

Transnational Associations

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Essays for an
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Les syndicats
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Associations transnationales

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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 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 appel au savoir comme à la pratique des spécialistes 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 tout 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'engagent 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 l'«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 internationalistes et les idéaux de paix qui animaient les associations et qui allaient aboutir en 1920 à la création 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 ponctuelles avec les organisations régionales.

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I

Applying the concept of "political opportunity structures" in European and International Studies

by Kerstin Martens*

Introduction

Transnational social movement organisations (TSMOs) intensely interact with inter-governmental organisations (IGOs), such as the European Union (EU) and the United Nations (UN). TSMOs lobby EU Commission members and UN officials, participate at world conferences and specialised meetings and engage as consultants to universal and regional IGOs. They set up offices in Brussels, Geneva and New York, have special representatives for IGO relations and develop specific strategies to influence international negotiations. Indeed, IGOs have become the major target of TSMOs' activity in the international sphere. Accordingly, IGOs increasingly present the external setting on which the success or failure of TSMOs depend in influencing international affairs.

In research on 'national' social movements, the external setting enabling and limiting the chances of social movements to influence political processes has been captured in the notion of *political opportunity structures* (POS). Theorists of POS argue that the structures of the surrounding environment significantly influence the tactics and outcomes of social movements (Tarrow 1998; Kitschelt 1986; Eisinger 1973). Most importantly, it is the state which provides these structures of opportunities. In international studies, this setting has lately similarly been referred to as 'structures of opportunities' (Smith/Pagnucco/Chatfield 1997; Smith 1998), 'international opportunities' (délia Porta / Kriesi 1999), or even 'supranational political opportunities' (Passy 1999) when explaining the possibilities and constraints of social activity on a transnational scale. In these contexts, intergovernmental organisations, such as the EU or the UN, have been identified as playing a major role in providing these structures of political opportunities for transnationally operating social movement organisations. In this paper, the concept of political opportunity structures and its applicability in European and international studies will be explored in greater detail. In the first part, 'classic' national perceptions of political opportuni-

ties structures will be briefly described in order to present the underlying primary conceptualisation of the relationship between social movement organisations (SMOs) and their (state) environment. In the second part, current concepts of the interrelationship between TSMOs and IGOs will be explored from the perspective of applying POS in international studies. It will be argued that the concept of POS has been proved to be a useful tool for studying transnational and intergovernmental actors in transnational relations: analogously to national studies, the concept of 'political opportunity structures' can be helpful in international studies to analytically reveal gains and limits of interaction between TSMOs and official institutions.

The concept of 'transnational' POS has been applied on two dimension: first, it refers to the opportunities provided by *national* states for *transnational* social movements, whereby IGOs function as mediators. Since states still play a major role in this conceptualisation, in this paper this application will be referred to as *international opportunity structures* (to underline the continuing dominance of a perception based on nations). Second, the opportunity structures are provided by intergovernmental organisations themselves (independently from national states). In this case, a distinction can furthermore be made between *supranational opportunity structures* (when the structures are provided by IGOs which encompass supranational capacities, such as the EU) and *transnational opportunity structures* (when the structures are provided by IGOs which operate transnationally without supranational capacities, such as the UN).

Political opportunity structures in national studies

In research on social movement within the national frame, the concept of *political opportunity structure* (POS) has been widely accepted in order to explain the prospects of social movements for influencing political processes and outcomes. In contrast to the approach of 'resource mobilisation' (Zald / McCarthy 1987)

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1. Transnational social
movement organisations
(TSMOs) are those non-
governmental organisa-
tions (NGOs) which

aim at bringing about pro-
gressive change in a specif-
ic issue-area. TSMOs
include individual and/or
organisational members

modes of political influence
and a limited thematic
goal, see Smith (1997:42);
Kriesberg (1997:12);
Comparativ (1997:8). Arn-

Greenpeace or Oxfam are
often referred to as repre-
senting the 'prototypes' for
transnational social move-
ment organisations (Mac-
donald 1994:276).

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the concept of political opportunity structures emphasises the importance of the external environment in relation to the success or failure of a movement organisation.

For Tarrow (1998:77), political opportunity structures are the "consistent - but not necessarily formal or permanent

- dimensions of the political environment that provide incentives for collective action".

Similarly, for Kitschelt (1986:58), political opportunity structures are "comprised of specific configurations of resources, institutional arrangements and historical precedents for social mobilisation, which facilitate the development of protest movements in some instances and constrain them in others. Hence, political opportunity structures are the political context, in which social movements operate and which affect the ability and strategies of movement organisations. External settings and structures significantly influence the strategies, behaviour and impact of social movements on their environment. Following these accounts, the concept of political opportunity structures has been used widely in comparative research to explain differences of social mobilisation by focusing on the external setting in which the movements operate. Scholars have distinguished between 'open' and 'closed' political opportunities (Eisinger 1973), between 'input structures' and 'output structures'

(Kitschelt 1986), and 'weak' and 'strong' structures (Kriesi et alia 1995).

Among the aspects which specify the POS, the state and state institutions are of major importance because the state provides the largest set of stable factors (Tarrow 1998:81).² Theorists of political opportunities have mainly used the concept of POS in order to explain divergence across *nations* and / or to categorise *nations* in terms of mobilising social actors.³ Similarly, in this framework the focus is also placed on *national* social movements: a state provides the structures of opportunity for social movements which are embedded within the national context. Interaction between others states and/or foreign social movements does not play a part in this conceptualisation. Neither the exchange between national social movements from different states, nor the activity of transnational social movements with foreign states is taken into account in this 'classic' conceptualisation of POS. Hence, POS has been understood as an exclusive system encompassing a national state and national social movements.

Accordingly, the 'classic' conceptualisation of POS with its restrictions concerning transnational activity would look like this:

2. Tarrow distinguishes between changing and stable aspects of political opportunity. Changing aspects are aspects such as increasing access, shifting alignment, divided elite, influential allies, repression and facilitation. Stable aspects are the set of factors evolving around the concept of state (Tarrow 1998:81).
 3. McAdam, McCarthy and Zald (1996:3) have pointed out that the in the American tradition, POS has mainly been used to explain the emergence of a particular social movement as a result of changes in the institutional setting in a specific national system. In the European tradition, POS has more often been applied in order to make between different states on the divergence in the emergence and success of comparable movements.

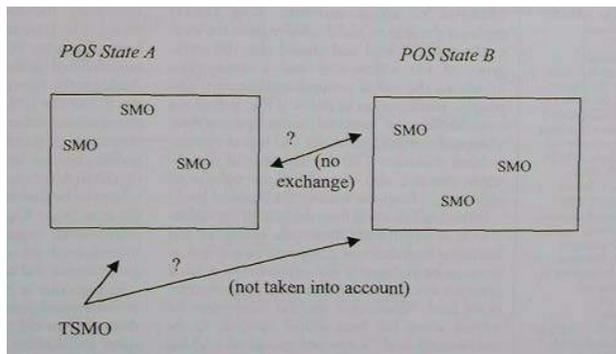


Figure 1 ____ 'Classic' understanding of POS

Political opportunity structures in international studies

Although the 'classic' understanding of POS has mainly focused on exploring the activity of social movements within the national setting, there is no need to assume that political structures of opportunities are bound to the geographical space or institutional setting of the national state. Instead, political opportunities are embedded in the locus of authority. In fact, Eisinger's (1973) initial use of the notion of POS referred to differences in opportunities *within* the national setting. He explored the variation in riot intensity across American cities, focusing on the *regional* level in his analysis. Hence, the addressee of social activity was the regional authority or city council, and not the whole state. McAdam gives another example of China, where party officials at the village level have significant autonomy from officials at the national level. Hence, it is more the specific setting within the village which provides the structures for political opportunities than national institutions (McAdam 1998:254/5).

Accordingly, social activism is not necessarily addressed to the national state but is much more oriented towards the locus of authority. Hence, a shift in the locus of authority also changes the addressee of social activism. Tilly (1984) explored the shift of social activity from the local to the national level and argued that the emergence of the nation-state had a tremendous impact on the rise of national organisations and peoples participation in political life. Before the establishment of national states, protest was addressed to local authorities and was of a mainly local character. The development of nation-states, instead, also transferred the activity of social actors from the local to the national level.⁴

Following Tilly's shift from the local to the national level, in international studies, the emergence and increasing importance of intergovernmental institutions can be analogously seen as the shift of political processes upwards from the national to the international level. Accordingly, also the focus point for societal actors has been shifted upwards to the international level.⁵ Organised groups of a 'global civil society',⁶ in particular 'transnational social movements', extend their activity to the global world in which IGOs, such as the EU or the UN,

play a vital role as addressees of social activity (Marks / McAdam 1996:251). In the following, current approaches to the study TSMOs/IGOs relationships will be reviewed under the light of providing political opportunities in transnational affairs.

International Opportunity Structures

The 'new transnationalists' (see contributors to Risse-Kappen 1995a) have particularly demonstrated the importance of the international arena for the impact of non-state actors, such as transnational social movement organisations. Risse-Kappen builds on two theoretical approaches which significantly influence the activity and ability of transnational actors: *domestic structures* (the normative and organisational designs by which the state and the society are formed and also inter-linked) and *international institutionalization* (the degree by which international agreements, regimes or organisations regulate a specific issue-area) (Risse-Kappen 1995b:6). The domestic structure model explains why non-state actors have a divergent influence in different countries, however, it does not account for the divergence of influence in the same country but in different issue-areas.

The reasons for this lie in the different degrees of international institutionalisation in a particular issue-area: the more a specific issue-area is arranged by international co-operation, the more permeable state boundaries should become for transnational activity (Risse-Kappen 1995b:7). Analogously, international institutions, such as the EU or the UN mediate the policy impact of transnational actors. They facilitate the access of transnational actors to processes of international politics, because international organisations open up channels for transnational actors which would otherwise be limited by the domestic structure of the state (Risse-Kappen 1995b:31). In particular, international organisations make it easier for international and transnational networks to lobby governments and other representatives.

In particular in the field of human rights and environmental protection, a comparatively precise theoretical model of the interactions of transnational social actors and official representatives has been developed. Keck and Sikkink (1998a) have studied *transnational advocacy networks* (TAN) and discovered a 'boomerang pattern' by which

4. On the rise of national social movements in relation to single states, see also Tilly on Britain (1982) and on France (1986).

5. In fact, this is one of

used for the rise of a global civil society; see, for example, Rucht (1999:206), Lipschutz (1992:399), Camilleri / Falk (1992:211), Sikkink (1993:411), Finger (1994:59).

6. Terms for social activism on a global scale vary, however, they basically describe the same phenomenon. *Global civil society* has most often been used, see for example Gill (1991), Lipschutz (1992), Wapner (1995, 1996, 1997), Kamal / Blaney (1998), Turner (1998). Similarly, other authors refer to *international civil society*, see for example Ghils (1992), Peterson (1992) and the authors in the special issue of *Comparativ on 'Internationale Zivilgesellschaft' (1997)* or *transnational civil society*, e.g. Otto (1996). *Transnational linkages* is used by Princen and Finger (1994).

domestic social actors bypass the repressive state in order to find international allies who can bring pressure on the state in question from the outside! Keck and Sikkink concentrate on one set of transnational actors: transnational advocacy networks. Transnational advocacy networks are "those relevant actors working internationally on an issue, who are bound together by shared values,

a common discourse, and dense exchange of information and services" and hence encompasses national and transnational social organisations and IGOs (Keck / Sikkink 1998a:2). National groups, domestic NGOs, and social movements link up with international NGOs which then establish (or use already established) bonds with intergovernmental organisations or other states to put pressure on norm-violating states.

Risse and Sikkink (1999) further elaborated the boomerang effect to a 'spiral model', which reveals the single consecutive steps of bringing about changes in the human rights field. The 'spiral model' presents the five different phases of institutionalising international human rights ideas and norms into respective domestic arrangements. As

such, it explains the variations in the degree of internalising human rights norms in different states (Risse / Sikkink 1999:3). The adaptation to these norms follows in a socialisation process, during which IGOs play a major role. As in the boomerang model, societal actors link up with international institutions in order to bring upon pressure on norm-violating states. IGOs are particularly important during the socialisation process of norms, since they set up the standards for rights (by passing the necessary resolutions) and most of the 'talk' (the processes of arguing over human rights violations) takes place within the framework of international governmental organisations.

The transnational approach and, in particular, the boomerang pattern and spiral model, enlarge the concept of POS in TOO respects. First, IGOs function as a mediator for TSMO activity in order to gain access to a particular state. IGOs loosen up or relax the POS of the state in question.⁷ As Risse has put it "[i]nter-state relations tend to lower state boundaries thereby allowing for flourishing transnational relations [and] legitimize transnational activities in the 'target state';

7. McAdams (1998) argued that international events have an impact on shaping the structure of domestic political opportunities. However, he relates his argument less to international governmental institutions; rather, developments in one country influence the POS of another. [KMO] "By transgovernmental areas we mean the contributions to decision making and policy formation that comes from the bureaucracies of intergovernmental agencies as they interact with experts and interest groups in and outside of governments" (67). In this context, the authors emphasise the transnational aspect Also note 5 "We use the term transgovernmental arena to emphasize the decision-making role or intergovernmental agencies and also to include the role of non-governmental ones"

POS State A

POS State B

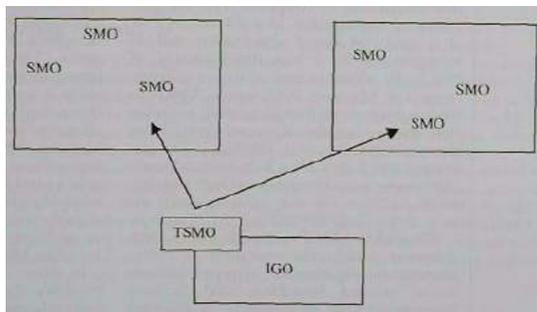


Figure 2 POS in international studies 1

actors are less and less treated as 'foreigners', but as almost indistinguishable from other domestic players" (Risse-Kappen 1995b:32). Secondly, the political opportunity structures of a state, hence, facilitate or restrict the opportunities not only for national social movement but also for transnational social movements. Keck and Sikkink pointed out that the POS of the state is a highly important feature, because the ability to place pressure on a repressive state depends on the openness or closeness of an ally state for transnational actors (Keck / Sikkink 1998b:222).

Hence, POS in international studies could be conceptualised as per figure 2, see page 5.

IGOs, however, do not only improve the access for TSMOs to particular states, they also provides structures themselves. Following the broad conceptualisation of opportunity structures as "factors that facilitate or constrain social change efforts" (Smith, Pagnucco and Chatfield 1997:66), the authors argue that not only national states produces structures of opportunities, but intergovernmental and the transgovernmental arenas (such as the UN or the EU) also provide structures of opportunity as they facilitate or restrain the capacity of TSMOs.

In this view, IGOs provide formal and informal mechanisms to co-operate with non-governmental organisations. In particular, they set up a system of formal accreditation, such as arrangements for a 'consultative status' of NGOs, by which societal actors are officially recognised. Moreover, IGOs invite TSMOs to regular meetings or they allow their participation during multilateral negotiations. From closer co-operation with TSMOs, IGOs gain benefits which they often lack, such as knowledge, resources and international legitimisation, since TSMOs enhance governmental accountability (Passy 1999:155; Smith / Pagnucco / Chatfield 1997:74, Smith 1995:195). Moreover, within the structures of IGOs, transnational organisations aggregate interests across national boundaries and facilitate intergovernmental policymaking by diffusing ideas (Passy 1999:156; Smith / Pagnucco / Chatfield 1997:69). TSMOs, in return, are provided with symbolic as well as material resources. They are formally recognised by the community of states and granted an official sta-

tus. Moreover, they also gain material means from IGOs, such as financial aid.

Whereas Smith et alia and Passy base their implications mainly on the UN, Marks and McAdam (1996, 1999) have focused on the EU integration process and the structure of EU level political opportunities' (Marks / McAdam 1996:258). More than in relation to the UN, social mobility in Europe is dependent on the access to establishment and institutions of the European Union. This is so because the European Integration process creates supra-national governance structures. "[T]o the extent that the European integration results in the replacement, or more likely, the decline in the importance of the nation-state as the exclusive seat of formal institutional power, we can expect attendant changes in the forms and dynamics of social movement activity" (Marks / McAdam 1999:98). In addition to national settings (in particular, private law under which social movements come), so the authors argue, does the mobilising power of social movements at the EU level depend on the POS of the international environment. More than on the national level, the impact of social movements depend highly on their ability to respond to the unique features of constrains and opportunity provided by the EU.

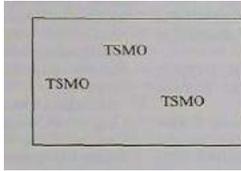
Following Tilly, the EU process also effects the emergence of transnationally operating movements. "The movements most likely to benefit from emerging EU structures are those which enjoy a certain receptivity/openness at the Union level and are not handicapped in their efforts to mobilise transnationally" (Marks / McAdam 1996:273). Accordingly, those movements whose mobilising ability is more historically rooted within the national setting, for which the labour movements seems to be a good example, faces considerable higher constraints on establishing cross-national linkages (Marks / McAdam 1996:276).

In these views, IGOs themselves are the providers of structures within the international political process. They not only supply improved access to target states, but also establish direct structures for the political activities of TSMOs. As such, IGOs are not the mediators between TSMOs and the state but instead present much more the direct target of TSMO

activity. As a result, IGOs differ in their provision of POS; thus a concept of transnational or supranational political opportunity structures would allow for a comparison of IGOs in their provision for encouraging or limiting the activity of TSMOs. Accordingly, the mobilising power of TSMOs not only depends on their access to single states but also on their access to state organisations.

Thus, supranational opportunity structures can be modelled in the following way:

POS of IGO A



It has been argued that POS in international studies involves two dimensions. First, similar to the 'classic' understanding, it is still the state which provides the POS. However, these opportunities also affect the abilities of transnationally operating social movements to influence state policies. In this view, IGOs are mediators for transnational social movements because they improve the access of transnational movements to state-provided structures of opportunities. Secondly, IGOs themselves provide structures of

POS of IGO B

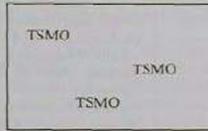


Figure 3 POS in international studies II

Concluding remarks

In this paper, it has been argued that the concept of political opportunity structures is a useful tool for conceptualising social activity in a transnational world. In the first part, the concept of POS has been explored in its 'classic' state-oriented sense, namely, the use of POS for the study of the national setting. The state has been identified as the main provider of stable structures of opportunities for national social actors. In the second part, the application of POS in European and international studies has been explored.

opportunities since they are perceived as the major locus of authority.

In sum, POS in international studies has proved to be a useful tool for the study of TSMOs and their mobilising power in international relations. Due to the increasing of social activity across national borders, theoretical approaches such as POS are re-evaluated and / or expanded in order to fully analyse the influence and impact of transnational social movements. POS has become a multi-level approach ('classic' POS, POS I and II in international studies) whose dimensions should be analytically distinguished in order to not dilute the analytic tool of POS.

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Essays for an Open Europe

by Tony Bunyan, Deirdre Curtin and Aidan White

Introduction

A new code on the citizens' right of access to documents in the European Union is currently being discussed by the European Commission, the Council of the European Union and the European Parliament. The three EU institutions have to agree a new code by May 2001 to meet the commitment in Article 255 of the Amsterdam Treaty to "enshrine" the right of access to documents.

In the "corridors of power" in Brussels the positions of these institutions indicate that they are heading for more secrecy and less openness. Indeed they seem more concerned with establishing rights for themselves (through so-called interinstitutional "deals") than for the citizen.

These essays have therefore been written to encourage a much wider debate throughout the whole of civil society so that its voice can be heard in a way that cannot be ignored. Access to documents in the EU is not a "gift" from on high to be packaged, sanitised and manipulated, it is a "right" which is fundamental in a democracy.

Access to documents "could fuel public discussion"

When Statewatch applied for a document setting out far-reaching changes to the 1993 code of public access to EU documents in July (the "Solana Decision") the Council said its release "could fuel public discussion on the subject". It is hard to think of a more undemocratic argument. Access to documents is fundamental to a healthy, critical and thriving democracy, it enables civil society to understand, analyse and participate in discussion. Access to documents does indeed "fuel public discussion" and so it should.

