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Transnational Associations
Associations transnationales

In Memoriam

Marcel Merle

30 août 1923-10 mai 2003

L e 10 mai 2003, L'Union des associations internationales a appris avec tristesse le décès à Paris du professeur Marcel Merle. Membre du Conseil de l'UAI depuis le 28 mars 1974, Marcel Merle en assura la présidence du 8 octobre 1992 au 24 octobre 1998. Il avait fait part au Conseil de son intention de s'en retirer à la fin de cette année.

Né à Saumur le 30 août 1923, agrégé de droit public – il avait été reçu premier au concours de l'agrégation en 1950 -, Marcel Merle avait entamé sa carrière universitaire à Bordeaux, où il avait dirigé l'Institut d'études politiques de 1957 à 1967, succédant à Maurice Duverger à la tête de l'Institut, pour la poursuivre à la Sorbonne (Paris I). En 1969, il participa à la création du département de sciences politiques de l'Université. Très engagé dans la vie académique internationale, il avait été longtemps membre du Comité exécutif de l'Association internationale de science politique et l'un de ses vice-présidents. Il fut aussi un membre actif du Conseil de l'Association française de science politique. Sa rigueur scientifique le fit prendre part à la création de l'Association "Qualité de la science", dont le souci était de répondre à la fois aux rigidités et au conservatisme de l'Université, aux facilités de la nouveauté et aux excès révolutionnaires.

Mais l'oeuvre académique de Marcel Merle dépasse largement l'enseignement du droit et des relations internationales. Il fut l'un des premiers universitaires à avoir analysé la mondialisation, bien avant que la mode ne brouille les contours de la notion, et fut l'un des premiers, avec Robert Keohane et Joseph Nye, à théoriser la pluralité des acteurs dans le champ des relations internationales. Son intérêt pour les phénomènes émergents, déjà manifeste dans sa thèse consacrée au procès de Nuremberg, trouva sa pleine expression dans *La vie internationale* (1970, plusieurs fois rééditée) et surtout dans sa *Sociologie des relations internationales* (1974, rééditée et mise à jour de nombreuses fois, traduite dans plusieurs langues). Cet ouvrage faisait de lui le maître incontesté des "nouvelles relations internationales", qui prenaient

en compte, au delà des seules relations interétatiques, la complexité des facteurs, la diversité des acteurs et le rôle de nombreux flux qu'on ne pouvait plus considérer comme les contextes passifs de l'action des Etats. Les passions et les raisons sous-jacentes aux multiples facettes des sociétés contemporaines dans leurs expressions internationales, voire transnationales, sont analysées dans de nombreux ouvrages et des centaines d'articles, qui vont de la vie politique britannique au phénomène de la colonialisation, en passant par l'action des Eglises et aux enjeux des récents conflits. L'acuité des jugements qu'il portait sur le monde contemporain, outre le *Bilan des relations internationales contemporaines* qu'il nous livra il y a quelques années, nous est restée présente jusqu'à la veille de sa mort par la chronique tenue au journal *La Croix*. Ses travaux sont du reste d'une continuité remarquable, comme en témoigne la contribution qu'il a apportée sur "L'anti-colonialisme" au tout récent *Livre noir du colonialisme* de Marc Ferro (paru chez Robert Laffont en 2003).

Très tôt réservé vis-à-vis de la tradition néo-réaliste incarnée essentiellement par Raymond Aron (dont le maître ouvrage *Paix et guerre entre les nations* vint après les premiers travaux de Marcel Merle) et dans les Facultés de droit par Suzanne Bastid, qui devait influencer Stanley Hoffman lui-même très lié à Aron, il n'était pas pour autant un inconditionnel de ce qu'on a nommé depuis "l'internationalisme libéral", encore moins du néolibéralisme, ni même du juridisme humanitaire qu'il ne pensait pas capable de remplacer l'internationalisme politique. Mais le scepticisme intellectuel qui marque son oeuvre n'affaiblit jamais son engagement associatif. Membre de la Commission "Justice et Paix", ce catholique social a toujours témoigné de la signification pragmatique de la sociologie des associations dont il avait élevé la théorie au niveau universel, par le biais notamment de l'idée de transnationalité qu'il avait placée au centre de ses derniers travaux.

Les générations que Marcel Merle a formées se souviennent de lui comme d'un professeur exigeant et chaleureux qui appréciait le débat avec ses étudiants. L'UAI restera marquée par la haute exigence qui caractérise l'ensemble de sa vie d'homme et de l'oeuvre qu'il nous lègue, humaniste au sens le plus large qui soit.

Understanding NGO participation in the WTO: history, nature and implications for developing countries

by Mark Mattner*

This paper argues that the current system of NGO participation in the WTO is not conducive to a democratisation of the international trade system. The strong representation of commercial organisations and northern NGOs implies the forceful articulation of interests developing countries generally do not share and limits their policy choices. In addition to problems regarding the legitimacy and accountability of NGOs, the holistic conception of development usually espoused by northern NGOs and their institutional self-interest often conflict with both developing countries and southern NGOs. Adopting a more restrictive WTO definition of NGOs and further pursuing debates about standards in the NGO sector would be realistic and feasible steps towards making NGO participation in the WTO more beneficial for developing countries.

Introduction

The significance of non-governmental organisations (NGOs) in the international system has been rapidly increasing in recent years. On one level, this has been demonstrated by the widespread protests against meetings of international economic institutions. The World Trade Organisation (WTO) Ministerial Meeting in Seattle in 1999, for example, all but collapsed due to the ferocious protests organised by anti-WTO campaign groups. An equally noteworthy development, which also illustrates the great variety of organisations grouped under the label of "NGO", has been the widened scope for NGO participation in the institutional mechanisms of international organisations. While the World Bank is known for having gone to particularly great length in engaging NGOs in its work, this development also applies to the WTO. In general terms, these interactions are intended to improve both the legitimacy and accountability of international organisations as NGOs are seen to introduce elements of democratic governance by representing the interests of a global constituency. This is a pertinent issue for developing countries as they themselves are struggling to reshape the WTO-governed international trading system in a way more conducive to their interests.

This paper discusses the mechanisms governing the relationship between NGOs and the WTO – focussing in particular on their impact on developing countries. The paper's core conclusion is that these mechanisms are not conducive to a genuine democratisation of the international trade system. As their design is significantly biased towards the representation of commercial interests and the participation of northern NGOs,[2] they allow for the forceful articulation of interests developing countries might not share and thus further restrict the policy choices available to their governments. In addition to important questions regarding the legitimacy and accountability of NGOs, the holistic conception of development generally espoused by northern NGOs and their institutional self-interest often bring them in direct opposition to both developing countries and southern NGOs alike. Adopting a more stringent definition of NGOs and further pursuing debates about standards in the NGO sector would be realistic and feasible steps towards making NGO participation in the WTO more beneficial for developing countries.

The presentation of this argument is organised in four sections and begins with an outline of the rationale behind NGO involvement in the WTO. The following section traces the development of mechanisms for NGO participation from plans for an International Trade Organisation (ITO) to the present day WTO. Section three discusses the imbalances inherent in the way in which NGOs are currently participating in the WTO. The last section then analyses the implications of these findings for developing countries. By way of conclusion, the paper briefly suggests ways of improving the role played by NGOs in the WTO.

The case for NGO participation

NGO involvement in the WTO largely represents a response to the unprecedented intrusive-

*The author is currently working with UNHCR in Geneva. markmattner@hotmail.com 2. In this paper, "northern" refers to the G7, Western Europe, Australia, New Zealand while "southern" refers to the rest of the world. The simplification inherent in such shorthand categories is, of course, duly acknowledged.

ness of WTO mechanisms on state sovereignty. The agreement which established the organisation by concluding the Uruguay Round trade negotiations (1986-1994) is a 'single undertaking' in which all provisions apply equally to all members. In order to gain access to the international trading system, states thus have to conform to the full range of provisions contained in the agreement and have little scope for autonomous policy choice. Crucially, the organisation's mandate also covers a range of non-tariff barriers to trade, including measures on technical barriers to trade, anti-dumping, trade-related investment and subsidies. This allows for an inclusion of areas such as labour standards and the environment in trade negotiations and therefore has profound implications for domestic policy making in WTO member states.

Because its decision-making is member-driven, its secretariat is relatively small and all members enjoy an equal vote, the WTO is, in theory, more equally representative of its members than the International Monetary Fund and the World Bank. In reality, however, economically powerful states are more likely to successfully implement their policy agenda in trade negotiations and dominate the decision-making process. In what is referred to as the 'Green Room' process, decisions are taken by consensus, not voting, and are determined in informal meetings. This process is dominated by the 'Quad' countries consisting of the United States, the European Union, Japan and Canada (Woods and Narlikar 2001).

Many NGOs point to the democracy gap that arises from this structure because the WTO, which is not itself subject to electoral scrutiny, can effectively bypass elected national governments and influence global economic, political, social and ecological developments. They therefor propose to construct a system of democratic governance for the international trading system and put themselves forward as representatives of a global civil society (Robertson 2000: 1122; McGinn 1998). On a more technical level, others argue that NGOs can improve the functioning of the WTO by connecting the politics of international trade to grass-roots constituencies. This improves the quality of public debate and makes it easier for national governments to adopt sensible trade policies. NGOs can also enhance the quality of policy making by competing with governments for the best ideas and proposals. If governments are challenged on political and scientific grounds by NGOs, they are most likely to devise higher quality policies (Esty 1998: 126).

NGOs and the international trade system

The discussion about NGO involvement in the governance of international trade dates back to plans for the establishment of an International Trade Organisation after World War Two. Its draft charter envisaged a significant role for NGO participation and it was the United States that forcefully pushed for this organisational feature. The architects of the post-war trading system evidently subscribed to the view that NGOs had a constructive contribution to make in devising trade policy (Charnovitz and Wickham 1995: 122). The ITO, however, has never been established and although NGOs came to acquire a significant position in the UN system and other international bodies, their influence in the General Agreement on Trade and Tariffs (GATT, 1947–1994) was minimal. NGO representation there was mostly constrained to lobbying at the national level. This began to change, however, during the Uruguay Round when environmental groups became increasingly concerned about the adverse effects of trade liberalisation on the environment. The resuscitation of the Committee on Trade and Environment in 1991, for example, was largely due to NGO pressure (Hoekman and Kostecki 2001: 467).

Discussing the role of NGOs in the WTO, it is useful to distinguish between transparency (the flow of information) and participation (the opportunity to be heard and play a role in decision-making). The WTO has indeed taken significant steps to increase its level of transparency, not only for NGOs but also for its member countries. With reference to NGOs, these measures have mainly focussed on disseminating information, holding regular briefings and including NGO position papers on the

organisation's website. The WTO thus seems to recognise the importance of NGOs in the shaping of public opinion (Jackson 2001: 76; WTO 2001a and 2002). With regards to NGO participation in the daily operations of the WTO, the organisation points to its nature as merely an intergovernmental treaty and a forum for negotiations. Since the WTO is not itself in a position to devise policy, "there is currently a broadly held view that it would not be possible for NGOs to be directly involved in the work of the WTO or its meetings." (WTO 1996) The representation of public interest is deemed to be more appropriate at the national level and the activities of NGOs are constrained to lobbying national delegations.

The WTO does, however, play an important role in deciding trade disputes through its dispute settlements process. Here non-state parties do have the right to submit their views on particular cases through amicus briefs to various panels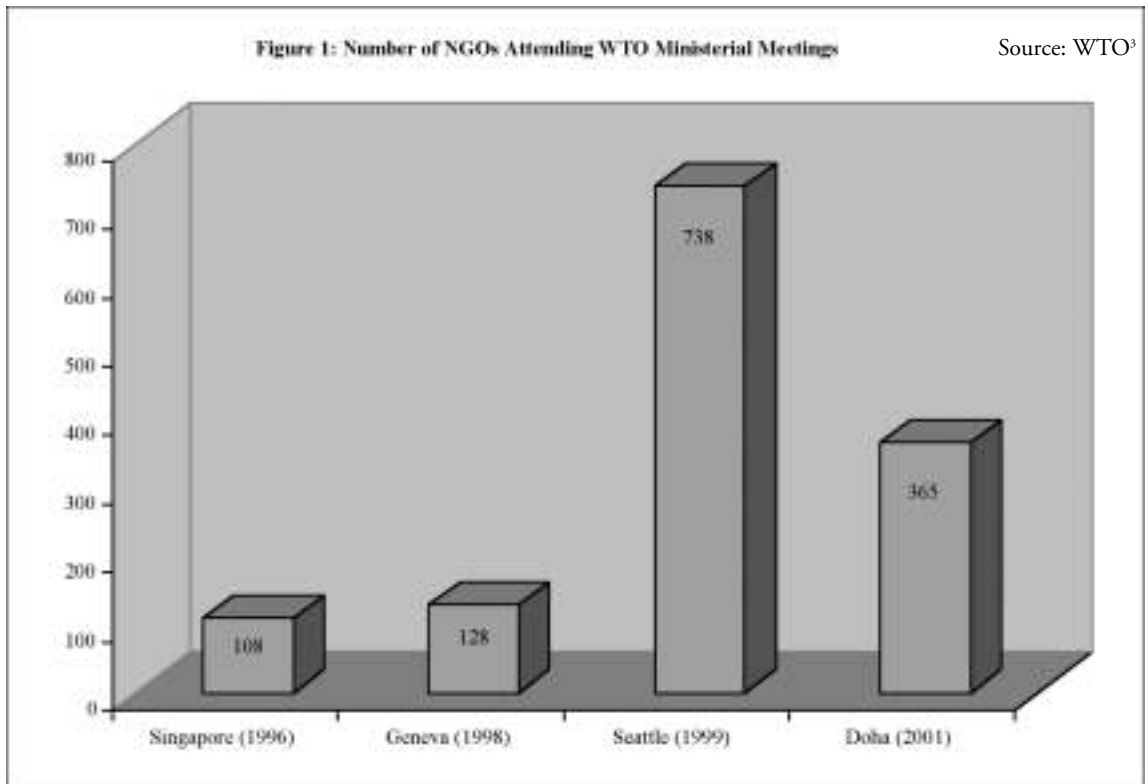 and the Appellate Body. This does not imply actual participation in meetings but nevertheless allows NGOs to represent their views in a forceful manner, particularly significant as opportunity to influence public opinion (Hoekman and Kostecki 2001: 473). In addition to these regular procedures, WTO Ministerial Meetings are the key venues in which policy agendas are shaped and strategic decisions taken. Since the organisation's inception in 1995, the number of NGOs attending these meetings has increased significantly (Figure 1 below).

The reality of NGO participation

NGOs that interact with the WTO have been loosely distinguished into three distinct groups according to their attitude towards the organisation. "Conformers" generally support the official aims of the WTO and its agreements while agreeing with standard trade theory in their fundamentally positive attitude towards trade.

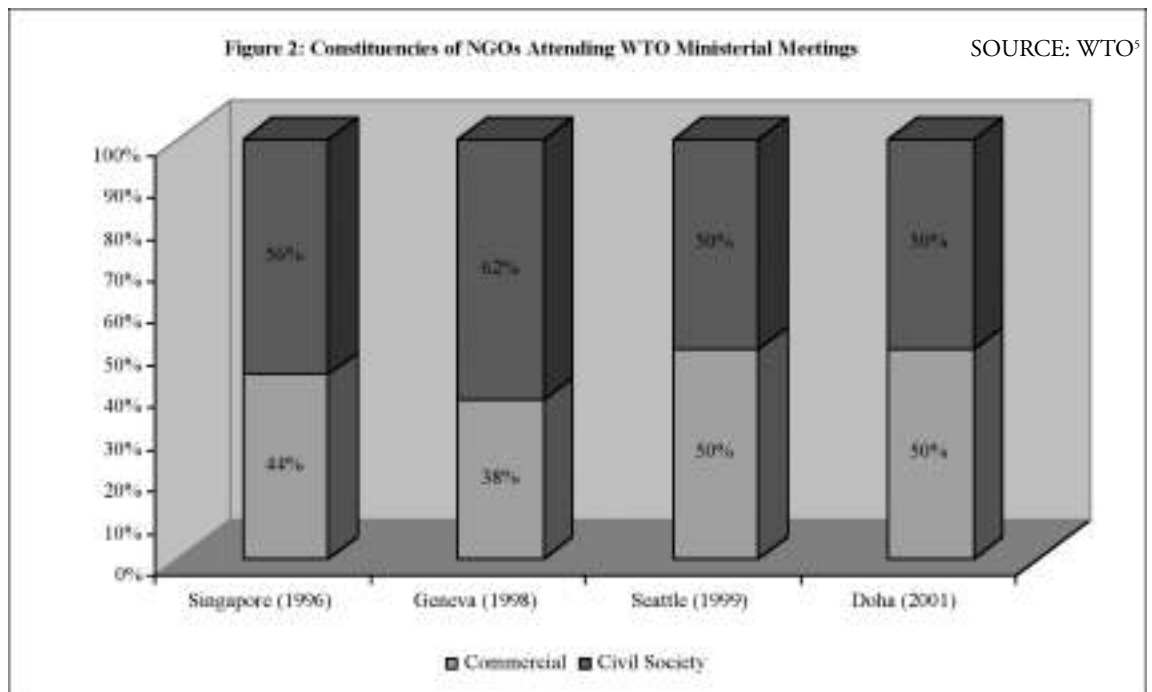Figure 1: Number of NGOs Attending WTO Ministerial Meetings   Source: WTO[3]

3. WTO website: http://www.wto.org/english/forums_e/ngo_e/meet_e.htm.

"Reformers" aim to change the logic of the international trade system and attempt to add to the agenda issues such as labour conditions, underdevelopment, environmental degradation, consumer protection and gender. Working within the mechanisms provided by the WTO, such NGOs are the ones portrayed as supporting developing countries in improving their position in the international trading system. By contrast, "radicals" do not believe that the WTO system can be modified to any positive end and therefore campaign for its abolition. These groups have been instrumental in organising protests against WTO Ministerial Meetings (Scholte et al. 1999: 166 – 169; Hoekman and Kostecki 2001: 468). While providing a useful illustration of one set of differences between NGOs, this classification pays insufficient attention to two crucial qualitative fault-lines. First of all, it does not draw a clear distinction between commercial and civil society organisations.[4] Secondly, it fails to convey the fact that NGO participation in the WTO is heavily biased towards NGOs based in rich, industrialised countries (conveniently termed "northern" in this paper).

In order to appreciate these two points it is instructive to begin by outlining the accreditation process for NGOs wishing to attend WTO Ministerial Meetings. Before these meetings, the organisation invites NGOs to demonstrate that their work is of direct relevance to WTO activities and about 98% of applicants are typically deemed eligible. The NGOs rejected are usually small, regionally focussed lobby groups. Member governments then need to approve the proposed list of NGOs but so far have never raised objections at this stage. At the Doha Ministerial Meeting in 2001, however, many NGOs were prevented from attending due to an acute shortage of hotel accommodation in the city. From the 647 NGOs eligible to attend the meeting, only 362 were eventually able to do so (Figure 1 above; WTO 2001b). Like all data discussed in this paper, these numbers do not reflect the size of delegations. While each organisation was asked to send only one member to Doha, it appears that many NGOs would have liked to send bigger delegations. According to the WTO, the reason for this was that Qatar had been the only country offering to host the WTO Ministerial Meeting that year. Other

4. The term "civil society" is employed here merely to highlight the difference between commercial and non-commercial interests.
5.. For this paper, NGOs have been classified according to the principle interests they represent. See Corporate Europe Observatory (2001) for the difficulties associated with correctly identifying "industry front organisations" such as the Free Trade Fan Club.

Figure 2: Constituencies of NGOs Attending WTO Ministerial Meetings   SOURCE: WTO[5]

commentators, however, have suggested that the shortage of hotel accommodation constituted a deliberate attempt to limit NGO presence and the danger of disruption (Peterson 2001; Denney 2001).
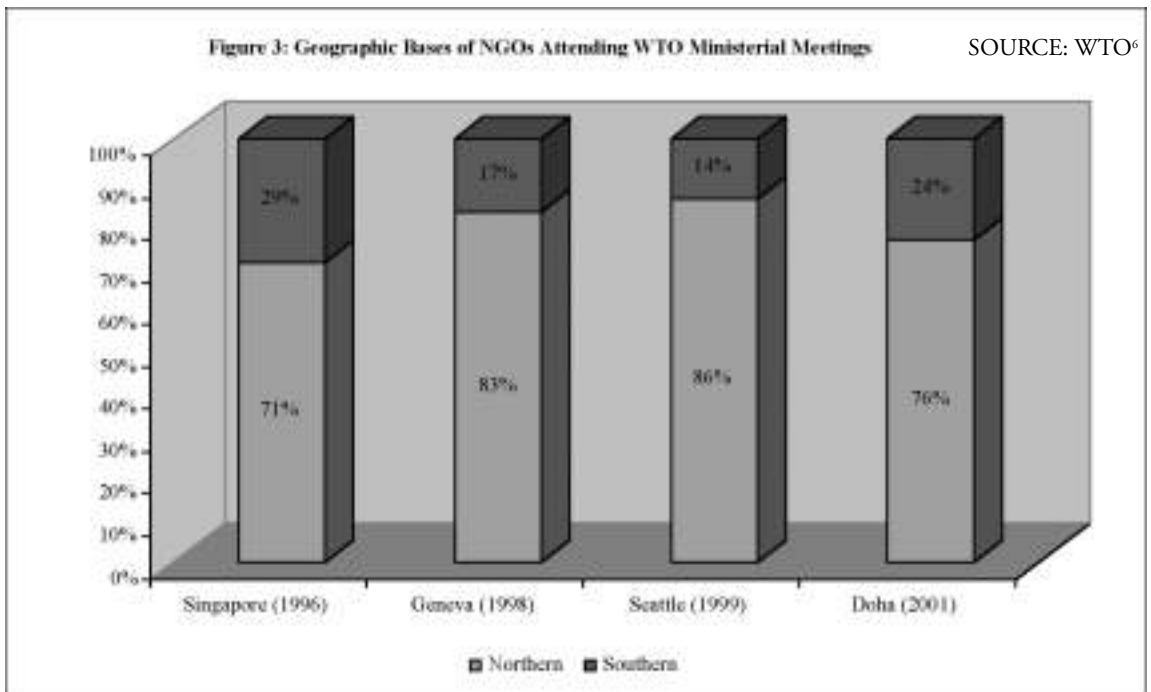
The most crucial point about this accreditation process is that the WTO does not employ a stringent definition of what actually constitutes a Non-Governmental Organisation. Environmental groups, organised labour, commercial farmers and various other business lobby groups in fact all classify for NGO status as long as they prove an interest in trade-related issues. According to one WTO official, "Microsoft would not be allowed to attend but its industry group would be." (Telephone statement to author, 5 February 2002) This policy is in sharp contrast to the approach taken by the World Bank, which has developed sophisticated mechanisms of dealing with NGOs (Nelson 1995). According to the official World Bank definition, "NGOs are private organisations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development. ... NGOs are typically value-based organisations which depend, in whole or in part, on charitable donations and voluntary service." (World Bank 1995: 8) This definition explicitly excludes the representation of business or commercial farming interests. As can be seen from Figure 2 below, however, a very large number of the NGOs attending WTO meetings represent such constituencies. While the Seattle Ministerial Meeting of 1999 has seen the highest levels of NGO participation to date, it is noteworthy that 50 per cent of the organisations present were in fact commercial interest groups.

An article by Jeffrey Dunoff (1998) is indicative of the way in which NGO participation in the WTO often actually refers to corporate representation. Dunoff argues that NGOs are playing a crucial role in WTO decision-making, albeit one that is understated in most of the relevant literature. In support of this argument he discusses two cases in which companies successfully lobbied their respective governments to initiate proceedings with the WTO to grant them access to a particular market, namely the Japanese photographic film and paper market

Figure 3: Geographic Bases of NGOs Attending WTO Ministerial Meetings   SOURCE: WTO[6]

6. NGOs have been grouped according to the location of their principal office.

and the US oil market. While this does indeed show the potential importance of non-state actors in WTO decision-making, equating corporate interests and NGOs also leads to a vast over-representation of civil society participation in these processes. The official WTO figures presented in Figure 1 above convey much the same misleading image.

Given that NGO representation at the WTO is intended to represent the interests of a global constituency, it is equally important to point to the geographic origins of the NGOs, which have attended WTO Ministerial Meetings. It is clear in Figure 3 below that the overwhelming majority of these organisations were based in northern states. Presumably, this goes some way towards explaining the exceptionally large number of NGOs attending the 1999 meeting in Seattle.

Implications of NGO participation for developing countries

The large number of commercial NGOs accredited to the WTO poses a profound problem in that it offers commercial interests double access to international decision making. While national governments routinely include business representatives in their delegations, the representation of civil society NGOs, by contrasts, is significantly more limited. An organisation like the International Chamber of Commerce (ICC), which has been accredited to attend WTO Ministerial Meetings, can appoint different company or industry representatives to attend different meetings. This has led to waste traders attending the follow-up negotiations on the Basle Convention on the Transboundary Movement of Hazardous Wastes. Given that the budget of commercial organisations certainly dwarfs the resources available to civil society NGOs, and indeed many developing countries, this constitutes a potent lobby (Krut et al. 1997: 23). The point here is not, however, that commercial interests are always contrary to the interests of developing countries. In Germany, for example, industry representatives are very actively lobbying for a reduction in immigration restrictions that would coincide with the interests of many developing countries. But the power of commercial interests certainly does

lead to a restriction of policy options and bargaining power for developing countries in trade-related issues.

At the same time it is important to address the problems of legitimacy and accountability which exist even with respect to those NGOs that satisfy the World Bank's definition. Many have been challenged on their lack of accountability to those they claim to represent since they tend to be self-appointed and frequently focus on single-issue advocacy rather than community service in a more holistic sense. Questions have also been raised with regards to low levels of transparency and internal democracy of board-governed organisations (Oystry 2001: 20; Hudson 2000). These points are particularly pertinent since NGOs often have their own institutional interest in advocacy activity as a source of revenue. The World Wildlife Fund for Nature, for example, has received large donations from north European governments and the European Commission in order to lobby for certain environmental policies (Robertson 2000: 1123). NGOs need to compete with each other for such funds in a highly concentrated market. In 1997, for example, the world's eight biggest NGOs controlled half the US$ 8 billion market for NGO funding (Krut et al. 1997: 12). The need to address the interests of their donors seriously limits their legitimacy as representatives of a truly global constituency or, for that matter, their ability to speak on behalf of developing countries.

It has been indicated above, furthermore, that NGOs active at the WTO are to an overwhelming extent based in developed countries. While, in theory, they could still be representing developing country interests as indeed some NGOs do, this does weaken their ability to introduce an element of balanced democratic governance into WTO proceedings. In reality, there are serious splits between northern and southern NGOs. The latter often accuse the former of working on outdated and romanticised premises of the developing world in a way which privileges northern NGOs' institutional interests over the interests of developing countries while also limiting development opportunities for poor countries (Krut et al. 1997: 19). In the words of one Kenyan NGO representative, "the contrast is stark between many devel-

oped country NGOs and the people they claim to represent: wealthy countries want the Earth to be green, the underdeveloped want the Earth fed." (Shikwati 2002)

Developing country governments also tend to see the activities of northern NGOs with suspicion. To some extent, this can be explained by the way in which northern NGOs often view developing country governments as corrupt and inefficient. They thus at times prefer to side with northern donor governments even though they see them benefit from a trading system they perceive as unfair and irresponsible. On the other hand, many developing countries are ambivalent to Western concepts of civil society and point to the problems of NGO accountability and legitimacy which have been outlined above. The key issue is that northern NGOs, on the whole, espouse a different vision of development than do developing countries. While the latter tend to focus on economic growth, northern NGOs also incorporate political, social and environmental consideration into their policy priorities. This helps explain why northern NGOs and developing countries find it hard to form alliances even in areas that would be of mutual advantage – such as democratising WTO governance (Bradlow 2001: 528).

