

# Transnational Associations

The review of the Union of International Associations



4/94

Governance and  
the Global  
Commons

Les courtiers locaux  
du développement

Revue bimestrielle  
juillet, août 94  
Bureau de dépôt Bruxelles X

# Associations transnationales

La revue de l'Union des associations internationales

## Sommaire 4/1994

|  |
|--|
| Governance and the global commons<br>by Steve Rayner<br>Page 202   |
| The relation between the State and NGOs<br>by Cyril Ritchie<br>Page 210  |
| The UN partnership with the non governmental sector<br>(Ecosoc, Unesco, Unicef, GATT)<br>Page 214                        |
| Recent Development in compulsory unionism<br>by Morton G. Mitchnick<br>Page 223  |
| Les courtiers locaux du développement<br>par Jean-Paul Olivier de Sardant et Th. Bierschenk<br>Page 232                  |
| Notes on the strengthening of peace building resources for<br>Palestinians and Israelis<br>by Elise Boulding<br>Page 237 |
| Association News<br><i>Vie associative</i><br>Page 242   |
| UN Observances<br>Page 249   |
| Book Reviews<br><i>Bibliographie</i><br>Page 250   |

# Governance and the Global Commons<sup>1</sup>

(Part I)

by Steve Rayner\*

## Introduction

*Object Z* was the name of a 1960s TV science fiction series aimed at children. The premise of the story, spread over several weekly instalments, was the discovery by the international scientific community of a large object from deep space that seemed set on a collision course with earth's orbit. This discovery prompted the governments of the world's most powerful nations to sink their cold war differences and combine their economic, scientific, and military resources to meet this unknown threat. In the final episode, it was revealed that, in fact, this blossoming of international co-operation was exactly the goal of a group of scientists whose fears of global destruction through nuclear warfare had led them to devise an elaborate international scientific hoax.

In the 1990s, we are witnessing a flourishing scientific and political concern for the fate of the planet. The threat is not from an external source, but from the unprecedented scale of humanity's own actions affecting the earth's environment, particularly its atmosphere and climate. The gist of this paper may be summed up by the parallel between climate change and *Object Z*. That is to say, if the threat of climate change did not exist we would have had to invent it, or something very much like it, to respond to the challenges of global governance at the end of the twentieth century. The preface to my argument is the competing (although not mutually exclusive) accounts of the career of the climate change issue emanating from the natural and social sciences.

## Competing Accounts of the Career of the Climate Change Issue

In the United States at least, there is surprisingly little curiosity on the part of natural or social scientists or among politicians, about the process by which a hitherto sparsely funded set of basic earth systems sciences, such as atmospheric chemistry and climatology, managed to emerge from obscurity to command an

annual US research budget approaching \$1.4 billion in little more than five years. To the natural science community, there is nothing problematic to be explained. It is a simple result of policy makers' sensitivities being heightened by scientific information concerning potentially very large stakes and containing significant uncertainties that must be reduced by research. The scientific perspective is supplemented by that of the journalists who remind us that the explosion of interest in the United States coincided with the continent-wide drought of 1988.

However, closer scrutiny renders this account highly unsatisfactory. For example, the essential scientific information about the greenhouse effect had been around for ninety-two years prior to the 1988 drought. Svante Arrhenius, writing in the *London, Edinburgh, and Dublin Philosophical Magazine* of April 1896 identified the greenhouse effect and even calculated the expected degrees of warming at various latitudes that he expected in the 2 x CO<sub>2</sub> scenario that is used as the benchmark by contemporary climate modellers. Without even a pocket calculator, Arrhenius arrived at figures only a couple of degrees higher than we have been able to achieve with the latest Cray super-computers. In recent decades, we have obtained direct measurements of rapidly rising CO<sub>2</sub> concentrations in the atmosphere, as well as ice-core records indicating that these increases are part of a trend dating from the Industrial Revolution. These are legitimate causes for concern, but seem hardly the stuff of which international social movements are made.

From a social science standpoint, it is possible to give an account of the global change issue that owes nothing whatever to any specific scientific theory of global environmental threat. Such an account would rather focus on factors such as the decline of scientific and technological optimism since the 1950s. In particular, the last 20 years has seen a decline in the credibility of both technocracy and centralised socialism that represents a widespread retreat from the view, widely held in the first half of the century, that both nature and society could be reduced to complete systematic descriptions that would ensure human control over the

\* This paper was prepared under a contract with the Economics Research Program of the Office of Global Programs, National Oceanic and Atmospheric Administration (NOAA). The views expressed herein are the responsibility of the author alone and may not be construed as representing any agency of the US Government or Battelle Memorial Institute. It is reprinted by permission of the Centre for the Study of Global Governance, London School of Economics. Steve Rayner is the Senior Program Manager, Global Environmental Management Studies Bartelle, Pacific Northwest Laboratories.

world. Social scientists may see a relationship between the growth of broad concern over climate change and this global shift away from explicit technical and social instrumentalism: since biblical times, threats from nature have been used as an instrument of social control (Douglas 1966). From this perspective, the threat of a potentially disruptive change in climate can be viewed as a scientifically legitimated doomsday prophesy. As such, it is a powerful weapon in the armoury of a wide variety of social actors seeking to achieve profound socio-economic and lifestyle changes within and among nations. Global climate change thus embodies a new form of technocratic reductionism that reduces a broad range of global social, economic, demographic, and political changes to the issue of controlling greenhouse gas emissions.

From a hard-nosed sociological standpoint, climate change and other phenomena gathered under the rubric of global environmental change are simply available hypotheses to be taken up as political cudgels in the struggle between market-oriented world views stressing individuality and independence and the rival communitarian views of mutual responsibility and interdependence, a struggle which characterises a global crisis of governance at the close of the twentieth century. Indeed, one social scientist, Aaron Wildavsky, in his introduction to sceptical climatologist Bob Balling's book *The Heated Debate*, makes just such an argument (Wildavsky 1992).

However, the social science account of issue emergence cannot be taken, as Wildavsky takes it, to resolve scientific uncertainty in favour of dismissing concern about global climate change. The denouement at the end of the last instalment of *Object Z* comes when a horrified technician turns from his radar screen and announces to the crowd of politicians and scientists that there really is an unidentified object set on a collision course with the earth. Irrespective of the specific uncertainties involved in the climate debate, and the social goals which the theories serve, ecological interdependence is clearly a reality in a world where industrial development and land-use change are occurring

at an unprecedented scale and pace. The challenge for global governance therefore lies in addressing the powerful tension between widespread perceptions of increasing economic and environmental interdependence and the strong drive of nations and other ethnic and local communities for independence and political self-determination (Gerlach and Radcliffe 1979, Gerlach and Palmer 1981). The challenge of the global commons is to manage global environmental resources under these conditions. This paper seeks to enhance our understanding of these issues by exploring the rhetorical construction of climate change issues in the context of the present crisis of global governance.

I begin with an examination of the processes by which resources are negotiated within a framework of property definitions. I then identify the management strategies that motivate participants in the debates accompanying recent and current climate change treaty negotiations. I also examine a series of hegemonic myths that constrain the current debate along the lines of established political interests and which may obstruct the search for new solutions. Finally, I explore the potential emergence of new forms of international co-operation that may be better suited to the changing global political arena.

### Reconciling Ecological Interdependence and Political Independence

The social science account of the emergence of climate change as a public policy issue offers the bridge between the issues of the global environment and of global governance; our focus is the process that Gerlach (1991) describes as "institutionalising ecological interdependence" in the face of increasing egalitarian demands for national and personal autonomy.

The tension between interdependence and independence, a manifestation of the conflict between market and communitarian views mentioned above, is exemplified in the simultaneous unification of Europe through the EC and

the growth of independence movements in Wales, Scotland, and the Basque Region, the emergence of strong economic regions such as the Lyons region in France and the German Ruhrgebiet, the inter-ethnic rivalries in Belgium, and the fragmentation of Yugoslavia and the Soviet Union. It is in the nature of the world system that some nations will be consolidating and defending their positions as blocs while others will be aggressively decentralising. These processes represent a significant challenge to global co-operation on environmental protection<sup>2</sup>.

Within the nation state, there exists a powerful internal tension between national and local interests. The national interest can be understood as the assertion of interdependence within the nation state and independence of the nation state from other countries or supranational entities. The local interest obviously is an assertion of independence from the nation state. However, asserting local independence may entail establishing interdependent relationships beyond the boundaries of the nation state. For example, when US environmentalists first claimed that Brazilian rain forests are the common heritage of humanity (asserting interdependence) President Sarney insisted that he would rather see a Brazilian desert than an international rain forest (asserting independence). At that time, various local and provincial stakeholders in Brazil sided with the foreign environmentalists (asserting interdependence) in order to protect their local resources from exploitation by the federal government (protecting their independence). This kind of discourse is turbulent and unstable. Realignments may be sudden and opportunistic. With the change in the Brazilian government to a regime that sought to protect the rain forest (moving from asserting independence to interdependence), the local interests also changed their theme to argue for their ability to exploit their own forest resources (moving from asserting interdependence to asserting independence).

Of course, attempts are made to reconcile environmental interdependence with economic and political independence. In the United States, the introduction of the National Envi-

ronmental Policy Act (NEPA) and subsequent environmental regulation are a means of asserting ecological interdependence among a population of decision makers who were accustomed to acting independently. However, powerful constituencies have expressed the view that while the environment requires protection, the inefficiencies of regulation burden both the producer and the environment. The current fashion is for market solutions, such as tradeable emissions permits, that allow a great deal of discretion to the producers in how they fulfil societal goals for the environment. That shift from regulation to market solutions constitutes a significant step back from interdependence in the direction of affirming the societal value of independence. The US Climate Change Action Plan places unprecedented reliance on voluntary measures to achieve national environmental goals (Clinton and Gore 1993).

All of this seems to add up to a decline of politics and an abdication by government (if not a fading away) of many of the roles traditionally associated with the nation state. History teaches us to be more cautious than Engels in pronouncing the imminent withering away of the state. However, in an era of fax machines, competitive long-distance telephone carriers, and cheap air travel, our dependence on governments to conduct global business is clearly changing rapidly. We may be seeing a future in which the governments of major economic and political powers look mainly outward with a protectionist eye while domestic economic and political development and environmental protection is left in the hands of firms, communities, interest groups, and voluntary organisations.

#### *The challenges of institutionalising interdependence*

At first sight, the challenges of institutionalising ecological interdependence may seem incompatible with these trends towards decentralisation. Logically, the imperatives of managing the environment on an ever-increasing scale would seem to require greater centralisation of decision making across current administrative boundaries well into the future.

2. It is tempting to speculate on a twenty-first century scenario based on the interplay of international independence and interdependence. It is not hard to envisage a confrontational relationship developing between the EC and an expanded NAFTA bloc led by the US as each seeks to consolidate economic and political hegemony in the Western hemisphere. China, dumping Marxist orthodoxy and developing on its coal resources, could become an economic superpower in the Eastern hemisphere. This development could bring China, an uneasy ally of the US, into conflict with Japan, which may enjoy warmer relations with Europe than with the US. In contrast with these blocs, Africa, Central Asia, and parts of Latin America seem just as likely to underdevelop and come untravelling socially as well as economically. All in all, this makes a discouraging picture for the champions of sustainable development.

The obvious solution would seem to be to strengthen hierarchy. Hierarchies can act decisively on the basis of their consultations with experts and do not have to negotiate with competing interest groups assessment information that is ambiguous and uncertain. Mobilising public support to deal with the environmental impacts of myriad apparently insignificant individual actions and to escape the tragedy of commons would seem to be made easier to accomplish through the actions of respected authorities exercising control from a centre. Indeed, a strong case can be made that the adjustment of property rights can be most effectively carried out by such central authorities.

However, most individuals and organisations advocating the institutionalisation of ecological interdependence emphasise egalitarian means to accomplish the task. Even where centralised solutions are pursued, for example in the current climate treaty negotiations, strong emphasis is placed on the participation of all countries, not just the half dozen or so major greenhouse gas emitters. It seems that the more comprehensive and systemic the management requirements of those charged with care for the environment, the more they must inform and legitimate management decisions and practice with input from the public. For many, this is a new form of governance which actively includes the public in the decision and implementation process.

The term *governance* is a key component of the rhetoric that people have been developing in recent years to help them resolve the tensions between the centralising imperatives of ecological and economic interdependence and the decentralising imperatives of both national and consumer sovereignty as well as more collective forms of egalitarianism. Governance has become term for a non-centralised, public process which balances freedom and order to manage democratically, and which includes but is not limited to the actions of formal government and its bureaucracies (Gerlach 1991). For example, the 1980 Conference of the World Future Society was devoted to this goal, as suggested by its title *Thinking Globally, Acting Locally* (Feather 1980). Leaders at this

conference, notably Maurice Strong, carried these ideas on to shape influential conferences and reports on global change during the next decade, leading to the United Nations Conference on Environment and Development (UNCED) where the Framework Convention on Climate Change was opened for signature.

## Global Governance and Common Property Regimes

The global governance challenge of the current efforts to devise a political framework for the protection of the global environment, particularly the earth's atmosphere and climate, is essentially the challenge of convening both private (and national) assets as well as open access resources into common property resources. There is a certain irony here: at the global level, we are facing, not the challenge of enclosing existing commons, but rather the challenge of creating commons where none exist.

Several levels of issues fall under the general rubric of *the global environment*, as the term currently is used by the scientific and policy communities<sup>3</sup>.

1. Global open access resources, notably the atmosphere and oceans, which any party can use as it pleases and which are subject to the so-called *tragedy of the commons* (ie, overuse to exhaustion).

2. Global common property resources, such as the electromagnetic spectrum. These were formerly open access resources for which a control regime has been established to control access, impose sanctions on violators, and monitor recognised reciprocal externalities.

3. Globally distributed externalities from myriad local activities that accumulate to bring about systemic global change in human natural resources and opportunities. Examples include urbanisation, micro-pollutants, and desertification.

4. Large-scale, long-time transformation

3. Below these four levels of global environmental change issues lie the familiar panoply of national and local issues. That local and regional environmental issues should command the attention of policy makers is understandable: most issues at this level involve a threat to health or safety that is perceived to be both current and resulting from the actions of an identifiable villain. However, the past five years have witnessed a massive growth in the amount of policy attention paid to global environmental issues whose consequences are geographically dispersed and far in the future. Furthermore, these are issues whose causes can be attributed not just to industrial behemoths, but to all who live on this planet.

of resources that cross jurisdictional boundaries, such as shared river basins. Although not truly global, many of the technical and policy challenges of these cases are essentially similar to global issues.

Since Garret Hardin's famous publication of "The Tragedy of the Commons", American politicians and development strategists have attempted to foist privatisation of local common resource on the populations of developing countries, using the argument that common property leads to exhaustion of resources (Hardin 1968). Yet we know that the Swiss commons, for example, escaped overgrazing precisely because they were genuine common property resources, not open access resources, which is what Hardin was really discussing (Netting 1981, Stevenson 1991). Why was this important distinction fudged for so long among the Western development agencies during the ascendancy of market ideology? Why was the simple clarification of open access and common property unable to penetrate the development establishment? The answers to these questions may reveal preferences for management strategies and regimes that can cast light on current attempts to manage the global commons.

It is interesting to observe how resources are negotiated up and down the scale of property regimes. In the case of Brazilian rainforests described earlier, for example, while US and European environmentalists were arguing that Brazilian rain forests were the "common heritage of mankind," President Sarney insisted "Sooner a Brazilian desert than an international rain forest!" While Rondonia was being deforested, some inhabitants of nearby provinces supported redefining their forest as global common property as a way of protecting their local resources from the national government. But when a new national government moved to protect Brazil's natural resources and Indian populations from local exploitation (using, among other arguments, that maintaining the forests is an international responsibility to all humankind), the local populations seemed less keen on their local resources being common property<sup>4</sup>.

4. Cultural resources also have been defined up from local to global common resources. For example, the temples of Abu Simbel and the City of Venice have both been objects of international rescue efforts. However, while the British Museum may argue that the Elgin Marbles are common heritage more safely preserved in London, the Greeks insist that the (same) Parthenon Frieze is part of Greek national heritage and must be returned, a distinctly national/private property regime perspective.

Each transformation - from open access to common, to private property and back again - involves a redefinition of property rights. In examining questions of governance of the global commons, we need to ask how property is conceived of in the differing cultural contexts that exist within and among nation states. To assist us in this task, I summarise below four global commons strategies that I describe as:

- management
- privatisation
- taboo
- survival

It does not require a great leap of imagination to translate these management strategies into the institutional types of cultural theory (Douglas 1978, Gross and Rayner 1985, Schwatz and Thompson 1990, Thompson 1993) - hierarchy, market, egalitarian collective, and fatalist, each of which defines global common property, rights, and resources in systematically different ways and each of which will have distinct preferences for certain policy implementation instruments.

*Managing the global commons - the hierarchical strategy*

The management approach is the direct descendent of the resource conservation approach personified by Gifford Pinchot, the first Director of the US National Forest Service. The concept of management here is that of the conscious direction of resources based on explicit analysis of information. Conservation is embraced, not for its own sake, but to ensure sustainable supplies of materials for human endeavours. Hence, rational management is oriented towards planning for the far future, based on values of stability and continuity. The implementation instrument most closely aligned with this strategy is regulation.