Civil society should be able to get access to all documents, including those from non-EU governments and international organisations (including ad-hoc, and often secret, intergovernmental meetings of officials and officers), subject only to narrow and specific exceptions. People have a right to know all the views considered and rejected, all the influences brought to bear, on policymaking. They have a right to see these documents as they are produced or received - not after a new policy is adopted, but before.

Similarly there has to be access to all documents concerning the implementation of the policies adopted - reports, mission reports, surveys and their results, and studies - which flow from decision-making (again as they are produced).

This kind of access would allow EU citizens and those outside the EU who are affected by its policies and practices - refugees, asylum-seekers and third world countries - to take part in decision-making and to monitor ongoing practices.

Without documents and debate democracy is devalued and diminished and finally it withers away leaving democracy without content, without meaning.

"Space to think" also means space to act

The EU Council (governments), the European Commission and the European Parliament are currently discussing a new code of public access to EU documents. This is meant to "enshrine" the commitment in the Amsterdam Treaty (Article 255) to ensure openness is truly put into practice, but will it?

In its proposed new code of access to EU documents the Commission wants to create the so-called "space to think" for officials (public servants) and permanently deny access to innumerable documents. The "space to think for officials is apparently more important than the peoples' right to know.

But there is another problem with the "space to think" for officials, it would also give them the "space to act". Many of the documents hid-

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den by this rule would concern the implementation of measures - the practice that flows from the policies. Officials would be unaccountable for their actions. Democracy is not just about information and participation in policymaking, it is crucially about the ways policies are put into practice. For example, police powers over the citizen are judged not just by formal laws but by how they treat people on the streets and in detention. In policing terminology the "space to act" is called "self-regulation" where officers are given so much discretion that they are "free" from direct lines of accountability for their actions, often with disastrous results.

We are seeing an increasing number of "gaps" in EU accountability even at the formal level. Since 1994 there have been annual reports on the work of the Europol Drugs Unit but now that Europol is a fully-fledged operational agency there is a "public" glossy version heavy on "spin" and low on content. Since 1995 there have been annual reports on the implementation of the Schengen Convention (up to 1998). Now we are being told that because the Amsterdam Treaty split Schengen between the "first" (TEC) and "third" (TEU) pillars there are to be no annual reports in future. Who made this decision, officials or governments?

Thus we will no longer know how many checks have been carried out on the Schengen Information System (SIS) database to exclude people from entering the EU or how many cross-border surveillance operations have been requested. And all this happens when the Council is discussing major extensions in the data to be held on the SIS.

The huge gap in knowledge which would result from the "space to think/act" is compounded by the proposal that non-EU states, agencies and international organisations, like the USA or NATO, would have the right to veto access to documents for EU citizens. At a time when ad-hoc, secret, international working parties abound in the field of "law enforcement" and globalisation marches on unfettered the idea that whole areas of policymaking and practice should be removed from public view should be abhorrent to any democrat.

The demand for the "space to think" and the "space to act" must not be allowed to contami-

nate the code of access to documents. It is only legislatures which have the right to ask for the space to think, not the executive and its officials. The people have "freedoms" and "rights", government and officials have "responsibilities" and "duties".

It is simple, democracy needs a culture of accountability.

Undermining the principle of access to all documents

The principle of freedom of information (access to documents) is in the first Article of the current code of access. Citizens have the right to request any document subject only to very specific and narrow exceptions.

At the end of July when Brussels was empty for the holiday season the Council adopted (by 12 votes to 3) the "Solana Decision" to satisfy NATO. The Decision permanently excludes from public access whole categories of documents covering foreign policy, military and "non-military crisis management" - and any other document whether classified or not which refers to these issues (the Commission is in negotiations with NATO to reach a similar agreement). Nor does it make any distinction between policy-making (which should be in the public domain) and operational details. It is not possible to equate this Decision by the Council to change the 1993 Decision taken without consulting anyone, certainly not parliaments or people-with any conceivable understanding of democratic decision-making. It was arrogant and contemptuous of democratic standards.

When Statewatch was told that access to a document "could fuel public discussion" we were also told that access could offend "the Council's partners". We cannot have a situation where non-EU states (eg: USA) or international organisations (eg: NATO) have a veto over the EU citizen's right of access to documents. What is the meaning of a defence and security policy, what is it defending and securing if it requires the denial of citizens' rights and is adopted in a way that a totalitarian state would be proud of?

There is a public register but none of the documents excluded under the "solana Decision" will be included, nor will the thousands of doc-

uments produced every year which are called "SN" (sans numéro) documents (even though they are numbered).

On top of all this the Council and Commission want to have wide powers of discretion over what can be released. If a diligent researcher asks for too many documents they can be refused or sent only some of them. If they ask for documents on their special interest/expertise (environment, policing, immigration, trade and aid) on a regular basis they can also be refused access.

Will the new code be better than the existing code and practice? Will the new code, as intended by the Amsterdam Treaty commitment, "enshrine" the citizens' right of access to documents? The answer from the Commission and Council is a clear no. Public knowledge is to be sanitised and controlled.

EU governments do not seem to have learnt the lessons of just a short time ago, that freedom of information is the best defence against corruption, fraud and the abuse of power. While the Netherlands, Sweden, Denmark and Finland are trying to ensure the commitment in the Amsterdam Treaty is met, France and Germany are pushing strongly for changes which will mean even less access to documents than at present.

Is there a future for democracy in the EU?

As long as I can remember there has been a "democratic deficit" in the EU and there still is even as the EU prepares for enlargement.

The "democratic deficit" is not just about the powers of parliaments - national or European - it is much deeper than that. It is about changing the democratic culture into a culture of openness, of an informed public and responsible and accountable institutions.

When the Commission put out the draft for the new code of access many suspected the "dinosaurs" would come out of hiding, that officials and entrenched interests would try and use the commitment in Article 255 of the Amsterdam Treaty not to "enshrine" the right of public access but to limit and shackle it - to end up not with a code of access for citizens but "A Regulation for the Protection of the Efficient Workings of the Institutions".

The resolution of this issue will be a defining moment for democracy in the EU. The argument is really very simple:

In a democratic system, it should be quite easy to understand - citizens have a right to know how and why decisions are made and implemented. Without freedom of information, access to documents, there is no accountability and without accountability there is no democracy.

Tony Bunyan*

Authoritarian temptation seduces EU decision-makers

Listening to the speeches of Europe's political leaders in recent months it is difficult to suppress the sentiment that they are not being quite serious. Many "grand" visions of the future of Europe have been launched (Joshua Fischer, German Foreign Minister, Jacques Chirac, French President, Guy Verhofstadt, the Prime Minister of Belgium and Tony Blair, the British Prime Minister). The rather pedestrian preoccupation of the current IGC process to ensure that the European institutions operate in an efficient manner after the next rounds of enlargement (a new Europe of 25 to 30 members) is for many European political leaders too meagre a diet. A

European Union with very imperfect democratic legitimacy and ill functioning cannot be the end station of what they have in mind, no matter how many new members it acquires. The politicians' horizons have these past months shifted not so subtly away from the size of the EU to the ultimate goal of the European unification process.

How must a European Union with so many members be conceptualised, in which areas must a common European policy be pursued together and what should the renewed EU's role in the world be? Progress in each of these regards is said to be possible only if the ultimate goal to be

achieved is formulated first. According to the Belgian prime minister: "any process comes to a standstill when we lose sight of the objective. That is how it works. It is the dynamics caused by the debate about the ultimate goal that is the strength of the European integration. If these dynamics are no longer there, the European unification is threatened by stagnation. Actually, the European Union may be compared to a bicycle. It must move forward, otherwise it falls."

But the fundamental question is surely in what kind of Europe do we want to live? The Belgium Prime Minister claims that "we all would like to live in a Europe that is built on European values of democracy, respect for human rights, rule of law and the cultural and political diversity which is our richness. In short, a Europe that attaches great importance to the values, which result from the French revolution. A Europe that knows how to ensure these values without giving up its diversity and its future." Few will disagree with this, Euro sceptics included. The problem is that it sounds marvelous phrased in these terms but the operationalisation in practice is severely lacking.

A Europe that attaches great importance to the value of democracy is not what we are currently living in. Transparency in decision-making and freedom of information are key elements in the democratisation process of the EU. Without an informed citizenry no real accountability is possible. Yet what is presently happening is that the Member States acting together in Council as well as the Commission (and even in certain respects the European Parliament) seem almost to be conspiring together to ensure that the gradual and hotly contested steps towards achieving more openness in decision-making processes at the EU level are stopped in their tracks and in some respects reversed.

Over the course of the past five or so years, many EU institutions and organs have themselves adopted on a voluntary basis self-regulatory measures granting citizens access to their documents. Moreover the Court of Justice in Luxembourg has laid down some general principles in case law. However it was the Treaty of Amsterdam which explicitly gave the citizens' right to access to documents a fundamental treaty status. It also required that secondary leg-

islation (Euro-Freedom of Information Act, FOIA) had to be adopted by May 2001.

The current EU rules give access to all categories of documents produced by the institutions in question, subject to a limited number of exemptions. The Commission drew up a draft Euro-FOIA earlier this year which excluded a very substantial category of documents from its scope on the ground that the institutions need a (unlimited) space to think. Excluded are "texts for internal use such as discussion documents, opinions of departments and informal messages". Such excessive defensiveness has been the subject of quite extensive criticism. Also it is quite extraordinary that the Commission in its new draft directive on public access to environmental information includes such internal documents within the scope of access of the directive only enabling Member States to refuse access where they can show that a specific exemption applies, subject to an overall public interest test. This much more restrictive and narrowly tailored approach to Member States environmental information stands in sharp contrast to the Commissions approach to its own internal documents.

The Solatia Decision

The Commission's draft Euro-FOIA is now being considered both by the European Parliament and the Council. In the meantime, the Council this summer explicitly challenged the Parliament's role in the EU legislative process by unilaterally amending its own decision on access to its documents. This can be described as an act of bad faith by the Council given that the Euro-FOIA will replace this internal decision as soon as it is adopted. Moreover, it can be argued that the provisions of the Treaty of Amsterdam create a standstill obligation for the Community institutions as regards access to documents. In other words the institutions must not act in a manner which makes access to documents more difficult than before the entry into force of the Treaty of Amsterdam. Instead what is now happening is that both the Commission and the Council are attacking what has already been achieved.

The Council decision in question was adopted on 14 August while the European Parliament, its

legislative partner, was in recess. National parliaments and civil society were also not informed. Some of the press dubbed this incident "Solana's military coup". Mr. Solana, ex-Secretary General of NATO, is Secretary-General of the European Union and High Representative for Common Foreign and Security Policy. As well as that he is Secretary-General of the Western European Union (WEU). The amendment he prepared severely restricted public access to "all documents classified as top secret, secret and confidential in the fields of foreign policy, military and non-military crisis management". It did so by excluding such documents from the scope of access entirely.

Sensitive security information is protected by every administration. There is nothing extraordinary or undesirable about that. That aim could have been achieved by the exemptions included in the existing rules on access. What is undesirable and is explicitly contrary to the existing case law of the Court of Justice is to exempt broad categories of documents without subjecting individual documents to explicit scrutiny as to the applicability or otherwise of one of the grounds of exception (protecting justified interests such as privacy, defence, etc). Moreover the case law requires institutions to grant partial access to documents where non confidential information is included and to respect general principles such as the principle of proportionality. This was ignored.

There are a few other aspects to the Solana decision which are worrisome. First, the phrase "non-military crisis management" refers to civilian aspects of crisis management, such as police and judicial co-operation. This would exclude, for example, access to all documents relating to the new EU rapid-reaction paramilitary police force, even with regard to policy-making matters. Second, the Solana decision allows international organisations such as NATO and third countries such as the US to veto a citizens access to documents if the documents have been drawn up by or in conjunction with them. For all the rhetoric of the EU on the need for greater transparency only the Netherlands, Sweden, and Finland voted against adoption of the Councils Solana decision.

The Dutch decision to challenge the legality of the Council's Solana decision before the Court of Justice in Luxembourg has been greet-

ed with surprise by some of the other Member States. But the Netherlands has also strong allies on the matter. Sweden and Finland have announced that they will support the Netherlands in its case and the European Parliament has too. Though this firm stance in favour of more openness is very welcome it must be recalled that it will raise the rather technical legal question of the validity of the legal basis employed in the light of the changed legal context of the Treaty of Amsterdam. Moreover by the time the Court delivers its judgment the outcome will be of largely historic interest.

The future of EU open government

The more immediate issue for the future of open government in the EU is the question of the relationship of the Solana decision to the draft Euro-FOIA now going through co-decision. The Commission has issued a statement, promising to adjust its own rules to bring them into line with the Solana decision. This is explained by the fact that the Commission is itself negotiating security arrangements with NATO at present. Moreover the Commission has stated that it might also have to amend the draft Euro-FOIA to incorporate the Solana provisions. If the Commission does this then the Netherlands may again be overruled in the decision procedure which is governed by majority voting. The UK government has informed the House of Lords that it is likely that the Solana decision "will form the basis for the Council's common position on the Regulation".

The battle lines are in any event clearly drawn and the outcome uncertain. At the end of the day it might only be an outright veto by the European Parliament which could stop an unsatisfactory Euro-FOIA being adopted. In these circumstances all three institutions in the legislative procedure would fail to comply with their treaty obligation to adopt a Euro-FOIA by May 2001. It is in this troubled perspective that Europe's leaders need to ensure that their grandiose plans on Europe's future turn out not to have feet of clay. Their own credibility vis a vis the citizens of the EU are at stake. They need to first take the issue of more transparency and openness seriously. This means ensuring that the European

Freedom of Information Act which is in the process of being finalised does not constitute a step backwards compared to the status quo. In other words it should build on what has already been achieved both at the EU level itself as well as at the national constitutional level. The aim of formulating such rules at the EU level can never be to deprive Europe's citizens of rights which they have already acquired either at the European level or at the national level.

The forces for secrecy cannot be allowed to argue that the EU institutions need a virtually unlimited space to think : these institutions do not operate as islands where fortifications need to be firmly secured around them. Rather these institutions and organs operate within a democratic culture and are subject to its restraints.

Moreover at the very time when the EU is planning to adopt an EU Charter of Fundamental Rights enshrining both the right to information, to access to documents and to good administration it must be ensured by all the various actors that the fundamental status of such rights is taken seriously in practice, in deeds as well as words. Only when this is assured should the debate on Europe's future and the means of increasing its democratic legitimacy pursue its course.

Deirdre Curtin*

How journalists have spiked NATO's secrecy guns

Next year European Union leaders face a deadline set by the Treaty of Amsterdam in 1997 to put in place a procedure and policy to guarantee citizens' rights of access to documents of the European Parliament, the Council of Ministers and the Commission. But the co-decision process to agree a new code strengthening peoples' right to know is in chaos.

There have been allegations of skulduggery, court actions and a range of proposals now before the Parliament reflect a failure to reach any sensible consensus on how to break the culture of secrecy that still rules in Brussels.

The security chiefs of Europe (and NATO) have, belatedly, plunged into the transparency debate with an uncompromising approach that threatens to halt the march towards open government and may even signal a retreat from an openness policy first agreed seven years ago. But NATO's attempts to shut the door on the peoples' right to know are likely to fail.

The security establishment began their campaign with a "summertime coup" on 14 August, while parliaments and journalists were on holiday, when the Council of Ministers unilaterally amended its own rules of procedure to deny access to certain documents under a new system of classification. For good measure they also

excluded access to any category of other documents that might allow someone to deduce the fact a classified document exists.

This approach not only torpedoed the freedom of information traditions of a number of Member States, it undermines the core principles of transparency and makes a mockery of efforts to agree a new procedure, by May 2001, which is meant to "enshrine" the citizen's right of access to documents under Article 255 of the Amsterdam Treaty.

Why national standards counter Brussels secrecy

The arrogance of the Council, led by Foreign Policy Chief and former NATO Secretary General Javier Solana, is touched with farce given the response to a request by the magazine Statewatch who asked for the papers upon which the decision was taken. They were refused and, as Tony Bunyan explains in his essay, were told that access to a document "could fuel public discussion". Another request for documents, by the European Citizens Advice Service, received a blanket refusal, even though the papers concerned were already in the public domain.

But the reality is that NATO's actions are likely to founder following the action taken by journal-

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ists in Sweden a few years ago who demonstrated that national laws guaranteeing access to documents take precedence over privileged access to information by political insiders in Brussels.

The Journalists Union of Sweden in May 1995 challenged the Council of Ministers over access to Council documents relating to Europol activities. At that time the Swedish Union asked for 20 documents from the Council and, under Swedish Law, requested the same documents from the Swedish Government.

The Council handed over just two documents, but in Sweden some 18 documents were released in line with the country's long-standing legal commitment to make access the rule of government rather than the exception. The Swedish Union mounted a legal challenge to the Council's action and won their case at the Court of First Instance in Luxembourg.

In its judgement on June 17th 1998 the Court set out the important principles:

First, that according to the 1993 European Union code, access to documents must be the rule;

Second, any restrictions on access must be narrowly interpreted;

Third, every document should be tried or examined on its own when deciding if it should be released;

Fourth, if a document is refused there should be real harm to the interests concerned.

All of these principles are, under NATO's guiding hand, being challenged by the European Union Council of Ministers.

Meanwhile, in the United States security chiefs put before the Senate a proposal to enact an "official secrets act" that make it a criminal offence to leak classified information to the press. Although Congress has struck down such proposals in the past as unconstitutional, the latest effort, like the action by the Council of Ministers, has taken place without any public debate or review of the proposal.

At the beginning of November President Clinton bowed to widespread protests by US civil liberty and journalists' groups and said he would not support this move. But the fact that it slipped on to the legislative agenda in the first place raises concerns about future attempts to undermine freedom of information policy.

Europe must take the high ground to open government

The issue at stake, both in Europe and the United States, is one that concerns the fundamental rights of all citizens and is not just in the interests of working journalists indeed, if the truth we know well that the press corps in Brussels and Strasbourg can generally get their hands on information through leaks and off-the-record briefings.

Journalists in membership of the European Federation of Journalists and particularly those in Sweden, the Netherlands and Finland have expressed outrage over the actions by the Council of Ministers. They are supporting a legal challenge over the Solana decision by these governments and the European Parliament.

They do so knowing how journalism has benefited greatly from moves towards freedom of information within member states. Any security service worthy of the name knows, therefore, that secrecy rules within the European Union are constantly under threat from ambush at national level.

As the Swedish case proves, national legal traditions can subvert Codes drawn up in Brussels. The benchmark for openness in Europe is not what Brussels can enforce, but the limits of transparency as defined by those countries with the highest levels of access to documents.

The Council of Ministers, and NATO, will have to recognise, sooner or later, that there are different traditions at work here and, in line with the Amsterdam Treaty commitments, it only makes sense to harmonise openness rules up to the levels of access that operate at the highest level nationally.

The alternative will be to attack the current openness rules that apply in a number of national states, such as the Netherlands and the Nordic countries, in particular. That may happen, but if it does, journalists, like those in Sweden, or John Carvel at The Guardian or Tony Bunyan at Statewatch, who have also challenged secrecy in Europe, will be among the first to take to the barricades.

*General Secretary of the European Federation of Journalists

Aidan White*

Trade Unions and NGOs

A necessary partnership for social development

by Dan Gallin *

Introduction

This paper explores issues arising in relations between trade unions and non-governmental organizations (NGOs). These relations have a long history and are complex, ranging from close co-operation to problematic relationships. When unions and NGOs co-operate, their joint impact on social and political events can be quite powerful. When such co-operation fails, it can significantly set back the agenda of both. Consequently, success or failure in union/NGO co-operation will affect the direction and the pace of social development or, in general terms, what world society will look like in the coming decades.

Both unions and NGOs are civil society actors. What they have in common are specific agendas for the improvement of society. Trade unions have always held that a consistent defence of the interests of their members over the long term required them to work on issues (including political and social democracy, civil and democratic rights, poverty elimination, equality, and the rule of law) influencing the well-being of people and society as a whole. They could thus legitimately claim to be serving the interests of society in general, as could NGOs acting on the desire to advance and improve the human condition.

