



Transnational Associations

The review of the Union of International Associations

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Transnational religions
and fading States

Les relations entre
les Nations unies
et les organisations
non gouvernementales

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Associations transnationales

La revue de l'Union des associations internationales

Transnational Associations

Associations transnationales

Transnational Associations is a unique bilingual journal whose aim is to deal with major current problems within the perspective of international nongovernmental organizations. It is intended to provide a forum for authoritative information and independent reflection on the increasing role played by these organizations in the international system, and on its philosophical, political, economic or cultural implications.

The approach is intrinsically interdisciplinary, and calls for both specialist expertise and practitioner experience in transnational association matters. *Transnational Associations* provides background information about the actions and achievements of international associations, and insight into their interrelations with intergovernmental organizations. It covers a wide range of topics, among which social organization, humanitarian law, scientific cooperation, language and culture, economic development, to cite just a few.

The programme of the review, in accordance with the principles of the UIA, clarifies general awareness concerning the association phenomenon within the framework of international relations and, in particular, informs associations about aspects of the problems which they tend to share or which are of common interest to them. Contributors to the journal review include association officers, research workers and specialists of association questions who engage only themselves.

Founded in Brussels in 1907 as the Central Office of International Associations, the UIA became a federation under the present name in 1910 at the 1st World Congress of International Associations. Activities were closely associated with the Institut international de bibliographie, which later became the International Federation for Documentation. Its work contributed to the creation of the League of Nations and the International Institute of Intellectual Cooperation (the predecessor of UNESCO). During the 1920s, the UIA created an International University, the first of its kind.

The UIA has consultative relations with UNESCO, UN/ECOSOC, and ILO. It collaborates with FAO, the Council of Europe, UNITAR, and the Commonwealth Science Council.

Associations transnationales est la seule revue traitant des grands problèmes contemporains dans la perspective des organisations internationales non gouvernementales. Elle se propose d'apporter des éléments d'information provenant des sources les plus autorisées, propres à susciter une réflexion indépendante sur l'affirmation du rôle joué par ces acteurs dans le système international et sur les aspects philosophiques, politiques, sociaux et culturels de cette évolution.

La visée adoptée est essentiellement interdisciplinaire et fait apêti au savoir comme à la pratique des spécialités du champ d'action des associations transnationales. Les documents, articles et études publiés par Associations transnationales traitent également des liens établis entre celles-ci et les organisations intergouvernementales. Les domaines couverts s'étendent aux problèmes de société, au droit humanitaire, à la coopération scientifique, aux questions linguistiques et culturelles, au développement économique ou à la phénomène affectant la vie de ces associations.

Le programme de la revue, conformément aux buts de l'UIA, vise à éclairer l'opinion sur la signification de la dimension associative des relations internationales, notamment en informant les associations au sujet des questions qui relèvent de leurs domaines ou affectent leurs intérêts communs. Les textes des auteurs publiés par la revue (dirigeants d'associations, chercheurs et spécialistes des questions associatives) n'éngagent que leur opinion.

L'UIA a été créée officiellement en 1910 à Bruxelles au cours du premier congrès mondial des associations internationales. Ses fondateurs, le Sénateur Henri La Fontaine, prix Nobel de la Paix 1913 et Paul Otlet, Secrétaire général de l'Institut international de bibliographie, avaient mis sur pied en 1907 «Office central des institutions internationales» auquel l'UIA succéda sous la forme de fédération. En 1914, elle regroupait 230 organisations, soit un peu plus de la moitié de celles qui existaient à l'époque. L'UIA devait incarner, dans l'esprit de ses fondateurs, les aspirations internationnalistes et les idéaux de paix qui animaient les associations et qui allaient aboutir en 1920 à la citation de la Société des Nations,

L'UIA a obtenu le statut consultatif auprès de l'ECOSOC, de l'UNESCO et de l'OIT. Elle collabore avec l'UNITAR, la FAO et le Conseil de l'Europe. Elle entretient des relations générales et ponctuelle avec les organisations régionales.

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Transnational Associations
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Transnational Religions and Fading States

by Susanne Hoeber Rudolph *

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This study of the place of transnational religion in world politics arose out of efforts by the Committee on International Peace and Security to rethink cold war conceptions of security. Those conceptions emphasized states—by treating them as natural and exclusive actors in international relations; the Western world—by treating it as the center and peripheralizing the rest; and the balance of power and deterrence—by treating military force as the primary means of self-help in the allegedly anarchical space beyond state frontiers. With the end of cold war bi-polarity and the great fear of nuclear Armageddon, such conceptions have become dated, more akin to anachronisms than to universals independent of time, place, and circumstance. In a world of rapid communication, global and local processes can move money and products, images and people, guns and drugs, diseases and pollution, across increasingly porous and irrelevant state frontiers. Because sovereignty within and without state borders isn't what it used to be, fresh thinking about what security can mean and how it can be approximated seems in order.

It is in this context that contributors to this project explore a variety of religious formations and show why and how they have become an important component of an emergent and relatively recently theorized transnational civil society.¹

Transnational religion in liminal space: its demography

Religious communities are among the oldest of the transnational: Sufi orders, Catholic missionaries, Buddhist monks carried word and praxis across vast spaces before those places became nation states or even states. Such religious peripatetics were versions of civil society. In today's post-modern era, religious communities have become vigorous creators of an emergent transnational civil society.

The modernist project, advanced in much social science, assured us that religion would fade, then disappear, with the triumph of science and rationalism. Contrary to expectations, its expansion has been both an answer to

modernity and driven by it. In response to the deracination and threats of cultural extinction associated with modernisation processes, religious experience claims to restore meaning to life.

The language of international relations and security studies on the one hand, and of foreign policy and domestic politics on the other, distinguished political life within states from the alleged imperatives of an imagined international system. This distinction and separation deployed a rich vocabulary for "inside" and "outside," to follow Rob Walker's language.² Until recently, there were no words and metaphors for designating and populating the liminal space that cuts across inside/outside, a space that is neither within the state nor an aspect of the international state system but animates both.

This liminal and crosscutting arena is becoming more densely occupied by communities—environmentalists, development professionals, human rights activists, information specialists—whose commonality depends less on co-residence in "sovereign" territorial space and more on common world views, purposes, interests, and praxis. Peter Haas has theorised them as epistemic communities—that is, communities sharing a common discourse. Such communities, including religious communities and movements, have implications for the international system. Their existence has transformed how we understand and explain what was "international relations," i.e., relations among sovereign states in anarchic space. It is possible to theorize these new transnational communities as constituting a "world politics" that encompasses both transnational civil society and sovereignty-sharing states. The object of this project is to create a space for religious groups and movements in the consideration of such transnational solidarities.

The communities that populate transnational civil society do not affect the state "system" in the way some wish world governance might. They do not provide a statelike entity to impose order and perhaps justice "outside," in anarchical space—by monopolizing force and supplying universal arbitration and rule enforcement. They do not even supply what

1. *Transnational Religion and Fading States* (Boulder, Colorado: Westview Press, forthcoming). Contributors include Dot Baker, Jose Casanova, Ralph Delta Cava, Dale Eickelman, Cary Fraser, Danièle Hervieu-Leger, Ousmane Kane, Daniel H. Levine, James Piscatori (co-editor), Susanne Hoeber Rudolph (co-editor) and David Stoll, 2. R.B.J. Walker, *Inside/Outside: International Relations Political Theory* (Cambridge: Cambridge University Press, 1993).

3. See Peter Haas, "Introduction: Epistemic Communities and International Policy Coordination," in a special issue of *International Organization* 46, no.1 (Winter 1992). The general omission of religious movements from the category of such epistemic communities is presumably a replication of the pervasive enlightenment verity that draws boundaries between "rationalist" and "affectionate," critiqued in my contribution to the project.

transnational regimes are meant to provide predictable systems of rules that facilitate cooperation.⁴ Instead, they create a pluralistic transnational polity. They shape perceptions and expectations that contribute to world public opinion and politics.

While the fluidity of religion across political boundaries is very old, recent migrations, communication links, and elite transformations joining East with West and North with South have generated unaccustomed flows: Hindus in Leicester, Muslims in Marseilles and Frankfurt, Pentecostals in Moscow and Singapore. Over the last 20 years or so Oklahoma city has acquired five mosques, four Hindu temples, one Sikh gurudwara, and three Buddhist temples; and Denver has a similar configuration. There may be as many as 70 mosques in the Chicago metropolitan area and 50 temples in the Midwest Buddhist Association. Muslims outnumber Episcopalians in the United States by two to one, and are likely to outnumber Jews in the near future.⁵

These are the demographics of a new religious transnationalism. In an earlier transnationalism of Islam and Christianity, religion accompanied trade, conquest, and colonial domination. Versions of Christianity continue to flow outward from the West, but reverse flows are now conspicuous. Accustomed as we were to controlling missionaries' terms of trade, we may be astonished to find their products flooding our market.

Much of this new transnationalism is carried by religion from below, by a popular religious upsurge of ordinary and quite often poor, oppressed, and culturally deprived people, as well as by religion introduced and directed from above.

Rethinking security

What are the implications of transnational religions for conflict and cooperation, for security, for the future of the nation state, and for the emergence of transnational civil society? When the Committee on International Peace and Security began in the 1980s to query the conventional significance of "security," the re-

vance of transnational religions to security was less than obvious. In the nineties, as domestic tranquility and international peace were increasingly disrupted in the name of religion, such a focus came to seem more plausible.

But what is security? Whose security from whom/what? In American social science discourses the significance of the word, when uttered in the 1960s through the 1980s, was relatively transparent. It had to do with the Western alliance and with the state. For the Western alliance it denoted the security of the United States and its allies in a bi-polar world in the context of nuclear threat. Second, the dominant definitions of security were state-centric. States were the units of action, the definers and guarantors of security. They were the agents that would constitute the international system, entering into alliances or conflict with other state units in pursuit of the security they defined. They were also the objects of threats.

These meanings are now increasingly challenged in social science discourses.⁶ Our reading of security turns the lens away from the state as prime actor, focusing instead on civil society as creator and guarantor of security, as well as threat to it. The historical experience of the 1990s provides an empirical backdrop for that different reading. In this decade, the balance of violence has shifted significantly from war outside, in anarchic space between sovereign states, to war inside, between the embodiments of difference in civil society. Where war had been embedded in the imbalance of power among states, it became related to imbalance of status in civil society among ethnic and religious formations. Even as political developments in advanced industrial democracies make it virtually impossible to engage in interstate wars that create domestic casualties, the fatality counts in civil conflicts rise to figures approximating or overwhelming figures for inter-state wars.⁷

Focusing on security as a matter arising in civil society invites a redefinition of the problems that qualify as security issues. Security problems center on physical and cultural survival. The fear of death, Hobbes' ultimate *causans*, and calculations about the probabilities of survival, are implied by the threats of environ-

4. Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables" in Stephen D. Krasner, editor, *International Regimes* (Ithaca: Cornell University Press, 1983); and Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton University Press, 1984).

5. Diane L. Eek, "In the Name of Religions," *Wilson Quarterly* 17, no. 4 (Autumn 1993): 99. These figures and estimates were gathered by the Pluralism Project at Harvard's Committee on the Study of Religion. See also *New York Times* (August 28, 1995). Philip Lewis provides an account for Britain in *Islamic Britain: Religion Politics and Identity among British Muslims* (London: I.E. Tauris, 1994).

6. See, for example, David A. Baldwin's review essay and the volumes he reviews, "Security Studies and the End of the Cold War" *World Politics* 48 (October 1995).

7. See SIPRI figures for casualties in domestic wars in 29 countries. The figures are topped by wars in Sudan (37,000 to 40,000), Angola (122,000), Tajikistan (20,000 to 50,000), Guatemala (46,000). The computation does not cite years, but acknowledges that these figures are, in some cases, cumulative over decades. *Time International* (October 9, 1995): 20.

mental degradation, famine, poverty, population density, disease, and chaos-generating migratory flows.⁸ These threats to the physical survival of individuals and particular communities and countries, as well as of the whole human species, loom as large in the 1990s as a nuclear exchange or Armageddon did in the cold war era.

But the fear of cultural extinction rivals the fear of physical extinction. One doesn't have to carry a New Hampshire license plate ("Live Free or Die") to recognize that physical survival is nor. enough in a world threatened by the death of meaning. Many of today's conflicts arise from groups' fears that they are culturally endangered species, that enemies seek their cultural, if not physical, annihilation. Such fears drive militant Sikhs, Sinhala Buddhists, Kurds, Hutus, Andean Indians, and Bosnian Serbs and provide motive and fuel to domestic conflicts in Punjab, Sri Lanka, Guatemala, Turkey, Bosnia and Rwanda. Identities, including religious identities and the esteem conferred by them are at stake. Cultural, like physical, survival is a critical security problem for the 1990s and beyond.

Religion: vehicle of conflict or cooperation?

Contributors to this project problematize religion in a variety of ways, not least with respect to conflict and cooperation. Under what circumstances does religion divide persons and groups? Under what conditions does it bring them together? The conflict-generating potential of religious mobilizations has received much more attention than their potential for cooperation. Modernist theories cannot imagine religion as a positive force, as practice and world view that contributes to order, provides meaning and promotes Justice.

Are there arguments for religion's positive role? It can be argued that how people understand their condition affects their sense of security as much as or more than do their objective conditions. If religion can be an opiate that reconciles humans to injustice, it can also provide the vision and energy that makes for collective action and social transformation. Daniel

Levine and David Stoll tell of the earnest Liberationists and Pentecostal congregations of the Latin American poor empowered by religious self-teaching.⁹ It gives them "new orientations, social skills, and collective self-confidence," though less of all of these than the most optimistic Liberationism anticipated. Stoll stresses the role of the new Protestantism among uprooted Latin American populations and recent migrants to cities. They construct new institutions and practices to negotiate the shock of transfer, while those living under the surviving hacienda regime, for whom the old time Catholicism suffices, remain passive.¹⁰ Kane tells of mobile West African Sufis who spawn *zawiyyas*, a familiar spiritual and social milieu, in new locations for the migrating faithful, that provide them with the security of identity, food, and education.¹¹

Such accounts make visible how religious associations give structure and meaning to human relations, how they create communities and enable action. That the ritual and belief systems of religious communities have a "security" component, that they make possible both physical and cultural survival, is sometimes not visible until they are destroyed. Kane's account of the peaceable transnational trading and kinship networks of West African Sufis provides a benign contrast to the chaotic horrors of Rwanda and Somalia, where both states and civil society contributed to the problem rather than the solution. As Habermas remarks, "Sometimes it takes an earthquake to make us aware that we had regarded the ground on which we stand every day as unshakable." States cannot, without the means of society, construct the ties that bind humans together in obligation.

If practice and belief of religious formations can, at various levels, orient and facilitate collective action and provide security, they can also generate conflict. Religions often provide not only the language and symbols but also the motives for cultural conflict between and within states: Shi'i Iran, Orthodox Serbia, Jewish Israel and Muslim PLO, Buddhist Sri Lanka, Protestants and Catholics in Ireland. Rather than reflecting disequilibria in the balance of power, state conflict has taken on the aura of the jihad and crusade. Holy war has joined self-help

8. The formulación of the security problems in terms

survival or extinction is borrowed from Lloyd I. Rudolph.

9. Daniel H. Levine and David Stoll, "Bridging the Gap Between Empowerment and Power in Latin America," in *Transnational Religion and Fading States*.

10. David Stoll, *Is Latin America Turning Protestant?* (Berkeley: University of California Press, 1992), 13.

11. Ousmane Kane, "Muslim Missionaries and African States," in *Transnational Religion and Fading States*.

12. Jürgen Habermas, *The Theory of Communicative Action Vol. 2, Lifeworld and system: A Critique of Fundamental Reason* (Boston: Beacon Press, 1984-85), 400.

13. See especially Stephen Toulmin, "The UN and Japan, in an Age of Globalization; The Role of

Global Affairs," unpublished ms., October 1994.

14. Hedley Bull, *The Anarchical Society* (New York: Columbia University Press, 1977).

15. Thus Kenneth Waltz,

and ideology as a *casus belli* "outside" and the a confessionally defined "other" has become the enemy within.

Any consideration of the relationship between security and religion has to recognize the two faces of religious communitarianism. It can be a force for a predictable and norm-governed environment even as it may organize communities for collective action in conflict.

World politics in transnational space

The challenge by NGOs to states in world political arenas is a special phenomenon of the 1990s.¹³ World summits on human rights, the environment, population, and women brought states together in a two-track discourse with relevant and often obstreperous NGO forums, and created a new arena for world politics: transnational civil society. The society they began to create had precedents. In place of the anarchy posited by realist theory, Hedley Bull initiated a discussion of state cooperation with his "Grotian" concept of "international society."¹⁴ Keohane, Krasner, and others elaborated the idea of state cooperation via treaties, international organisations, and regimes. But these precedents differed significantly from the new transnationalism.

The older theoretical discourse of international relations had been carried on mainly via dichotomous oppositions, self-help/anarchy vs. world governmental/order.¹⁵ And it was carried on by dichotomous voices, neo-realists vs. liberals who, despite their differences, were united by a belief that states are the only meaningful units of action in the global environment.¹⁶ Since the 1990s, there are the makings of more complex, less divided theorizations which focus on non-state actors and liminal phenomena, entities operating on the border of inside and outside. Lipschutz for example speaks of "self-conscious constructions of networks of knowledge and action, by decentred, local actors that cross the reified boundaries of space as though they were not there," and of heteronomous networks, "differentiated from each other in terms of specialisations: there is not a single network, but many, each fulfilling a different function."¹⁷

Once a non-state arena, a sort of "empty quarter" is imagined, where states are significant but not the only players, it becomes possible to specify a space for transnational civil society in global politics. Civil society was a category elaborated in Western liberal thought by social contract theorists. Locke but not Hobbes spoke of two realms beyond the "state of nature" a societal bond that supported civil society and a state that, at minimum, provided a common judge and coercive power. Over the years the role of civil society has been to legitimise a space for nonstate associations, discourses, and practices that can limit or direct state actions. In its Lockean version, civil society has also stood for the idea that society has conventions and regularities that govern human conduct even in the absence of states; that force and coercion are not the only guarantors of order. Finally, civil society is characterised by the way it contrasts with the state. It is the realm of contest, of dispute, persuasion, mobilisation, that is, the realm of politics, while the state is guarantor of order, umpire, executor of force, the realm of governance.

The idea of transnational civil society, like the domestic variant, invokes resistant and polemical connotations, a space for self-conscious, organized actors to assert themselves for and against state policies, actions, and processes. It is this resistant and oppositional meaning that differentiates transnational civil society from the state cooperation that Hedley Bull designated as "international society." International society, like liberal regimes, was seen as taming and transcending the anarchy posited by neo-realists and creating the conditions for cooperation and conflict in world politics. It was a stately entity, providing authoritative guarantees. Transnational civil society, by contrast, is a political realm, representing and mobilizing interests and opinions. The religious formations and movements that inhabit transnational civil society engage in the persuasion and collective action of world politics.

We cannot assume that transnational non-state space, transnational civil society, will be "civil." Entities bound by differing norms and interests will not always have strategic reasons to cooperate. Religious formations and

Theory of International Politics (Reading, Massachusetts: Addison-Wesley, 1979), 111; and Robert Keohane, "Neo-Liberal Institutionalism: A Perspective On World Politics," *Institutions and State Power* (Boulder, Colorado: Westview Press, 1989).

16. For all interesting accounts of the new theoretical players on the epistemological scene of international affairs, see Alex Wendt, "Constructing International Politics: A Response to Mearsheimer," forthcoming in *International Security*.

17. Ronnie D. Lipschutz, "Reconstructing World Politics: The Emergence of Global Civil Society," *Milennium. Journal of International Studies* 21 (3): 390-91

movements may share analytic membership in a "religion" sector but will have good reasons to differ. Transnational pluralism is likely to result in both benign and non-benign outcomes.