Linking labour rights and international trade, for example, has long been a contentious issue. Both trade unions and human rights advocates have lobbied for incorporating protective labour standards into the global trade regime. Most NGOs working in this area argue that developed countries are taking advantage of low labour standards in poor countries through lower commodity prices. But developing country governments generally reject this logic by pointing out that low prices are the key competitive advantage of their products. It would thus be both unfair and counter-productive to choke off this source of foreign exchange revenue (Van Liemt 1999: 113). The way this debate is framed mirrors the contradictions between different conceptions of development. While northern NGOs espouse a conception of development which includes certain measures of wellbeing such as minimum labour standards, developing countries generally argue that the most essential step is to achieve economic growth in the first place. Interestingly, southern NGOs tend to agree with developing country governments on this point, seeing the debate as attempted protectionism on behalf of workers from the north. According to Martin Khor, director of the Third World Network, both northern states and NGOs raise labour issues because "northern governments plan to link trade to several economic and non-economic issues in ways that add to their advantage." (Khor 1998: 11)

The situation is very similar with regards to environment issues. Northern NGOs are campaigning for WTO reform to take into account the damage that increases in global trade can do to the environment. This has been linked to calls for sustainable development in which developing countries are asked to avoid exploiting (and destroying) their environment as competitive advantages in global trade and in the attraction of foreign investment. The differing views of developing countries and northern NGOs on the nature of development are clearly reflected in this debate. For developing countries, the issue of environmental protection generally comes second after the achievement of economic growth and they tend to perceive international efforts to protect the environment as serious erosion of their sovereignty. This vision of development coincides with the fear that developed countries use this discussion as cover-up for protectionist measures. In the words one Egyptian negotiator at the WTO, "the attempt [by developed countries] to portray developing countries as being hostile to the environment is more for the purpose of concealing their real intentions: to use the environment as a means of disguised protectionism…" (cited in Brack 1999: 139)

Conclusion

This paper has argued that the WTO's current system of NGO participation is not facilitating a balanced representation of different interests. On the whole, this is to the detriment of developing countries struggling to pursue their interests in the international trade system. The paper has identified two key imbalances that tend to be easily overlooked. The first is that a large

number of NGOs attending WTO Ministerial Meetings are in fact representing commercial interests. While this is not always to the detriment of developing countries it does form a formidable lobby committed to a narrow set of private interests. Even if commercial interests are excluded, however, significant problems remain with regards to NGOs' legitimacy to speak on behalf of others, their accountability and their interest in maximising revenue through, for example, government funding from developed countries.

The second bias is that most NGOs working with the WTO are based in northern countries. This introduces another layer of conflicting interests since northern NGOs tend to espouse a holistic view of development as including issues such as labour rights and environmental protection. Developing country governments, by contrast, tend to focus more on the achievement of economic growth and perceive broader agendas as covert attempts at protecting markets in developed countries. Southern NGOs are often equally at odds with their northern NGO counterparts.

While this paper arrives at a fairly critical conclusion, there are a number of realistic ways of improving the mechanisms for NGO participation in the WTO. First and foremost, it is of key importance to distinguish between different kinds of NGOs. In the long run it is self-defeating for the WTO not to recognise the difference between commercial and civil society represen-

tation since it obstructs the useful role NGOs can indeed play in linking international politics with local level concerns. It allows commercial interests additional leverage in negotiations and decision-making, which tends to be contrary to the interests of many less developed WTO members.

At the same time, ongoing debates on NGO legitimacy and accountability are playing an important role in overcoming the conflict between northern and southern interests which have been sketched (in general terms) in this paper. There have been a number of important initiatives in this regard and it seems that humanitarian NGOs in particular are leading the way in the development of relevant standards.[7] A mandatory code of conduct for NGOs, for example, might improve their transparency and make it easier to understand their objectives, alliances and funding constraints. Analogous to the standards required of commercial enterprises and political parties, this code of conduct could include obligations to publish aims and objectives, disclose audited financial records, fundraising and expenditure. It could also include a commitment to an ethical approach to information, including the suitable refereeing of scientific claims submitted to the dispute settlement process.[8] Moving further in this direction would improve the ability of NGOs to play a constructive part in a genuine democratisation of international economic governance.

7. For a constructive discussion of this issue and the various ongoing initiatives see Slim (2002).
8. See Adair (1999) as example of one such proposal.

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La société civile internationale et le droit international : l'exemple de la Convention d'Ottawa sur l'élimination des mines antipersonnel[1]

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Parler de la Convention d'Ottawa conduit immanquablement à évoquer le rôle crucial joué par la société civile dans le combat contre les mines antipersonnel.

D'emblée, il faut dire qu'il y a différents rôles possibles pouvant être joués par la société civile et les ONG dans le processus normatif international. En particulier, doit clairement être distingué leur rôle dans l'élaboration de nouvelles normes internationales et leur rôle dans la mise en œuvre du droit international.

Il arrive parfois que la société civile et les ONG n'interviennent que dans la mise en œuvre de normes à l'élaboration desquelles elles n'ont pas participé, prenant pour ainsi dire le train du droit international en marche et se préoccupant avant tout que les règles existantes soient effectivement appliquées, intervenant ainsi uniquement en amont. Il est en effet clair qu'il existe aujourd'hui, notamment dans le domaine des droits de l'homme, ou du droit humanitaire ou encore du droit de l'environnement, un réseau de normes suffisamment dense pour répondre aux objectifs de protection de l'individu et de régulation sociale dans le monde, le problème clé résidant dans la fréquente ineffectivité de ces normes, sans qu'aucune sanction ne s'ensuive pour ceux qui ne les appliquent pas.

Mais parfois aussi – et de plus en plus souvent doit-on même constater – la société civile et les ONG interviennent à la fois en aval et en amont, participant à l'élaboration de règles internationales dont elles ont ensuite particulièrement à cœur la mise en œuvre concrète, assurant ainsi un rôle de suivi, un service après-vente destiné à assurer un bon fonctionnement du système de régulation mis sur pied avec leur participation souvent active sinon déterminante.

On peut en outre remarquer que dans la mise en œuvre, certains éléments d'élaboration du droit peuvent apparaître, lorsque la mise en œuvre implique des propositions d'amélioration des normes existantes, dans le cadre d'un processus institutionnalisé ou non de révision du droit existant.

C'est dire que la frontière n'est pas toujours rigide entre élaboration et mise en œuvre. Et il me semble que la Convention d'Ottawa illustre particulièrement ce propos.

La question est de savoir comment les ONG interviennent tout au long du processus normatif, de son initiation à sa mise en œuvre concrète.

Pour répondre à cette interrogation, il convient d'indiquer en préalable que l'articulation entre ONG et Etats peut prendre diverses formes et que l'action des ONG peut être plus ou moins intégrée ou plus ou moins autonome par rapport à celle des Etats ou des organisations internationales. Toutes sortes de nuances peuvent certainement se rencontrer mais elles oscillent toutes entre deux attitudes possibles :
- une posture participative, les ONG participant au fonctionnement des structures de l'Etat ou des organisations internationales, un exemple étant celui des ONG qui ont un statut consultatif auprès des organisations internationales[3] ;
- une posture d'extériorité, les ONG restant totalement extérieures aux structures étatiques, cette situation devenant de plus en plus rare, me semble-t-il.

Ces questions de positionnement sont souvent fort délicates. Je ne m'étendrai pas sur ce point, mais mentionnerai simplement par exemple qu'un représentant d'Handicap International est membre de la Commission nationale pour l'élimination des mines antipersonnel (CNEMA), mais que lorsque la CNEMA participe, dans le cadre de la délégation française, à une réunion des Etats parties de la Convention d'Ottawa, le délégué d'Handicap assiste à la conférence, non pas sur le banc de la CNEMA, mais sous la bannière d'ICBL (International Campaign to Ban Landmines).

Quelles que soient les modalités d'action retenues par les ONG, les missions qu'elles peuvent remplir sont multiformes. Comme s'interrogeait la Commission nationale consultative des droits de l'homme (CNCDH) récemment[4], « (i)l conviendrait de repréciser le rôle des ONG : simples sous-traitants ou partenaires ? Acteurs ou instruments ? Forces de propositions ou

prestataires de services devant uniquement répondre à des appels d'offres ? ».

La réponse n'est pas simple, et les ONG peuvent certainement être tout cela à la fois. Il convient donc dans chaque cas d'examiner rigoureusement ce que font les ONG. J'analyserai ainsi successivement le rôle joué par la société civile dans l'élaboration et dans la mise en œuvre de la Convention d'Ottawa.

Cette convention de désarmement à but principalement humanitaire est entrée en vigueur le 1er mars 1999 : au moment de son adoption, ce texte international marquait une rupture significative avec la situation antérieure, telle qu'elle résultait du Protocole II à la Convention des Nations Unies de 1980 sur certaines armes classiques, qui réglementait l'emploi des mines, mais sans les interdire.

Les mines antipersonnel sont des armes particulièrement perverses, puisqu'elles font revivre la guerre au sein même de la paix, puisqu'elles font que pour certains, la guerre n'est jamais finie. Et même lorsqu'elles ne tuent pas ou ne blessent pas, leur présence est une épée de Damoclès qui empêche tout retour à la vie normale[5].

Ces armes odieuses devaient être bannies à tout jamais : c'était un devoir de raison, c'était un impératif d'éthique, c'est l'objectif que s'est donné ce que l'on a appelé le processus d'Ottawa.

Le rôle de la société civile dans l'élaboration de la Convention : le processus d'Ottawa

La place et le rôle des ONG dans l'élaboration du droit international

Quand on parle du rôle de la société civile dans l'élaboration du droit international, il convient de faire une remarque d'entrée de jeu, qui relativise ou du moins met à sa juste place ce rôle. Compte tenu de la structure de la société internationale et malgré de nombreuses évolutions, les Etats conservent le monopole d'édiction du droit international. Il faut rappeler que les seuls sujets complets du droit international sont les Etats. La fonction des ONG sera donc

d'amener par diverses voies les Etats à adopter les normes pour lesquelles elles se battent. Et quel que soit le rôle des ONG, les Etats et les organisations internationales qui les regroupent interviendront nécessairement à un stade ou un autre pour transformer les initiatives des ONG en normes internationales. Ces notations sont vraies par rapport au rôle des ONG dans le droit international, mais ne sont pas vraies par rapport à la question beaucoup plus vaste des modes de régulation de la société internationale. Il faut ainsi être conscient que le rôle des acteurs privés dans l'élaboration de la lex mercatoria ou de la lex internautica ne soulève pas les mêmes interrogations que leur rôle dans l'élaboration du droit international, et que reste ouverte l'interrogation fondamentale sur la coexistence et l'articulation de ces deux modes de régulation sociale.

Que les ONG le veuillent ou non, leur rôle ne peut que s'articuler sur celui des Etats, si elles souhaitent participer à la création de nouvelles normes du droit international.

De leur place, à l'intérieur ou à l'extérieur, les ONG peuvent jouer différents rôles, qui peuvent d'ailleurs se succéder dans le temps. Je vois pour ma part, trois paliers significatifs dans ce que l'on pourrait appeler « l'échelle de coopération » entre ONG et structures étatiques nationales ou internationales dans la création des normes internationales :

- *un rôle de soutien*, les ONG jouant un rôle d'accompagnement d'actions menées par les Etats ou les organisations internationales. Leur rôle cristallisateur des opinions publiques en faveur de certains projets gouvernementaux a alors comme objet de faire aboutir un projet mené par les Etats. Ainsi, en 1998 a été lancée une marche mondiale des enfants, qui a parcouru 80 000 kilomètres, pour protester contre l'exploitation du travail des enfants, avant de se terminer à Genève, en juin 1998, au moment où s'ouvrait la Conférence internationale du travail. Le directeur du Bureau international du travail (BIT) a accueilli les enfants par ces mots : « A la mondialisation de l'économie doit correspondre une mondialisation des forces vives de la société. Forte du soutien de millions d'enfants et d'adultes qui, dans les cent dix-sept pays traversés, luttent dans leurs quartiers, leurs villages et leurs communau-

5. Dans un article publié dans *Le Monde* sur le Liban, cet aspect a été particulièrement mis en évidence. Interrogé par Mouna Naïm, le Représentant personnel du Secrétaire général de l'ONU au Liban, Staffan de Mistura, a déclaré : « La spirale négative pourrait être la suivante : pas de déminage, pas d'intérêts économiques, pas d'investissements… Le déminage est indispensable au redémarrage de l'économie et au retour de la population dans la région », *Le Monde*, 23 février 2001.

6. Isabelle Vichniac, «174 pays vont s'engager à lutter contre l'exploitation des enfants », *Le Monde*, 3 juin 1998.

7. Ce contexte et son évolution sont remarquablement décrits par Mario Bettati dans une série de trois articles, « Examen de la Convention sur l'interdiction des armes classiques produisant des effets traumatiques excessifs », *AFDI*, 1995, pp. 185-198 ; « L'interdiction ou la limitation d'emploi des mines (Le Protocole de Genève du 3 mai 1996) », *AFDI*, 1996, pp. 187-205 ; « La Convention sur l'interdiction de l'emploi, du stockage, de la production et du transfert des mines antipersonnel et sur leur destruction (Ottawa, 18 septembre 1997) », *AFDI*, 1997, pp. 218-226.

8. Une analyse extrêmement détaillée de tous les facteurs entrant dans le succès d'une action d'ONG est effectuée in Don Hubert, « The Landmine Ban : A Case Study in Humanitarion Advocacy », Occasional Paper N° 42, Thomas J. Watson Institute for International Studies, 2000, 93 pages.

9. Un intéressant précédent historique est cependant mentionné par Don Hubert, *op. cit.* note 8, c'est celui de la campagne menée par des organisations privées, des médecins, des pacifistes, contre les balles dum dum, au moment de la Conférence de la Haye de 1899, qui a abouti à la fin de la Conférence à leur prohibition.

tés contre le travail des enfants, la marche est un exemple de cette mondialisation de l'action. »[6] On sait que cette convention a été adoptée.
- *un rôle d'opposition*, les ONG au contraire contrecarrant les actions des Etats. Le rôle cristallisateur des opinions joué par les ONG peut être celui du mécontentement, comme cela s'est vu à Seattle, au moment de la réunion de l'OMC ;
- *un rôle d'initiative,* les ONG donnant l'impulsion initiale et leur action étant ensuite relayée par les Etats. C'est ce rôle qu'ont joué les ONG dans le cadre du processus d'Ottawa, comme je vais le décrire maintenant.

Le processus d'Ottawa : le rôle d'ICBL

Nombreux sont ceux qui ont insisté sur les aspects atypiques du processus d'Ottawa : rapidité de l'élaboration du traité, porté par sur une lame de fond venant des citoyens du monde – un peu plus d'un an ; rapidité encore plus remarquable de son entrée en vigueur moins d'un an et demi après sa signature en 1997, alors que par exemple les Pactes internationaux sur les droits de l'homme ont mis dix ans avant d'entrer en vigueur ; mais aussi et surtout processus original auquel ont collaboré dans une synergie remarquable, gouvernements et ONG, les uns apportant leur pouvoir politique, les autres leur force de stimulation.

L'aboutissement aussi rapide du processus d'Ottawa est relativement surprenant. Et je ne suis pas sûre que l'on puisse vraiment répondre à toutes les interrogations posées par ce succès.

Peut-être la principale réponse réside-t-elle dans l'émergence, grâce à l'action des ONG, de ce que Sandra Szurek a appelé une sorte de « volonté générale » irrésistible ou encore « la conviction de la nécessité du droit ». Sans doute, une des fonctions principales des ONG est-elle effectivement celle de la création de valeurs. Et il arrive un moment où les ONG parviennent à créer une situation irréversible, qui rend impossibles certaines prises de position par les Etats.

Le rôle des ONG dans la mondialisation des valeurs

Cette modification du processus d'élaboration des normes semble être un des aspects de ce que l'on appelle la mondialisation. En effet, à coté de la mondialisation de l'économie et des techniques de communications, on assiste à une mondialisation des valeurs qui participe à l'élaboration d'une sorte d'ordre public international.

Cet ordre public international se traduit par l'émergence de valeurs communes, dans un certain nombre de domaines : c'est particulièrement vrai dans le domaine du droit pénal international, qui prenant ses racines à Nuremberg, a entraîné la création des tribunaux pénaux internationaux pour l'ex-Yougoslavie et pour le Rwanda et a culminé avec la signature du Statut de la Cour pénale internationale à Rome le 17 juillet 1998.

Mais les valeurs communes ne s'arrêtent pas au droit pénal et à la lutte contre les crimes les plus odieux, crimes de guerre, crimes contre l'humanité, génocide, elles englobent généralement la protection des droits de l'homme, de l'environnement, ou encore, l'élimination de certaines armes meurtrières.

Au début des années 90, le problème des mines antipersonnel semblait insoluble : plus de 100 millions de mines étaient disséminées dans le monde dans plus d'une soixantaine de pays. Le résultat était dramatique en termes de coûts humains et sociaux : 2000 personnes étaient tuées ou gravement blessées tous les mois, d'immenses étendues de terres agricoles étaient devenues inutilisables, ce qui aggravait encore les problèmes de sous-développement auxquels de nombreux pays victimes des mines antipersonnel devaient faire face.

C'est dans ce contexte plus que sombre[7] qu'ICBL (International Campaign to Ban Landmines), la campagne internationale pour interdire les mines antipersonnel, a surgi. Cette coalition regroupe environ 1000 ONG, ce qui constitue une force de frappe non négligeable.

En moins d'une demie décade, ICBL a obtenu la signature de la Convention d'Ottawa. Un tel résultat a pu être obtenu par la convergence d'une série de facteurs, par la conjonction de différentes forces que l'on peut tenter[8].

Les facteurs de succès de la campagne d'ICBL

Le succès a été suffisamment inattendu[9] et remarquable pour qu'ICBL se soit vu décerner en 1997 le Prix Nobel de la Paix, en même temps que sa coordinatrice Jody Williams.

Quels ont été les ingrédients de ce succès ?

En résumant, je crois que l'on peut dire que le succès a dépendu de ce qui s'est passé au niveau des acteurs, au niveau des méthodes de travail et au niveau des stratégies d'ensemble. On remarquera que je n'ai pas retenu parmi les facteurs déterminants le domaine dans lequel intervient l'ONG. De même que les organisations de pays producteurs, à l'instar de l'OPEP, ont sans doute plus de chance d'imposer leur point de vue aux pays importateurs s'il s'agit de pétrole que s'il s'agit de clous de girofle, on aurait pu penser que le rôle des ONG sera d'autant plus faible que l'on touche des domaines proches de la souveraineté des Etats. Or les expériences récentes infirment cette intuition : les deux exemples toujours cités de succès impressionnant des ONG touchent précisément de très près le cœur de la souveraineté étatique, puisqu'il s'agit du droit pénal, domaine dans lequel les ONG ont obtenu la signature du Statut de la Cour pénale internationale (CPI) à Rome le 17 juillet 1998, et du désarmement où elles ont obtenu la signature et même la ratification par un nombre suffisant d'Etats de la Convention d'Ottawa.

Au niveau des acteurs

A l'origine de tout le processus d'Ottawa, on trouve des gens confrontés aux ravages des mines sur le terrain, plus précisément au Cambodge. Selon Don Hubert « (t)he origin of the NGO campaign can be traced back to three organizations working in Cambodia : the Coalition for Peace and Reconciliation, Handicap International and the Mines Advisory Group »[10]. C'est le point de départ en 1992 d'une campagne pour bannir les mines antipersonnel.

Certes, dans bien des succès, on peut voir l'importance déterminante de certaines personnalités capables de jouer un rôle de leader[11], mais une des grandes leçons que l'on peut tirer du processus d'Ottawa est sans doute celle de la nécessaire association entre les ONG et les acteurs traditionnels de la société internationale.

En particulier, ICBL a eu l'intelligence de rechercher *la collaboration et la sympathie des organisations internationales*, telles que l'UNICEF ou le département de l'action humanitaire de l'ONU, ou encore la Croix-Rouge.

Ainsi la campagne lancée par ICBL a très vite trouvé des relais : en 1995, le CICR a à son tour lancé une campagne pour l'interdiction totale, immédiate et définitive des mines antipersonnel, en se fondant sur des rapports démontrant l'inutilité militaire des mines antipersonnel.

L'étape suivante a été celle d'une *alliance stratégique avec des Etats ayant une approche sympathique* à l'égard des thèses que professait la coalition d'ONG, un petit groupe d'Etats qui ne faisaient pas partie des grandes puissances et voyaient là une occasion de jouer un rôle moteur. Ce petit groupe d'Etats – le *Core Group* – comprenait au départ l'Autriche, la Belgique, le Canada, le Danemark, l'Irlande, le Mexique, la Norvège et la Suisse[12]. Ces remarques marginalisent peut-être moins les Etats que certaines apparences pourraient le laisser croire, et en tout cas mettent en lumière les interactions croisées entre les différents acteurs, les ONG s'appuyant sur les Etats et réciproquement.

L'idée a alors été lancée d'une réunion au Canada des Etats poursuivant les mêmes buts : pour savoir qui inviter, un texte de « déclaration finale » a été rédigé prévoyant la conclusion d'un traité interdisant les mines antipersonnel : seraient invités ceux qui souscriraient à cette proclamation.

La Conférence « Vers une interdiction totale des mines antipersonnel » s'est tenue à Ottawa du 3 au 5 octobre 1996, lançant ainsi le processus qui porte ce nom. Malgré une forte participation, de nombreux Etats étaient encore très hostiles à ce projet et ont cherché – sans succès – à faire réintégrer les discussions sur les mines dans les négociations de la Conférence du désarmement.

Une nouvelle étape a été franchie lorsque s'est réunie la Conférence d'Oslo, le 2 septembre 1997 et qu'ICBL s'est vu reconnaître le statut d'observateur, ce qui lui a donné accès à toutes les réunions, et le droit d'intervenir. A la fin de la réunion, malgré des tentatives des Etats-Unis d'obtenir des dérogations, un texte indérogeable a été adopté, que 121 Etats ont signé lors de la Conférence d'Ottawa le 3 décembre 1997.

Ce qu'il faut retenir avant tout de cette histoire, c'est je crois la diversité des acteurs qui ont participé au processus, mais surtout celle de la nécessaire collaboration entres les ONG et les acteurs des processus politiques traditionnels, plutôt que l'affirmation d'une distanciation par rapport à ces processus.

10. *Op cit* note 8, p. 7.
11. Auquel on doit ajouter le pouvoir d'attraction de certaines personnalités comme Diana ou la Reine Noor de Jordanie.
12. On parle également des « like-minded States ». Le groupe initial a été rejoint par trois autres Etats, assurant par là une meilleure représentativité juridique, à savoir l'Afrique du Sud, l'Allemagne et les Philippines.

Au niveau des méthodes de travail

Un premier aspect fondamental de succès est sans doute le cadre de négociations retenu : le processus d'Ottawa s'est développé en dehors des enceintes onusiennes traditionnelles où se discutaient les questions de désarmement (ce qui explique les réticences initiales de la France, aujourd'hui balayées) et donc à l'abri des blocages résultant du recours au processus de consensus pour l'adoption des textes.

Les autres ingrédients du succès tiennent à ce qu'ICBL a combiné une multiplicité de méthodes d'action, toutes fondées sur la rigueur et la détermination. Ont ainsi été utilisés des études d'experts, militaires, démineurs, chirurgiens etc..., des campagnes promotionnelles auprès du grand public, du lobbying auprès des gouvernements, la participation à des conférences régionales de sensibilisation, des interventions auprès des organisations internationales.

Les différentes composantes avaient elles aussi des stratégies de mobilisation de l'opinion souvent extrêmement percutantes. C'est en pensant aux victimes, mais avec l'idée de frapper les imaginations que Handicap International a pris l'initiative, maintenant familière, de la fameuse pyramide de chaussures, point culminant chaque année de sa campagne en faveur des victimes des mines antipersonnel. Et peut-être certains d'entre vous ont également entendu parler de la nouvelle initiative lancée à l'occasion du 3ième anniversaire de l'entrée en vigueur de la Convention, à l'adresse d'un grand pays pour l'inciter à ratifier : cette campagne en effet demande à tous les membres d'Handicap d'envoyer une chaussure à Georges W. Bush pour le faire réfléchir et le pousser à ratifier la Convention d'Ottawa ![13]

Au niveau des stratégies

Quatre idées forces semblent avoir guidé ICBL dans ses stratégies d'action : la coordination, l'intransigeance, l'approche scientifique et l'appel à l'émotion.

La nécessité de parler d'*une seule voix* a toujours été au centre des préoccupations d'ICBL, qui préparait toujours soigneusement sa position avec toutes ses composantes avant toutes les réunions.

Il ne suffit pas de parler d'une seule voix, il faut aussi que le discours soit *déterminé*. ICBL a résolument privilégié l'intégrité des obligations souscrites par les Etats de préférence à l'universalité de l'acceptation d'une Convention d'Ottawa édulcorée. A la Conférence de Bruxelles des 24-27 juin 1997, Jody Williams a conclu son intervention finale par ce qui allait devenir le cri de ralliement des ONG : « No exceptions, no reservations, no loopholes »[14].

Ce discours déterminé devait aussi être *crédible*. Et pour être crédible, il suffit de se fonder sur des données objectives vérifiées, d'où l'intense travail d'expertise, les multiples rapports, le fondement scientifique sur lesquels s'est constamment appuyé ICBL.

Mais il ne suffit pas toujours d'être convaincu intellectuellement de la justesse d'une cause pour y adhérer, il faut souvent un mouvement de cœur, *une émotion* : une des grandes habilités d'ICBL a été de transformer une question technique militaire, le problème des mines, en question humanitaire, car dès lors que la question était devenue humanitaire, il était bien difficile pour les Etats de s'opposer à l'élimination des mines.

Voilà quelques uns des ingrédients du succès du processus d'Ottawa, mais je suis consciente d'avoir isolé ici quelques pistes de réflexion, sans que peut-être tout cela explique l'alchimie assez extraordinaire qui a abouti à l'adoption de la Convention.

Le résultat : la Convention d'Ottawa

Lorsqu'elle a présenté son rapport à l'Assemblée nationale en vue de la ratification de la Convention d'Ottawa, la députée Mme Christiane Taubira-Delanon a bien insisté sur le rôle de la société civile dans son élaboration : elle a en effet déclaré que ce texte était « le fruit de la volonté des peuples et de l'initiative de quelques hommes et femmes de bonne volonté qui se sont battus pour que les souffrances des blessés et des mutilés ne soient pas oubliées, pour que nos enfants marchent sans béquilles et sans prothèses. Et, contre toute attente, ils ont réussi ! L'initiative populaire est entrée sur la scène diplomatique internationale »[15].

La Convention indique qu'elle a pour objet de répondre au défi posé à l'humanité par les mines

13. Voir notamment *Le Monde*, 3 mars 2001, Jacques Isnard, « 550 000 Français sont invités à envoyer une chaussure à Georges W. Bush ».
14. Cité par Don Hubert, *op. cit.* note 8, p. 24.
15. Rapport fait au nom de la Commission des Affaires étrangères, N° 990, 18 juin 1998, http://www.assemblee-nationale.fr.

antipersonnel « qui tuent ou mutilent des centaines de personnes chaque semaine, pour la plupart des civils innocents et sans défense, en particulier des enfants ». Sont désormais interdits l'emploi, la mise au point, la production, l'acquisition, le stockage, la conservation et le transfert des mines antipersonnel. C'est donc d'un bannissement total des mines antipersonnel qu'il s'agit. Les Etats peuvent néanmoins procéder à des transferts à des fins de destruction et conserver un nombre limité d'engins afin de mettre au point des techniques de détection, de destruction et de déminage.

