prefer to leave the matter in the hands of the ILO raise a claim to more democratic legitimation? South NGOs claim to better represent the interests of many people than North NGOs. Both see themselves as a "democratic corrective." Many South NGOs can at least rightly claim to have more democratic legitimation than their governments, which decide on the course of events in the WTO.

Conclusions

The WTO is and will continue to be an intergovernmental organization in which states call the shots. Thus far there has been no "NGOization of world politics." Nor are NGOs in a position to achieve what parliaments, the competent control bodies per se, are unable to accomplish: they can at best, or at least, create more transparency, influence public opinion, and in this indirect way sensitize parliaments e.g. for certain problems in the rules under which the WTO operates. Their instruments are transparency, publicity, and the ability to conduct public campaigns. Using these instruments, NGOs have become a moving force in international politics, and it is in this way that they do justice to their role as "watchdogs of globalization."

Yet in view of their limited capacity to exert a corrective influence in international organizations, I hesitate to concede to NGOs the actual role of a "democratic corrective." Their democratic foundations are often questionable, and the term corrective means nothing other than the ability to correct something that governments – acting for the most part behind closed doors – have decided upon. To be sure, even democratically elected governments can no longer afford to ignore the public pressure conveyed via the media, a public pressure that civil society, increasingly organized on a professional and transnational basis, is wholly able to generate.

As the Commission on Global Governance (1995) sees it, the key to global governance must be sought in cooperation between state and nonstate actors. Today's executive multilateralism needs the commitment of civil-society actors – not only to boost its efficiency but also to underpin its own legitimation. In the process of globalization civil-society actors constitute a resource of legitimation (cf. Brunnengräber et al. 2001). It is only in the eyes of predemocratic decision-makers, for whom transparency and participation are words from abroad, that all of this is no more than an "NGO plague."

Prof. Dr. Franz Nuscheler
Director of the Institute for Development and Peace /
Institut für Frieden und Entwicklng
Duisburg

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