Thinning out monopoly sovereignty

Communities constituting transnational civil society may have authority and even power; they do not claim sovereignty. They have authority in that a formally organized religious transnational entity such as the Roman Catholic Church is in a position to license and de-license the activities of its organizational units in particular national sites, i.e., National Councils of Bishops. An informally structured movement such that of the West African Sufis is able to shape the transnational pilgrimages of its adherents across sacred territory; to satisfy, by negotiations with nation states, their expectations and claims for free passage; and regulate via norms and conventional practice the associated kinship transactions, market behaviors, and political demands.⁸

State claims to monopoly sovereignty are rendered problematic by religious networks and communities in domestic and transnational civil society. Thousands of interveners in transnational space have the authority and power to provide an alternative to state activity, not replace it. The process being described here is not the collapse or demise of states but rather the thinning of their affect, function, and finality.

Transnational activity is guided by imaginary maps whose boundaries do not approximate the spaces depicted on political maps: the large transnational realm of Catholic Christianity; the (smaller) transnational realm of the Ti-

janiyya Sufis. Catholics and Sufis create arenas governed by considerations other than sovereignty. Such arenas do not replace or supersede political maps showing territorially defined states. We can imagine them as transparent plastic overlays, alternative meaning systems superimposed upon the meaning system of political maps. They do not replace state-defined space; they provide alternatives to it and competition to it.

I use the metaphor of plastic overlays as a counter to the zero-sum metaphors that often characterize the challenge that transnational forces offer the state. What this metaphor suggests is less a waning of states than a more complex set of interrelations in which rival identities and structures jostle the state. New alliances and goals become possible as domestic civil society joins up with transnational civil society to challenge states, and as states in concert employ elements in transnational civil society to limit particular states' sovereignty.

States will continue to be agents in such transnational policy realms as humanitarian welfare and emergency aid, arms control, human rights, and environmental degradation among many others. But they will increasingly move in a universe populated by political communities that cut across traditional geopolitical levels. States will be challenged by colluding transnational and domestic actors. They will strive in turn to subordinate such collaborations to their own purposes. A research agenda designed to elaborate the causal significance and meaning systems of transnational politics can explore these complex interactions. It should do so with the object of inventing conceptual vocabularies that transcend the constraints imposed by the idea of a political universe whose only significant actors are states endowed with monopoly sovereignty.

⁸. See Ousmane Kane, Muslim Missionaries and African States," in *Transnational Religion and Fading States*.

Sects, New Religious Movements or Religions? A Human Rights Perspective

by Wily Fautre*

Religious pluralism and growing religious diversity are probably among the most important phenomena challenging law-based States and civil societies in the world in the 20th century. These factors have led to an increased separation of religious structures from state control.

Although religious liberty is one of the best indications of the general state of human freedom in any given society, very few secular human rights organisations have been involved either in the process of eliminating those forms of discrimination and intolerance based on religion or belief, or in the development of policies which would safeguard and promote religious freedom. Such an attitude of passivity - even reluctance - can be explained by at least two sets of reasons.

Firstly, some human rights advocates are unwilling to promote conditions which might contribute to the development and geographical growth of religious beliefs which they do not share or which they may even actively oppose on personal grounds. This is one of the fundamental reasons why not only the major world religions but also religious minority groups have occupied this vacuum, even though, in most cases, they have limited their activities to the defence of the rights of their own believers. In some circumstances, we have witnessed the emergence of solidarity movements in major Christian churches, brought together by their shared opposition to a common enemy, for example atheism in communist countries.

Secondly, the complexities of terminology have also discouraged some secular human rights advocates from tackling the issue of religious freedom. Confronted by nebulous and only subtly distinct terms such as religion, new religious group, sect, esoteric movement etc... they find themselves lacking the necessary intellectual tools to clarify even the most basic concepts in this linguistic minefield.

In a recent report about religious persecution in China, Human Rights Watch/Asia used a very heterogeneous terminology such as «allegedly aberrant and superstitious sects», «religious sects» or «religious groups» and listed a number of sects among which the «Ling Ling religion» and not «Ling ling sect».

Apart from Human Rights Watch, Amnesty International and the UN Special Rapporteur on religious discrimination and intolerance, Mr Abdelfattah AMOR, very few secular or religious organisations have denounced infringements of religious freedom, regardless of the faith concerned.

Since last year, the European Union's Phare Democracy Programme has been co-financing a project aimed at protecting the rights of individuals belonging to a religious minority in a member of Central European countries. «Human Rights Without Frontiers» and the «Bulgarian Helsinki Committee» are the initiators of this project which seeks to be both proactive and reactive.

Within this framework, both organisations have had cause to reflect on the issue of terminology as perceived from a human rights perspective and «Human Rights Without Frontiers» took the opportunity of this seminar to expose its thoughts on this subject.

The elusive definition of a religion

The concept of religion in the Western world of Judeo-Christian tradition was never fixed once for all at some definite time in the past, but remained, and still is, in constant evolution. Two examples suffice to show how relative this concept was. In the British courts of the eighteenth century, the term «religion» did not include Judaism but only meant Christianity. In the nineteenth century, peoples other than Christians, Jews or Muslims were supposed «to have no religion». First, the quality label was restricted to Christians and then, in a move of Openness, extended to the major world religions.

Beyond these anecdotal examples, it must be stressed that the world of religions is so heterogeneous, changing and evolutionary that modern scholars and international institutions such as the UN and the European Parliament have been unsuccessful in working out a definition which encompasses, within one framework of reference, the diverse range of actual religious movements and which can remain uncontaminated by cultural connotations.

* President, Human Rights without Frontiers. This article is part of *Religious Minorities in Albania, Bulgaria and Romania*, a publication by Human Rights Without Frontiers and the Bulgarian Helsinki Committee in the framework of a Phare project co-financed by the European Union.

Transnational Associations, 6/1996, 319-324.

A few reflections to illustrate some of the complexities and difficulties. Not all religions believe in a supreme being, in the existence of an immortal soul, in life after death or in hell. Buddhism stands out as a major example of a religion which challenges the tacit assumption that a religion is necessarily monotheistic. A no less radical challenge to narrow western conceptions of what constitutes religion is provided by Jainism, a recognized religion in India and one of the great world religions which does not deny the existence of deities but reduces them to human beings. Hinduism is a religion of great internal diversity. Six ancient and divergent philosophical schools are acknowledged as orthodox and one of these, Sankhya, is neither theistic nor pantheistic. Taoism, an organized religion officially recognized in China for centuries, lacks a supreme Creator, a Saviour-God, an articulated theology and cosmology.

Polytheistic religions also lack organized and coherent structures.

From all these considerations about diversity among and inside religions, it can be deduced from a human rights perspective that, even if a definition of the concept «religion» remains elusive, there is a nebula of interwoven religions and belief-systems which can claim the benefits of the provisions of international instruments safeguarding the freedom of conscience, religion and belief.

The term "sect" used by major religions

Outside their realm, the major world religions usually identify all other religious groups as «sects» or «cults» with all the bad connotations that this terminology implies. They use this term to qualify splinter groups inside their own ranks or new religious movements challenging their theology or their supremacy in certain parts of the world...

A few concrete events will illustrate some of these basic trends taking place in those areas of the world considered predominantly Christian or Muslim.

In Latin America, where the prevailing Roman Catholic Church is suffering a serious

and steady decline in membership, the Catholic hierarchy believes that the explosion of «evangelical and charismatic sects» represents a threat to the Church at least as dangerous as secular materialism. Hence Pope John Paul II's call for a new evangelisation of the continent. Statistics indicate that evangelical Christian churches were non-existent in Latin America a century ago but that during the 1980s the total Protestant population increased from 18.6 million to 59.4 million. That represents an immense 220% growth rate, nine times the rate of increase in the general population. Due to the rapid proliferation of evangelicals, the October 1992 Santo Domingo Catholic Conference circulated a document charging evangelical Protestants with «fanatical and growing proselytism».

Protestantism, which originated in a schism from the Catholic Church, has long been persecuted as a «sect», with many of its adherents executed, burnt at stakes, banned... Without committing any of these excesses, former «Protestant sects» now label as sects a number of oriental and new religions, as well as the «Christian Congregations of Jehovah's Witnesses». To these they deny the right to use the word «Christian» in their denomination.

In Greece, the Permanent Bishops' Synod launched an appeal to the «believing people of Orthodoxy» early in November 1995 to warn them against «different sects and pseudoreligious organisations that have recently met in Athens» because «these groups endanger the free personality of our people». They were referring to the European Evangelical Alliance, the umbrella organisation for around 5 million evangelicals in Europe, which was holding its annual Council Meeting in the Greek capital.

Between 9 and 12 October, a high-level meeting between both traditional religions in Uzbekistan, Kazakhstan, Kirgizstan, Tadjikistan and Turkmenistan was held in Tachkent, the capital of Uzbekistan, at the initiative of Russian Orthodox archbishop Vladimir for Tachkent and Central Asia. At this summit, the Russian Orthodox Church and Islamic religious leaders agreed to join their forces to curb the influence of so-called foreign «sects» such as the Baptists, the Methodists, the Seventh Day.

Adventists, the Jehovah's Witnesses, the Mormons, Hare Krishna groups and evangelical movements which are accused of seeking to recruit new followers to join their ranks. If we take this logic just one step further, former American president Jimmy Carter, a Baptist, is a member of a sect, and we could certainly find other high-ranking figures in the Methodist and Adventist churches who, according to this logic, could be similarly labelled as members of a sect.

Furthermore, it must not be forgotten that the early Christians were once considered a small Jewish sect and were persecuted both by the mainstream Jews and by the Romans. They were themselves subject to accusations that are still familiar such as breaking up families, mercenary motives, sexual orgies, infiltrating social elites, frenzied proselytizing or exotic beliefs and practices. The successfulness of this "sect" has, of course, subsequently gained it the status of a major religion and Christianity is now respected by most governments worldwide.

Islam also has its own "sects" which the Western world either completely ignores or sometimes treats with respect. The Bahai's, for example, enjoy a certain consideration in Israel, in Europe and in America, but are fiercely and savagely persecuted in a number of Muslim countries. In Iran, they are banned, imprisoned, tortured and executed. In Pakistan, the Ahmadias which claim Muslim identity are exposed to all kinds of persecution: discrimination, physical attacks, murders, death sentences in accordance with the blasphemy law...

Hinduism, Judaism and other historical religions have their own sects with which they often have tense relationships.

Strangely enough, natural or traditional religions practised in Africa in their historical environment are not labelled as sects in academic studies, but are nevertheless classified as "sects" once they are practised in another cultural environment such as in Europe.

A last concrete example will show that it is probably impossible to define «a sect». There is a religious movement the statutes of which claim that its members wake up every three hours, that they don't have breakfast or eat any meat, that they break off their relationships with their families, that they don't watch TV

and listen to the radio, that they don't read newspapers, that they accept the censorship of the world news carried out by their leader. Obviously, all the ingredients of a sect are gathered here. However, this religious movement is a Catholic order called «Carthusians». In the same logic as labelling Jimmy Carter as a member of a sect, it could be said from the Pope that he is the leader of a number of sects like some religious orders and Opus Dei.

These few examples, among many others, show the relativity of the concept "sect". From a human rights perspective, this term is not neutral and its use should remain confined to the religious sphere.

Religious establishment and civil society versus new religious movements

The examples cited above show that the concept of "sect" is mainly used when, for a number of reasons, such as exotic practices or challenging values, there is some tension between a newly settled religious movement and the religious establishment or the civil society. This phenomenon is not new but is recurrent in the whole history of mankind.

In 17th-century England, the Quakers experienced savage persecution at the hands of the authorities and many of them were imprisoned solely because of their avowal of their religious beliefs. Methodists, as a new religion in 18th-century England, were mobbed and beaten and some of their chapels were demolished, sometimes with the connivance or even at the instigation of local magistrates. In the 19th century, in England, the Salvation Army was accused of incitement to «flirty-fishing». It was also the subject of riots in which some of their members were killed in England, while in Switzerland they were publicly accused of deception and financial exploitation. Nowadays, they are proposed to the Nobel Peace Prize. The Mormons, sometimes imprisoned when seeking to recruit new members in Scandinavia suffered similar accusations. All these faiths are now tolerated and respected in the very same countries where they were born amidst a general climate of intolerance.

The question which now concerns us is, "Are there any grounds for State institutions, secular organisations, human rights NGOs... to make a distinction between sects and religions as the religious establishment does?". In a number of European countries parliamentary committees are being set up to protect individuals and civil societies against sects and some MPs would like to introduce exceptional legislation against sects. But what legislation?

Analysis of some criteria put forward to distinguish sects from religions

The French parliamentary committee set up last year to carry out investigations into sects and to propose measures to thwart their breaches of law and individual freedoms has identified in its January 1996 report 172 sects and at least 800 satellites. These present at least one of the following criteria: mental destabilisation, exorbitant financial demands, a breaking off of ties with family and friends, physical abuse, maltreatment, blows and injuries, sequestration, failure to render assistance to a person in danger, illegal practice of medicine, sexual attacks, incest, rape, prostitution, indoctrination of children, antisocial speech, disturbance of public order, problems with the law, infiltration of public services.

These criteria established by the French committee accurately indicate the kind of litmus test used by State institutions, the media, human rights organisations and secular institutions to make a distinction between sects and religions.

However, weren't major religions, their leaders and their clergy ever guilty of the very same malpractice as is normally associated with those belonging to "sects" and their leaders? Isn't the enforced learning of the catechism, imposed on young children, actually a form of indoctrination? Aren't Koranic schools, where young girls are taught to cover their bodies with a veil, in fact places of indoctrination? Aren't lamaseries also places of indoctrination? Aren't there any cases of mental destabilisation among Catholics? Must only the arrival of new "sects" in Central Asia be protested against be-

cause "they have no respect for the local culture", as Tarek Mitri chargé d'affaires for Muslim-Christian relations at the World Council of Churches denounced in an official press release? Hasn't Christian missionary work, whether carried out by mainstream Protestant or Catholic Churches, ever despised indigenous cultures, destabilised the minds of Africans to be evangelized and ruptured their relationships with their families, their tribes, their natural environment and their past? Doesn't Opus Dei place unreasonable financial demands on its members and doesn't it infiltrate governments and ministries? Isn't the Inquisition a tragic example of deliberate attacks on physical integrity? Aren't doctrines on mortification dangerous for the health? Wasn't the Catholic Church a willing accomplice of parents who entered their daughters in religious institutions and confined them there against their wills? And what should we say about Sweden where until January 1 of this year all babies were born Lutheran? Aren't cases of spectacular healing in major religions sometimes actually attributable to the illegal practice of medicine? Have the clergy of major religions never been implicated in cases of paedophilia or rape? Is it antisocial speech to profess pacifism and to refuse to join the military because of religious conviction? Were the Quakers guilty of antisocial behaviour when they refused to go to war in Vietnam? Isn't the Pope putting millions of lives in danger when he forbids Catholics to use condoms? Wasn't the Vatican also involved in the Ambrosiano affair, a political and financial scandal? Do the thousands of Muslim or Hindu deaths caused by interreligious warfare in India somehow count less than the assassinations committed by the Aum sect? And what shall we say about the Crusades and all the other so-called holy wars which man has waged on man on behalf of religion? Is the mass suicide committed by the Waco sect so different from the suicide of the zealots in Massada?

Let's stop here this litany of reproaches which can be addressed both to religions and «sects» and let's example on what grounds some are pleading to draw a frontier between religions and «sects».

Should qualitative criteria come into consideration? Numerous examples have just shown that they are irrelevant.

Should quantitative criteria come into consideration? In Belgium, Jews are less numerous than Jehovah's Witnesses or Muslims but enjoy more rights. Besides, a religion may be majority religion in a country while being a minority religion in another one. In Muslim countries, Catholics only represent a very small percentage of the population and in Western Europe, Orthodox are only a small minority, so that on the basis of this criterion, they could be labelled as «sects» or could be denied the same rights as the religious majority.

Should historicity come into consideration? Originally, christianism could be considered as a «newly-created religion» in Palestine but due to intensive proselytism, it expanded to - other countries of the Middle East, North Africa and Europe where it could have been viewed as a «newly-settled religion». A few centuries later, it became a «historical religion» in the sole Roman Empire. Besides, a religion can nowadays be recently settled in a country while being historical in another one. Why would privileges then be attributed to some and not to others on the ground of historicity, which proves to be a very relative factor both in time and in space. What would democrats think if newly-created political parries such as the Greens were not to have the same rights as the political establishment?

Why should religious associations be singled out and should they not enjoy the same rights as any other association, while obviously having the same obligations?

Conclusions

Which conclusions can be drawn from all these considerations?

Firstly, despite the concern voiced by a number of European députées who would have liked to institute "anti-sect" legislation to crack down on illegal activities of sects, the Council of Europe has considered that «the freedom of conscience and religion guaranteed by Article 9 of the European Convention makes major legislation on sects undesirable».

Secondly, taking into consideration the impossibility to make distinctions between religions supposed to be honourable and sects supposed to be evil and dangerous, our organisation Human Rights Without Frontiers intends to plead in the human rights world for a revision of the terminology to be used by State institutions, secular organisations, human rights NGO's and the media.

Thirdly, Human Rights Without Frontiers would like to promote an alternative terminology to the one referring to sects, religious movements and religions. From a purely human rights point of view, Human Rights Without Frontiers proposes to use the term "religion" for all the groups claiming to be religious, whether it be

- newly-created
- newly-settled
- traditional or natural
- or historical.

Human Rights Without Frontiers also proposes to put them all on the same footing, not only among themselves but also with secular associations, and to apply to them the same "sets of rules".

Fourthly, Human Rights Without Frontiers is opposed to any act which contravenes the principles of public order and the standards upheld by the European Convention, regardless of whether the association responsible for the act represents a newly-created, newly-settled, traditional or natural, and historical religion or whether it is non-religious in nature.

Fifthly, Human Rights Without Frontiers denounces any attempt by such an association, or by any of its members, to use the religious freedom entrusted to it/them as an excuse for impunity.

Sixthly, Human Rights Without Frontiers recommends that any individual or organisation (whether its nature be religious, political, social, financial...) guilty of committing criminal offences should be prosecuted and sentenced according to the provisions of the law. Any failures in this regard should be corrected and any provision put forward to increase the efficiency of the law must be welcomed. Whichever an element of enforcement or coercion can

be traced in the internal workings of a religion, an immediate investigation should be initiated leading to eventual prosecution. Examples of such coercion may include the enforced isolation of individuals, the denial of access to medical treatment or incitement to refuse it.

Lastly, Human Rights Without Frontiers also recommends that a full check be carried

out of the statutes of all religious associations with a view to dissolving those which do not fulfil the international standards enshrined in the European Convention. The freedom to leave an association, whether religious or non-religious, should be explicitly mentioned in its statutes and any infringement on this right should be sanctioned.

Modernisation of trade unions in Europe

(part II)

by Ulrich Mückenberger * and Reiner Zoll **

This is the second part of a paper which is part of a survey funded by D.G. V of the European Commission, on "the future of labour relations in Europe".

Its global purpose is to work out a hypothesis concerning the regulation of social policies in Europe. The general framework of this enquiry was presented in *Transnational*

III. Inventory of European trade union structures and policy areas

Essential sections of the recommendations made to the European Commission in Part 4 are based upon an expert hearing with representatives of the European Trade Union Confederation (ETUC), of diverse European trade union committees, of the European Commission and of the European employers' federation, Unice, performed in Brussels in September 1994. The results are summarised in the following chapter.

Trade union integration on a European level within the ETUC (which represents around 40 national unions in Western Europe), the 16 European trade union committees which currently exist and the 10 Interregional Trade Union Councils (cooperating in border areas, e.g. Saarland-Lorraine-Luxembourg) are all confronted with a densely organised network within the economy. There are, for example, around 250 European industrial and trade associations. Furthermore, there are enormous divergencies between the national trade unions concerning their principles of organisation, their political tradition and their basis for recruitment which often overlaps. All these points make European trade union cooperation more than difficult. Admittedly, steps have been taken for a more intense cooperation between European trade union bodies and committees as far as strategy and political and ideological positions are concerned. But this does not get enough support from the national unions. Often the national trade unions' borned orientation towards their own nation state has the effect of transposing nationally divided structures onto a European level instead of strengthening the cause of common European trade union structures.

Associations, 4/1996, p. 208-231.