Almost 20 years ago, I suggested that alliances between unions and NGOs had to be an essential element of an international labour strategy to balance the growing power of transnational corporations (TNCs) on a global scale. I argued that the broader social agenda of the labour movement could be advanced only through "the building of broad popular coalitions, with the trade union movement at their centre, but bringing together many civic groups, issue-oriented movements and other popular groups that perceive, each in its own way, the social threat that corporate power represents and whose areas of concern overlap, in different degrees, with that of the labour movement."¹

In the two decades that have elapsed, the power of TNCs has grown enormously. As a

result of globalization, transnationalized capital is now in a position to escape the demands of political society, in particular of the labour movement and the political left. Capital is therefore no longer interested, as it had to be in the 30 years following the war, in contributing financially and politically to a social compromise. Instead, it seeks hegemony. It has declared its own goals to be the general goals of society, has surrounded itself with ideological bodyguards in universities and the media, makes increasing demands on public resources to advance its own interests, and meets all opposition with unrelenting hostility.

It is clear that this context has influenced union/NGO relations, and in contradictory ways, positively and negatively. One of the effects has been to accentuate divisions in the NGO community, between those who have developed a sense of urgency about forming alliances with trade unions around a common—alternative—agenda, and those who are tempted to accommodate what has been called the New Policy Agenda.²

The same polarization between resistance and accommodation can be observed in the trade union movement, although unions, by the nature of the constituency to which they are immediately accountable, their membership, have more limited choices so far as their strategy is concerned.

It is therefore of some importance to identify the areas and the issues where unions and NGOs can co-operate, the conditions under which such co-operation is possible, the obstacles to co-operation, the areas where conflicts of interest arise, and the significance of such conflicts in a perspective of social development.

Organized labour: from postwar reconstruction to globalization

To understand the present situation a flashback is needed to the point where it originated, the end of the Second World War, when the organized labour movement reconstituted itself in formerly Nazi-occupied Europe and in Japan.

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1. Dan Gallin, "Unions and transnational: The beginnings of an international response", in *The New International Review*, Vol. 3, No. 1, New York, 1980.

2. Michael Edwards (Save the Children Fund) and David Hulme (Institute for Development Policy and Management, University of Manchester), *NGOs and Development: Performance and Accountability in the "New World Order"*, a background paper circulated to participants at an international workshop on NGOs and development, 27-29 June 1994, University of Manchester, referring to Mark Robinson, *Governance, Democracy and Conditionality: NGOs and the New Policy Agenda*, 1993.

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3. "Labour NGOs" are created by the labour movement to provide specialized services to its membership, for example Arbeiterwohlfahrt (Germany), Norsk Folkehjelp (Norway), War on Want (United Kingdom; development and social welfare), Friends of Nature (in several countries; leisure, environment protection), Arbeiterbund für Sport und Körperkultur (Austria; sports and leisure), Arbetarnas Bildningsförbund (Sweden), and Workers' Education Association (United Kingdom, Australia, Canada; education and culture). They are independently funded through membership dues and donations and, in the case of project administration, by public or semi-public grants. To organizations such as these, which are currently active and only a sampling of what is a vast social and cultural movement, must be added women's and youth organizations, publishing houses, schools at all levels of education, research institutions, foundations, banks, housing, and consumers' and production cooperatives in many countries (see footnote 4).

works include the International Federation of Workers' Education Associations, SOLIDAR.

Superficially, the conditions of its re-emergence looked promising. Organized business was in a weak political position. It carried the guilt of having supported fascism, first in Italy, Germany and Austria and then in all of occupied Europe, with a few honourable exceptions. The political mood of the time was therefore anti-capitalist. In France, there were punitive nationalizations. The German Christian-Democrats adopted at their first congress (Aalen) what amounted to a socialist program. The Union of Soviet Socialist Republics (USSR), at the peak of its prestige and with half of Europe under its control, may not have been socialist but was in any event anti-capitalist. In Japan, organized business had supported the military dictatorship and the war, and the occupation authorities, as in Germany, tried to bust the trusts. In the United States, the dominant power of the postwar world, the government was still New Deal Democrat and pro-labour, and in the United Kingdom Clement Attlee led a reforming Labour government.

Whatever else fascism may have been, it was certainly a gigantic union-busting exercise. The unions, allied to the re-emerging left, were riding the crest of the Allied victory, whereas business, at any rate in continental Europe and Japan, had lost the war. Therefore trade union rights, in their most extensive form, were taken for granted and incorporated in all postwar legislation.

But the labour movement that re-emerged under these conditions was not the prewar labour movement. It had been bled of its leadership: at least two political generations had disappeared in concentration camps, the war, or exile, with few returning. The survivors were quickly exhausted and the successors lacked training, experience and political vision.

In Eastern Europe where (with the exception of Czechoslovakia) the trade union movement was never strong in the first place, the social democratic, socialist, dissident communist and other independent cadres that survived the war disappeared in the jails and labour camps of the USSR Committee for State Security (Komitet Gosudarstvennoy Bezopasnosti (KGB)). Trade unions were forcibly dissolved and replaced by repressive state institutions of labour administration by the same name.

In Japan, two types of unions emerged under American occupation: the successor organizations to the "patriotic" labour organizations of the dictatorship, in general enterprise-based and management-controlled, and genuine unions (often also enterprise-based) led by socialists and communists coming out of jail.

Social reconstruction, financed in large part by the United States (in Europe through the Marshall Plan), therefore took place on the ideological base of social partnership, meaning roughly a trade-off between social peace and the recognition of labour rights, as well as the consent of organized business to participate politically and financially (through taxes) in building an egalitarian welfare state. Once the opposition (the communist unions in France and Italy and, marginally, the radical left) had been disarmed, this pattern prevailed for the next 30 years.

However, this social reconstruction also took place in the context of the Cold War. Contrary to what is often assumed, the Cold War was not the only or even the principal reason for the 1947 split of the World Federation of Trade Unions (WFTU) that emerged at the end of the war. The radical opposition between democratic socialist and communist social and political objectives, which became irreconcilable with the emergence of Stalinism in the mid-1920s, would have sufficed to split the movement. The ongoing repression of socialist trade unionists and any other independent trade unionists in the countries under the control of the USSR confirmed and deepened this split. Of course, as is well documented, the US Central Intelligence Agency made its own destructive contribution, the effects of which have often been overstated by both supporters and opponents. We need not subscribe to the police theory of history which holds that history is shaped by conspiracies rather than by the movement of social forces.

The fact remains that for the 40 years or more that followed, the political life of the labour movement was dominated by a false debate: whether capitalism (partially managed by social democracy) or communism (in its Stalinist form) was best suited to workers interests. There was also the argument that the huge propaganda machinery mobilized to line up the labour movement on either side of the vertical line separating

International Friends of Nature, Socialist International Women, and International Falcon Movement (youth). Together with the trade unions and labour parties they constitute the international labour movement, the accurate assessment of which, however, would have to include a long list of the flanking and auxiliary institutions that have been closed down or have declined into insignificance over the years. This loss has been only partially compensated by new or non-traditional labour NGOs, created in recent years by socialists and pro-labour activists, for example Culture et Liberté (France), Programa Laboral de Desarrollo (Peru), Labor, Education and Research Network (Philippines; education), Solidaritätsfonds für Befreiungskämpfe in der dritten Welt (Switzerland; international solidarity), Global Labour Institute (Switzerland), Labour and Society International (United Kingdom; research and advocacy), HomeNet (United Kingdom), and Women Working Worldwide (United Kingdom; organization and advocacy).

4. This applies principally to Europe, in particular Northern and Central Europe, but also to Israel and, on a more modest scale, to parts of the labour movement in Australia, Canada, the United States and some countries in Africa, Asia and Latin America.

5. States of Disarray: The Social Effects of Globalization, UNRISD, March 1995; see also Dan Gallin, "Inside the new world order: Drawing the battle lines", in *New Politics*, Vol. V, No. 1 1994.

the two blocs had largely succeeded in concealing the much more important horizontal line separating classes within the blocs.

The end of the Cold War coincided, broadly speaking, with the end of the postwar economic boom. Mass unemployment started appearing in the industrialized countries with the first "oil shock" of 1974. The Berlin Wall fell in 1989 and the USSR was dissolved in 1991. In the period between the late 1970s and late 1980s, the labour movement in the industrialized countries, behind an impressive façade, continued its decline. This resulted in a diluted and trivialized ideological and political heritage, priorities distorted through the Cold War, still-powerful trade union organizations but with leaderships geared to administering gains of earlier struggles rather than organizing and engaging in new struggles, and generally unquestioning in their acceptance of the ideology of social partnership and bereft of political imagination; and a rank and file educated to bureaucratic routine and passivity.

The complacency and depoliticization of the labour movement in the postwar period had an important side effect: the decline of the labour NGOs.³ The prewar labour movement was built on the assumption that all major social issues were its responsibility, and that its duty was to develop an adequate response to all of them. Specific aspects of the general struggle for a better world were normally taken up by a well structured socialist mass movement, which considered itself not only a political party, but also a counterculture to the existing society, and which created in its midst any organ or institution needed to take charge of any major social issue.⁴ Typically this would include, alongside labour parties and trade unions, organizations to advocate and develop gender equality, consumers' interests (the co-operative movement), popular health and welfare, housing, culture in all its aspects, education, leisure activities, and human rights (including anti-colonial movements).

In the postwar world, most of these institutions declined. In many countries they either disappeared or survived by narrowing their agendas and downsizing their ambitions. Ultimately, this was a consequence of the loss of

a whole strata of ideologically committed and educated cadres, which contributed to the decline of the socialist mass parties into electoral machines, and to the loss of any broad political dimension in the trade unions. But underlying this decline was also an assumption that dealing with many of the broader social issues—seen earlier as an obligation of the labour movement—in the context of the postwar world, had become a responsibility of the state. The labour movement had helped to build and was an active participant in the state, and therefore had developed a sense of ownership.

Of dubious value at the best of times, this assumption became obviously untenable as the state itself was challenged in the 1980s in its role as the keeper of social justice and welfare and started to downsize its commitments, under both left and right governments. Thus the withdrawal of the trade unions from a wide range of social concerns had actually fostered conditions for the emergence of issue-oriented groups without traditional ties to labour, which gradually filled the vacuum. In this sense the contemporary NGO movement may be regarded, at least in many of its parts, as the illegitimate child of the historical labour movement.

The globalization process of the world economy gained momentum in the 1980s and found the national and international levels of the trade union movement largely unprepared. The main features of globalization—revolutionary changes in communications and transport technologies and vastly increased capital mobility, in particular finance capital—need not be described here as they are familiar to all observers. So is the increase in number, size and power of TNCs, which at the same time have been the spearheads and chief beneficiaries of the technological changes underpinning globalization. As important as the geographical spread of TNCs has been the change in their structure through outsourcing. This has led to shrinkage of the "core" labour force in manufacturing and services and the growing casualization of production through a cascade of subcontractors, often ending with individual home workers.⁵

In summary, TNCs have immensely increased their power in two decades and mobility of capital is practically uncontrolled. Today, few TNCs

depend on the domestic market of their country of origin and therefore no longer depend on consensual arrangements with the social and political forces rooted in the domestic market.

One political consequence, with major social implications, is the decline of the nation state, in the first place as an economic actor.

The state has declined as an employer through privatizations, which have not only increased the power of the transnational as they buy up public assets, but which have also deprived the state of economic leverage and have therefore weakened its ability to influence economic policy and, in its role as an employer, labour policy.

The state has also declined in its role of economic policy regulator as a result of recent international trade arrangements that narrow the scope of democratic control over social and economic policies, transferring authority from democratically accountable governments and institutions to TNCs which are accountable only to their shareholders.

Finally, the growing inability of the state to control international capital flows has reduced its ability to tax capital⁶ and has thus reduced, sometimes drastically, the fiscal income that provides the basis for public services and social programs. This further undermines the social consensus, which depends on its ability to protect the weak through redistribution.

Even more dangerously, the inability to control capital within national borders (through legislation or other political measures) carries with it a commensurate loss of influence of all institutions operating within the confines of those borders—national legislatures, political parties, national trade union centres—in other words, all instruments of democratic control where they existed in the first place.

The ideological reflection of these developments is what has been described as the New Policy Agenda or the Washington Consensus: "an expression of faith, that markets are efficient, that states are unnecessary, that the poor and rich have no conflicting interests, that things turn out for the best when left alone. It held that privatization and deregulation and open capital markets promote economic development, that governments should balance budgets and fight inflation and do almost nothing else."⁷

Since most social-democratic governments subscribe, to a varying extent, to this position trade unions have been left with diminishing support from their traditional political allies and from the state. The unravelling of the alliance between social-democratic and labour parties and the trade union movement has meant that the unions have lost many of their traditional contact points and anchors in civil society. The increased influence of organized business on the state (whatever the government in office) has meant that the state has become an increasingly weak and unreliable defender of the social rights, welfare and security achieved through labour struggles in earlier decades.

This is happening as the trade union movement is facing new and major challenges resulting from the emergence of a global labour market, the most important social consequence of globalization. A global labour market means that—because of the mobility of capital and fluidity of communications—workers in all countries, regardless of the degree of industrial development or social system, are competitively underbidding each other, with huge wage spreads between countries and regions in all areas of the economy.

This underbidding on a global scale has set in motion a relentless downward spiral of deteriorating wages and conditions through competitive deregulation and informalization of work. But, as the traditional "core" labour force shrinks in industrialized countries, there is no quid pro quo in terms of balanced social and economic development for the industrially underdeveloped countries of the "South" or the transition countries of the "East", where level in most cases. One of the reasons has been the ability of transnational capital to impose conditions on states by the threat of relocation if its conditions are not met; another related and often underrated reason is state repression, which keeps in place the near slave-labour conditions that prevail at the bottom of the scale (for example in many of the Export Processing Zones (EPZs) or in countries such as China, Indonesia or Viet Nam).

The main point to keep in mind here is that the global labour market is not a "market" at all, ultimately it is not regulated by economic laws but by political laws. The Washington

6. See for example Max Wilkinson, "They can run and they can hide", in *Financial Times*, 14-15 August 1999.

7. James K. Galbraith, "The crisis of globalization", in *Dissent*, Summer 1999.

8. See most notably Tony Blair and Gerhard Schröder, "The way forward for European social-democrats", press conference, London, 8 June 1999.

9. A recent example is Nike in Indonesia. Talks Fail, Troops Deployed, by Press for Change (a con-

sumer information organization reporting on workers' rights in Asia), *Commission for Labor*

10. World Labour Report 1997-1998: Industrial Relations, Democracy and Social Stability.

International Labour Organization, November 1997.

11. There were 164 million trade union members in 1995 (ILO World Labour Report). Of these, the International Confederation of Free Trade Unions (ICFTU) (213 affiliated organizations in 143 countries) accounts for around 124 million. The remainder are distributed among the WCL (approximately 3 million), what remains of the WFTU, and organizations with regional or no international affiliation. Total International Trade Secretariat (ITS) membership, largely but not totally overlapping with the ICFTU, approximates 130 million.

12. Quoted in Peter Schwanz and Blair Gibb, *When Good Companies Do Bad Things*, John Wiley & Sons, Inc., 1999, p. 132.

13. Colin Ball and Leith Dunn, *Non-Organisations: Guidelines for Good Policy and Practice*, The Commonwealth Foundation, London 1995, p. 8.

14. Carolina Ortega Barrales, The Participation of Non-Governmental Organizations in the Public Procedures of the United Nations Commission on Human Rights, Institut Universitaire de Hautes Etudes Internationales, Geneva, 1998, p. 23.

15. NGO Handbook, Liaison Committee of Development NGOs in the European Union, Brussels, 1998.

Consensus, which calls on the state to reduce its functions to the minimum, has nothing to say about massive state intervention in the form of military and police repression when it serves the interests of organized business.⁹

The decline in worldwide union density has been noted by many observers,¹⁰ although it has been overstated. For example, most statistics on union membership before 1989 include the self-described unions of the Soviet bloc, which were in fact state institutions administering the labour force. Their collapse is no loss to the labour movement: it is a gain in so far as it opened the way for genuine trade unions, however weak they may be at this time. Also, it is a trend with many exceptions: in countries where the political context has been favourable to the labour movement, unions have either held their own or increased their membership (for example in Northern Europe, the Philippines, the Republic of Korea, South Africa, Spain).

In the leading industrialized countries, however, union density has eroded, sometimes dramatically so. This is the case, for example, in France, Germany, Japan, the United Kingdom, and the United States and is largely the by-product of globalization and the consequences described above: shrinkage of the traditional "core" labour force through production transfers, outsourcing and the casualization of work, that is the transfer of employment to an expanding unorganized informal sector, together with the growth of a service sector with weak trade union traditions.

The fact that the structure of the trade union movement has retained its territorial base in the nation state has not helped it in meeting these challenges. This structure accounts for its relative weakness at the international level. They are loose federations of national bodies accustomed to thinking and acting in national terms in a global context where the national framework is becoming increasingly irrelevant. Some of the larger international NGOs acting on environmental issues (such as Greenpeace) or human rights issues (such as Amnesty International) have been much quicker to respond and adjust to the conditions of a globalized world society.

At the beginning of the twenty-first century, the trade union movement remains the only democratically organized movement at the world level¹¹

that is defending, explicitly or implicitly, the vision of a society organized to serve the common welfare and based on the values of social justice, equality and co-operation. Its attachment to these values, as well as its resiliency in the face of adversity, derives from its membership. In recent decades, it has become politically isolated and substantively weakened. To regain lost ground, the trade union movement must globalize: to meet TNCs on their own terrain, to organize the informal sector, and to multiply and deepen roots in civil society to advance the vision of an alternative social order as part of a broad popular movement for progressive change (or, indeed, as the driving force in such a movement). These are the three main areas where the trade union movement must progress to put forward a credible, effective alternative to the Washington Consensus. The movement cannot advance in these areas without cooperating with the appropriate NGOs.

The world of NGOs

All literature on NGOs stresses their great number and diversity. According to the *Yearbook of International Organizations*, the total number of internationally recognized NGOs is now well over 16,000.¹² In the United Kingdom there are estimated to be over 500,000 NGOs, of which 175,000 are legally registered charities. The Canadian Environmental Network of NGOs has a membership of 2,000 groups. Zimbabwe has an estimated 800 NGOs. In Bangladesh there are at least 12,000 local groups receiving local and central government financial support. In India, one estimate refers to 100,000 NGOs, while another claims 25,000 registered grass-roots organizations in Tamil Nadu alone. Kenya has 23,000 women's organizations. Uganda has over 1,000 local NGOs and over 20 foreign-based ones. More than half of Australia's welfare services are supplied by an estimated 11,000 not-for-profit charitable organizations.¹³

In 1997, 1,356 organizations had consultative status with the United Nations Economic and Social Council¹⁴ and in 1998, 892 "development NGOs" were members of the national platforms in the 15 EU countries.¹⁵

The difficulty of coming to grips with the complex NGO world is illustrated by the differ-

ent attempts to establish categories. A study by the Commonwealth Foundation found 31 different organizational forms of NGOs and is not an exhaustive list.¹⁶ NGOs can be categorized by their degree of independence or, on the contrary, of control by outside bodies that are not NGOs (governments, businesses, political groups or funders); by their function (typically, development and humanitarian aid, human rights, education, women's issues, environmental issues); or by their geographic location ("North" and "South"). Finally, there are international NGO networks and federations, as well as large NGOs, operating on a global scale with national sections in different countries (typically, Amnesty International). A study on behalf of the General Conference of International Trade Secretariats (ITSs),¹⁷ summarizing ITSs' experiences with NGOs, establishes 12 categories and remarks that "inevitably, there are overlaps".¹⁸

The possibilities of and obstacles to co-operation between trade unions and NGOs do not in fact depend on size, structure, organizational form, or even function of the NGO. Some NGOs work on several issues at once, and many issues are connected (it is difficult to promote sustainable development without at the same time seeking to advance human rights, education, equality or environment issues).

Co-operation between trade unions and NGOs depends far more on whether they share common objectives, and on issues relating to their methods of operation (legitimacy, transparency, accountability, management). In any event, general statements about union and NGO relations are difficult. Even though unions have far more basic common features than NGOs do, they are by no means a homogenous whole: there are obvious differences due, for example, to political tradition or organizational culture. Co-operation therefore always depends on a specific convergence of objectives and on a compatibility of approach and *modus operandi* between specific partners.