*Regulation* is defined as legislation or rules, supported by sanctions, that are designed to limit the discretion that may be exercised by public and private decision makers (US DOE 1989). Such legal and administrative means of forcing private firms to incorporate some or all

of the social costs of their contribution to global warming are exemplified by rigorous effluent emission standards with large effective penalties. The major benefit of regulatory programs is that they tend to help managers and consumers rapidly incorporate the social, as well as private, costs and benefits of their actions. However, the effectiveness of regulatory programs may depend heavily on the quality of information available to the regulator. Furthermore, they may be administratively quite costly and inflexible. For example, certain restrictive standards, particularly those that specify the technological means to achieve environmental ends, may hinder the progress of new technologies.

The rational resource management approach is time honoured; the New Forest was first excluded from the commons of England in 1079 as a hunting preserve and was subsequently replanted by the Admiralty to ensure timber supplies for the fleet. In recent years, the resource conservation concept has received significant criticism from deep ecology critics (see "Taboo," below) but has staged a remarkable comeback in the guise of *sustainable development*.

The sustainable development approach represents a softening of the anthropocentrism of resource conservationism and is sensitive to the cultural tension between human and natural rights. The strategy of sustainable development recognises that resource management also entails balancing diverse societal perceptions of nature and preferences for social organisation. The rational management approach is essentially legalistic in character. It requires substantial effort to establish mutually understood rules and enforceable sanctions for misuse of the resource. It also requires substantial investments in monitoring and policing the global environment which may also raise legal issues of sovereignty.

*Privatising the global commons -  
the market strategy*

The strategy of privatisation essentially skips the common property stage and moves directly from open access to enclosure. In contrast to the legalistic basis of the management

approach, privatisation strategy relies heavily on an economic perspective, particularly the theory of *market failure*, where the behaviour of private agents in pursuit of private objectives creates an undesired side effect with added social costs, and market prices are absent or do not reflect correct social information to traders.

*Information* is a commodity that is especially subject to problems of market failure. With much information, once it is produced, it is very difficult for the producer to capture its full value. Consequently, the markets for some types of information can fail to exist, or can function poorly (US DOE 1989). As a result, economic agents often are forced to make decisions with far less information than could be available to them if information markets worked better. Four major types of informational programs are advertising, education, moral suasion, and signalling. These programs are more effective when combined with other types of incentives, eg, with fiscal, regulatory, or RD & D programs. They can improve the effectiveness of those other programs by strengthening or creating informational markets that are weak or nonexistent.

*Fiscal incentives* can be used to correct market failures by establishing property rights with socially correct market prices to reflect the true cost of an activity. Such policies are seen as the efficient and socially desirable solution to open access abuses by allowing producers a high level of discretion in dealing with external costs. The definition of a fiscal incentive consists of two parts: (1) any tax, fee, loan, subsidy, or rule change that is designed to alter the consumption of a good or activity by changing its price relative to the prices of other items that consumers might choose freely; and (2) direct government expenditures (US DOE 1989).

The major instruments affecting prices are emission fees, tradeable emission rights, and deposit-refund systems. In principle, emission fees put a price on pollution and confront the emitter with the full cost of his or her actions. This has considerable political appeal as well as widely recognised properties of economic efficiency. However, uncertainty about costs of damages, emission control costs, and effectiveness of such a system to influence decisions



reduces the attractiveness of emission fees. In particular, true costs are often very difficult to determine in practice. Efforts to value non-monetised costs often run into difficulties about implicit discount rates which economists must employ as surrogates for strongly held ethical preferences. The ideology of efficiency leads to fears about overpricing externalities. The concept of time cost discounting also supports the tendency of the privatisation strategy to focus on the near future rather than the long term.

Additionally, the concept of paying to pollute may be unacceptable to an array of environmental advocates, while the sudden rearrangement of property rights may be highly objectionable to manufacturing interests. The unapologetic anthropocentrism of the privatisation strategy brings it into frequent conflict with the deep ecologists who favour the taboo strategy.

***Tabooing the global commons -  
The egalitarian collectivist strategy***

The strategy of placing the environment, or at least specific ecosystems off limits to human activity is the strategy of tabooing the commons. Large tracts of wilderness in the United States have been set aside and are closed to all human intrusion except backpackers whose permits to enter and camp are closely controlled to guarantee preservation of the *wilderness experience*. American environmentalists have sought the extension of these preserves and their establishment in other countries by arguing that they represent a common heritage of mankind, ie, that they are global common property (see the discussion above on negotiating common property status). The taboo movement is the descendant of John Muir, Pinchot's one-time friend, then bitter foe in the debate over grazing in National Forests. Muir argued that the forests should preserve nature for its own sake, untrammelled by the presence of humankind.

Tabooing the global commons is a strategy consistent with the limits to growth argument which, in turn, exhibits perceptions of time and space that I have argued elsewhere to

be characteristic of millenarian egalitarians, ie, a foreshortened expectation of the future and a shrunken world under threat (Rayner 1982). Generally, tabooing is consistent with a regulatory approach to implementation. However, it differs from the regulatory strategy of the managers in that it would allow for no enforcement discretion by regulators or the regulated parties. Such discretion in implementation violates principles of strict equality of treatment. Discretion also is highly dependent on the presence of trust in both the technical competence and the fiduciary responsibility of all of the parties involved. The environmentalist constituency continues to be concerned with the problems of regulatory capture and distrusts both regulatory agencies and firms. Fiscal incentives may be acceptable, especially if linked to regulation. However, systems such as emissions permits are likely to be frowned upon as licenses to pollute. Information programs, particularly those designed to expose weaknesses in the compliance records of firms, also may be well received here, where information can be used as a stick to beat slow bureaucracies or sly entrepreneurs (Rayner 1991).

For the tabooing strategy, the enemy is us. If managing is dominated by a legalistic approach and privatising is an economic response, tabooing is an ecological response that has come to view humanity as an alien presence on the planet. Many, though not all, ecologists, such as those participating in a recent scientific meeting in Snowmass, Colorado<sup>5</sup>, seem to have no difficulty juxtaposing statements such as "the best measure of land degradation is loss of net primary productivity (NPP)", with "all human activities result in declines of NPP!"

***Surviving the global commons -  
The fatalist strategy***

In the United States, there is now a significant backlash against the egalitarian world view in the form of an emergent counter-environmentalist movement. This new movement represents the survivors of the global commons. Proponents of each of the foregoing strategies claims to speak for the interests of the silent.

5. Office for Interdisciplinary Earth Studies, 1992  
Global Change Institute on  
Industrial Ecology and  
Global Chance, 20-31  
July.

Now the silent may be finding their own voice. They are telling us, "Take no anxious thought for tomorrow... sufficient unto the day is the evil thereof". This is the theme of small firms that lack the resources to respond to changing markets or switch investments in the light of regulation. It is the theme of socially isolated individuals and communities fearful of the local loss of jobs that may result from actions to protect the global commons. It is the theme of charismatic authoritarian Christian fundamentalists who accuse the environmental movement of neo-paganism in the form of Gaia worship and of violating the biblical injunction that man shall have dominion over the earth. It is essentially the position of loggers in the Pacific Northwest of the United States, as well, a fatalistic approach of postponing the inevitable - when the last old growth forest is cut, the loggers of the Pacific Northwest will still be out of a job. If economic development is not environmentally sustainable, the result will still be poverty, sickness, and premature death for much of the world's population. There is a tinge of this fatalism also in the generally egalitarian rhetoric of developing country representatives in the international arena who argue that they are unable to make cuts in greenhouse gas emissions because theirs are inevitable *survival emissions*, in contrast to the discretionary *luxury emissions* of the affluent North.

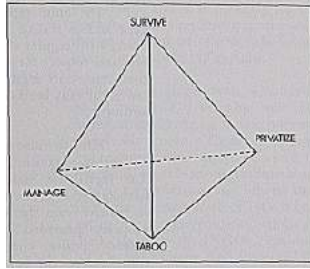


Figure 1: A Three Dimensional Policy Space

## "The relation between the state and NGOs"

by Cyril Ritchie\*

The State represents power, as a concept and as reality. When it is a democratic State, with regular elections, a pluralistic society, and respect for the rule of law, the State then represents legitimate power. The rule of law is the only basis on which a State can claim authority.

The State also represents, indeed equally represents, service. Service to its people. The legitimate State exists because citizens have agreed to create it, to uphold its laws, and to benefit from the services that can only be properly provided by an organized State: defence, police, common currency, essential communications, universal education, guaranteed freedom of association and of speech. These goods are provided and managed by State officials rightly called Public Servants or Civil Servants.

Like all human institutions, a State of course takes on a life of its own; It makes decisions on the basis of that great cover up "Raison d'Etat"; it becomes distant from the daily concerns, the daily needs, the daily chores, the daily tribulations of its citizens. This is not necessarily because the Public Servants, the Civil Servants, are bad people, are power hungry or are elitist, but often simply because the State machinery becomes unwieldy, unmanageable, insensitive.

In everything that has been referred to above, there is an essential role for the non-governmental organization, as a counterweight to State power, a catalyst to State action, a watchdog over State errors or on omissions, and much more.

A democracy needs non-governmental organizations, if it is to continue to function as a democracy. It needs the civil society as much as it needs commerce and industry, and in the remainder of my remarks I shall try to illustrate this interlinkage.

In so doing, I do not want to suggest that relationships between the State (as authority, as power) and civil society (as a bubbling and

often ill-disciplined cauldron of ideas and initiatives) are *all* harmonious or *all* adversarial. Like so much, perhaps all, of human activity extremes of definition are as misleading and harmful as extremes of politics.

A pithy statement I heard last year from Emma Bonino, an Italian Parliamentarian, is that "*Democracy is the right to disagree, and not to be afraid*". That contains the essence of the relationships between the State and NGOs.

Before elaborating, I shall say a few words about terminology.

We have already heard that there are several alternatives or variants to the term "non-governmental organization", a description introduced into international life and international law by Article 71 of the United Nations Charter when adopted in 1945. In earlier years the terms most often used were "private organization-", "private institutions", "charities", "voluntary organizations". More recently we have heard of the third sector, of voluntary agencies, of non-profit organizations, of PVOs - a principally US term for private voluntary organizations, and most newly comprehensive of all: civil society.

Personally, I have a preference for yet another term derived from the perfectly valid legal concepts of something being extra-territorial, or even extra-marital.

This leads to the use of the term extra-governmental organization - which has the additional attraction that it can be shortened to the initials EGO!

Let us however not be constrained or hampered in our work by endless debates over terminology. We know our sector, we know our constituencies.

We also know our strengths and our weaknesses. We know our diversity, which is at the same time our greatest strength and our greatest weakness. What are we: associations, foundations, trade unions, professional soci-

\* President of FIG and member of UIA Council. This paper was presented at the Council of Europe seminar on "the role of NGOs in a democratic society", Vilnius, Lithuania, October 25-26, 1993.

ecies, cooperatives, business groupings, political entities. NGOs include all of the above and that is why we are both strong vis-à-vis the State, and weak vis-a vis the State.

In what areas do NGOs (I will keep this shortened form for simplicity) relate to the State and in what way?

What I am going to describe applies no matter what field(s) your NGO works in: human rights, media, social and socio-economic issues, education, culture, sport, youth, health, women, heritage, environment, law, consumer issues, ethnic groupings, children, family planning, etcetera.

- a) *The legal area.* The State must provide the basic framework for the existence of NGOs, which should essentially be a legal text that promotes freedom of association, of course in the context of freedom of speech. The law must also provide the mechanism for control of abuse of the status of a non-governmental non-profit organization, accompanied by sanctions of activities that are criminal or fraudulent. It is in the interest of NGOs themselves, and not only of the State, that an NGO that is used as a cover for such activities, be unmasked and prosecuted, for one such bad case harms the credibility and the functioning of all NGOs.

The State is also required under the rule of law to provide a fair system of appeal by its citizens - and therefore of course also by NGOs - against the decisions of any governmental authority. It is not sufficient for such appeals to be limited to administrative tribunals, and still less to a Ministry. An NGO must also ultimately have access to a court of law.

In the domain of legislation it should also be recognized that NGOs can have the function of lobbying for or against changes in laws. No law is

immutable, and it is perfectly legitimate for NGOs representing citizens' interests to seek to influence the adoption or amendment of any law.

Lastly in the legal area, a national NGO can have a valuable role and influence by bringing in the international dimension. There are many international conventions (Council of Europe, United Nations, International Labour Organization and others) that affect the life and work of NGOs and naturally of governments: through their links with INGOs, national NGOs can become well informed on these intergovernmental instruments and encourage their application nationally.

- b) *The financial area.* The State, in providing a legal mechanism guaranteeing the right of NGOs to exist, may also create a mechanism controlling or providing standards for financial reporting by NGOs. It is quite acceptable for NGOs that raise funds from the public to be required to prove - for example by the annual or biennial deposit of financial reports - that they are using these funds honestly. NGOs can only gain by being seen to be credible and reasonably effective.

NGOs may also seek and receive subsidies from government ministries, depending on their sphere of work, their constitutional obligations, and their policy decisions. There are of course potential problems in the receipt by NGOs of government funds, but the main requirement is that both parties understand the limits of such an arrangement, particularly that it shall not lead to undue dependence of the NGO on government, or undue influence by the government over the general activities of the NGO. It is perfectly understood that the variety of NGOs is such that

the policy of some may well be to accept government funding for all or a large part of their activities, while others will refuse to accept even a cent from any government, also for valid policy reasons (Amnesty is the most prominent example). Receiving official subsidies does not in any way mean that an NGO should not rely for its basic funding on the financial support of its members and supporters: this is rather a crucial element in demonstrating and guaranteeing the independence of most NGOs.

In the fiscal domain, the State should provide mechanisms for NGOs to obtain tax exemption - on their capital and on donations they receive, and perhaps on certain of their expenditures. The State should also make it easy for NGOs to receive and make transfers of money, especially for humanitarian and other programme expenses. NGOs may need to lobby to have unnecessarily bureaucratic procedures diluted or removed, for no one gains from the placement of pointless obstacles in the path of civil society.

c) *The consultation area.* Both the State and NGOs exist in the broadest sense to improve the well-being of the population, in conditions of liberty and social justice. There is therefore every reason for the two parties to consult on achieving optimum results. NGOs bring to such consultations their wide range of professional, ethical, cultural and practical experience. Of particular importance is State-NGO consultation on the setting of standards, where NGOs can also bring in their knowledge of international research, practices and standards. In short, there are many occasions when the public good will be best advanced by frank and open partnership between the State and an NGO. Again, both parties have to accept the inherent limits but to

work within them to achieve optimum results for the people we are all serving.

d) *The "Political" area.* It can be considered sensitive to describe NGO work as political, but of course politics is the art of enabling people to improve their lives and therefore directly relates to the ongoing work of NGOs. NGOs represent group interests that have to be taken into account in the political process, and they have the duty and responsibility of bringing people's unmet needs to the attention of the authorities.

In the political area one of the most visible and vital roles undertaken by some NGOs is that of "watchdog", monitoring governmental performance - or non-performance - in the areas of civil liberties and fundamental freedoms. This is often high-profile, often contentious, but certainly a genuine contribution to democracy. After all "*the price of liberty is eternal vigilance*".

e) *The operational area.* There are many opportunities for NGOs to carry out specific programmes and projects in collaboration with governmental authorities or under contract. It is a simple fact that a government does not have the personnel or other resources to do all that it should to serve its population, and that everyone can benefit from the delegation of certain jobs to NGOs that are closer to the grass roots and/or that have specific competence in defined areas.

The non-governmental community thus generates a vast quantity of energy - energy that gives off sparks in all directions ! Who should "control" this mass of energy so that it does not explode or become a black hole?

In my view the optimal solution is

- a) for the State to construct the legal framework that guarantees freedom of association while of course providing for sanctions against those who abuse this freedom by engaging in criminal or fraudulent activities
- b) for the NGO sector to provide its own regulatory mechanism. This works extremely well in a large number of Western countries where such intermediary bodies are responsible for setting and enforcing standards for NGO constitutions, finances and activities. At the same time it is important for public opinion and the broadest range of supporters of NGOs to "control the controllers", to prevent a regulatory body becoming a cartel: such a body must be an absolute model of transparency and accountability.

Linked with the above, and indeed a stage

on the way to effective regulation, is the creation of a national NGO umbrella organization that can protect and promote the best interests of the NGO community vis-à-vis all external bodies, and to raise awareness of the potential of NGOs. There is much experience around the world of the workings of such a harmonizing entity, and overall when treated with optimum responsibility the general experience is positive. In establishing such a central organ of and for NGOs, particular care must be taken to ensure that the procedures and management promote inclusiveness and are seen to be fair and just. An umbrella body is itself a service and its leaders must never forget that.

In conclusion, I recall and reaffirm the statement by the representative of the European Court, namely that there is nothing unpatriotic about exercising rights. I also repeat the quotation from Emma Bonino "*Democracy is the right to disagree and not to be afraid*". This is a right that both the State and NGOs must value, preserve and enhance.

# The United Nations partnership with the non governmental sector

## 1. The UN Conference on Population and Development

An ECOSOC resolution (1993/76) requested the Secretary General of the UN International Conference on Population and Development to prepare a substantive document, now referred to as the draft programme of

action of the Conference. The chapter XV of this document is devoted to the UN relations with the non governmental sector - non profit and profit. We are publishing hereafter the full text of this chapter.

### A. Local, national and international non-governmental organizations

and efficient means of focusing local and national initiatives and addressing pressing population, environment, development and related concerns.