The research team was advised by André Berten (University of Louvain), Philippe De Ville (University of Louvain), and Enzo Mingione (University of Padova), with the support of the Centre of Philosophy of Law of the University of Louvain.

Advancing Europeanisation confronts the trade unions with new problems and demands. Politics nowadays is only partially made on a national level. Much is dealt with on a supranational level, much has to be regionalised. Thus the centre of political decision making is no longer, as usual, to be found on the level of the nation state. The trade unions are confronted with the task of doing justice to this shift in political decision making and at the same time coordinating the European level with the national one. This could be a possible task for Euro-experts within the unions.

The trade unions are confronted with the ambivalence of on the one hand policy areas such as wages and salary policies and social policies which are tailor made for national policies, but on the other hand the increasing competence of political decision making in the EU and the increasing complexity of the international economy. With regard to social policy, nationally diverging social relationships and the particularise interests of national industries make it difficult to find common European ground. The need for a European wages and salary policy becomes even more necessary due to the European economic area which is becoming more and more standardised and unified. In view of the heterogeneity of national wages and salary policies and structures, however, a common wages and salary policy can only mark out a wages and salary framework which regulates but those areas which cannot be regulated nationally or regionally. The divergent national systems in wages and salary policy are little known and an exchange in experiences regarding wages and salary policy still too rarely takes place. An internationalisation in media work and publicity could help to provide remedial

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This essay is based upon the experience of the German system of industrial relations, but nevertheless our assumption is that our findings in principle hold not only for Germany, but also for the other western European countries. This assumption was tested and mainly confirmed by means of a workshop with industrial relations experts from 6 CE-member states in the summer of 1994. Part I appeared in our previous issue (5/1996, 289-305).

Transnational Associations, 6/1996, 325-337.

Europeanisation not only has brought forth disadvantages for the unions. It also reunifies unions which were previously enemies and brings a rapprochement in ideological and political orientation. Since all West European trade unions are faced with the same risks, the willingness has grown to align the different methods of pushing their interests through together. The very first structures for representing interests were created with the European consultative works council in multinational concerns. These structures go beyond the national level and are legally binding.

The role which social measures play in the process of European integration should be taken over by the social dialogues between European employers and trade unions. Forms of dialogue between the social partners must be developed which can lead to autonomous collectively concluded contractual relationships. European employers' associations such as Unice have rejected further binding negotiations on the level of a European umbrella organisation, they do attach great importance to the purely consultative nature of the dialogue. They are prepared to negotiate on topics such as advanced vocational training and health and security measures at work, however, they refuse to take part in talks on a European system of wages and salary. The unions could, with the help of the European Commission, try to encourage the employers to come to the negotiating table or even suggest new topics to them. The employers, however, are not in any way a uniform block who can force their wishes through, but are divided by the conflict between the various industrial branches and differences in national interests (eg. the differences between Unice and CEEP). Furthermore the unions do not seem to have an addressee for collective negotiations on the sectoral level. Many sectoral employers' associations still reject the institutionalised social dialogue, since they fear that they will lose competitive advantages if they pass on information.

More of our findings concerning the need for modernisation of European trade union structures will form part of the next chapter (sub 4.2).

IV . Conclusions and recommendations

First of all we shall outline the changing landscape of institutions in the European Union within which trade unions represent workers' interests (4.1). Then we shall consider the problems and demands which European trade unions are faced with (4.2) followed by recommendations for the Commission of the European Union (4.3).

4.1 A changing environment of European trade unions

The changing structure of European institutions have many uncertain stages of development hidden within them. It is still not clear whether the status of the European Parliament will be politically enhanced and if yes, whether the Economic and Social Committee will undergo a loss in importance. It is not clear either how the Committee of the Regions will evolve. Whatever the case may be, the trade unions will have to react to all of these developments. The changes in the structure of European institutions is especially interesting in three aspects:

There will be one or more mechanisms for norm- or standard-setting, i. e. various decision-making processes concerning the working and living conditions of employees and unions in Europe (sub a.). In the fore-field of, and besides, decisions an important political issue, within European labour relations, there will take place a sort of "interest clearing" which may confine itself to the social partners or which may include government and/or EC Commission representatives in tripartite bodies, or even other social actors (sub b.). The development towards a social infrastructure of EC industrial relations will have as a prerequisite various forms of advice, service and research giving support to the social partners (sub c.). We discuss these three parameters, if briefly, in advance.

- a. In which way and with which contents and results will the setting of standards have an effect on employees' working and living conditions?

Looking at it from the institutional point of view, and with regard to the different structures in the various member states, two different forms for setting standards in those aforesaid areas of social regulation are worth considering: "autonomous" (or "voluntary" in the Anglosaxon sense) and "state" (or "statutory"). The autonomous form is not yet existant on a European level - at least not with the regulating authorities. We think this form is worthwhile and are attempting to further its development with our suggestions. On the other hand, the state form is to be found in two different forms: Firstly as a traditional form in regulation by the organs of the European Community according to article 189 ff. of the EC Treaty, and secondly in the form of regulation by the social partners as newly created by the eleven member states in the Maastricht Agreement-on Social Policy (Art.4). The latter which emerged from the social dialogue does not represent an autonomous setting of standards in the strict sense of the meaning despite the participation of the social partners. To be more precise, it could be described as a state form in setting of standards which make use of functional subsidiarity.

b. How is an "interest clearing" to take place and how are the interests (with their regional and structural differentiation) to be picked out for discussion on a European level?

Nowadays interest-clearing takes place in many different forms: in the Economic and Social Committee, in the various consultative committees - be they "paritarian" between the social partners, be they tripartite -, in the Committee of the Regions, in the central and sectional social dialogue's and naturally on an informal level between varying participants and institutions. The central Social Dialogue has been enhanced by the agreement of the eleven member states, and this agreement itself can be put down to the fact that a central Social Dialogue took place. The Economic and Social Committee is indeed due to its composition suitable for interest clearing, however it has to be seen as pre-parliamentary advisory authority rather than an extraparliamentary one, as a sort of social counterweight against the Commis-

sion and the Council. It was launched at a time when the European Parliament had less competence than now. It is our assumption that it has not gained in importance since the more recent political enhancement of the European Parliament.

It is still difficult to assess what importance the Committee of the Regions will have. However, we can safely say that interest-clearing is not very transparent and hardly takes place in the open.

c.What forms of advice, service and research support are at the disposal of the trade unions on a European level?

It is primarily the Economic and Social Committee, the Committee of the Regions, the European Foundation in Dublin, the EGI, the EGA, the different funds, as well as research which is sponsored by the EU and technical aide which have the function to give advice and service.

The question has to be asked about criteria in changes relevant to the social partners and to social policy. In our opinion at least five of the following aims must be fulfilled by any reorganisation in the framework of institutions relevant to social policy:

- Any reorganisation has to aid effectiveness by fulfilling the said 4 functions optimally.
- Any reorganisation has to establish transparency.
- Any reorganisation has to remove any existing superfluous bureaucracy.
- Any reorganisation has to be oriented, in a careful application of the principle of subsidiarity, towards those concerned and their participation in the process of decision-making.
- And finally any reorganisation has to limit a state minimum in standards and sponsor autonomous regulations.

Many scenarios in the future development of European social regulations and interest clearing are possible. It is conceivable for example that a development takes place which provides for the following allocation of responsibilities. The central Social Dialogue, enriched by the advice from the economic, social, regional and other committees, publicly rakes up interests which need regulating and comes to an

understanding by determining the basic principles regulation and choosing an adequate form and level of concretising regulation. The Social Dialogue either hands over these subject matters to one of the two varieties of the state form of standard-setting or it chooses the state way with a standardised "socle" which is "stocked up" by the autonomous section. Or it hands over the solution, to sectional social dialogues with the medium-term aim of setting the standards autonomously. On a sectional level the social dialogues could solve framework tasks which allow for a general consensus (such as vocational training and labour market policy), and leave areas of conflict (such as wages and working hours) to autonomous regulation.

In this scenario it would be well worth developing the advisory and service provisions so that they are of optimum benefit for the public interest-clearing.

4.2 Problems in the organisation and programme of the European Trade Unions

The demanded modernisation of the European trade unions is principally focussed on the development of structures in the organisation and of competences which are appropriate for solving current problems and which harmonise the different national structures. As to the main features of the demanded modernisation we refer to our conclusions of chapter 1. Trade unions will have to become "reflexive" organisations. They will have to take into account the increasing uncertainties which result from fundamental changes within both their own member base and their economic and societal environment. A high degree of differentiation, individualisation and pluralisation from the members' side will coincide with huge shifts in economic structures, market demands, technological upheavals. Trade unions thus will have to become reflexive organisations in a double sense. They will have to make themselves capable of properly reacting on the "diversifications" within their own ranks - i. e. to permanently involve and consult their members in order to meet their needs and to achieve a maximum support from their side. And they will be demanded to get more "performative" with re-

gard to the permanent changes in their economic and societal environment - i. e. to make themselves competent and permanently knowledgeable in order to develop, within their policies, intelligent paths between flexible adaptation and effective interest representation.

As a consequence of that, we are in favour of national trade unions getting "discourse organisations". With respect to the European level however, we have to take into account that free, stable and efficient structures of both trade unions and industrial relations have mainly still to be developed. Reflexive organisations have as a prerequisite a certain amount of coherence and strength which make them acceptable as discourse partners for both their members and their industrial counterparts. European industrial relations lack much of this. This is why we recommend a substantial increase of autonomous industrial relations and collective bargaining structures. We see that as complementary, not at all contradictory, to current decision-making processes - as to be found in the social dialogue proceedings etc. In fact, we do not but emphasise the same aims which were already contained in Art. 11 and 12 of the 1989 EC Social Rights Chart. Reflexive modernisation of European industrial relations "proceduralisation" as we see it - can only be met if the social partners gain the autonomy and strength for social self-regulation which, up to now, is missing.

"Modern" trade union are thus characterised by a high degree of transparency, communicativeness and participation-orientation. Further steps towards modernisation consist in making efforts to create reflexive relations towards the changing environment: to anticipate further economic and social developments, to prevent the emergence of negative external effects and to foster positive ones, to communicate with clients and users and their organisations in order to take into accounts their changing needs and complaints, to work out new compromises and, last not least, to gain support from their sides also for trade union aims and needs.

In the following, we stress these latter elements of modernisation less than we did in chapter 1. The reason for that is that, on the European level, a real and efficient base for such

modernisation has still to be established. We assume that the trade unions will have to come face to face with at least one of the following demands for action.

4.2.1 Trade union Europeanisation and organisational structures

Europeanisation and régionalisation present special problems for the trade unions because the existing trade union structures have placed their emphasis upon the national level and within plants and companies. In order to represent the interest of dependant employees in Europe as well as in the regions efficiently, the trade union structures in Europe and in the regions have to be improved. At the same time, the different organisational structures of the different national trade unions also have a role to play.

In comparison to the actual level of the political and economic integration which has been attained in the EU, the trade unions have got to make up for a lot of deficiencies in several stages of integration. They still have not developed structures which correspond to the extended European Market and are largely unprepared for the coming monetary union.

Trade unions have to cope with a double task. On the one hand, they have to make progress in developing their European organisations and on the other hand they have to open up their national organisations for European themes. This is indispensable if the trade unions want to develop into a competent creator within the context of the European social area.

It seems necessary to transfer more trade union competences to the European Trade Unions Congress ETUC (especially in areas such as economic policy, social policy, environmental policy and particular fields of wages policy) in order to - strengthen the presence of the trade unions in Europe. This also has to be defined by a more concrete presence of leading trade union personalities in Brussels especially. What is more, it would make a lot of sense if important areas of wages policy were transferred to the European branch trade unions (negotia-

tions with multi-national businesses and parallel negotiations for national and regional wages and salary agreements). More competent support for, and coordination of, trade union representation in European committees (such as the Economic and Social Committee, the structural funds and the various consultative committees) should be organised by sponsoring and training academic advisors in order to make them prepared to cooperate with trade union representatives.

Policy-focused initiatives could be seized in the areas of labour, social and industrial policy in order to make a more offensive impact on the European discussion. With this aim in view it would be advisable to establish working parties which would deal with certain themes or projects in order to show off the concentrated trade union competence to its advantage.

The deficits in the organisational structures of the trade unions especially apply to the European level. Apart from occasional exceptions, European union branch organisations are still in a constitutive phase. It seems urgent that the personal, practical and financial resources of the European branch associations are strengthened .

On the European level, trade unions need the competence to properly negotiate and make decisions. In order to prevent a misunderstanding, we are not suggesting that national powers be centralised by a Europe far from its members. It is a question of making the trade unions capable of acting on a new supranational level of regulation which has come into being along with European integration.

The trade unions could in this context consider a decision-making procedure according to the principle of a double majority: According to this decisions made by European branches of trade unions would require both the majority of national trade unions and the majority of their represented members. The same thing applies for trade unions, that unanimous procedures are too time-consuming. Unlike the political discussion, we are not speaking for a trade union Euro-core, but on the other hand we do see a possibility in the double majority for avoiding a blockade in making a decision without excluding certain national trade unions.

The Europeanisation has also raised an old trade union problem which already caused a lot of problems in the past (e. g. when the German confederation DGB was established) and which led to a great deal of discussions and arguments. The problem is one of the alternative between the model of a general trade union (such as the CGT in France) and the model of industrial trade unions which are structured according to the principle of "one company - one trade union". In cooperation on a European level, according to expert statements with all the same opinion, it is less the division between the trade unions due to a political or religious trend which causes the problems, although these divisions should be overcome too, it is more the differences within the inner structure of the trade unions. This diversity is increased by various mixed forms and the British model of "amalgamated" crafts and general unions.

As the expert opinions and workshop discussions in the synthesis demonstrate, there are beside the known alternatives other contrasting developments - such as the shift of collective bargaining to firm level, transregional and transnational company structures - which make plausible the emergence of further alternatives of trade union organisation.

Further, we assume that normally trade union structures are to be found on a company, enterprise or concern level as a basis in all countries whether they form part of a dual representative structure (as in Germany) or of a uniform structure (as in Italy), since only they can offer the possibility of participation which is now necessary due to the complexity of those tasks which have to be dealt with. There are also central confederations or head offices everywhere on a national level as they are inevitably required to coordinate trade union activities.

In view of the diversity of possibly emerging further options it is not advisable to decide in favour for just one option. Due to the complexity of the problem in question a new and flexible structure in trade union organisation has to be found which can deal justly with the increasing internal as well as external complexity. In developing such a new organisational model, it would make sense to preserve and to generalise the following two "old" principles

of organisation which have proven their success in some countries:

- An industrial trade union structure or one which is similar to it, because it has proven to be the most efficient in collective bargaining issues (such as wages and salary or working time policy).
- The transference of economic, social, legal and environmental decision-making to regional, national and European trade union "umbrella" organisations (confederations etc.), so that the trade union political mandate is seen more obviously and efficiently.

Since these "old" principles of organisation, at first glance, seem contradictory and thus incompatible, new mediatory proceduralising structures seem necessary and more appropriate in compatibilising these principles. Procedural precautions are to be understood in the sense of communicative channels rather than of newly established "fix" organisational structures with full-time officials.

The characteristics of such procedural channels could be defined by their function. If they have to make decisions, then they must of course be a result of democratic elections. If they are intended to clear interests, create networks and link different organisational levels with one another, then it is decisive that they result from involvement and interest concerned. And in the case of advisory tasks their objective ability must be decisive in choosing the right person and institution. The way these channels work, should be according to their function too. Thus, in the first case they should aim for majority decisions, in the second they should strive for agreement within a discussion, which is usually wise as in the third case.

Within the framework of the process of Europeanisation and modernisation, trade unions have increasingly taken over or rather have had to take over tasks dealing with the growing number of unemployed and pensioners. It would strengthen the trade union organisation to act, not only on a plant or company but also on a community and regional level.

The companion and foundation of the trade union organisations on European level has to be the Europeanisation of national unions themselves. Thus they should establish expert

panels and training programmes with respect to European issues in order to improve practical and technical qualifications as well as skills in foreign languages. This is already practised by some industrial unions.

4.2.2 European expertise

It would be well worth encouraging a systematic exchange of specialist trade union staff (wages and salary experts, labour lawyers and legal aid officials, experts in education, teachers from trade union training centers, journalists). Beside the specialist staff, the political union executive should also be included into the exchange programme. What is more, cooperation between trade unions and research could be intensified on a national as well as European level.

Our considerations amount to organizing a network of European experts derived from both national and European level who are in a position to draw up and implement European trade union policies.

4.2.3 Regionalisation

In view of the different characteristics of the European regions trade union presence there raises particular problems. Trade union representation is also very different in the regions and varies from separate unions (such as EEA in the Basque country, CONC in Catalonia, the Scottish TUC etc.) to the regional divisions of the DGB to quite meaningless subdivisions of national trade unions. In view of the enormous gain in importance which the regions now have, it could be one of the tasks of the trade unions in the regions to form an organisation of comparable importance in possibly all European regions. Industrial (branch) unions represented in the regions must be integrated into the "umbrella" organisation through a democratic and discursive procedure. The regional trade union divisions have to receive the necessary organisational and political competence, in the form of appropriate powers to make decisions as well as qualified fulltime and lay officials.

What seems important is the further development of the transnational regional and interregional cooperation within the framework of the Interregional Trade Union Councils. It is also necessary to transfer competences in this case as well. What is more, it is necessary to strengthen and coordinate trade union presence in regional councils which deal with structural policy. Unions should well be represented in the councils which accompany, supervise and evaluate the measures taken by the EU structure funds. Other tasks which regional trade union structures could take over, include devising a plan of action for regional development and where appropriate to bring these plans into the appropriate regional conferences and councils.

4.2.4 Social dialogue

The recent enhancement of the social dialogues will result in many problems for the trade unions, problems which concern organisational structure on a European level and the question of their ability to take the initiative. It is unavoidable in the interest of a greater efficiency in the Social Dialogue that the ETUC is more capable in coordinating the interests of its member unions. His role as "moderator" sets him a double task. On the one hand he has to contribute to overcome barriers in inner- and inter-union communication. On the other hand his function is to take the initiative in picking out those current social problems as a central theme for both the central and the sectional dialogues, in order to support the Commission in its efforts to make the Social Dialogue more effective and to see to it that the employers' associations get actively involved in the dialogues. Well selected "pilot" proceedings in particularly suitable industries could be of benefit in order to generate "precedents" and exemplary agreements which should serve as a model for other collective agreements.

4.2.5 Voluntary bargaining structures

Trade unions are going to be confronted with the necessity to reach a middle-term functional separation on a European level between

the central and sectional social dialogues on the one- hand and the autonomous collective bargaining structures on the other. The aim is - as proclaimed in Art. 11 and 12 of the 1989 Charter on Workers' Fundamental Social Rights - to establish a practically effective European system of autonomous collective bargaining which is based on freedom of coalition. The ETUC and the branch committees should support and extend the initial stages which have already been made to establish a voluntary negotiating system. They should attempt to prevail upon the trade unions and their umbrella organisations :

- to prepare and anticipate European negotiations by conducting national negotiations parallelly as far as the content is concerned and so that they coincide, thus making the national negotiations a common "European" issue;
- to gather topics of collective bargaining which seem suitable for autonomous collective bargaining on a European level (such as vocational training, right to participation, anti-discrimination, and eventually common criteria for a national minimum wage etc.);
- to transfer both the appropriate national sectoral mandates for negotiations to European sectoral negotiator structures and appropriate European sectoral mandates for negotiations to the ETUC;
- to work towards the development of democratically legitimised trade union officials who have mandates to negotiate and are qualified for an efficient performance.

Together with the European unions committees, national branch unions and union confederations areas and strategies should be determined in which it seems hopeful to push "pilot" agreements through (such as in the energy industry) which may have a chance of being applied elsewhere. This will include to deal with problems such as a non-cooperative attitude on the other side of the negotiating table, as to negotiating and concluding collective pay agreements.

The ETUC should open up and continue a discussion on a European and national level about the possibility of a "solidarice common European wages policy. This discussion should

set itself the double aim of contributing to an harmonisation of working and living standards within the EU on the one hand and on the other hand taking the cultural and economic diversity into account.