Shared objectives and co-operation

Although primarily concerned with conditions of employment and the workplace, trade unions have always had broader social and political con-

cerns, which they have expressed through political commitments, views and programs over a wide range of national and international issues. These include in particular: human rights, development, education, women's rights and equality, and environmental protection. It is on these particular issues that co-operation between unions and NGOs has developed. Instances of such co-operation are described in this paper.

On some of these issues, unions have allowed a gap to develop between theory and practice by withdrawing into what they regard as their "core business" and neglecting broader issues perceived as subsidiary or as someone else's concern. This has happened partly because of a decline in political capacity and competence, and partly because of the perception that a division of tasks existed in the labour movement and that specialized agencies would take care of single issues. But, as noted above, these specialized agencies had lost much of their capacity for advocacy in the postwar period.

At the same time, changes in society under the impact of globalization have led to explosive growth in the NGO sector and have brought NGOs "more and more into the arena of societal governance and advancement".¹⁹ All social and political issues that have traditionally been the concern of the labour movement—not excluding "core" trade union issues such as employment, working conditions and wage levels—are now also concerns of a multitude of local and international NGOs.

Human rights and workers' rights

Because they are rooted in the democratic revolutions of the nineteenth century, trade unions have always identified with the struggle for human rights. Apart from historical reasons of principle, trade unions—in contrast with other important social actors such as churches or businesses) cannot function in an environment where human and democratic rights are not safeguarded—for example in highly repressive military dictatorships or police states (except in the form of illegal cadre groups, or proto-unions). As clandestine organizations when necessary and open ones when possible, trade unions have been at the forefront of most of the critical battles for democracy, including those in

16. Ball and Dunn, op. cit., p. 27.

17. ITSs are independent international trade union federations organized by industry or branches of economic activity (transport, metals, chemicals/energy/mining, food/agriculture/catering, public service, building/wood, etc.).

There are 14 ITSs and they are associated with the ICFTU. They meet twice a year in a General Conference. The ITSs General Conference has no constitution and decisions are made by consensus. It does, however, elect its own Chair (on a rotation principle) and ITS representatives on ICFTU committees. All ITSs are invited to attend the ICFTU Executive Board meetings, where they have a voice but no vote.

18. Bob Harris and Alan Leather, ITS-NGO Relations, Geneva/Fernex-Voltaire, June 1999.

19. Ball and Dunn, op. cit., p. 38.

20. Universal Declaration of Human Rights, Articles 19, 20 and 23(4) (respectively: the right to freedom of opinion and expression; the freedom of peaceful assembly and association; and the right to form and join trade unions); United Nations International Covenant on Civil and Political Rights (Article 22 on the freedom of association with others and Article 21 on the right to peaceful assembly); United Nations International Covenant on Economic, Social and Cultural Rights (Article 8, on the right to form trade unions and to strike). The principal international labour standards protecting trade union rights are ILO conventions on Freedom of Association (No. 87), Collective Bargaining (No. 98) and Workers' Representatives (No. 135).
 21. The IUF is the ITS for food, agricultural, catering and tobacco workers.
 22. Mike Gatehouse and Miguel Angel Reyes, *Soft Drink, Hard Labour*, Latin America Bureau (Research and Action) Ltd., London, June 1987.
 23. The ICCR is an agency established by the US National Council of Churches to monitor the conduct of companies and organized business.
 24. The Coca-Cola Guatemala Campaign 1979-1981, IUF, Geneva, 1981; and press clippings.
 25. The ITGLWF is the ITS for the textile and garment industry.
 26. The ICEM is the ITS for workers in the chemical, paper, glass and ceramics, petroleum, nuclear energy, and coal mining industries.

recent history—such as in Brazil, China, Czechoslovakia, Hungary, Poland, the Republic of Korea, South Africa and Spain.

In addition, practically all basic trade union concerns are in fact human rights issues, starting with the most elementary: the right to exist. Restriction of the right to organize and the right to strike, which are included in the right to bargain collectively, is an infringement of fundamental human rights specified in several UN human rights instruments and in international labour standards.²⁰

Consequently, there has been extensive co-operation between unions and human rights NGOs, particularly at the international level. For example, the International Confederation of Free Trade Unions (ICFTU) and most ITSs are working with Amnesty International, either on a sporadic, case-by-case basis or in a continuous relationship, in the defence of workers' rights against state or para-state repression. The main form of co-operation is information exchange on specific cases of human and trade union rights violations. Amnesty International conducts thorough research to verify claims of human rights violations. This is an important basis for the credibility of its campaigns and ITSs have access to the research results. Reciprocally, information provided by the ITSs is fed into the Amnesty International verification process and specific cases affecting trade unionists can become Amnesty International campaigns.

From 1979 to 1985, Amnesty International played a key supportive role in an International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)²¹ campaign to protect a union, representing workers at a Coca-Cola bottling franchise in Guatemala, from extinction through terror, including assassination of the union's leadership." This campaign took place in two stages (1979-1981 and 1984-1985) and, in a report to IUF affiliates on the first stage in 1981, the IUF General Secretary commented:

Extremely important for the success of the campaign was that the IUF worked in coalition with other organizations, such as church groups [Interfaith Council on Corporate Responsibility (ICCR),²² the American Friends Service Committee] and Amnesty International. It was this

co-ordinated action and communication which added to the pressure against the company and also provided quick communication on events within Guatemala. These groups provided most of the contacts within the country and to the [Coca-Cola] workers themselves. The IUF was often able to mobilize affiliates quickly after an event because of this direct communication of information.²⁴

Co-operation between ITSs and human rights NGOs also takes place on specific issues or human rights violations. The International Federation of Journalists co-operates with Amnesty International and other human rights organizations on freedom of the press and the defence of journalists. The IUF and the International Transport Workers' Federation (ITF) are working with NGOs such as the Anti-Child Prostitution in Asian Tourism in the tourist industry. The International Textile, Garment and Leather Workers' Federation (ITGLWF)²⁵ has co-operated with the Anti-Slavery Society on bonded labour and with various NGOs on child labour. Education International (EI) and its national affiliates (teachers' unions) co-operated with NGOs on the global march against child labour, and on preparations for the World March of Women in 2000.

Under dictatorship trade unions face high levels of state repression or are forced underground and it is frequently church-based NGOs that provide a foundation for the organization and defence of workers. There are examples of this in Indonesia today, the Philippines under Marcos, Poland from 1976 to 1981 with the Workers' Defense Committee (Komitet Obrony Robotników) church-based NGOs that provide a foundation for the organization and defence of workers. There are examples of this in Indonesia today, the national Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM)²⁶ worked with human rights NGOs to campaign for the release of imprisoned trade unionists.

In most of these cases, the NGOs and the workers seeking to establish free trade unions had to face not only a repressive state, but also national trade union organizations under state control. When these national organizations became members of international federations, they succeeded in some cases (Indonesia, the Philippines, the Republic of Korea) in weaken-

ing or delaying solidarity action by the international trade union movement.

NGO/union alliances have also played an important role in organizing workers in regions or employment sectors with traditionally low levels of trade union organization. Most importantly, this includes rural and agricultural workers and subsistence farmers—the majority of the global labour force. For example, the IUF is a member of the European Banana Action Network, a coalition of unions and NGOs working on the banana trade issue.

The ITGLWF participates in the Clean Clothes Campaign (CCC), a coalition started in the Netherlands in 1990 with the objective of improving working conditions in the garment industry worldwide. It includes trade unions, consumer organizations, women's groups, solidarity organizations, development organizations, world shops and a range of NGOs. Since 1995, the CCC has expanded to other European countries. Similar campaigns, working with the CCC, exist in Australia, Canada and the United States.

The CCC initially focused on Asia and has more recently become active in Africa and Central and Eastern Europe. The organizations involved in the different national CCCs are trade unions and NGOs with partner organizations in garment-producing countries. The CCC organizes support for workers in a conflict situation, and also has a small strike fund. Furthermore, the campaign aims to improve the situation of home workers and people working in sweatshops in Western Europe, often through lobbying governments to improve legislation.²⁷

Development

Because of their perceived obligation to advance a broader social and political agenda, trade unions in industrialized countries have engaged in development activities at national and international levels. In most cases the activities focus on trade union development through education and organizing programs.

The programs are conducted through international trade union organizations (such as ITSS), and are in general supported by public development funds when national trade union federations (or

centres) have access to such funds—as in Canada, Japan, the United States and most countries in Western Europe. Some national centres conduct activities directly through their international departments—for example, the Norwegian Confederation of Trade Unions (LO Norway) or Federatie Nederlandse Vakbeweging (FNV, Netherlands), while others have created specialized agencies for this purpose—for example the Swedish Trade Union Confederation (LO Sweden)/Swedish Confederation of Professional Employees (TCO) or Council for International Co-operation in Sweden, the Danish Confederation of Trade Unions (LO Denmark)/Salaried Employees and Civil Servants Confederation (FTF) in Denmark, the Trade Union Solidarity Center of Finland, the Instituto Sindical de Cooperati Council for International Co-operation in Sweden, the Danish Confed American Center for International Labor Solidarity of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) or the Japan International Labour Foundation.

Some large national trade union organizations (for example the union of workers in local government, health, gas, electricity, water, transport and higher education, called UNISON, in the United Kingdom, the Danish General Workers' Union (SiD), Bondgenoten FNV in the Netherlands) conduct similar programs on a bilateral basis.

In some EU countries trade union organizations are members of the national development NGO platforms (such as SiD and LO Denmark/FTF, the Metal Workers' Union and the Municipal Workers' Union in Finland, and the Commonwealth Trade Union Council in the United Kingdom).²⁸

In Canada, four unions have created their own NGOs in support of their development work, which ranges from humanitarian to trade union solidarity and human rights activities. They are the National Automobile, Aerospace, Transportation and General Workers' Union of Canada's Social Justice Fund; the Communications, Energy and Paperworkers' Union's Humanity Fund; the Canadian Union of Public Employees' Union Aid; and the Steelworkers' Humanities Fund.

In addition to trade unions, labour movement NGOs also conduct development activities—Some of these groups have become more active

27. Janneke van Eijk and Ineke Zeldenrust, **Monitoring Working Conditions in the Garment and Sportswear Industry**, Stichting Oenderzoek Multinationale Ondernemingen, Amsterdam, September 1997.
28. **NGO Handbook, Liaison Committee of Development NGOs to the European Union**, Brussels, 1998.

at the international level and perceive it as a priority to assist the trade union movement in dealing with the challenges of globalization. The development and social welfare NGOs linked to social-democratic parties and the trade union movement, for example, are internationally organized in the network of the international federation of welfare and solidarity organizations of the socialist labour movement—formerly known as International Workers' Aid and now called SOLIDAR—consisting of 21 organizations in 15 countries and one affiliated international organization.

SOLIDAR is conducting a joint lobbying campaign with the ICFTU at the World Trade Organization (WTO) on the theme "workers' rights are human rights", for the inclusion of core labour standards in international trade agreements (so-called "social clauses"). However, campaigning at the WTO has proved to be a major point of conflict between the labour movement and some NGO coalitions, such as the Third World Network. This illustrates some of the broader political and cultural hurdles yet to be overcome.

The International Centre for Trade and Sustainable Development has been established in Geneva to bring together the main environmental and development NGOs working to influence the WTO. Funding has been provided by Oxfam and Nederlandse Organisatie voor Internationale Ontwikkelings-samenwerking (NOVIB), Christian Aid, German and US church groups, US foundations (Ford, MacArthur), the EU and aid agencies in Denmark, the Netherlands, Sweden, Switzerland and the United Kingdom. It is open to co-operation with trade unions and it is likely that such co-operation will develop with ITSs in particular.

The German political foundations are a special case in so far as they are entitled to public funding in proportion to the percentage of national legislative election votes obtained by the parties to which they are connected. The social-democratic Friedrich Eben Stiftung has the closest links with the trade union movement and conducts an extensive trade union development program at the international level, both bilaterally and through ITSs, as well as programs supporting co-operatives, political groups and local NGOs. Its Christian-democratic counter-

part, the Konrad Adenauer Stiftung, also sponsors trade union programs, as do some of the smaller foundations.

The Olof Palme International Center (OPIC) is a labour NGO founded in Sweden in 1992 by the Social-Democratic Party, LO Sweden and the Co-operative Movement to "co-ordinate, develop and strengthen the labour movements' interest and involvement in international issues." Thirty-four political, cultural, co-operative and union organizations in Sweden are now affiliated with the OPIC.

In summary, the trade union movement, especially in the more advanced industrialized countries, conducts extensive development activities, both on a bilateral basis and through its international organizations, concentrating mostly on institution building; trade union development and assistance to peoples organizations in developing countries. Despite their considerable scope, these activities do not in general constitute contact points with non-labour NGOs. In this field, unions have in general either acted directly on their own behalf or they have worked with labour NGOs, partly created for that purpose.

Discussions on development policies and strategies have taken place within the labour movement. They have focused on issues such as bilateralism and multilateralism (with the attendant issue of accountability) and on the choice of priorities (assistance in the spirit of humanitarian aid or concentrating on institution building aimed at changing power relationships in society).

There are, however, some instances of co-operation with non-labour NGOs. For example, a number of ITSs co-operate with Oxfam International (OI), a coalition of 11 development NGOs. Several ITSs have co-operated in the past with national affiliates such as Oxfam GB and NOVIB. EI and OI worked together in pushing for debt relief for education during the G-8 summit in Cologne in June 1999. "At the World Bank/International Monetary Fund (IMF) annual meeting held in Washington in autumn 1999, EI and OI focused on the impact of adjustment policies on education. EI also works with ActionAid, a UK-based development NGO, on an international campaign to improve public education. In 21 Southern countries and in four European countries, this campaign is supported

by religious groups, human rights organizations, teachers' unions, women's associations and a range of national and international NGOs.²⁹

NGOs rarely organize activities in partnership with trade unions. One successful instance was the creation of the Hong Kong Confederation of Trade Unions (HKCTU), the independent trade union centre in Hong Kong, which originates in a joint trade union organizing project between the IUF and the Hong Kong Christian Industrial Committee (HKCIC). The project, which was funded by the LO Sweden/TCO, started in 1983 and led to the creation, in 1984, of the IUF Hong Kong Education Office, later to become the Hong Kong Trade Union Education Centre, a joint operation of the HKCIC and several ITSs. This in turn led to the establishment of the HKCTU in August 1990. The HKCTU now has approximately 140,000 members and is the second largest trade union centre in Hong Kong.

Education

In the field of education, trade unions have generally preferred to work on their own or through labour NGOs. The international organization of the educational labour NGOs, the International Federation of Workers' Education Associations (IFWEA), was founded in 1947 and has 75 organizations in 51 countries and six affiliated international organizations. Its national affiliates include specialized education NGOs linked to the labour movement, trade unions (often through their education departments), educational institutions of social-democratic parties, think tanks and research institutes. The international affiliates are SOLIDAR (a reciprocal affiliation: IFWEA is also a member of SOLIDAR), four ITSs and a Latin American regional adult education body.

In 1993, the IFWEA mission statement was revised to stress its common purpose with other labour movement organizations.³⁰ Following a policy decision at its 1996 General Conference to "strengthen the global organizing capacity of the labour movement", the IFWEA developed the International Study Circle (ISC) project, which aims to facilitate an international education program on globalization issues.

An ISC involves bringing together groups of participants based in several countries (local study circles), via the Internet, who work simultaneously according to a common curriculum, set of materials and educational method. Each local study circle has a facilitator. Between meetings, each group has access to materials on the Internet, including the results of discussions and work completed by other countries in previous sessions.

Two pilot courses, focusing on TNCs and involving 12 countries, were conducted in 1997 and 1998. In 1999, the IFWEA conducted two ISCs in partnership with the IUF and the International Metal Workers' Federation, both on specific transnational companies. The objective of the ITSs and IFWEA is that the network created in companies through the ISC, linking local unions in different countries, should remain as a permanent international union structure after the ISC has run its course. In this way, ISCs help "strengthen the global organizing capacity of the labour movement" as applied to TNCs. Of course, ISCs can be used by almost any group as a method to establish international networks and, indeed, the IFWEA has started a third ISC on the global food industry for women from trade unions, community organizations and NGOs.³¹

At the national level, there is regular co-operation between most non-union IFWEA members (independent but labour-linked educational institutions) and trade unions. This can take the form of provision of services (for example, the Labor Education and Research Network in the Philippines conducts training courses for the Alliance of Progressive Labour and some of its member unions) or of joint education and organizing programs (such as the local organization of the Arbetarnas Bildningsförbund and trade unions in Sweden, which conducts joint programs in the Baltic States, and Central and Eastern Europe).

In some instances non-labour funding agencies have supported labour service and education NGOs (including members of the IFWEA) that have been or still are in opposition to the official trade union movement in their countries. This has often been the case when the trade union *movement* has been state dominated and the NGOs were vehicles for promoting an alternative labour

29. Education

International (EI Quarterly), Vol. 5, No. 3, October 1999, pp. 18-19, 30. "As an integral part of the labour movement, workers' education works for a society based on social justice. ... The IFWEA and its member organizations will contribute with their programs to organize the struggle against social injustice, poverty and discrimination in close

alliance with political parties, trade unions, the

eratives, youth organizations and other social organizations inspired by

socialism. Whenever possible, it will assist such organizations in strengthening

their ideological and political base and in training their members." IFWEA Charter, Chapter 10. 31. **Responding to the Global Economy, International Study Circle Pilot Programme: Final Evaluation Report, IFWEA/Euro-WEA/WEA (United Kingdom), London, March 1999.**

movement. The cases of Indonesia, the Republic of Korea and the Philippines have been mentioned. A current case is the support given by NOVIB to the Center for Trade Union and Workers' Services in Egypt (an IFWEA affiliate). This kind of situation could in theory lead to friction between the funding NGO and the trade union movement. In practice it occurs only at the local level in the country concerned, because most international trade union organizations and unions in democratic countries look askance at state-dominated trade unions and are sympathetic to alternatives.

There does not appear to be extensive cooperation between unions and non-labour NGOs in the field of education. However, it does exist in several countries where unions and academic institutions jointly conduct labour training programs. In the United States, programs at universities such as Cornell, Harvard, Michigan State, Rutgers, the University of California in Los Angeles, and Yale are well established and supported by the trade union movement. These programs have a national umbrella organization, the University and College Labor Education Association, which is an affiliate of the IFWEA. Comparable relations between academic institutions and the trade union movement exist in some Western European countries, as well.

Women's rights and equality issues

The relationship between trade unions and the women's movement has been complex and contradictory. Since their beginnings, trade unions have championed women's rights and many women have been charismatic leaders throughout the history of the labour movement. Some examples are Flora Tristan Moscoso, active in France and Peru and author of a pioneering plea for a general international workers' plea called *L'Union ouvrière*; Louise Michel, a leader of the Paris Commune; Clara Eissner Zetkin, a leader of the German socialist women's movement and the first General Secretary of the ITGLWF; Maria Jones ("Mother Jones"), a legendary organizer of American mine workers and a founder of the Industrial Workers of the World (IWW);³² Federica Montseny, a leader of the Confederación Nacional del Trabajo (CNT)³³ during the Spanish

Civil War and while in exile; Marie Nielsen, a teacher and a leader of the Danish left before the Second World War; Margarethe Faas, a secretary and organizer of the Swiss Federation of Trade Unions, and an editor of *L'Exploitée/Die Vorkämpferin* in the 1910s—to name only a few.

At the same time, the trade union movement has also been dominated by the culture of the male industrial worker—with the exception of the textile and garment industries. The industrial culture was not friendly to women. In several countries women had to create their own unions because they were not welcome in the existing trade union movement. The only union of this type still existing is the Danish Women Workers' Union, established in the early 1900s because the General Workers' Union refused to admit women members.

Faced with increasing pressure from the women's movement over the last three decades and with the fact that women represent a growing share of the labour force, unions have undertaken serious efforts in many countries to open trade unions to women. This has meant introducing affirmative action programs within the union structures, moving women's demands to the top of the bargaining agenda and changing the prevailing culture, customs and practices of the organization to make it friendlier to women. Despite significant and continuing, albeit slow, progress, much of the trade union movement remains male dominated and a legitimate target for criticism by women's rights groups.