#### *Basis for action*

As the contribution, real and potential, of the non-governmental sector gains clearer recognition in many countries and at regional and international levels, it is important to affirm its relevance in the context of the preparation and implementation of the present Programme of Action. To address the challenges of population and development effectively, a broad and real partnership is essential between Governments and civil society (comprising not-for-profit groups and organizations at the local, national and international levels, as well as the profit-oriented private sector) to assist in the elaboration and implementation of population and development objectives and activities.

Despite widely varying situations in the relationship and interaction of Governments and non-governmental organizations, the important contribution that diverse non-governmental groups have made and are increasingly making to both population and development activities at all levels is acknowledged with real appreciation. In some areas of population and development activities, non-governmental groups are already rightly recognized for their comparative advantage in relation to government agencies, because of their longer experience of advocacy and programme activity and because quite often they are rooted in and interact with constituencies that are poorly served and hard to reach through government channels.

Non-governmental organizations, their associations and networks, provide an effective

Non-governmental organizations are actively involved in the provision of programme and project services in virtually every area of socio-economic development, including the population sector. Many of them have, in a number of countries, a long and honoured history of involvement and participation in population-related, particularly family-planning, activities. Their strength and credibility lies in the responsible and constructive role they play in civil society and the support their activities engender from the community as a whole. Formal and informal organizations and networks, as well as grass-root movements, merit greater recognition at local, national and international levels as valid and valuable partners, including in the implementation of the present Programme of Action. For such partnerships to evolve and thrive, it is necessary to acknowledge the importance of genuine independence on the part of non-governmental organizations and the willingness of all sectors to participate in genuine social partnership and dialogue, recognizing the independent roles, responsibilities and particular capacities of each.

The experience, capabilities and well-established expertise of many non-governmental organizations and groups in areas of direct relevance to the Programme of Action is fully acknowledged. Non-governmental organizations, especially family-planning and women's organizations, have been able to increase public awareness and provide educational services to women which contribute towards successful implementation of population policies. Youth organizations are increasingly becoming effective partners in developing programmes to edu-

cate youth on issues of sexuality, sexual expression and peer pressure. Other groups, such as organizations for those with disabilities, also contribute effectively to the enhancement of programmes for their particular constituencies. These diverse groups can serve as effective instruments in ensuring the quality and relevance of programmes and services to the people they are meant to serve, and strengthen accountability. They should be invited to participate in local, national and international decision-making bodies, including the United Nations system, to ensure effective follow-up and implementation of the present Programme of Action.

In recognition of the importance of effective partnership, the broad range of non-governmental organizations will need to foster cooperation and communication among themselves to reinforce their effectiveness as key participants in the implementation of population and development programmes and policies.

#### *Objective*

The objective is to acknowledge and enhance the partnership between all levels of Government and the full range of not-for-profit, non-governmental organizations by encouraging their full involvement in the discussion, design, implementation, monitoring and evaluation of policies and programmes relating to population and development and their myriad interrelationships.

#### *Actions*

Governments and intergovernmental organizations, in dialogue with non-governmental organizations, should develop appropriate mechanisms and frameworks to encourage, enhance and facilitate the important contribution that non-governmental organizations can make at the local, national and international levels towards finding common solutions to population and development concerns and, in particular, towards ensuring the achievement of the objectives and goals of the present Programme of Action.

Adequate financial and technical resources, as well as data and information necessary for the effective participation of non-governmental organizations in the research, design, implementation and evaluation of population and development policies and programmes, should be made available to non-governmental organizations by Governments and intergovernmental organizations.

Governments and intergovernmental organizations should create an enabling environment that assures that non-governmental organizations and their international networks are able to strengthen their capacity and expertise through appropriate training and outreach activities and thus play a greater partnership role at local, national and international levels.

Non-governmental groups and their networks should strengthen their interaction with the diverse communities they represent, educate their constituencies, mobilize public opinion and actively contribute to the national and international debate on population and development issues and their complex interrelationships.

## **B. The private sector**

#### *Basis for action*

The private, profit-oriented sector plays an important and increasingly recognized role in the social and economic development of countries. One aspect of that role is its involvement in the production and delivery of commodities and services relevant to population programmes. In a growing number of countries, the private sector has or is fast developing the financial, managerial and technological capacity to carry out a vast array of such activities in an effective and cost-efficient manner. Many Governments rely to some extent on the private sector for the procurement of such programme inputs. This experience has laid the groundwork for mutually advantageous partnerships which the private sector is interested to further develop and expand.



Another aspect of the private sector's role is its importance as a responsible partner for economic growth and sustainable development. Through its actions and attitudes, the private sector makes a decisive impact on the quality of life of its employees and often on large segments of society. In a growing number of cases, private-sector employers have devised and implemented special programmes that meet their employees' needs for information, education and reproductive health services, and accommodate their employees' needs to combine work and family responsibilities. Experience gained from these programmes is useful to Governments and non-governmental organizations alike in their ongoing efforts to find innovative ways of effectively involving themselves in the population sector. A heightened consciousness of corporate responsibilities is leading more and more private-sector decision makers to search for new ways in which for-profit entities can constructively work with Governments and non-governmental organizations on important sustainable development issues, including population. By acknowledging the valuable contribution of the private sector, and by seeking more areas for cost-effective and mutually beneficial cooperation, Governments and non-governmental organizations alike may expect to enhance the efficiency of their population and development activities.

#### *Objectives*

*The objectives are:*

(a) To enhance the partnership between Governments, international organizations and

the private sector to encourage an effective-working relationship;

(b) To identify new areas of cooperative efforts, including the efficient production of population programme commodities and the fair-cost delivery of services.

#### *Actions*

Governments and international organizations should intensify their dialogue with the private, for-profit sector in matters pertaining to population and sustainable development in order to strengthen its contribution to programmatic action in this area, including the production and delivery of selected commodities and services in a socially responsible and cost-effective manner.

Non-profit and profit-oriented entities and their networks should identify mechanisms whereby they can engage in a dialogue and exchange ideas and experiences in the population and development fields with a view to improving existing programming and sharing of innovative approaches.

The profit-oriented sector should consider how it might better assist non-profit non-governmental organizations to play a wider role in civil society through the enhancement or creation of suitable mechanisms to channel financial and other appropriate support to non-governmental organizations and their associations.

(A/CONF.171/PC/5)

## *II. Les relations entre l'Unesco et les organisations internationales non gouvernementales\**

Au cours de sa 144e session (25 avril-5 mai 1994), le Conseil exécutif de l'Unesco a pris les décisions suivantes concernant le "classement des organisations internationales non gouvernementales et l'établissement de relations offi-

cielles avec les fondations et autres institutions similaires":

Sont admises en catégorie A (relations de consultation et d'association):

\* Unesco 144 EX / Décision

- le Conseil international pour l'éducation à distance

- la Fédération internationale des journalistes.

L'examen de la demande d'admission en catégorie B (relations d'information et de consultation) de la Communauté des universités méditerranéennes est ajournée.

Le Conseil exécutif prend note des décisions du directeur général:

(a) d'admettre en catégorie C (relations d'information mutuelle) les organisations ci-après:

- Association francophone internationale des directeurs d'établissements scolaires
- Conseil scientifique international pour le développement des îles
- Défense des enfants-International
- Association européenne des étudiants en droit
- International Corporation of Graduates of Soviet Educational Institutions
- Conseil international pour l'éducation des handicapés de la vue
- Association internationale des recteurs d'université
- Internationale des services publics;

(b) d'ajourner l'examen de la demande d'admission en catégorie C de l'organisation ci-après:

- World Council of Professional Photographers;

(c) de ne pas admettre dans la catégorie C les organisations ci-après:

- Association internationale d'ergonomie
- Conseil mondial des coopératives d'épargne et de crédit;

(d) de retirer de la liste de la catégorie C le nom de l'organisation ci-après:

- Académie mondiale de l'art et de la science;

Prend note des paragraphes 21, 22, 25 et 26 du document 144 EX/17, par lesquels le Directeur général demande l'avis du Conseil exécutif sur les déclarations fournies par les ONG concernées au sujet de leurs membres en République sud-africaine et à Taiwan de Chine, avant de classer ces organisations en catégorie C, ainsi que du paragraphe 32 du même document concernant la déclaration d'un réseau associatif également concerné;

Prend note de la décision prise par le Directeur général, en application des Directives concernant les relations de l'UNESCO avec les fondations et d'autres institutions similaires, d'établir, pour une période de six ans, des relations officielles entre l'UNESCO et les institutions ci-après:

en tant que fondations:

- Fondation internationale Félix Houphouët-Boigny pour la recherche de la paix
- Centre Simon Wiesenthal (CSW)
- Fondation Leopold Senghor
- Fondation paix et développement (FPD)
- Fondation Bariloche
- Académie mondiale de l'art et de la science

en tant que réseau associatif:

- Literacy Research Centre.

Le Conseil exécutif approuve le projet d'accord concernant l'établissement de relations officielles entre l'Unesco et le Commonwealth of Learning, et l'Unesco et l'International Centre for Agriculture and the Biosciences.

Le Conseil exécutif approuve également un projet d'accord de coopération entre l'Unesco et le Parlement latino-américain.

### III. Unicef and nongovernmental organisations

International and national NGOs are indispensable for UNICEF's work because they play a crucial role in advocating for children's concerns. In 1993, as a result of advocacy and fund raising efforts, NGOs contributed \$18.3 million to support UNICEF-assisted programmes.

Kiwanis International announced a global fund-raising campaign for UNICEF in 1993 for the virtual elimination of IDD by the year 2000. Kiwanis is mobilizing its more than 330,000 members in over 80 countries, as well as 210,000 university and high-school students who are members of its Circle K and Key Clubs, to help reach the goal.

Junior Chamber International renewed its commitment to the mid-decade goal of increasing usage levels of ORT to 80 per cent and launched a campaign to raise funds for UNICEF-supported water projects in selected countries (see also 'Control of diarrhoeal diseases'). Quota International provides support for the UNICEF ORT programme in Bhutan, and has raised funds for the UNICEF immunization project in Uganda.

Rotary International continued its efforts to eradicate polio by the year 2000 and keep the world aware of, and committed to, that goal. Rotary clubs are also supporting Education for All, with special emphasis on basic literacy and education for girls.

Partnerships with national and international NGOs have been central to UNICEF promotion of breastfeeding. La Leche League International, the International Baby Food Action Network (IBFAN), the International Lactation Consultant Association, the International Confederation of Midwives, the International Council of Nurses and the World Alliance for Breastfeeding Action (WABA) have all shown vigorous support for BFHI around the world.

These groups organized training pro-

grammes for health professionals on lactation management and assessment procedures, worked to convince hospitals to adopt practices conducive to breast-feeding and monitored industry compliance with government action to end the distribution of free or low-cost breast-milk substitutes in hospitals and maternity centres.

A regional training seminar on the International Code of Marketing of Breastmilk Substitutes for participants from countries in Central and Eastern Europe was also organized by IBFAN in Prague in May.

The Convention on the Rights of the Child is attracting the dedicated support of a growing number of NGOs, involved in promoting its ratification, implementation and monitoring (see 'The Convention on the Rights of the Child'). Among them, Defense for Children International (DCI) and Radda Barnen are working with UNICEF and other United Nations agencies and NGOs to develop a child rights information network. The Geneva-based NGO Group on the Convention is helping to develop national NGO coalitions to raise public awareness of the Convention as well as to monitor its implementation.

The NGO Committee on UNICEF organized a consultation in March in New York to increase support for the Convention among other United Nations agencies, and in November, with support from local UNICEF offices, it organized a Central American conference entitled 'Advancing the Rights of Children: Call to Action for NGOs'. Since all Central American countries have ratified the Convention, the challenge now is its implementation and subsequent monitoring. As a result of the conference, the number of NGOs working on these two issues has increased. The meeting also heightened awareness of the importance of working with - and not just for - children and indigenous peoples. Joint NGO national plans of action were also developed.

\* From the 1994 UNICEF ANNUAL REPORT

NGOs were active during the year in their support for the family as the most important environment for healthy child development. At the NGO World Forum on the International Year of the Family (1994), held in Malta in November, UNICEF's key NGO partners organized workshops on some of the main priorities. The NGO Committee on UNICEF focused on substitute families, DCI on child rights, WABA on women's work and breastfeeding, and Baha'i International on strengthening the role of fathers in child care.

During the year, UNICEF improved its coordination with, and assistance to, NGOs working in Central and Eastern Europe. Joint activities revolved around the exchange of information and experiences, capacity-building for local NGOs, and the promotion of 'children first'.

The cooperation bore results. A Directory of NGO Projects for Children in Central and Eastern Europe was created (with the United Nations Non-governmental Liaison Service), and an international consultation on 'Environment and Development: First Call for Children' was organized in Warsaw in March.

At the request of a number of governments in the region, UNICEF also worked with national NGOs to develop appropriate legal and other mechanisms regulating adoption practices, to ensure that the best interests and the rights of children in such cases are adequately protected.

Efforts were made during the year to reactivate and redefine the purpose of the Consultative Group of Youth NGOs, created at the time of the World Summit for Children. The Group has 18 member organizations, 13 of which are based in Europe. UNICEF also took steps to establish links with European institutions, including the Council of Europe and the European Commission, which are active in the field of youth and children's programmes, with a view to exchanging information and coordinating activities in Central and Eastern Europe.

Direct contributions to UNICEF from NGOs in 1993 totalled US\$ 18.3 million, including US\$12.5 million from Rotary International, US\$2.4 million from the International Development Research Centre (Canada), and US\$465,000 from the Van Leer Foundation (Netherlands).

#### *IV. NGO voices at the GATT\**

One of the Ministerial decisions at Marrakesh was to establish a Committee on Trade and Environment which will address the linkages between trade, environment and sustainable development in the newly-created World Trade Organisation (WTO). The Committee has a broad-based mandate covering all areas of the multilateral trading system - its functions will be both analytical and prescriptive.

Under the GATT Secretariat's own responsibility, a public symposium on trade, environment and sustainable development was held 10th-11th June in Geneva. The meeting drew together some 200 environment and

development NGOs from both industrialised and developing countries, as well as government delegations. Through a series of panel presentations followed by debate, discussions centred around three broad areas:

- different perspectives on the linkages between trade liberalisation and environmental protection and how or whether reconciliation of these two policy objectives can or will accelerate sustainable development.
- « the concept of cost internalisation: the variety of policy mechanisms through which environmental costs can be reflected in the

\* IFAP Monitoring  
N° 5.

value of goods and services, and their implications for the international trading system.

- multilateral cooperative efforts through which the internationalisation of environmental costs can most effectively be achieved

Because of the very wide representation of NGO interests and expertise at the meeting, discussions ranged from broad-based developmental aspects of trade and the environment, to highly technical interventions by environmental lawyers on the interpretation of the GATT articles especially with regard to the findings of the two recent panel rulings concerning the US-Mexico Tuna Dolphin dispute. Many of the issues raised have evidently been aired in some depth in previous international fora, notably in the UNCED. However, this was the first time that GATT - often criticised by the NGO community for its secretiveness and lack of transparency - opened its doors to the NGO community at a key time when the trade and environment agenda in GATT is being established.

### I. Linkages

There are two generally opposing views regarding the impact of increased international trade and trade liberalisation on the environment: i) that this could and should contribute to the more efficient allocation of resources and to an expansion of the financial and technological resource base, thus enabling countries to better protect their environment ii) that unrestricted trade could lead to an intensification of environmental damage, especially when a country has weak environmental policies or inadequate infrastructure or institutional capacity to deal with environmental problems

Among the many issues and concerns raised especially by development NGOs were:

- Whilst developing countries had not yet had time to take national measures to adjust to the Round and absorb the shocks, industrialised countries are already rushing through

a new agenda linked to issues such as trade and the environment. This is being driven by US and EU concerns which are responding largely to domestic pressures from various powerful lobby groups especially environment and business.

- Sustainable development should be the starting point, with trade and environment as one of - but not the only - components on which to focus. Developing countries fear they may be forced to change their development priorities to concentrate on environmental issues instead of investing scarce resources on basic needs. This is even more critical when many of the capacity-building measures outlined in Agenda 21 to enable developing countries to develop along a more sustainable path have not been forthcoming.
- A balanced development perspective must be maintained - trade is not the principal cause of environmental problems nor is it the only solution. Other issues which unfairly distort the flow of trade are of greater relevance: the link between trade and barriers to technology transfer, restrictive business practices, debt, falling commodity prices, monopolisation of international and national markets, currency exchange movements.
- Many developing countries signed the Uruguay round although the outcome was unsatisfactory, in the belief that a strengthened multilateral rules-based trading system as institutionalised in the new WTO, would protect against nationalist protectionism and unilateral trade sanctions from the North. Having obtained far less than justifiably expected within the Uruguay round, given the concessions made in accepting the disciplines of the new issues of services, investment measures and intellectual property, they now fear that the major economic powers will create new unilateral instruments based on environmental pretexts.
- By introducing concepts of eco-dumping and social dumping, they are effectively claiming that developing countries are guilty of unfair trade subsidies which can be

linked to threats of trade penalties and sanctions under the WTO system. A few privileged countries with large markets, can use the weapon of countervailing duties and boycotts to impose their particular vision of environmental sustainability on others thus undermining the ability of the poorest countries to gain whatever limited benefits there are for better market access.