4.2.6 Social policy

The disparity in the living conditions of the citizens of the EU constitutes a challenge of central importance for trade union solidarity. The ETUC should include the European branch committees and the national organisations in a discourse in order to ascertain

- what the inalienable conditions of an existence worthy of human beings nowadays are, which are to be guaranteed in all of the member states and regions of the EU as a civil right,
- which methods have to be applied in order to make these civil rights compatible with the cultural, economic and social diversities of the members states and their regions.

The ETUC can bring up these demands for social protection and assistance directly to the Commission or via the Economic and Social Committee and the central Social Dialogue, with the aim of setting appropriate supranational minimum standards which will leave scope for more favourable national regulations.

4.3 Recommendations for the European Commission

The institutionalised Social Dialogue has gained a special position after the Maastricht Treaty, especially against the background of our deliberations on the role of trade union representation in the changing structure of European institutions and on the changing procedures of decision-making. The Social Dialogue was originally established by the Commission with the intention of contributing to the construction of an European system of industrial relations and voluntary negotiations. The tasks of the Social Dialogue were defined more exactly in the Maastricht Treaty on European Union, in

the Agreement, between the eleven, on Social Policy (Art. 3 and 4). The Commission committed itself in the Treaty to listen to the social partners before submitting proposals in the field of social policy and to receive the views, comments, statements with regard to their content and recommendations from the social partners. Should the social partners so desire, the dialogue between them at Community level may lead to contractual relations, including agreements. This should promote the social partners' autonomous setting of standards on central as well as sectoral level.

The formal revaluation of the Social Dialogue by the Maastricht Agreement does not mean, however, that practical results can be expected immediately. The history of the Social Dialogue which began in the 60s with the first paritarian committees actually shows that the objectives which the Commission wanted to put into effect at that time, did not get very far.

The reasons for the limited range and efficiency of the Social Dialogue are the internal and external conditions of the Dialogue itself. On the external side (the structures in the EU), the Commission does not always phrase its policy in a coordinated manner which obstructs the Dialogue, as the employers can often evade hearings with the social partners which deal with decisions on social policy. However, an obstruction can be seen internally which is caused by the parties to the Social Dialogue. It is especially the employers' associations and Unice at the top who attempt to prevent regulations which are a result of talks and negotiations within the framework of the Social Dialogue, despite official - declarations to the contrary. It is with -this course of acción that they strive to influence the sectional organisations, with varying success.

The following recommendations are directed at the European Commission with the outlined aspects in mind.

4.3.1 The Social Dialogue

\ The Social Dialogue, on both central and sectoral level, should be strengthened. This can be the result either of an increase in the

Commission's own legislative initiatives or of the Commission's wellformulated objectives through which the social partners can be induced to actively take part in the Dialogue. This is why more paritarian sectoral dialogues and committees should be demanded.

2. The social partners should be informed and consulted more early especially in regard to all procedures which are relevant to decisions on social policy in the ressorts (DGs) in the Commission. This presupposes an active role in coordination on the part of the DG V compared with the other DGs.

3. An increase in the provision for personal and in the financial resources of the DG V for the tasks they carry out within the Social Dialogue and with regard to its productive further development. The European Foundation for the Improvement in Living and Working Conditions in Dublin should be put on a firmer footing as a research institute and should be led into a new phase of its work.

4. The Social Dialogue themes should be extended to e. g. working hours (maximum working hours, Sunday working etc.) or the minimum wage as a forerunner for later autonomous wage bargaining. Anti-discrimination provisions, environment protection, increased rights to participation of workers in plants and companies should form part of the social dialogue negotiations. Where societal effects, "externalities", of the firms' activities are at stake (such as pollution or technically-induced mass redundancies) the representatives of these external interests (environment protection groups and agencies, consumers, labour market institutions etc.) should, at least on a consultative basis, be integrated in the dialogue talks.

Attention must be paid to the fact that the central Social Dialogue openly tackles interests which are in- need of regulation and after clarifying the basic principles allocates an appropriate form of regulation: either through the possibility of statutory regulation or through the sectoral social dialogues with the aim of leading it on the medium range to an autonomous framework of standard-setting. Particular those tasks which seem to be open for a consensus between the social partners are cut out for the last mentioned instance (such as vo-

cational training, industrial policy, health and safety at work, environmental protection, implementation of the workers' rights to information and consultation in multinational concerns). Conflict areas (such as wages and working hours etc.) should be left either to free collective bargaining or to the EU's statutory social policy.

5. It would be wise for the Commission to suggest that the social partners themselves make the subject range of the Dialogue, the possible procedures and the internal obstacles in the realisation of sectoral discussions to a main theme within the framework of the central Social Dialogue and to develop a medium range perspective towards a solution.

4.3.2 Voluntary bargaining structures

1. The EU should make use of the standard-setting competence which ensues from the EU-Treaty and the Maastricht Protocol on Social Policy with two aims in mind. On the one hand, regulation should become the maxime of a "Social Europe" in such a way that it will meet the requirements of the trade unions and employees in securing and shaping their interests. On the other hand, it should encourage and foster the development and efficiency of those first steps towards a system of autonomous social self-regulation which are already there and should create a suitable procedural framework for it.

2. The organs of the EU should take the principle of subsidiarity into account when dealing with this aspect. This could take place as follows: Minimum standards set by the European Council or the central Social Dialogue can become "socle" rules which should be suitable for developing autonomous European regulation. These socle or basic rules can be implemented by the sectoral negotiator structures on a EU member state level which act autonomously. In the medium range the socle rules could be stocked up (in the sense of the principle of "favourability") or made more concrete by regulations from the sectoral European social dialogues, or even by autonomous sectoral negotiator structures set up by the social partners on a EU level.

3. In order to foster such a process of dynamic and procedural development of autonomous collective bargaining in Europe, the EU must support the social partners' mutual information on a branch level in the member states. One way would be to support specialist conferences on the right to autonomous collective bargaining across the borders involving both social partners (dealing with subjects such as working hours and the right to strike etc.) in order to test the possibilities of Europe-wide coordination for collective bargaining subjects and procedures.

4. A European "Collective Agreements' Register" is urgent. What we mean is a data bank with a double content. It collects and evaluates all European collective agreements between the social partners and agreements concerning the European works councils which is a subject of direct current interest. And it gives access to the most important national collective agreements which are then systematically and linguistically accessible.

5. The system of collective bargaining, mediation and arbitration as well as industrial action in the member states must be reviewed to see whether or in how far they are compatible or can be made compatible to a system of European autonomous negotiations on a sectoral or central level.

6. A discussion should be started on a European level striving for a system of autonomous collective self-regulation, within the Social Dialogue, the Economic and Social Committee, with the participation the ETUC, the European branch committees and the employers' organisations and possibly with national representatives from the social partners. The subject of this discussion would be whether central or sectoral autonomous systems for negotiation would be desirable, which present structures they should be carried on from and be developed further. In this discussion one could particularly ascertain:

- how far there is a will to transfer national sectoral mandates for negotiations onto European structures for negotiations and European sectoral mandates for negotiations to the ETUC and UNICE/CEEP;
- how far the Commission can make provisions for mediation in order to establish structures

- for negotiations and how far it can help to support the mutual recognition as partners for -negotiations;
- whether and if necessary, what mandatory procedural measures are suitable for developing such autonomous systems for negotiations;
 - to which extent interests of third parties (i. e. those affected by externalities of production) could be represented within bargaining procedures.

7. At the moment "it is still controversial which standards should be applied to employment contracts for employees from other countries in the EU. Regulations must not lead to a lifting of national collective agreements; however, they must not lead to a stiffening of a new national protectionism which can be noticed. And thus the European cross-border agreement on minimum working conditions for branches seems, in our opinion, to be more compatible with the principles of free movement of labour and autonomous collective bargaining than the regulation of a mandatory application of all territorial collective agreements (which have been declared as generally binding).

8. In order to promote knowledge and mutual recognition we support the renewed floating of the "European Observatory of Industrial Relations" with a more praxis orientated conception. The European Academy for Industrial Relations also need support provided its scientific basis is secure. Thus, a space for discourse can be created in order to promote a new quality in the mutual understanding between the European social partners by using discussion material based on research which crosses the border of everyday life rest clearing and which, above all, can be devoted to questions on the further development of European integration.

4.33 Establishments and enterprises

The European Union has done a first step by introducing a European works council (Council directive 94/95 of the 22.9.1994) in order to bring the demands of the 1989 Charter (art. 17) to prominence according to which

workers' information, consultation and participation must be developed further, particularly in companies and joint-companies with plants or companies in several member states. The step beyond the right to information and consultation would be the dimension of proper participation. Although economic activity within the framework of the extended European market has led to and leads to international fusions and company take-overs, the possibilities of workers to participate in these processes has not been developed in the same way, although employees are in many areas directly affected.

In fact, the right to participation on the level of European companies and conglomerates as granted by the new directive on the introduction of a European works councils does not reach the level which is granted by the laws and customs of several member states even as far as the right to information and consultation is concerned. Thus it seems evident that at least those rights to participation for workers' or trade union representatives must be granted on a European level which are usual in the majority of developed industrial nations. It is a question of those rights which are already to be found in many countries which deal with e. g. representation in the supervisory board or board of administration, with the right to participation in decisions on mass redundancies or on a transfer in production on a huge scale, or with the right to participate as to working conditions. An unequal treatment of employees could thus be avoided who are affected by decisions made by one and the same company with different sites.

The recommendations for the European Commission follow on from these preliminary considerations:

1. Initiatives must be developed which lead to the fulfillment of the demands in the 1989 Social Rights Charta in regard to workers' participation on the level of European companies and concerns. The representation of employees in the administrative and supervisory boards should be particularly strengthened as well as their possibilities to participate, beyond mere information and consultation, in plans for investment and personal.

2. It would be wise to create specialist committees on a central level which support the work of the European works councils in order to increase the efficiency of the representation of interests and to reduce the foreseeable problems in communication in view of the small number of intended supranational meetings so far.

3. In a further step it is worth considering the right to veto so that the employees' representative could at least attain a postponement in certain decisions made by the central management of a union-wide company.

4. A "modern" type of regulation would also require one or another way of representation of external interests (interests of persons and institutions affected by the externalities of the firm's activities - such as consumers, environmental agencies, labour market institutions etc.) within the firm's decision-making machineries. This however is a long-term aim which is only rarely implemented even in the member states.

4.3.4 Régionalisation

We consider a stronger inclusion of the social partners in regional policy to be absolutely necessary, which means that the social partners will have to create appropriate organs. Taking this for said, we think that we are in agreement with the Commission which wants the social partners to participate in all the phases in executing measures financed by the structural funds (Art.4 of the framedirective for implementing the structural funds). However, this is not a mandatory regulation which in a lot of cases is often ignored or only partly observed. It is against that background that we make the following recommendations:

1. Accompanying committees with the decisive participation of the social partners must be formed mandatorily for all European measures on structural policy.

2. The Commission must allow for a proper check to see if the regulation has been fulfilled.

The Economic and Social Committee also provides for the inclusion of the social partners in the process of European integration.

However, it is still unclear at the moment what perspectives the ESC has to develop further. If the ESC should gain in importance it would be wise to strengthen its functions or even develop them further. One possibility is to adapt the existing similar committees on national level step by step or to introduce them into member states which do not have any, such as the Federal Republic. Regional committees for economic and social issues are also feasible which are linked to existing institutions. Those committees which accompany and evaluate structural fund-financed measures should also be linked to regional committees or could even be subdivisions of such committees. A second possibility is the further development of the ESC by granting it the right to take initiative with regard to the Commission.

Should regional subdivisions of the ESC not be established in the foreseeable future, then at least regional integration of the social parties within the European process with other measures can be given a push:

- By coordinating accompanying committees and regional development boards, innovation councils and similar panels in so far as they are involved in the European process; this coordination presupposes the coordination of the structural funds etc. on a European Commission level;
- Extending technical aide for participating social partners;
- Further support for interregional cooperation and establishing and promoting "Interregions".

4.3.5 European social policy

The existence and room for manoeuvre for a modern European trade unionism depend upon a minimum of social cohesion above and beyond the employment sector. This is why the organs of the EU should start from a principle of a "Social Europe" which is not just an economic or monetary union of free trade zones ("EFTAisation"). They should also strive for a socio-cultural bond and for social cohesion whilst still respecting cultural diversity. Only to this latter extent we pursue the necessities of

social policy.

1. The organs of the EU should contribute through an active regional structural policy and a policy of interregional redistribution to the reduction and removal of fundamental economic and infrastructural disparities. The principle of subsidiarity does not necessarily have to be an obstacle.

2. In central areas of life (such as standard of living, accommodation, education, health care) minimum social standards must be guaranteed (especially a state guaranteed minimum income) which attempt to reconcile the postulate of equality for all EU-citizens with the different economic productivity and performance in the

member states and regions. At the moment no one can possibly dream of equal standards throughout the EU in absolute terms. Subtly differentiated criteria for minimum needs (such as the "goods basket" used by the German social assistance system in order to fix the floor of minimum basic needs) can be ascertained and standardised across Europe according to need, which are then transposed onto the costs of living in the particular European geographic entity thus being guaranteed as a citizens social right. However, these supranational minimum standards should still leave scope - again according to the principle of favorability - for national regulations.

Les relations entre les institutions spécialisées des Nations Unies et les ONG

Dans nos précédents numéros, nous avons fait état de l'évolution, actuellement accélérée, des relations entre les Nations Unies et certaines de leurs institutions spécialisées d'une part, et les ONG d'autre part.

La Résolution 1296 (XLIV) du Conseil économique et social, vieille de près de 30 ans (1968), gouvernait jusqu'ici les relations Nations Unies-ONG. Elle vient d'être modifiée et remplacée par une nouvelle Résolution adoptée en juillet dernier, dont on trouvera le texte ci-après. Celui-ci est complété par un commentaire publié dans *Human Rights Tribune* (août-septembre 1996), qui expose le point de vue des ONG traitant des droits de l'homme.

En ce qui concerne l'Unesco, le projet de "Nouvelles Directives concernant les relations avec les organisations non gouvernementales" présenté par le Conseil exécutif a été adopté, sans modification, par la Conférence générale de décembre 1995 et a donc désormais force exécutoire. Ce texte a été publié dans notre numéro 5, 1995. Nous donnons ici, en complément, une note d'information sur ces Directives établie et distribuée par le Secrétariat de l'Unesco à l'intention des ONG. On trouvera également une note, ou plus exactement une consultation des ONG par l'Unesco sur l'application pratique des Directives, particulièrement en ce qui concerne le fonctionnement de la Conférence Internationale des ONG. Les ONG qui ont répondu à cette consultation et/ou souhaiteraient faire connaître leur opinion par notre Revue sont invitées à communiquer leur texte avec autorisation de reproduction à : Mme G. Devillé, *Associations Transnationales*, Rue Washington 40, B-1050 Bruxelles.

I. RELATIONS AUX FINS DE CONSULTATIONS ENTRE L'ORGANISATION DES NATIONS UNIES ET LES ORGANISATIONS NON GOUVERNEMENTALES

*Projet de décision présenté par le président du Conseil économique et social sur la base de consultations officieuses**

Le Conseil économique et social,

Rappelant l'article 71 de la Charte des Nations Unies,

Rappelant sa résolution 1993/80 du 30 juillet 1993, dans laquelle il demandait qu'il soit procédé à un examen général des dispositions devant régir les consultations avec les organisations non-gouvernementales, en vue d'actualiser si nécessaire sa résolution 1296 (XLIV) du 23 mai 1968 et d'harmoniser les règles applicables à la participation des organisations non-gouvernementales aux conférences internationales convoquées par l'Organisation des Nations Unies, et que soient étudiés les moyens d'améliorer les dispositions pratiques concernant les travaux du Comité chargé des organisations non-gouvernementales et de la Section des organisations non-gouvernementales, au secrétariat.

Rappelant également sa décision 1995/304 du 26 juillet 1995,

Réaffirmant la nécessité de prendre en

considération toute la diversité des organisations non-gouvernementales aux niveaux national, régional et international,

Reconnaissant l'ampleur des compétences des organisations non-gouvernementales et les moyens dont ces organisations disposent pour appuyer l'Organisation des Nations Unies dans ses travaux,

Tenant compte des changements survenus dans le secteur non gouvernemental, notamment de l'émergence d'un grand nombre d'organisations nationales et régionales,

Invitant les organes directeurs des organismes compétents des Nations Unies à considérer les principes et pratiques qu'ils suivent en matière de consultations avec les organisations non-gouvernementales, et à prendre s'il y a lieu les dispositions voulues pour unifier ces principes et pratiques en se basant sur la présente résolution,

Approuve les dispositions ci-après, qui mettent à jour les dispositions de sa résolution 1296 (XLIV), en date du 23 mai 1968.

* adopté par le Conseil économique et social des Nations Unies.

Dispositions régissant les consultations avec les organisations non gouvernementales

Première partie

Principes régissant l'établissement de relations aux fins de consultations

Les principes ci-après régissent rétablissement des relations consultatives avec les organisations non gouvernementales aux fins de consultations:

1. L'organisation doit exercer son activité dans des domaines relevant de la compétence du Conseil économique et social et de ses organes subsidiaires.

2. Les buts et objectifs de l'organisation doivent être conformes à l'esprit, aux fins et aux principes de la Charte des Nations Unies.

3. L'organisation doit s'engager à soutenir l'Organisation des Nations Unies dans son oeuvre et à faire connaître les principes et les activités des Nations Unies tandis qu'elle poursuit ses buts et objectifs et agit selon sa vocation et dans son champ de compétence et d'activité.

4. Sauf indication contraire, le terme "organisation" s'entend des organisations non gouvernementales de caractère national, sous-régional, régional ou international.

5. Des relations aux fins de consultations peuvent être établies conformément à la Charte des Nations Unies et aux principes et critères établis en vertu de la présente résolution, avec des organisations internationales, régionales, sous-régionales ou nationales. En examinant les demandes de statut consultatif, le Comité chargé des organisations non gouvernementales devrait autant que possible admettre des organisations de toutes les régions, en particulier de pays en développement, afin de favoriser un juste équilibre géographique et de permettre aux organisations du monde entier d'apporter véritablement leur contribution. Le Comité doit aussi considérer tout spécialement les organisations qui ont des compétences ou une expérience particulière que le Conseil économique et social pourrait mettre à profit.

6. Il conviendrait d'encourager les organ-

isations non gouvernementales de pays en développement à participer davantage aux conférences internationales convoquées par l'Organisation des Nations Unies.

7. Il conviendrait d'encourager la participation des organisations non gouvernementales de pays en transition économique.

8. Une organisation régionale, sous-régionale ou nationale, en particulier une organisation affiliée à une organisation de caractère international déjà dotée du statut consultatif, peut obtenir le statut consultatif à condition qu'elle puisse prouver que son programme de travail a un rapport direct avec les buts et objectifs de l'Organisation des Nations Unies et, s'il s'agit d'une organisation nationale, après consultation de l'Etat Membre intéressé. Les vues de cet État Membre sont communiquées à l'organisation, laquelle doit avoir la possibilité d'y répondre par le canal du Comité chargé des organisations non gouvernementales.

9. L'organisation doit avoir une réputation établie dans le domaine particulier auquel elle se consacre, ou être représentative. Les organisations qui ont des objectifs, des intérêts et des conceptions semblables dans un domaine donné peuvent, aux fins de consultations avec le Conseil, constituer un comité mixte ou tout autre organe autorisé à tenir ces consultations au nom de l'ensemble du groupe.

10. L'organisation doit avoir un siège reconnu et un chef administratif. Elle doit avoir un acte constitutif, dont un exemplaire sera déposé auprès du secrétaire général de l'Organisation des Nations Unies, adopté selon les principes démocratiques et disposant que la politique de l'organisation doit être arrêtée par une conférence, une assemblée ou tout autre organe représentatif, devant lequel un organe exécutif doit être responsable.

11. L'organisation doit avoir qualité pour parler au nom de ses membres par l'intermédiaire de ses représentants autorisés. Elle doit pouvoir faire la preuve de cette qualité si la demande lui en est faite.