In the last 10 years or so, explosive growth of the informal sector has underscored the necessity for the trade union movement to organize not only women workers, but women workers who are for the most part not in regular, permanent employment. The informal sector has grown for two principal reasons: the worldwide economic crisis, and changes in the organization of work.

The debt crisis of the developing countries,³⁴ dismantling of the public sector, deregulation of the labour market under the structural adjustment programs of the IMF and the World Bank, and the global crisis that started in Asia in 1997, continued in Russia in 1998 and hit Brazil at the beginning of 1999, have pushed millions of people out of formal employment and into the informal sector. According to an International

32. The IWW is a revolutionary syndicalist trade union federation founded in the United States in 1905. In 1917 it had close to 200,000 members in the United States. At different times in its history, it has had branches in Australia, Britain, Canada, Chile, Germany, Mexico, New Zealand, Norway and South Africa.

33. The CXT was the leading trade union confederation in Spain before the Civil War, with 1 million members in 1936. The CNT was anarcho-syndicalist and strongest in the regions of Andalusia and Catalonia.

34. The term "developing countries" is used here for convenience; however, it is inaccurate because it conveys a false sense of social and economic progress. Most of the countries covered by this term are in fact declining in terms of living standards and economic strength.

Labour Organization (ILO) report,³⁵ the current crisis took a toll of 24 million jobs in East Asia alone, mostly in the "modern industrial sector". In Russia and the newly independent successor states to the USSR, in addition to millions of unemployed workers, there are millions still in formal employment who are not paid for months at a time. In the absence of any serious social safety nets their only possibility of survival is the informal sector.

The other factor contributing to informal sector growth during the last two decades has been the changing structure of the transnational enterprise. The modern enterprise is essentially an organizer of production carried out on its behalf by others. The central focus includes a corporate headquarters for management and employees, and possibly a core labour force of highly skilled technicians. Headquarters directs production and sales, controls subcontracting, decides at short notice what will be produced where, when, how and by whom, and where certain markets will be supplied from. Production of the goods it sells, and in any case all labour-intensive operations, will be subcontracted, perhaps internationally. This type of company will be the co-ordinator of cascading subcontracting operations that will not be part of its formal structure but will nevertheless be wholly dependent on it, with wages and conditions deteriorating when moving from the centre of operations to the periphery.

The decline of trade union density in most industrialized countries in the 1980s and 1990s is due less to transfers of production and relocations in the South and East than has often been assumed: more important has been the deconstruction of the formal sector and the deregulation of the labour market in the heartlands of industrial trade unionism. With the informal sector representing a majority of the labour force in the developing countries, and a significant and growing proportion in industrialized countries, it is impossible today to conceive of organizing a majority of workers on a global scale without serious organizing in the informal sector.

For the most part, informal sector workers are women; and the majority of workers expelled from the formal sector by the global economic crisis are women. As the ICFTU has reported,³⁶ women are the principal victims of the casualization of labour

and the pauperization created by the crisis and have thus entered the informal sector en masse in the last two years. According to a survey by the Friends of Women Foundation in Thailand,³⁷ the mass layoffs in 1998 took place mostly in the textiles and electronics industries, where 90 per cent of workers are women. In Moscow, two thirds of the jobless are women.

Even before the crisis, women constituted most of the informal labour force (child labour is also strongly represented). Home workers are almost exclusively women—and in Latin America and Asia home work represents as much as 40-50 per cent of labour in key export sectors such as garments, footwear and electronics. Women are also the great majority of street vendors in informal markets, representing up to 30 per cent of the urban labour force in certain African countries.

Ninety per cent of the workers in the 850 EPZs around the world are women—and in the majority of cases workers' rights and social protection are non-existent in EPZs. Although they work in factories, what EPZ workers have in common with informal sector workers is that they are unprotected, largely unorganized, female labour.

In this context, unions have increasingly entered partnerships with women's NGOs, organizing drives and forming alliances to represent informal workers' interests.

At the EU level, the European Homeworking Group is a coalition of unions, NGOs, church organizations and researchers involved with home workers. The work of this group was a factor influencing the majority of European governments to support the ILO Home Workers' Convention until it was successfully passed in 1996.

In the United Kingdom, there are a number of local projects involving NGOs or local authorities, as well as a national campaigning organization, the National Group on Homeworking. This group has led the campaign for home workers to be included in the national minimum wage and has been a major influence on government policy, public awareness and trade union policy on home work.

In the Central American EPZs and the Mexican *maquilas*, organizing women workers has come about mainly as a result of work by women's NGOs that have always supported

35. The Asian Financial Crisis: The Challenge for Social Policy, ILO, November 1998.

36. From Asia to Brazil to Russia: The Cost of the Crisis, ICFTU, May 1999.

37. "Women Workers Hit Hard", Bangkok Post, 12 December 1998, quoted in ICFTU **Trade Union** World, May 1999.

unionization of women workers, sometimes, as in Mexico, against established unions.³⁸ The EPZ union Federaci workers to be included in the nationa Franca, in the Dominican Republic, created neighbourhood women's committees uniting female union members with non-members for the purpose of awareness raising, mutual support and organizing. In Guatemala, a union successfully worked with women's groups to submit a bill on sexual harassment to the national legislature. In Peru, unions have worked with a socialist feminist NGO, Flora Tristan, to develop education and organize programs for their female members. In Ghana, there has been a joint union/NGO initiative on the succession law, so as to protect women's rights and guarantee them a share of the husband's estate. There are other examples of such co-operation.³⁹

Informal sector workers, in particular women, have also organized new trade unions specifically for raising awareness and support. An early case, and an example to many, is the Self-Employed Women's Association (SEWA) in India, which started 25 years ago with a few hundred people and now has 210,000 members in four Indian states. SEWA organizes home workers, street vendors, paper pickers and refuse collectors, harvesters of forest products, etc. It has an infrastructure of flanking services: a bank providing micro credit; a vocational and trade union training program at different levels; producers' co-operatives (artisans, agricultural producers); and service co-operatives (health, housing). In South Africa, the Self-Employed Women's Union (SEWU), a Congress of South African Trade Unions (COSATU) affiliate, has been organized along the same lines. Attempts to establish similar organizations have been reported from other countries as well. Home workers' and street vendors' organizations have formed international networks. One is the International Alliance of Street Vendors, or StreetNet, which includes organizations or support groups in 11 countries. It was founded in 1995 and adopted the Declaration of Bellagio on the rights of street vendors. HomeNet is a second network, representing home workers and comprising unions such as SEWA, SEWU and the Embroiderer's Union of Madeira, as well as other associations of home workers in Bangladesh, the Philippines, and Thailand.

HomeNet and StreetNet, together with SEWA, and a range of unions and support groups at universities and in international organizations, have formed another international network: Women in Informal Employment Globalizing and Organizing, which seeks to work at different levels: research, policy proposals and coalition building.

Organizing unprotected women workers in the informal sector and in EPZs takes place at an intersection of trade union and NGO concerns where many opportunities for co-operation exist and where such co-operation is likely to considerably advance the agenda of all parties involved, not least that of the main beneficiaries of such co-operation: exploited women workers on the margins of the global economy.

Environment

The cultural and social concerns of the early labour movement included a strong element of revolt against the degrading living conditions imposed on the urban working class by capitalist industrialization. Urban slums were breeding grounds of disease and a variety of social evils, and the labour movement made it a priority to instill in its constituency a capacity to protect moral and physical integrity through organization. The workers' temperance movement, labour health services, and socialist urbanism with its emphasis on access to light and air, reflected such concerns.

Organizations such as the International Friends of Nature (IFN) were formed to enable workers to spend their leisure time in a healthy natural environment. The IFN was founded in 1895 in Vienna, where its secretariat is still located, and now has 20 national affiliated or associated organizations with a total membership of 600,000, mostly in Europe (nearly half in Austria and Germany) but also in Australia, Israel, Mexico, Nepal and the United States (California). One aim of the IFN is to "protect nature and the countryside and contribute to the protection of the natural living area".⁴⁰ It is one of the labour NGOs showing renewed signs of activity. In Germany, the IFN considers itself as a "bridge between trade unions, social organizations and the environmental movement" and has joint

38. Marleen van Ruyven. "The Factor 'X' in 'Organizing Women Workers'", in *News from IRENE*, April 1998.

39. *Trade Unions and the Informal Sector: Towards a Comprehensive*

Strategy, ILO Bureau for Workers' Activities, July 1999, pp. 50-51.

40. *Status of the International Friends of Nature, Article 5: Aims of the IFN*. IFN, n. d.

41. **Vorwärts, SPD Monthly, Berlin, April 1999.**

42. **The IFBWW is the ITS of construction, timber and wood industry workers.**

43. **IFBWW Press Release, 23 June 1999.**

44. **ITF News, No. 2, 1999, p. 8.**

45. **Report on Activities to the IUF Executive Committee, IUF, Geneva, 1998 and 1999.**

46. **The CSD was established after the United Nations Conference on**

Development, held in Rio de Janeiro in 1992, to ensure an effective follow-up of the Rio Earth Summit. The CSD meets every year in New York for two weeks. It is a forum for governments, businesses, NGOs, trade unions and international agencies. There are currently 53 CSD member countries.

47. **CSD Newsletter '98, Vol. 1, June 1998, published by Trade Unions Network on Sustainable**

Development and Working Group of Social Sustainability/CSD.

48. **Martin Wolf, "Uncivil Society", in Financial**

Times, 1 September 1999.

49. **Schwanz and Gibb,**

op. cit., p. 135.

50. **Quoted in Edwards**

and Holme, op. cit., p. 1.

51. **S.P. Kaptein and H.K. Klamer. Ethische**

Bedrijfscodes in Nederlandse Bedrijven,

Nederlands Christelijk

Werkgeversbond publisher,

The Hague, 1991; quoted in

Gilbert van Liemt,

Codes of Conduct and

International

Subcontracting: A

"Private" Road Towards

Labour Standards in

Export Industries, paper

presented at the conference on

Multinational Enterprises and the Social

Challenges of the 21st

environment protection projects with unions such as Industriegewerkschaft Medien and Industriegewerkschaft Bauen-Agrar-Umwelt.⁴¹

Following the Second World War, reconstruction was regarded as an overriding priority in Europe and productivist attitudes prevailed over environmental concerns and in the social-democratic labour movement. On the other side of the Iron Curtain, the industrial development of the USSR and the countries under its control, as well as that of China and the Republic of Korea, uncensored by public opinion and driven by the need of the ruling bureaucracy for self-aggrandizement and power, provided an extreme example of productivism with catastrophic environmental consequences.

When the modern movement for environmental protection arose in the 1960s, its relations with the labour movement were ambivalent, as the concerns of trade unions had shifted to protecting jobs and, in the short term, ecological movements were seen by many unions as threatening employment. In some instances, conflicts developed between unions and conservation organizations (as in the forest industry in the Pacific Northwest of the United States; the Norwegian whaling industry; or the tobacco industry, where unions supported companies for many years in their resistance to anti-smoking campaigns).

In recent years, an awareness of the need for long-term sustainable development has spread in the labour movement, as it has in the general population, leading to new forms of co-operation between unions and environmental NGOs.

Unions have also observed the capacity of environmental NGOs to bring powerful TNCs to the bargaining table by mobilizing public opinion, and have begun to view them as potential allies.

There are several recent examples of co-operation at the international level, between ITSs and environmental organizations.

In June 1999, the International Federation of Building and Wood Workers (IFBWW)⁴² and the World Wide Fund for Nature (WWF) agreed

to co-operate on forest issues, notably eco-labelling guidelines.⁴³ Both organizations agreed that the environmental and social aspects of forestry were inextricably linked and that co-operation was needed to combat the rapid deforestation and forest degradation occurring in

many parts of the world. The eco-labelling guidelines, to be worked out jointly, will require that all timber and non-timber forest products originate from certified forests, well-managed in the ecological, economic and social aspects. Central to the agreement is the principle that forest certification should be independent, transparent and the result of a "multistakeholder process", truly representing ecological, economic and social interests, in contrast to other eco-labelling schemes led primarily by private forest owners.

In another example, the ITF and International Metal Worker's Federation are supporting a Greenpeace campaign against the scrapping of contaminated ships in Asia, particularly in India. Some ships are contaminated with high levels of toxic and hazardous materials, including heavy metals and asbestos. The two ITSs point out that offshore scrapping pollutes the environment and endangers the health of the workers involved; ships scrapped in Asia should be free of substances such as asbestos, lead, other heavy metal compounds, oily wastes and polychlorinated biphenyls. Ship owners should be responsible for rendering ships non-hazardous before breaking them up. There must be adequate safeguards for the environment and nearby communities. Shipbreaking workers should enjoy significantly improved health and safety conditions.⁴⁴

The IUF works with the Pesticide Action Network and its regional bodies, as well as with the Brazil-based Grupo Interdisciplinar de Pesquisa e Ação em Agricultura e Saúde, on pesticides. In September 1998, in response to the situation relating to genetically modified food, problems caused by the use of pesticides and concerns about sustainable agriculture, the Latin American Regional Organization of the IUF initiated BioMater, a joint project involving trade unions, peasant organizations and NGOs aimed at preserving, producing and distributing seeds. BioMater has established a bank for organic seeds that will be registered in most Latin American countries.⁴⁵

The ICEM has worked with Greenpeace on an agreement with the chemical industry on chlorine. Greenpeace, as well as other NGOs and indigenous defence groups, have supported ICEM's campaign against Rio Tinto Zinc, a leading mining company accused of conducting

Century. Leuven, 3-4 May 1999.
52. Document GB.273/WP/SDL/1, and Add. 1, ILO Governing Body, 273rd Session, Geneva, November 1998.
53. **Labor and Business in the Global Market (ICFTU-ITS Recommendations and Guidelines Concerning Company and Industry Codes of Labour Practice, Their Implementation and Monitoring)**, ICFTU, Brussels, December 1997.
54. Caterpillar; Code of Worldwide Business Conduct; Sara Lee Knit Products; International Operating Principles; DuPont: Labour Relations Policies and Principles; quoted in "Overview of global developments and office activities concerning codes of conduct, social labelling and other private sector initiatives addressing labour issues", ILO Document GB.273/WP/SDL/1, Add. 1, Annex, footnotes 69 and 70), November 1998.
55. "The experience is that independent and secure trade unions are the most effective means of ending or of preventing the exploitation and abuse of workers. Codes of conduct are not as efficient as what workers can do for themselves when they are allowed to join free trade

lectively with their employer in the knowledge that their rights are secure and protected. The objectives of codes are best achieved when governments respect the trade union rights of workers. Self-promulgated codes that do not mention trade union rights give the impression that it is possible to protect workers' interests without respecting their right to organize into independent trade unions. This impression is

operations in socially and environmentally unacceptable conditions.

At the Commission on Sustainable Development (CSD)⁴⁶ in New York, the ICFTU has developed a leading role in securing recognition for trade union views, in co-operation with several ITSs (ICEM, ITF, IUF, Public Service International), the Trade Union Advisory Committee of the Organisation for Economic Co-operation and Development, and union representatives from Bermuda, Brazil, Canada, the Czech Republic, Germany, Ghana, Italy, Norway, Sweden and the United States. The union position on joint participatory approaches to target setting and monitoring and the role of eco-audits was supported by the NGOs present.⁴⁷

Co-operation has developed between national and international trade union organizations and environmental NGOs on a broad front and is likely to grow. Whether it will develop faster and in greater depth than co-operation between NGOs and organized business and with individual companies, remains to be seen.

Corporate accountability

The effects of globalization have often made it difficult for trade unions to achieve their objectives through the traditional methods of industrial action. With globalization, the ability to mobilize public opinion has proved increasingly effective as a means of pressuring companies. NGOs, more than trade unions, have demonstrated an ability to act on public opinion in this context and, consequently, companies and NGOs themselves have been led to overestimate the latter's role.

Apologists for organized business have rung the alarm bells and advised against extending any recognition to NGOs to represent civil society.⁴⁸ Other writers advising corporate managers advocate co-optation: they see a "dynamic of the future" where

NGOs will play the following succession of roles as an issue develops: (1) an activist NGO floats an issue as a problem; (2) NGOs, usually in coalition, initiate a campaign to which public opinion responds either strongly (e.g. baby formula) or weakly (e.g. Disney); (3) with enough public response, governmental or intergovernmental bodies become involved, and NGOs participate in

drafting new laws, regulations or codes; (4) NGOs become active monitors of legal/regulatory/code compliance; (5) NGOs become resources to corporations in future policy decisions.⁴⁹

There is no better description of the process of which former Dutch Minister Jan Pronk observed in 1982: "The corruption of the NGOs will be the political game in the years ahead".⁵⁰

Against this background, it may appear less paradoxical that tension between unions and NGOs has arisen where the defence of workers' rights is involved. This is particularly true when it comes to workers' rights in specific TNCs or sectors of industry.

Nowhere has this been more obvious than in connection with the codes of conduct many companies have embraced as protection against the pressures of public (consumer) opinion. Some NGOs have accepted that developing and monitoring codes of conduct constitutes a defence of workers' rights (for example in terms of salaries, working conditions, health and safety, etc.), even when there is no provision for recognition of or mechanism for enforcement of trade union rights. In such cases, unions have viewed NGOs as accomplices in the companies' attempts to use codes as a means to avoid unionization.

In 1990, 85 per cent of the top 100 US corporations were found to have a code; in the United Kingdom this figure was 42 per cent, and in the Netherlands, 22 percent.⁵¹ However, most codes of conduct that address social issues are limited in their coverage and do not address basic labour rights. In 1998, the ILO analysed 215 codes and found that only 15 per cent included a positive reference to union rights (freedom of association and the right to collective bargaining), whereas 25 per cent referred to forced labour, 40 per cent to wage levels, 45 per cent to child labour, 66 per cent to discrimination and 75 per cent to health and safety issues.⁵²

This comes as no surprise since in some cases companies adopted codes as part of a union avoidance strategy by pre-emption, preferring to offer a paternalistic package unilaterally rather than have a recognized negotiating body to deal with. As the ICFTU has pointed out, "many of the US-based companies that were the first to adopt codes were, in both principle and practice.

reinforced where codes merely pledge the company to respect national laws and practice." ICFIU, *op. cit.*, p. 2. Also: "Independent monitoring by itself... is not sufficient to ensure respect for minimal worker rights and occupational and environmental health and safety standards. No independent monitor can substitute for the independent organization of workers through their trade unions, which must be represented on the monitoring bodies for these to meaningfully do their job." Ron Oswald, IUF General Secretary, in a letter to the International Herald Tribune, 9 June 1998.

56. The nine task force members that reached the "preliminary agreement" were Liz Claiborne, Nike, Reebok, Philips Van Heusen, Business for Social Responsibility, the Lawyers Committee for Human Rights, the National Consumers League, the International Labor Rights Fund and the Robert F. Kennedy Memorial Center for Human Rights. The four other companies joining the agreement were L.L.Bean, Patagonia, Nicole Miller and Kathie Lee Gifford.

57. Statement on the White House Apparel Industry Partnership, UNITE, 5 November 1998. See also, Commentary on the AIP "Preliminary Agreement", UNITE, 2 November 1998.

58. Statement from the ICCR, 5 November 1998.

59. Nike, which was a prime mover in the AIP/FLA code of 1998, also has its own code of conduct which states that "in 1998, Nike selected NGO partners to participate in monitoring/audit-

ing opposed to trade unions".⁵³ For example, the Caterpillar code states that the company seeks to "operate the business in such a way that employees don't feel a need for representation by unions or other third parties" and the Sara Lee Knit Products (SKP) code states that the company "believes in a union-free environment except where law and cultures require (SKP) to do otherwise." The DuPont code reads: "employees shall be encouraged by lawful expression of management opinion to continue an existing no-union status, but where employees have chosen to be represented by a union, management shall deal with the union in good faith."⁵⁴

Another problem has been compliance monitoring. Most codes do not provide for a credible independent monitoring procedure, or for strong enforcement and complaints mechanisms. Unions have argued that the existence of independent trade unions throughout the operations of TNCs is the most efficient monitoring system.⁵⁵ Many companies have gone to great lengths, and expense, to use other monitoring systems (creating their own, contracting out to commercial monitoring enterprises or to compliant NGOs) with dubious results.