## II. Internalisation of costs

The need to assign proper values and prices to environmental resources to reflect their true cost, is an important element in the context of environmental protection. Failure to place a value on environmental resources and incorporate this in the final prices of goods and services will eventually undermine sustainable development and expanding trade will serve only to magnify the exploitation of environmental resources.

Policy instruments through which environmental costs can be reflected are broadly categorised as i) economic instruments (fiscal measures such as charges, taxes or subsidies, assignment of property rights for environmental resources which are public goods, voluntary eco-labelling schemes, tradeable permits) which work through market forces or ii) regulatory instruments such as mandatory standards designed to ensure that all aspects of a product's life-cycle are reflected in the product price as well as any related import or quantitative restrictions. However very serious practical questions were raised about the practicality and complexity of internalising environmental costs, not least because at present, there is no accepted methodology for measuring life cycle environment costs, either on the essential components, not on placing a value or cost on the many other externalities linked to the production and consumption process.

Internalisation of environmental costs will have consequences especially with regard to their impact on overall price competitiveness. Although initially, this may increase

costs, there are benefits in the longer term. Higher environmental standards imposed by government have encouraged businesses to seek new technologies and more efficient production methods. Outstanding examples of this are Germany and Japan the world's dominant economies and strongest exporters - which also have some of the world's highest environmental standards.

Some environmentalist groups fear that efforts towards harmonisation will lead to the erosion of 'regulatory leaders' like California or Germany which in effect drive international standard setting and investment in technological innovation through high local standards. They advocate that individual countries should be permitted to adopt unilateral trade measures and withhold access to their domestic markets to goods from countries with lower environmental standards for non-compliance with governing standards. In practice, only the US and the EU with their economic clout and large internal markets could apply such leverage, thus becoming the world's 'designated environmental policemen' or 'eco-imperialists'. Such a recourse does not of course take into account the fact that environmental practices in other countries may be different but not necessarily environmentally inferior to those employed in their jurisdictions.

## III. International cooperation

It is evident that given the complications which could ensue, the internalisation of environmental costs at the international level can only be achieved through multilateral cooperative efforts. This is especially so where questions of extension of jurisdiction over other nations' environmental priorities and practices, transborder pollution and exploitation of resources constituting the global commons are under consideration. There is a need to identify and implement workable solutions to overcome the fear that trade policy measures adopted for environmental purposes will inevitably be used as a means of arbitrary or unjustifiable discrimination or disguised restriction on trade.

Three issues which came to the forefront of debate with regard to the future environmental work of the GATT/WTO were: i) the actual competence of GATT, ii) its status with regard to other Multilateral Environmental Agreements (MEAs) and iii) its relations with other international bodies and agencies which address trade, environment and development issues in their purview.

Competence of GATT: GATT competence is limited to trade policies and those trade-related aspects of environmental policies which may result in significant trade effects for contracting parties. In respect neither of its vocation nor of its competence is the GATT equipped to become involved in the tasks of reviewing national environmental priorities, setting environmental standards or developing global policies on the environment. Because of its narrow trade focus, it was largely felt that GATT/WTO lacks the jurisdiction, competence and capacity to be an appropriate coordinating agency to handle the complex links between trade, environment and sustainable development. A more suitable forum for coordinating and integrating these issues would be the UN and its agencies especially UNCTAD, UNEP and the Commission for Sustainable Development, where topics can be examined in the broader perspective of human development and in a more open and democratic manner.

GATT vis-a-vis international treaties: The question was also raised as to the status of GATT vis-a-vis other international treaties

relating to environmental protection, notably the Montreal Protocol on curbing substances which damage the ozone layer, the CITES Convention on trade in endangered species, the Basle Convention on trade in hazardous waste and the Biodiversity Treaty. When trade and environmental issues enter into conflict, which would take precedence, which has supremacy. If the tuna-dolphin panel ruling is any indication it appears that trade policy objectives are likely for the moment, to take precedence over environmental policy objectives.

It was also argued that effective global cooperation must necessarily include GATT/WTO reinforcing its institutional and operational linkages with the Bretton Woods institutions, with appropriate UN agencies and the Secretariats of the various MEAs so that their work would be mutually supporting and coordinated.

Now that the Uruguay Round has significantly broadened the GATT/WTO mandate to include agriculture, services, intellectual property etc, transparency of GATT procedures will be even more important than before, especially with regard to adjudication procedures and dispute settlement mechanisms. That these should be more open to public scrutiny and to public participation especially by interested non governmental experts was vigorously called for by the NGO community. In this respect, NGOs must press to achieve consultative status with GATT although as yet, this has in no way been formalised.

## Recent development in compulsory unionism

by Morton G. Mitchnick\*

Compulsory unionism - involuntary association with a trade union through membership or the requirement to contribute the equivalent of periodic union dues - was at the heart of the Lavigne case, on which the Supreme Court of Canada recently ruled<sup>1</sup>, opting for a radically different interpretation from that of its neighbour, the United States. While current attention to this issue has focused largely on the North American side of the Atlantic, some significant developments in the area have concurrently been unfolding in the United Kingdom and Denmark, so that a general review of the subject seems timely.

Within western democracies the extent to which compulsory unionism has been an issue - or indeed, has been allowed to take root at all - has of course varied widely from one national jurisdiction to another. This article will first consider some of these variations as illustrated in the approaches adopted in Switzerland, Spain, Belgium and Germany, and will then examine in greater detail developments in the United Kingdom, Denmark, the United States and, finally, the Lavigne case in Canada.

### Variations in approach

#### Switzerland

In Switzerland the essentially *laissez-faire* attitude characteristic of that country's approach to economic matters generally extended to labour relations as well, and came to be reflected in its courts' outright rejection of any of the typical forms of compulsory membership arrangements<sup>2</sup>. In 1956 this judicial proscription was formally enshrined in legislation when the Swiss Parliament expanded its Code of obligations to stipulate:

"Any clause of an agreement or arrangement between the parties to compel employers or employees to join a contracting association shall be null and void<sup>3</sup>."

However, the Swiss had also long been

familiar with another concept, known as "loyalty to the contract", which had its roots in the printing industry; from the mid-1950s onwards its popularity in other industries increased significantly. This concept amounted in essence to an agreed levy payable by the non-member employee (or the employer on the employee's behalf) in return for the right to enjoy the benefits and protection of the collective agreement<sup>4</sup>. These "solidarity levies" were challenged but upheld, in a number of cases, in the most important of which it was observed:

"A measure of this kind cannot be challenged. The obligation to adhere to a particular workers' organization and the obligation to adhere to a collective labour agreement negotiated by such an organization with the employers' association are two fundamentally different things which do not in the least require similar treatment. Specifically, it is difficult to see how a worker's rights as an individual would be harmed by compelling him to adhere to an agreement which had in fact been concluded just as much in his interest as well, or how such an obligation could be held to be contrary to public mores<sup>5</sup>."

But at the same time Swiss courts have made it clear that the amount of the levy must reasonably relate both to the proportionate costs to the union that it is meant to offset, and to the benefits of actual membership that are not being accorded the outsider, and must be less than the cost of the membership fee itself.

#### Spain

In Spain attempts have been made over the years to adopt the "solidarity-contribution" approach to this problem but with markedly different success. For the nearly 40 years of Franquist rule up to the mid-1970s, the obligation to join and contribute to a particular trade union was ordered by the Government. The effect on any compulsory form of union security arrangement thereafter was profound. The current Article 28 of the Constitution of 1978, for example, provides:

"Everyone has the right to unionize freely

\* Former Chairman of the Ontario Labour Relations Board; writer and arbitrator. This paper is reprinted by permission from the *International Labour Review*, n° 4/1993.

1. Lavigne v. Ontario Public Service Employees Union (1991), 2 S.C.R., pp. 211-352.

2. See, for example, Hauser v. Schweiz. Lithographienbund (1956), Entscheidungen des Schweizerischen Bundesgerichts, 82 II 308. 3. Section 356(a)(1); see also section 357b.

4. See generally, C.A. Morand: "La liberté syndicale des salariés en Suisse", in Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht: *Freedom of the worker to organize* (Heidelberg, Springer Verlag, 1980), p. 817.

5. Müller und Landesverband Freien Schweizer Arbeiter v. Schweiz. Metall und Uhrenarbeitsverband (1949), Entscheidungen des Schweizerischen Bundesgerichts, 75 II 316.



6. Estimated by the International Labour Organization in 1984 at between 15 and 25 per cent. See *The trade union situation and industrial relations in Spain* (Geneva, ILO, 1985), p. 29.

7. *Ibid.*, p. 36.

8. See M.G. Mitchnick: *Union security and the*

*Charter* (Toronto and Vancouver, Butterworths, 1987), pp. 64-65.

9. On the agreement of employers, in some subsequent cases, to a straight "dues-reimbursement"

bonus for union members, see R. Blanpain (ed.): *International encyclopedia for labour law and industrial relations* (Deventer, Kluwer, 1985), Vol. 2,

pp. 38-39 and 147.

10. International Research Group: *European industrial relations* (Oxford, Clarendon Press, 1981), pp. 123-124; Mitchnick, *op. cit.*, pp. 59-62.

11. Decision of the Grosse Senat (29 November 1967), *Bundesarbeitsgericht* 20,175.

12. As one might expect, a similar situation existed in post-war France and Italy. In France the Act of 27 April 1956 specifically prohibits an employer from granting any form of "social benefits"

"on such basis, and in Italy section 16 of the 1970 Statute of Workers' Rights, under "Freedom of association",

similarly makes it an offence to grant "any financially favourable treatment of a discriminatory nature". See also R. Blanpain (ed.): *International encyclopedia for labour law and industrial relations* (Deventer, Kluwer, 1979), Vol. 4; International Research Group (1981),

*op. cit.*

... Trade union freedom includes the right to form trade unions and the right to belong to the trade union of one's own choosing ... Nobody will be obliged to join a trade union." (Author's translation.)

Many collective agreements in Spain, however, apply to all of the employees in the workplace, and even where this is not the case, employers often voluntarily extend the benefits to non-members - some would argue as a means of maintaining trade union density in Spain at its traditionally low levels<sup>6</sup>. Initially, the pressure from trade unions for contributions from these non-member beneficiaries was strong, but even when such contributions were successfully negotiated, they came to be struck down by the Courts<sup>7</sup>. An attempt to redress this situation was made by the majority socialist Government in its omnibus Freedom of Association Act of 1955, expressly permitting the negotiation of such clauses in collective agreements. However, that Act itself made the effectiveness of these clauses subject to certain provisos, including employees' written consent, and it appears that the impact of the 1985 Act on the prevalence of such union security pacts has so far been negligible.

### Belgium

Similarly, the problem for trade unions in Belgium has been the emphasis given the so-called "negative" aspect of the freedom to associate. Indeed, Article 1 of the Act of 24 May 1921, which covers this freedom, specifically provides:

"Universal freedom of association is hereby guaranteed. No person shall be compelled to join or refrain from joining any association." (Author's translation.)

However, as to free-ridership - the ability of non-member employees to enjoy fully the benefits and protection of the collective agreement while contributing nothing to its acquisition or maintenance - the response by trade unions in Belgium has been a little different, being the negotiation of "special-benefit" clauses granting, for example, annual bonuses

or supplementary retirement benefits exclusively to persons who are in fact members of the union<sup>8</sup>. Made expressly conditional on respect for the "peace obligation" under the collective agreement, the propriety of such preference clauses under Belgian law appears to have remained intact and indeed, are a common feature of Belgian labour relations<sup>9</sup>.

### Germany

Once again, however, trade unions' success in achieving a compromise of this sort can be contrasted with the case of the (former) Federal Republic of Germany. As with Spain's experience under Franco, the years of Nazi repression in Germany when every worker was forced to belong to the Nazi German Labour Front left the country after the Second World War with a deep commitment to freedom in its many forms. Thus, even though the post-war Constitution made no reference to any negative freedom of association, the courts were quick to infer one, and the notion of a closed shop, in union security terms, has had no place in German law<sup>10</sup>. The best that trade unions in that country were able to negotiate was the kind of "differentiation" clause referred to for Belgium, which granted members of the trade union certain benefits to which non-members were not entitled. Even that arrangement, however, encountered difficulties with the courts in Germany, being held in a 1967 decision of the Labour Court still to constitute unacceptable discrimination on the basis of union affiliation<sup>11</sup>. Given a combination of constitutional uncertainty and employer antipathy, progress by the trade unions on this issue in Germany has been extremely difficult<sup>12</sup>.

### Recent developments

#### United Kingdom

Where changes have been occurring in this sphere (namely, the United Kingdom and Denmark, as noted), they have taken the form of governments severely cutting back on the latitude that trade unions have hitherto enjoyed in negotiating the inclusion of compulsory

13. See H. Carty: 'The Employment Act 1990: Still fighting the industrial cold war', in *Industrial Law Journal* (London), 1991, Vol. 20, p.1.E. McKendrick: 'The rights of trade union members - Part I of the Employment Act 1988', in *Industrial Law Journal*, 1988, Vol. 17, p.141; R. Lewis and R. Simpson: 'Disorganising industrial relations: An analysis of sections 2-S and 10-14 of the Employment Act 1982', in *Industrial Law Journal*, 1982, Vol. 11, p. 227; P. Elias: 'Closing in on the closed shop', in *Industrial Law Journal*, 1980, Vol. 9, p. 201.

14. Employment Act 1988, section 11. Responding to cries from the labour movement for some balance, this protection from discriminatory dismissal was extended to the ground of being a trade union member as well.

15. Section 10.

16. Now all contained in the Trade Union and Labour Relations (Consolidation) Act 1992. Once again the Government, in response to trade union outcry, made it unfair to discriminate in hiring on the basis of membership in a union as well.

17. [1910] Appeal Cases 87.

18. For a history of the Certification Officer position, see K. Ewing: 'Trade union political fund complaints', in *British Journal of Industrial Relations* (Oxford), 1982, Vol. 20, p. 218.

19. Conservative Party legislation in 1927 repeating the opting-out provision of the original 1913 statute lasted until its reversal by the Labour Party in 1946.

membership clauses in their collective agreements. In the United Kingdom the Conservative Party began its current period of tenure in 1979, and since then the Government has moved to eliminate in stages the legal means whereby closed shop clauses, in either their pre- or post-entry forms, can be enforced<sup>13</sup>. The legislative treatment of those clauses (as will be seen in the case of the United States), has centred on the question of what is "unfair dismissal", the position in the United Kingdom at the time the Conservatives came to power being that where a closed shop or union membership agreement was in place, a dismissal for non-compliance with it was, for the most part, deemed fair. In the Employment Acts of 1980 and 1982, the initial approach of the Conservative Government was to extend the grounds upon which exemption from the union membership requirement could be based: for example, for conscientious objectors, and pre-existing employees. In 1988, however, the Government acted far more dramatically, rendering all dismissals on the grounds of non-membership in a union legally "unfair"<sup>14</sup>. At the same time, a companion section of the Act<sup>15</sup> removed the immunity of unions from tort liability for any forms of industrial action designed either to enforce or to establish a closed shop arrangement. Thus at least the "post-entry" form of closed shop was stripped of its means of enforcement, and all that remained was to close the loop, by making it an unfair practice for an employer to discriminate in hiring on the basis of non-membership in a union. This the Government did in its Employment Act 1990<sup>16</sup>.

The Government also took action to stem the existence of trade union "political funds" as a major source of financing for the Labour Party, its political adversary. These political funds had existed in the United Kingdom since 1913, when the Government passed the Trade Union Act to overcome the result in *Amalgamated Society of Railway Servants v. Osborne*<sup>17</sup>, which had declared *ultra vires* the use by a trade union of its general dues revenues for "political objects". In simple terms, the Act permitted trade unions to establish a separately identified "political fund" of the union to

which members would contribute for the express purpose of assisting and supporting the union's political party affiliate. With the Trade Union Act 1984 the Government achieved two objectives in connection with these political funds. Principally, it required that no money be expended out of such funds unless the fund had been the subject of a "review" ballot by the membership within the previous ten years - i.e. a vote had to be conducted amongst the members to see whether they were still in favour of such a fund.

At the same time, the 1984 Act significantly broadened the activities which were to be characterized as "political objects", notably "the production, publication or distribution of any literature, document, film, sound recording or advertisement, the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate". This change caused a number of trade unions (particularly white-collar ones), which had not previously considered it necessary to establish a separate political fund, to do so now out of an abundance of caution.

The 1988 and 1990 Employment Acts also added to the regulation of trade union political funds the requirements that all ballots be held by post (i.e. away from the workplace) and be under the supervision of a clearly independent scrutineer. Provision is made for enforcement of these rules on balloting and political expenditure through complaints by employees to the Certification Officer<sup>18</sup> as well as the courts, and in that connection a Commissioner for the Rights of Trade Union Members (CROTUM) has been set up to provide funding assistance to such members for legal representation and advice.

The question of suitable notice to employees of their exemption rights has been a contentious one, since in the United Kingdom (except between 1927 and 1946)<sup>19</sup> the onus has always been on the employee to opt out of the political funding mechanism, rather than to opt into it. Faced with the threat of reversal once again in the Conservative Party's 1984 Trade Union Act amendments, the Trades Union Congress agreed to publish a Statement of

20. See the short note summarizing the TUC's statement by Keith Ewing in *Industrial Law Journal*, 1984, Vol. 14, p. 125.

21. See the Trade Union and Labour Relations Consolidation Act 1992, sections 71 and 84. The notice must be in accordance with the rules approved by the Certification Officer.