12. L'organisation doit avoir des organes représentatifs et avoir mis en place les rouages qui conviennent pour répondre de son action

devant ses membres, qui doivent pouvoir exercer une autorité effective sur ses orientations et activités en disposant du droit de vote ou d'un autre mode de décision démocratique et transparent. Aux fins des présentes dispositions générales, est considérée comme une organisation non gouvernementale une organisation qui n'a pas été constituée par une entité publique ou par voie d'un accord intergouvernemental, même si elle accepte des membres désignés par les autorités publiques mais à condition que la présence de tels membres ne nuise pas à sa liberté d'expression.

13. Les principaux moyens financiers de l'organisation doivent provenir essentiellement des cotisations de ses affiliés ou éléments constitutifs nationaux ou des contributions des particuliers membres de l'organisation. Lorsque l'organisation reçoit des contributions volontaires, le montant et l'origine exacts de ces contributions doivent être indiqués au Comité chargé des organisations non gouvernementales. Si toutefois le principe énoncé ci-dessus n'est pas observé et si l'organisation tire ses moyens financiers d'autres sources que celles spécifiées ci-dessus, elle doit expliquer, de manière qui satisfasse le Comité, les raisons pour lesquelles elle ne s'est pas conformée aux principes énoncés dans le présent paragraphe. Toute contribution financière ou autre soutien que l'organisation reçoit, directement ou indirectement, d'un gouvernement doit être ouvertement déclaré au Comité, par l'intermédiaire du Secrétaire général, intégralement consigné dans les états financiers et autres documents de l'organisation et affecté à des fins conformes aux buts des Nations Unies.

14. Lorsqu'il envisage l'établissement de relations aux fins de consultations avec une organisation non gouvernementale, le Conseil économique et social détermine si le domaine d'activité de l'organisation coïncide entièrement ou en grande partie avec le domaine de compétence d'une institution spécialisée et si l'organisation peut ou non être admise lorsqu'il existe ou pourrait exister entre elle et une institution spécialisée des relations aux fins de consultations.

15. L'octroi, la suspension et le retrait du statut consultatif, de même que l'interprétation

des normes et décisions à ce sujet, sont exclusivement du ressort des Etats membres, qui exercent cette prérogative par l'intermédiaire du Conseil économique et social et du Comité chargé des organisations non gouvernementales. Une organisation non gouvernementale qui demande le statut consultatif général ou spécial ou son inscription sur la Liste doit avoir la possibilité de répondre à toute objection que peut soulever le Comité avant de prendre sa décision.

16. Les dispositions de la présente résolution s'appliquent mutatis mutandis aux commissions régionales de l'Organisation des Nations Unies et à leurs organes subsidiaires.

17. En raison du caractère évolutif des relations de l'Organisation des Nations Unies avec les organisations non gouvernementales, le Conseil économique et social peut envisager de revoir s'il y a lieu, en consultant le Comité chargé des organisations non gouvernementales, les dispositions régissant les consultations dans un sens qui favorise une contribution optimale des organisations non gouvernementales aux travaux de l'Organisation des Nations Unies.

Deuxième partie

Principes régissant la nature des relations aux fins de consultations

18. La Charte des Nations Unies établit une distinction nette entre la participation sans droit de vote aux délibérations du Conseil économique et social et les consultations. Les articles 69 et 70 n'accordent le droit de participation qu'aux Etats non membres du Conseil et aux institutions spécialisées. L'article 71, qui s'applique aux organisations non gouvernementales, ne prévoit que des consultations avec ces organisations. Cette distinction, introduite à dessein dans la Charte, est fondamentale et les dispositions régissant les consultations ne devraient pas accorder aux organisations non gouvernementales les mêmes droits de participation qu'aux Etats non membres du Conseil et aux institutions spécialisées appelées à travailler avec l'Organisation des Nations Unies.

19. Les relations établies aux fins de consultations ne doivent pas être de nature à surcharger le Conseil ou à le faire sortir de la fonc-

tion qui lui assigne la Charte, qui est de coordonner les programmes et leur exécution, pour le transformer en tribune ouverte à tous les débats.

20. Les décisions concernant les relations aux fins de consultations doivent s'inspirer du principe que ces relations ont pour but, d'une part, de permettre au Conseil ou à l'un de ses organes d'obtenir des renseignements ou des avis autorisés de la part d'organisations ayant une compétence spéciale sur les questions au sujet desquelles les consultations sont envisagées et, d'autre part, de donner aux organisations de caractère international, régional, sous-régional ou national qui représentent d'importants secteurs de l'opinion publique la possibilité de faire connaître le point de vue de leurs membres. En conséquence, les dispositions prises en vue de consultations avec une organisation doivent valoir uniquement pour les questions qui relèvent de la compétence particulière de cette organisation ou auxquelles elle s'intéresse spécialement. Le statut consultatif ne devrait être accordé qu'aux organisations qui, du fait des activités qu'elles exercent dans les domaines spécifiés au paragraphe 1 ci-dessus, sont en mesure d'apporter une contribution importante aux travaux du Conseil, le but étant, en définitive, d'assurer autant que possible, de façon équilibrée, la représentation des principaux points de vue ou intérêts dans le domaine considéré, tels qu'ils existent partout dans le monde.

Troisième partie Établissement de relations aux fins de consultations

21. Pour établir des relations avec une organisation aux fins de consultations, il est tenu compte de la nature et du champ des activités de cette organisation et du concours qu'elle est susceptible d'apporter au Conseil économique et social ou à ses organes subsidiaires lorsqu'ils exercent les fonctions définies aux Chapitres IX et X de la Charte des Nations Unies.

22. Le statut consultatif accordé à une organisation qui s'intéresse à la plupart des activités du Conseil et de ses organes subsidiaires et peut fournir la preuve qu'elle est en mesure de contribuer sur le fond et de façon suivie à la réalisation des objectifs des Nations Unies dans les domaines indiqués au paragraphe 1 ci-

dessus, dont les activités concernent de très près la vie économique et sociale des populations des régions représentées et dont les adhérents, qui doivent être en nombre important, sont largement représentatifs de secteurs importants des populations d'un grand nombre de pays de différentes régions du monde est dit statut consultatif général.

23. Le statut consultatif accordé à une organisation dont la compétence particulière et l'action s'exercent dans quelques-uns seulement des domaines d'activité du Conseil et de ses organes subsidiaires et qui est réputée dans le domaine pour lequel elle a demandé le statut consultatif est dit statut consultatif spécial.

24. Une organisation qui n'est pas dotée du statut consultatif général ou spécial mais dont le Conseil, ou le Secrétaire général de l'Organisation des Nations Unies après avoir consulté le Conseil ou le Comité chargé des organisations non gouvernementales, estime qu'elle peut parfois, pour des questions relevant de son domaine de compétence, apporter une contribution utile aux travaux du Conseil, de ses organes subsidiaires ou d'autres organes de l'Organisation des Nations Unies, peut être inscrite sur une liste (dénommée la Liste). Peut également être inscrite sur cette liste une organisation ayant le statut consultatif ou une qualité analogue auprès d'une institution spécialisée ou d'un organe de l'Organisation des Nations Unies. Une organisation inscrite sur la Liste doit être prête à remplir son rôle consultatif à la demande du Conseil ou de ses organes subsidiaires. L'inscription sur la Liste ne doit pas être considérée comme un titre permettant à l'organisation intéressée d'obtenir sur demande le statut consultatif général ou spécial.

25. Une organisation qui s'occupe des droits de l'homme doit, pour obtenir le statut consultatif spécial à ce titre, poursuivre les objectifs de la défense et de la protection des droits de l'homme conformément à l'esprit de la Charte des Nations Unies, de la Déclaration universelle des droits de l'homme et de la Déclaration et du Programme d'action de Vienne.

26. Le statut consultatif peut être accordé à une organisation de premier plan dont l'une des visées primordiales est de contribuer à la réalisation des buts, objectifs et fins de l'Organisation des Nations Unies et de faire mieux comprendre l'action de celle-ci.

Quatrième partie
Consultations avec le Conseil économique et social

Ordre du jour provisoire des Sessions du Conseil

27. L'ordre du jour provisoire du Conseil économique et social est communiqué aux organisations dotées du statut consultatif général ou spécial ou inscrites sur la Liste.

28. Une organisation dotée du statut consultatif général peut proposer au Comité chargé des organisations non gouvernementales de demander au Secrétaire général d'inscrire à l'ordre du jour provisoire du Conseil une question qui intéresse spécialement cette organisation.

Représentation en séance par des observateurs

29. Les observateurs autorisés d'une organisation dotée du statut consultatif général ou du statut consultatif spécial peuvent assister aux séances publiques du Conseil et de ses organes subsidiaires. Les observateurs d'une organisation inscrite sur la Liste peuvent assister à celles de ces séances qui sont consacrées à des questions relevant du domaine d'activité de cette organisation. Cette faculté d'assister aux séances peut être assortie d'autres modalités de participation.

30. Une organisation dotée du statut consultatif général ou spécial peut présenter au sujet de questions qui sont de sa compétence particulière des communications écrites présentant un intérêt pour les travaux du Conseil. Le Secrétaire général de l'Organisation des Nations Unies transmet la communication aux membres du Conseil, sauf si elle est périmée, par exemple si elle a été diffusée sous une autre forme ou si une décision a déjà été prise sur le sujet traité.

31. La présentation et la diffusion des communications écrites obéissent aux règles suivantes:

a) La communication doit être rédigée dans l'une des langues officielles;

b) La communication doit parvenir assez tôt au Secrétaire général pour que celui-ci ait le temps, avant de la diffuser, de tenir les consultations appropriées avec l'organisation dont elle émane;

c) Avant de présenter la communication sous sa forme définitive, l'organisation doit tenir dûment compte des observations que le Secrétaire général peut faire au cours des consultations;

d) Une communication émanant d'une organisation dotée du statut consultatif général est diffusée in extenso si elle ne comporte pas plus de 2 000 mots. Si la communication dépasse 2 000 mots, l'organisation dont elle émane doit fournir, pour diffusion, un résumé ou un nombre suffisant d'exemplaires du texte intégral dans les langues de travail. Une communication est diffusée in extenso si le Conseil ou le Comité chargé des organisations non gouvernementales le demande expressément;

e) Une communication émanant d'une organisation dotée du statut consultatif spécial ou inscrite sur la Liste est diffusée in extenso si elle ne comporte pas plus de 500 mots. Si la communication dépasse 500 mots, l'organisation doit en fournir un résumé pour diffusion; néanmoins, cette communication est diffusée in extenso si le Conseil ou le Comité chargé des organisations non gouvernementales le demande expressément;

f) Le secrétaire général peut, en consultant le président du Conseil, le Conseil ou le Comité chargé des organisations non gouvernementales, inviter les organisations inscrites sur la Liste à présenter des communications écrites. Ces communications sont régies par les dispositions des alinéas a), b), c) et e) ci-dessus;

g) Le secrétaire général diffuse la communication ou le résumé, selon le cas, dans les langues de travail, ainsi que dans toute langue officielle voulue si un membre du Conseil le demande.

Exposés oraux en séance

32. a) Le Comité consultatif des organisations non gouvernementales recommande au Conseil les organisations dotées du statut consultatif général que le Conseil devrait entendre et les questions sur lesquelles devraient porter leurs exposés. Les organisations ont le droit de faire un exposé devant le Conseil, sous réserve de l'assentiment de ce dernier. S'il n'existe pas d'organe subsidiaire du Conseil chargé de s'oc-

cuper d'un domaine important qui intéresse le Conseil et des organisations dotées du statut consultatif spécial, le Comité peut recommander au Conseil d'entendre des organisations dotées de ce statut au sujet de la question qui l'intéresse.

b) Chaque fois que le Conseil examine quant au fond une question proposée par une organisation non gouvernementale dotée du statut consultatif général et inscrite à son ordre du jour, cette organisation a le droit de faire devant lui, s'il convient, un exposé oral pour présenter la question. Au cours du débat sur celle-ci, le président du Conseil peut, avec l'assentiment de l'organe intéressé, inviter l'organisation à faire un autre exposé pour apporter des précisions.

Cinquième partie

Consultations avec les commissions et autres organes subsidiaires du Conseil économique et social

Ordre du jour provisoire des sessions du Conseil

33. L'ordre du jour provisoire des sessions des commissions et autres organes subsidiaires du Conseil est communiqué aux organisations dotées du statut consultatif général ou spécial ou inscrites sur la Liste.

34. Une organisation dotée du statut consultatif général peut proposer des questions à inscrire à l'ordre du jour provisoire d'une commission, sous réserve des dispositions ci-après:

a) Une organisation qui désire proposer une question doit en informer le Secrétaire général de l'Organisation des Nations Unies au moins 63 jours avant l'ouverture de la session; avant de faire une proposition formelle, l'organisation doit tenir dûment compte des observations que peut faire le Secrétaire général;

b) La proposition, accompagnée de la documentation indispensable, doit être présentée au plus tard 49 jours avant l'ouverture de la session. La commission inscrit la question à son ordre du jour si les deux tiers au moins des membres présents et votants en décident ainsi.

Représentation en séance par des observateurs

35. Les observateurs autorisés d'une organisation dotée du statut consultatif général ou spécial peuvent assister aux séances publiques des commissions et des autres organes subsidiaires du Conseil. Les observateurs d'une organisation inscrite sur la Liste peuvent assister à celles de ces séances qui sont consacrées à des questions relevant du domaine d'activité de cette organisation. Cette faculté d'assister aux séances peut être assortie d'autres modalités de participation.

Communications écrites

36. Une organisation dotée du statut consultatif général ou spécial peut présenter au sujet de questions qui sont de sa compétence particulière des communications écrites présentant un intérêt pour les travaux d'une commission ou d'un autre organe subsidiaire. Le secrétaire général de l'Organisation des Nations Unies transmet la communication aux membres de la Commission ou de l'organe subsidiaire, sauf si elle est périmée, par exemple si elle a été diffusée sous une autre forme ou si une décision a déjà été prise sur le sujet traité.

37. La présentation et la diffusion des communications écrites obéissent aux règles suivantes:

a) La communication doit être rédigée dans l'une des langues officielles;

b) La communication doit parvenir assez tôt au secrétaire général pour que celui-ci ait le temps, avant de la diffuser, de tenir les consultations appropriées avec l'organisation dont elle émane;

c) Avant de présenter la communication sous sa forme définitive, l'organisation doit tenir dûment compte des observations que le secrétaire général peut faire au cours des consultations;

d) Une communication émanant d'une organisation dotée du statut consultatif général est diffusée in extenso si elle ne comporte pas plus de 2 000 mots. Si la communication dépasse 2 000 mots, l'organisation dont elle émane doit fournir, pour diffusion, un résumé de cette communication ou un nombre suffisant d'exemplaires du texte intégral dans les langues de travail. Une communication est diffusée in extenso si la commission ou l'organe subsidiaire le demande expressément;

e) Une communication émanant d'une organisation dotée du statut consultatif spécial est diffusée in extenso si elle ne comporte pas plus de 1 500 mots. Si la communication dépasse 1 500 mots, l'organisation doit fournir, pour diffusion, un résumé en un nombre suffisant d'exemplaires du texte intégral dans les langues de travail. Une communication est diffusée in extenso si la commission ou l'organe subsidiaire le demande expressément;

f) Le secrétaire général peut, en consultant la commission ou l'organe subsidiaire ou leur président, inviter les organisations inscrites sur la Liste à présenter des communications écrites. Ces communications sont régies par les dispositions des alinéas a), b), c) et e) ci-dessus;

g) Le secrétaire général diffuse la communication ou le résumé, selon le cas, dans les langues de travail, ainsi que dans toute langue officielle voulue si un membre de la commission ou de l'organe le demande.

Exposés oraux en séance

38. a) Une commission ou un autre organe subsidiaire peut consulter une organisation dotée du statut consultatif général ou spécial, soit directement, soit par l'intermédiaire d'un ou plusieurs comités constitués à cette fin. Les consultations peuvent dans tous les cas avoir lieu à la demande de l'organisation elle-même;

b) Une organisation inscrite sur la Liste peut être entendue par une commission ou un autre organe subsidiaire si cette commission ou cet organe le demande et si le Secrétaire général le recommande.

Etudes spéciales

39- Sous réserve des dispositions du règlement intérieur relatives aux propositions ayant des incidences financières, une commission ou un autre organe subsidiaire peut recommander qu'une organisation spécialement compétente dans un domaine particulier entreprenne certaines études ou enquêtes ou établisse certains documents à son intention. Les restrictions prévues aux alinéas d) et e) du paragraphe 37 ci-dessus ne s'appliquent pas dans ce cas.

Sixième partie *Consultations avec les comités spéciaux du Conseil économique et social*

40. Les consultations entre les comités spéciaux que le Conseil économique et social autorise à se réunir entre ses sessions et les organisations dotées du statut consultatif général ou spécial ou inscrites sur la Liste sont régies par les dispositions applicables aux consultations des commissions du Conseil avec ces organisations, à moins que le Conseil ou le comité spécial n'en décide autrement.

Septième partie *Participation des organisations non gouvernementales aux préparatifs et aux travaux des conférences internationales convoquées par l'Organisation des Nations Unies*

41. Lorsqu'une organisation non gouvernementale est invitée à participer à une conférence internationale convoquée par l'Organisation des Nations Unies, son accréditation auprès de la conférence est exclusivement du ressort des États Membres, qui exercent cette prérogative par l'intermédiaire du comité préparatoire de la conférence. Avant d'accorder l'accréditation, il convient d'examiner comme il faut si l'organisation répond bien aux critères fixés pour l'obtenir.

42. Une organisation non gouvernementale dotée du statut consultatif général ou spécial ou inscrite sur la Liste et qui souhaite participer à une conférence internationale convoquée par l'Organisation des Nations Unies et intéressant son domaine de compétence, ainsi qu'aux réunions de l'organe préparatoire de cette conférence, est en règle générale accréditée à cette fin. Une organisation non gouvernementale non dotée du statut consultatif et qui souhaite être accréditée peut adresser au secrétariat de la Conférence une demande à cette fin, en se conformant aux dispositions énoncées ci-après.

43. Le secrétariat de la conférence reçoit les demandes d'accréditation des organisations non gouvernementales désireuses de participer

aux préparatifs et aux travaux de la conférence et procède à une première évaluation de ces demandes. Dans l'accomplissement de ces fonctions, le secrétariat de la conférence travaille en étroite coopération et coordination avec la Section des organisations non gouvernementales, au Secrétariat de l'Organisation des Nations Unies, et se fonde sur les dispositions pertinentes de la résolution 1296 (XLIV) du Conseil économique et social telle que révisée.

44. Toute demande d'accréditation doit être accompagnée de précisions sur le domaine de compétence de l'organisation et l'intérêt que ses activités présentent pour les travaux de la conférence et de son comité préparatoire, avec indication des aspects précis de ces travaux où l'apport de l'organisation peut être utile: la demande doit notamment comporter les renseignements suivants:

a) But de l'organisation;

b) Aperçu des programmes et activités de l'organisation ayant un rapport avec la conférence et ses travaux préparatoires et indication du ou des pays dans lesquels ces programmes et activités sont exécutés. L'organisation doit confirmer l'intérêt qu'elle porte aux buts et objectifs de la conférence;

c) Confirmation des activités menées par l'organisation aux niveaux national, régional ou international;

d) Exemplaire des rapports annuels et autres de l'organisation, accompagnés d'états financiers, et liste des sources de financement et des contributions, notamment des financements publics;

e) Liste des membres de l'organe directeur de l'organisation, avec indication de leur nationalité;

f) Description de la composition de l'organisation, avec indication du nombre total de membres et nom et répartition géographique des organisations affiliées;

g) Texte des statuts et/ou du règlement de l'organisation.

45. L'admissibilité d'une demande d'accréditation présentée par une organisation non gouvernementale souhaitant participer à la conférence et à ses travaux préparatoires est déterminée en fonction des antécédents de l'organi-

sation et de l'expérience qu'elle a des sujets traités à la conférence.

46. Le secrétariat de la conférence établit périodiquement une liste à jour des demandes reçues et la communique aux États Membres. Ces derniers peuvent présenter dans les 14 jours suivant réception de cette liste leurs observations concernant l'une quelconque des demandes ainsi portées à leur attention. Ces observations sont communiquées à l'organisation non gouvernementale intéressée, qui doit avoir la possibilité d'y répondre.