Un certain nombre d'obligations précises pèsent sur chaque Etat partie à la Convention d'Ottawa, que l'on peut résumer sous trois grandes rubriques : premièrement, assurer la destruction des stocks de mines antipersonnel en sa possession, sous sa juridiction ou son contrôle, au plus tard 4 ans après l'entrée en vigueur de la Convention ; deuxièmement, procéder au déminage, c'est-à-dire détruire les mines se trouvant dans les zones minées sous sa juridiction ou son contrôle, au plus tard 10 ans après l'entrée en vigueur de la Convention et fournir, dans la mesure du possible, une assistance au déminage dans les autres Etats ; troisièmement, apporter une aide aux victimes des mines antipersonnel.

Comment est garanti le respect de ces obligations internationales ? Comme souvent, la force du droit international ne vient que de la volonté des Etats de le mettre en œuvre et il faut donc continuer à œuvrer pour convaincre les Etats qui ont ratifié la Convention de l'appliquer.

La mise en œuvre de la Convention d'Ottawa

De plus en plus, la société civile joue un rôle dans le contrôle et le suivi de la mise en œuvre des normes internationales. Quels sont les différents rôles possibles dans ces processus de mise en œuvre ?

Les différents rôles pouvant être joués par les ONG dans les processus de mise en œuvre

Si l'on se place sur le plan général, il semble que plusieurs rôles possibles des ONG dans les proces-

sus de mise en œuvre du droit international se dégagent : *rôle de procureur*, qui contrôle la bonne mise en œuvre et dénonce les violations, *rôle de vigile*, qui assure le suivi de l'application des dispositions internationales, *rôle d'opérateur*, qui effectue les actions exigées par les normes internationales, permettant ainsi la bonne mise en œuvre de celles-ci. Ce sont ces différents rôles que les ONG assument dans le cadre de la mise en œuvre de la Convention d'Ottawa, et ce, aussi bien sur le plan international que sur le plan interne.

La mise en œuvre sur le plan international : le rôle d'ICBL

Les mécanismes internationaux destinés à assurer la mise en œuvre

En ce qui concerne la Convention d'Ottawa, il faut noter qu'à la demande de la France, un mécanisme international de *transparence* relatif au respect des dispositions de la Convention a été mis en place. L'article 7, intitulé « Mesures de transparence », prévoit ainsi que chaque Etat partie doit présenter au Secrétaire général des Nations Unies un rapport annuel sur les mesures qu'il a prises pour respecter les dispositions de la Convention. Il s'agit donc d'un contrôle fondé sur des rapports nationaux fournis par les Etats, technique inaugurée dans le cadre de l'OIT, et ayant prouvé son efficacité par la « mobilisation de la honte » envers les Etats qui ne respectent pas leurs engagements.

En outre, l'article 8 prévoit une coopération entre les Etats au sujet de l'application de la Convention, qui en raison des modalités prévues peut être considéré comme un *embryon de mécanisme de vérification internationale* : ce système permet aux Etats qui auraient des doutes sur la façon dont un Etat partie met en œuvre la Convention de lui demander des éclaircissements et si ceux-ci sont considérés insuffisants, l'Assemblée des Etats parties pourra aller jusqu'à décider de la constitution et de l'envoi d'une mission d'établissement des faits, dotée d'un mandat fixé à la majorité des Etats parties. La procédure assez détaillée qui est prévue s'efforce de concilier la nécessité d'accéder aux zones et aux installations suspectes et celle de respecter la souveraineté des Etats.

Par ailleurs, tout un système de *suivi institutionnel* doit assurer l'examen continu de toutes

les questions pouvant être soulevées par la mise en œuvre de la Convention : est ainsi prévue qu'une réunion des Etats parties doit avoir lieu chaque année. L'article 11 prévoyant cette réunion annuelle précise dans son paragraphe 4 que « (l)es Etats non parties à la présente Convention, de même que les Nations Unies, d'autres organismes ou institutions internationales pertinentes, des organisations régionales, le Comité international de la Croix-Rouge et *les organisations non gouvernementales pertinentes* peuvent être invités à assister à ces Assemblées en qualités d'observateurs, conformément au règlement intérieur convenu »[16]. Mais ce n'est pas tout, ont également lieu ce que l'on appelle des réunions intersessionnelles, regroupant également tous les Etats parties, deux ou trois fois par an où les ONG interviennent de la même façon que lors des réunions annuelles des Etats parties.

Enfin, il est prévu à l'article 12 de la Convention d'Ottawa qu'une conférence d'examen se réunira tous les cinq ans, afin « de revoir le fonctionnement et l'état de la présente Convention ». Le paragraphe 3 de l'article 12 reprend mot à mot le paragraphe 4 de l'article 11, institutionnalisant par là le rôle des ONG dans les mécanismes internationaux de suivi. La première de ces réunions doit se réunir au mois de septembre 2004, à Genève.

Le rôle joué par ICBL dans la mise en œuvre de la Convention d'Ottawa

Comment ICBL intervient dans ces mécanismes internationaux, ou en dehors d'eux, pour favoriser l'application des dispositions de la Convention d'Ottawa ?

Il me semble qu'elle utilise tous les rôles potentiellement joués par les ONG de façon cumulative.

Un rôle de procureur

Il faut mentionner ici qu'en 1998, ICBL a créé l'Observatoire des mines, vaste réseau d'informations issu de la société civile, coordonné par un groupe de pilotage formé par cinq organisations : Human Rights Watch, Handicap International, la coalition kenyane contre les mines, Mines Action Canada et Norwegian People's Aid.

Le rôle joué par le *Landmine Monitor* (Rapport de l'Observatoire des mines), rapport annuel publié par ICBL, de plus de mille pages, et qui brosse un tableau complet, pays par pays, de la situation relative aux mines antipersonnel, est impressionnant. Il y a là la mise sur pied d'un mécanisme de contrôle autonome, extrêmement performant car très bien documenté. Dans cette compilation extrêmement professionnelle fondée sur des informations recueillies par les différentes ONG de la coalition sur le terrain, ICBL brosse un tableau aussi précis que possible de la situation, dénonce les Etats qui ne respectent pas la Convention d'Ottawa, mais aussi stigmatise ceux qui n'ont pas ratifié. Ainsi par exemple, il ressort du rapport 2000 qu'il reste plus de 250 millions de mines antipersonnel dans les stocks de 105 Etats : en particulier, il y en aurait 110 millions en Chine, 60 à 70 millions en Russie, 11 millions aux Etats-Unis ; si l'on rapproche ces chiffres de ceux des stocks détruits – 22 millions de mines antipersonnel détruites dans plus de 50 Etats – on voit le chemin qui reste à parcourir. De la même façon, ce rapport indique qu'il reste 88 Etats qui sont à des degrés divers affectés par des mines antipersonnel disséminées sur leur territoire. ICBL interpelle les deux catégories d'Etats qui manquent à l'appel : certains très grands Etats, au premier rang desquels les Etats-Unis, la Russie, la Chine ou l'Inde ; mais aussi certains Etats « victimes », c'est-à-dire sur le territoire desquels ont été et sont encore utilisées d'innombrables mines antipersonnel, dont certains sont signataires de la Convention d'Ottawa comme l'Angola ou le Burundi, mais dont d'autres sont encore entièrement extérieurs au processus comme la Russie qui est accusée d'utiliser de façon intensive des mines antipersonnel en Tchétchénie ou la République démocratique du Congo.

On peut citer quelques extraits pour montrer comment ICBL met en évidence des violations qui ont pu être constatées :

« L'Observatoire des Mines s'inquiète particulièrement du fait qu'un signataire du Traité, l'Angola, ait reconnu avoir utilisé des mines antipersonnel. Les troupes gouvernementales et les forces rebelles de l'UNITA continuent d'utiliser des mines antipersonnel en Angola et dans certaines zones de la Namibie voisine…

16. C'est nous qui soulignons.

Pendant la guerre de frontière entre l'Erythrée et l'Ethiopie entre 1998 et 2000, il apparaît que des milliers de nouvelles mines ont été posées. Chaque gouvernement a accusé l'autre de pose des mines, mais les observateurs pensent plutôt que les deux Etats ont utilisé des mines…

ICBL a exprimé son inquiétude concernant la possible participation d'Etats parties à des opérations militaires conjointes avec des Etats non parties qui utilisent des mines antipersonnel. De telles opérations seraient incompatibles avec l'article 1 du Traité… »

Ce qui est particulièrement intéressant dans l'évaluation du rôle exact joué par les ONG est de se pencher sur les réactions des Etats. J'ai participé du 14 au 17 février 2001 à un séminaire franco-canadien réuni à Bamako (Mali) sur l'universalisation et la mise en œuvre de la Convention d'Ottawa. Et j'ai été frappée de constater qu'une partie non négligeable des interventions des Etats étaient faites pour réfuter des allégations contenues dans le rapport d'ICBL, ou pour les corriger : par exemple, certains Etats ont annoncé que depuis la parution du *Landmine Monitor* indiquant par exemple qu'ils n'avaient pas ratifié la Convention, ils avaient effectué cette ratification. On a presque l'impression que la dénonciation par ICBL de la politique des Etats poussait ces Etats à modifier au plus vite leur politique[17].

Un rôle de vigile

Mon expérience des différentes réunions – annuelle ou intersessionnelles – des Etats parties de la Convention d'Ottawa m'a obligé à réviser le sens que je croyais connaître du mot « observateur ». En effet, tout se passe comme s'il y avait d'un coté les Etats et de l'autre ICBL. Cette coalition d'ONG apparaît non pas du tout comme un observateur mais comme un acteur tout à fait central, qui joue un rôle dans l'établissement de l'ordre du jour, présente des propositions, demande la parole sur tous les points de l'ordre du jour, distribue de la documentation, avec un professionnalisme que peuvent lui envier bien des chancelleries. ICBL se déplace avec ordinateurs, téléphones portables, fax, photocopieuses et les bureaux où l'ONG est installée sont une véritable ruche.

On a très souvent le sentiment que les différents diplomates représentants leurs Etats ne négocient pas entre eux mais négocient avec ICBL, ou que si les Etats négocient entre eux c'est le plus souvent pour définir une position commune face à ICBL ou par rapport à une de ses propositions.

En bref, sur le plan international, le suivi institutionnel de la Convention d'Ottawa se fait sous l'impulsion de la société civile représentée par ICBL.

Mais, comme cela ressort du terme « suivi », il n'existe pas de mécanisme international de contrôle spécifique de la mise en œuvre de la Convention, à l'image des différents comités créés pour le contrôle de l'application des conventions relatives aux droits de l'homme.

C'est pour cela que la France a estimé nécessaire de mettre sur pied un mécanisme de veille, c'est-à-dire d'établir un contrôle national de la bonne application de la Convention d'Ottawa. C'est précisément dans ce but qu'elle a crée la CNEMA, la Commission nationale pour l'élimination des mines antipersonnel, dont je parlerai plus longuement, après avoir rapidement évoqué un dernier rôle des ONG dans la mise en œuvre de la Convention d'Ottawa.

Un rôle d'opérateur

La Convention d'Ottawa, ce ne sont pas seulement des obligations juridiques, ce sont aussi des obligations extrêmement concrètes concernant le déminage et l'aide aux victimes.

Il y a encore plusieurs millions de mines disséminées dans le monde ; il y a tous les mois autour de 2000 victimes ; ce qui signifie qu'il y a tous les ans 25 000 victimes. Il y a là des chiffres abstraits, mais auxquels un artiste, Daniel Berset[18], a donné corps, en permettant de visualiser ce qu'ils représentent vraiment : en effet, durant les cinq jours de la deuxième conférence des Etats parties, qui s'est tenue à Genève du 11 au 15 septembre 2000, il a installé toutes les 20 minutes, une chaise rouge – rouge comme le sang qui coule – au pied brisé, le long d'une avenue genevoise ; à la fin de la conférence, placée sous le signe de la devise « Chaque minute compte », au cours de laquelle les délégués de nombreux Etats ont longuement parlé et débattu des progrès qu'il restait à accomplir, 360 chaises ont été posées, ce qui signifie que 360 nouvelles victimes de mines antipersonnel ont été brutalement frappées.

17. Il faut évidemment faire la part des choses, certaines de ces mises au point pouvant simplement s'analyser en une information plus actualisée que celle qui était contenue dans le *Landmine Monitor* sans que l'on puisse en déduire de liens de causalité.
18. Qui est aussi l'artiste qui a crée la chaise géante qui a perdu un pied, qui se trouve devant le Palais des Nations à Genève et qui figure sur la couverture du premier rapport de la CNEMA.

Il reste donc pour vraiment mettre en œuvre la Convention d'Ottawa, un immense chantier de déminage, un immense chantier de l'assistance aux victimes.

Et là bien sûr, les ONG sont au premier plan, non pas ICBL, mais certaines de ses composantes, orientées vers les actions opérationnelles, comme par exemple Handicap. Ainsi par exemple Handicap International a-t-il mené des opérations de déminage depuis 1992 dans une dizaine de pays : Cambodge, Afghanistan, Laos, Mozambique, Angola, Bosnie, Ethiopie, Sénégal, Kosovo. Autre exemple, celui de la Croix-Rouge, qui mène à la fois des opérations de sensibilisation du public français[19] aux problèmes posés par les mines antipersonnel, et de nombreuses actions de réhabilitation des victimes des mines sur le terrain.

La mise en œuvre sur le plan national : le rôle de la CNEMA

Une présentation de la CNEMA

La création de la CNEMA a été prévue par la loi du 8 juillet 1998, introduisant les obligations de la Convention d'Ottawa en droit français. Pour manifester toute l'importance qu'elle accorde à la lutte contre les mines antipersonnel, la France a en réalité établi un système institutionnel renforcé comprenant en outre à coté de la CNEMA, commission indépendante, un Ambassadeur responsable de l'action pour le déminage et l'assistance aux victimes des mines antipersonnel : ce dernier est d'ailleurs membre de la CNEMA, afin qu'une bonne coordination de l'action française soit assurée.

Cette Commission est le symbole de la nécessaire prise en compte du rôle désormais incontournable de la société civile. Comme d'autres commissions mixtes du même genre, associées à l'action des pouvoirs publics, elle enrichit le fonctionnement de la société démocratique.

La CNEMA est une instance indépendante placée auprès du Premier ministre. Conformément à l'article 9 de la loi du 8 juillet 1998, elle se compose de représentants du Gouvernement, de députés, de sénateurs, de représentants des organisations syndicales patronales, de représentants des organisations syndicales de salariés, de représentants des ONG et de personnalités qualifiées, nommés par un arrêté

du Premier ministre[20]. Sa composition a été précisée par le décret n° 99-358 du 10 mai 1999.

Plus précisément, les équilibres retenus dans la composition de la CNEMA sont les suivants :

La nation composée des citoyens français – la société politique – est représentée par des élus du peuple, très exactement quatre : deux députés et deux sénateurs sont ainsi membres de la Commission, un équilibre de fait ayant été introduit entre les partis au pouvoir et les partis d'opposition par les nominations effectuées, cet équilibre n'ayant été prévu, ni dans la loi, ni dans le décret. Les chiffres de deux députés et de deux sénateurs étaient prévus par la loi, les autres équilibres ont été institués par le décret.

Les représentants de la société civile proprement dite sont diversifiés : personnalités compétentes, représentants des ONG, représentants du monde économique. Le décret prévoit que la société civile est représentée par :

- quatre personnalités qualifiées choisies en raison de leur compétence dans le domaine de l'action ou du droit humanitaires : ces personnalités dans les faits ont été choisies principalement dans le monde universitaire : la première personne qui a ainsi été nommée a été le professeur Mario Bettati, premier président de la CNEMA, qui a eu l'honneur de l'installer en présence du Premier ministre en mai 1999 ; après sa démission pour des raisons personnelles, j'ai été nommée[21] pour le remplacer à la fois comme membre de la Commission et comme présidente ; mais il y a aussi deux autres représentants du monde académique. A coté des trois personnalités issues du monde académique, un magistrat a également été nommé pour représenter la société civile.

- quatre représentants d'ONG, le texte de l'arrêté parle de « personnes appartenant aux associations œuvrant en France dans le domaine de l'assistance aux victimes de mines antipersonnel et d'aide au déminage » : on ne sera pas étonné qu'aient été choisis un représentant d'Handicap International et un représentant de la CroixRouge, auxquels il faut ajouter deux autres personnalités, représentant la commission « Justice et Paix » et l'Observatoire des transferts d'armement[22].

- enfin, quatre membres du monde économique et social, à savoir deux représentants des orga-

19. En s'associant notamment avec le monde du football, Ginola par exemple s'étant rendu en Angola dans le cadre de cette campagne de sensibilisation.
20. Arrêté du 8 juin 1999, puis renouvellement par arrêté du 21 octobre 2002.
21. Par arrêté du 13 octobre 1999.
22. Un cinquième représentant d'ONG a été ajouté en octobre 2002. Le choix s'est porté sur un représentant ICBL.

nisations syndicales patronales et deux représentants des organisations de salariés, représentatives au plan national : en fait ont été nommés deux membres du MEDEF, un représentant de la CGT (Confédération générale des travailleurs) et un représentant de la CFTC (Confédération française démocratique du travail).

Le gouvernement, quant à lui, est présent par des représentants tous les ministres qui s'occupent de près ou de loin des mines antipersonnel :
- le Premier ministre ;
- le garde des sceaux, ministre de la Justice ;
- le ministre de l'Economie, des Finances et de l'Industrie ;
- le ministre des Affaires étrangères ;
- le ministre de la Défense ;
- le ministre chargé des anciens combattants ;
- le ministre chargé de l'action humanitaire ;
- le ministre chargé de la coopération[23].

Il y avait donc dans le décret initial 12 représentants de l'Etat – 8 représentants du gouvernement, 4 représentants du Parlement et 12 représentants de la société civile[24].

De part sa composition et sa mission, la CNEMA apparaît ainsi comme le lieu de cristallisation des attentes de la société civile et le garant d'une mise en œuvre effective de la loi du 8 juillet 1998. Lieu de réflexion, de confrontation d'opinions et de dialogue, elle est l'instance où s'exerce un véritable « **contrôle citoyen** » des obligations de la France dans le combat qu'elle mène contre les mines antipersonnel.

Les différents rôles assumés par la CNEMA

Un rôle de procureur

La CNEMA qui contrôle la mise en œuvre par la France de la Convention d'Ottawa, se doit de dénoncer les éventuelles violations. Ainsi, les investigations de la CNEMA ont permis de mettre fin à certaines inquiétudes au sujet de violations de la Convention d'Ottawa dont certains ont accusé la France : plus précisément, il avait été soutenu que la France avait exporté des mines antipersonnel à destination du Rwanda en 1992, ce qui évidemment aurait été particulièrement condamnable dans le contexte du génocide rwandais. Après vérifications, la CNEMA a pu affirmer que ces accusations

étaient sans aucun fondement. Un document déclassifié obtenu par la CNEMA a permis de mettre fin à ces soupçons, en prouvant qu'ils étaient injustifiés : c'est bien un refus d'exportation qui a été opposé à la société demanderesse par les autorités compétentes, comme en témoigne un document publié en annexe du Rapport 1999 de la CNEMA.

Un rôle de contrôleur

La CNEMA est chargée d'assurer le suivi de l'application de la loi du 8 juillet 1998 qui impose, notamment, la destruction de la totalité du stock français de mines antipersonnel avant le 31 décembre 2000. Pour cela, la Commission doit identifier les stocks de mines antipersonnel dont la France est propriétaire ou qui sont sous sa juridiction, assurer le suivi des opérations de destruction et contrôler que le nombre maximum de mines autorisé ne dépasse pas le seuil fixé par la loi (c'est-à-dire 5 000).

La principale conclusion à laquelle est parvenue la CNEMA dans son premier rapport, est que la France s'est pleinement acquittée de la première obligation qui lui incombait en vertu de la Convention d'Ottawa, celle de détruire ses stocks : la CNEMA indique dans son rapport qu'elle peut affirmer, après un minutieux travail de contrôle aussi bien sur le terrain qu'en examinant tous les documents pertinents, que la France a procédé avec, il faut le souligner, trois ans d'avance sur les échéances internationales et un an d'avance sur les échéances nationales plus rigoureuses qu'elle s'était volontairement fixées, à la destruction de tout son stock de mines antipersonnel, qui comportait plus d'un million de mines – ainsi que les éléments entrant dans la composition de celles-ci, à l'exception évidemment du stock de 5.000 mines autorisé par la loi.

Le devoir de vigilance de la CNEMA ne s'est pas éteint avec la destruction des stocks français. La CNEMA se doit de rester vigilante, et continuer à contrôler la gestion du stock de 5000 mines autorisées.

Un rôle de suivi

Comme précédemment indiqué, on peut rappeler que l'article 12 de la Convention d'Ottawa prévoit qu'une Conférence d'examen devra être

23 UN nouveau ministère est désormais représenté, c'est le ministère de l'Intérieur.
24. Ce nombre a été porté à 13 représentants de l'Etat et 13 représentants de la société civile du fait des modifications indiquées dans les notes précédentes.

convoquée par le Secrétaire général de l'ONU cinq ans après sa mise en vigueur. Cette conférence d'examen est donc prévue pour l'an 2004. Parmi ses missions, il y a celle de « revoir le fonctionnement et l'état de la présente convention ». Autrement dit, des révisions éventuelles des textes pourraient être proposés afin d'introduire de nouvelles définitions, de nouvelles normes, de nouveaux contrôles.

Il est bien clair que la société civile par le biais d'instances telles que la CNEMA ne reste pas étrangère à ce travail de suivi qui est quasiment impossible à distinguer de celui de l'élaboration de nouvelles normes.

Pour ne citer qu'un exemple, je prendrais celui de la définition des mines antipersonnel. D'après la Convention d'Ottawa est une mine antipersonnel, « une mine conçue pour exploser du fait de la présence, de la proximité ou du contact d'une personne et destinée à mettre hors de combat, blesser ou tuer une ou plusieurs personnes ». Sont donc exclues les mines antichars et les mines ayant un dispositif antimanipulation, alors que certains de ces engins se comportent en fait comme des mines antipersonnel. La question est donc fréquemment soulevée de savoir si la définition de la Convention d'Ottawa n'est pas trop restrictive. Sans préjuger de la réponse à cette question, je peux indiquer que la CNEMA a énoncé une trentaine de recommandations soumises au Gouvernement contenues dans le premier rapport de la CNEMA, qui a été remis par la Commission au Premier ministre, Lionel Jospin, le 13 septembre 2000[25]. La proposition 12 s'énonce de la façon suivante : « Pour le futur, en vue de la renégociation de la Convention d'Ottawa prévue pour l'an 2004, la CNEMA se propose d'engager une réflexion de fond sur un certain nombre de points, notamment sur la définition des mines antipersonnel ». Il y a là clairement une participation à l'effort d'élaboration du droit international.

Le rôle de la CNEMA est aussi d'améliorer l'état du droit existant. Pour ce faire, elle a présenté une proposition forte en ce sens, qui est que la France considère l'introduction dans les accords de coopération ou de défense d'une clause incitant les Etats à participer au mouvement mondial d'éradication des mines antipersonnel. Si une telle politique était suivie, la France pourrait sans aucun doute jouer un rôle fondamental dans l'universalisation indispensable de la Convention d'Ottawa.

Voici les quelques modestes notations que je voulais apporter à la question de la contribution de la société civile au droit international, à travers le prisme de la Convention sur l'élimination des mines antipersonnel.

25. Et qui est publié à la Documentation française, « Rapport 1999. Commission nationale pour l'élimination des mines antipersonnel », 2000, 288 p. Voir également Rapport 2000. Commission nationale pour l'élimination des mines antipersonnel, 2001, 152 p.

A Mediterranean development bank

by Constantinos Vgenopoulos*

Introduction

The strategic importance of the Mediterranean Sea remains high still in our days. Apart from the empires of the past, during the modern era the various Great Powers have indicated their interest in the area directly or indirectly. The last two Gulf Wars (1991 and 2003) have brought again to the fore the importance of the area from the point of view of international politics. The most important geopolitical player, after the United States, is the European Union, whose aim is the creation of a Euro-mediterranean space. Conventionally the starting point of the relevant efforts is the year 1972, during which the agreements of co-operation with the southern Mediterranean countries (SMC) are signed. In 1990 the New Mediterranean Policy is introduced, fundamental characteristics of which are on the one hand the strengthening of the cooperation between the E.U and the SMC's through the financing of development projects and on the other the granting of tariff facilities to the SMC's. Finally, very important is the Euro-Mediterranean Conference of Barcelona (1995), during which the MEDA Regulation was approved. Its basic orientation is the political co-operation and security, the development of human capital and the economic co-operation, which ostensibly aims at the real convergence of the Mediterranean economies. However, at present the heterogeneity of the societies of the Mediterranean Basin is manifest in almost the whole range of economic relations. More spercifically:

Income

The preponderence of the North is easily discernible here[1]. The sum of the national incomes of the Mediterranean countries, who are members of the European Union, is at least five times greater than the cumulative total of all the countries of the Mediterranean South. The picture in terms of per capita income is the same. It is quite possible that this difference will become wider in the future, as in many countries of the South the rate of population increase is higher than the rate of increase of the GNP.

Income however is only a quantitat criterion. If the UN index of Human Development is taken into account, then the superiority of the Mediterranean North as against the South becomes more apparent[2].

Structure of Production

Primary Sector

Available evidence supports the view, according to which the contribution of the primary sector to the GNP is greater in the developing rather than in the developed economies. This picture is not absolutely accurate, in view of the fact that within the Mediterranean South there are countries rich in natural resources, while others have extended deserts in their territories. In any developmental effort the unimpeded access to energy constitutes a basic requirement. From this point of view the Mediterranean North is extremely deficient, while on the contrary the South possesses big oil reserves, albeit concentrated in mainly two countries (Algeria and Libya).

Secondary Sector

The Mediterranean Basin must be one of the few regions of the world where there co-exist economies of different levels of development, from the advanced ones (France, Italy), to those of the middle category (Greece, Portugal) and finally to the developing countries of the Middle East and of North Africa. It should be pointed out however that that the relatively high share of manufacturing of some countries (e.g. Algeria, Libya) is due to a great extent to the industrial activities related to oil.[4]

Tertiary Sector

The superiority of the North is manifest. More worrying is the fact that in many countries of the South the level in investment remains stagnant, in spite in the increase in the flow of international capital.[5] This may be due to the over-indebtedness of some of the countries of the area. It may also be due to the structural and functional inadequacies of the local financial systems.

Population

The demographic picture of the Mediterranean area presents significant inequal-

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11. M. Moffit, The World Money. International Banking from Bretton Woods to the Brink of Insolvency, Simon and Schuster Inc., New York, 1984.
12. According to H.W. Singer, "Governments are depicted as centres of corruption, policy failures, rent-seeking, ignorance and so on, while the Bank has acquired a self-confident position of being in possession of the Holy Grail of good policies and ability to sort out the "good boys" from the "bad boys", in H.W. Singer, The Bretton Woods System: Historical Perspectives, Third World Economics, Third World Network, 71, August 1993, p.17.

ities. The European part demonstrates a stagnation, which is fast turning into a demographic decline. The condition of the labour force is not different. It is estimated in fact that the labour force of the Middle East and of North Africa will increase by 44 million people or by 47.8%, while the European one will remain unchanged between 1997 and 2010.[6] The intense population pressures in the South pose serious problems of economic policy, which in practical terms is bound to lean more on migration and less on commerce. In any case the task of the financing of economic development is of decisive importance.