22. For an analysis of the results of the initial round of balloting, see John Leopold: "Trade union political funds: A retrospective analysis", in *Industrial Relations Journal* (Oxford), 1986, p. 287.

23. See the feature article by Michael Jones: "Neutered unions will keep Labour's might more alive", in *The Sunday Times*, 10 May 1992.

24. For a viewpoint on the legislative initiatives signalled in the Speech from the Throne, see the booklet *Twisting the knife: LRO's guide to the Green Paper (Industrial Relations in the 1990s)* (London, Labour Research Department, 1992).

25. For an update on the course of the legislation, the Trade Union Reform and Employment Rights Bill, see *European Industrial Relations Review* (London), No. 232, May 1993, p. 22.

26. See Mitchell, *op. cit.*, pp. 40-41.

27. Which, in Denmark, tended to mean "which union", and not "whether a union".

28. See Per Jacobsen: "The freedom of the worker to organize in Denmark", in Max Planck-Institut, *op. cit.*, p. 109 ff.

29. *British Rail v. Young, James and Webster*, reported in [1981] *Proceedings*, Series A, Volume 44; *European Human Rights Reports* (London), Vol. 4, p. 38.

Guidance with respect to the provisions its constituent unions' rule books ought to contain, in order to ensure all new and current members are informed of their rights and of the procedures for opting out<sup>20</sup>. More compellingly, the recent legislative initiatives in this area have tied the issuance of such notice to all members to the time of adopting a "political objects resolution" (i.e. to the establishment of the separate fund itself), and even where such resolutions are already in place they are subject to re-adoption by the membership at least every ten years<sup>21</sup>.

The unstated assumption by the Government in the legislative initiatives cited above was, of course, that requiring the question of funding for political action to be put to a vote by the general membership would result in the reduction of the sources of such funding. In fact, all of the political funds that have been put to the membership for a vote have been upheld, including some new ones established as a result of the broadening of the "political objects" definition in 1984<sup>22</sup>. The post-election Speech from Compulsory unionism the Throne in 1992 on behalf of the re-elected Conservatives carried with it the promise of what was then described as another "bullet aimed at the heart of union coffers"<sup>23</sup>; the end of the employer "check-off" of union dues, without the express, written consent of the member at least every 12 months<sup>24</sup>. Legislation implementing the Government's Green Paper on the subject has now in fact been introduced, and is making its way through Parliament<sup>25</sup>.

#### Denmark

Similarly, in Denmark, a series of events that really had their origin in the United Kingdom has culminated in legislative initiatives aimed directly at the question of union security clauses, and at the uses to which union members' dues can lawfully be put without an individual members consent. It should be recognized, in the first place, that the level of union density in Denmark, particularly in the blue-collar sectors, has always been amongst Europe's highest<sup>26</sup>. This has meant that, apart from the many closed shop provisions existing in collective agreements outside the national employer umbrella group (the DA, which for-

bids them), the ability effectively to apply pressure makes *de facto* closed shop conditions the general rule in a variety of industries. Traditionally, the only restriction at law upon that situation was the view of the courts that discrimination in employment on the basis of union affiliation<sup>27</sup> was inconsistent with the "special responsibilities" of a public sector employer<sup>28</sup>.

In 1981, however, the issue caught the attention of the Danish public when on [3 August the European Court of Human Rights released its judgement in the famous *British Rail* case, finding, at the suit of three individuals dismissed from their employment under a union security clause at British Rail, that the freedom of association guaranteed in Article 11 of the "Convention for the Protection of Human Rights and Fundamental Freedoms" carries with it the right *not* to have to join an association not of one's choosing as well<sup>29</sup>. Thus in 1982 the Danish Parliament passed into law an Act Respecting Protection against Dismissal on Account of Trade Union Membership<sup>30</sup>. That legislation allowed the courts to award damages up to 78 weeks' pay in the event of an unlawful dismissal. It did not, however, grant to the courts the power to *annul* the termination, and this shortcoming provided a continuing source of controversy in subsequent years. As it happened, a common theme in the cases that tested that legislation was the resignation from membership in a union because of its financial contributions to the Social Democratic Party, which is linked to the Danish trade union confederation<sup>31</sup>. Thus, when in May 1990 legislation was passed amending the 1982 Act to provide reinstatement as an option in the case of private sector employers and to *require* it in the case of public sector employers, trade unions were also given the obligation to ensure that contributions made to political parties or for other political purposes by way of the union's financial coffers were voluntary on the part of individual members<sup>32</sup>. Unlike the situation as it evolved in the United Kingdom, however, there is no provision for the enforcement of that obligation, and at this stage it remains essentially a matter of individual trade union discretion.

30. Act No. 255, proclaimed 9 June 1982. A key factor driving the outcry over the British Rail case was the fact that one of the employees, Mr. Webster, was 62 years old and had 18 years of service at the time that the union security arrangement triggering his termination came into effect. Limiting itself to that kind of situation, the Danish statute created no protection for an employee advised at the time of hiring that mem-

bership in a particular union would be a requirement.

31. See Per Brandt *et al.*, discussed in *European Industrial Relations Review*, 1984, No. 125 p. 5; Blicher Hansen *et al.*, discussed in *European Industrial Relations Review*, 1991, No. 213, p. 23; Thomas Jørgensen *et al.*, discussed in *European Industrial Relations Review*, 1990, No. 195, p. 4.

32. In Denmark, unlike the findings in the Osborne case in the United Kingdom, *supra*, there are no implicit legal restrictions on the use of such funds by a union as being *ultra vires*.  
33- After former Supreme Court of Canada Justice I. C. Rand, for his award establishing his compromise in the 1946 case of *Ford Motor Company Limited, in Commerce Clearing House: Canadian Labour Law Reporter* (Don Mills), Vol. 1, para. 2150.  
34. *Ford Motor Co. v. Huffman* (1953), 345 U.S. 330, *Labor Relations Reference Manual* (Washington, DC), Vol. 31, p. 2548; *Steele v. Louisville & N. R. Co.* (1944), 323 U.S. 192, *Labor Relations Reference Manual*, Vol. 15, p. 708; *Vaca v. Sipes* (1967), 386 U.S. 171, *Labor Relations Reference Manual*, Vol. 64, p. 2369.

## Compulsory unionism in North America

On the North American side of the Atlantic, compulsory unionism has long been a common feature of the labour relations landscape in both the United States and Canada. As in the United Kingdom, for example, there were no legal impediments to negotiating compulsory membership clauses in a collective agreement and trade unions, particularly in heavily organized sectors, often enjoyed substantial success in doing so. Unlike the United Kingdom and Europe generally, however, a trade union showing it represented a majority of employees in an appropriate bargaining unit obtained exclusive bargaining rights to represent the whole unit, and any collective agreement negotiated with the employer necessarily had application to all of the employees in that unit. That was not long in giving rise to arguments by trade unionists about free ridership. In both Canada and the United States, Governments were responsive. While at varying times there was concern in those countries about any legislation that would force employees to become members in a particular union, the compromise eventually adopted on both sides of the border has been what is referred to in Canada as the "Rand formula"<sup>33</sup>, which allows unions to negotiate as a condition of employment for all employers the requirement to contribute to the trade union an amount equal to the regular sums payable to the union by its members.

Thus was the issue of compulsory *membership* in a trade union statutorily avoided. It did not, however, take long for arguments of enforced ideology to resurface, particularly in the United States, concerning the use to which trade unions were putting those mandatorily paid dues. The starkly contrasting treatment of those issues in the two North American countries provides intriguing subject-matter for comparative law study.

### United States

As noted, a trade union in the United States meeting the specified statutory prerequi-

sites is entitled to be certified under the National Labor Relations Act as exclusive bargaining agent for a particular unit of employees in the enterprise - whether or not all of such employees are actually members of the trade union or even wish the trade union to represent them. As a corollary, the American courts have found that the trade union owes a duty to represent all employees in the bargaining unit fairly, and in a manner that is neither arbitrary, nor discriminatory, nor in bad faith<sup>34</sup>. Under the Wagner Act of 1935 (the United States original collective bargaining statute), union security agreements were permitted in any form, as long as the trade union was not dominated by the employer and had demonstrated majority support. By 1947, however, disruption to the economy caused by strikes and tales of expelled union members being dismissed had turned legislative opinion against the trade union movement, and the Taft-Hartley Act was passed into law, with a view to minimizing trade union power and the consequent disruption to commerce. The Act's Preamble articulated as its purpose, amongst others: "... to promote the full flow of commerce ... to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce..."

Key in its elevation of the rights of individual employees over those of the trade union was an amendment to section 8 of the Wagner Act, the enabling provision which had allowed trade unions not only to negotiate compulsory membership clauses into their collective agreements, as noted above, but to enforce them through demands for a non-member's termination. The amendment limited the right of a trade union to call for termination under such clauses solely to the ground that an employee had failed to tender the equivalent of the union's periodic dues; that is, as the Supreme Court was eventually to put it, "membership, as a condition of employment, was whittled down to its financial core"<sup>35</sup>.

But in the United States opposition continued even to that form of compromise, and it was not long before challenges were mounted in the courts. The first of a series of Supreme

35. NLRB v. General Motors Corporation (1963), 375 U.S. 734, p. 742.

36. (1956)351 U.S. 225, interpreting what was by then the equivalent language of section 2, Eleventh, of the Railway Labor Act.

37. Reference is also made from time to time in this context to the Fifth Amendment which provides in part: "No person shall be ... deprived of life, liberty, or property, without due process of law ...", and to the Fourteenth Amendment, which in its first section provides: "section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

38. *Supra*, p. 238.

39. (1961), *Labor Relations Reference Manual*, Vol. 48 p. 2345.

40. *Ibid.*, pp. 2361,2366.

For an amplification of that point of view see K.Cloke: "Mandatory political con-

democracy", in *Industrial Relations Law Journal* (Berkeley, California), 1981, p. 527.

41. *Ibid.*, p. 2353. Similarly, see *Brotherhood of Railway, Airline and Steamship Clerks v. Allen* (1963), 373 U.S. 113.

42. See also *Abood v. Detroit Board of Education* (1977), 431 U.S. 209.

43. (1984), 466 U.S. 435.

And more recently, see *Lehnert v. Ferns Faculty*

Court decisions, *Railway Employees v. Hanson*<sup>36</sup>, actually raised the issue in terms of section 2, Eleventh of the Railway Labor Act (the counterpart of section 8 of the Wagner Act just referred to), and the US Supreme Court held that there was nothing unconstitutional about this mandatory form of support for the costs involved in collective bargaining itself. But under the US Constitution there *is* no reference to a freedom of association and, with debate focused instead on the guarantee of freedom of speech<sup>37</sup>, the majority of the Court at the same time went on to add:

"If the exaction of dues, initiation fees, or assessments is used as a cover for forcing ideological conformity or other action in contravention of the First Amendment, this judgment will not prejudice the decision in that case"<sup>38</sup>.

That next case came in *International Association of Machinists v. Street*<sup>39</sup>, raising squarely the issue of the right of the trade union to apply these mandatory dues contributions to what could be characterized as purely "political" activities. Justice Frankfurter, in a vigorous dissenting opinion, cautioned the majority:

"The statutory provision cannot be meaningfully construed except against the background and presupposition of what is loosely called political activity of American trade unions in particular - activity indissolubly relating to the immediate economic and social concerns that are the *raison d'être* of unions ...

For us to hold that these defendant unions may not expend their moneys for political and legislative purposes would be completely to ignore the long history of union conduct and its pervasive acceptance in our political life"<sup>40</sup>.

None the less, the majority of the Court, after a review of the free-ridership debate that had taken place when section 2, Eleventh of the Railway Labor Act was being passed, stated:

"The conclusion to which this history clearly points is that section 2, Eleventh con-

templated compulsory unionism to force employees to share the costs of negotiating and administering collective agreements, and the costs of the adjustment and settlement of disputes. One looks in vain for any suggestion that Congress also mean in section 2, Eleventh to provide the unions with a means for forcing employees, over their objection, to support political causes which they oppose"<sup>41</sup>.

And that was to be the direction in which the Supreme Court of the United States would continue to move on this issue<sup>42</sup>. Following that line, the Court in *Ellis v. Brotherhood of Railway, Airline and Steamship Clerks*<sup>43</sup>, for example, upheld the application of mandatory dues to union publications related to collective bargaining, to union conventions (by a bare majority), and to the "minor incidental expenses of running a union", such as the cost of meetings and social events. At the same time, the Court declined to uphold the application of such dues to the costs of union publications not related to collective bargaining, of organizing other employees, or to costs of litigation not directly related to negotiating or enforcing the dissenters' own collective agreement.

All the cases mentioned above either arose in the public sector or involved the interpretation of section 2, Eleventh of the Railway Labor Act. For a time it appeared that the courts might decline to get involved in these matters of union affairs in private sector cases falling under the jurisdiction of the National Labor Relations Act. That was the initial position adopted by the US Court of Appeals, Fourth Circuit in *Price v. Automobile Workers*<sup>44</sup>. However, the *Price* case was reversed by the decision of the Supreme Court in *Communications Workers of America v. Beck* in 1988<sup>45</sup>.

Thus the position in all sectors in the United States is now the same, namely that as regards attempts to enforce union security clauses in a collective agreement by way of termination: "No union or employer may take any action to enforce a non-union members duty to pay any dues absent [without] a constitutionally adequate allocation procedure"<sup>46</sup>. It might be added that this is a procedure calling for the allocation (or, effectively, separation) of funds in

Association (1991), *Labor Relations Reference Manual*, Vol. 157, p. 2321.

44. (1986) *Labor Relations Reference Manual*, Vol. 122, p. 3130.

45. *Labor Relations Reference Manual*, Vol. 128, p. 2729, 487 US 735. Price itself was also reversed by the Supreme Court and remanded to the District Court in (1988) *Labor Relations Reference Manual*, Vol. 128, p. 2793.

46. See *Price v. Automobile Workers* (1990) *Labor Relations Reference Manual*, Vol. 136, p. 2641 ff., especially p. 2643, on remand to the District Court of Connecticut.

47. In that regard, see also the Supreme Court's subsequent decision in *Chicago Teachers Union v. Hudson* (1986), *Labor Relations Reference Manual*, Vol. 121, p. 2793.

48. At p. 2328.

49. *California Saw and Knife Works v. Peter Podchermikoff*, Board Case No. 34-CA-5160 consolidated with *International Association of Machinists v. Various Individuals*, decision of Administrative Law Judge Clifford H. Anderson released 29 May 1992.

50. See *Federal Register*, Vol. 57, No. 184 (22 Sep. 1992); and *Federal Register*, Vol. 57, No. 199 (14 Oct. 1992).

51. (1992), *Labor Relations Reponer* (Washington, DC), Vol. 139, p. 465.

52. Culminating, as noted at the outset, in *Lavigne v. Ontario Public Service Employees Union* (1991), 2 S.C.R., pp. 211-352.

53. *Constitution Act, 1982*, being Part I of Schedule B to the *Canada Act 1982 (UK) 1982*, c. 11, s. 54, Section 2(d). Included as distinct freedoms were: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including

advance, since the Supreme Court has ruled in *Ellis, supra*, that a *rebate* of dues already collected, even with interest, was still constitutionally improper, as being the equivalent of an involuntary loan<sup>47</sup>. And, the Court has emphasized, for example in *Lehnert supra*, that the burden is on the union to prove the proportion of chargeable expenses to total expenses<sup>48</sup>.

The litigation continues, much of it (since the *Beck* case) originating before the National Labor Relations Board (NLRB). For example, one multi-faceted case funded by various "Right to Work" committees across the country is currently before the Board on objections regarding the specific issues of the adequacy of notice to employees of their "Beck" rights, of the trade union's accounting and allocation procedure and disclosure of information related thereto<sup>49</sup>.

Faced with the prospects of an unending stream of such cases, the NLRB has now given notice of its intention to deal with these issues through a body of rules which it will promulgate upon completion of a broad process of public consultation<sup>50</sup>.

As a political footnote to all of this, it may be noted that on 12 April 1992 (then) President Bush issued Executive Order 12800, dealing directly with the subject at hand. Declaring that "principles affirmed by the *Beck* decision are precious to all Americans", the President told the nation that he was "directing that companies performing federal contract work must inform their employees in the clearest possible terms of their legal rights as affirmed in the Supreme Court's *Beck* decision"<sup>51</sup>. That Executive Order was rescinded by incoming President Clinton within his first month of assuming office.

#### *The Canadian Lavigne case*

This same issue of the use to which mandatorily collected union dues could be put has made its way through the Canadian courts only recently<sup>52</sup>. And with all the US jurisprudence laid before it, the Supreme Court of Canada decided on the course directly opposite

to that adopted by its US counterparts. In analyzing the rationale for that decision, it is important to recognize that, unlike the American Constitution, the Canadian Constitution in 1982 had appended to it a Charter of Rights<sup>53</sup> which included amongst its fundamental freedoms the freedom of association<sup>54</sup>. Thus the courts in Canada have not had to address this issue through the extension of concepts such as freedom of speech, which carry with them their own connotations as to ideological content. Secondly, since the passage of the Charter, Canadian courts, in a labour relations context, have consistently limited the freedom of association to its simplest form, namely:

"... to unite, to combine, to enter into union, to create and maintain an organization of persons with a common purpose..."<sup>55a</sup>.

and have refused to become involved in issues such as the constitutionality of legislated restrictions on the right to strike, the right to picket, or even "free" collective bargaining itself<sup>56</sup>.