47. Si le secrétariat de sa conférence juge, d'après les renseignements fournis conformément à la présente résolution, que l'organisation a prouvé sa compétence et l'intérêt que ses activités présentent pour les travaux du comité préparatoire de la conférence, il recommande à ce dernier d'accréditer l'organisation. Si le secrétariat de la conférence ne recommande pas l'accréditation, il informe le comité préparatoire des raisons de son refus. Le secrétariat de la conférence devrait faire en sorte que ses recommandations soient communiquées aux membres du comité préparatoire une semaine au moins avant le début de chaque session. Il doit notifier à l'organisation ayant présenté la demande les raisons pour lesquelles il n'a pas recommandé son accréditation, lui donner la possibilité de répondre aux objections motivant ce refus et fournir toutes les précisions complémentaires qui pourraient être requises.

48. Le comité préparatoire se prononce sur toutes les recommandations d'accréditation dans un délai de 24 heures à compter du moment où il est saisi en séance plénière des recommandations du secrétariat de la conférence. Si la décision n'est pas prise dans ce délai, une accréditation provisoire est accordée jusqu'à ce que le comité préparatoire se soit prononcé.

49. Une organisation non gouvernementale qui a été autorisée à participer à une session du comité préparatoire, y compris aux réunions préparatoires connexes des commissions régionales, peut assister à toutes sessions préparatoires ultérieures ainsi qu'à la conférence elle-même.

50. La conférence et les travaux préparatoires étant de nature intergouvernementale, la participation active d'une organisation non gouvernementale, tout en étant bienvenue, n'implique pas que cette organisation soit autorisée à participer aux négociations.

51. Une organisation non gouvernementale accréditée auprès de la conférence peut être autorisée à faire une brève déclaration devant le comité préparatoire et la conférence réunis en séance plénière et devant leurs organes subsidiaires, cette autorisation étant accordée selon l'usage établi par l'Organisation des Nations Unies, à la discrétion du Président et avec l'assentiment de l'organe intéressé.

52. Une organisation non gouvernementale accréditée auprès de la conférence peut présenter pendant les travaux préparatoires les communications écrites qu'elle juge appropriées, rédigées dans les langues officielles de l'Organisation des Nations Unies. Ces communications ne sont pas publiées comme documents officiels, sauf dispositions contraires du règlement intérieur adopté par l'Organisation des Nations Unies.

53. Une organisation non gouvernementale non dotée du statut consultatif qui participe à la conférence et qui souhaite par la suite obtenir ce statut doit pour cela remplir les formalités habituelles établies par la résolution 1296 (XLIV) du Conseil économique et social telle que révisée. En examinant cette demande de statut consultatif, le comité chargé des organisations non gouvernementales, conscient qu'il importe que les organisations non gouvernementales qui assistent à une conférence participant également aux travaux consécutifs à celle-ci, se fonde sur les documents que l'organisation avait fournis pour être accréditée auprès de la conférence et sur tous les renseignements complémentaires qu'elle peut communiquer pour prouver qu'elle a la volonté, la compétence et les moyens de contribuer à la mise en oeuvre des décisions de la conférence. Afin que l'organisation puisse apporter cette contribution de suivi, le Comité examine sa demande de statut consultatif dans les meilleurs délais. En attendant la décision du Comité, le Conseil

économique et social détermine si l'organisation peut être autorisée à participer aux travaux consécutifs à la conférence qui sont menés en commission technique.

54. La suspension et le retrait, à quelque stade que ce soit, de l'accréditation d'une organisation non gouvernementale auprès d'une conférence internationale convoquée par l'Organisation des Nations Unies sont régis par les dispositions pertinentes de la présente résolution.

Huitième partie

Suspension et retrait du statut consultatif

55. Une organisation dotée du statut consultatif général ou spécial ou inscrite sur la Liste se conforme constamment aux principes régissant l'établissement et la nature des relations nouées avec le Conseil économique et social aux fins de consultations. Le Comité chargé des organisations non gouvernementales examine périodiquement les activités de l'organisation, en se fondant sur les rapports qu'elle présente en application de la disposition 61 c) ci-après et des autres indications pertinentes, et détermine dans quelle mesure l'organisation s'est conformée aux principes régissant le statut consultatif et a contribué aux travaux du Conseil. Le Comité peut recommander au Conseil de suspendre ou de révoquer le statut consultatif d'une organisation qui n'a pas satisfait aux conditions imposées dans la présente résolution pour bénéficier de ce statut.

56. Si le Comité chargé des organisations non gouvernementales recommande la suspension ou le retrait du statut consultatif général ou spécial ou de l'inscription sur la Liste d'une organisation non gouvernementale, cette organisation doit être informée par écrit des raisons de cette recommandation et doit avoir la possibilité d'y répondre pour que le Comité étudie comme il convient cette réponse dans les meilleurs délais.

57. Le statut consultatif général ou spécial ou l'inscription sur la Liste d'une organisation non gouvernementale est soit suspendu.

pour une durée pouvant alter jusqu'à trois ans, soit révoqué, dans les cas suivants:

a) Si l'organisation, directement ou par l'intermédiaire d'organismes qui y sont rattachés ou de représentants agissant en son nom, abuse manifestement de son statut consultatif pour se livrer systématiquement à des actes en contradiction avec les buts et principes de la Charte des Nations Unies, notamment des actes injustifiés ou inspirés par des motifs politiques dirigés contre des Etats membres de l'Organisation des Nations Unies en contradiction avec ces buts et principes;

b) S'il existe des éléments établissant de façon concluante qu'elle reçoit des fonds résultant d'activités criminelles reconnues sur le plan international comme le trafic de drogue, le blanchiment de capitaux ou le trafic d'armes;

c) Si, au cours des trois années précédentes, l'organisation n'a apporté aucune contribution positive ou effective aux travaux de l'Organisation des Nations Unies, et en particulier aux travaux du Conseil économique et social ou de ses commissions ou autres organes subsidiaires.

58. Le statut consultatif général ou spécial ou l'inscription sur la Liste est suspendu ou retiré par décision du Conseil économique et social, sur recommandation du Comité chargé des organisations non gouvernementales.

59. Une organisation à laquelle le statut consultatif général ou spécial ou l'inscription sur la Liste a été retiré peut être autorisée à soumettre une nouvelle demande de statut consultatif général ou spécial ou d'inscription sur la Liste trois ans au plus tôt après la date à laquelle le retrait a pris effet.

Neuvième partie Comité chargé des organisations non gouvernementales

60. Les membres du Comité chargé des organisations non gouvernementales sont élus par le Conseil économique et social qui assure une représentation géographique équitable, conformément à ses résolutions pertinentes(l)

et aux dispositions applicables de son règle-ment intérieur(2). Le Comité élit son président et les autres membres du bureau selon qu'il convient.

61. Les fonctions du Comité sont les suivantes:

a) Le Comité est chargé de suivre régulièrement l'évolution des relations entre l'Organisation des Nations Unies et les organisations non gouvernementales. Pour ce faire, il tient avant chacune de ses sessions, et à d'autres moments si nécessaire, des consultations avec les organisations dotées du statut consultatif afin d'examiner les questions se rapportant aux relations entre l'Organisation des Nations Unies et les organisations non gouvernementales et qui l'intéressent ou intéressent les organisations consultées. Un rapport sur ces consultations est communiqué au Conseil, pour suite à donner.

b) Le Comité tient une session ordinaire annuelle, avant la session de fond du Conseil économique et social et si possible avant les réunions des commissions techniques du Conseil, pour examiner les demandes de statut consultatif général ou spécial, d'inscription sur la Liste ou de reclassement soumises par des organisations non gouvernementales et pour présenter au Conseil des recommandations à leur sujet. Lorsque le Conseil a donné son approbation, le Comité peut tenir d'autres réunions s'il le juge nécessaire pour accomplir ses fonctions. Les organisations doivent tenir dûment compte de toute observation d'ordre technique que peut faire le secrétaire général de l'Organisation des Nations Unies au reçu des demandes à transmettre au Comité. Celui-ci examine à chacune de ses sessions les demandes parvenues au secrétaire général au plus tard le 1er juillet de l'année précédente si les membres du Comité ont reçu six semaines au plus tard avant cet examen suffisamment de renseignements à l'appui de ces demandes. Des arrangements transitaires peuvent être pris, le cas échéant, durant l'année en cours seulement. Si une organisation demande une nouvelle fois le statut consultatif ou demande un nouveau classement, le Comité examine sa demande au plus tôt pendant la première session tenue la deuxième année qui suit la session où la précé-

1. Résolutions 1099 (XL)
et 1981/50 et décision
1995/304 du Conseil.
2. Art. 80 du règlement intérieur du Conseil.

dente demande avait été examinée au fond, sauf s'il en a décidé autrement lors de cet examen antérieur.

c) Une organisation dotée du statut consultatif général ou spécial doit présenter tous les quatre ans au Comité chargé des organisations non gouvernementales, par l'intermédiaire du secrétaire général de l'ONU, un bref rapport sur ses activités, notamment en ce qui concerne l'appui qu'elle a apporté aux travaux de l'Organisation des Nations Unies. Se fondant sur les conclusions auxquelles il parvient après avoir examiné ce rapport et sur les autres indications pertinentes, le Comité peut recommander au Conseil tout reclassement qu'il juge approprié en ce qui concerne le statut de l'organisation considérée. Toutefois, il peut, dans des cas exceptionnels, demander à une organisation dotée du statut consultatif général ou spécial ou inscrite sur la Liste de lui présenter un rapport entre les dates normalement prévues pour cela.

d) Le Comité peut consulter, à l'occasion des sessions du Conseil ou à tout autre moment dont il décide, une organisation dotée du statut consultatif général ou spécial sur des questions de sa compétence qui ne sont pas inscrites à l'ordre du jour du Conseil et sur lesquelles le Conseil, le Comité ou l'organisation demandent des consultations. Le Comité rend compte de ces consultations au Conseil.

e) Le Comité peut consulter, à l'occasion de n'importe quelle session du Conseil, une organisation dotée du statut consultatif général ou spécial sur des sujets de sa compétence au sujet desquels le Conseil, le Comité ou l'organisation demandent des consultations et qui se rapportent à des questions précises inscrites à l'ordre du jour provisoire du Conseil; il recommande les organisations que le Conseil ou le comité compétent devraient entendre, conformément aux dispositions de l'alinéa a) du paragraphe 32 ci-dessus, et les questions sur lesquelles ces organisations devraient porter leurs exposés. Le Comité rend compte de ces consultations au Conseil.

f) Le Comité examine les questions dont il est saisi par le Conseil ou ses commissions au sujet des organisations non gouvernementales.

g) Le Comité, lorsqu'il le juge utile, consulte le Secrétaire général sur les questions qui concernent les dispositions autorisées par l'Ar-

ticle 71 de la Chatte en vue de consultations ou qui découlent de ces dispositions.

h) Une organisation qui demande le statut consultatif doit prouver qu'elle existe depuis au moins deux ans à la date où le Secrétariat reçoit sa demande. Des pièces justificatives correspondantes doivent être adressées au Secrétariat.

62. Lorsqu'une organisation non gouvernementale dotée du statut consultatif général demande l'inscription d'une question à l'ordre du jour du Conseil, le Comité considère notamment:

a) Si la documentation présentée par l'organisation est suffisante;

b) S'il semble que le Conseil puisse prendre à bref délai des décisions constructives au sujet de cette question;

c) S'il ne serait pas préférable de soumettre la question à un organe autre que le Conseil.

63. Lorsque le Comité rejette la demande d'une organisation non gouvernementale dotée du statut consultatif général tendant à faire inscrire une question à l'ordre du jour du Conseil, sa décision est sans appel, à moins que le Conseil lui-même n'en décide autrement.

Dixième partie

Consultations avec le secrétariat

64. Le Secrétariat devrait prendre les dispositions matérielles nécessaires pour pouvoir s'acquitter des fonctions que lui assigne la présente résolution en ce qui concerne les relations avec les organisations non gouvernementales aux fins de consultations et l'accréditation de ces organisations auprès des conférences internationales convoquées par l'Organisation des Nations Unies.

65. Toute organisation dotée du statut consultatif peut consulter les fonctionnaires des services compétents du Secrétariat de l'Organisation des Nations Unies sur les questions d'intérêt commun. Ces consultations ont lieu à la demande de l'organisation ou du Secrétaire général de l'Organisation des Nations Unies.

66. Le Secrétaire général de l'Organisation des Nations Unies peut demander à une organisation dotée du statut consultatif général ou spécial ou inscrite sur la Liste de procéder à des études ou d'établir des exposés écrits sur des sujets déterminés, sous réserve des dispositions financières applicables.

67. Le secrétaire général de l'Organisation des Nations Unies est autorisé, dans les limites des moyens dont il dispose, à offrir aux organisations non gouvernementales dotées du statut consultatif des facilités qui comprennent:

- a) La communication rapide et bien organisée des documents du Conseil et de ses organes subsidiaires lorsque le secrétaire général le juge utile;
- b) L'accès aux services de documentation de presse de l'Organisation des Nations Unies;
- c) L'organisation de discussions officieuses sur les questions intéressant particulièrement certains groupes ou organisations;
- d) L'utilisation des bibliothèques de l'Organisation des Nations Unies;
- e) Les locaux nécessaires aux conférences, ou réunions plus restreintes, que les organisations dotées du statut consultatif consacrent aux travaux du Conseil économique et social;
- f) La possibilité d'assister aux séances publiques de l'Assemblée générale consacrées à des questions économiques ou sociales ou des questions apparentées et d'obtenir la documentation pertinente.

Onzième partie Concours du Secrétariat

68. Le Secrétariat prête au Comité chargé

des organisations non gouvernementales le concours dont celui-ci a besoin pour exécuter le mandat élargi qui lui est confié et qui permettra d'associer plus étroitement les organisations non gouvernementales aux activités. Le secrétaire général de l'Organisation des Nations Unies est prié de fournir tous les moyens nécessaires à cette fin et de prendre toutes les mesures voulues pour améliorer la coordination entre les unités administratives du Secrétariat qui s'occupent des organisations non gouvernementales.

69. Le secrétaire général est prié de mettre tous les moyens en oeuvre pour renforcer et rationaliser, selon qu'il convient, le dispositif d'appui du Secrétariat pour améliorer les opérations matérielles, notamment en tirant parti des techniques modernes d'information et de communication, en créant une base de données intégrées concernant les organisations non gouvernementales et en assurant la diffusion, sur une grande échelle et en temps voulu, d'informations sur les réunions, la distribution de la documentation, l'accès aux locaux de l'Organisation des Nations Unies et l'établissement de formalités transparentes, simples et rationalisées pour que les organisations non gouvernementales puissent participer aux réunions de l'Organisation, et pour favoriser une large participation de ces organisations.

70. Le secrétaire général est prié de diffuser largement, par les voies appropriées, les présentes dispositions afin de faciliter la participation des organisations non gouvernementales de toutes les régions du monde.

by Laune S. Wiseberg

On July 25 the Economic and Social Council (ECOSOC) of the United Nations adopted a new version of Resolution 1296 which governs the relations between non-governmental organizations (NGOs) and ECOSOC.

Perhaps the most significant change in the document is the fact that national NGOs (as well as sub-regional and regional ones) are now entitled to apply for Consultative Status. If they receive it, they can participate in the UN on an equal footing with international NGOs. This pertains to sessions of ECOSOC and its subsidiary bodies - which include the Commission on Human Rights (and the Sub-Commission on Prevention of Discrimination and Protection of Minorities), the Commission on Sustainable Development and the Commission on the Status of Women - and to UN world conferences.

Resolution 1296 (XLIV) of 1968 was the subject of intensive, and sometimes acrimonious, debate in an Open-Ended Working Group over a three year period. NGOs as well as governments participated in the negotiations, although far fewer NGOs than was merited given the importance of the issue for the NGO community.

For human rights NGOs, some of the most difficult issues remained problematic until the end.

Human Rights NGOs Still Singled Out

Key among them was paragraph 17 in old-1296, which singled out human rights NGOs for special treatment. On a matter of principle, human rights NGOs wanted to get rid of the entire paragraph, on the grounds that there is no valid reason why human rights NGOs should be treated any differently from other NGOs.

Resolución 1296 had stated that human rights NGOs were required to have "a general concern" with human rights, "not restricted to the interests of a particular group of persons, a single nationality or the situation in a single

State or restricted group of States." Effectively, this paragraph - had it remained - would have undercut granting Consultative Status to many national human rights NGOs.

The old paragraph 17 also contained a list of NGOs which should be accorded special consideration (i.e., those "combating colonialism, apartheid, racial intolerance and other gross violations of human rights and fundamental freedoms").

While not successful in getting the deletion of paragraph 17, the new text (now paragraph 25), is infinitely more acceptable than the old. It simply states: "Organizations to be accorded special consultative status should pursue the goals of promotion and protection of human rights in accordance with the spirit of the Charter of the United Nations, the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action." The list of NGOs to be accorded special consideration (badly outdated for the 1990s) was deleted.

The one lingering concern of human rights NGOs is the reference to the Vienna Declaration and Programme of Action. While there is a great deal that is positive in the Vienna documents, there is one highly problematic reference to NGOs in paragraph 38 of the Programme. This states: "Non-governmental organizations and their members *genuinely* involved in the field of human rights should enjoy the rights and freedoms recognized in the Universal Declaration of Human Rights and the protection of national law. These rights and freedoms may not be exercised contrary to the purposes and principles of the United Nations. Non-governmental organizations should be free to carry out their human rights activities, without interference, within the framework of *national law* and the Universal Declaration of Human Rights." (Emphasis added).

The questions, of course, are: who determines what is a "genuine" NGO and whether NGOs must abide by national law if that law violates international human rights standards? Too frequently, rights-violating governments go on the offensive when their human rights record is challenged.

* Reproduced from *Human Rights Tribune*,
Aug/Sept 1996.

Suspension or Withdrawal of Status

For precisely these reasons, human rights NGOs were also concerned with paragraphs 36 (a) and (h) in old-1296. What we have now in paragraph 57 (a) and (b) is better, though still problematic.

The old text stated that the consultative status of NGOs would be suspended for up to three years or withdrawn: "(a) If there exists substantiated evidence of secret governmental financial influence to induce an organization to undertake acts contrary to the purposes anti principles of the Charter of the United Nations; (b) If the organization clearly abuses its consultative status by systematically engaging in *unsubstantiated or politically motivated acts against States* members of the United Nations contrary to and incompatible with the principles of the Charter." (Emphasis added).

The revised resolution would suspend NGOs or withdraw their consultative status: (a) If an organization, either directly or through its affiliates or representatives acting on its behalf, clearly abuses its status by engaging in a pattern of acts contrary to the purposes and principles of the Charter of the United Nations including *unsubstantiated or politically motivated acts against Member States* of the United Nations incompatible with those purposes and principles; (b) If there exists substantiated evidence of influence from proceeds resulting from internationally recognized criminal activities such as the illicit drugs trade, money laundering or the illegal arms trade." (Emphasis added).

The troubling words are "politically motivated" since states frequently make the charge that NGOs are politically motivated when they expose human rights abuses.

Appeals Process

However, in the revised resolution, there is a specific appeals process spelt out, which was not the case before.

According to paragraph 55, an NGO whose consultative status is withdrawn or suspended "shall be given written reasons for that decision and shall have an opportunity to pre-

sent its response for appropriate consideration by the Committee as expeditiously as possible." This provision goes some considerable distance towards the transparency that NGOs and some governments have been calling for.

No Negotiating Role

A final area of disagreement concerned paragraph 34.9 in old-1296, on international conferences. This states: "In recognition of the intergovernmental nature of the conference, non-governmental organizations shall have no negotiating role in the work of the conference and its preparatory process."

Best practices from recent world conferences have, of course, gone far beyond these 1968 structures. At Habitat II, the most recent world conference, NGOs played a major role in drafting the documents in the preparatory process. They were able to make statements in the drafting groups during the Istanbul conference, where they were looked upon as partners.