Financing economic development

In the process of economic development, the rate of capital formation plays a crucial role, as it enhances the economy's productive capacity and it enables it to achieve high growth rates. Such rates are indispensable if the so-called vicious circle of poverty is to be broken. In order however for the accumulated capital to be effective, there must exist a reliable financial system. This certainly is not a characteristic of the Mediterranean South. It is true of course that the process of capital formation begins at home[7], but it is also true that very often the quest for foreign capital is deemed necessary either in order to make good the domestic investment shortage or in order to cover the balance of payments deficit.

Irrespective of their provenance (domestic or foreign) development financing can be either: (a) demand following, according to which the demand for financial services depends on the net increase of production or (b) supply-leading, in which financial structures and functions are created before the relevant demand is manifested. Clearly the first form of financing is a conservative one, while the second resembles to the innovative financing of the schumpeterian type. In practice however it has been observed that both forms co-exist and may complement each other in the various stages of the development process. It could be argued that the supply-leading form is evident mainly in the first stages of economic development, while the demand-following type in subsequent phases, after the ros-

towian take-off stage.[9] Of course even the unimpeded recourse to foreign capital may not be enough. The experience of the last 30-40 years indicates that international money-markets are characterized by the irregular flow of capital and the inability of the adjustment of financing to the needs and capabilities of the financee. One may cope with this situation in two ways, first from inside and secondly from outside the system.[10] In the first case it is necessary to improve the institutional framework of the money-market and the provision of supplementary finance in cases of crisis. In the second we have certain path-breaking attempts on the part of the developing countries to participate in development banking ventures.

Multilateral development banks

The first attempts

The internationalisation of economic activity rendered necessary the creation of international financial agents. The Bretton Woods agreement was a beginning in the monetary field. The solutions which were given, were a compromise between on the one hand the return to the gold standard and on the other the introduction of a full paper standard. In the financial field two organs were created[11]. The task of the first, the International Monetary Fund, was mainly the coordination of the economic policy of the member countries, as well as the supervision of the international monetary system. On the contrary, the other organ, the International Bank for Reconstruction and Development (World Bank) concentrated on the financing of the economic development of its members.

The functional problems of these two organisations became apparent quite soon. It was clear, in the first place, that they did not exactly possess the magnitude of funds required for the reconstruction of Europe. On the other hand, the effectiveness of their financing was limited. While Europe owes to great extent her reconstruction to the Marshall Plan, the developing countries, disillusioned, are increasingly directing themselves towards the regional multilateral development banks. In order to better comprehend the role of these IFI's, it is necessary to

point out a number of negative aspects of the above two organisations. The basic point of criticism is not so much the insufficieny of capital, as much as it is: (a) the imposition of terms and conditions, which either render difficult the acquisition of credits, (eg. cross-conditionality) or they exercise suffocating pressure aiming at the servicing of existing loans and (b) the obligation of implementing economic policies, which stifle the developmental efforts of the borrowing countries, at least as they themselves perceive them.[13]

The right to development

The turning of the developing countries to the regional banks coincides with the quest for the recognition of the right to development. The essence of this right is the extension of state authority on the economic sphere as well. This is however, not as yet sanctioned by public international law.

As it is observed by A. Fatouros, "the scope of International Law is to protect and promote not only the formal legal national independence of any country, but also its real ability to take for herself, without any foreign agression, decisions regarding vital matters of her national life. In such a wide definition, the principle of national autonomy is not today completely clear, both with regard to the degree of its binding, as well as with regard to its exact content and its limits."[14] In view of the above considerations the developing countries are called upon: (a) either to wait until international law ascertains that the international community is not an aggregate of conflicting interests, but instead a community of interests[15] or (b). to proceed to such regulations which would allow the unimpeded access to international development finance. The establishment of regional development banks expresses precisely this tendency, as they contribute to the: (i). redefinition of the notion of development, seen now as a multi-dimensional anthropo-centric process (ii). restructuring of the international financial system and (iii). normalisation of the financing activity, in view of the destabilising effects of the international flows of capital and the frequent hesitancy of the private banking sector.

The contribution of regional development

banks during the past thirty years has been noteworthy, bearing in mind their involvement in the coping with the oil crises in the 1970's, the financial obligations of the developing countries in the 1980's and in the transition period of the 1990's. On the other hand, from the point of view of economic development it should be pointed out that between 1960 and 1993 they disbursed sums totalling $1.487 million of which the 4.6% was debt on terms of soft options.[16] The issue of course is not limited to the level of financing. Equally important is the question of its effectiveness.

Mediterranean development bank

Tentative conclusions

The preceeding analysis has brought to the fore the following imbalances between the mediterraneasn North and South:

1. Economy: There co-exist countries with sharp differences amongst them in the structure of producion, income (national and per capita), as well as other welfare indices.

2. Demography: The developed North presents a population stagnation now with a quite probable decline in the near future. This leads to labour force shortages, especially of unskilled workers. On the contrary the developing South present a clear population increase, which leads to an increase in the size of the domestic labour force.

3. Finance: The developed North possess a satisfactory private banking sector, which is not the case with the Mediterranean South. At the same time the effectiveness of public sector banking system as a mechanism of the financing of economic development is surrounded by doubt.

Regional integration agreements

In spite of the existing many difficulties, the cooperation between the European and the non-European part of the Mediterranean is an expressed political will. How is this going to be brought about is a different matter. The question of the opening up or not of the developing countries to the international trade is not a new one. There exist indeed examples of countries,

13. This is the well known "3-D strategy"(deflation, devaluation and deregulation), as quoted in B.J.S. George and F. Satelli, Faith and Credit, The World Bank's Secular Empire, Penguin Books, London,1994, p.90.
14. A. Fatouros, International Law and International Politics, Athens,1980, p.34(in greek)
15. W. Friedman, General Course in Public International Law, R.C.A.D.I, No.127(1969-II),p.100, in A.K. Katranis, The International Economic Crisis and the Third World Debt, Sakkoulas, Thessaloniki, 1993, p.267 (in Greek).
16. P.S. Mistry, Multilateral Development Banks, Fondad, The Hague, 1995.

which have unilaterally chosen the liberalisation of their international trade. On the other hand, there are countries which quite clearly prefer to conclude regional integration agreements. It is estimated that around 50% to 60% of world trade is carried out among trading blocks. Undoubtedly these agreements produce significant political externalities.[17]

The agreement on Euro-mediterranean co-operation falls into that category. It is generally accepted that the adhesion of a country in such blocks may produce trade creation, but it may also entail trade diversion.[18] Of course this process may be finally positive for the entire trading block. It should be pointed out that these benefits are not at all negligible, e.g. scale economies, foreign capital inflow. This however does not mean that the participating countries are going to benefit all of them and by the same degree. The final benefit will depend on many factors. One of them is the access to low cost, sufficient and effective financing. The question of the appropriate banking agent can be a serious problem.

A new development bank

It could be argued on the basis of the forgone analysis that a regional development bank could solve many of today's financial problems. The non-participation of distant strong neighbours may prevent the presence of a big brother, it has however a number of disadvantages. One such is the limited capital base of the bank. This is probably the most vulnerable point, both of the African as well of the Asian Development Bank. The Asian continent has only one real economic power, Japan.[19] The case of Africa is worse.[20] Quite clearly the low capital base influences not only the level of financing, but also the credit rating of the bank itself, It affects in other words the cost of money. On the contrary a Mediterranean development bank would be capable of securing an adequate and indigenous capital base.[21] As things stand at the moment however the task is taken up by the Luxembourg based European Investment Bank, the largest European multilateral development bank.

The question that arises is why such a bank has not been created as yet, in view of the fact that there is an obvious need for it. There are some other players in the vicinity, but they have not shown any distinct Mediterranean orientation as yet.[22] A possible explanation may be the fact that the countries concerned are not as yet ready to agree on the two fundamental questions regarding the establishment of a multilateral bank. The first is the official seat and the second the power structure of the new institution. So at the moment instead of a fully fledged IFI, we have a directorate of the EIB doing the work. In this respect, two developments are of major importance:

Administrative level
(a) the creation of the Policy Dialogue and Coordination Committee(PDCC), a consultative body composed of representatives of the 15 European Union and of the 12 Mediterranean Partner Country (MPC) members, meeting twice a year
(b) the Facility for Euro-Mediterranean Investment and Partnership (FEMIP), aiming at the creation of a Custom's Union between the EU and the MPC's by year 2010 and
(c) the opening up of two regional offices of the EIB, one in a Mahgreb and one in a Mashreq country.[23]

Lending activity
(a) Level of Financing: Between 1974 and 2002 the EIB has lent € 12.6 b. to non-EU members Mediterranean countries, while it plans to lend approximately €2 b. per year during the period 2003-2006. (b) Fields of Action: Priority is give to the areas of human capital formation, research and development, information and communications technology networks, diffusion of innovation and development of SME's and enterepreneurship.[24]

It seems therefore that for the moment at least the task of promoting Mediterranean convergence is taken up by the EIB, an IFI which ostensibly aspires to dominate the European development scene(25), as it: (i) possesses a large capital base (ii) enjoys an excellent "3A" rating and (iii) has a close cooperation with the international banking system.

After all the proof of the pudding is always in the eating and not in the recipe.

17. M. Schiff, Regionalism and Development. Main Messages from Recent World Bank Research, EADI, September 1999, p.1.
18. J. Viner, International Trade and Economic Development, Glencoe, Ill., Clarendon Press, Oxford, 1952.
19. N. Kappadoga, The Asian Development Bank, I.T. Publications, London, 1995.
20. H. Mule and G.P. English, The African Development Bank , I.T. Publications, London, 1996.
21. R. Culpeper. Titans or Behemoths, I.T. Publications, London, 1997, p.66.
22. These are mainly the Council of Europe Development Bank and the Black Sea Commerce and Development Bank.
23. European Investment Bank, Europe and the Mediterranean Region, Luxembourg, 2003, pp.1-8.
24. http:www.eib.org/i2i/en/index.htm,13.05.2003
25. Like the World Bank, the European Investment Bank maintains an open dialogue with NGO's in all mediterranean countries, where it finances projects.

La médiation au coeur de la citoyenneté et de la vie sociale

par Ali Aït Abdelmalek*

L a première démarche du sociologue doit donc être de définir les choses dont il traite, afin que l'on sache bien de quoi il est question. D'emblée, je voudrais dire que l'analyse sociologique de la "médiation" couvre un champ très vaste : il s'inscrit dans la réflexion générale de l'identité, et même de la "citoyenneté", dont on peut rappeler quelques dimensions de ce dernier concept :

- la citoyenneté, comme principe, s'incarne toujours dans la réalité sociale ("Seul le terrain donne le droit à la parole !").
- "on ne naît pas citoyen, on le devient" ; c'est bien un phénomène historique.
- la citoyenneté concerne, enfin, des individus socialisés (ou une société individuée), mais aussi l'Etat (à travers ses institutions)[2] et la société civile (à travers les groupes organisés, ... les associations, les partis politiques ou les syndicats, par exemple).

Mon propos s'inscrit donc dans la tradition ethno-sociologique, c'est-à-dire un projet scientifique d'analyse de la réalité sociale. Je voudrais souligner, ici, que la "réalité" n'est accessible qu'à travers les images, les représentations sociales que les individus s'en font[3]... et, au-delà des pratiques, les discours permettent d'appréhender les représentations sociales. A ce sujet, trois niveaux de langage doivent être distingués :

- le mot a une fonction identitaire et s'inscrit dans le discours commun (prénotion) ;
- la notion a une fonction politique, et est une "arme" pour changer la réalité (militantisme) ;
- et le concept, a une fonction "heuristique", et est outil pour interroger, interpréter et décrire le social.

Qu'est-ce que la citoyenneté ?

Le XIXe siècle a marqué le triomphe de la nation, communauté politique contractuelle transcendant précisément les particularismes. Quatre traits la caractérisent : une allégeance prioritaire claire, une souveraineté, une territorialité, la dimension universelle du principe (une "solution" universalisable).

De fait, la nation n'apparaît plus, aujourd'hui, que comme un horizon identitaire dépassé et connaît de multiples remises en cause. Vivrons-nous pour autant la renaissance des empires, la multiplication des allégeances et des identités politiques, claniques ou religieuses ? Une chose est sûre : en ignorant le niveau de l'Etat-nation, la mondialisation, qui a la prétention de soumettre la planète entière aux mêmes règles, réveille les solidarités infra et supra-nationales.

Il faut distinguer le principe de citoyenneté, qui fonde, selon D. Schnapper, la "légitimité politique des sociétés modernes[4]" des manières concrètes selon lesquels ce principe est effectivement appliqué. Il y a toujours, on le sait, des écarts - qu'il s'agit d'interpréter - entre les normes et valeurs proclamées et les formes concrètes du fonctionnement social.

Les sociologues fondent leurs analyses sur la connaissance rationnelle de la réalité sociale (à partir d'enquêtes). Les enquêtes ne doivent pas être réduites à la recherche statistique et dépasser les sondages d'opinion.

L'enquête, qui peut être historique, mais aussi anthropologique, montre d'abord une tension entre le principe de l'égalité juridique et politique revendiqué dans les sociétés modernes et les inégalités de l'ordre économique et social. Des valeurs d'égalité sont perpétuellement - et à juste titre - réaffirmées ; les pratiques montrent une hiérarchie en matière de droits et de devoirs selon les individus et les groupes sociaux. Cette discordance doit être analysée, mais il faut rappeler que :

1) Les résultats de la sociologie ne sont jamais acquis ni démontrés une fois pour toute. Il faut rester critique (au sens kantien du terme)... critique de sa propre démarche et de ses conclusions, toujours provisoires.

2) Il est tentant, concernant la question de la citoyenneté, de privilégier le pittoresque ou le surprenant, de mêler aux descriptions des considérations morales et politiques, des jugements sur les uns et les autres, des anecdotes "touchantes et récréatives".

Rappelons, aussi, que la sociologie est née d'une inquiétude sur la capacité d'intégration des sociétés modernes : comment entretenir - ou restaurer - les liens sociaux dans les sociétés fondées sur la souveraineté de l'individu ? Comment entretenir les liens quand la religion et les pratiques religieuses ne relient plus les hommes et que la citoyenneté constitue le principe de légitimité politique en même temps que

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2. Les institutions, l'ensemble des formes ou structures sociales, telles qu'elles sont établies par la loi, et spécialement celles qui relèvent du droit public. A ce sujet, cf. mon concept de "médiation" *in* : Ali AIT ABDELMALEK, *L'Europe communautaire, l'Etat-nation et la société rurale. L'exemple du Pays de Redon*, Paris : L'Harmattan, 1996 (nouvelle éd., 2002), 316 p., et en particulier l'introduction.

3. La réalité et les représentations : relations dialectiques.

4. Cf. Dominique SCHNAPPER, *La communauté des citoyens*, Paris : Gallimard, 1994, p. 13.

la source du lien social (au sens abstrait du terme) ?

Un problème épistémologique : la sociologie, en tant que projet de connaissance à vocation scientifique, est née avec la société démocratique moderne, c'est-à-dire dans le monde européen. La pensée sociologique de l'"Autre", c'est la pensée occidentale. Elle se diffuse, aujourd'hui, dans le reste du monde, avec les autres formes de la vie moderne, et notamment l'idée de citoyenneté.

La citoyenneté : un fait social total

Rappelons, d'abord, que les dimensions du "fait social" sont les suivantes : extériorité, contrainte et intériorisation.

Eléments pour une définition du mot "citoyenneté" :

Au XVIIe siècle, le citoyen s'oppose, au sens politique, à serf ; le mot sera une appellation révolutionnaire en 1791, mais on parlait déjà de citoyenneté dans *le Courrier de l'Europe*, en 1783 et même de concitoyen (du latin "*concivis*") dans un texte de Besançon de 1290.

Citoyen : "personne civique qui vit en République".

Sens civique : sens de ses *responsabilités* et de ses *devoirs* de citoyen (souligné par moi).

Première dimension : "le politique et l'identité collective"

Au coeur de la citoyenneté : la "polis" ou la "civitas"

La citoyenneté n'est pas née avec la société moderne ; nous avons hérité des manières de penser la cité (et les citoyens) élaborées depuis l'Antiquité grecque.

Quand on évoque la "cité antique" - comme le faisait déjà Fustel de Coulanges en 1864 - c'est presqu'uniquement à une poignée d'Etats que nous songeons : Athènes et Sparte chez les Grecs, et Rome bien sûr ! Il faut marquer dès le départ combien ce choix est réducteur. Ce que les Grecs appelaient la polis et les Latins, selon le cas, civitas ou respublica, est une forme d'organisation politique des sociétés humaines qui est apparue très tôt et s'est largement répandue, à tout le moins au Moyen-Orient. Phénomène

général, il ne se limite sûrement pas à l'aire culturelle ou linguistique grecque, ou même indo-européenne ; il caractérise aussi, comme le soulignent Claude Nicolet (et alii), le monde sémitique (phénicien en particulier, punique, etc.) ; en revanche, il est absent dans d'autres sociétés ou des monarchies ou des chefferies héréditaires ou électives le remplacent (Egypte, monde celtique ou germanique, etc.).

Partout où les contacts avec les Romains ou les Grecs sont les plus anciens (en Gaule celtique avec la conquête, par exemple), un processus de marche vers la cité a commencé à se mettre en route.

Cette organisation est politique, non seulement étymologiquement (puisque politique est formé sur polis, la cité), mais au sens moderne, plus usuel, : il s'agit d'une forme de gouvernement, qui inclut l'élaboration d'une norme juridique commune (la loi), et la gestion des affaires communes, essentiellement par la délibération et par la prise de décision collective. Au demeurant, et pour commencer par l'essentiel, une cité, c'est d'abord une collectivité souveraine : c'est-à-dire indépendante de tout pouvoir qui serait extérieur à elle.

Ici, les analyses d'Aristote et plus précisément ses grilles et ses classifications des fonctions dans la cité peuvent être utiles pour une meilleure compréhension ; à ses yeux, les fonctions essentielles sont d'une part la Justice (c'est-à-dire les tribunaux), d'autre part la participation au charges communes : fonction militaire (l'armée, le défense de la cité), fonction fiscale (dégager les ressources nécessaires au fonctionnement de la cité), fonction de gouvernement ou d'administration (désigner les responsables des divers commandements), fonction délibérative et décisionnelle enfin (comment traiter, débattre et trancher les questions qui engagent la cité). A côté de ces fonctions, on trouve des "organes" : d'abord, le peuple, c'est-à-dire la collectivité qui le constitue ; les Grecs ou les Romains parlent du "peuple Athénien" ou de la "respublica du peuple romain". Et un peuple est précisément formé de citoyens. Cela ne signifie pas que tous les citoyens aient les mêmes droits ou des devoirs rigoureusement égaux. Mais il faut que l'on gouverne en leur nom, et que tous obéissent , au moins dans le domaine du droit privé, aux mêmes lois.

D'autres organes apparaissent : la magistrature, une ou plusieurs assemblées qui réunissent une partie ou la totalité des citoyens : organe souverain, il prend les décisions ou édicte la norme juridique. Enfin, un Conseil, plus réduit, se réunit plus souvent, et peut délibérer de manière plus efficace (il est chargé de préparer l'ordre du jour et oriente les décisions de l'Assemblée). Toutes les cités démocratiques comportent au moins tous ces éléments. Ces divers organes se réalisent dans des formes institutionnelles que les Grecs appelaient politeiai (les constitutions) et les Romains les statuts (les formes de l'Etat). En effet, La participation réelle des citoyens à ces organes et à ces fonctions, dépend des formes politiques : monarchie, aristocratie, démocratie ; mais à côté des ces formes "pures", il existe des formes dérivées : tyrannie, oligarchie, etc.

La population civique est composée d'autochtones : Athènes admet les étrangers mais ne cherchent pas systématiquement à en faire des citoyens, pas plus que les esclaves une fois affranchis. Rome intégrera progressivement les habitants de l'Italie.

Ainsi, la cité peut se définir, et se juger aussi, en termes de participation à tous les aspects de la vie collective, et pour que naisse et existe la cité, le peuple des citoyens, *demos*, doit se réunir en assemblée "*ecclésia*". Le mot "*demos*" peut désigner l'instance décisionnelle. Aux origines, les assemblées se tenaient tout naturellement sur la place publique, *agora*, au centre de la ville. Plus tard on a pris l'habitude de se réunir dans les théâtres, puis dans des lieux (clos) spécifiques où l'on pouvait, facilement, contrôler l'identité des participants, et sans doute faciliter la distribution de l'indemnité de présence.

Deuxième dimension : la "rationalité"

De nombreux analystes constatent que, depuis le milieu des années 1970, "l'irrationnel, sous ses diverses formes, gagne du terrain". L'opposition rationnel/irrationnel peut, en effet, être considérée comme une "fracture dominante de notre culture"[5]. Qu'est-ce que la rationalité ? Les motifs sont connus :
- les actions humaines peuvent être gouvernées par la raison ;

- toute connaissance exige des principes universels non tirés de l'expérience, en partant de l'idée que la raison est "intelligence" plutôt qu'instinct ou réaction affective, et que la raison procède par enchaînements logiques de concepts, et non par juxtaposition et enchevêtrements d'images, de métaphores et de mythes.

La rationalité, au coeur de la démarche scientifique permet le dialogue, canalise les conflits et s'organise autour de vérités partielles et réfutables.

L'irrationnel, au contraire, est fondé sur l'usage des légendes, de la magie, des croyances ou sur des "révélations" qui semblent établies sur un raisonnement apparent mais qui échappent à toute rigueur scientifique.

Pourquoi l'irrationnel gagne-t-il du terrain ? On peut rappeler quelques causes (et/ou effets) :
a) l'échec du libéralisme économique et du modernisme, qui propose un désengagement des citoyens et la désagrégation du militantisme et des solidarités politiques et syndicales ;
b) la séparation entre culture savante et culture populaire : la logique économique dicte un nivellement, dite "par le bas", de la culture dans les *media* ;
c) la confusion entre la raison, la science, la techno-science et la techno-bureaucratie : en effet, la science est une démarche visant à la compréhension rationnelle du monde. On peut critiquer, par contre, ses résultats, ses institutions (luttes de pouvoir et carriérismes), et certaines utilisations. Mais rejeter la raison n'améliore pas le sort de la société.

Pour en revenir à la citoyenneté, on peut affirmer que l'aveuglement de toute raison, c'est-à-dire l'irrationalité, ouvre la voie qui mène au culte du chef, prépare l'individu à la passivité et à l'adhésion fanatique, et que la raison n'est pas le tout de l'homme : c'est en perfectionnant sa raison que l'homme devient citoyen.

Lorsque l'on se pose la question du rapport entre la médiation et la citoyenneté (ou, plus largement, de l'identité), que ce soit le philosophe en tant que spécialistes, ou moi comme citoyen lambda, on se demande dans quelle mesure la médiation doit être l'objet de notre préoccupation " éthique "... La question est de savoir comment gérer les conflits.

5. A. AÏT ABDELMALEK, *L'Europe commmunautaire, l'Etat-nation et la société rurale...,* op. cit.

Médiation et gestion des conflits : de la notion au concept... Approche sociologique

Les conflits sont la manifestation d'antagonismes ouverts entre acteurs (individuels ou collectifs) aux intérêts momentanément incompatibles quant à la possession ou à la gestion de biens rares (matériels ou symboliques). Au sein d'une même collectivité, ils peuvent opposer entre elles des catégories d'individus aux statuts et rôles différents. Les conflits sociaux n'apparaissent que dans la mesure où l'un des partenaires veut imposer sa volonté contre la résistance de l'autre. Pour la tradition *marxiste*, le conflit est inscrit dans la nature même du social et procède du caractère essentiellement contradictoire des rapports sociaux de production. Les conflits sociaux historiquement importants sont donc tous ramenés à des conflits de classes définis par la propriété ou la non-propriété des moyens de production. Pour Marx, les conflits sont nécessaires pour le changement social ; à travers les conflits, les acteurs prennent conscience de leurs intérêts collectifs de classes.

Dans la pensée *fonctionnaliste* classique, les conflits sociaux témoignent plutôt d'un dysfonctionnement des systèmes de régulation par lesquels est assuré le consensus sur les normes. Emile Durkheim (1893) y voit un affaiblissement de la solidarité sociale. Faute de règles collectives s'imposant aux acteurs sociaux, l'anomie remplace la coopération par la concurrence.

Pour Jean-Daniel Reynaud, le conflit, dans le domaine du travail, c'est "la poursuite de la négociation par d'autres moyens". Le conflit serait donc un processus très rationnel de changement social ; en effet tout conflit a pour objet de changer les rapports de force dans le champ social.

Cela m'amène à faire quelques brèves remarques concernant le "concept" de conflit... A noter, d'abord, que l'utilité du conflit comme "signal d'alerte sociale" ou comme "procès de réajustement des valeurs et des influences", n'est plus à prouver (cf., par exemple, L. Coser). Sans présenter toutes les argumentations des thèses les plus importantes, je résumerai la littérature sur le "conflit", en 8 points :

1 - Toute société est plurale et développe de ce fait des internes à propos des valeurs fondamentales qui ne font pas l'objet d'un parfait consensus. La société tolère, jusqu'à un certain point, les conflits et les institutionnalise (partis, syndicats, ...).

2 - Tout système social a besoin du conflit pour éviter sa sclérose et renouveler ses énergies. Le conflit permet la créativité et l'innovation, à travers le heurt des valeurs et des intérêts ; d'autres groupes sociaux réclament leur part de pouvoir, de richesse, de prestige...

3 - Le conflit facilite la cohésion à l'intérieur des groupes et peut être bénéfique à l'ensemble de la structure sociale, surtout s'il se réfère à des objectifs et valeurs qui ont besoin d'être précisés. Il peut favoriser la formation d'associations et e coalitions qui provoquent un réajustement de l'équilibre des forces.

4 - Les conflits avec l'extérieur ont pour effet de réduire les conflits à l'intérieur d'une société.

5 - La multiplicité des conflits est ,souvent, inversement proportionnelle à leur intensité.

6 - Le conflit a parfois une fonction intégrative, en suscitant des normes nouvelles.

7 - Les groupes qui entretiennent des relations étroites tendent à éviter les conflits, mais lorsque ceux-ci explosent, ils le font généralement avec plus de violence.

8 - L'accumulation de conflits peut conduire à la menace disruptive d'un système par ceux qui ne participent pas à ses valeurs essentielles.

De pareilles hypothèses font certes surgir d'intéressantes pistes de recherches, mais la plupart valorisent l'issue "intégrative" du conflit ; en fait, il existe deux attitudes face aux conflits :

a) minoration du conflit : il s'agit de le rejeter du côté du "mal", en privilégiant dans tous les cas la conciliation et la réconciliation;

b) majoration du conflit : il faut provoquer le conflit à tout prix pour obtenir une "catharsis sociale", à miser, notamment, sur la pathologie sociale par désespoir de solution.

Ces deux visions imposent une schématisation excessive des faits et en masquent la réalité par une "conception-écran". Elles suggèrent néanmoins par leur excès même, les pôles extrêmes vers lesquels tendent les comportements individuels et collectifs. Il s'agit, ainsi, d'étudier la dialectique du dialogue (compromis e coopération) et de l'antagonisme : la dialectique du conflit se situe analytiquement, au coeur même de l'analy-

se du changement.(agents, enjeux, moyens utilisés...). Le conflit devient un des rouages d'intégration, mais peut aboutir à une mise en question du système économique, ou politique, ou culturel, c'est-à-dire à une rupture.