The decidedly non-interventionist response of the courts in the cases mentioned, where the unions had sought to use the freedom of association guarantee newly enshrined in the Charter to *expand* the protection of collective bargaining and its mechanisms, was the backdrop against which the Court ultimately came to consider the challenges to union security arrangements contained in the *Lavigne* case. All that the union movement had left to hope for was a similar "hands-off" response from the Court on the so-called *negative* freedom of association issue - and they were not disappointed.

Mr. *Lavigne* was a teacher in the government-provided community college system in the Province of Ontario. Under the governing provincial legislation, agency shop clauses were specifically permitted, and the Ontario Public Service Employees' Union had negotiated such a clause into the colleges' collective agreement. Mr. *Lavigne*, not a member of the Union, was thus obliged pursuant to that clause to contribute to the Union the equivalent of its dues, and mounted his challenge by objecting to certain uses of the Union's funds not directly rela-

ced to bargaining or administering his collective agreement. These impugned uses included contributions to a political party (the trade union-backed New Democratic Party), as well as those to disarmament campaigns, "free-choice" abortion groups, a campaign to assist striking miners in Wales, and one to oppose the building of a new baseball stadium in Toronto using public money.

Writing for the majority, Madame Justice Wilson stated the primary issue before the Court to be whether section 2(d) of the Charter also protects the right of individuals to refuse to associate<sup>57</sup>, and then decided that it does not:

"... restricting the reach of section 2(d) to positive associational rights best accords with a serious and non-trivial approach to Charter guarantees... It is a *fact* of our civilization as human beings that we are of necessity involved in associations not of our own choosing. That being so it is naive to suggest that the Constitution can or should enable us to extricate ourselves from all the associations we deem undesirable. Such extrication would be impossible and even to attempt it would make a mockery of the right contained in section 2(d)<sup>58</sup>."

And more specifically:

"To my mind, there is no distinction in principle between our overall system of government and the role of taxation within it and the mini-democracy of the workplace. Under our labour relations regime all members of the bargaining unit have an equal opportunity to participate in choosing who is to represent them and to join the ranks of the union or not as they see fit. Further, as in our system of representative democracy, members of a bargaining unit may also decide to oust their bargaining agent if dissatisfied with its performance. Hence the system of compulsory dues check-off is no different in principle from the system of taxation in a democracy...<sup>59</sup>."

Finally, drawing from the American experience, Madame Justice Wilson noted:

"I think it clear that even if it were the

business of the courts in upholding the Constitution to scrutinize tax expenditures, a proposition with which I have some considerable difficulty, it would be unwise to devote our limited judicial resources to such endeavours. Indeed, this is precisely the difficulty which has arisen since the decision in *Abood*, *supra*. In that case the United States Supreme Court expressly refrained from deciding which expenditures were or were not made for "legitimate" collective bargaining purposes, leaving it up to the courts below to determine these matters. As a consequence litigation of this kind has been going on for years: see, for example, *Ellis v. Brotherhood of Railway, Airline and Steamship Clerks*, 466 US 435 (1984). In short, the recognition of compelled contributions as constitutionally impermissible has given rise to an endless train of disputes in the United States<sup>60</sup>."

Madame Justice McLachlin, also writing for the majority, echoes many of these views. Assuming without deciding that a freedom not to associate can be considered to be implicit in section 2(d) of the Charter, she puts the test thus:

"... are the payments such that they may reasonably be regarded as associating the individual with ideas and values to which the individual does not voluntarily subscribe?<sup>61</sup>"

If not, she reasons, there is not in her view the "coerced ideological conformity" which apparently caused the US Supreme Court so much concern. Madame Justice McLachlin then adeptly encapsulates the basis for the *Rand* formula in Canada as follows:

"The need for compromises such as the *Rand* formula arises from the fact that Canadian labour relations generally permit only one union to represent all employees in a designated work grouping. This may be contrasted with the quite different system prevailing in parts of Europe, where a worker may choose between several different unions. In a system which permits only one union, there may be workers who do not wish to associate themselves with it. The *Rand* formula allows a worker to choose

freedom of the press and other media of communication; and (c) freedom of peaceful assembly.  
55. As articulated by the British Columbia Court of Appeal, in *Dolphin Delivery* (1984), 10 D.L.R. (4th) 198, p. 207.  
56. See *Public Service Alliance of Canada v. The Queen*, [1984] 2 F.C. 889; Reference re *Public Service Employee Relations Act (Alta.)* 87 CLC 14,021 (S.C.C.); *Public Service Alliance of Canada v. The Queen in Right of Canada*, 87 CLC 14,022 (S.C.C.); *RWDSU Locals 544, 496, 635 and 955 et al. v. Government of Saskatchewan et al* 87 CLC 14,023 (S.C.C.).  
57. 2 S.C.R., p. 249.  
58. *Ibid.*, pp. 259-260.  
59. *Ibid.*, pp. 260-261.  
60. *Ibid.*, p. 261. The Court also came to the conclusion that no violation of the "freedom of expression" guaranteed by section 2(b) of the Charter had been made out.  
61. *Ibid.*, pp. 344-345.

62. *Ibid.*, pp. 345-346.  
63. *Ibid.*, pp. 346 and 347.  
64. As the US courts have come to put it in *Ellis*, *supra*, and a host of similarly focused cases on the subject.

whether or not to be a member of the union, but requires that in any event he or she pay dues. As such, it represents a carefully crafted balance between the interest of the majority in the union and individuals who may not wish to belong to the union...<sup>62</sup>

From that the learned Justice comes to the conclusion that:

"... under the Rand formula there is no link between the mandatory payment and conformity with the ideas and values to which Lavigne objects.

... The whole purpose of the formula is to permit a person who does not wish to associate himself or herself with the union to desist from doing so. The individual does this by declining to become a member of the union. The individual thereby dissociates himself or herself from the activities of the union. Fairness dictates that those who benefit from the union's endeavours must provide funds for the maintenance of the union. But the payment is by the very nature of

the formula bereft of any connotation that the payor supports the particular purposes to which the money is put. By the analogy with government, the payor is paying by reason of an assumed or imposed obligation arising from this employment, just as a taxpayer pays taxes by reason of an assumed or imposed obligation arising from living in this country<sup>63</sup>.

In the result, the simple question in Canada is whether parties to a collective bargaining relationship are permitted by the governing statute to negotiate in their collective agreement a provision calling for compulsory membership, or compulsory payment of the equivalent of membership dues, or are not. If they are (and that is generally the case), the courts will not take it upon themselves to scrutinize the subject areas to which the chosen leaders of the union consider it appropriate to apply those dues, and to second-guess those leaders as to whether, in the courts' view, they are subject areas "sufficiently germane to the negotiation or administration of the collective agreement"<sup>64</sup>.



# Les courtiers locaux du développement.

Par J.-P. Olivier de Sardan\* et Th. Bierschenk

## Contexte de la recherche

Parmi les pays du Sud, les pays africains sont, dans la conjoncture actuelle, ceux qui dépendent le plus de l'aide extérieure, proportionnellement à leurs ressources propres. Cette donnée économique est bien connue, mais elle a des implications proprement sociologiques moins visibles, liées aux modes de circulation et de redistribution de cette "rente du développement". En effet, toute perspective normative ou morale mise à part, il s'agit bien là d'une "rente", même si cette rente opère dans un contexte de misère et se fonde, à la différence des rentes minières, sur la mobilisation de ressources externes. Dire par exemple que l'État africain est un État assisté, est une façon de dire que c'est un État tender. Mais, et c'est une des facettes de la "crise de l'État en Afrique", les États africains contemporains ne sont pas en mesure de drainer ou de contrôler une grande partie des flux Nord-Sud. La "rente du développement" transite donc pour beaucoup par des réseaux d'intermédiaires nationaux, qui ne se confondent pas avec les appareils administratifs et politiques classiques. L'importance croissante des ONG comme opérateurs de développement en témoigne, de même que la place prise par le système des "projets", y compris dans les coopérations bilatérales et multilatérales. De ce fait les interlocuteurs locaux prennent de plus en plus d'importance.

## Définition

Par "courtiers locaux du développement", nous entendons les acteurs sociaux implantés dans une arène locale qui servent d'intermédiaires pour drainer (vers l'espace social correspondant à cette arène) des ressources extérieures relevant de ce que l'on appelle communément "l'aide au développement". Si l'on prend le "projet de développement" comme la forme quasi idéal-typique de l'opération de développement aujourd'hui, quel qu'en soit l'opérateur, les courtiers représentent les porteurs sociaux locaux d'un projet, ceux qui constituent l'interface entre les destinataires du

projet et les institutions de développement, ceux qui sont censés représenter la population locale (ou en exprimer les "besoins") vis-à-vis des structures d'appui et de financement extérieure.

## Problématique de recherche

Les courtiers du développement ne tombent pas du ciel. Ils sont le produit d'histoires locales, et fonctionnent à l'intérieur de réseaux. C'est à connaître les processus sociaux qui constituent certains acteurs africains en courtiers du développement, que cette recherche est consacrée. La mobilisation ou la captation de ressources extérieures par ces courtiers, au profit de groupes ou collectivités au nom desquels ils entendent agir et pour lesquels ils se positionnent comme mandataires, ne peut évidemment se réduire aux motivations affichées, qui relèvent de diverses rhétoriques du bien public, de l'intérêt collectif, du dévouement aux autres, du militantisme développementaliste... Il s'agit aussi de pouvoir ou d'influence, si ce n'est d'intérêts plus matériels. Les courtiers tentent donc, au-delà des idéologies qu'ils revendiquent, de renforcer leur position dans l'arène locale (et parfois dans l'arène nationale). Un lien s'établit alors entre le courtage en développement et les systèmes clientélistes souvent signalés (bien que peu étudiés empiriquement). Mais l'influence des courtiers n'est pas seulement due à leur contrôle plus ou moins étendu et plus ou moins direct des modes d'affectation ou de redistribution des ressources que l'aide au développement permet de drainer vers le village, le quartier, la région, il dépend aussi de leur capacité de négociation et de partenariat avec les opérateurs du Nord, et donc de leur insertion personnelle dans des réseaux Nord-Sud plus ou moins institutionnalisés. Une condition de cette insertion semble être leur compétence rhétorique, c'est-à-dire leur capacité à s'exprimer dans un langage approprié aux attentes des institutions de développement et des bailleurs de fond. Il s'agit d'un savoir-faire évolutif, qui doit leur permettre de s'adapter aux nouvelles "modes" du développement, qui surgissent régulièrement

\* Association euro-africaine pour l'anthropologie du changement social et du développement (APAD).  
Le texte qui suit est une proposition de recherche au SHADYC (Sociologie, Histoire, Anthropologie des dynamiques culturelles) dans le cadre d'une action concertée MRE/CNRS/ORSTOM "Problématiques de développement", publiée précédemment dans le *Bulletin* n°5, juin 1993 de l'APAD.

("besoins fondamentaux", "sustainable development", "auto-promotion", etc...). La "localisation" croissante des projets (le fait que de plus en plus les circuits étatiques verticaux classiques soient court-circuités au profit d'une aide arrivant "directement" aux destinataires) aboutit paradoxalement à multiplier le nombre des courtiers locaux ("à la base", à l'échelle du village ou du quartier), tout en impulsant "l'internationalisation" de ces courtiers (reliés désormais directement et régulièrement à des partenaires européens ou nord-américains). On voit ainsi se dessiner les trois grands axes de notre travail:

*L. La typologie des courtiers et de leurs réseaux d'appartenance*

Un premier inventaire fera ainsi apparaître quatre grandes catégories:

- Les réseaux "confessionnels"

L'appartenance à une église, une secte, une confrérie, permet la mobilisation de contacts sociaux extérieurs à la communauté locale et aux appartenances lignagères et familiales. Il s'agit sans doute, avec les entreprises missionnaires d'antan et les organisations caritatives d'aujourd'hui, des premières formes de courtage décentralisé. Le thème particulièrement intéressant de "religion et développement" peut ainsi être abordé non pas par le biais classique des "idéologies religieuses" mais par celui des espaces sociaux que tissent les institutions religieuses, et la position d'intermédiaires que certains occupent en leur sein. Confréries islamiques, Église catholique, églises et sectes protestantes, mouvements synchrétiques, sont autant de réseaux par lesquels des courtiers inscrits dans ces institutions respectives mobilisent de l'aide au développement.

- Les "cadres" originaires d'une localité

Les "associations de ressortissants", regroupant des cadres (fonctionnaires, universitaires, immigrants, commerçants) issus d'une même région, d'un même bourg, d'un même village, se sont multipliées en Afrique ces dernières années, et impulsent des projets de développement de plus en plus nombreux, en

s'appuyant sur leurs compétences professionnelles, comme sur leurs relations sociales ou politiques acquises en ville ou à l'extérieur. Par là ils gardent ou retrouvent non seulement un lien avec leur origine sociale, mais aussi ils prennent pied dans l'arène politique locale.

- Les mouvements culturels/ethniques

Souvent animés par des fonctionnaires ou des intellectuels, ces mouvements tentent à la fois de faire bénéficier les populations dont ils se réclament d'une plus grande part de la rente de développement, au nom en général d'inégalités dont ils s'estiment victimes dans la répartition "ethnique" de cette rente, et d'obtenir pour leurs dirigeants un meilleur accès aux positions politiques. Si l'ethnicité a fait l'objet d'innombrables travaux, les mouvements ethniques, largement réactivés ou suscités par le contexte actuel de la démocratisation, ont peu fait l'objet d'études de terrain: les aborder - sous l'angle des processus de médiation entre populations et État, de captation/redistribution des flux d'aide, de renforcement des positions politiques et des capacités clientelistes, en un mot, du point de vue du courtage en développement, semble une perspective particulièrement riche (que l'on pense au problème touareg vu sous cet angle...).

- Les "leaders paysans"

Cette expression, employée par de nombreuses ONG et agences de développement, entend désigner les partenaires issus du milieu agricole que l'on tente de former et avec lesquels on entend traiter, autrement dit ceux que les institutions du Nord tentent d'ériger en position de "courtiers aux pieds nus"... Certains ont ainsi acquis un savoir-faire important qui leur permet de traiter directement avec les bailleurs de fond. L'ajustement structurel, d'autre part, renvoie de plus en plus de scolarisés vers les campagnes, qui eux aussi, avec ce "retour à la terre", cherchent à occuper la position d'interlocuteurs paysans des institutions de développement. Les structures dites "collectives" (coopératives, groupements paysans, associations villageoises de développement) constituent un des lieux d'émergence de ces leaders paysans (et d'affrontements éventuels

avec les notables locaux).

Ces catégories ne sont pas nécessairement exclusives entre elles, pas plus qu'elles n'excluent d'autres formes de courtage local. Mais elles semblent être les plus significatives, et les plus intéressantes en termes de recherche comparative. Elles posent en effet clairement les questions auxquelles nous tenterons de répondre dans les deux derniers axes de travail.

## 2. Les relations entre courtiers locaux en développement et médiateurs traditionnels

Nombre des pouvoirs locaux de type traditionnel, chefs de lignage, chefs de village, chefs de cantons, "notables", avaient et ont encore parfois une fonction de médiation. La colonisation, on le sait, a aussi recouru, tant pour son administration que pour sa "mise en valeur" (ancêtre du développement) à ces intermédiaires indigènes qu'elle n'hésitait pas à introniser dans des fonctions de représentation politique traditionnelle ou pseudo-traditionnelle. Si ces médiateurs ont en leur temps bénéficié (et bénéficient parfois encore) de diverses rentes de position (redevances, prébendes ou détournements), ils sont souvent à l'écart de la rente de développement. En particulier, à la différence des courtiers en développement, ils ne maîtrisent pas les discours propres au monde du développement. Les rapports entre médiateurs politiques classiques et courtiers en développement ne sont cependant pas simples: ils traversent en effet des appartenances familiales, sociales ou ethniques, et se superposent avec de multiples conflits ou alliances locales. Ne peut-on pas cependant déterminer l'apparition d'une sorte de "compromis historique" entre les médiateurs traditionnels gérant les rapports entre État et acteurs locaux, et les courtiers en développement, gérant les rapports entre institutions de développement et acteurs locaux?

## 3. Les nouveaux clientélismes

On a depuis longtemps identifié l'existence de formes "néo-patrimoniales" en Afrique. Mais l'émergence des courtiers en développement ne suscite-t-elle pas de nouveaux rapports de patronage, basés sur la capaci-

été du courtier à orienter ou redistribuer les flux de l'aide vers tel ou tel, alimentant ainsi des relations d'allégeance? Doit-on y voir la résurgence de formes plus anciennes de clientélisme (par exemple réactivation de liens de dépendance personnels récurrents entre deux familles), ou bien les "règles du jeu" développementiste ne permettent-elles pas l'émergence de nouveaux modes d'affiliation (liés au caractère nouveau des ressources mobilisées par les courtiers: relations avec les bailleurs de fond, capital scolaire minimum, insertion dans des réseaux extérieurs)?