These unresolved issues were at the bottom of the implosion of the White House Apparel Industry Partnership (AIP) in November 1998. The AIP, also known as the "anti-sweatshop taskforce", was set up in 1996 on the initiative of the US President after embarrassing revelations that garments produced under the Kathie Lee Gifford label were being made in sweatshops in New York and Central America. Its task was to draw up a code of conduct eliminating such conditions. Companies adopting the code would be able to label their products certifying that they were made under humane conditions. After the task force's 18 members—drawn from companies, unions and NGOs—remained stalemated for months, nine companies and NGOs began negotiating among themselves and produced a "preliminary agreement" (including the creation of a new entity, the Fair Labor Association (FLA), for monitoring purposes) on 2 November 1998, which was then presented to the other members of the task force for endorsement. Four other companies signed on to this agreement, but the unions, together with one

NGO (the ICCR), refused to endorse it and withdrew from the task force.⁵⁶

The Union of Needletrades, Industrial and Textile Employees (UNITE) stated:

This agreement . . . takes no meaningful step toward a living wage; it does not effectively address the problem of protecting the right to organize in countries where that right is systematically denied; it allows companies to pick the factories that will be inspected by monitors chosen and paid by the company and excludes up to 95 percent of a company's production facilities from inspection; and it creates multiple barriers to public access to information. These are fatal flaws in a code already diluted by previous compromises. We are also concerned that this agreement will reinforce the tendency to view voluntary corporate codes of conduct as a substitute for the enforcement of existing laws and the adoption of legislation and trade agreements designed to protect the rights of workers in the global economy.⁵⁷

ICCR spokespersons stated that "key principles, such as payment of a sustainable living wage to employees and credible independent monitoring are not sufficiently addressed" and that the agreement did not "spell out what companies need to do in countries where this internationally recognized right (of workers to freely associate and bargain collectively) is denied. Independent unions, controlled by workers, are an important element in the struggle to eliminate sweatshops".⁵⁸

Subsequent events showed that the misgivings of the unions and the ICCR were justified.⁵⁹ But a major issue implicit in this discussion is whether some of the more recent industry codes do not deliberately sidestep focused and explicit rules on labour rights in order to enable companies to conduct business in China—the largest country in the world where internationally recognized workers' rights are denied.⁶⁰ China has proved irresistibly attractive to transnational business. While some consumer goods companies withdrew from China following worldwide revulsion against the repression of the democracy movement and the independent labour movement in June 1989, many stayed, some returned after pulling out, and very many invested in the subsequent decade. Organized business has been in general accommodating, if not subservient, to the regime⁶¹ and calls for

ing programs in three countries: Indonesia, China and Vietnam—and

to make summaries of these audits public." On 9 September 1999 it was reported from Jakarta that negotiations to renew a collective agreement at the world's largest Nike contractor, PT Nikomas Gemilang (employing 23,000 workers who make 10 million Nike shoes annually for export) were deadlocked, and that the management had called in the military to intimidate the workers. The Campaign for Labor Rights, a US NGO, commented: "The AIP code commits Nike to respect freedom of association. Meanwhile, factories producing for Nike in

of protest from Nike executives or 'monitors'. Corporate-oriented 'monitors', such as Ernst & Young and Price Waterhouse, in spite of their expensive contracts, don't seem to be able to detect violations of codes, even when those occur under their noses." Labor Alerts, Campaign for Labor Rights, 9 September 1999; see also footnote 9. 60. The same would apply to Myanmar, Laos and Vietnam and, to some extent, Indonesia and Cambodia. 61. James Harding, "CEOs told fortune favours the not so brave in China", *Financial Times*, 29 September 1999, p. 18. 62. Big Business Must Put Human Rights on the Agenda, Human Rights in China (HRIC) press release, New York, 8 September 1999, and Fortune Conference Excludes Human Rights, HRIC press release, 27 September, 1999

business to put human rights on its agenda have remained without response.⁶² In such a situation, codes like Social Accountability 8000 (SA8000) provide a way out.⁶³ The criticism levelled by Labour Rights in China (LARIC)⁶⁴ against SA8000 is in essence similar to the union/ICCR criticism of the AIP/FLA code. For LARIC, SA8000 is an escape route for corporate accountability". LARIC denounces the lack of training of monitors and the inadequacy of monitoring procedures in general. It points out that the right of assessing workers' rights is taken away from the workers and put in the hands of auditors answerable to companies. SA8000 also undermines the authority of states to use labour laws to change labour practices, thus "privatizing labour rights" and labour inspection: "SA8000, like other codes, can be a powerful distraction to what is recognized as possibly the most effective and democratic instrument of protection: a directly negotiated collective bargaining agreement".⁶⁵

As discussed earlier, the great diversity of NGOs renders it difficult to make general statements about them. Controversy about codes of conduct has confirmed that NGOs are on both sides of the argument. From the trade union point of view, codes cannot substitute for negotiated international agreements between unions and companies. Such agreements (for example between IUF and Danone or Accor, between ICEM and Statoil, or between IFBWW and IKEA) are fundamentally different from codes of conduct, although they are sometimes misleadingly lumped together with codes in some of the literature. They imply negotiated reciprocal rights and duties and, in this respect, are in fact collective agreements. NGOs that support unions in securing such international collective agreements are allies of the trade union movement. NGOs that support companies in sidestepping such agreements through codes of conduct are objective allies of organized business.

Union/NGO co-operation: premises and potentials

Trade unions and NGOs have in common not only that they are part of civil society, but that they have specific agendas for the improvement

of society, and that they can legitimately claim to be serving the interests of society in general. Therefore, it does not come as a surprise that co-operation has developed between organized labour and NGOs on a wide variety of issues. However, union/NGO co-operation depends in specific cases on shared objectives and also on their respective situations: the source of their legitimacy; whether their operations are transparent or not; to whom they are accountable; and whether they are democratically managed or not.

Where difficulties have arisen, the last factor has been at the root of the problem. For this reason, it is also necessary to understand how trade unions and NGOs differ.

All trade unions have a clearly defined constituency: the members, to whom the leaders are accountable. Union leaders are elected at regular intervals by representative governing bodies, such as a congress. The leadership may change with the next election, and is sometimes subject to recall. Union accounts are usually open, audited and subject to the scrutiny of members and the general public. The consequences of union policy are immediately felt by members (for example, in the form of good or bad collective bargaining results).

Consequently, monitoring and evaluation of trade union performance takes place constantly, beginning in the workplace by the members, and more formally in elected governing bodies meeting frequently. Union leaders are obliged to sustain a permanent discussion with the membership about the merits of any given policy; they have to relate short-term goals to long-term objectives in a way that is understandable to the membership and ensures its support, while constantly checking that the policies they propose reflect the membership's needs and its collective political will. A typical trade union is a democratic organization in which the members have a sense of citizenship and ownership.⁶⁶

Like trade unions, NGOs are voluntary organizations, but they are not subject to the same rules. Some NGOs are membership organizations and have adopted democratic structures. In principle this is the case for the labour NGOs and for a number of others. But not all NGOs necessarily have a membership that has a sense of citizenship and of ownership of their organi-

63. SA8000 is intended to be an auditable social standard of the ethical production of goods and services for all companies in all industries and all countries. It was developed by the Council on Economic Priorities Accreditation Agency (CEPAA), which was established in 1997. CEPAA is an agency of the US-based Council on Economic Priorities, which was founded in 1969 and specializes in evaluating corporate social performance. CEPAA assesses and accredits certification bodies such as accounting or auditing

want SA8000 certification pay an accredited professional firm to do the auditing for them. The

those of ISO9000 (quality management) and ISO14000 (environmental management). SA8000 states that "the company shall, in those situations in which the right to freedom of association are restricted under law, *facilitate parallel means* of independent and free association and bargaining for all

64. LARIC is a Hong Kong-based coalition including the HKCTU, China Labour Bulletin, Asia Monitor Resource Center and the HKCIC

65. No Illusions: Against the Global Cosmetic SA8000. LARIC, Hong Kong, June 1999. See also, The "Code of Conduct" Campaign and Transnational Corporations, LARIC, 20 July 1999.

66. Obviously, this does not apply in all cases: we know of bureaucratized unions with a dictatorial internal regime, corrupt unions, and unions subject to outside control (by employers, governments, political groups). They are

zation. In many cases, NGOs have a self-appointed and co-opted leadership, are not accountable to any constituency other than public opinion and their funders, do not provide public financial information, and have no clear monitoring and evaluation procedures. This gives them greater flexibility and mobility, including a capacity to respond rapidly in emergencies, but it raises questions of legitimacy, transparency and accountability.

Class-based cultural differences have played their part. Many NGOs (other than the labour NGOs) originated in the nineteenth century culture of charity and philanthropy. This was not necessarily an obstacle to collaboration in the past. Charitable or welfare organizations, initiated and led by middle- and upper-class reformers, co-operated with the labour movement on political issues such as the abolition of slavery and child labour, universal adult suffrage, and even industrial issues (known examples are Annie Besant, a British reformer, taking up the cause of the London matchgirls' strike of 1888, and Cardinal Manning supporting the British dockers in their strike the following year).

But a culture of charity is fundamentally different from a culture of solidarity. Whereas charity is basically an authoritarian, top-down relationship between unequal partners, solidarity is a reciprocal relationship in which equal partners accept mutual rights and obligations. The culture of the labour movement is one of solidarity in a struggle for social change, whereas many NGOs have a welfare and basic needs agenda rather than a social change agenda.

In recent decades, decolonization and the emergence of the concept of the "Third World", the rise of transnational companies and the beginnings of globalization, and the radicalization of parts of the middle class (the students' movement, the women's movement, churches under the impact of liberation theology, etc.) also led much of the NGO community to adopt a radical agenda of fundamental social change.

This new political agenda, however, did not necessarily lead to a closer relationship with the trade unions, nor did it fundamentally change NGO culture. On the contrary, trade unions came to be perceived by many of their middle-class radical critics as conservative, bureaucratic

institutions unable or even unwilling to advance their members' and society's true interests. The line of attack against social democracy by the radical left of different tendencies was echoed in the attacks of some NGOs against the (overwhelmingly social-democratic) trade unions. A few politically radical NGOs became interested in organizing workers outside the trade union framework, in supposedly more democratic forms, thus deliberately entering into direct conflict with the trade unions.

Pressures generated by globalization of the world economy and its social consequences are again changing the relationship between unions and NGOs and their mutual perception. The threat of the neoliberal agenda, endorsed by a majority of leading governments, against the prospect of a just, egalitarian and democratic society, shared by unions and most NGOs, has powerfully strengthened the case for co-operation. In an increasingly hostile environment, pressures are mounting in the trade union movement against everything that has been holding it back from fulfilling its mission: bureaucratism; conservatism; turf battles that only serve the interests of entrenched leaderships and damage the general interest; the proletarian macho culture hostile to women, etc.; in other words, those features many NGOs seized on to draw general conclusions and dismiss the movement as a whole. The leadership and policy change in the AFL-CIO in 1995, which is hopefully only the beginning of a process, is a symptom of these pressures. Emerging "new union movements"—the Korean Confederation of Trade Unions, the Central Única dos Trabalhadores and Movimento Sim Terra in Brazil, and COSATU in South Africa—are trade union movements that have taken responsibility for the problems of society in general. They have forged strong links with other elements of civil society, in particular community-level organizations, and have political programs for reform. On the NGO side, the resilience of the trade union movement under conditions of adversity and its capacity for self-renewal (also of some of the labour NGOs) have not gone unperceived. These conditions are favourable for increased union/NGO co-operation. Let us consider the premises for such co-operation.

marginal. If they were not, the trade union movement would never have survived. Equally, there are cases of fraudulent and corrupt NGOs, which are also marginal. For the purpose of this discussion, we need to define a typology, that is focus on the fundamental characteristics of the organizations we are discussing.

67. Cases exist in which NGOs have successfully defended and organized workers in situations where trade unions have failed in their mission. This has happened when trade unions have been undemocratic (for example under state control, or when they have been hijacked by an undemocratic and corrupt leadership) and have failed to properly organize and represent their constituency or, even with democratic structures and in a free environment have failed to organize significant groups of workers (in most such cases, women workers). A classic example of the first case is that of the Polish KOR, which did the groundwork leading to the emergence of the Solidarity trade union movement. (See Jan J they have beKOR: A History of the Workers' Defense Committee in Poland 1976-1981. University of California Press, 1985.) An illustration of the second case is the work of the Korean Women Workers' Association United, which led to the formation of the Korean Women's Trade Union in 1999. Also, in Chile (in the case of seasonal women workers in the fruit and vegetable packing industry), in Nicaragua (women workers in the Free Trade Zone), and in Mexico (*maquilas*), women's NGOs claim to fill a vacuum left by the lack of

The issues with the greatest potential for union/NGO co-operation are those in which an overriding shared principle is involved and, in practice, it is on this kind of issue where co-operation is most often already taking place (as in the examples given earlier of co-operation between agricultural workers' unions and NGOs in combating the use of hazardous pesticides in the interest of public health; co-operation between chemical workers' unions and NGOs in combating pollution hazards in the interest of protecting the environment; and co-operation between unions and women's NGOs in providing education and organizing women workers in the interest of advancing women's rights). The objective of this kind of co-operation is generally to influence the conduct of other actors in society, such as public authorities or business.

An overarching principle is the defence of human rights and this issue does constitute a key point of contact for NGOs and unions. This requires acceptance on the part of the NGOs involved, first, that the rights of workers as workers are a human rights issue, and second, that workers' rights are a union rights issue because workers have no other way to express their collective interests except through independent and democratic trade unions.

Not all NGOs accept this position—some development NGOs have challenged the universal applicability of union rights as a form of disguised protectionism, driven by the unions in industrialized countries. Against this view, unions and other NGOs have argued that the absence of union rights, as well as inhuman working conditions and extreme exploitation resulting from the absence of such rights, cannot be accepted as a comparative advantage in development. Most NGOs and certainly all human rights NGOs would support the position that the core labour standards included in the Social Charter adopted by the International Labour Conference in 1998 (including the right of workers to freely organize, to negotiate collectively and to take industrial action in support of their demands) represent basic human rights applicable in all countries.

A commonality of objectives is, of course, the first and most basic condition for successful co-

operation. But further conditions are reciprocal transparency, accountability and mutual respect. These are indeed rules of good conduct basic to any constructive partnership between organizations and in social relations in general.

Mutual respect means that each partner must be prepared to respect and endorse the objectives of the other. NGOs should recognize that they have different responsibilities from unions and, consequently, they should not seek to substitute for unions unless there are overriding reasons for doing so.⁶⁷

In a globalizing economy and society, trade unions face three main tasks: organizing in TNCs, organizing the informal sector, and connecting with other civil society actors to advance their broader social and political agenda. In all of these areas, they have formed partnerships with NGOs and this trend is likely to continue because it is mutually beneficial. NGOs wishing to act in the public interest are finding in trade unions the social anchor and reality check that neither their constituency nor relationships with other social actors (such as business or governments) can provide.

An earlier section described the ways trade unions and NGOs are different. These differences—in constituency, governance and culture—have a root cause: trade unions are, by definition and not by choice, in a continuing power struggle with organized business and governments that defend business interests. The way society develops depends on the shift in global power relations resulting from this struggle. In this context, NGOs may seek different roles, seeing themselves as partisans or mediators, or in denial they may sidestep the issue entirely. Another perspective is to consider that NGOs are about intentions, whereas unions are about results. Therefore the responsibility of building a broad-based peoples movement for social progress and ultimately determining the direction it will take rests largely with the trade union movement. It will share this responsibility with NGOs that clearly define themselves, in word and deed, as allies of organized labour.

A common starting point should be to define the legitimate purpose of any form of social organization, whether local or worldwide; in other words, to affirm that enterprises, or an

economic system, have legitimacy only to the extent that they serve human welfare in the widest sense of the term (the satisfaction of basic needs, including justice, equality, freedom, access to culture and the rule of law). These values and basic principles, which of course need elaboration, together constitute a program of radical democracy diametrically opposed to the currently hegemonic neoliberalism, and this should become the basic program that the

labour movement and all NGOs with the objective of improving society should defend at all levels with all appropriate means. At issue is the kind of world we will live in tomorrow, in 10 or 20 years. The common objective must be to reconstitute the social movement worldwide, with the means provided by globalization and its technologies. This new social movement will be the liberation movement of humanity and its weapons will be the fax and the computer.

ing trade unions to organize women workers. It should be noted that such NGO efforts, when successful, lead to the creation of new trade unions and therefore to a renewal of the trade union movement. An altogether different situation arises when an NGO makes an agreement with a company, for example to monitor its

assumes the representation of the company's workers without establishing democratic structures of accountability, that is democratic and independent unions, either in co-

operation with existing unions or by facilitating the organization of new unions

Les ONG européennes actives dans le domaine du développement. Etat des lieux, par Adèle Woods, Etudes du Centre de développement de l'OCDE, OCDE, Paris, 2000, 95 pp.

l'Organisation de coopération et de développement économiques (OCDE) a publié une nouvelle étude sur la place des organisations non gouvernementales (ONG) européennes dans la pratique de la coopération au développement et le rôle qu'elle jouent dans la définition des politiques des Etats membres.

Etablie par le Centre de développement de l'Organisation, l'étude apporte des données systématiques et comparatives qui compléteront utilement les nombreuses études plus théoriques ou plus politiques sur la place des acteurs non étatiques dans les relations internationales. A ce titre, elle vise avant tout à répondre à l'insuffisance des données empiriques de ce type par rapport aux besoins liés au processus d'élaboration des politiques. Ce qui présuppose bien entendu le constat que le temps où les ONG étaient confinées dans un monde d' "amateurs" est révolu : bon nombre d'entre elles ont désormais des activités éminemment professionnelles. Les données statistiques montrent en effet qu'il existe, dans les pays européens, des milliers d'ONG oeuvrant pour le développement et disposant d'un budget à concurrence de 7-3 milliards de dollars. En s'appuyant sur un grand nombre de tableaux et de graphiques ainsi que sur des analyses détaillées par pays, l'ouvrage présente la vision d'ensemble, limitée toutefois au monde occidental, de ce qui est devenu un véritable phénomène de la fin du XXe et du début du XXIe siècle. Rapportés à l'ensemble des membres du Comité d'aide au développement de l'OCDE, les résultats de cette étude laissent entendre que les revenus des ONG s'élèveraient au total à près de 16 milliards de

dollars, soit trois fois le montant estimé par des organisations telles que la Banque mondiale.

Selon les pays, les fonds publics peuvent représenter plus de la moitié de ce revenu, ce qui signifie que les ONG sont devenues des partenaires incontournables des pouvoirs publics dans le domaine du développement mais aussi, faut-il le dire, que les gouvernements restent inversement, dans la majorité des cas, les partenaires incontournables des ONG. Sur ce dernier point, notons cependant que l'essentiel des ressources des ONG provient de sources non publiques (57% en moyenne, entre 29% pour la Grèce et 94% pour la Pologne), avec une forte concentration sur les plus grandes d'entre elles.

Notons enfin que si la perspective s'inscrit dans les recherches relatives au rôle et aux actions de la société civile dans le développement à l'échelon international, les critères proprement internationaux s'appliquant à ses représentants en sont absents. C'est ainsi que ni le sigle "OING" ou ses équivalents notionnels, ni la perspective transnationale n'apparaissent dans les documents présentés. Sans doute est-ce là un trait commun à de nombreuses études exclusivement comparatives, mais qui prive le lecteur d'un instrument d'évaluation fondamental, sans lequel le remodelage de la scène internationale ne peut être évalué dans toutes ses dimensions. Il reste que l'étude constitue un apport original sur le rôle des ONG, l'un de ses mérites étant de recourir aux données fournies par les ONG elles-mêmes et non par les organismes donateurs (ou les statistiques de l'OCDE), et de corriger par là la sous-estimation récurrente de cet apport.

P. Ghils

Une insécurité permanente pour les ONG et les agences de l'Onu

Après l'assassinat de délégués du Pam (Programme alimentaire mondial) et de l'Unicef (Fonds des Nations unies pour l'enfance), l'Onu a fait passer l'ensemble du Burundi en phase 4, sécurité oblige. Aujourd'hui, 6 provinces sur 17 sont encore maintenues sous ce statut.