Dans nos sociétés à changement rapide, ce sont des groupes entiers : jeunes, femmes, ouvriers, etc., qui rejettent les normes d'une société des gérontes, des mâles, des bourgeois, etc. : de temps en temps, les conflits éclatent, mettent en évidence les carences - et le fonctionnement - de l'ordre social, soulignant la caducité de certaines institutions et présentant ainsi l'occasion de luttes, entre groupes opposés idéologiquement, pour le **pouvoir** !

Il est, ainsi, important de savoir quelles sont les principes qui inspirent l'action des médiateurs ; il est tout aussi important de rappeler les dimensions du concept de "médiation" :

a) La **négociation** : instrument d'intervention au double sens du terme, c'est-à-dire, de s'interposer (*mediare*) et être milieu (*medius*), le médiateur intervient en favorisant la négociation ;

b) La **communication** : l'échange, verbal ou autre, est une condition du lien social (*i.e.* : enjeu identitaire) ; l'écoute (empathique), l'at-tention et la compréhension apparaissent les qualités évidentes principales des médiateurs, qui doit rechercher "dans le dit tel qu'il est dit" ;

c) La **rationalisation** (et professionnalisation) : les médiateurs ont pour tâche d'aider les acteurs à tirer le meilleur profit de leur compétence, de leur situation, de leur connaissance, avec la meilleur efficacité possible ;

d) La **légitimité** (hiérarchie des lieux de décisions) : le pouvoir, incarné par la médiation, est au centre des rapports sociaux (*i.e.* : autoritié statutaire et charismatique) ;

e) Le **réseaux associatif** : la médiation s'oppose à l'atomisme (isolement) ; cette dimension concerne autant les individus que les organisations et institutions ;

f) La **territorialité** : les actions de médiation s'inscrivent toujours, dans le temps, mais aussi, dans des lieux.

Ces quelques lignes ont eu pour fonction de participer au débat contemporain, proposé autour de l'activité de **médiation** ; elles suggèrent quelques entrées qui, certes, s'interpénètrent et convergent, mais permettent également des développements spécifiques.

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describe research in
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comments and to further
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2. According to Weber,
"The great achievement of
ethical religions, above all
of the ethical and asceticist
sects of Protestantism, was
to shatter the fetters of the
sib" (p. 237).

Document

Social capital and civil society

by Francis Fukuyama*

Social capital is an instantiated informal norm that promotes cooperation between individuals. In the economic sphere it reduces transaction costs, and in the political sphere it promotes the kind of associational life that is necessary for the success of limited government and modem democracy. Although social capital often arises from iterated Prisoner's Dilemma games, it also is a byproduct of religion, tradition, shared historical experience, and other types of cultural norms. Thus whereas awareness of social capital is often critical for understanding development, it is difficult to generate through public policy.

Introduction

Social capital is important to the efficient functioning of modem economies and is the sine qua non of stable liberal democracy. It constitutes the cultural component of modem societies, which in other respects have been organized since the Enlightenment on the basis of formal institutions, the rule of law, and rationality. Building social capital has typically been seen as a task for "second generation" economic reform; but unlike economic policies or even economic institutions, social capital cannot be so easily created or shaped by public policy. This paper will define social capital, explore its economic and political functions, as well as its origins, and make some suggestions for how it can be cultivated.

What is social capital?

While social capital has been given a number of different definitions, most of them refer to manifestations of social capital rather than to social capital itself. The definition I use in this paper is: social capital is an instantiated informal norm that promotes cooperation between two or more individuals. The norms that constitute social capital can range from a norm of reciprocity between two friends, all the way to complex and elaborately articulated doctrines like Christianity or Confucianism. These norms must be instantiated in an actual human relationship: the norm of reciprocity exists in potentia in my dealings with all people, but is actualized only in my dealings with my friends. By this definition, trust, networks, civil society, and the like, which have been associated with social capital, are all epiphenominal, arising because of social capital but not constituting social capital itself.

Not just any set of instantiated norms constitutes social capital; they must lead to cooperation in groups and therefore are related to traditional virtues like honesty, the keeping of commitments, reliable performance of duties, reciprocity, and the like. A norm like the one described by Edward Banfield (1958) as characterizing southern Italy, which enjoins individuals to trust members of their immediate nuclear family but to take advantage of everyone else, is clearly not the basis of social capital outside the family.

James Coleman (1988), who was responsible for bringing the term social capital into wider use in recent years, once argued that social capital was a public good and therefore would be underproduced by private agents interacting in markets. This is clearly wrong. Since cooperation is necessary to virtually all individuals as a means of achieving their selfish ends, it stands to reason that they will produce it as a private good (see Section V below). According to Dasgupta 2000, social capital is a private good that is nonetheless pervaded by externalities, both positive and negative. An example of a positive externality is Puritanism's injunction, described by Max Weber (1951), to treat all people morally, and not just members of the sib or family.[2] The potential for cooperation thus spreads beyond the immediate group of people sharing Puritan norms. Negative externalities abound, as well. Many groups achieve internal cohesion at the expense of outsiders, who can be treated with suspicion, hostility, or outright hatred. Both the Ku Klux Klan and the Mafia achieve cooperative ends on the basis of shared norms and thus have social capital, but they also produce abundant negative externalities for the larger society in which they are embedded.

It is sometimes argued that social capital differs from other forms of capital because it leads to bad results like hate groups or inbred bureaucracies. This does not disqualify it as a form of capital; physical capital can take the form of assault rifles or tasteless entertainment, and human capital can be used to devise new ways of torturing

people. Since societies have laws to prevent the production of many social "bads," we can presume that most legal forms of social capital are no less "goods" than the other forms of capital insofar as they help people achieve their aims.

Perhaps the reason that social capital seems less obviously a social good than physical or human capital is that it tends to produce more in the way of negative externalities than either of the other two forms. This is because group solidarity in human communities is often purchased at the price of hostility toward out-group members. There appears to be a natural human proclivity for dividing the world into friends and enemies that is the basis of all politics (see Fukuyama 1995, chapter 9). It is thus very important when measuring social capital to consider its true utility net of its externalities.

Another way of approaching this question is through the concept of the "radius of trust.[3] All groups embodying social capital have a certain radius of trust, that is, the circle of people among whom cooperative norms are operative. If a group's social capital produces positive externalities, the radius of trust can be larger than the group itself It is also possible for the radius of trust to be smaller than the membership of the group, as in large organizations that foster cooperative norms only among the group's leadership or permanent staff. A modern society may be thought of as a series of concentric and overlapping radii of trust (see Figure 1). These can range from friends and cliques to NGOs and religious groups.

Virtually all forms of traditional culture-social groups like tribes, clans, village associations, religious sects, and the like-are based on shared norms, which they use to achieve cooperative ends. The literature on development has not, as a general rule, found social capital in this form to be an asset; it is much more typically regarded as a liability. Economic modernization was seen as antithetical to traditional culture and social organizations, and would either wipe them away or else be itself blocked by forces of traditionalism. Why should this be so, if social capital is genuinely a form of capital?

The reason, in my view, has to do with the fact that such groups have a narrow radius of trust. In-group solidarity reduces the ability of group members to cooperate with outsiders, and often
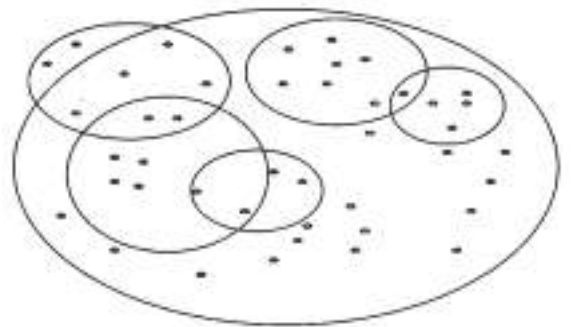

Figure 1. Networks of Trust

impose negative externalities on the latter. For example, in the Chinese parts of East Asia and much of Latin America, social capital resides largely in families and a rather narrow circle of personal friends (Fukuyama 1999). It is difficult for people to trust those outside of these narrow circles. Strangers fall into a different category than kin. A lower standard of moral behavior applies when one becomes, for example, a public official. This provides cultural reinforcement for corruption: in such societies, one feels entitled to steal on behalf of one's family.

Traditional social groups are also afflicted with an absence of what Mark Granovetter (1973) calls "weak ties," that is, heterodox individuals at the periphery of the society's various social networks who are able to move between groups and thereby become bearers of new ideas and information. Traditional societies are often segmentary; that is, they are composed of a large number of identical, self contained social units like villages or tribes. Modern societies, by contrast, consist of a large number of overlapping social groups that permit multiple memberships and identities. Traditional societies have fewer opportunities for weak ties among the segments that make it up, and therefore pass on information, innovation, and human resources less easily.

What function does social capital play in a free-market liberal democracy?

The economic function of social capital is to reduce the transaction costs associated with formal coordination mechanisms like contracts, hierarchies, and bureaucratic rules. It is of

3. To my knowledge, the first person to use this term was Lawrence Harrison in *Underdevelopment is a state of Mind: The Latin American Case, 1985, pp. 7-8*

course possible to achieve coordinated action among a group of people possessing no social capital, but this would presumably entail additional transaction costs of monitoring, negotiating, litigating, and enforcing formal agreements. No contract can possibly specify every contingency that may arise between the parties; most presuppose a certain amount of goodwill that prevents the parties from taking advantage of unforeseen loopholes. Contracts that do seek to try to specify all contingencies-like the job-control labor pacts negotiated in the auto industry that were as thick as telephone books-end up being very inflexible and costly to enforce.

There was a period when social scientists assumed that modernization necessarily entailed the progressive replacement of informal coordination mechanisms with formal ones. There was presumably a period in human history in which formal law and organizations scarcely existed and in which social capital was the only means of achieving coordinated action; Max Weber argued that, by contrast, rational bureaucracy constituted the essence of modernity.

The fact of the matter is that coordination based on informal norms remains an important part of modern economies and arguably becomes more important as the nature of economic activity becomes more complex and technologically sophisticated.[4] Many complex services are very costly to monitor and are better controlled through internalized professional standards than through formal monitoring mechanisms. A highly educated software engineer often knows much more about his or her own productivity than his or her supervisor; procurement is often more efficient when left to the judgment of an experienced procurement officer rather than being done "by the book" as in the case of a good deal of government procurement. A number of empirical studies suggest that high-technology research and development is often dependent on the informal exchange of intellectual property rights, simply because formal exchange would entail excessive transaction costs and slow down the speed of interchange.[5]

Even in non-high-technology environments, social capital often leads to greater efficiency than purely formal coordination techniques.

Classical Taylorism, which organized workplaces in a highly centralized, bureaucratized manner, created many inefficiencies because decisions were delayed and information became distorted as they moved up and down hierarchical chains of command. In many manufacturing facilities, Taylorism has been replaced by much flatter management structures, which in effect push responsibility down to the factory floor itself Workers who are much closer to the sources of local knowledge are authorized to make decisions on their own, instead of referring them up a managerial hierarchy. This often leads to great gains in efficiency,[6] but is totally dependent on the social capital of the workforce. If there is distrust between workers and managers, or widespread opportunism, then the delegation of authority required in a typical "lean" manufacturing system will lead to instant paralysis. This is in effect what happened to General Motors during the strikes of 1996 and 1998, when a single dissident local (angry, in the first instance, over the outsourcing of brake parts) was able to shut down the company's entire North American operations (Fukuyama, 1999, Chapter 13).

Alexis de Tocqueville in *Democracy in America* best elucidated the political function of social capital in a modern democracy. He used the phrase the "art of association" to describe Americans' propensity for civil association. According to Tocqueville, a modem democracy tends to wipe away most forms of social class or inherited status that bind people together in aristocratic societies. Men are left equally free, but weak in their equality since they are born with no conventional attachments. The vice of modem democracy is to promote excessive individualism-that is, a preoccupation with one's private life and family-and an unwillingness to engage in public affairs. Americans combated this tendency toward excessive individualism by their propensity for voluntary association, which led them to form groups, both trivial and important, for all aspects of their lives. This stood in sharp contrast to Tocqueville's native France, which was beset by a much more thoroughgoing individualism than that in the United States. As Tocqueville explained in *The Old Regime and the French Revolution,* on the eve

4. For a fuller treatment of this issue, see Fukuyama (1999, chapter 12).
5. See, for example, Saxenian (1994), which give numerous examples of informal intellectual property exchange in Silicon Valley.
6. See Womack and Jones (1991).

of the Revolution "there were not ten Frenchmen who could come together for a common cause." It was only by coming together in civil associations that weak individuals became strong; the associations they formed could either participate directly in political life (as in the case of a political party or interest group) or could serve as "schools of citizenship" where individuals learned the habits of cooperation that would eventually carry over into public life.

An abundant stock of social capital is presumably what produces a dense civil society, which in turn has been almost universally seen as a necessary condition for modern liberal democracy (in Ernest Gellner's, 1994, phrase, "no civil society, no democracy"). If a democracy is in fact liberal, it maintains a protected sphere of individual liberty where the state is constrained from interfering. If such a political system is not to degenerate into anarchy, the society that subsists in that protected sphere must be capable of organizing itself Civil society serves to balance the power of the state and to protect individuals from the state's power.

In the absence of civil society, the state often needs to step in to organize individuals who are incapable of organizing themselves. The result of excessive individualism is therefore not freedom, but rather the tyranny of what Tocqueville saw as a large and benevolent state that hovered over society and, like a father, saw to all of its needs.

Low levels of social capital lead to a number of political dysftmnctions, which have been extensively documented. Following Tocqueville's analysis of France, many observers noted how administrative centralization has led to an excessively rigid and unresponsive political system, one that can be changed only through antisystemic upsurges such as the évenements of 1968.[7] Low levels of social capital have been linked to an inefficient local government in southern Italy, as well as to the region's pervasive corruption (Banfield, 1958; Putnam, 1993). In many Latin American societies, a narrow radius of trust produces a twotier moral system, with good behavior reserved for family and personal friends, and a decidedly lower standard of behavior in the public sphere. This serves as a cultural foundation for corruption, which is often regarded as a legitimate way of looking after one's family.

It is of course also possible to have too much of a good thing. One person's civic engagement is another's rent-seeking; much of what constitutes civil society can be described as interest groups trying to divert public resources to their favored causes, whether sugar-beet farming, women's health care, or the protection of biodiversity. The public choice literature has analyzed the baleful consequences of rent-seeking for modem democracies at great length; Mancur Olson (1982) has argued that Britain's longterm economic decline was due to the long-term buildup of entrenched interest groups there. There is no guarantee that selfstyled public interest nongovernmental organizations (NGOs) actually represent real public interests. It is entirely possible that too active an NGO sector may represent an excessive politicization of public life, which can either distort public policy or lead to deadlock (Diamond, 1994).

Despite the possibility that a society may have too much social capital, it is doubtless worse to have too little. In addition to being a source of spontaneously organized groups, social capital is vital to the proper functioning of formal public institutions. It is sometimes argued that societies are more usefully compared in institutional rather than in cultural terms. Chalmers Johnson (1982), for example, argues that differences in Japanese and U.S. economic policy are not culturally based, but simply the result of the fact that Japan had the Ministry of International Trade and Industry (IvHTI) and the United States did not. The implication is that were the United States to create an equivalent of IVIIITI in Washington, the consequences would be similar. But there are any number of reasons for thinking that different societies have different cultural capacities for institution-building. Japan's deployment of an economic planning agency with enormous power over credit allocation did not lead to the same levels of rent-seeking and outright corruption that comparable agencies have brought about in Latin America or Africa (or indeed the United States, were it to follow Japan's example). This is testimony to a number of Japanese cultural characteristics: for example, the respect given bureaucrats, their

high level of training and professionalism, the general deference to authority in Japanese society, and it suggests that some institutions cannot be readily transferred to other societies lacking in social capital.

How do we measure social capital?

One of the greatest weaknesses of the concept of social capital is the absence of consensus on how to measure it. At least two broad approaches have been taken: the first has been to conduct a census of groups and group memberships in a given society, and the second has been to use survey data on levels of trust and civic engagement. At the end of this section, 1 will suggest a third metric that may point to a measure of social capital within private firms.

Robert Putnam (1993) tried to measure social capital by counting groups in civil society, using a number ii to track the size of memberships in sports clubs, bowling leagues, literary societies, political clubs, and the like as they varied over time and across different geographical regions. There are, in fact, a large number of n's in any given society, $n_{i..t}$. Hence the first measure for the total social capital (SC) in a society is the sum of the membership of all groups:

(1) $SC = \sum n_{1..t.}$

Both n and t are important measures of civil society. A small value for n may limit the kinds of ends a group can achieve. Families, for example, are good at socializing children and running family restaurants, but not very good at exerting political influence or manufacturing semiconductors. The variable it itself constitutes a separate measure of civil society; unfortunately, limitations in the data prohibit our knowing what l is for a given society, or how many missing or undercounted data elements there are between n1 and r. A number of attempts have been made to produce censuses of groups and associations in the United States. One was done by the U.S. Department of Commerce in 1949, which estimated that there were 201,000 nonprofit voluntary trade and business organizations, women's groups, labor unions, civic service groups, luncheon clubs, and professional groups at all levels of American society.[8] Lester Salamon (1992) estimates that by 1989 1.14 million nonprofit

groups existed in the United States, indicating an overall rate of growth much higher than that of the population as a whole. The near impossibility of producing a complete census that catalogues the whole range of informal networks and cliques in a modern society is suggested by the Yankee City study, which counted some 22,000 different groups in a community of 17,000 people (Warner and others, 1963). Changing technology changes the forms of association: how do we account for the proliferation of on-line discussion groups, chat rooms, and e-mail conversations that have exploded with the spread of personal computers in the 1990s?[9]

The n and t may also be inversely correlated (that is, the larger the average size of groups, the fewer there are), but because individuals can hold overlapping memberships in multiple groups, they need not be.

It is clear that each of these $n_{1..t}$ groups is characterized by a different level of internal cohesion and therefore collective action. Bowling leagues are not capable of storming beaches or lobbying congress, so some qualitative coefficient must be added to provide some measure of cohesion. Let us call this coefficient c. Unfortunately, there is no accepted method for measuring the internal cohesiveness of groups; each one of the c coefficients would have to be determined subjectively by an outside observer who would note the types of activities the group could undertake and their difficulty, its cohesion under stressful circumstances, and other factors. Despite the subjective nature of its derivation, c clearly varies across groups and is a critical qualitative measure of social capital. Hence a society's total stock of social capital would be expressed as:

(2) $SC = \sum (cn)_{1..t.}$

As noted above, social capital is more heavily pervaded by externalities than other forms of capital, so measurement of a nation's stock of social capital must take these externalities into account. The radius of trust can be thought of as a type of positive externality (which we will therefore designate as r) because it is a benefit that accrues to the group independently of the collective action that the group formally seeks to achieve. For example, a sect that encourages its members to be honest and reliable will foster better business relationships when members deal

with each other economically, in addition to the sect's religious objectives.

For many groups, the radius of trust would extend to the whole group; this is true of most families, for example. The r coefficient in this case is 1, and the total amount of social capital in the society would therefore be expressed as:

(3) $SC, = \sum(r_p cn)_{1..t.}$

Certain groups, particularly large ones, are characterized by internal hierarchy, a division of labor, status and functional distinctions, and so on. While the group may be united around some common interest or passion, the degree to which individual members are capable of collective action on the basis of mutual trust depends on their relative position within the organization. Putnam (1993) rightly distinguishes between what he calls a "membership organization" like the American Association of Retired People (AARP), which, at more than 33 million members, is second only to the Catholic Church in size. Such a group has a very large ft value, but most of its members simply contribute yearly dues, receive a newsletter, and would have little reason for cooperating with one another on any issue unrelated to pensions or health benefits. For such an organization, the r coefficient may be very small, limited to, for example, those people who work full time in its national headquarters (though even there, there are presumably many employees who are simply wage earners and not part of the trust network).

On the other hand, it is possible for a group to have an r1, coefficient larger than 1. To take the earlier example of the religious sect that encourages honesty and reliability, if these traits are demanded of its members in their dealings, not just with other members of the sect, but generally with other people, then a positive effect will spillover into the larger society. Again, Weber, in *The Protestant Ethic and the Spirit of Capitalism,* argued in effect that sectarian Puritans had an rp value greater than 1.

The final factor affecting a society's supply of social capital concerns not the internal cohesiveness of groups, but the way in which they relate to outsiders. Strong moral bonds within a group in some cases may actually serve to *decrease* the degree to which members of that group are able to trust outsiders and work effectively with them. A highly disciplined, well-organized group sharing strong common values may be capable of highly coordinated collective action, and yet may nonetheless be a social liability. I noted earlier that strongly familistic societies like China and central-southern Italy were characterized by an absence of a broader, generalized social trust outside the family. At best, this prevents the group from receiving beneficial influences from the outside environment. At worst, it may actively breed distrust, intolerance, or even hatred for and violence toward outsiders. Certain groups may be actively harmful to other parts of society-criminal organizations like the Mafia or the Crips and Bloods come to mind. A society made up of the Ku Klux Klan, the Nation of Islam, the Michigan Militia, and various self-regarding ethnic and racial organizations may score very high in terms of the last three of the four variables given in expression (3), and each group may have an r of 1, and yet overall it would be hard to say that such a society had a large stock of social capital.

Group affiliation can therefore produce a negative externality, which we can think of as the radius of distrust, or r1,. The larger the r value, the greater the liability that group represents to the surrounding society; hence the measure for a single group's social capital, rpcn, needs to be multiplied by the reciprocal of r. (All *r* values, we assume, must be 1 or greater.) The final value for a society's total stock of social capital would then be:

(4) $SC = \sum((1/r_n)r_p cn)_{1..t.}$

To some extent, we could expect that c and r might be positively correlated with one another. That is, internal cohesiveness is often based on strongly shared norms and values within a group: both the Marines and the Mormon Church are examples. But the very strength of those internal bonds creates something of a gulf between members of the group and those on the outside. Latitudinarian organizations like most contemporary mainline Protestant denominations in the United States, by contrast, easily coexist with other groups in the society, and yet are capable of a much lower level of collective action. Ideally, one would like to maximize the c and minimize the r values: such would be the case, for example, in a professional organization

that socializes its members into the values of its particular profession, while at the same time not breeding distrust of other professions or being closed to influences from them.

As this exercise indicates, producing anything like a believable census of a society's stock of social capital is nearly an impossible task, since it involves multiplying numbers that are either subjectively estimated or simply nonexistent. This leads us to the other source of data that has been used as a proxy for social capital, survey data on trust and civic engagement. A number of data sources are useful here, such as the National Opinion Research Council's General Social Survey (for the United States) and the University of Michigan's World Values Survey (for international data). Each of these surveys asks a series of questions concerning trust in various political and social institutions, as well as other questions that probe the respondents' level of participation in voluntary organizations. There are manifold problems with survey data, of course, beginning with the fact that responses will vary according to the way the question is phrased and the person asking it, to the absence of consistent data for many countries and many time periods. A general question such as "Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people?" (asked on both the General Social Survey and World Values Survey) won't give you very precise information about the radius of trust among the respondents, or their relative propensities to cooperate with family, coethnics, coreligionists, complete strangers, and the like.

A third way of measuring social capital in specific organizations may be to look at changes in market valuations of a company before and after takeover offers. The market capitalization of any company represents the sum of both tangible and intangible assets; among the latter, presumably, is the social capital embodied in the firm's workers and management. There is no accepted methodology for separating the social capital component of the intangible assets, which include things like brand names, good will, and expectations of future market conditions. Firms being taken over by other firms, however, are usually bought at a premium to their pre-

takeover price. In such a situation, we can assume that part of the premium being offered is a measure of the degree to which the new owners believe that they can manage the new firm better than the old owners, with all other factors, such as tangible assets, expectations about market conditions, being held constant. In many cases, part of the premium being offered represents the cost savings that the new owners expect to achieve through realization of economies of scale and scope; one would have to deduct this from the actual premium to get a measure of the net value of the new management alone. This management premium is not a pure measure of social capital; it may consist partly of human-capital rather than social capital. But social capital must constitute a significant part of the residual, since effective management is, after all, nothing more than efficient coordination of the firm's activities.[10]

Where does social capital come from?

If we define-social capital as instantiated, informal norms that produce cooperation, economists have a straightforward explanation of where it comes from: social capital arises spontaneously as a product of iterated Prisoner's Dilemma games. A one-shot Prisoner's Dilemma game does not lead to a cooperative outcome because defection constitutes a Nash equilibrium for both players. If the game is iterated, however, a simple strategy like tit-for-tat (playing cooperation for cooperation and defection for defection) leads both players to a cooperative outcome. In nongame theoretic turns, if individuals interact with each other repeatedly over time, they develop a stake in a reputation for honesty and reliability. As Adam Smith (1982) observed, market interactions in a commercial society leads to the development of bourgeois social virtues like honesty, industriousness, and prudence. A society composed entirely of Kant's "rational devils" will develop social capital over time, simply as a mailer of the devils' long-term self-interest.

Social capital is clearly spontaneously generated all the time through the playing of iterated Prisoner's Dilemma games. Both Robert

10. The case could probably be made that social capital is the most intangible of all intangible assets and tends to be consistently undervalued by markets because it is so difficult to measure. Many mergers and acquisitions have involved radical downsizing of company work forces. This achieved cost savings in terms of current wages, but undermined trust, hence social capital, among the firm's remaining workers-a process popularly known as "dumbsizing" Wall Street is obviously better able to measure the immediate labor cost savings than the longer term impacts of such actions on the firm's social capital.

Ellickson (1991) and Elinor Ostrom (1990) have catalogued many empirical cases of cooperative norms arising as a result of repeated community interaction. The latter's database of instances in which communities have successfully dealt with common pool resource problems is particularly interesting because this class of problems constitutes an *n*-sided Prisoner's Dilemma game, which should theoretically be much harder to solve through iteration than a two-player game.

The economists' approach to understanding how social capital is generated is ultimately limited, however. The problem is that social capital more often than not is produced by hierarchical sources of authority, which lay down norms and expect obedience for totally a-rational reasons. The world's major religions like Buddhism, Hinduism, Christianity, and Islam, or large cultural systems like Confucianism, are examples. Not only do norms from such sources not come about through decentralized bargaining, they are transmitted from one generation to the next through a process of socialization that involves much more habit than reason. Path dependence-another word for tradition-means that norms that are clearly socially suboptimal can persist for a long time.

It is, of course, possible to try to give economic or rational explanations for religious and cultural phenomena, and thus to try to fit them into some larger theory of social behavior based on rational choice. There was for some time a school of "functionalist" sociology and anthropology that tried to find rational utilitarian reasons for the most bizarre social rules. The Hindu ban on eating cows was ascribed, for example, to the fact that cows were resources that had to be protected for other uses, like plowing and dairy farming. Similarly, one could try to explain the Protestant Reformation in terms of the economic conditions prevailing in central Europe in the 16th century that led people to respond to religious reformers like Luther, Calvin, and Melanchthon. But, ultimately, these accounts prove to be unsatisfying because they are too reductionist. All such historical developments usually incorporate a substantial measure of chance, genius, accident, or creativity that cannot be explained in terms of prior conditions.

Max Weber stood Marx on his head by arguing that the cultural "superstructure" actually produced the economic "substructure": it was the moral values inculcated by Puritanism, and particularly the fact that virtues like honesty and reciprocity now had to be practiced beyond the family, that made the modem capitalist world possible in the first place. In Weber's account, culture was the uncaused cause, the product of "charisma."