The revised text, new paragraph 50, only goes part way in recognizing these developments. It reads: "In recognition of the intergovernmental nature of the conference and its preparatory process, active participation of non-governmental organizations, while welcome, does not entail a negotiating role." It appears that governments, even if they recognize the important role of NGOs in helping them to confront world challenges across the broad spectrum of global issues, are loathe to relinquish any element of their sovereignty.

Difficult Negotiations

It was not clear until the very end whether or not there would be consensus on the text. The process of reaching agreement took three years of hard slogging. There were four major meetings of the Open-Ended Working Group, all chaired by Pakistani Ambassadors: Jamsheed K.A. Marker (for the first and second meetings, June 1994 and May 1995); Ahmad Kamal, assisted by his First Secretary, Masood Khan third and fourth meetings, January and February 1996). Subsequently, there were a large number of informal meetings, presided

over by Masood Khan, who put forward a number of Chairman's draft texts in an attempt to bridge major divides between the G77 plus China on one side and Western governments on the other. But there were divisions within the major caucusing groups as well as within the NGO community.

One highly volatile issue in Western camp concerned draft paragraph 1.1, which suggested that the whole UN system should be opened up to NGO participation, not merely ECOSOC.

NGOs and the G77 were highly supportive of this provision. Most progressive Western governments had no objection in principle, but pointed out a technical problem: that Resolution 1296 dealt only with matters within ECOSOC's competence.

A compromise suggested by the Chair was a separate draft resolution to ECOSOC recommending that the General Assembly "examine, in the light of the experience gained" through ECOSOC's arrangements for consultation with NGOs, "ways and means for allowing the participation of non-governmental organisations in all areas of the work of the United Nations". The United States, however, remained adamantly opposed to the idea of expanding NGO participation beyond ECOSOC, and especially to the Security Council.

On July 12, after yet another informal meeting of the Working Group, there was a delicate consensus on a package deal which was to be reported to ECOSOC on July 24. It appeared as if only the USA, Cuba, and possibly Iran planned to make reservations on parts of the text.

Within the NGO community there was a strong fear that the United States would torpedo the entire process over the draft resolution concerning the expansion of NGO participa-

tion to all areas of the UN. Moreover, the method the US seemed to be favouring would put the blame for failure on the shoulders of human rights NGOs, who still had problems "in principle" over paragraph 17. That is, there were indications that the US might call for a vote on paragraph 17 (on the grounds that human rights NGOs wanted the paragraph deleted), which would lead to the breakdown of the consensus and the likelihood that Iran or Cuba would call for votes on other paragraphs.

None of the human rights NGOs wanted the negotiations (and three years of work) to go down the tubes over this. They particularly did not want to be made the scapegoat of US objections to the draft resolution. At the eleventh hour, a serious NGO lobbying got the message across to Washington as well as to the US delegation in New York.

Thus, the US did not call for a paragraph vote; and while ECOSOC did not adopt the new resolution on July 24, it was adopted on the morning of July 25. In the end, a formula was found for the draft resolution, that the US could accept - a reference to Article 10 of the UN Charter, which states that the General Assembly cannot make recommendations with respect to a dispute or situation being considered by the Security Council. While this seems somewhat irrelevant to the discussions at hand, it enabled the US to save face.

The revised resolution 1296 is now a done deal and signifies considerable progress. While not "ideal", and nowhere as innovative as some of suggestions that had been proposed early on in the negotiations (e.g. transforming the Committee on NGOs from a body of government representatives to a body of experts), there have been major improvements in the arrangements. The side-bar summarizes the principle changes that have been accepted.

Resolution 1296 Revised Some of the New Provisions

Broadened Participation. National, sub-regional and regional NGOs (including those affiliated to international NGOs) may now apply for consultative status. This was previously reserved largely for international NGOs.

No Veto on National NGOs. Before admitting national NGOs, the NGO Committee must still consult the Member State concerned, but such consultation does not constitute a veto.

Geographic Balance and Special Expertise. The NGO Committee, in considering applications, should attempt to achieve "a just, balanced, effective and genuine involvement" of NGOs "from all regions and areas of the world"; it should encourage greater involvement of NGOs from developing countries and countries with economies in transition; and it should also pay particular attention to NGOs "*which have special expertise* or experience upon which the Council may wish to draw".

Categories. The three categories of NGOs are maintained but instead of being named category I, II and roster NGOs, they are now called general or special consultative status NGOs and Roster NGOs.

Transparency and Appeals.

An NGO applying for consultative status or a listing on the Roster shall have the opportunity to respond to any objections being raised in the Committee before the Committee takes its decision.

An NGO whose status is suspended or withdrawn shall be given written reasons for that decision and have an opportunity to present its response for appropriate consideration by the Committee.

An NGO's whose application to attend an international conference is rejected will be notified why and given an opportunity to respond to objections.

Grounds for Suspension. Grounds for suspension are now (a) "engaging in a pattern of acts contrary to the purposes and principles of the Charter... including unsubstantiated or politically motivated acts against Member States" and (b) influence from proceeds of internationally recognized criminal acts.

Human Rights NGOs. They are required "to pursue the goals of promotion and protection of human rights in accordance with the spirit of the Charter of the UN, the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action." However, they are no longer required "to have a general international concern with this matter, not restricted to the interests of a particular group of persons, a single nationality or the situation in a single state or restricted groups of states." Nor is there any longer a listing of groups to be accorded special consideration (e.g., those working on colonialism or apartheid).

Oral and Written Statements. NGO rights have been maintained, though they have not been specifically extended to Roster NGOs. (Best practices, however, has made little distinction between consultative status and roster NGOs in this regard.)

Annual Meetings. The NGO Committee will meet annually and more frequently if required (with the approval of ECOSOC). The deadline for applications to be considered in any given year remains June 1 of the preceding. This year will be an exception and applications will be accepted up to September 30.)

Fast-Tracking. NGOs accredited to an international conference, if they want to apply for consultative status, must follow normal procedures, but the Committee shall review such applications "as expeditiously as possible" and use documentation already submitted, recognizing the importance of their participation in conference follow-up.

Review Process. A review of the provisions governing these consultative arrangements is to be undertaken "as and when necessary" to facilitate the contributions of NGOs to the work of the UN. (One assumes that it will not take 25 years before the next review.)

III NOUVELLES DIRECTIVES CONCERNANT LES RELATIONS ENTRE L'UNESCO ET LES ORGANISATIONS NON GOUVERNEMENTALES

Note d'information distribuée en juin 1996 à la Conférence des Organisations internationales non gouvernementales entretenant des relations de consultation -catégorie A et B- avec L'Unesco

1. Historique

Le Conseil exécutif a entrepris, depuis sa 125e session (automne 1986) et avec le soutien du Secrétariat, plusieurs études et élaboré des rapports relatifs à la coopération de l'UNESCO avec les ONG - parmi lesquels le rapport sexenal portant sur la période 1988-1993 soumis à la Conférence générale à sa vingt-huitième session (doc. 2SC/42). Ces rapports ont alimenté les recommandations faites par le Conseil exécutif à l'adresse de la Conférence générale lors de ses vingt-septième et vingt-huitième sessions et qui ont abouti aux résolutions 27 C/13.141, 28 C/13.41 et 28 C/13.42 et ainsi à de nouvelles Directives concernant les relations de l'UNESCO avec les ONG.

2. Philosophie

Ces nouvelles Directives visent à faciliter les relations et à élargir la coopération entre l'UNESCO et la communauté non gouvernementale à l'aube du XXI^e siècle. En tant que texte statutaire, elles établissent le cadre général qui régira ces relations. Elles tiennent compte de l'importance croissante de la vie associative pour la coopération internationale et de la nécessaire participation de la société civile aux activités de l'Organisation. Elles mettent l'accent sur une souplesse accrue de ce partenariat et sur l'action, donc sur l'opérationnel; les relations opérationnelles n'existaient pas dans les anciennes Directives.

Afin de construire ce partenariat proactif effectif, les ONG sont appelées à renforcer la vitalité, le dynamisme et les synergies à l'intérieur de leurs réseaux en vue de mieux refléter les attentes et besoins de leurs membres et de pouvoir répercuter les priorités du programme et messages de l'UNESCO.

3. Grandes lignes

Les éléments essentiels qui forment la trame du nouveau texte peuvent être résumés comme suit:

(a) un partenariat basé sur (i) la représentativité de l'ONG (siège, membres, structures et lieux d'activités, (ii) son dynamisme et sa vitalité: association active des membres de la base

vers le "sommet"; (iii) ses structures et modes de fonctionnement, et (iv) la réalité de la nature de la coopération entretenue avec l'UNESCO (avis, activités/projets conjoints, etc.).

(b) les relations formelles sont établies pour une période limitée (six ans) renouvelable selon la nature et la qualité de la coopération qui a effectivement eu lieu; il s'agit d'un partenariat intensif et exigeant.

(c) un nouveau type de relations opérationnelles, plus souple, concret, dynamique, moins exigeant du point de vue administratif, orienté vers l'action, est instauré afin de mieux refléter les besoins de coopération avec les ONG à tous les niveaux. Type de relations correspondant aux modalités de coopération avec bon nombre d'ONG qui, généralistes (syndicats, famille, femmes, mouvements religieux, jeunes, femmes) apportent une contribution valable par rapport aux priorités de mise en œuvre du programme de l'UNESCO (PMA, Afrique, jeunes, femmes).

(d) les relations formelles et les relations opérationnelles entrent dans le cadre des arrangements officiels de coopération entre l'UNESCO et les ONG.

(e) selon le voeu des organes directeurs, l'UNESCO doit redoubler d'effort pour encourager l'émergence de structures représentatives de la société civile (dont notamment les ONG et mouvements associatifs) surtout dans les pays et régions où ceux-ci ont été faibles pour des raisons historiques, culturelles, politiques ou géographiques. Le rôle des unités hors-Siège du Secrétariat de l'UNESCO, ainsi que des Commissions nationales pour l'UNESCO, est important pour l'identification de nouveaux partenaires compétents.

4. Modalités financières et matérielles de coopération

Le texte concernant les modalités financières et matérielles pour la mise en œuvre du partenariat est séparé du texte statutaire, afin d'en faciliter les mises à jour. Il est soumis pour examen et approbation par le Conseil exécutif qui en suivra l'application. Le texte adopté à cet égard, par le Conseil exécutif à sa 149e session, contenu dans le document 149 EX/25 est reflété dans sa décision 73.

5. Propositions de regroupement

Conformément à l'Article 1.3.3(b) et (c) des Directives et vu la multiplicité des ONG qui œuvrent dans des domaines d'activités identiques ou similaires et partagent les mêmes buts, afin de créer un forum riche et dense qui permette à l'UNESCO de recueillir un éventail le plus large possible, dans un domaine donné, de toutes les sensibilités/visions qui existent dans le monde - tout en ayant accès à tous les échelons de la société civile (local, national, sous régional, régional et international) - il est recommandé que nos partenaires (ONG) déplient des efforts particuliers en se regroupant par famille d'intérêt recoupant les domaines prioritaires d'action de l'UNESCO, tout en leur reconnaissant bien entendu leur libre choix. Ceci aux fins d'efficacité et de concentration de nos ressources et d'une meilleure coordination de nos activités au siège et dans les Etats membres. L'UNESCO se doit de bien identifier ses partenaires (qui ?), les moyens de coopérer avec eux (comment ?), et les domaines essentiels de cette coopération (quoi ?).

6. Reclassification

A la 149e session du Conseil exécutif, les dossiers de 208 ONG ont été examinés. Les décisions correspondantes sont reproduites dans le document 149 EX/Décision ainsi que son Appendice. Le Conseil exécutif reprendra l'exercice de reclassification à ses 150e et 151e sessions. A la date du 7 juin 1996, environ 150 ONG dont les dossiers étaient auparavant incomplets ont répondu partiellement ou totalement. La procédure suivie sera la même que pour la 149e session. Les recommandations seront à nouveau accompagnées de fiches individuelles.

7. Nouveaux types de relations établis

Relations individuelles

Les relations de coopération avec les ONG sont désormais basées sur un partenariat actif avec un nombre plus restreint d'ONG en relations formelles et un nombre plus important - à terme - d'ONG en relations opérationnelles. Pour des ONG qui débutent dans la

coopération avec l'UNESCO, les relations peuvent être formalisées après une période d'essai permettant de déterminer la nature et les modes de fonctionnement de l'ONG, sa viabilité son efficacité et la nature de sa coopération avec l'UNESCO.

Les ONG classées en relations formelles d'association ont des responsabilités particulières, de par leur dimension, leur poids et leur compétence dans l'un des domaines majeurs de spécialisation de l'UNESCO, et le nombre parfois important d'ONG internationales qu'elles représentent en tant qu'ONG faîtières. Ces responsabilités incluent celle d'aider les ONG dans les pays en développement et en transition à intégrer les réseaux internationaux de coopération. Elles sont appelées à remplir pleinement leur rôle de coordination en ce qui concerne les ONG internationales qui maintiennent une coopération avec l'UNESCO et qui ont des relations officielles à travers leur affiliation à la faîtière. A cet égard, certaines ONG avaient auparavant des relations doubles (individuelles et par affiliation). Leur situation de coopération directe sur le plan quotidien ou régulier ne change pas.

Certaines des ONG en relations opérationnelles ne se sentent pas entièrement à l'aise avec cette classification, estimant avoir été "déclassées" parce qu'elles ont sans doute encore tendance à comparer leur nouvelle relation à leur ancienne catégorisation, en A ou B notamment. Les relations opérationnelles sont un type nouveau, auquel le Directeur général attache une importance toute particulière. Elles ne sont pas "inférieures" aux relations formelles: elles sont plus souples, et à ce titre les textes officiels sont moins longs, laissant toute latitude aux arrangements au cas par cas, dès lors que ceux-ci ne sont pas contradictoires avec les textes et vont dans le sens des intérêts partagés de l'UNESCO et de l'ONG.

Il y a bien sûr aussi des relations informelles/ad hoc avec toute ONG qui est en contact sporadique avec l'UNESCO (échange d'informations, fourniture de documentation sur demande, activités ponctuelles, etc.).

Relations collectives

Le Comité permanent dans sa nouvelle configuration, représentant l'ensemble des ONG en relations avec l'UNESCO, est appelé à travailler beaucoup plus étroitement avec le Secrétariat, dont les membres seront disponibles pour participer à ses travaux et les harmoniser avec les priorités de l'UNESCO.

Le Comité permanent continue à jouer, en plus, le rôle de forum permettant aux ONG de se rencontrer et de travailler entre elles.

A ce titre, il lui reviendra, sur la base des recommandations de la Conférence des ONG, de définir les règlements et procédures les plus à même de se conformer à l'esprit des Directives tout en laissant la place qui convient aux contributions riches et variées de toutes les ONG en relations formelles ou opérationnelles avec l'UNESCO.

Les autres mécanismes de consultation collective avec les ONG ont une grande importance dans le cadre des nouvelles Directives (consultations thématiques ou régionales). C'est un moyen de recueillir les avis et conseils collectifs des ONG, y compris celles qui, individu-

ellement, n'ont pas une représentativité suffisante ou qui ne travaillent pas dans un des domaines majeurs de l'UNESCO. La formule des consultations collectives est appelée à se développer, à l'instar de celles sur la jeunesse, l'alphabetisation ou l'enseignement supérieur. Il pourrait notamment en être question dans les domaines de la femme et de la culture de la paix. Le Comité permanent a un rôle clé à jouer dans cet effort. Il s'agit d'améliorer la proactivité.

Les consultations régionales devront être dans la mesure du possible développées, faisant sans doute davantage recours aux possibilités qu'auraient les ONG sur place à s'organiser entre elles (réseaux), avec notamment l'aide des unités hors-Siège de l'UNESCO et les Commissions nationales, pour des réunions de plus petite envergure (sous-régionales, etc.), et bénéficiant de "seed money" de l'UNESCO. Les consultations régionales générales organisées devront à l'avenir davantage se combiner avec les consultations thématiques.

14 juin 1996

IV. FONCTIONNEMENT DES MÉCANISMES DE CONSULTATION COLLECTIVE ENTRE LE DIRECTEUR GÉNÉRAL DE L'UNESCO ET LES ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES EN RELATION AVEC L'UNESCO (Section III des Directives)

Situation actuelle

Dans le cadre de l'application des Directives de 1995, la question des relations individuelles entre les ONG et l'UNESCO, et l'exercice de reclassification, suivent leur cours. Le Directeur général est prêt à tout moment à étudier tout cas individuel où il apparaîtrait nécessaire de prendre en compte des éléments nouveaux concernant le développement de la coopération concrète. Les Directives introduisent une nouvelle souplesse et les classifications ne sont pas nécessairement définitives.

Du point de vue du mécanisme de consultation collective qu'est la Conférence des ONG, en l'état, la 25e Conférence (17-21 juin 1996) est suspendue et il n'y a pas de Comité permanent. Des mécanismes provisoires sont

mis en place pendant cette phase de transition. Le Président de la 25e Conférence est chargé des "affaires courantes" et s'entourera des conseils et de l'appui des représentants d'ONG qu'il estimera utiles. Les locaux et certaines facilités mis à disposition des ONG sont maintenus. Des réunions informelles entre les secteurs concernés et des ONG intéressées peuvent se poursuivre dans le cadre du suivi des résolutions de substance de la Conférence. Le Trésorier du Comité permanent "sortant" gère les affaires financières courantes.

Propositions

1. Le Directeur général souhaite, conformément à la lettre et à l'esprit des Directives, consulter l'ensemble des ONG en relations avec

l'UNESCO dans une démarche d'ouverture, de diversité géoculturelle, de travail dans la substance, de professionnalisation et de pertinence aux programmes et aux priorités de l'UNESCO, afin de déterminer les meilleures modalités pour une mise en oeuvre constructive et effective de la Sección III des Directives.

2. Avec l'expérience du passé, et notamment de la dernière Conférence des ONG, le directeur général propose à la considération des membres de la Direction générale, ainsi qu'aux groupes indiqués ci-dessous (paras 3 et 4), les points suivants.

(a) Quel est l'enjeu? (Pourquoi?) Le monde est en changement. L'UNESCO et ses partenaires doivent aussi savoir changer. Ils doivent redoubler d'efforts, dans le cadre de leur partenariat collectif; afin que (i) les priorités et programmes de l'UNESCO soient alimentés de manière substantielle de l'expertise & des préoccupations des communautés de base partout dans le monde et (ii) les réseaux des ONG soient véritablement mobilisés en tant que relais au sein des sociétés dans la solution des problèmes concrets du développement et de la paix par l'éducation, la science, la culture et la communication.

(b) Quel est le cadre? (Avec quoi?) Les nouvelles Directives constituent un outil approuvé par les organes directeurs de l'UNESCO pour cette indispensable revitalisation de la coopération avec les ONG sur le plan à la fois individuel et collectif. Les différents types de consultation collective sont: la conférence internationale des ONG, les consultations régionales, les consultations thématiques. Des mécanismes d'évaluation et de suivi sont prévus par les Directives, y compris un comité permanent issu de la Conférence internationale des ONG. C'est d'une application entière et constructive de ce volet des nouvelles Directives qu'il s'agit.

(c) Qui est concerné? (Avec qui?) Toutes les ONG qui travaillent avec l'UNESCO sont concernées dans leur ensemble. Elles forment une communauté d'une diversité remarquable. Le monde d'aujourd'hui exige une grande souplesse d'approche, sans automatisme et sans structure figée. La conférence internationale des ONG, tout comme les autres

consultations collectives, n'ont de raison que si elles représentent cette communauté dans toute sa diversité en ce qui concerne notamment: (i) les disciplines entrant dans les domaines de compétence de l'UNESCO et ses priorités, (ii) les différents "types" d'ONG en relations avec l'Organisation (professionnelles, généralistes/transdisciplinaires, catégorielles, lobbies/groupes de pression, corporations, "advocacy"), et (iii) la diversité géo-culturelle dans le monde. Dans ce contexte, l'importance de nouveaux partenariats au sein de la communauté non gouvernementale prend également tout son relief notamment en ce qui concerne les ONG régionales, nationales ou locales dans les pays en développement ou en transition. Ce sont vers les ONG nationales que les efforts de l'UNESCO seront renforcés dans la mise en oeuvre du programme de l'Organisation.