Le Burundi détient le triste record d'être l'un des pays les plus dangereux pour le personnel humanitaire expatrié. En effet, en quelques mois, 3 membres du CICR (Comité international de la Croix-Rouge), un du HCR (Haut commissariat de l'Onu aux réfugiés), un du Pam, un de l'Unicef, un de ADRA international (Agence adventiste internationale de secours et de développement), une Britannique d'une ONG, ainsi que deux réfugiés italiens, ont été assassinés.

Il est clair que ce chiffre n'est en rien comparable avec le nombre des victimes burundaises (plus de 200.000 depuis le début de la guerre, en 1993). Mais outre les menaces contre le personnel onusien (balles de fusil envoyées dans des enveloppes, intimidations, chantages, etc.), le climat d'insécurité a des conséquences directes sur l'organisation du travail et sur l'aide à apporter aux populations. Ainsi, après l'assassinat des délégués du Pam et de l'Unicef, l'Onu a placé le pays en phase 4 (la plus haute gradation est 5 et implique l'éva-

uation totale de tout le personnel onusien).

Strictes mesures de sécurité

Par phase 4, on entend : évacuation du personnel non indispensable; interdiction de sortir de Bujumbura-ville sans escorte; couvre-feu de 23 h à 6 h (le couvre-feu imposé par les autorités burundaises commence à minuit jusqu'à 5 h du matin); obligation d'informer la cellule sécurité de l'Onu, une semaine avant tout déplacement hors de la capitale; escortes obligatoires en province; interdiction de passer la nuit dans les provinces en phase 4, etc. Tous les agents de l'Onu sont présents au Burundi sans leur famille. Ils sont logés dans une "zone spéciale" de la capitale.

A ce jour, 6 provinces burundaises sur 17 sont toujours en phase 4; les autres étant revenues à la phase 3. "es strictes normes de sécurité sont applicables uniquement aux agents de l'Onu" précise-t-on chez Ocha, le bureau onusien de coordination des affaires humanitaires du Burundi. Les 55 ONG internationales ne sont pas obligées de les suivre mais, en général, ces règles servent à évaluer le niveau de dangerosité de la situation.

En effet, au QG d'une ONG internationale, les délégués nous expliquent qu'ils continuent à se déplacer en province sans escorte "ais on fait attention à ne pas circuler à l'heure de la pause déjeuner car les soldats sont moins vigilants le long des routes, et après 16 heures car la nuit tombe vite" ajoutent-ils, très conscients des dangers.

Evaluation difficile des besoins

Sur le terrain, cette insécurité entrave la liberté de circulation et donc l'évaluation régulière des besoins sanitaires et humanitaires de la population. "Ici, il ne s'agit pas d'une guerre classique. Nous sommes en présence d'une guérilla mobile"; dit-on chez Ocha.

Résultat : certaines provinces n'ont pas été visitées par les agences de l'Onu depuis plus d'un an. Voilà pourquoi, récemment, une mission d'évaluation interagences Onu s'est rendue à Rutana et Makamba, où la situation humanitaire est particulièrement alarmante. On comprend mieux dès lors l'importance d'une collaboration intense, entre partenaires locaux, ONG et agences de l'Onu.

G. Dy (*Le Soir*, 23.201)

Civil society is not corporate society

On June 25-27, 2001, the United Nations General Assembly will hold a Special Session on HIV/AIDS.

The Special Session will be a huge global discussion among governments, to set priorities and strategies

in the war against HIV/AIDS. The General Assembly has already urged "civil society" to par-

ticipate in the Special Session. However, their documents define civil society to include not only people living with HIV/AIDS, people affected by the epidemic, grassroots groups, and non-governmental organizations (NGOs)—but also “the business sector, including pharmaceutical companies.”

This is an unprecedented and dangerous redefinition of “civil society”—a term which has tradi-

tionally encompassed voluntary and not-for-profit organizations, but not the corporate sector. Do the rich and resourced share an equal playing field with the poor and sick in “civil society”? Will the Special Session give voice to the communities most harmed by the epidemic and most engaged in real response? Or will it be a giant cocktail party for the drug industry?

Time is short and resources are scanty: and the good intentions of the Special Session’s organizers may not be enough. IGLHRC is concerned that too few true civil-society representatives - voices of grassroots groups, not multinational corporations - will actually be heard in the process.

Emergency Response Network
The International Gay and Lesbian Human Rights Commission (IGLHRC)

Regulating public benefit organizations

Meeting of the Regional Drafting Group in Zakopane, Poland

Twenty-two experts on non-governmental organizations (NGOs) from thirteen nations met in the scenic mountain resort town of Zakopane, Poland December 8-11, 1999. The purpose of the meeting was to begin drafting a Model Law for Central Europe Regulating Public Benefit Organizations (PBOs). The Central European countries represented at the meeting were: Albania, Bulgaria, Croatia, Czech Republic, Hungary, Lithuania, Moldova, Poland, Romania, Slovakia and Yugoslavia. In addition, experts from England and United States joined the meeting, to provide different perspectives on laws of countries where there is a long tradition of PBO law. The Meeting was chaired by Petr Pajas, an NGO expert, scholar and activist from the Czech Republic.

After welcoming remarks from ICNL President and CEO, Lee Irish and a brief overview of recent PBO law history of the region presented by ICNL Executive Vice-President, Karla Simon, Dr. Pajas opened the meeting on Wednesday evening by outlining

the broad goals of PBO law. Foremost among these are the definitions of PBOs and Public Benefit Activities (PBAs). Also, such laws provide answers to questions such as: how should PBOs be certified and who should certify them? What body or bodies should exercise oversight authority over PBOs? What requirements should be made with respect to the governance of PBOs? What kind of activities should PBOs be permitted to engage in? And finally, what obligations must PBOs fulfil and what special benefits might they enjoy?

Dr. Pajas’ remarks were followed by a presentation by ICNL Consultant and Meeting Organizer, Piotr Gajewski. Dr. Gajewski outlined the methodology of the work that was to take place over the next three days. Specifically, that the meeting would divide into two working groups that would work separately, in six sessions over the next two days, addressing the issues outlined by Dr. Pajas. (The groups would be headed by Piotr Gajewski, with Nilda Bullain,

Executive Director of Hungary’s Civil Society Development Foundation serving as the reporter, and ICNL Legal Advisor Radost Toftisova, with Maciej Juszczyński, Secretary General of Poland’s YMCA serving as the reporter.) The groups would then meet in two plenary sessions to present their reports and resolve differences in approach.

Several laws and draft laws on PBOs and issues relating to PBOs were made available. All participants received copies of Hungarian and Italian laws, as well as Bulgarian and Polish draft laws regulating PBOs. Everyone also received a chart, prepared by ICNL, comparing the four laws. PBO related laws of other countries in the region were also made available.

Following Dr. Gajewski’s presentation, the two groups were formed and met briefly before retiring for the evening.

The work began in earnest on Thursday morning with the two groups working separately on the definitions of Public Benefit Activities (PBAs) and PBOs. An article by Dr. Pajas, comparing

lists of PBAs drawn from the laws of different countries was circulated and discussed. Much of the discussion centered on whether there was need to define some or all of the PBAs in terms of the beneficiaries of the activities, or whether the activities in and of themselves were of public benefit.

With respect to what constitutes a PBO, the discussion centered on whether there are NGO forms other than associations and foundations that could also qualify as a PBO. There was also discussion as to whether an NGO needs to be "exclusively" engaged in PBAs in order to gain PBO status or whether it was enough that the NGO be "principally" engaged in PBAs.

After a coffee break, the morning work continued with a brief plenary presentation by Ilya Trombitsky of Moldova's Bioteca Ecological Society. Dr. Trombitsky spoke about the Moldovan Law on Associations, which establishes a Certification Commission for Public Associations.

The groups then resumed their work, discussing the various possibilities of PBO certification and oversight authorities. In addition to a specialized commission (per the Moldovan model), other entities which were mentioned as the possible registration authority were 1) courts, 2) line ministries, each within its area of expertise (e.g., health, education, sport), and 3) one specific ministry (e.g., justice). The oversight authority could also be performed by a commission, line ministries or one specific ministry.

After much discussion, it was generally agreed that a specialized commission provided the most ideal solution for registration and oversight. There was broad agreement that none of the other options, while each has certain

advantages, provides the efficiency or consistency and quality of decisions that an expert commission would provide.

After lunch, work resumed with discussion of internal management requirements for PBOs and rules of what activities should PBOs be allowed to engage in. With respect to management, there was agreement that PBOs should have a Governing Body that is ultimately responsible for the PBO's operations. Larger PBOs should also be required to have a Supervisory Body or Audit Committee, as a check on the Governing Body. There was also agreement on broad transparency and reporting requirements for PBOs.

The two questions most hotly debated during these sessions were: 1) what type of economic activities should PBOs be allowed to engage in and 2) whether PBOs should be allowed to engage in political activities.

With respect to the first question there was agreement that, in general, economic activities should be permitted. The most difficult questions are whether revenues from all or some of such activities should be exempt from taxation (especially revenues from economic activities unrelated to a PBO's PBAs). Another issue is whether a PBO should lose its certification if economic activities unrelated to its PBAs become the principal economic activity of the organization.

There was much discussion of the second question. The compromise that received the broadest support was that while PBOs should be allowed to engage in issue advocacy, they should not be allowed to support specific political candidates.

With this, the groups adjourned for the day, and the participants finally had a chance to enjoy some local entertainment. Zakopane is a mountain resort, still very much inhabited by the highlanders.

There is a great local tradition of hospitality, folk art and music that provided much needed rest and recreation for the participants.

Friday morning began with a brief plenary presentation by Lee Irish on tax issues relevant to PBOs. Dr. Irish outlined the various approaches to tax relief taken by different countries. The groups then met to discuss the various possible solutions.

In general, there was agreement that revenues from membership fees, grants, donations and state contracts should not be taxed. Also, passive income as well as income from economic activities related to a PBO's PBAs should not be taxed. The most difficult issue is whether income from economic activities unrelated to a PBO's PBAs should be taxed even when all of the revenue is used to support the PBAs. On another topic, there was agreement that relief from customs duties, registration fees and court dealing fees was appropriate.

The final group sessions concentrated on summarizing all of the issues and discussion of some miscellaneous issues. These included sanctions, problems with liquidation, and other minor matters. In general there was agreement that there should be a gradation of sanctions for violations of the PBO law, the ultimate sanction, decertification, being reserved to the commission and to be applied in cases of very serious or repeated violations. With respect to liquidation of a PBO,

all agreed that there was need to ensure that any remaining assets of a liquidating PBO be used for PBAs similar to the ones pursued by the PBO.

After lunch, the first full plenary session of the Meeting of the Regional Drafting Group was called to order by Petr Pajas. Dr. Pajas again outlined the different issues and then methodically led the session, hearing reports from the two groups, framing differences and moderating discussion. The session served to again air the issues, hear about different approaches in the various countries represented and try to arrive at consensus solutions.

Following the plenary, the evening program again provided

the participants with much needed diversion.

The Saturday morning plenary served to summarize the issues of the previous evening and moved to rap up the remaining issues. At the end of the session volunteers were solicited to form a technical drafting team, with the mandate to draft a Model Law based on the agreements reached in Zakopane. The following have agreed to serve:

Justice Artan Hoxha, Supreme Court of Albania, Albania

Dr. Petr Pajas, First Consulting, p.b.c., Czech Republic,

Dr. Gabor Posch, Senior Counselor, Ministry of Finance, Hungary

Dr. Ilya Trombitsky, Bioteca Ecological Society of Moldova, Moldova

The drafting is being coordinated by ICNL. Several other participants expressed an interest in reviewing the draft, and the draft will be circulated to everyone who attended the meeting.

The Model Law will be presented at the ICNL Conference in Sofia, Bulgaria, scheduled for May 18-21, 2000. Piotr Gajewski

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Is the International Court of Justice to die?

Judge Gilbert Guillaume, President of the International Court of Justice, to the United Nations General Assembly: "It is for you to decide whether the Court is to die a slow death or whether you will give it the wherewithal to live"

The Hague, 26 October 2000.

Today, the President of the International Court of Justice (ICJ), Judge Gilbert Guillaume, launched a vigorous appeal to the United Nations General Assembly for additional resources for the Court, a forum which "is currently in greater demand than ever before".

"The Court's financial and human resources are no longer sufficient for it to fulfil its task properly. If it does not receive the necessary resources, it will find itself obliged, beginning in 2001, to delay passing judgment in a number of cases that will be ready for decision. From 2002, those delays

may well last several years in some cases", President Guillaume stated.

"I am thus obliged to sound the alarm before you today", he added. "In many countries, the judiciary presides in sumptuous historic monuments but at times lacks the financial resources necessary for its mission. That is the case of the International Court of Justice. It is for you to decide whether the Court, the principal judicial organ of the United Nations, is to die a slow death or whether you will give it the wherewithal to live."

President Guillaume announced that the Court was planning to seek supplementary credits and a budget increase on the order of 3 million dollars per year for the next biennium (2002-2003), increasing its biennial budget from 20 to slightly more than 26 million dollars and its staff from 61 to 99 posts. "The Court is well aware of the financial difficulties encountered

by the United Nations. It has taken these into account in the past in limiting its requests", its President stressed. "The current growth in litigation will however require much greater increases in staff. Unlike other United Nations organs, the Court cannot adapt its programmes to its available resources. Its resources must be adjusted to meet the legitimate expectations of the States that turn to it", he maintained. President Guillaume was addressing the representatives of the United Nations Member States gathered in New York on the occasion of the presentation of the 1999-2000 Report of the Court.

Court worked at sustained pace

During the period under review for the Report (1 August 1999-31 July 2000) the Court worked at a

sustained pace, according to its President. It ruled in a dispute that had been submitted to it in May 1996 by Botswana and Namibia concerning the island of Kasikili/Sedudu; it delivered a Judgment on its jurisdiction in a case filed in September 1999 by Pakistan against India as a result of the destruction of a Pakistani aircraft; it indicated various provisional measures in a dispute opposing the Democratic Republic of the Congo (DRC) to Uganda; it further heard five weeks of oral argument in the case between Qatar and Bahrain.

"Thus, the Court has been able to consider or commence its consideration of all cases that were ready for hearing". President Guillaume stated. "Unfortunately, the coming months promise to be more difficult. Thus, while ten cases appeared on the Court's List in 1994 and 12 in 1998, we saw an increase to 25 at the end of 1999, a new record in the annals of international justice, and 24 remain on the docket today".

A plea for the maintenance of cohesion in international law

Turning then to the place of the International Court of Justice in the current system of international law, the President of the Court warned the General Assembly against the risks to the cohesiveness of international law raised by the proliferation of courts.

This phenomenon, President Guillaume explained, "leads to cases of overlapping jurisdiction, opening the way for applicant States to seek out those courts which they believe, rightly or wrongly, to be more amenable to their arguments ("forum shopping") . . . [it] exacerbates the risk of conflicting judgments, as a given issue may be submitted to two courts at the same time and they may hand down inconsistent judgments . . . Finally, [it] gives rise to a serious risk of conflicting jurisprudence, as the same rule of law might be given different interpretations in different cases".

Anxious to uphold the cohesiveness of international law, President Guillaume made some

proposals. First, he said, "the international legislator should, before creating a new court, . . . ask itself whether the functions it intends to entrust to the court could not properly be fulfilled by an existing court". He insisted on the need to create a dialogue among judicial bodies in order to help judges "realize the danger of fragmentation in the law". Finally, the President of the Court pleaded in favour of more structured relations between international tribunals, which could be encouraged to seek advisory opinions from the Court, by way of the Security Council or the General Assembly.

The full text of President Guillaume's address to the General Assembly is available on the Court's website and can be obtained by post upon request. The Annual Report is also available on the Court's website (<http://www.icj-cij.org>).

*Press Release 2000/36
26 October 2000
acrus-io@lists.yale.edu*

Dr. Richard Jolly

Dr. Richard Jolly, a pioneering promoter of the concept of human development who guided UNDP's Human Development Report from 1996 to 2000, is being recognized by the United Kingdom for "long and distinguished service for international development" and will receive the award of Knight Commander of the Order of St. Michael and St. George (KCMG).

Human-centred development approaches have gained broad support, if not full implementation,

since Dr. Jolly and his colleagues offered systematic critiques during the 1980s of structural adjustment and development policies centred only on economic models.

Dr. Jolly served as Special Advisor to the Administrator of UNDP from 1995 to 2000, when he retired, and was also Principal Coordinator of the Human Development Report during this time.

"Even before joining UNDP and the Human Development Report, Richard was a partner in the move-

ment for human development," said Sakiko Fukuda-Parr, Director of UNDP's Human Development Report Office. "He leaves an important legacy to the Human Development Report in his concern with global income inequalities, respect for the rights of children, gender equality, and his persistent commitment to a more inclusive and integrated world."

Dr. Jolly now serves as Co-Director of the UN Intellectual History Project at the City University of New York, which is

preparing a 12-volume history of the economic and social contributions of the UN, the first in-depth examination of this key aspect of the UN's work. The Projects first volume, an overview entitled *Ahead of the Curve*, will be published this spring. He is also Chair of the Collaborative Council on Drinking Water and Sanitation.

Before joining UNDP, Dr. Jolly served for 14 years as Deputy Executive Director for Programmes at UNICEF, where he co-edited *Adjustment with a Human Face*,

which presented a human-centred alternative to structural adjustment programmes pursued in developing countries by the International Monetary Fund.

Dr. Jolly also championed the 20/20 Initiative, a practical strategy for supporting human development. The Initiative, endorsed at the 1995 World Summit for Social Development, calls for developing and donor countries to devote 20 per cent of government budgets and 20 per cent of aid allocations, respectively, to basic social services.

Prior to his work with the UN, Dr. Jolly was for nine years Director of the Institute of Development Studies (IDS) at the University of Sussex, United Kingdom. From 1987 to 1996, Dr. Jolly was chairman of the Society for International Development (SID) North/South Roundtable and vice president of the Society from 1982 to 1985.

(For more information: Trygve Olufjanes trygve.olufjanes@unfplp.org, UNDP Communications Office)

Corporatization of the United Nations Kofi Annan's corporate gambit

The UN is at a crossroads. As it enters the 21st century the world body is struggling to deal with some of the most powerful players on the world stage: global corporations. Earlier this year, United Nations Secretary General Kofi Annan called on big business leaders to build a "global compact" appealing to companies to voluntarily consult with the UN on how to abide by universal labor, environmental and human rights principles. In turn, he pledged that the UN would support global free trade. While the Secretary General's challenge represents an important step in pressing transnational corporations to be more accountable, it is also a partnership fraught with peril. Until recently, transnational corporations with tarnished records on human rights, the environment and development were objects of scrutiny at the United Nations. Yet now, in a series of misguided adventures document-

ed in this section, the UN seems to be scrambling for corporations' support, regardless of their social and environmental impact. Many international human rights, labor unions and environmental groups are concerned that by attaching themselves to the United Nations, corporations may be able to "greenwash" their poor environmental and human rights images. The United Nations is one of the last bastions with the moral authority and political potential to subordinate socially and ecologically blind market forces to human and environmental rights. The UN could take the high road by promoting corporate accountability to universal human rights, environment and labor values. This is the trail being blazed by a sub-group of the UN Human Rights Commission, which recently resolved to look into the impacts of transnational corporations and global trade deals. Unfortunately, the US is calling

for the elimination of this sub-commission. Similarly, UN brokered international agreements such as the Kyoto Protocol, Montreal Protocol and Biosafety Protocol have the potential to reign in unaccountable global corporations. This is why, as this section documents, the corporate lobby at these international negotiations is growing. At the same time, the US government continues to refuse to pay the roughly US\$1.6 billion debt it owes the UN, perhaps leading the world body to seek political and economic support from corporations. But if the UN continues to take the low road in its collaborative relationships with transnational corporations and their industry associations, it could well become increasingly reluctant to criticize entities which are central players in many of the human rights, environmental and development dramas unfolding every day across the globe. This will not bring "a

human face to the global market," as the Secretary General has called for, but will instead mask a harsh reality.