Religion continues to be a factor in economic development. One of the most important and underrated cultural revolutions going on in the world today is the conversion of Catholics to Protestantism by (largely) American evangelicals and Mormons. This process, which has now been under empirical observation for nearly two generations, has produced social effects in the poor communities where it has occurred not unlike those ascribed to Puritanism by Weber: converts to Protestantism find their incomes, education levels, hygiene, and social networks expanding (Martin, 1990; Stoll, 1990).

Apart from religion, shared historical experience can shape informal norms and produce social capital. Both Germany and Japan experienced considerable labor unrest and conflict between workers, managers, and the state in the 1920s and 1930s. The Nazis and Japan's military rulers ultimately suppressed independent labor unions and replaced them with "yellow" ones. After their defeat in World War II, the democratic successor regimes opted for a much more consensual approach to management-labor relations that produced Germany's postwar Sozialmarktwirtschafi and Japan's lifetime employment system. Whatever their current dysfunctions, these institutions played a critical role in allowing the two societies to return to growth after the war, and constituted a form of social capital.

How can we increase the stock of social capital?

The discussion of where social capital comes from should be informative to policymakers who want to increase the stock of social capital in a given country. States can both do some positive things to create social capital, and forebear

from doing other things that deplete a society's stock. We can make four observations.

First, states do not have many obvious levers for creating many forms of social capital. Social capital is frequently a byproduct of religion, tradition, shared historical experience, and other factors that lie outside the control of government. Public policy can be aware of already existing forms of social capital for example, the social networks used to develop information for microlending but it cannot duplicate the effect of religion as a source of shared values. Policymakers also need to be aware that social capital, particularly when associated with groups that have a narrow radius of trust-can produce negative externalities and be detrimental to the larger society.

Second, the area where governments probably have the greatest ability to generate social capital directly is education. Educational institutions do not simply transmit human capital, they also pass on social capital in the form of social rules and norms. This is true not just in primary and secondary education, but in higher and professional education as well. Doctors learn not just medicine but the Hippocratic oath; one of the greatest safeguards against corruption is to give senior bureaucrats high-quality professional training and to create an esprit de corps among this elite.

Third, states indirectly foster the creation of social capital by efficiently providing necessary public goods, particularly property rights and public safety. Diego Gambetta (1993) has shown that the Sicilian Mafia can be understood as a private protector of property rights in a part of Italy where the state has historically failed to perform this function. Something similar to this has sprung up in Russia during the 1990s. Private property rights protection is very inferior to the state-supplied version, since there is nothing to prevent these private providers from getting into a host of other illegal activities as well. There are also economies of scale in the deployment of coercive force used to enforce property rights. People cannot associate, volunteer, vote, or take care of one another if they have to fear for their lives when walking down the street. In a stable and safe environment for public interaction and property rights, trust is more likely to arise spontaneously as a result of iterated interactions of rational individuals.

Fourth, states can have a serious negative impact on social capital when they start to undertake activities that are better left to the private sector or to civil society. The ability to cooperate is based on habit and practice. If the state gets into the business of organizing everything, people will become dependent on it and lose their spontaneous ability to work with one another. France had a rich civil society at the end of the Middle Ages, but horizontal trust between individuals weakened as a result of a centralizing state that set Frenchmen at each other through a system of petty privileges and status distinctions. The same thing occurred in the former Soviet Union after the Bolshevik Revolution, where the Communist Party consciously sought to undermine all forms of horizontal association in favor of vertical ties between party-state and individual. This has left post-Soviet society bereft of both trust and a durable civil society: There are, of course, good reasons why countries should restrict the size of their state sectors for economic reasons. On top of this, one can add a cultural motive of preserving a sphere for individual action and initiative in building civil associations.

If we look beyond the role of the state, there are other potential sources of social capital. A number of Western NGOs and foundations, recognizing the importance of social capital and civil society, have sought to foster the latter in a number of developing countries in the 1990s. Although it is too early for definitive studies on this subject, anecdotal evidence suggests that it is very difficult for outsiders to foster civil society in countries where it has no local roots. Foundations and government aid agencies seeking to promote voluntary associations have often simply managed to create a stratum of local elites who become skilled at writing grant proposals; the organizations they found tend to have little durability once the outside source of funds dries up.

There are, however, two other potential external sources of social capital that may be more effective in promoting civil society. The first is religion. General social science theories about the inevitability of secularization appear to apply pri-

marily to Western Europe; there is little evidence that religion is losing its grip elsewhere, including in the United States (Martin, 1990). Religiously inspired cultural change remains a live option in many parts of the world; the Islamic world and Latin America have both seen the growth of new forms of religiosity in recent decades. Obviously, not all forms of religion are positive from the standpoint of social capital; sectarianism can breed intolerance, hatred, and violence. But historically religion has also been one of the most important sources of culture and is likely to remain so in the future.

The second source of social capital in developing countries is globalization. Globalization has been the bearer not only of capital but also of ideas and culture. Everyone is well aware of the ways in which globalization injures indige-nous cultures and threatens longstanding traditions. But it also leaves new ideas, habits, and practices in its wake, from accounting standards to management practices to NGO activities. It is not just investment bankers who can take advantage of the global communications and information revolution; activists of all sorts, from environmentalists to labor organizers, can now operate transnationally to a much greater extent than before (Mathews, 1997). The issue for most societies is whether they are net losers or gainers from this process-that is, whether globalization breaks down traditional cultural communities without leaving anything positive in its wake, or is it an external shock that breaks apart dysfunctional traditions and social groups and becomes the entering wedge for modernity.

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Document:

Civil society, governance and globalisation
The World Bank and civil society

*by Kumi Naidoo**

Introduction

Thank you, President Wolfensohn, ladies and gentlemen. On behalf of CIVICUS: (World Alliance for Citizen Participation) its members, and civil society partners around the world, I am pleased to have this opportunity to address you and to share some ideas regarding three of the biggest issues presently facing humanity: globalisation, governance and the role of civil society.[1]

If someone had told me a decade ago, when I was working as a grassroots activist in South Africa, that I'd one day be invited to address the World Bank, I would have scoffed at them in disbelief. I would have been equally surprised if someone had suggested that one of the most inspirational figures in our liberation movement, Mamphela Ramphele, would be one of the managing directors of the World Bank during this time. So when I received the invitation to deliver a Presidential Fellows Lecture, I was somewhat astonished but also excited by the opportunity it presented.

My colleagues at CIVICUS must have noticed my nervousness as I started to prepare my comments, since a few days ago I received a memo that contained some words of advice. In the spirit of transparency, I thought I should summarise for you some of the points from that memo.

1. Bear in mind there are mixed feelings about civil society engagement with the World Bank, both within civil society and inside the Bank itself. There is scepticism on both sides about the costs, effectiveness and rationale for engagement.

2. A lot of people within civil society will be waiting to see what you say: your speech needs to reflect the views of a broad range of organisations and networks which have provided input.

3. Be careful about acronyms and civil society jargon. Internal civil society language like 'indigenous resource mobilisation strategies', 'horizontal and vertical accountability' and '501(c)(3)s' may turn off your audience. If you think you're losing them, toss in some references to PRSPs, HIPCs and LICUS and hopefully they'll be drawn back in.

4. Stay away from jokes, stick to your notes and think about wearing a suit and tie instead of your favorite African shirt.

5. Finally, keep in mind your experience at Davos last month. Along with several other civil society groups, you took part in plenary panels and discussions inside the meeting, but also joined the demonstrations outside on the streets. You need to adopt the same approach at the Bank – our role has to be one of both constructive engagement from within and support for peaceful dissent from without. Good luck!!!

Problematising globalisation

This last point actually provides a good starting point for my comments today. CIVICUS, along with several other civil society organisations, was in the somewhat unusual position of attending both the World Social Forum and the World Economic Forum last month. I say unusual, because the two events are often presented as completely antithetical to one another. Indeed, on the surface at least, they are strikingly different types of gatherings and many question how it is possible to engage with both processes. Yet at a basic level, both of these annual global meetings are grappling with three of the key issues of our day – namely globalisation and its manifold effects, the meaning and role of civil society and citizen participation, and challenges to effective governance at local, national and global levels.

In many ways, the World Social Forum in Porto Alegre can be understood as both a product of globalisation – and as its very embodiment. It is the much-discussed phenomenon of globalisation which provides the impetus for the WSF – and for the hundreds of similar events at the regional and national level that have been convened over the past several years. What has erroneously been called the 'anti-globalisation' movement is ironically one of the most globalised movements of our time. Globalisation has drawn the people of the world into closer proximity with one another; it has intensified contact between them; lowered many – but by far not all – types of barriers to the movement of goods, ideas, technology and cultural products; and accelerated the pace at which information is shared.

It is the more benign aspects of globalisation that have made possible gatherings like the WSF,

where tens of thousands of people from scores of countries organise themselves to descend upon a chosen destination at a given time, using email and the Internet to coordinate everything from the programme schedule and travel arrangements, to the advance exchange of discussion papers.

Yet it is other aspects of globalisation which motivate these meetings to be called in the first place – it is the harsh contradictions of globalisation, its unevenness, its sheer cruelness that is driving people to join forces in collective efforts to discuss and debate ways to harness the forces of globalisation for the common good. These critiques of globalisation are now well known.

Globalisation is exacerbating global inequality, and its 'rules' – to the extent we can call them that – appear to be driven by the rich at the expense of the poor. The relentless lauding of so-called 'free trade' in fact masks a set of double standards that protect certain markets in wealthy countries and deny poor and developing countries the chance to benefit from the most   promising segments of their own economies. Globalisation, and the forces driving it, is throwing up a set of intractable challenges that brazenly cross national borders and which, by their very definition, defy national-level solutions. The spread of environmental degradation, HIV/AIDS, human   trafficking, the drug trade and terrorism are all enabled by globalisation. At the same time, the momentum toward economic, political and cultural integration weakens the ability of national governments to take actions in the national interest. Globalisation is having a impact upon the role of elected representative institutions at the national level and is elevating powerful new actors, such as supranational governing institutions and transnational   corporations. Local control over decision-making is rapidly shifting upwards to structures and processes that are not accountable to ordinary citizens.

Another contradiction of globalisation can be seen in the curtailment, particularly post-September 11, of what we might call 'international civic mobility.' As an African, travelling on an African passport and working at the global level, I often muse that if I were to write a book about my tenure at my current job, it would be called Visas, Bloody Visas. While

cheaper travel has increased the movement of many, there has never before been the level of legal restriction on the movements of people from poor countries to rich countries, unless they have distinctive skills that the developed economies need.

Arguments about globalisation tend to occur in extreme terms – globalisation is often presented as either 'all good' and full of promise for a better future, on one hand, or as irreparably flawed and diabolical, on the other. John Clark, in his forthcoming book *Worlds Apart: Civil Society and the Battle for Ethical Globalisation*, refers to these two camps as the 'agony school' and the 'ecstasy school.' Yet globalisation is too complex and multi-faceted to be boiled down to a caricature. Independent surveys[2] conducted in Northern and Southern countries over the last two years reveal that citizens are ambivalent about globalisation: they hold generally favourable opinions about globalisation and global integration, yet they are highly anxious about growing inequality and the loss of local control. They are concerned about non-economic dimensions of globalisation as well, such as threats to local culture and the disappearance of indigenous languages.

The grassroots action we have been witnessing on the streets of Porto Alegre, in cyberspace, outside the headquarters of the World Bank and IMF, and on the roads and railways to Davos is emerging in direct response to a perception that, increasingly, important decisions affecting people's lives and well-being are being made in non-transparent ways in supranational institutions that are not accountable to citizens and not accessible to citizen engagement. Decisions about trade rules, intellectual property rights, macro-economic restructuring policies, privatisation of vital public services, and debt relief are made behind closed doors in ways that are largely perceived to be undemocratic.

It is against this backdrop that the notion of 'civil society' has re-entered mainstream discourse. Civil society is, of course, not a new concept, but it is one that has been re-discovered over the past decade with this rise in citizen activism. Unfortunately, in the media and in the minds of some people, views about civil society as a whole are often framed by the actions of its 'un-civil' elements – groups who espouse vio-

2. Environics survey, 2001 and 2002.

lence and destruction, or who pursue racist or exclusionary goals. Activists are often portrayed as 'radicals' who are not interested in dialogue.

I want to dispel this image. What the World Social Forum and recent global civil society gatherings have come to represent for many people around the world are spaces where the voices of average citizens 'count' in discussions around social, political and economic justice. They are venues where people and groups who feel increasingly alienated from the prevailing global system can join together to explore alternative visions for a more ethical form of globalisation that works for the benefit of average people, rather than simply for the benefit of powerful interests.

Civil society in the context of globalisation

Attempts to define civil society are often contested, but one way to think of it is in terms of activities that are undertaken for the public good by groups or individuals in the space between the family, the state, and the market. This means that we must look today not only at non-governmental organisations (NGOs) – often taken as synonymous with civil society – but also at a rich array of heterogeneous civic elements that includes trade unions, foundations, faith-based and religious groups, community-based organisations, social movements and networks, and ordinary citizens who are active in the public sphere.

It is often said that civil society burst onto the public stage at the Earth Summit in 1992. When the thousands of citizens who attended the Earth Summit left Rio, they did so with much optimism and a belief that an historical watershed had been achieved. In a way they were right: Rio was the first major conference where 'civil society' became a prominent player at the global level. Since the Earth Summit, civil society has come into its own as an important political, social and economic actor. The last decade has witnessed a dramatic growth in the number of citizen groups, as well as in their capacity, scope, reach, public profile and influence. This 'global associational revolution,' as it has been called, is being driven by the same forces that are producing globalisation – democ-

ratisation, the spread of new technologies, and global integration of various forms – but it is also reacting to many of the effects of globalisation that I mentioned above.

Historically much of the work of civil society organisations, or CSOs, has occurred at a micro level, where they are involved in providing important services to vulnerable communities in areas as diverse as health care, education and professional training, legal advice, humanitarian relief, women's empowerment, technical assistance in agriculture and environmental protection, and so on. Civil society groups have often stepped into the uneasy vacuum of post-conflict situations and have compensated for the state – not uncontroversially – in the growing number of instances where vital public services have been rolled back due to macro-economic reforms.

Increasingly, however, civil society groups have recognised the need to rethink the well-known slogan 'think globally, but act locally.' Experience has shown that, in and of itself, acting locally will not get to the root causes of many social and economic problems – if the real locus of power is global, then there is a need to 'think locally and act globally' as well. A growing number of CSOs have become actively engaged in advocacy work, campaigning, and policy-making. Public campaigns on issues such as landmines, debt relief and the international criminal court have had a definable impact.

As civil society has matured, its credibility with outside audiences has grown. Many governments seek to harness the expertise and local knowledge of civil society groups in policy-making. High-profile civil society groups, particularly those working around environmental issues, have developed a certain 'brand recognition'; their endorsements or criticisms of business practices, for example, carry weight with the public and have become an important force with which the private sector must reckon. Perhaps most importantly, civil society groups generally enjoy a high level of public trust – in fact, a recent survey revealed that, among 17 institutions ranging from national governments to educational systems to media and the legal system, NGOs are the institution most trusted by average citizens after their country's armed forces.[3]

The challenges facing civil society

Accordingly, civil society is attracting a new level of scrutiny in its role as a major public actor. It is being forced to grapple with both external and internal challenges, from those who are seeking to make civil society stronger and more credible, as well as from those who question its right to play certain roles. I would like to touch briefly upon five of these challenges.

The first is a challenge of power and power imbalances within civil society. The sector is vibrant and extremely diverse. It encompasses both major transnational NGOs with multi-million dollar operating budgets and tiny citizen-based organisations with highly constrained resources, access to information and capacity. It embraces highly structured groups such as trade unions alongside loose issue-based social movements. While this diversity adds to the sector's richness, it also throws up fundamental questions about whose voices are heard and in which venues, how resources are accessed and distributed, and who is speaking for whom.

The second challenge internal to civil society is about bridging narrow interests and broader goals. Many civil society actors are committed to advancing a specific issue, whether this involves protecting rainforests, promoting fair labour practices, or advancing women's rights. While recent civil society activity has been noteworthy for the alliances that have been formed among groups with different areas of interest, there remains a type of 'silo mentality' which prevents CSOs from working across areas of speciality, toward common goals.

For example, dialogue between human rights organisations and development organisations has historically been weak and many potentially productive synergies have evaded us. With many human rights organisations now embracing social and economic rights, and with many development organisations adopting a rights-based approach to their work, it is an opportune time to bridge this divide. The dichotomy between the world of volunteering (defined as the provision of direct services to communities in need) and the world of social activism (defined as those that are more concerned with structural and policy changes) remains a challenge. We also need to create an environment where, for example, NGOs rise to defend workers' rights of association in cases where trade union rights are threatened, and where trade unions vocally defend the rights of NGOs.

A third internal challenge for civil society is to articulate a coherent vision for a more just and equitable global system. One of the frequent criticisms of the so-called 'anti-globalisation' movement, is that it is against everything imaginable, but not for anything discernible. Although many within the movement are working proactively for social and economic justice, civil society is challenged to move beyond debate and ad hoc mobilisations and to formulate a strategy for achieving its vision. The core issue, however, may not be an absence of alternative visions, but rather the fact that the world's powerful governments appear unwilling to engage with these alternatives. As an example, the 2001 study produced by Third World Network for the UNDP, entitled *The Multilateral Trading System: A Development Perspective*, provides a detailed set of recommendations for transforming the international trade system into an instrument for balanced and equitable human development. Yet because they seek to redress power imbalances, such visions are often rejected out of hand.

The fourth challenge is one that emanates from outside civil society. The allegation is made that citizen activism threatens to undermine democratic systems by 'short-circuiting' established procedures for decision-making. This is a critique that we in civil society vehemently reject. An active, engaged citizenry is essential for a healthy democratic society. We must resist the notion that elections equal democracy, that a victory at the ballot box is a blank check to rule without any interface and dialogue with citizens in between election periods. To reduce democracy to the singular act of voting once every four or five years is clearly an error. Civic activism complements democratic practices and makes them more effective by drawing citizens more fully into public life and providing a constant check on official accountability.

Clearly, it does not make sense for political leaders to deprive themselves of the policy knowledge that civil society actors acquire from

working directly with vulnerable communities. Who better to inform the drafting of a domestic violence law than women who work with survivors of such violence? Who better to inform the drafting of an adult literacy strategy than those that work day in and day out with adult learners in our communities? Who better to help craft a rural or urban development strategy than those working on the ground addressing these issues? Engagement with citizen voices leads to more effective policies that better address the concerns of primary and secondary stakeholders, that integrate innovative ideas and knowledge from the local level, and that result in greater impact and ownership within communities.

The fifth challenge is perhaps the most complex of all, and is heard both inside and outside civil society. Here I am referring to the challenge of legitimacy, and the related issues of transparency, representation and accountability.

Challenges to civil society's legitimacy come from many quarters. They are often voiced by national political leaders, and occasionally by prominent voices at global institutions. It is frequently said that civil society groups don't represent the views of anyone but themselves and that if they are accountable at all, it is usually 'upward' to their funders, rather than 'downward' to those they purportedly serve. Those that offer this critique sometimes evoke a range of derogatory acronyms to describe certain kinds of wannabe NGOs: BONGOs (business-organised NGOs), PONGOs (politically-organised NGOs), BRINGOs (Briefcase NGOS), DONGOs (donor-organised NGOs), GONGOs (government-organised NGOs) MONGOs (My own NGO), and RONGOs (royally-organised NGOs).

At the 2002 World Economic Forum, the then-Director General of the WTO, Mike Moore, said in a session that the WTO was only willing to engage with those civil society groups that operated in a transparent fashion, demonstrated accountability, and which were elected on the basis of a defined constituency. These are commendable criteria, and if the WTO applied this criteria rigorously to its member governments, WTO membership would be significantly smaller. Issues of legitimacy run both ways. When tens of thousands of citizens demonstrate against international institutions such as the WTO, the IMF and the World Bank in Seattle, Prague, Washington, Buenos Aires, Barcelona or Johannesburg, one has to wonder where the legitimacy of official institutions ends and civil society's begins.

Legitimacy cannot be taken for granted and must continuously be earned. And civil society groups are taking up this challenge head-on. Self-regulation mechanisms such as codes of ethics and standards of excellence have been adopted at the national level by civil society in several countries; a culture of transparency in governance structures is also gaining strength across the sector. Civil society groups work to derive mandates and legitimacy for their activities through extensive consultative processes.

There is also a powerful accountability factor at play with the functioning of CSOs, which I call the principle of 'perform or perish.' Not a single cent secured to undertake CSO activities is secured on the basis of obligation. Whether funding is derived from a government department, individual, foundation, business organisation or multi-lateral institution, resources will not continue to be available if civic organisations are not performing on the basis of their vision, mission and objectives. Most governments and inter-governmental organisations, to a lesser extent, are guaranteed a revenue flow from taxation or from countries' annual member contributions, even if performance is mediocre or substandard.

I would like to underscore, therefore, that the issue of civil society legitimacy is a valid one – particularly when it is voiced with an eye to building up the long-term credibility and effectiveness of civil society as an actor. All too frequently, however, the critique is lodged by those who would dismiss the right of civil society groups to give voice to citizen concerns and to engage in decision-making processes.

Civil society, the crisis of governance and the 'democracy deficit'

This view that government has a monopoly on truth and wisdom, I'm afraid, reflects an outdated notion of governance – one that sees it

as the exclusive domain of governments. In the case of electoral systems, governance occurred through a system of representative democracy where citizens delegated votes to individuals who would represent them and leaders who would take decisions on their behalf.

It is rapidly becoming a truism that this old notion of governance is breaking down in an era of globalisation and with the emergence of a devastating 'democracy deficit' in several local and national contexts, and certainly at the global level. Surveys reveal declining levels of citizen trust in political institutions. In many democratic systems 'form' has largely overtaken the 'substance' of democracy: elections may be held, but fewer and fewer people are choosing to vote and the meaningful interface between citizens and the elected is minimal between election periods. Affiliation with traditional political parties is on the decline as the parties themselves are characterised by a lack of internal democracy or fail to address issues that citizens believe are important. The influence of monied interests in many political systems is also turning citizens away from traditional engagement in favour of new forms of participation.

Although faith in traditional political institutions is waning, this should not be taken as a sign of citizen apathy. On the contrary, people are finding new and more direct ways to get involved in public life and decision-making – marking a shift from representative democracy to what is often called participatory democracy. Citizens are arguing for a new notion of governance that requires political leadership to engage with citizenry in ways that allow for ongoing input into decision-making and policy formation.

These new models take many forms, ranging from concerted attempts to build public-private partnerships to the establishment of transparency and oversight mechanisms which allow civil society groups to play quasi-regulatory or watchdog functions. The Social Watch network based in Uruguay is an excellent example of how civil society groups have taken the initiative to monitor progress on international commitments and to report publicly on findings. This type of public accountability mechanism is now widely regarded as an essential part of good governance.

Finally, civil society groups are slowly carving out a more active role in actual decision-making processes, as witnessed in their direct participation over the last decade in UN conferences with some national governments including civil society participants in their delegations. Certain innovative international commissions involve civil society groups as equal stakeholders in policy-making, rather than in an after-the-fact consultative role.

While the space for civic participation in the global policy-making environment is growing, however, the overall picture overwhelmingly remains one where citizen voices are marginalised or are belatedly solicited after key decisions have been taken. Some key examples:

The constrained status of CSO engagement can be seen in the case of the Millennium Development Goals, perhaps the most important and ambitious development initiative of our time. Although hundreds of CSOs actively campaign around the issues that have been targeted in the MDGs, there was no significant role for civil society in the development of these goals. Civil society engagement in their implementation will be conditional on a country by country process of national-level goal-setting that will take place long after the overall campaign has been conceptualised and structured. If the Millennium Goals are to be achieved, ordinary citizens around the world must feel a true sense of ownership and must be willing to campaign to hold their governments accountable to them. This can only happen if the MDGs are 'owned' by the people and not appropriated by elements of the international system. Yes, we need the determined commitment and active backing of the multilateral institutions, but this must be done in such a way that the MDG campaign does not come to be seen solely as the UNDP's or World Bank's 'baby,' since this will alienate large segments of civil society, as well as many national governments. If we were to ask ourselves to name the single most important act that a national government engages in annually, we would most probably agree that it is drawing up the national budget. In analysing budgets, we can see the extent to which a government values children, gender equality, older people, education and so forth. However, when we look at the level of influence that parliamentarians have in the

budgeting process, let alone that of civil society, it is frighteningly minimal in many systems of governance. What does this say therefore about the quality of governance and the strength of democracy? If we reflect on the current position taken by certain governments with regard to the situation in Iraq, we find clear instances where governments are blatantly disregarding the views of their backbench MPs, ignoring the views of their citizenry and, in some cases, crassly manipulating arguments and supposed 'evidence' to support a military intervention that could provoke a devastating humanitarian crisis and that threatens to polarise the world's peoples even further.

To understand the voicelessness that so many citizens feel, we perhaps need to look more deeply at the discourse around social exclusion. In the coming decades humanity should judge itself not on the basis of the progress made by the most privileged sections, but on the basis of the progress made by those that have been historically marginalised. This includes not only uncontested minority communities, such as people living with HIV/AIDS, people with disabilities, racial, ethnic, religious and cultural minorities, indigenous peoples, people with alternative sexual orientations, people who are not literate and so on. It also should include constituencies not often thought of as minorities per se.

Young people are becoming increasingly alienated from public life. On my continent, given the decimation being caused by HIV/AIDS and the fundamental impact it is having on our demography, in very real ways young people are not simply the leaders of tomorrow, but are the leaders of today as well. We must also consider older people and take note of the levels of alienation they feel and the fact that we deprive ourselves of their experiential wisdom. We must acknowledge the scandalous fact that, after decades of activism for full gender equality, women still occupy on average less than 10% of leadership positions in government and business. What does it say about the quality of our democracy when women are so heavily underrepresented even in long-standing democratic countries, let alone in those that are fledgling democracies? When we add this all up, it becomes increasingly difficult to deny that

democratic voice does not prevail in public life and that we are facing a serious 'democracy deficit' on multiple levels.

We do not suggest that civil society is intrinsically good and that governments are intrinsically bad. That is far too simplistic a position to take. However, we need to recognise that effective democracy needs a vibrant civil society as well as an effective and accountable government. Both face struggles of accountability, but they bring a vital diversity to governance and provide complementarity and mutual accountability systems. We can anticipate that this arena will always be contested – but this should strengthen democratic practice, rather than weaken it.

Democratising global institutions and governance

Given the shift of power from national to global levels, it has become a critical priority for civil society to be engaging at a global level, yet it is here that the 'democracy deficit' is felt most strongly. Many of the global institutions that have become increasingly powerful in our current age were constructed at a particular moment in world history that is a far cry from the context in which we currently find ourselves. The geopolitics of 1945 continue to dominate the governance structures of key institutions, even at this point well into the post-colonial era. We need to concede that many of these public institutions appear to be operating under rules and logic that are not in keeping with the realities that citizens confront around the world today.

The World Bank probably leads its peers in terms of its openness to engagement with stakeholders, including civil society. Participatory approaches to development have been integrated into many of the Bank's operational policies and the Bank has undertaken major staffing commitments that support the demands for broader engagement with civil society in both its country offices and international headquarters.

These efforts have not gone unnoticed and I want to commend you for them. However I would be remiss if I did not underscore how much still remains to be done. You will certain-

ly be aware of the external challenges to your legitimacy, in much the same way that we in civil society are aware of challenges to our role.