## Etat des lieux

Si l'approche des phénomènes sociaux de développement en termes de "courtage" nous semble originale, elle ne tombe cependant pas du ciel, et nous devons reconnaître notre dette auprès de quatre courants d'analyse:

- 1) L'anthropologie africaniste anglo-saxonne: autour de l'École de Manchester, le rôle politique moderne de la chefferie a été bien mis en valeur, en particulier sa fonction de médiation (analyse de Gluckman, reprises par Balandier et autres: Gluckman, 1949; Balandier, 1967).
- 2) La sociologie rurale européenne: elle a aussi insisté de son côté, avec Mendras (1976), sur la position de médiateur entre la société locale et la société englobante tenue par les notables ruraux, et sur l'importance de ces derniers quant à l'innovation.
- 3) Norman Long (1989): lui aussi issu de l'École de Manchester, il a attiré l'attention sur la notion d'interface, au sens d'interface entre populations locales et institutions de développement, comme lieu stratégique de l'analyse des logiques sociales, et des rapports de pouvoir consubstantiels à la pratique du développement.
- 4) La science politique africaniste française: avec la revue *Politique Africaine*, elle a attiré l'attention sur les fonctions néo-patrimoniales de l'État (Médart, 1991), son rôle prédateur et ren-

tier et son caractère extraverti (Bayart, 1989), et l'importance de phénomènes tels que le clientélisme, la corruption, l'économie informelle, etc...

D'autre part, nous avons développé autour du GRA, Groupe de recherche anthropologique à Marseille (aujourd'hui inclus dans le SHADYC, CNRS-EHESS) depuis plusieurs années, une réflexion autour des différents problèmes de l'anthropologie du développement, qui a débouché de plus en plus sur un point de vue relevant de ce que l'on pourrait appeler une micro-anthropologie politique du développement: les faits sociaux de développement doivent être saisis à l'échelle locale, parce que c'est là que se confrontent les multiples stratégies des acteurs, et les logiques sociales et culturelles qui les informent; la confrontation qui s'opère est un phénomène d'ordre politique, car les ressources en pouvoir sont prépondérantes, comme enjeux autant que comme atouts (cf. Bierschenk, 1988; Bouju, 1991; Olivier de Sardan, 1984). Cette approche "micro" n'est en aucun cas une fuite dans l'accumulation obsessionnelle d'études de cas, ou l'oubli des contraintes de type "macro": elle se réfère plutôt d'un côté à la "extended case study method" de l'École de Manchester (dans laquelle nous serions tenté de voir l'ancêtre direct et méconnu de la *micro-storia* italienne, dont la démarche nous semble également pertinente quant à notre objet), et d'un autre côté à la conception de l'agencité (*agency*) selon Giddens (of. Giddens, 1979), autrement dit la recherche des marges de manoeuvre de l'acteur en situation sociale semi-contrainte.

La double dimension *empirique* (analyses de terrain) et *comparative* (construction de typologies) nous semble, faut-il le préciser, indispensable: c'est d'ailleurs là une orientation fondamentale du laboratoire SHADYC.

### Réseaux d'appui

Dans le cadre du DEA "Sciences sociales" de l'EHESS à Marseille, nous avons depuis plusieurs années mis en place une filière sur

l'anthropologie du développement en Afrique, avec actuellement douze doctorats en cours relevant de cette filière (et un flux d'une dizaine de DEA par an, dont la moitié venant d'Afrique).

Le SHADYC entretient d'autre part des liaisons étroites avec le Laboratoire d'Études Agraires de l'ORSTOM à Montpellier, et avec le GDR 946 (Anthropologie comparée des sociétés de la Boucle du Niger), dans le cadre duquel a été menée une recherche ASP-CNRS-ORSTOM.

Toujours autour du SHADYC à Marseille s'est développée depuis deux ans l'APAD. L'association nous permet, d'un côté, de repérer les chercheurs africains intéressés par cette problématique, soit qu'ils aient déjà des matériaux pour alimenter de façon empirique le débat, soit qu'ils entendent mener des recherches de terrain sur ce thème. D'un autre côté, le Bulletin pourra servir à faire circuler les contributions à la recherche sur "les courtiers locaux du développement" dans l'ensemble du réseau, et ainsi alimenter un véritable débat scientifique sur cette question, à une échelle non négligeable.

### Dispositif de recherche

Étant donné que tous les chercheurs en anthropologie du développement ont déjà des données sur le thème des "courtiers locaux en développement", même s'il n'a jamais fait l'objet de recherches systématiques (il intervient à la marge de toute étude, et tout chercheur est lui-même sollicité...) il s'agit surtout d'organiser, de systématiser et de compléter ces données.

Si les recherches de complément peuvent se faire à l'échelle individuelle, les aspects d'élaboration de la problématique et de la méthodologie sont centraux, et le programme comporte un aspect important de recyclage, d'élaboration théorique et de formation: la venue en France de nos collègues africains pour des séjours de 3 mois en prend d'autant plus d'importance. Quant aux missions en Afrique

des chercheurs français, elles devront comporter une pare importance d'encadrement des recherches de terrain pour les doctorants et de travail de séminaire sur place. Les deux ateliers prévus seront coordonnés avec ces déplacements. Les coordinateurs du projet seront J.-P. Olivier de Sardan et T. Bierschenk, avec la participation des chercheurs du SHADYC.

## Objectif

L'objectif du présent programme est la publication d'un ouvrage collectif sur "les courtiers locaux du développement" (fin 1995). Pour la sélection des contributions à cet ouvrage, un comité de lecture international sera constitué. Les membres de ce comité participeront également au séminaire international final.

## Calendrier

Le programme se déroulera en plusieurs étapes en 1994 et 1995.

### *1er trimestre 1994*

Organisation d'un atelier de recherche regroupant tous les participants de l'équipe (chercheurs français, étrangers, doctorants) pendant une semaine à Marseille, afin de dévelop-

per et affiner la problématique.

### *2ème et 3ème trimestres*

1994 Recherches individuelles sur le terrain (2 à 3 mois).

### *4ème trimestre 1994*

Dépouillement et analyse des données.  
Organisation d'un atelier de recherche regroupant tous les participants de l'équipe (chercheurs français, étrangers, doctorants) à Marseille, afin de comparer les résultats des recherches individuelles.

Rédaction des rapports de recherche  
Lancement d'un appel à contributions pour un séminaire international.

### *1er et 2ème trimestres 1995*

Organisation d'un séminaire international. Il pourrait être "logé" dans le cadre du congrès biennal d'une société savante ou d'une association professionnelle (par exemple APAD, ou Association européenne des anthropologues sociaux, ou Association européenne de sociologie rurale...).

### *3ème et 4ème trimestre 1995*

Rédaction des contributions à un ouvrage collectif basé sur les études entreprises dans le cadre du présent programme et les contributions au séminaire international.

## Notes on the Strengthening of Peace Building Resources for Palestinians and Israelis\*

by *Elise Boulding*

The greatest peace building and conflict resolution resources for societies in conflict, whether in the Middle-East or elsewhere, are their own traditional and customary conflict resolution practices at the grassroots level, plus the historical repertoire of adaptiveness to changing situations of each society. Add to this the extent to which each has been able to practise the principle of subsidiarity as the society has grown more complex and stratified— that is, keeping decision-making as close to the site of the relevant action as possible while maintaining a free two-way information flow between center and periphery; and finally, the extent to which each society's image of the future allows for growth, development and change in self and in relationships with other societies as part of the continuing historical identity of the group.

Now that Israelis and Palestinians are formally committed to building structural supports and new mechanisms of governance for a future of peaceful coexistence and cooperation, each group will need every resource it can muster to bring about a shift away from status asymmetry and mutual threat behavior, towards problem solving interactions based on status parity. Both Israeli and Palestinian societies have experienced a sharp inter-generational discontinuity in the transmission of traditional conflict resolution behaviors, with the younger generation of each experiencing primarily conflict escalation situations and behaviours. The first challenge is to see what traditional conflict resolution customs can be revived and taught anew in the schools, neighbourhood and community organizations, temples, churches and synagogues of each society, with an emphasis on teaching the traditions of both societies within each community. A unique contribution to this examination of conflict resolution practices lies within that part of the Arabic-Islamic heritage rooted in the period of cultural flowering and symbiosis among Muslims, Jews and Christians of Andalusian Spain in the ninth to thirteenth centuries. The creative interaction of scholars, religious leaders, scientists, artists and craftworkers from each of these communities, within the frame-

work of the Muslim structures of governance, provides a historical grounding for today's Israeli/Palestinian dialogue groups. (Cultural Symbiosis in Al-Andalus is the title of a project currently being directed by Sanaa Osseiran for IPRA with the assistance of UNESCO.)

The experience of migrations, population displacements and maintenance of identity in diaspora, common to both societies though in different time frames, is both a resource and a handicap for each group. It is a resource in that it provides a historical repertoire of adaptiveness and inventiveness that each developed in order to survive. It is a handicap in that the sheer complexity of each diaspora prevents the kind of two way information flow from periphery to centre and back again that can ensure the full participation of members of each society in forging a new trust-based inter-group relationship among equals required for any cooperative activity. This second challenge has two parts: First, there needs to be more emphasis by the top leadership on grassroots engagement in the process of inventing viable local mechanisms for separate and autonomous problem-solving by Palestinians, such as already exist for Israelis, utilizing customary as well as formal local decision-making structures. This is a necessary precondition for cooperative activities between Israelis and Palestinians. Second, there is an urgent need for each of the existing Israeli/Palestinian dialogue and action groups to mobilize all the communication resources of the relevant local, regional and global INGO community to involve currently hostile groups in whatever minimal level of dialogue they are prepared to accept, in order to channel energies into problem-solving rather than recrimination. Since these dialogue-action groups are already overstretched, the INGOs must themselves take responsibility for offering resources.

There is no question but that both the Palestinian and the Israeli societies have strong historically rooted images of a future that is more secure and peaceful for themselves. But how inclusive of the other is each image? How much does each image allow for continued growth, development and change of self and other? The third challenge is to create settings

\* Prepared for the UNESCO International Round Table on "Peace, The Day After" in Granada, Spain, December 8-19, 1993. The author is a former Secretary General of the International Peace Research Association (IPRA). This paper first appeared in the *International Peace Research Newsletter*, January 1994.

at the neighbourhood level as well as at leadership levels, in which a more inclusive future for both societies can be explored separately and then eventually together, in a non-threatening visualization process. Without some shared aspirations for the future, there is neither motivation nor guidance for joint problem-solving in the present. Recognizing that each society has a plurality of diverse interest groups as well as a large constituency of worried and resentful "non-joiners" who know things must change and do not know how to deal with this it is perhaps useful to think of these non-joiners in relation to two clusters of interest groups: One set rejects dialogue and is determined to preserve its own society by force to the extent necessary. The other set is already open to dialogue and change; its members have already accepted that their national identity and future well-being depends on also accepting a larger boundary-transcending identity and that security for their own society can only be achieved by working for common security for all societies including the former adversary. Each cluster seeks to win over the worried middle.

The dialogue-and-change oriented cluster is for the most part well integrated into the international non-governmental community of 18,000 INGOs representing the whole spectrum of human interests and concerns on the planet, including peace, human & social development, human rights and environmental sustainability. The significance of these boundary-transcending networks is that they can interface with governmental and UN structures at every level from local to global, providing, particularly from the scientific & professional INGOs, knowledge resources and problem-solving skills that governments alone, even the wealthiest and most technologically advanced, cannot command. Because they are transnational, their mandate is in theory to serve only the common human interest, and not to team up with adversaries. In practise, this is not always so.

These INGOs are the most significant resource available to Israelis and Palestinians, and Israeli groups already have membership in nearly 2000 of them. Palestine, lacking formal

state structure, has only more recently been recognized as an entity to be recorded by the Union of International Associations, yet already there are Palestinian sections for 72 INGOs as reported in the 1991-92 Yearbook of International Organizations. A recent survey of the regional orientations and networking ties of regional as compared to global INGOs found in the Middle East indicate not only strong ties within the Arabic-Islamic world, but also numerous ties to Europe, Africa and Asia (E. Boulding, 1993). The same networking pattern holds for international governmental organizations (IGOs) as well. Since each of the landmasses adjacent to the Middle East has its own distinctive ways of dealing with conflicts and its own set of economic and social interests overlapping with those of the Middle East, this INGO (and IGO) networking offers the possibility of further sets of distinctive contributions to problem-solving efforts in the Israeli-Palestinian peace process.

There are of course many INGO-supported peace building projects already under way— some of them in existence for decades. One modest more recent example is the Commission on Peace Building in the Middle East appointed by IPRA in response to the challenge of the Gulf War. The goal was to explore the relevance of the concepts, models and practices developed over recent decades by the international peace research community, to the complex of conflicts represented by the Gulf War, as well as to mobilize research and practitioner energies for work on immediate crisis situations as contrasted to longer-term processes. The Commission report, incorporated into the book "Building Peace in the Middle East: Challenges to States and Civil Society" is the product of an illuminating two-year dialogue with scholar-activist members of a growing network of Middle East-focused INGOs. To our own surprise, we found ourselves addressing fellow INGOs in the very lively civil society of the region, as much or more than governments, in our report. Our discovery of the importance of that civil society, and of the role of INGOs in it, have very definitely coloured the tone of this brief note.

It should be noted, however, that there are some INGOs with sections in the Middle East, and other INGOs with no sections but a strong potential for contributing to regional peace processes, that have not yet participated in this dialogue process and have not yet put the significant resources available to them into regional activities. One of the purposes of this meeting is surely to arouse those INGOs with contributions to make who are not yet involved, into activity. However, such involvement must always be in partnership with local and national groups. Peace building, to be viable, must be rooted in local peace concerns and the often invisible peace culture of family, neighbourhood and community. If it is not, then outside assistance, however well meant, comes to wear the face of western interventionism.

The following suggestions for projects that can be undertaken locally as well as at other levels, by existing Israeli and Palestinian groups or with the help of supporting INGOs, are directed equally towards activists and policy specialists. Since any major undertaking of joint Israeli Palestinian action projects at the local level is premature as long as the present asymmetries in status of the two groups persist, it is suggested that the projects described below be undertaken by each group separately, maintaining those communication links between them that seem feasible. This preparatory period of separate projects will be crucial for the readiness of the two groups to work cooperatively once parity of status has been achieved.

### **Project Suggestions** **Imaging Possible Peaceful** **Futures**

Since it is not possible to work for something that cannot even be imagined, and positive images of the future themselves become dynamic forces that generate action the use of imaging workshops to generate future scenarios for peaceful coexistence can be empowering for action in the present to Israelis and Palestinians alike. In such workshops participants are encouraged to create a wish-list of what they

would like to see for both societies in a "best possible" future world. Then after an exercise in the activity of mental imaging they step into a world thirty years in the future in which their wishes have been realized. Once people have accepted the suspension of disbelief and fear in order to focus on their hopes the free-flowing fantasies elicited in the workshops reveal some commonality of longings for a life at peace coming through across cultural and religious differences. It is of course essential to move on to analysis of the fantasy fragments in terms of the social institutions and structures that would be required to maintain two ongoing functioning cooperative societies living side by side. That analysis becomes the basis for action-planning in the present to bring about the envisioned future.

### **Adapting the South African** **National Peace Accord Model**

The National Peace Accord was designed in a common exercise by white and black South African leaders of various parties and groups that have long been in bitter conflict in order to defuse enmities build trust and encourage conflict resolution and problem-solving activities among groups in conflict as preparation for holding peaceful elections. On the surface the South African and the Israeli-Palestinian problems would seem to be completely different. In South Africa the problem is seen as bringing groups that have been kept separate by an Apartheid system into a common political entity with equal rights for all. In the Israel-Palestine situation, the problem is to give political autonomy to a group that has lived under the occupation of another state. What the two situations have in common however is a severe status imbalance between the parties in conflict, (created in the recent historical past), and great enmity between the group holding power and the dispossessed group. It is in relation to these points that the NPA model has value.

An important feature of the NPA is that it is supposed to operate at every level, from national to provincial to local. The goal is for every city, town and village to have local centres for training in nonviolent conflict resolution



based on the specific conflicts of that area, with trainers from each racial/ethnic group in that area. These locally trained NPA teams are then to go to communities of faith, to schools, to the business community and other local groups and offer programs which range from learning how to dialogue with "the enemy" to the skills of literally defusing situations of physical violence. This ideal structure has only been very partially instituted, and fears remain that local violence will get out of hand at election time, regardless of the pleas of national leaders. The model however, is an interesting one. As part of the peace process, Israeli-Palestinian peace accord declaration might be formulated that could authorize the creation of separate local nonviolent conflict resolution bodies prepared to defuse local violence where local Palestinians and Israelis live in open hostility. Rather than creating joint bodies, each local community would have Israeli and Palestinian teams trained separately, and communicating to the extent local conditions allow, being ready for joint trust-building activity when the time is ripe.

### **Water Projects**

Water, both indispensable to life and symbolizing spiritual values in every religious tradition, is also a scarce resource and source of conflict and potential violence between Palestinians & Israelis. Creating separate but communicating local councils for water-saving can help create a sense of efficacy and empowerment about water management to replace current feelings of dependency and helplessness on both sides. It can also make equity issues about access to water clearer to those who have taken their rights to water for granted. Such local activity could help create the political environment in which more rational management and sharing of water can go on between the governments of the area, including of course particularly Palestinian and Israeli authorities.