Some bad examples

The Business Humanitarian Forum: The UN High Commissioner on Refugees is co-chairing this new organization with UNOCAL, a company with one of the worst human rights and environment records in the world. An international coalition of groups, including Corporate Watch's parent organization TRAC, is calling for UNHCR to resign from this collaboration.

A Perilous Partnership: The United Nations Development Programme's Flirtation with Corporate Collaboration

TRAC, Corporate Watch's parent organization, along with more than 100 organizations from around the world are campaigning for an end to UNDP's outreach to corporations with some of the worst human rights, environment and labor records.

Government-Corporate Collusion at the United Nations: Development economist and author David Korten provides a stunning account of a United Nations power lunch. The players? The UN Secretary General, various heads of state, the infamous Larry "let's dump a load of toxic waste on the Third World" Summers, and the CEOs of 10 large transnational corporations. The subject? How to foster greater corporate participation in the UN.

The "Global Compact"

"A Compact for the New Century," a speech by Kofi Annan

The UN's New Deal with 'Global Corporate Citizens': A critique of the Global Compact by Corporate Watch's European Affiliate, the Corporate Europe Observatory

UN Treaties/Agreements

An examination of the corporate influence in these key international accords—agreements which have the potential to subordinate corporations to environmental values, globally.

a. The Climate Convention

b. The Montreal Protocol for the Protection of the Ozone Layer

c. The UN Conference on Environment and Development (UNCED) - Earth Summit

Corporate Watch

Connecting civil society worldwide

For the first time since its formation CIVICUS was invited to participate in the World Economic Forum in Davos. I was there together with almost 70 civil society representatives from around the world.

Included among these were several allies and partner organisations of CIVICUS, as well as CIVICUS members such as Transparency International, who was represented by its founding chairperson, Peter Eigen.

The Davos meeting coincided with the World Social Forum, which was held in Porto Allègre, Brazil at which CIVICUS was represented by Finn Heinrich, the Global Coordinator on the CIVICUS Index on Civil Society Project. This meeting, held for the first time, drew some 10 000 par-

ticipants mainly from civil society organisations, but included government leaders and a few representatives from business. Here again were other members of CIVICUS.

There were a few satellite link ups which allowed for people such as the administrator of UNDP, Mark Malloch Brown, and financier and philanthropist, George Soros, to debate development and economic issues with civil society activists at the Social Forum. These debates were stormy and reflected the growing divide between many civil society activists and business leaders. Ironically perhaps, several speakers at Davos, mainly leaders from developing countries as well as global leaders such as the Secretary General of the United

Nations, Kofi Annan, expressed similar concerns to those being raised at the World Social Forum.

There is, and rightly so, deep concern about the growing inequities between the rich and poor in almost every country in the world and growing inequality between rich and poor nations. Many of the business leaders at Davos, conceded that this reality is making the planet unsustainable but unfortunately no viable solutions appear to be in sight. If anything, growth without equity, accompanied by such features as the persistence of jobless growth, threaten to lead to growing poverty, deeper social problems and growing instability.

In the sessions that I served as a panellist at Davos, business leaders raised concerns about the

growing power of civil society organizations and raised questions about accountability. Several of us, including ILO Director General Juan Somavia, Oxfam Policy Director, Justin Forsyth, leaders from the World Wildlife Fund, GreenPeace, Save the Children and others, pointed out that there were several accountability measures that are already in place and most organisations are meeting the challenge for greater transparency and accountability. We did not suggest that we should not be trying harder, but as I tried to point out, unlike governments which are guaranteed a steady flow of revenue from taxpayers whether they are good, mediocre or outright incompetent (in between election periods), civil society organisations have a simple choice: Perform or Perish. Our resources come from voluntary contributions irrespective of the source and being good is rarely sufficient. Excellence is often called for and few organisations have a flow of revenue guaranteed beyond two years.

We also noted that it is important to recognise the distinctions between questions of accountability, legitimacy and representativeness. Also, it is important to recognise that business and political leaders are concerned since a growing number of opinion polls now show that most citizens in the world are more likely to vest their trust and confidence in NGOs rather than government or business.

By the time I arrived in Switzerland, I was not sure whether I was going to be allowed in. Since the day before hundreds had been turned back at train stations before they got near to

Davos including an NGO representative who was invited to the Forum. The Swiss authorities had displayed what many believed to be an unnecessarily heavy hand in dealing with attempts at peaceful demonstration in Davos, earning the World Economic Forum the title of "Fortress Davos".

In below freezing temperatures, protesters, including many from religious organizations, fell prey to water cannons. The Secretary General of Amnesty International, Pierre Sane, led a delegation of NGO representatives, who met with the leadership of the World Economic Forum to raise our concerns that it was important that while some civil society leaders were invited to participate in the dialogue, it was equally important that the right to peaceful assembly be protected.

This discussion culminated in a bruising press conference, where the Director General of the World Economic Forum, a Swiss National, proclaimed that his country did not need to be taught any lessons in democracy and that Switzerland was not a "banana republic". Pierre Sane responded by saying that he should visit the Amnesty website to familiarise himself with some of the human rights violations in Switzerland. Behind all of this exchange though, lies a bigger question. How can dialogue between business, governments and civil society proceed in such a manner that independence and autonomy is respected? It is important that there is a space for real, open, critical dialogue that does not degenerate into symbolism and unproductive conflict.

The call for greater civil society involvement is, I believe, a valid

one. If Davos was the World Business Forum, then the current arrangement would be acceptable. The fact that Davos is a Forum to discuss the state of the world economy means that genuine attempts must be made to include the widest possible diversity of stakeholders.

The increase in the number of civil society activists this year at Davos is to be welcomed. But more broader participation is needed. As much as the rights and safety of those who are inside must be protected, the rights of those who are outside, and who wish to exercise their right to peaceful assembly, must also be safe-guarded. Failure to create the space for this, I fear, will lead to growing frustration, which will drive those whose intentions are to register their concerns through peaceful protest, towards violence.

Some argue that dialogue between government, civil society and business is irrelevant and a waste of time. I hope that all the efforts at dialogue to create a world of greater social, political and economic justice start to bear fruit, since the number of disillusioned grows steadily. I also hope that the major impact made by the World Social Forum with only a fraction of the resources of the Davos organizers, will not only serve as a conscience but also as a space for creative and innovative thinking about how we meet the challenges facing humanity. Ultimately though we should be looking forward to a combined World Social and Economic Forum which has representation from civil society, government and business. A Forum that recognizes that social and economic issues cannot be separated any longer. A

Forum that creates the basis for dialogue; and courageous and thoughtful action, that begins to make a significant difference in the lives of ordinary people all over the world.

From 19-23 August 2001 in Vancouver, Canada, the CIVICUS World Assembly will be applying itself precisely to these challenges guided by the theme: Putting People at the Centre:

Voluntary Action Shaping Social and Economic Change. We hope that we are able to use this opportunity to drive forward these debates with a healthy participation of people coming from business, government and civil society. I hope to see you there.

Kumi Naidoo *Secretary General*
(From: "From the desk of the Secretary-General", *Connecting civil*

society worldwide. Number 104, 13

February 2001. Edited and compiled

by Yvette Terreblanche of the Programme for Development Research (PRODDER) at the Human Sciences Research Council (HSRC) in South Africa, on behalf of CIVICUS: World Alliance for Citizen Participation (www.civicus.org) in Washington, DC.

EU highlights concerns over NGO access at Qatar WTO meeting

The European Commission has highlighted concerns over access for non-governmental organisations and civil society at the World Trade Organisation Ministerial Meeting scheduled to take place in Qatar later this year. In letters to Qatar's Ambassador in Geneva and to the WTO Director-General and Chairman of the General Council, the Commission noted the plan to

set up an NGO centre. It said it wished to highlight the importance we attach to the full, fair and effective access of civil society and NGOs to this event... further discussions on how exactly to meet the other legitimate expectations of civil society will of course be necessary'. Commissioner Pascal Lamy told NGOs expressing concerns that the Commission would seek

very clear, unequivocal guarantees on the issue. (*Communication from the Trade Directorate-General of the European Commission*) For more, go to:

http://europa.eu.int/comm/trade/w/hats_new/qatar.htm European Commission, Trade DC, Information Unit Email: eis@cec.eu.int WWW: <http://europa.eu.int/comm/trade>

Rio + 10: Time to get started

The countdown has begun, and less than two years remain. In 2002, the world takes a critical look back at the historic United Nations Conference on Environment and Development (UNCED) that was held in Rio de Janeiro, Brazil. It is time to start now on making the ten-year review comprehensive, frank and useful.

A Pioneering Outcome

The Earth Summit made history by bringing global attention to the understanding, new at the time, that the planet's environmental

problems were intimately linked to economic conditions and problems of social justice. It showed that the social, environmental and economic needs must be met in a balance with each other for sustainable outcomes in the long term. It showed that if people are poor, and national economies are weak, the environment suffers; if the environment is abused and resources are over consumed, people suffer and economies decline. The conference also pointed out that the smallest local actions or decisions, good or bad, have potential worldwide repercussions.

The Rio de Janeiro gathering outlined the way that various social, economic and environmental factors are interdependent and change together. It identified the critical elements of change, showing that success in one area requires action in the others in order to continue over time.

UNCED proclaimed the concept of sustainable development as a workable objective for everyone around the world, whether at the local, national, regional or international level. That integrating and balancing economic, social

and environmental concerns in meeting our needs is a must to continue human life on the planet, and that such an integrated approach is achievable if we put our heads and hands together. But that achieving this kind of integration and balance between economic, social and environmental dimensions would require new ways of looking at how we produce and consume, how we live, how we work, how we get along with each other, or how we make decisions. The concept was revolutionary and like all original ideas it started a lively debate among governments, and between governments and their citizens on how to achieve sustainability.

A major achievement of UNCED was Agenda 21—a thorough and broad-ranging programme of actions demanding new ways of investing in our future to reach global sustainable development in the 21st century. Its recommendations ranged from new ways to educate, to new ways to care for natural resources, and new ways to participate in designing

asustainable economy. The overall ambition of Agenda 21 was breathtaking, for its goal was nothing less than to make a safe and just world in which all life has dignity and is celebrated.

What has been accomplished since 1992? What have the participating countries done so far to implement Agenda 21? Have they adopted the National Sustainable Development Strategies as they agreed they would by 2002? Have they ratified the conventions that aim to prevent loss of biodiversity or ensure women's rights as they agreed to do in 1992? What obstacles have they encountered? What lessons have they learned about what works and what does not? And what new factors have emerged to change the picture? What mid-course corrections need to be made to reach the goals? Where should further efforts be concentrated? It is time to find out.

Assessing the Past, Planning the Future and Winning Contests

Rio+10 will be a summit gathering in 2002 of world governments.

concerned citizens, United Nations agencies, multilateral financial institutions and other major actors to assess global change since the Earth Summit of 1992. A focused agenda will foster discussion of findings in particular environmental sectors (forests, oceans, climate, energy, fresh water, and so on) as well as in cross-sector areas such as economic conditions, new technologies and globalisation.

The gathering will consider fully the impact of the revolutions in technology, biology and communications that have changed most of the world since 1992, while remembering that one out of every six individuals on Earth is yet to make a telephone call. New financial instruments, the functioning of international financial institutions and markets will also be evaluated for their implications for the future.

(From: Secretariat of the UN Commission on Sustainable Development, CSD Update, special issue, August 2000)

Meeting with Pascal Lamy, EC Commissioner for Trade, 23 November 2000

Statement of NGOs on the structured dialogue between civil society and the European Commission on the WTO and other trade & investment policy matters

Introduction drawing some lessons

Development of trade policy in an open and democratic system requires that a broad range of interests be taken into account. At

the time of the MAI negotiations three years ago, the European Commission started to consult civil society on trade and investment policy issues. Around Seattle, this consultation intensified, and since May this year conducted in a more structured dialogue fashion. For both the Commission and NGOs this consultation and dialogue process has been a learning experience and we acknowledge the upward learning

curve over the past period.

However, we believe there is room for enhancing the value of the dialogue process to a point where all stakeholders concerned become convinced it is indeed a process worth investing in. To reach this point, all partners in the dialogue would need to take up their responsibility. On our side, this has so far meant preparing for the meetings, disseminating the information to national

and local constituencies and either attending the meetings or submitting written inputs. On the Commission's side the dialogue has so far meant investing time and resources into preparation and participation — mostly from DG Trade — and handling the practical logistics.

We believe that improvements could be made at two levels:

Enhancing the value of the dialogue process

We would like to highlight the need for representation of DGs other than DG Trade and the need for transparency and feedback as to what the Commission does with all the information it gets from civil society. For us it is difficult to see clearly what real impact the consultations with civil society have had on EU trade policy.

In light of this, we propose the following:

1. Mutual accountability: While the NGOs and civil society at large commit themselves to submitting written and oral inputs to the meetings, the Commission should write up a report following each of the 6-monthly Issue Groups summarising what lessons it has drawn from the dialogue and outlining how it has used this information in formulating or modifying its trade policy.

2. Broader representation: On the NGO side broad representation of stakeholders is constrained by lack of resources (we will come to that later). On the Commission's side, it would be most helpful if senior representatives of DGs other than DG Trade could attend and co-chair meetings when the issue under

discussion requires it.

3. Better provision of information: There is an imbalance of information flow. Civil society organisations are regularly submitting papers / letters to the Commission, while there is a lack of hard information from the Commission, and other materials arrive too late to inform our discussions. A commitment to systematically disseminate information from the Commission to all stakeholders is needed (including information on the state of play in the negotiations, on other consultation processes run by the Commission — such as those on services or investment, TAED or TACD responses). This information could be posted on the DG Trade website.

4. Timely Agenda-setting: The agenda of meetings should provide opportunities to hear views of civil society which have fundamental differences with the basic assumptions and strategies of the EC towards the next Round and should not only focus on technical details within the EC's policy framework. It is also imperative that the Commission publishes detailed agendas at least one month prior to meetings in order for stakeholders to widely consult and prepare for more substantive discussions.

5. Sustainable timing and spacing of the meetings: In order to make travel to Brussels worthwhile and ensure that enough time is available to enter into more substantive discussions, Issue Group meetings should last one-whole day, and could be held every other month (instead of every month). General meetings lasting only a few hours, like the one today, should be avoided

whenever possible. More discussions could take place in writing.

Ensuring broad participation and high level quality inputs

Opening-up to dialogue on trade policy-making to civil society is a necessary, but not sufficient, condition to ensure broad participation of NGOs into any dialogue process. We believe it would be extremely useful for the Commission to explore ways it can provide a minimum level of resources to support NGOs who wish to be engaged in the dialogue. We believe that resources are needed for NGOs to produce and/or gather relevant expertise when this is not readily available; allow for NGOs to physically attend the meetings in Brussels; and allow for better co-ordination among NGO actors to disseminate information to a larger number of stakeholders.

Therefore, we propose the following:

1. Enhancing the level of expertise. Both the Commission and NGOs should jointly determine the areas in which increased understanding and expertise is needed to formulate trade policies that are sustainable and meet the interests of the poor (e.g. TRIPs, investment, interface between trade liberalisation and environmental governance, etc.).

2. Ensuring broad and representative participation in the dialogue. The Commission and NGOs should explore possibilities for funding NGO attendance to dialogue meetings. In the medium term, the Commission could put forward a modest budget to support the travel expenses for NGOs attending the dialogue meetings

(this is already the case in some consultations undertaken by the Commission such as the Transatlantic Environment and Consumer Dialogues). We ask for the principle to be recognised, the details would need to be worked out later.

3. Allowing for better co-ordination of NGOs. It is in the interest of both the Commission and the NGOs to have a well functioning co-ordination among NGOs working on trade and we ask the Commission to explore with us the possibility of co-funding an efficient NGO coordination structure. This would reduce the transaction costs of disseminating information on both sides and would provide some structure to

the way NGO inputs are submitted, thus reducing the burden on the Commission.

It is a constructive spirit that NGOs from different sectors put forward these proposals. We hope that in the near future we reach the point that all civil society actors will actively participate and the Commission can justifiably argue it is consulting civil society on trade policy matters.

This statement is supported by the following non-governmental organisations:

AEFJN (Africa - Europe Faith and justice Network) Both ENDS - Netherlands CIDSE European Public Health Alliance (EPHA) Eurostep FERN Geof Rayner, chair of UK Public Health

Association GREEN DOCTORS
- ISDE UKRAINE Health Action International - Europe ICDA
K.U.L.U.-Women and Development
Denmark Royal Society for the Promotion of Health, based in London, UK
Liaison Committee of Development NGOs
Mental Health Europe - Santé Mentale
Europe Pieter van der Gaag, Executive Director ANPED,
Northern Alliance for Sustainability
Sandwell Health Authority, England
SOLIDAR Trocaire
Voluntari nel Mondo/FOCSIV
Welsh Food Alliance WWF

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email: postmaster@cidse.org - updated: 28 November 2000

The future of the NGDO-EU Liaison Committee

The Liaison Committee met on 1 February 2001, and decided that in view of the Commission's decision to suspend payments it had no option but to recommend to its members that its affairs should be wound down in an orderly fashion. It therefore decided to convene a special general assembly for early April which will consider a formal motion for closure.

This decision was taken after careful consideration of the current position and upon legal

advice; the Committee recognising that this was a necessary step in order to protect its interests and fulfill its responsibilities. We shall be writing to the Commission asking them to earn-out their obligations with regard to payments on current financing contracts. The Committee remains open to reviewing the situation again if an appropriate response is forthcoming.

In the meantime the Committee will continue consultations with its member NGOs, National Platforms and other

NGO networks to consider how best to ensure that the European level coordination needs of development and humanitarian aid NGOs are met in the future.

BACKGROUND: The Liaison Committee of Development NGOs to the EU is representing 930 European NGOs active in the field of development co-operation and humanitarian emergency aid.

*Press Release,
Brussels,
02/02/2001*

Third sector law portal for Latin America

The Marco Legal del Tercer Sector (MLTS) Network has been created to promote the exchange of information and opinions for the elaboration of alternatives and the presentation of solutions for the development of Third Sector legislation in Latin America and the Caribbean.

MLTS.org is conceived as an electronic portal of information about Third Sector legislation in the countries of Latin America and the Caribbean. It brings together information provided by a network of professionals and organizations interested in the development of civil society and the improvement of the legal framework for the Third Sector in the region. Operated by the International Center for Not-for-Profit Law, in collaboration with members of the MLTS network, the MLTS.org website has as its principal objectives: Offering an easily accessible database of legal resource materials and articles about the Third Sector in Latin America and the Caribbean. Providing virtual forums on themes related to Third Sector legislation. Providing links to other sites that contain material about the legal framework for the Third Sector in Latin America and the Caribbean. Promoting and organizing seminars, congresses and workshops regarding themes that are relevant to the Third Sector in

the region. The MLTS network was developed by Latin American jurists and attorneys experienced in the legal issues concerning the Third Sector, with the support of the International Center for Not-for-Profit Law. Among those collaborating in the development of the MLTS Network are Professor Felipe Viveros of Chile, Beatriz Parodi, and Antonio Itriago, who are all members of the ICNL Supervisory Council. Joining them is Fernando Latorre, who served as a Senior Fellow at ICNL from January to July 2000.

Indymedia

Commencé à Seattle en novembre 1999, le réseau de média indépendant Indymedia compte aujourd'hui 44 sites et a fait plus de 10 millions de "hits" en 6 mois (pas de statistique auparavant). Entre riposte et recherche d'un autre avenir, le mouvement international anti-globalisation s'organise, construit ses réseaux et ses manifestations au delà des modèles habituels (partis, syndicats...) pour inventer sa propre forme d'organisation (groupes d'affinités, centres de convergence...)

D'autres part, Le Réseau Indymedia a mis en place une équipe de traducteurs pour plusieurs projets dont Davos.

Parmi les titres de la page d'accueil, citons : GAG ! Des activistes se font passer pour des représentants de l_OMC

<http://www.france.indymedia.org>
NICE : les archives complètes d'indymedia (vidéo, articles, photos) <http://www.france.indymedia.org>
LE GUIDE DES DROITS DU MANIFESTANT (un nouveau texte en plus) <http://www.france.indymedia.org>
Antinucléaire : LURANIUM APPAUVRIE DANS LES ARMES ET DANS LA NATURE <http://www.france.indymedia.org>
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