Citizen groups point to a continued lack of transparency in terms of information disclosure, accountability to the global public, and governance structures that are not based on democratic principles. Issue-based campaigning groups note a gap between 'rhetoric' and 'reality' in terms of an institutional promise to end poverty and policies that continue to be driven by the largely discredited neo-liberal Washington Consensus, despite the myth of its demise. Civic groups argue that these policies have shown themselves to be bankrupt and largely ineffective and that the Bank should own up to this more honestly and engage more robustly with alternative proposals being put forth by civil society. Instead, we continue to witness the extension of market principles into more and more realms and a stubborn reluctance to rethink the TINA ('There Is No Alternative') principle. Incidentally, in my part of the world, there is a Zulu name, THEMBA, which means hope. We use this to remind ourselves that 'There Must Be An Alternative.' There is frustration on the part of many civil society groups over the Bank's reluctance to 'move with the times' and to introduce a rights-based approach to its operations. Women's rights organisations cite the Bank's limited efforts to mainstream gender equality into its policies and operations. Civil society groups that have been part of Bank-civil society dialogues note the very uneven track record in terms of Bank-civil society engagement and the crucial difference between 'forms' of participation and the quality of contact. They would encourage the implementation of a participatory 'audit' process to assess the successes and shortcomings of engagement to date and to create new spaces for 'constructive critique,' separate from advocacy work, that are neither confrontational nor co-opted.

This challenge of finding meaningful forms of engagement cannot be overemphasised. Creating channels of access should not be confused with establishing truly participatory procedures. The Poverty Reduction Strategy Papers (PRSPs) are a good case in point. The decision to link donor support to PRSPs is in part a response to the global changes discussed earlier, the evolving role of civil society, and the recognition of the need for greater local ownership with citizen involvement. PRSPs, however imperfect, are providing new opportunities for citizens to engage in policymaking. But in order to realise the promise of the PRSPs, the Bank, its member governments and the donor community will have to do much more to realign their processes and support and give citizen participation the weight it deserves – it shouldn't be optional, or ad hoc, or simply an add-on late in the process. It needs to be supported by capacity building for citizen groups to engage with governments and for governments to engage with civil society, through transparency, communications, supportive laws and regulations for freedom of association, and fundraising.

This is critically urgent since many civil society voices are beginning to lose faith in the PRSP processes. The director of one European development agency has noted that the PRSPs are supposed to be locally owned concepts and processes, but in our view this hardly ever happens effectively. Particularly, civil society is sometimes not consulted, sometimes as a last minute afterthought. In some countries, such as Bolivia, the more policy-oriented national CSOs with know how have been passed up for 'grass-roots' consultations, which has actually divided civil society and left the national NGOs being told they do not sufficiently represent 'the people'. This also meant that the more operationally focused local NGOs were an easier and less critical 'consultation partner' for the government. We believe the PRSP process in principle is excellent – but the reality is very slow, and not giving us much hope at the moment, especially if we factor issues like gender and diversity into the formula.

We cannot trivialise the complexity of meaningful participatory processes. Naturally, these processes generate thorny issues, such as the availability of financial and time resources, choices about participants, and the overall transparency of the processes themselves. However, as James Wolfensohn has remarked: 'If we fail to allow the time to genuinely open the process to different development actors and to the poor

themselves, in the design, implementation and monitoring of poverty reduction strategies we might win some immediate battles, but we'd lose the long-run war to develop the accountable institutions that are essential to poverty reduction. Drafting strategy papers in Washington that are subsequently signed off by governments in the name of the people should be a thing of the past.[4]

This high-level public commitment to participatory processes is laudable, and also needs to be mainstreamed into the many programmes the World Bank is involved in. It is encouraging to see the Bank supporting viable and innovative examples of participatory decision-making processes, such as the well-known municipal budgeting process in Porto Alegre. Yet these kinds of principles do not seem to have been internalised into decision-making processes within the Bank itself. Where are the alternatives voices, let alone the voices of the poor? In order to become an 'accountable institution that is essential to poverty reduction,' as President Wolfensohn has rightly advocated, the Bank needs to be willing to bring its own decision-making processes into line with those it is encouraging its clients to use.

Democratising individual global governance institutions such as the United Nations, World Bank, IMF and WTO is a challenge that requires serious and urgent attention. As far as the World Bank and the IMF are concerned, the UK Secretary of State for International Development has referred to certain aspects of current governance arrangements as an outrage, particularly the fact that Europe and the United States essentially control the leadership selection process. The Bank and IMF are now less dependent upon contributions from rich countries than they once were, and it is essential that their governance structures be changed radically to reflect these shifts. Admittedly, the ball here rests in the court of the rich countries that exercise a disproportionate level of influence, and there are serious questions about the political will that exists to make Bank governance more equitable. I would urge the wealthy countries who will determine whether these changes happen or not to give their serious backing to the Development Committee of the World Bank to

consider some visionary proposals at the Spring Meetings in April. It would be disastrous if we lose this opportunity to deal with, amongst other things, the severe under-representation of developing countries on the board of the Bank. The World Bank is not just any ordinary bank, but a global public institution with a global mandate to help create a world free of poverty.

Thomas Jefferson, the architect of the US Constitution, once said, 'I am certainly not an advocate for frequent changes in laws and constitutions. But laws and constitutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times.'

It is naïve to expect that institutions constructed almost sixty years ago, in a different global context, can be made more appropriate and relevant to our age with only minor changes. We can agree with Jefferson that we do not want to take the changing of institutions too lightly, but clearly the time has come for a revamping of global governance institutions within a more visionary framework that puts the interests of people at the centre of our deliberations aimed at substantive institutional change.

Eveline Herfkens, the executive coordinator of the UN's Millennium Development Goals Campaign, former Dutch development minister and Executive Director of the World Bank, correctly contends that four key deficits must be addressed if globalisation is ever to work for the world's poor: deficits of regulation of the global economy, of democracy, of coherence among the global institutions, and of financing. These are challenges that must be met, for the alternatives are truly unthinkable.

Final thoughts

Few would contest that we are in the midst of one of the most volatile and dangerous periods of world history. New threats to our security – both natural and human-made – challenge us as never before to find common ground in pursuit of social justice and sustainable development. I

4. James Wolfensohn in *Voices and Choices at a Macro Level: Participation in Country-owned Poverty Reduction Strategies*, edited by Parmesh Shah and Deborah Youssef, February 2002, World Bank. p. 1.

would argue that, if this is to be successful in the long run, we are facing a double challenge of reinventing democracy, along the lines discussed today, and reinventing a viable, equitable and just economic system that is premised less on the imperative of crude economic growth and more on a model of economic development that marries environmental sustainability, poverty eradication and broad-based development. Failure to insert notions of justice, equity and fairness into this process will be fatal indeed.

The gap in inequality is growing, and with it, the space for dialogue and common ground may be shrinking irrevocably. The recent public assertion by none other than the UK Trade Secretary that there is an incontrovertible link between peace and prosperity, between destitution, war, conflict and terrorism – is an unusually explicit one for a top figure in a wealthy government. But Patricia Hewitt's remarks echo the concerns of hundreds of thousands of us in civil society who fear the consequences if current trends are allowed to continue unchecked.

One of the challenges that we face in this process is not to allow current institutional limitations to constrain our ability to envision a different kind of global governance framework. We have to pose some bold questions about the fundamental changes that are needed to create a framework that is more fair and equitable than the one we are currently working within, and that has a realistic chance of supporting initiatives such as the Millennium Development Goals. We must question the prevailing logic of a system that energetically enables the movement of capital, but not of people, across boundaries; a financial system that essentially rewards unemployment and consolidates a notion of jobless growth; a system that rewards rampant over-consumption rather than grappling with the more complex challenge of sustainable development.

Our vision should be of a world where citizens and the groups they choose to organise are regarded as legitimate stakeholders, not only by the public, among whom they already enjoy high levels of trust, but by governance institutions who value engagement and recognise the many benefits it brings.

Our vision should be of a world where those of us who are serious about the long term future of this planet address these questions – difficult and as admittedly intractable as they are – honestly, courageously and with a commitment to ensuring that the views of not only government and business are considered, but also those of citizen groups working at the local, national and global levels.

Failure to do this will leave us charged by future generations with tinkering with incremental adjustments here and there, when what was required and needed was a fundamental rethinking of an international governance architecture that is rooted in notions of democracy, social and economic justice and sustainability.

In conclusion, let me urge you to recognise that we all face the challenge of doing our work in our different institutional environments in ways that respect and value the integrity, wisdom and contributions that the poor themselves can bring to the development process. The poor should be considered as full citizens and not simply victims, as full citizens and not simply recipients, as full citizens and not merely beneficiaries or charity cases. If there is one message you take with you today, it should be that every single human being that walks this planet has the potential to make a positive contribution to public life. The challenge for all of us as citizens is to ensure that we create just, meaningful and relevant ways in which this contribution can be harnessed for the public good. Unless we put people, and particularly those that have been historically excluded, at the centre of public life, our development goals will continue to evade us.

Open letter to the European conventioneers
Lettre ouverte aux membres de la Convention européenne

by/par Virgilio Dastoli* et al.

The European Council of Athens took its decision: VGE gets no extra-time!

We, the citizens of the Union, propose a different agenda for the European Constitution

Ladies and Gentlemen, members of the European Convention,

Coming from different areas of the European associative life and being actively involved in the debate over Europe's future, we don't want to experience again what happened on the occasion of the Intergovernmental Conferences in Amsterdam and Nice.

At the last meeting of the European Council in Athens it was decided not to grant extra-time to Mr. Valéry Giscard d'Estaing. Furthermore, fully conscious that the time allowed to the Convention for completing its work is too short and risks weakening its quality, the Heads of State and Government decided that bringing an end to the Convention's endeavours must be taken over by the Intergovernmental Conference.

In your own interest and for the sake of your historical work's success we deeply wish you to consider the following suggestions before you formulate your final joint decision concerning the Constitution's remaining agenda.

A different agenda for the Constitution of the Union

The European Convention shall receive, from the Presidium, a comprehensive and coherent preparatory draft of the Union's Constitution *(15-16-17 May 2003)*.

This preparatory draft shall be debated over during a second session of dialogue with the European civil society *(29-30 May 2003)*.

The European Convention shall adopt a draft of the Union's Constitution *(12-13 June 2003)*.

The President of the Convention shall present this draft to the European Council in Thessalonique of 20-21 June 2003 and to the

Le Conseil européen d'Athènes à décidé : pas de temps supplémentaire pour VGE !

Nous, citoyennes et citoyens de l'Union, vous proposons un autre calendrier pour la Constitution européenne

Mesdames, Messieurs les conventionnels,

Venant de divers secteurs de la vie associative européenne et participant activement au débat sur l'avenir de l'Europe, nous ne voulons pas voir se répéter les expériences des conférences intergouvernementales d'Amsterdam et de Nice.

Le Conseil européen d'Athènes vient de décider de ne pas accorder de temps supplémentaire à Valéry Giscard d'Estaing. Conscients que le délai accordé à la Convention est trop court et que le résultat ne sera pas le meilleur, les chefs d'Etat et de gouvernement ont décidé de demander à la Conférence intergouvernementale de terminer le travail inachevé de la Convention.

Dans votre intérêt de conventionnels et du succès de votre entreprise, nous vous demandons de bien vouloir réfléchir sur nos propositions avant d'assumer une décision sur l'agenda de la Convention et de la soumettre collectivement aux chefs d'Etat et des gouvernement.

Un autre calendrier pour la Constitution de l'Union

1. La Convention européenne est saisie par le Présidium d'un avant-projet global et cohérent de Constitution de l'Union *(15-16-17 mai 2003)*

2. Cet avant-projet est discuté lors d'une deuxième audition de la société civile européenne *(29-30 mai 2003)*

3. La Convention européenne adopte l'avant-projet de Constitution de l'Union *(12-13 juin 2003)*

4. Le Président Giscard soumet cet avant-projet au Conseil européen de Thessalonique des 20 et 21

*Porte-parole du Forum de la société civile, ancien secrétaire général du Mouvement européen

European Parliament during its plenary session in Strasbourg *(1-3 July 2003)*.

The European Convention shall elaborate a final draft of the Union's Constitution, which takes into account the recommendations from the European Council and the European Parliament. Delegates from national parliaments to the Convention conform their position with the one previously adopted by their own assembly *(July-October 2003)*.

The President of the Convention shall submit this final draft for adoption at an extra-ordinary meeting of the European Council comprising both the Union's Member States and the Candidate Member States. This extra-ordinary meeting shall take place in Rome before the end of *December 2003*.

The governments of both the Member States and the Candidate States shall decide to submit the final draft of the Constitution to a European referendum organised concurrently with the European elections planned on 10-13 June 2004. *(December 2003)*.

The Union's Constitution shall enter into force in those States whose citizens will have expressed a majority of votes in favour of it and with immediate effect *(July 2004)*.

The proposed agenda – that obviously entails an extension of the European Convention's mandate – cannot be equated to a failure of the Conventioneers' mandate.

It is quite the opposite because it is the only possible way for the Conventioneers to keep the control over the constitution-making process, to prevent the "cooling off" effect to materialise for the benefit of some Member States, and finally to avoid the obscure bargaining that shamelessly took place on the occasion of the Intergovernmental Conferences of Maastricht, Amsterdam and Nice.

Ladies and Gentlemen, members of the European Convention,

After more than a year of discussion and debate in plenary sessions and working groups, numerous attainments and progresses have been gained by a large consensus not only amongst you but also amongst those who closely attended the Convention's work.

The reality of the Union's constitution making is in itself quite valuable and meaningful thanks

juin 2003 et au Parlement européen réuni en session plénière à Strasbourg du 1er au *3 juillet 2003*

5. La Convention européenne élabore un projet de Constitution tenant compte des débats au sein du Conseil européen et du Parlement Européen. Les conventionnels issus des parlements nationaux déterminent leur attitude sur base des orientations établies par leurs assemblées *(juillet-octobre 2003)*

6. Le Président Giscard soumet ce projet pour adoption à un Sommet extraordinaire de l'Union européenne et des pays candidats qui aura lieu à Rome avant fin *décembre 2003*

7. A l'occasion de ce Sommet, les gouvernements des pays membres et des pays candidats décident de soumettre la Constitution de l'Union à un référendum européen qui aura lieu les 10-13 juin 2004, en même temps que les élections européennes.

8. La Constitution de l'Union entre en vigueur avec les Etats dont la majorité des citoyennes et des citoyens aura exprimé son accord. Ces dispositions sont d'application immédiate *(juillet 2004)*.

Ce calendrier - qui exige un prolongement du mandat de la Convention européenne - ne devrait pas être considéré comme un échec par les conventionnels.

Bien au contraire, il serait le seul moyen pour leur permettre de garder la maîtrise du processus constituant, d'éviter le risque d'une période de "refroidissement" (*cooling off*) demandé par certains pays membres et d'exclure les "marchandages obscurs" des Conférences intergouvernementales de Maastricht, d'Amsterdam et de Nice.

Mesdames et messieurs les conventionnels,

Après plus d'un an de discussions et de travaux conduits en séance plénière et en groupes restreints, un nombre important d'acquis et de progrès a été atteint suscitant le consensus de la grande majorité d'entre vous et de ceux qui suivent de près la Convention.

Le principe de doter l'Union d'une Constitution assume une valeur précise et concrète puisqu'il a été accompagné par la décision d'y intégrer la Charte des droits fondamentaux, de reconnaître à l'Union la personnalité juridique, d'éliminer l'absurde structure en piliers, de simplifier la procédure législative.

to the decisions to include the Charter of Fundamental Rights into the Constitution, to recognise the Union's legal personality, to eliminate the absurd pillar-structure and to simplify the legislative procedure.

Regarding the future Constitution's content, your debates clarified the demand for a clear distribution of competencies between the Union and the Member States, for a simultaneous reinforcement of the Union institutions' role in the economic and social area, the justice, security and freedom area, as well as the areas covering foreign affairs, external security and military defence.

These attainments and progresses – fully supported by the conclusions from the majority of the working groups – have been confirmed by a large amount of amendments that you proposed to the draft-articles prepared by the Presidium. This again affirmed the positive and innovative will that exists among the Conventioneers.

It would not be fair nor conformable to the spirit that animated the Convention, should the Convention's end product that will be delivered in June 2003, be in reality and in its essential part the product only of the Presidium's members and not of all the conventioneers.

Should the Convention remain submitted to the constraints of a strict calendar or the difficulty to reach consensus or even unanimity, it risks sinking into quicksand in search for the smallest common denominator.

Today this risk exists in several areas such as the Union's finance, the foreign and security policy, the socio-economic policy and the European model of society, and the organisation of a representative, participatory and parity democracy.

A two-step adoption process – a draft in June and a final draft in autumn - would certainly allow valuable improvements on these topics.

Having this risk in mind and convinced that the constitution-making is your historical work, we believe that the time has come to clarify these key questions that directly concern the Convention's work-method, and to show audacity in those areas in which the strongest ultra-conservative resistance shows up both within and outside the Convention.

When supporting the agenda that we suggest, it is important to keep the following principles in mind:

Quant au contenu de la future Constitution, vos débats ont mis en lumière l'exigence de clarifier la répartition des compétences entre l'Union et les Etats membres et de renforcer en même temps le rôle des institutions de l'Union dans les domaines de la dimension économique et sociale, de l'espace de liberté, de sécurité et de justice et de la politique étrangère et de sécurité, y compris dans sa dimension de la défense.

Ces acquis et progrès - consolidés dans les conclusions de la majorité des groupes de travail - ont été repris par une grande partie des amendements que vous avez présentés aux projets d'articles élaborés par le Présidium, en confirmant la volonté d'innovation qui s'exprime au sein de la Convention.

L'avant-projet qui sera adopté en juin devrait être conforme à l'esprit qui a conduit à la Convention et traduire les grandes orientations issues du débat parmi l'ensemble des conventionnels, plutôt que de rester enfermé dans les propositions du Présidium.

Soumise à des contraintes de calendrier et au principe du consensus voire de l'unanimité, la Convention risquerait ainsi de s'enliser dans la recherche du plus petit dénominateur commun.

Ce risque est aujourd'hui évident dans les domaines des finances de l'Union, de la politique étrangère et de sécurité, de la dimension socio-économique du modèle de société européenne et de l'ensemble de la vie démocratique : représentative, participative, paritaire et de proximité.

Par contre, une procédure en deux temps - avant-projet en juin et projet à l'automne - permettra de faire des progrès sur ces thèmes.

Ayant à l'esprit ce risque et étant convaincus de la tâche historique qui est la vôtre, nous estimons que le temps est venu de clarifier ces questions-clè liées à la méthode de la Convention et faire preuve d'audace dans des domaines où apparaît plus forte la résistance des immobilistes qui sont parmi vous et en dehors de la Convention.

En défendant le calendrier que nous vous proposons, nous estimons qu'il ne faut pas oublier les principes suivants :

A fully democratic constitution-making process

1. The Convention is the unique political arena within the Union where both the national (governments and parliaments) and European (Parliament and Commission) constitution-making bodies can express themselves.

After having been democratically debated over within, and drafted by the Convention, the Constitution cannot be renegotiated by diplomats. This would be unacceptable. The final draft produced by the Convention must be delivered to the European Council – it being the body that issued the Convention's mandate – but this Council should restrict itself to express its approval or rejection of the said final draft.

2. The Convention has no constitution-making power. Its final draft shall therefore be elaborated ad referendum.

The democratic legitimacy of the Constitution shall not derive from its being approved by Heads of States and Governments but well from the genuine source of sovereignty, i.e. the European peoples by means of a referendum.

3. A constitution is not an international treaty.

If the Heads of States and Governments' opinion is that the Convention's final draft needs major modifications, then a new mandate should be given to the Convention to consider these modifications and take the appropriate decisions.

We strongly suggest that you submit the above agenda to the Convention as official contribution.

Une Constitution issue d'une méthode démocratique

1. La Convention est le seul lieu politique au sein de l'Union où s'expriment les pouvoirs constituants aux niveaux nationaux (gouvernements et parlements) et européen (Parlement et Commission).

Après avoir négocié démocratiquement la Constitution au sein de la Convention, une deuxième négociation par une procédure diplomatique serait inacceptable. Par conséquent, le texte issu de la Convention devra être soumis au Conseil européen qui a été à l'origine du mandat de Laeken, mais les Chefs d'Etat et de gouvernement devront décider s'ils sont prêts à accepter le projet de la Convention.

2. La Convention n'est pas une assemblée constituante et sa proposition est élaborée ad referendum.

La légitimité démocratique de la Constitution ne sera pas donnée par la décision des chefs d'Etat et de gouvernement mais par la source de la souveraineté, c'est-à-dire par les peuples par voie de référendum.

3. Une Constitution n'est pas un traité international.

Si les Chefs d'Etat et de gouvernement estiment qu'il y a lieu d'apporter des modifications majeures au texte issu de la Convention, un nouveau mandat devra être donnée à celle-ci afin d'en discuter et de prendre les décisions qui s'imposent.

Nous vous proposons de soumettre ce calendrier à la Convention sous forme de contribution officielle.

Pier-Virgilio Dastoli, Raymond Van Ermen, Jacqueline de Groote, Philippe Grosjean, Jacques-René Rabier, Roger Vancampenhout, Joao Mateus Tique, Piero Ravaioli, Roger Bevan, Thérèse Chonquerez, Dominique Sadouse, Hellen Engelbrecht, Alice Bakker-Osinga, Jean-Claude Seché, Annich Bimbenet, Annette Godart, Gaël Le Floic, Max Trinquart, Philippe Cecille, Olivier Liétard, Philippe Lauwers, Roberto La Porta, Elisabeth Kolmayer, Albert D. Regnier, André Renson, Michele Ciavarini Azzi, Jean Poty, Michel Tilleut, Jean-Bernard Quicheron, Marco Fantini, Emmanuel Vallens, Gianfranco Copetti, Roberto Santaniello, Laurent Zibell, Giacomo Filibeck, Claudio d'Aloya, François Josserand, Bernard Barthalay, Daniel Aelvoet, Dietrich Hammer, Luca Copetti,

Domenico Rossetti Di Valdalbero, Nicola Fontanella, Virginie Delaury, Guido Montani, Horst Grützke, Carlos Spoor, Alessandro Di Rienzo, Willy Wijns, Giuseppe Leto, Paloma Saavedra, Peter Müller, Aleksander Glogowski, Luca Jahier, Robert Pendville, Roberto Castaldi, Bruno Mahlow, Carlo Crocella, Charlotte Roffiaen, Giovanni Moro, Zeynep Bayrak, Sergio Pistone, Paola De Angelis, Céline Moeneclaey, Francesca Lacaita, Antonio Matasso, Jan Seifert, Sandro Capitanio, Arnaldo Vicentini, Jeanne François, Arielle Rouby, Pierangelo Fiora, Maurizio Corda, Coralie Poidatz, Laragh Chandi O'Brien, Damien de Failly, Isabella Vutera, Jeanne François, Gunda Macioti, Jean-Pierre Gouzy, Chantal Kafyeke, Stefano Milia, Vittorio Calaprice, Anna Baghi, Simon-Pierre Nothomb, Flavio Terranova, Giorgio Grimaldi, Teresa Freixes, Martine Méheut, Emma Lorrai, Vincenzo Di Dino, Nicos Yannis, Daniele Nardi, Simona Giustibelli, Nicola Vallinoto, Paul Collowald, Maurice Braud, Francisca Tarazaga, Catherine Vielledent

Permanent Forum of Civil Society
Forum permanent de la société civile

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What is at stake in WSIS ?

For one thing, WSIS is predicted to be a turning point in United Nations summits and conferences. More and new NGOs are to be admitted to participate in the run-up to this event than have ever before.

Basically, WSIS is a process culminating in a meeting of Heads of State in December in Geneva to sign a declaration and an action plan, which are being developed and revised during meetings organized by a Preparatory Committee, abbreviated PrepCom. There are also regional and national preparatory processes, which feed into that process.

The participation of new NGOs in that process should mean for CONGO that the mailing list could soon expand with many new NGOs. In addition, because of the rather technical nature of the WSIS subject matter, many groups are being brought into the UN system for the first time that are concerned with traditional media, information technology, IT education and training, many acting at grassroots and sub-national levels. CONGO has an important role to integrate these new groups into processes that are often daunting and complicated. But CONGO has an established structure to organize both types of newcomers into one coherent voice, both the newly admitted lacking ECOSOC consultative status and the technically oriented ones. CONGO's integrating function was one of the reasons that President Renata Bloem was elected during PrepCom 1 of the WSIS to

become a central figure in organizing input from civil society as to what should be included in the declaration and an action plan. Another factor that would expand the constituency at WSIS would be using ICTs to include the input of more civil society groups into UN processes than can attend physically. i.e. though Web broadcasting, online reporting, online drafting of joint NGO documents, discussion boards, chats, video conferencing, etc. What is at stake?

Let us look at three of the most salient points for NGOs in the official draft declaration and an action plan[1] :
- WSIS will focus on combating the "digital divide", and will promote an international development agenda of digital inclusion.
- Human rights — the declaration begins with important references to high principles and human rights. Some NGOs are calling for communication rights.
- Values — if you imagine the world as a triangle of government regulation, markets and values, civil society is to be regarded "as a source of values" (Item 49 in the official draft Action Plan)

Civil society's draft declaration and action plan

In addition to the official draft, representatives of civil society have already begun work developing and submitting their comments. In fact, civil society has produced its own draft of addi-

tional items, which has a stronger emphasis on the roles of media and volunteers in the efforts to establish a fair Information Society· Community access to information, community networking and community media Community access to information is a vital prerequisite for representative democracy. Citizens form their opinions in the public space, and can be convinced there by reason and by those presenting the best arguments[2]. Community networking has recently become a movement in its own right (with a large conference in 2001 in South America and last summer in Montreal), which may deserve more attention by NGOs as a natural ally[3]. Likewise community media are the local representatives of those technical means that are most relevant to NGOs for publicity and organizing, as outlined below in the section headed "Why should NGOs care?"

Volunteers as natural allies of NGOs

Volunteers may be another good set of allies besides the above-mentioned community networkers, and in fact, CONGO has such an ally submitting its comments[4]

Lack of attention to NGOs' role in civil society and how to secure funding However lengthy these draft documents may be, there are still many points not yet included in them. One such item is the need to promote the development of civil society structures as a basis for democracy in regions that have recently opened up, or

1. The original drafts of the declaration and an action plan are available at http://www.itu.int/wsis/documents/listing-all.asp?lang=en&c_event=pci|1&c_
2. O'Siochru, Sean/ Bruce Girard/Amy Mahon: Global Media Governance, 2002, p. 8-9
3. See www.globalcnpartnership.org/
4. See www.icvolunteers.org

will soon open up, to the modern world. Likewise, NGOs' role in civil society is not explicitly dealt with. The need to protect the tax status of nonprofits is not mentioned, vital though it may be for many NGOs as a means of securing funding.

Why should NGOs care?

NGOs have been globalizing themselves for several years now, forming strong coalitions and totally new bodies worldwide to better represent their interests of their constituencies. This process has been facilitated by the spread of the new Information and Communication Technologies (ICTs) mainly in the form of the Internet. However, the independence of these new media, ICTs, is threatened by being controlled from above by governments intent upon fighting terrorism at the expense of civil liberties or by corporations intent upon profit maximization. Thus far no corporate oligopolies have felt threatened by WSIS, nor have any corporations at all shown much interest in the debates. Global NGOs need the Internet to maintain their links to one another, and to their counterparts on the regional level. Likewise, the independence of the traditional media, which have long constituted the public space where citizens carry on political activity, is threatened by ownership concentration with its inherent risks for the accuracy and objectivity of reporting.