(d) Quels sont les moyens d'y arriver? (Comment?)

La concertation entre les ONG et l'UNESCO doit refléter la nature propre de la communauté non gouvernementale et ne pas se calquer sur le modèle intergouvernemental, dont le caractère figé est parfois lui aussi mis en cause. Aucun modèle susceptible de satisfaire tous les besoins, ou de refléter les différentes approches - qu'elles soient géoculturelles, inter- ou intra-disciplinaires, ne peut être a priori établi. L'UNESCO, avec ses partenaires ONG, doit pouvoir anticiper, réagir et agir de manière souple et adaptée à toutes les situations. Les consultations collectives doivent à tout moment fournir des éléments permettant au Directeur général d'infléchir ou de renforcer ses différentes propositions sur les stratégies et programmes futurs de l'Organisation. Elles doivent aussi servir de lieu de concertation entre les ONG pour la mise en oeuvre de ces programmes. Les mécanismes qui peuvent être définis doivent donc être le reflet de cette souplesse, de cette diversité, de ce besoin de réactualisation constante.

- Faut-il adapter la fréquence de la Conférence internationale? Les Directives le permettent.

- Faut-il envisager de nouvelles articulations entre les consultations collectives régionales et thématiques? Les besoins de pro-

gramme le suggèrent.

- Faut-il un comité permanent au fonctionnement remanié? Les circonstances le demandent.

- Faut-il que cette structure de coordination soit au Siège à Paris? Certainement, mais il faudrait aussi renforcer les antennes/réseaux régionaux et sous-régionaux et leurs contributions à ses activités, en étroite liaison avec les unités hors-Siège de l'UNESCO et les Commissions nationales.

- Faut-il que cette structure rassemble tous les avis en une position commune? C'est sans doute impossible et peu souhaitable; elle doit canaliser la diversité des vues des ONG vers l'UNESCO, encourager les échanges de vues et la compréhension mutuelle, relayer auprès des ONG les besoins du directeur général en termes d'avis et d'exécution du programme et s'assurer de la réponse appropriée du plus grand nombre d'ONG concernées.

A la lumière de ce qui précède, la consultation proposée devra déboucher sur des modalités concrètes et souples pour mettre en oeuvre ces partenariats et atteindre l'objectif principal décrit plus haut.

3- Une lettre sera adressée aux ONG en juillet 1996 les informant de la situation et les invitant à exprimer par écrit leur point de vue sur la présente proposition du Directeur général.

4. Un groupe sera établi, sur invitation du directeur général, composé de représentants des diverses composantes de la société civile au sens le plus large, à savoir:

(i) d'une ou deux ONG faîtières par "secteur" (par exemple, ICSU, ICET, AIU, EI, ISSC, CIPSH, ICOM, ICA...),

(ii) de quelques ONG "généralistes" (par ex. le Mouvement scout, la Confédération internationale des syndicats libres, etc.),

(iii) de représentants de réseaux régionaux d'ONG,

(iv) de représentants de certaines Commissions nationales,

(v) du président de la 25e Conférence des ONG, M. Rao Chelikani,

(vi) de représentants d'ONG qui ont eu un rôle particulier dans le cadre de la 25e Conférence des ONG,

(vii) d'autres personnalités à titre individuel,

(viii) de la présidente du Comité sur les ONG du Conseil exécutif, Mme D. Morf,

(ix) de membres du Secrétariat (Siège et hors-Siège).

Dans un premier temps le groupe sera consulté par écrit.

5. Un document de synthèse sera préparé par le Bureau des relations extérieures pour fin novembre 1996 sur la base des contributions écrites reçues. Ce document sera distribué à tous les membres du groupe, afin de pouvoir tenir une réunion en janvier/février 1997 pour finaliser les propositions que le Directeur général soumettra au Conseil exécutif à sa 15e session. Il sera ensuite possible de reconvoquer la 25e Conférence des ONG (période entre la 152e session du Conseil exécutif et l'ouverture de la 29e session de la Conférence générale, septembre/octobre 1997).

Il est entendu qu'entre-temps, le Directeur général informera le Conseil exécutif à sa 150e session (rapport d'activités et document de reclassification des ONG) de la situation et des mesures qu'il se propose de prendre.

Internationalism in women's movement a bibliography

This bibliography has been extracted from *Hidden from Hersitory: Women, Feminism and the New Global Solidarity*; Peter Waterman, Occasional Publication No. 3, Women Living Under Muslim Laws, June 1994. It is published here as a complement to "L'Internationalisme dans le mouvement des femmes comme modèle d'organisation des mouvements sociaux", by Marie-Aimée Hélie-Lucas; published in *Transnational Associations*, 5/1996.

"This is the sixth edition of a bibliography, previously issued separately under the title 'A Bibliography on Women, Feminism and International Solidarity'. Version 1 of this bibliography (two and a half pages) was produced in January 1989 for a feminist conference in South India. Version 2 was attached to a paper produced for a seminar on Women's Social Movements, held at the ISS, The Hague, April 27-8 1990. Version 3 was attached to an update of that paper for 'I Am Your Sister: A Conference on Forging Global Links Across Differences', Boston, October 5-8, 1990. The fourth edition was issued for a Consultation on Women and International Solidarity, organised in Combailloux, France, by Women Living Under Muslim Laws, March 1991. The fifth was issued for an informal workshop on feminism and internationalism, held at the ISS, The Hague, April 1992. The present edition contains 2-300 entries. It is extended beyond references but does not include all relevant items in my bibliography. It also includes 'non-feminist' items referred to in the paper and relevant to the problem of understanding and advancing global solidarity with and between women. The bibliography is drawn from 'The Real Movement Bibliography: A Cumulative Bibliography on Labour and New Social Movements, Démocratisation, Alternative International Communications and Relations'. This is a personal data base, kept on CDS-ISIS, a database program widely used by non-governmental organisations in the Third World, including women's ones".

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A new solution? Investigating Northern Support to East European and Southern Civil Society

*Outline of on-going research **

Increasingly, Southern, East European and Northern researchers are writing about the role of expanding civil societies. For some Northern donors (both official and non-governmental), the "discovery" of civil society has promised a new solution to the enduring problems of development, and many have devoted official development assistance dollars to a broad range of civil society projects. Yet questions remain whether this kind of assistance is different from existing interventions, whether the process of civil society growth is understood by donors attempting to intervene, and whether the commitment to strengthening civil society is hence a genuine change of approach.

The North-South Institute is undertaking a two-year project to explore the role of Northern governmental, multilateral, and non-governmental agencies and foundations in supporting Southern and East European civil societies. Assisted by a cross-disciplinary and international team, researchers will present policy-relevant recommendations to agencies interested in improving the effectiveness of foreign intervention in civil society. The objectives of the research are therefore to:

- Generate New Knowledge and analysis in a North-South-East Partnership
- Influence Official and NGO Policy
- Expand North-South-East Research and Policy Networks

In order to meet these goals, the research program consists of several components:

- Overview: What is, and Why talk about, Civil Society? The research will produce for debate a state of the art overview of current thinking and practices underpinning foreign support to civil society and will link Northern, Southern, and Eastern perspectives. This overview will form the first three chapters of the book. (An initial discussion paper on these themes was presented at a workshop on civil society research at the Institute of Development Studies, Sussex, and at the first meeting of the project research team in June 1996. The paper is titled Civil Society: The Development Solution? and is available on request).

- Four Country Case Studies: Peru, Hungary, Kenya and Sri Lanka. Four country case studies have been commissioned from regional analysts to explore the implications of official and non-official Northern support to civil society in each country. These analysts have designed a common outline and method for the studies, which will contain an overview of the formation of civil society in that country, reasons for change and current trends, and will explore the extent of foreign intervention designed to support its activities. The emphasis will be on the process of sustaining civil societies; not simply a accounting of organizational growth or numbers. Detailed chapter outlines are also available on request.

- International Seminar. The four case study authors, in addition to the four-member advisory group, will join together at the completion of the studies to present, analyze, and debate their findings. Donors, founders, academics, and civil society activists will be invited to attend the seminar, tentatively scheduled for March 1997 at the University of Sussex. Their debates will shape a series of specific policy recommendations which will form the final chapter of the book. An alternative proposal now being explored is to host an initial meeting in England to refine conclusions, and to hold a second meeting, possibly in Budapest in October 1997, to formally present findings to the donor community for debate.

- Active Communications Strategy. An edited volume in French, English, and Spanish, including overview, case, studies, and seminar results will be published by the North-South Institute in September 1997. The book will be the focus of an active communications strategy to encourage further debate, both during research and after publication, and will include policy meetings, articles, workshops, and electronic communication (our conference site on the APC node is called "nsi.new.solution;" on the internet, it is housed under "What's New?" on the Institute homepage at "www.web.net/nsi".

The research will build on existing substantive work on civil

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societies carried out by The North-South Institute: Bridges of Hope? Canadian Voluntary Agencies and the Third World; The Challenge of Democratic Development; Sustaining Democratization in Developing Societies; Democratization and Popular Participation in Africa; The Rocky Road to Democracy; A Case Study of the Philippines; and Choosing the Right Policy Levers: Drawing Lessons from the Government of Canada's Interventions in South Africa. This new project draws from this research base and looks to funding from a broad community in order to further explore

the policy implications of donor support to Southern civil society.

Further inquiries about the research can be made to the project coordinator, Alison Van Rooy. Her recent work on civil society, ODA, and the role of NGOs includes A Partial Promise: Canadian Support to Social Development in the South (1995), presentations to parliamentary and non-governmental groups about trends in NGO work, and The Altruistic Lobbyists: The influence of Non-Governmental Organizations on Development Policy in Canada and Britain (D. Phil, 1994). Her doctorate, funded by a

Rhodes scholarship, was supplemented by a research fellowship at the Department of Foreign Affairs and International Trade where she wrote on improved practices for consultation with civil society. Trained in development studies at Trent University, she won a number of awards for the work, including research and evaluations of Canadian NGOs. She was a Canada World Youth participant to Sri Lanka, and has been involved as a development educator for young people.

Disponible aussi en français.

New... Creations... Plans... New... Créations... Plans... New...

L'Allemagne, la France, l'Italie et le Royaume-Uni ont décidé de créer une agence européenne de l'armement, qui deviendra officielle le 12 novembre, à Strasbourg. Ce jour-là, les quatre pays, représentés par leurs ministres de la défense, signeront l'acte fondateur qui institue cette agence, prévue dans une déclaration annexée au traité de Maastricht.

Après l'instauration en 1995 d'une structure franco-allemande, chargée d'harmoniser les programmes d'armement de part et d'autre du Rhin, et avec son élargissement, d'abord à l'Italie et maintenant à la Grande-Bretagne, c'est un pas important que quatre Etats viennent de faire en direction d'une Europe de la sécurité.

Au début, l'agence est conçue pour gérer un projet commun à ses quatre membres, à savoir l'étude, la mise au point et la production d'un véhicule blindé de combat pour l'infanterie (VBCL), que les Britanniques ont baptisé MRAV (multirole armed vehicle) et qui, pour les Français, remplace-

era la gamme de leurs AMX-10 et autres VAB. Mais d'autres projets devraient suivre selon les besoins militaires des quatre Etats impliqués. De la sorte, l'agence devrait permettre à terme de constituer "une base technologique et industrielle de défense" en Europe, sur le modèle de ce qui existe aux Etats-Unis, dans le but de faire travailler ensemble des industriels de l'armement longtemps rivaux et peu disposés à coopérer.

Chacun des partenaires s'engage - une fois identifiés ses besoins, reconnues ses capacités à mener à bien le programme et une fois répartie la charge de travail - à acquérir le matériel à la fabrication duquel il a choisi de coopérer. C'est en quelque sorte un partenariat à la carte entre Européens, accepté dès le lancement d'un programme et exécuté dans un contexte de marché compétitif. Concrètement, des équipes de production transnationales formeront des alliances industrielles ad hoc qui seront mises en compétition, selon les types de matériels à fabriquer.

Par ailleurs, la France, l'Espagne, l'Italie et le Portugal ont installé, samedi 9 novembre à Florence, l'état-major permanent de l'Euroforce opérationnelle rapide (Eurofor), un dispositif militaire à dominante terrestre de l'ordre de quinze mille hommes.

Chaque pays fournit une brigade d'action ou d'intervention rapide et il la place, pour commencer, sous le commandement unique d'un officier général espagnol.

L'Eurofor est prévue pour des situations de crise et - au même titre que l'Eurocorps franco-germano-belge - pour les missions dites de "Petersberg" (assistance humanitaire) de l'Union de l'Europe occidentale (UEO).

(*Le Monde*, 10.11.1996)

The Community of Portuguese-speaking countries (CPLP) was officially set up in Lisbon on 17 July 1996 with the aim of uniting 200 million Portuguese-

speaking residents of Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal and São Tomé e Príncipe.

The Community's main aim is to offer a framework for co-operation at international level and the promulgation of lusophone culture among the signatory states. The heads of state and government of the seven countries have declared that the Community, which has a common historical heritage, must also give greater prominence to its external action for peace, democracy, the rule of law, human rights, development and social justice.

Among the topics addressed were the united effort to promote peace in Angola, the reaffirmation of solidarity with the people of Eastern Timor and support for Brazil in becoming a permanent member of the UN Security Council.

The executive secretariat of the Lisbon-based CPLP is run by the Angolan representative, Marcolino Moco, former Prime Minister. The Portuguese Secretary of State for Foreign Affairs and Cooperation, José Lamego, said that the CPLP would establish relations as quickly as possible with other international organisations, including the United Nations, the North-South Centre, the Organisation of African Unity and the Lisbon-based European Monitoring Centre for Drugs and Drug Addiction.

(*The Interdependent*, October 1996).

Le Directeur général de l'UNESCO, Federico Mayor, et le maire de Vérone, Michela Sironi Mariotti, ont annoncé le 5 juillet 1996 à Vérone la création prochaine d'un Institut international pour l'art lyrique et la poésie.

Différents artistes, poètes,

directeurs de théâtres et metteurs en scène étaient réunis à Vérone pour un séminaire organisé par la municipalité de cette ville et l'UNESCO, auquel assistaient notamment les régisseurs et directeurs de théâtres Kim Jeong Ok (République de Corée), Vladimir Vassiliev, du théâtre du Bolchoï de Moscou, Auguste Everding (Allemagne), ainsi que les poètes Adonis (Liban), Israël Eliazar (Israël), René Depestre (Haïti), Justin-Charles Carrere (Sénégal) et André Velcer (France).

Ils ont présenté pendant trois jours des suggestions pour la création de l'institut, qui se voudrait la mémoire vivante et le carrefour des deux arts. Son fonctionnement sera soutenu par l'UNESCO dans le cadre de son programme de promotion de la création artistique.

Fonctionnant en réseau, l'institut, lieu d'accueil, d'inspiration et de dialogue entre les artistes, aura pour objectifs majeurs d'identifier et de sauvegarder la documentation disponible dans les domaines du théâtre musical et de la poésie des différentes cultures du monde. Il encouragera en outre la création d'oeuvres nouvelles et la formation d'administrateurs et promoteurs de spectacles lyriques. Une attention particulière sera donnée aux programmes visant le développement de nouveaux publics et l'éducation artistique des jeunes.

L'institut sera basé à Vérone, cité millénaire de l'Adige, mondialement connue pour son Festival lyrique au cours duquel des spectacles prestigieux sont présentés dans les arènes et l'amphithéâtre romain. La fondation de l'institut coïncidera avec la commémoration du 400e anniversaire de la création du premier opéra.

(*Unescopresse*)

The Caribbean Community joined its counterparts in other geographic regions when it inaugurated the Assembly of Caribbean Community Parliamentarians (ACCP) on May 27, 1996 at the Sherbourne Centre, St Michael, Barbados.

The ACCP, the brain-child of former Barbados Prime Minister Mr Erskine Sandiford, is a deliberative body comprising of Regional parliamentarians and presents a unique opportunity for members of both sides of the floor, government and opposition, to air their views on matters affecting the Region. Purely domestic issues will not be allowed in the sessions under the Agreement establishing the Assembly.

In the hemisphere, there are at least three other Regional Parliaments. The Andean Parliament, the Central American Parliament and Latin American Parliament already bring together their respective geographic areas.

The Latin American Parliament is the oldest of the three having started in 1965 with the Andean Parliament in 1979 and the Central American Parliament in 1981.

The European Parliament is the oldest of its kind having begun back in 1952. It also has the most powers of any Regional parliament including control over the budget and membership of the European Union. That parliament also began as a deliberative body drawn from national parliaments as the ACCP will be but the EP is now elected directly by citizens of Member States.

Each Member State of CARICOM is allowed four representatives while Associate Members have a limit of two. There are provisions for alternate representatives.

(*Communiqué*, 27/1996).

A new fund to boost investment in Africa got an official send-off at Maryborough House in London 1996, in the presence of President Nelson Mandela of South Africa and British Deputy Prime Minister Michael Heseltine.

The Commonwealth Africa Investment Fund, or COMAFIN, is designed to channel commercial investment to the 19 Commonwealth countries in Africa. It was established by the Commonwealth Secretariat and the Commonwealth Development Corporation (CDC), the overseas development finance institution of the British Government. COMAFIN, an equity fund providing risk capital for investments in commercial enterprises, will be managed by the CDC.

COMAFIN is the first in a planned series of regional investment funds expected to be established under the Commonwealth Private Investment Initiative, a pan-Commonwealth venture set up by Finance Ministers in 1995 and endorsed by Heads of Government at their summit in New Zealand last November.

(*Commonwealth Currents*, 3, 1993)

Au cours de Foresterranée 96, le 7 juin 1996, à Arles, 23 personnes, provenant de 6 pays, se sont réunies pour préparer la création de l'Association Internationale Forêts Méditerranées.

Parmi les personnalités présentes, les Professeurs Morandini de Florence et Quézé de Marseille, apportaient à la fois leur appui scientifique à cette initiative et leur expérience des choses internationales, aux collègues venant d'Athènes, de Tunis, d'Algier, de Naples, de Rabat ou de Pise. La création est prévue à Nice pour la fin 1996.

(*La Feuille & L'Aiguille*, août 1996)

Dès 1988, consciente de l'enjeu que représentait la production et la diffusion de l'information en Francophonie, l'Agence francophone pour l'enseignement supérieur et la recherche créait le SYFED, système francophone d'édition et de diffusion. Le livre trop cher interdisait l'accès à l'information aux universités africaines et ne permettait pas aux bibliothèques de renouveler leur fonds. Avec une diffusion annuelle de milliers d'ouvrages et de revues auprès des étudiants et des bibliothèques, la constitution d'un club d'éditeurs francophones produisant livres, revues et nouveaux supports à des prix compatibles avec les réalités économiques des pays francophones, le SYFED a répondu aux besoins pressants des universités du Sud.

Par la suite, un réseau de centres SYFED se sont installés progressivement dans les universités

sud-sud francophones du Sud; contre de ressources, de formation et de soutien à l'éducation, ces 23 centres assurent l'accès à l'information sous toutes ses formes, de l'édition traditionnelle à l'utilisation de REFER, "la Francophonie sur Internet" en passant par l'accès aux banques de données par le vidéotex ou sur DOC-MEF. Ils permettent aux utilisateurs de s'approprier les nouvelles technologies de l'information. Lieux de connexion au réseau, les centres deviennent des infoports et hébergent sur les serveurs qu'ils abritent des informations sur les pays concernés. Ainsi en est-il de Bénin-Contact ou de Sénégal-Contact. Des programmes sont engagés pour améliorer la connectivité, développer des contenus élaborés pour le Sud (Prosud) et le Nord (Pronord), et aider les internautes francophones à naviguer, en français sur Internet, grâce à la table d'orientation Multi-F-Contact.

Ce programme de globalisation de l'information, du livre à Internet, est financé dans le cadre du Fonds Francophone de l'information par le Fonds multilatéral unique de la Francophonie. Il sera demain, nous le souhaitons, conforté par des aides complémentaires, pour que cette offre structurée de l'information scientifique et technique soit accessible à tous les pays du Sud.

(UREF Actualités, N° M, mai/juin/juillet 1996)

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