Getting such items on the agenda of the WSIS is a job that CONGO can undertake to facilitate, but we need your support to be sure that the summit documents will reflect your concerns. We asked you to comment some time ago. The process will continue beyond the current deadline of the end of May. See our Website www.ngocongo.org for more details and write telling us[5] your opinions to :

Thomas Ruddy, CONGO, 27 May 2003

thomas.ruddy@ngocongo.org

Le FMI souhaite renforcer le dialogue avec la société civile

Un expert indépendant aidera à en définir les principes à l'intention des services de l'institution

Le Fonds monétaire international a entrepris un examen approfondi de ses relations avec les organisations non gouvernementales, groupes de pression, instituts de réflexion, et syndicats qui sont regroupés sous l'étiquette "société civile". Les rapports entre les représentants du FMI et les organisations de la société civile (OSC) sont de plus en plus fréquents depuis quelques années et la portée de leurs discussions s'est étendue. Cette étude a pour but d'établir un cadre qui permettra aux services du FMI de comprendre ce dialogue de plus en plus large et d'y contribuer, le rendant ainsi plus productif.

À l'heure actuelle, la portée des contacts avec les OSC varie beaucoup selon la région, le sujet et les personnes en présence. Le FMI entend définir à l'intention du personnel des principes directeurs en examinant les réussites et les échecs et en étudiant la dynamique de ses relations avec la société civile. Le Conseil d'administration a donné son aval à cette étude (http://www.imf.org/external/np/sec/pn/2003/ pn0333.htm) lorsqu'il a examiné un rapport sur la stratégie de communication externe du FMI (http://www.imf.org/external/np/exr/docs/2003/021303.htm), dont l'annexe II traite des relations du FMI avec la société civile.

L'étude sera achevée au milieu de l'année 2003 et la note d'instructions destinée au personnel sera rédigée peu après.

Pour veiller à ce que cette étude soit indépendante et reflète de façon équilibrée l'ensemble des opinions de la société civile, le FMI a fait appel à un expert externe, le Professeur Jan Aart Scholte du Centre d'étude de la mondialisation et de la régionalisation de l'Université de Warwick (Royaume-Uni), qui facilitera le débat au sein du FMI et sollicitera les avis et commentaires de diverses organisations de la société civile.

M. Scholte connaît bien le monde des OSC, ainsi que le travail des fonctionnaires du FMI

tant au siège que sur le terrain. Il a rédigé l'an dernier un rapport intitulé "Civil Society Voices and the International Monetary Fund" qui a été publié par l'Institut Nord-Sud d'Ottawa (www.nsi-ins.ca/download/Int_Mon_Fund.pdf), et qui était fondé sur 300 entretiens avec des représentants du FMI et d'OSC dans plus d'une douzaine de pays. M. Scholte concluait que le dialogue entre le FMI et la société civile est bénéfique pour les deux parties, de même que pour la société en général, notant que "l'activisme de la société civile a contribué à rendre le FMI plus transparent pour l'opinion publique". Il relevait en outre que "le FMI est désormais beaucoup moins opaque et secret qu'il ne l'était avant que divers porte-parole de la société civile ne lancent un appel concerté en faveur d'une plus grande transparence".

M. Scholte a découvert qu'il y a certes des obstacles au dialogue au sein du FMI comme des OSC. En effet, le FMI doit encore dans une certaine mesure se faire à l'idée que les contacts avec la société civile sont une part essentielle de son travail. D'autre part, certains membres des cercles de la société civile refusent toute interaction avec une organisation qu'ils considèrent comme un "suppôt de l'impérialisme".

Néanmoins, d'après M. Scholte, la volonté de développer les circuits de communication est plus forte que l'opposition. Il réfute l'idée que le dialogue entre le FMI et les OSC doit tendre au consensus. Il lui paraît plus souhaitable d'établir un cadre dans lequel puisse s'épanouir un débat plus animé et mieux informé sur la régulation de l'économie mondiale qui déboucherait sur des propositions novatrices.

Dans l'esprit de cette campagne de collecte d'information, les instructions à l'intention du personnel seront affichées sur le site Internet du FMI (http://www.imf.org) et le public sera invité à formuler commentaires et suggestions.

The Evian Challenge - a civil society call for the EU to withdraw its GATS water requests

At the eve of the G8 summit, over 120 groups from Europe and the rest of the world speak out against the EU's attempt to use the WTO services negotiations (GATS) to promote the commercial interests of Europe's private water corporations. The groups call on the EU - and in particular its G8 members: France, Germany, Italy and the UK - to withdraw its GATS water requests immediately.

The statement and the list groups supporting can be found at:
http://www.gatswatch.org/evianstatement.html
http://www.gatswatch.org/eviansigs.html

Corporate Europe Observatory (CEO)
http://www.corporateeurope.org
Paulus Potterstraat 20
1071 DA Amsterdam, Netherlands
tel/fax: +31-20-612-7023
e-mail: ceo@corporateeurope.org
http://www.corporateeurope.org
http://www.gatswatch.org

Nouvelle letre électronique

La première lettre électronique de co-errances (coopérative de diffusion/distribution textes-sons-images) est parue. La lettre est bimensuelle et comportait au sommaire un appel pour une Coordination des non-alignés, avec un premier rendez-vous pour le 22 mars 2003, consacré à la situation et le devenir de l'édition face à la concentration de l'industrie culturelle L'accélération récente des logiques de concentration (rachats, fusions, absorptions) dans le champ des industries culturelles, incarnée en France de manière emblématique par le groupe Lagardère(80% de l'édition, 80 % de l'édition scolaire et 70% de la distribution du livre en France menace) de manière concrète et immédiate les conditions d'existence, de visibilité et de libre circulation d'une multitude de démarches culturelles qui ne s'alignent pas sur les impératifs de l'économie de marché et sa cultu-

re de consommation rapide.

De même, les négociations au sein de l'OMC (Organisation mondiale du commerce) autour de l'AGCS (Accord général sur le commerce et les services) - clone de feu l'AMI (Accord multilatéral sur l'investissement) - laissent présager d'un achèvement total de la captation, par des forces exclusivement déterminées par les exigences de rentabilité et de profit, de domaines jusqu'ici relativement épargnés par la privatisation dont la santé, l'eau, l'éducation, et la culture.

La lettre relaiera l'actualité des revues, films, livres et disques diffusés par co-errances, ainsi que les prochains rendez-vous de co-errances, ainsi que de ses membres et amis. Enfin, cette lettre donnera à lire également des points de vue ou des articles.

Global accountability report

Author(s): Kovach, H.; Neligan, C.; Burral, S. Produced by: One World Trust (2003)

Report compares the accountability of Inter-governmental Organisations (IGOs), Trans-national Corporations (TNCs) and International NGOs, assessing eighteen of the world's most powerful organisations. Scores are provided in their performance in two aspects of accountability: and member control of governance structures access to information.

The report argues that these two aspects are paramount to a framework in which claims to accountability can be made by any one of these powerful organisations. Demands for accountability are often made, but are rarely accompanied by an explanation of what it means or how it can be achieved.

Conclusions from the survey include:

* only a minority of members actually exerts real control over most of the organisations examined, with the World Bank exhibiting the most institutionalised member dominance among the IGOs. Even in the case of the WTO, which works in a one-member one-vote basis, a small minority of members still exert control through informal decision-making processes

* Trans-National Corporations also suffer from a form of minority control as a result of the rise in the number of large institutional investors. Although these investors represent numerous stakeholders, they can act as a bloc vote and can often monopolise decision-making. This is at the expense of individual stakeholders, through control of a majority of votes and access to greater information prior to governing body meetings

* International NGOs provide surprisingly less online information than IGOs and TNCs. However, all of the three groups examined limit access to information about decision-making processes. Only a handful of organisations provide the agenda, draft papers or minutes of their executive or governing body meetings. Despite legitimate requirements for confidentiality, there is a large amount of information that could be made available to stakeholders and the wider public.

This pilot study focused on assessing the processes and structures for governance used by international organisations, but it did not assess the outcomes of the decision-making. The next phase for the project will aim to directly involve organisations from the communities affected by the decisions of the organisations studied. This will enable a better understanding of how well the different elements of the accountability framework operate together.

Available online at: http://www.oneworldtrust.org/Ch99/htmlGAP/report/report.htm

NGOS launch campaign against WTO investment agreement

Representatives of non-governmental organisations (NGOs) and other interested parties met in Geneva from 19 to 21 March to consider investment issues. A seminar on 20 March focussed on the nature and implications of a WTO investment agreement, involving government officials both from countries favouring and opposing an investment agreement presenting their points of view, in discussion with civil society groups. Many participants agreed that while investment needs to be regulated, the WTO may not be the appropriate forum for this. In their opinion, discussions so far at the WTO have failed to achieve a balance between investor's rights and their obligations, omitting environmental, labour and developmental and other public interest perspectives.

On 21 March, over 50 NGOs launched a campaign against negotiations aiming at a WTO investment agreement, stressing that an agreement would harm developing countries. Martin Khor of the Third World Network said proposals for an investment agreement tabled at the WTO by the EU and Japan (BRIDGES Weekly, 5 March 2003) are "not aimed at regulating investment but to regulate governments so that they can't regulate investments". One participant noted that investment is likely to become the major rallying point for NGOs at the fifth WTO Ministerial meeting in Cancun in September, and the meeting in Geneva served to solidify the civil society movement in this regard. The organisations launching the campaign against an investment agreement include Oxfam, the Center for Consumer Defense of El Salvador, Public Citizen from the US, the Third World Institute from Uruguay, REBRIP from Brasil, the Solon Foundation from Bolivia, and the Third World Network.

ICTSD reporting; "Oxfam And Other NGOs Launch Campaign Against Investment Agreement," DIARIO EL COMERCIO, 21 March 2003; "Campaign groups aim to stop WTO investment pact," REUTERS, 21 March 2003.

http://www.ictsd.org/weekly/03-03-26/story3.htm

Arab-Israeli Conflict

Islamic Social Welfare Activism In The Occupied Palestinian Territories: A Legitimate Target?

The concern that Palestinian Islamic social welfare activism and political violence by the Islamic Resistance Movement (Hamas) are connected raises genuine policy dilemmas. ICG emphasises the need for closer monitoring of Islamic charities to prevent and eliminate any misconduct, but it also finds that charges of widespread wrongdoing by the social welfare institutions cannot be sustained. The international response to this policy dilemma has been broadly inconsistent and inefficient. It is vital for the international community to adopt and enforce a more consistent policy. The Palestinian Authority must also implement its own laws mandating proper registration, auditing and enforcement.

From: CRISISWEB NEWS, Wednesday, 2 April 2003
For the full report, see
http://www.crisisweb.org
Tel: +32-2/541.16.38
http://www.crisisweb.org

GDN Award

Fourth Annual Global Development Awards Competition- Now Open!

Submissions are now being accepted for the Fourth Annual Awards Competition, which carries prizes in cash and travel of over $400,000! Submissions can be for an ongoing development project, completed research, or a new research proposal. The Governing Body of the Global Development Network (GDN) has chosen Understanding Reform as the theme for the Fifth Annual Global Development Conference to be held in New Delhi in January 2004. The five topics proposed for the research awards are consistent with this theme. Under each topic, GDN welcomes submissions from all branches of the social sciences. Multidisciplinary and interdisciplinary submissions are particularly encouraged. The three finalists in the large award categories and the five finalists in each of the five medal categories will present their papers at the Annual Conference. Funding for the Awards and Medals is generously provided by the Government of Japan, Merck Corporation, Government of Italy, World Bank, and the Government of India. The five topics, described in detail below:

1 Pro-market Reform and the Poor
2 Agriculture Reform and Rural Development in the Lowest Income Countries
3 Reforms, Interest Groups and Civil Society
4 Market Reforms and the New Role of the State
5 Reform, the External Environment, and the Role of International and Regional Institutions

http://www.gdnet.org/subpages/events_global.html

Anthologie - Communication pour le changement social (CPCS)

Cher ami,

Le processus de Communication pour le changement social (CPCS) que la Fondation Rockefeller soutient depuis 1997 atteint une nouvelle étape. Lors des dernières réunions internationales qui se sont tenues en janvier et mai 2002 au centre d'études et de c onférences de la Fondation à Bellagio, nous avons essayé de définir les compétences et le profil du nouveau communicateur attendu pour assumer les responsabilités de communication pour le changement social. Nous avons tenté ensemble de réfléchir sur le type de formation, et les niveaux requis, qui sont nécessaires pour soutenir la communication pour le changement social tant sur le plan académique que dans le contexte d'une pratique concrète. Nous avons formulé une série de recommandations pour une fo rmation de niveau maîtrise, ainsi que pour deux formations plus courtes, une pour les praticiens et une pour les décideurs. Nous pensons que cet ensemble de cours peut être adapté par les universités ainsi que par les centres de f! ormation locaux et régionaux.

Ce travail découle d'une observation clé : alors qu'il existe une demande pour un nouveau type de professionnels de la communication pour le développement et pour les organisations de coopération (organismes d'aide internationaux, ONG, gouvernements, et c.), l'offre de communicateurs pour le changement social, ceux capables d'appliquer une réflexion stratégique en communication à des problématiques de développement social, est très limitée. Il existe des centaines d'universités en Europe et Amérique du Nord, ainsi qu'en Asie, en Afrique et en Amérique du Sud, où tous les ans des milliers de professionnels obtiennent leur diplôme de journalisme (radio, TV, presse) ou de relations publiques et marketing. Cependant, il apparaît que moins d'un pour cent de ces écoles proposent des cursus sur la communication pour le changement social ou la communication pour le développement.

Nous pensons qu'il est important de proposer de nouvelles opportunités à de futurs étudiants en communication ainsi qu'à des professeurs et des institutions académiques ou des centres de formation. La conception de nou-

veaux cursus diplômants est une éta pe importante, mais elle sera insuffisante si nous ne parvenons pas à donner de la matière au corpus de connaissances nécessaires pour soutenir ce domaine à différents niveaux.

Les écrits sur la communication sont abondants, et la communication pour le développement et le changement social en constitue une part importante. Toutefois, la plupart des références bibliographiques les plus souvent citées sont écrites en anglais, et principalement imprimées et distribuées en Amérique du Nord et en Europe. Les écrits disponibles dans d'autres langues et ceux publiés dans les régions du monde en développement sont rarement retenus dans les bibliographies générales utilisées les plus fréquemment dans les études académiques en communication.

Nous espérons accélérer le changement

A ce stade, nous voulons provoquer le changement en mettant en lumière des ressources auparavant méconnues et en en découvrant de nouvelles. La Fondation Rockefeller a retenu les consultants Alfonso Gumucio et Thomas Tufte pour diriger un projet destiné à créer un corpus de connaissances de communication pour le changement social.

Dans le cadre de ce projet, ils vont s'attacher à rassembler autant de références que possible, des livres, des essais, des thèses, des écrits de conférences, etc. qui s'appuient sur des concepts de communication pour le changement social. L'objectif gé néral de cette recherche bibliographique est double :

a. Collecter et systématiser des écrits représentatifs de l'histoire et du développement de la communication pour le changement social – un domaine qui évolue depuis des dizaines d'années, souvent sous d'autres noms.

b. Contribuer au discours académique et renforcer l'image académique du domaine de la communication pour le changement social.

Résultats

Le résultat de ce travail sera présenté sous la forme de deux documents :

1 Une bibliographie commentée sur la communication pour le changement social (reconnue comme corpus de connaissances)

2 Une anthologie rassemblant des textes clés qui dans le passé ont eu une importance significative dans le domaine de la communication pour le développement et le changement social.

Notre ambition est que ces deux documents servent de base de référence pour le développement futur de ce domaine : à des fins d'enseignement, de recherche et pour replacer la pratique dans un contexte plus large.

L'objectif spécifique de cet exercice est triple :

1 Montrer l'histoire de la communication pour le changement social. Ce domaine a au fil du temps développé un ensemble de principes avec un biais anglo-saxon indiscutable. Pourtant, ce domaine est très varié et montre au fils de plusieurs décades une trajectoire dont l'emphase a souvent changé. Nous souhaitons refléter cette diversité de pensées, théories,

paradigmes qui ont nourri ce domaine au cours des ans.

2 Rendre visible la littérature de différentes régions du monde qui n'ont pas eu visibilité internationale. Dans les temps pré-internet, de nombreux documents circulaient seulement localement ou régionalement, et en raison des contraintes de langue, un grand nombre de travaux demeure inconnu de nombre d'entre nous. Nous sommes particulièrement intéressés par des références qui ne sont pas bien connues dans les environnements académiques d'Amérique du Nord et d'Europe, y compris des références de régi ons du monde en développement, et ce dans n'importe quelle langue. Nous cherchons même des références de livres ou essais qui pourraient être épuisés mais qui sont des sources de valeur et que l'on pourrait éventuellement rendre de nouveau disponibles.

3 Enfin, nous espérons inclure un nombre limité de textes clés de domaines ou de disciplines voisines (sociologie, anthropologie, éducation ou psychologie) dans le corpus de connaissances et l'anthologie. De tels travaux pourraient être ceux qui sont d es lectures importantes pour des étudiants sérieux en communication pour le changement social. L'objectif est de contribuer à établir des liens plus forts entre ce qui a traditionnellement été considéré comme de la communication et des domaines voisins.

Votre contribution

Nous avons besoin de votre aide : afin de rendre compte de votre

champ d'étude ou de votre région du monde, nous voudrions que vous identifiiez de bonnes sources. Nous voulons que le corpus de connaissances et l'anthologie reflètent la richesse du trava il conceptuel et de l'expérience dans toutes les régions du monde, dans le contexte de la diversité culturelle. La bibliographie deviendra, nous l'espérons, un document d'une aide précieuse pour quiconque travaillant dans le domaine de la communication pour le changement social, et sera régulièrement mise à jour avec de nouvelles entrées. L'anthologie sera importante en ce qu'elle nourrira le cadre conceptuel à partir duquel se construit la communication pour le changement social.

A ce stade, ce que nous attendons de vous est simple. Nous sollicitons deux contributions :

a. Envoyez-nous par courrier électronique ou télécopie aux adresses ci-dessous des références que vous considérez importantes dans ce domaine, et en particulier dans votre région ou votre pays (comprenant titre, auteur, date, maison d'édition, pays, nom bre de pages, lieu d'obtention) pour la bibliographie du corpus de connaissances. Votre contribution sera également d'une grande valeur si pouvez nous aider à identifier des bibliothèques spécialisées dans des universités, des centres de formation et de s organisations, en particulier (mais pas seulement) celles auxquelles nous pourrions accéder par internet. Merci de repenser aux textes importants qui ont contribué à la réflexion et à la pratique de la communication pour le changement social.

b. Envoyez-nous par courrier postal, courrier électronique ou télécopies les copies ou les originaux de textes clés, que vous considérez comme faisant partie des plus importants dans votre région et qui devraient être pris en considération pour l'anthol ogie sur les « textes clés dans l'histoire de la communication pour le changement social ». Merci de nous contacter d'abord par courrier électronique afin d'éviter de possibles doublons.

La date limite pour la première phase de la collecte de données est fixée au 30 avril 2003. A cette date, nous aimerions avoir reçu toute information pertinente afin de commencer la phase suivante consistant à examiner les références, systématiser l'inf ormation et décider comment l'organiser et la présenter.

Certains d'entre vous seront peut-être contactés séparément pour des informations complémentaires. Si vous avez des questions, merci de contacter Alfonso et/ou Thomas à l'adresse électronique ci-dessous.

Merci d'envoyer les informations dont vous disposez et vos suggestions à

anthology@comminit.com ou telefax 1-250-658-1728

UNV

NEW YORK/BONN, 30 April 2003 — NetAid and the United Nations Volunteers (UNV) programme today announced the names of the "Online Volunteers of the Year" for 2003. These 10 volunteers were singled out as having performed outstanding work for international development organizations around the world through NetAid Online Volunteering (OV), a free service jointly managed by NetAid and UNV. This service uses the Internet to connect skilled online volunteers with international development organizations that need their help.

Congratulating the Online Volunteers of the Year, Sharon Capeling-Alakija, Executive Coordinator of the UNV programme said: "It is of great importance to recognize the contributions of people who make their time, skills, expertise and creativity available to others via the Internet. It is equally important to highlight that online volunteering generates many new opportunities for people to volunteer."

This year's Online Volunteers of the Year originate from six different countries and have touched the lives of people in urban and rural areas of Asia, Africa, Eastern Europe and Latin America. The awarded online volunteers have engaged in diverse assignments. For example, these volunteers have:
-   Reached out to potential donors and collected more than a thousand donated publications for a library in Nigeria
-   Developed an idea for a vocational training project that has now been put into practice in Kenya
-   Designed web sites
-   Mentored an organization to create a professional project plan in Armenia

- Established an additional USA branch for an organization that gathers used computers for developing countries
- Marketed a project for a Bulgarian-based NGO that received funding as a result

Honorees were selected based on the difference they made for their host organization, the dedication they displayed, the innovative ideas and exemplary service they contributed and the positive impact that volunteering has had on their lives.

The true beneficiaries of the OV programme are the hosting organizations that engage the volunteers and receive their services. "Whether they were web designers, researchers, writers or marketers, these online volunteers have made tremendous contributions to their host organizations," explained Bea Bezmalinovic, NetAid Programme Director of OV. "We hope that the recognition of these individuals will highlight their contributions and motivate more organizations to work with online volunteers and benefit from their services."

Freedom from Hunger, a hunger-fighting organization based in Davis, California, experienced these benefits first hand after working with Online Volunteer of the Year Kantamneni Raj Gopal Prasad of Plymouth, Minnesota. "Although a volunteer, he treated Freedom from Hunger like a paying 'client,' delivering top-notch service and assuring 'client' satisfaction. He went above and beyond the call of duty by creating sustainability of the product he delivered," said April Watson of Freedom from Hunger.

The Online Volunteers of the Year are just a few of a growing body of online volunteers. Since February 2000, NetAid Online Volunteering [www.netaid.org/OV/] has attracted over 10,000 people worldwide to volunteer with nearly 300 organizations working in 60 countries. NetAid OV, powered by the staff of the UN Volunteers programme [www.unvolunteers.org], allows volunteers around the world to overcome the barriers of distance and time by using the Internet to connect and communicate with their host organizations about their assignments. It utilizes sophisticated search tools to match specialized skill sets with specific needs, and provides those organizations that have good connectivity with an electronic platform to manage their volunteers. Online volunteers do not have to leave their homes and are generally free to structure their volunteer hours around their schedules.

"I hope everyone who wants to make a difference but isn't sure where or how, will consider NetAid's services. It's the best way I know of to give something valuable to the international community and the world while getting in return far more than one gives," explains Online Volunteer of the Year Paul Fifen Chimy, a native of Cameroon who now lives in France.

The Online Volunteers of the Year 2003, their host organizations, and their respective country affiliations are:

Paul Fifen Chimy (Cameroon/France) - Education for Development (Vietnam)

Deborah D'Amico (Canada) - People with Disabilities Uganda (Uganda)

Yasemin Gunay (Turkey) - MGBALA AGWA Youth Forum (Nigeria)

Kantamneni Raj Gopal Prasad (USA) - Freedom from Hunger (USA)

Lela Rachman (USA) - Pearls of Africa (USA)

Stanley Tuvako (Kenya) - KAIPPG (Kenya)

Mark Wireman (USA) - Lawyers Without Borders (USA)

Anne-Catherine Yon (USA) - World Computer Exchange (USA)

Xiaodong (Kelly) Zeng (USA) - Business Information Center, Stradja (Bulgaria)

Miodrag Zivkovic (Serbia) - Zartonk-89 (Armenia)

Full stories of the OVYs' achievements and experiences are highlighted on the NetAid site at www.netaid.org/ov/stories/ov_of theyear.pt.

Each of the honoured Online Volunteers of the Year will be featured in the NetAid monthly newsletter Connections and will receive a certificate of recognition from NetAid and UNV.

About NetAid

NetAid [www.netaid.org] is an independent non-profit organization (501 c3) based in New York. NetAid's mission is to build a Network of people and organizations committed to ending extreme poverty around the world. This Network is engaged through NetAid's portfolio of programmes, which offer concrete and meaningful ways to make a difference in the lives of the world's poorest people. These programmes - all of which are supported by a strong Internet presence — include the NetAid World Schoolhouse, NetAid World Class, and NetAid Online Volunteering. NetAid was founded

in 1999 by Cisco Systems and the United Nations Development Programme (UNDP).

About UNV

Based in Bonn, Germany, UNV [www.unvolunteers.org] is the volunteer arm of the UN system supporting peace, relief and development initiatives in nearly 150 countries. Created by the UN General Assembly in 1970 and administered by UNDP, UNV works through UNDP country offices to mobilize volunteers — two-thirds of them from developing countries — and promote the ideals of volunteerism around the world. UNV has co-managed the NetAid OV service since its launch in February 2000.

For more information about this news release, please contact: Andrea Goetzke, UNV; tel: (49 228) 815 2224; email: andrea.goetzke@unvolunteers.org

Joy Portella, NetAid; tel: (1 212) 537 0518; email: Jportella@netaid.org

Book Reviews   *Bibliographie*

The Greening of Business in Developing Countries: Rhetoric, Reality and Prospects
By Peter Utting, UNRISD/Zed Books, London, 2002, 336 pages. ISBN: 1 84277 088 8.
USD 69.95.

Even though there is no a priori conflict between environmental protection and development, the advent of the industrial revolution in Northern countries and its extension into what has been labelled "globalisation" have brought increasing damage to both human and natural environment. The implications of such damage have in turn resulted in an unprecedented effort by some countries and, more recently, by some industrial sectors to somewhat guarantee a safe environment. At the same time, development plans have integrated some environmental concerns.

A growing, albeit limited consciousness of corporate environmental responsibility is now being extended to developing countries, but very little is known about the actual environmental performance of big businesses in such settings. This book scrutinizes the environmental record of big business in developing countries, and the policy issues that arise. It provides rich empirical research data from the manufacturing, oil extraction, logging, and bioprospecting sectors.

Fundamental and critical questions are raised in the book:
- How far is the greening of business a reality in the South?
  Are large corporations contributing significantly to sustainable development by pursuing their business interests in an environmentally responsible manner?
- What combination of measures are likely to work in expanding corporate environmental good practice?

The contributors examine corporate self-regulation, environmental reporting, voluntary codes of conduct, the complementary approaches needed, including governmental regulatory measures and incentives, and the role of citizens' movements and NGOs in holding business to account. The strengths and weaknesses of a wide range of environmental policies and contexts are assessed.

Case studies include Brazil, Costa Rica, Malaysia, Mexico, Singapore, South Africa and Pakistan.

The contributors are academics, researchers and activists based in Latin America and Western Europe. The editor, Peter Utting, is a Research Co-ordinator at the United Nations Research Institute for Social Development (UNRISD. His own contribution brings an up-to-date picture of corporate environmental responsibility and assesses corporate environmentalism in the South. It is illustrated with a number of case studies covering legal aspects, mechanisms and strategies, and ways to promote corporate environmental responsibility, including: The Greening of Business in Mexico; Environmental Management as an Indicator of Business Responsibility in Central America; Bioprospecting in Costa Rica: Facing New Dimensions of Social and Environmental Responsibility; The Environmental and Social Effects of Corporate Environmentalism in the Brazilian Pulp Industry; Corporate Environmental Responsibility in Singapore and Malaysia; Conflicts between Corporate Environmentalism, the International Economic Order and Sustainability; Environmental Regulation of Transnational Corporations; Promoting Corporate Environmental Responsibility in South Africa; New Partnerships for Sustainable Development: The Changing Nature of Business-NGO Relations; Towards Civil Regulation: NGOs and the Politics of Corporate Environmentalism; Corporate Environmentalism in the South: Assessing the Limits.

Paul Ghils

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- Civil society and languages
  La société civile et les langues

- Social capital
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- The impact of NGOs on the Bretton Woods Institutions
  Le gouvernance mondiale au travers des réunions des institutions de Bretton Woods

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