### **Zones of Peace**

The end of the cold war has seen no diminution in the world arms trade, and only a slight diminution in nuclear weapons. The Middle East continues to import high levels of

weaponry—contributing to the general insecurity of the region as well as to actual violence in Israel/Palestine and surrounding states. Zone of Peace initiatives represent efforts to reduce levels of weaponry in specific areas, and have from time to time been attempted through unilateral declarations by individual states, through multilateral treaties, and through INGO and grassroots initiatives in given localities. There are by treaty, five Nuclear Weapon-Free Zones, the most common form of the Zone of Peace: Antarctica, Outer Space, the Latin American Treaty of Tlatelolco, the South Pacific Treaty of Raratonga, and the International Seabed Treaty. They vary in efficacy but each has made some contribution to arms control. There have been proposals for Balkan and Mediterranean zones of peace since the 1950s, including proposals from Egypt, but so far they have come to nothing. It is time to breathe new life into the Zone of Peace Movement in the Middle East.

Basically, the Zone of Peace is a cultural enterprise. It reflects a conception of social & political arrangements that permit human security through a lessened dependence on military defense and an increased dependence on human relation skills & negotiation skills to solve problems. Establishing a Zone of Peace by treaty means providing a legal and regulatory framework that makes demilitarized areas within larger military zones possible. Parallel Israeli and Palestinian Zone of Peace initiatives would not translate quickly into any noticeable demilitarization of the area, but could provide a focus for the large numbers of groups that collectively make up the civil society of the Middle East and their affiliated INGOs, who would welcome a reversal of current militaristic trends. Closely linked to Zone of Peace strategies, and a step in their direction, are non-offensive defense-based security policies. Such policies involve a shift to weaponry that can only be used defensively, not offensively nor beyond the borders of the state. Any initiatives in the general realm of alternative security strategies would provide a welcome backdrop to the many commissions in the region working on problems that depend on substantial demilitarization for their successful resolution.

including water scarcity, the protección of fragile soils & tree cover, environmental pollution, and the development of viable labour-intensive production systems in regions of human overcrowding & great poverty. Demilitarization would not only reduce harm to peoples & environments, it would release urgently needed resources for human & social development.

It has been emphasized throughout this paper that projects intended to contribute to the establishment of autonomous and equal social and political spaces for Palestinian and Israeli societies, with the potential for peaceful interaction in solving the problems that confront both societies, need to be established separately in their initial stages in order to avoid the appearance or the reality of manipulation by the more powerful party. However one significant group to be found in both societies has been able to transcend status and power differentials to work together for peaceful solutions to intractable difficulties women peace activists. These women have developed their own movement, and also worked together with the older peace and nonviolence movements that have persisted in both Israel and Palestine in the face of great obstacles. The public demonstrations and cooperative activities of such joint Palestinian-Israeli groups as the Women in Black witness to the possibility of genuine partnership relationships in all spheres of life at some future time. To hasten this time, it is important to work toward including women as equal participants and decision-makers in all projects of human and social development and peace building. Their knowledge, experience and skills are essential to the effective carrying out of any human project. Their

absence from public life, policy planning and decision making is a persistent contributor, in all times and places, to the many failures in peace and development efforts carried out by males only. Their unparalleled knowledge of local terrains and their orientation to human life and human nurturance provides the only corrective to strategies based on power, dominance, and a drive to win rather than to share, the fruits of the earth.

All the suggestions made here already exist as grassroots and INGO-facilitated projects in some form, however rudimentary— but need to be recognized, expanded and strengthened. Some of them may eventually become part of the formal structures of governance in Israel, Palestine & the Middle East generally. However, governments by definition perceive a narrower range of alternatives than members of civil society, and they also command a narrower knowledge & skill base. The only way forward to a more peaceful future for everyone is for non-governmental bodies to create and test social inventions. At the neighbourhood level, this will contribute to the strengthening of existing peace potentials and hidden peace cultures, however weak. Such strengthening in turn will help create the socio-political conditions for governmental peace building activities. Governments can speed up peace processes, but they do not invent them.

Reference: Elise Boulding, *Building Peace in the Middle East: Challenges to States and Civil Society*, Boulder Colorado: Lynne Rienner Publishers, 1993.

## Economie sociale

La 4e Conférence européenne de l'économie sociale s'est réunie à Bruxelles les 8, 9 et 10 novembre 1983 au Palais des Congrès de Bruxelles. La Conférence réunissait un grand nombre d'organisations représentatives des mutualités, des associations et des coopératives des pays membres de l'Union européenne mais aussi de nombreux pays européens extérieurs à l'Union, dans le but de répondre aux problèmes auxquels celles-ci sont confrontées dans un contexte de crise sociale et économique. Les bouleversements à l'Est, l'élargissement de l'Union, les transformations engagées par le Traité de Maastricht sont autant d'évolutions qui mettent à l'épreuve la cohésion politique, mais aussi sociale de l'Europe, de même que son développement économique.

Patronnée et soutenue par les autorités belges (nationales et régionales), la Conférence bénéficia également du soutien des instances communautaires : Commission, Conseil, Parlement et Comité économique et social. Son programme, particulièrement chargé, comportait notamment une série de "carrefours" où furent abordées les questions de formation et de recherche, les stratégies d'alliance, l'insertion professionnelle et sociale, le développement régional, le rôle de l'économie sociale dans la sauvegarde de la protection sociale

et de la démocratie, la collaboration transnationale, la politique de concurrence dans le cadre du Marché intérieur, le partenariat entre pouvoirs publics et économie sociale, le financement des entités mutuelles, coopératives et associatives.

Si les synthèses de différents carrefours sont trop diversifiées pour pouvoir faire l'objet d'une synthèse de synthèses, il ressort toutefois de l'ensemble des débats que la construction européenne atteste la réalité d'un "modèle" original, qui se distingue par un "tiers secteur" important par son rôle économique, distinct du secteur privé comme du secteur public. Bien qu'indépendant de ces deux derniers, il s'y rattache par le jeu démocratique d'une part, par l'initiative économique d'autre part. Les organisations qui intègrent l'économie sociale sont issues des sociétés d'aide mutuelle et des coopératives du 19e siècle, et leur extrême variété n'empêche pas qu'un ensemble homogène se dégage, dont la nature est plutôt d'essence éthique et culturelle, où l'accent est mis de façon nette sur l'idée de service de préférence au gain matériel. La nature de cet ensemble rend particulièrement malaisée la définition d'instruments législatifs appropriés, qu'illustrent les dissensions sur les projets de mutuelle européenne, de

coopérative européenne et d'association européenne. On notera toutefois que le dynamisme économique et social dont font preuve aujourd'hui les acteurs de l'économie sociale-tiers secteur se traduisent par une force poussée revendicative, tant pour ce qui est de la reconnaissance de leurs apports multiples que de ce qui touche à leurs spécificités et responsabilités propres.

Dans ses conclusions, Bernard Thiry, professeur à l'université de Liège et directeur du CIRIEC (Centre international de recherches et d'information sur l'économie publique, sociale et coopérative) relève en outre trois points forts de la Conférence: le renforcement de la notion d'économie sociale dépasse les querelles sémantiques et le vieux débat entre "intérêt général" et "intérêt des membres", et s'enrichit des apports des pays du Nord de l'Europe; l'organisation thématique de la Conférence a donné lieu à des échanges d'expériences sans engendrer de ségrégation entre "familles" (mutuelles, coopératives, associations); la forte participation des organisations d'Europe centrale et orientale et un dialogue constructif sur les chances de l'économie sociale d'incarner une alternative au secteur capitaliste et au secteur public dans un processus de transition.

Paul Ghils

## Unice targets the policymakers

Western Europe's major industrial and employer confederations are preparing a short-list of strategic policy objectives to present to European Union decision-makers over the next two years.

Confirmation of the target-

ed approach being taken by business towards the heavy EU agenda has come from Francois Perigot, the recently-elected president of the Brussels-based Union of Industrial and Employers' Confederations of Europe (UNICE).

Outlining his strategy, Perigot said: "We should concentrate our major efforts on two to three priorities. We are not an organisation that should only be reactive. The time is ripe and people expect us to come up with pro-

posals in a certain number of areas".

The final selection will be decided in September by Perigot and senior UNICE members. They believe that the rotating six-months EU presidency being in the hands of four major governments - German, French, Spanish and Italian - over the next two years provides a unique opportunity to advance their views.

While full implementation of the internal market, the Gate Uruguay Round and a single currency remain central business objectives, UNICE - with its 32 industry and employer federations in 22 European countries - may now find itself concentrating on certain longer term issues.

One is likely to be the evolving relationship with the emerging free-market economies in eastern and central Europe - an area which is assuming increasing political importance for EU governments.

"This is one of the most important challenges of the future", say Perigot, 68. "To help these people to integrate their economies and make them compatible with existing business in the European Union".

Perigot, a former Unilever executive and the current president of France's employers' federation, Conseil National du Patronat Français (CNPF), is adamant that Europe's employers and business leaders should choose with care the issues they want to promote and not, stray outside their territory or expertise. "We should not aim to do things instead of the European Commission," he said, "but concentrate instead on areas where the business community can be most helpful.

"We should use our strengths to push what it is most important to do. There is no point stepping into fields when we are not able to reach clear and helpful

positions," he explains.

This creed, however, is unlikely to stop him urging UNICE to plunge deeper into the complex debate on the competitiveness of European industry, especially given its consequences for social legislation and ultimately the welfare state.

He argues for national safety nets to protect people in danger of falling through the system, but believes the costs involved in this minimum level of solidarity should be compatible with competitiveness and individuals becoming more responsible for their own welfare. "The fact that we can raise our problems without being aggressive towards anyone is already an achievement. We couldn't have done that three years ago. We need to bring this issue to public debate. Will UNICE be able to make proposals? I hope we can," he said.

A third priority is likely to be firm UNICE backing for the deregulation programme now under way in the Union, as national and European legislation is scrutinised to determine whether it is unnecessarily handicapping the economic recovery and job creation. Employers, like the trade unions, believe that both sides of industry should be actively involved in the exercise.

UNICE recently asked its federations to draw up an inventory listing the deregulatory measures being taken nationally and expects the list in the autumn. President Perigot is convinced that UNICE, the pan-European organisation created in 1958 to channel business views to the European Community, has clout.

It is regularly consulted by the European Commission, although many in the organisation believe there is still scope for improvement.

The organisation is now expected to redouble efforts to explain its views to the European

Parliament, which not only has some 340 new members, but also an increasing say in EU legislation which is of direct importance to industry.

Membership of UNICE also provides important national spin-offs.

"Once you have achieved a UNICE position, it helps you at national level. There are things you can say more freely at a European level than you can nationally and it does not imply criticism. We are merely stating what we think ought to be done," explained Perigot.

Perigot, in his capacity as president of the CNPF, recently agreed a joint strategy with the organisation's German counterparts - the Bundesverband der Deutschen Industrie and the Bundesvereinigung der Deutschen Arbeitgeberverbände - for improving the competitiveness of European business.

The three groups are pinning their hopes on their governments giving political impetus to the remedies they have offered, as France and Germany preside over the European Union for the next 12 months.

Their strategy follows an earlier memo approved by UNICE, but goes further by setting certain specific targets.

Franco-German industry is specifically calling on their governments to reduce state spending to below 45 per cent of gross domestic product by the year 2000. Failure to cut it from present levels of more than 50 per cent, they argue, will further undermine European business' international competitiveness, particularly against American and Japanese companies, where state spending is 20 points lower.

Rory Watson  
(The European, 22-28 July 1994)

New... Creations... New... Creations... New... Creations... New... Creations... New...

On the 10th of May 1994 Majesty Queen Silvia of Sweden announced the establishment of an International Foundation dedicated to the prevention of drug abuse among children and adolescents, in a ceremony held before the Delegates of the 47th World Health Assembly, in Geneva.

The Mentor Foundation, an independent body closely associated with the World Health Organization, will act to encourage, coordinate and lend financial and technical support to applied research aimed at a better understanding of the impact of drug use on health, particularly among the young. The Foundation will be governed by a Board of Trustees which, at the time of launching, includes four Honorary Members: Her Majesty the Queen of Sweden and Their Royal Highnesses the Hereditary Grand-Duke of Luxembourg, the Crown Prince of Spain and Prince Talal Bin Abdul Aziz al Saud.

Although admirable results have been achieved by different organizations and individuals, "these efforts are mostly local, isolated, without sufficient funds and access to research results or the benefit of the experience gained by others in other part of the world", said H.M. The Queen Silvia. The academic world has also developed useful evaluation methods, programmes and models, "But their findings often do not reach further than the institutional library and a handful of other researchers".

"The Mentor Foundation hopes to provide the necessary bridging mechanism, by identifying and connecting individual initiatives, programmes and research centres into one single network", said Queen Silvia. "This will per-

mit an easy two-way exchange of data, both theoretical and practical, giving even remote local programmes access to the latest technical and practical findings. Thereby we wish to avoid that errors are repeated. But we also want successful interventions to serve as models for new ventures".

"To achieve our goal, we need professional partners. An ideal partner was found in the World Health Organization and, in particular, in its Programme on Substance Abuse, PSA, (...). Our being here today is a recognition of the work carried out by PSA. As a proof of this commitment, a formal cooperation agreement with WHO is being finalized, establishing "a unique partnership" between an international organization and a private entity".

(Press release WHA, 10 May 1994)

A l'occasion du Conseil d'Administration de l'Union internationale des chemins de fer (UIC) réuni le 7 juin 1994 à Paris sous la Présidence de M. Antonio Lorenzo Necci, Administrateur-Délégué des chemins de fer italiens FS Spa, les Directeurs Généraux des entreprises ferroviaires ont approuvé la création d'un Fonds d'aide à la Mobilité des Jeunes. Ce fonds sera alimenté grâce au versement de 1 Ecu pour chaque carte Inter Rail vendue.

Cette initiative, née d'une étroite collaboration entre l'UIC et le Secrétariat Général du Conseil de l'Europe ainsi que le Centre Européen de la Jeunesse, a pour objectif de permettre à de nombreux jeunes européens défavorisés de concrétiser des projets de déplacement en

Europe, dans la mesure où ces projets de voyage prévoient de recourir au chemin de fer.

Elle répond pleinement à la préoccupation plusieurs fois exprimée lors des Conférences des Ministres du Conseil de l'Europe, de développer un esprit de rencontre entre les Jeunes de l'Europe et de promouvoir la mobilité des jeunes dans le cadre d'échanges interculturels, en réduisant les obstacles d'ordre économique ou social. Elle répond également aux attentes des organisations nationales et internationales concernées par les problèmes de la jeunesse.

Simultanément cette initiative permet de promouvoir auprès des jeunes l'utilisation du mode de transport ferroviaire.

Les jeunes qui pourront bénéficier de cette mesure pour leurs projets de mobilité comprenant un déplacement par train sont avant tout: les jeunes de régions connaissant des difficultés économiques, les jeunes n'ayant pu bénéficier d'un soutien scolaire ou d'une éducation complète, les jeunes de régions périphériques pour lesquels le coût de voyages est plus élevé que pour les jeunes du Centre de l'Europe, les jeunes apprentis ne disposant pas de ressources suffisantes pour prendre à leurs frais le coût de voyages effectués dans le cadre d'un projet de stage.

Le "Fonds d'aide à la Mobilité des Jeunes" sera principalement alimenté par les versements annuels correspondant aux ventes de Cartes Inter Rail depuis le 1er janvier 1994. Les fonds ainsi mobilisés contribueront au financement de la partie ferroviaire des voyages. Un comité associant les représentants de l'UIC, de la Communauté Inter Rail et le Conseil de l'Europe

sera chargé de superviser la bonne utilisation de ce fonds.

Le Secrétariat Général du Conseil de l'Europe demandera aux associations de jeunes agréées d'adresser les projets de voyages qui pourraient être subventionnés par ce fonds. Après une présélection des projets par le Conseil de l'Europe portant notamment sur la pertinence du point de vue pédagogique et culturel, la sélection définitive sera opérée par un groupe de représentants de l'UIC et de la Communauté Inter Rail avec des représentants du Centre et du Fonds européens de la Jeunesse. (*Communiqué UIC*, 9 juin 1994).

At a recent NGO/DPI Annual Conference, Boutros Boutros-Ghali, Secretary-General of the United Nations, spoke of the important role of NGOs at the United Nations, a partnership that dates back half a century to the 200 NGOs who were present at the Conference in San Francisco which produced the Charter. The status of the NGO at the United Nations is now up for review under the leadership of ECOSOC. Nitin Desai, Under Secretary-General for Policy Coordination and Sustainable Development, at the organizational session of the Open-Ended Working Group of the "Review" stated:

"Serious attention should be given by the United Nations to one of the most important dimensions of this change process, namely the dramatic growth of non-state actors worldwide, the diversification in their involvement and activities, and their interaction with governance at all levels, from the local community in a village to the global community here in New York."

The NGO/DPI Executive Committee is discussing a long term proposal which projects a possible NGO World Council related to the United Nations consisting of representatives from Regional Councils, which in turn would have representatives from National NGO Councils in member nations of the United Nations.

It also projects General Assemblies of NGOs in New York and possibly in Geneva which would include representatives of topical or special interest NGOs - groups similar to those who attend the weekly DPI Briefings, are now on Congo committees, and participate in PrepComs and UN Conferences.

The relationship and participating roles in the United Nations system would have to be defined for both the World Council and the Assemblies. Involving national NGOs through the National, Regional and the World Council would create a mechanism for the people's participation in the United Nations.

The Evolving Role of NGOs, by Gordon Klopff  
Chairman, NGO/DPI Executive Committee in: *NGO/DPI Reporter*, June 1994)

La création d'un *forum permanent* au sein du système de l'ONU pour mieux protéger le patrimoine intellectuel et culturel des peuples autochtones a été proposée par la sous-commission des Nations Unies de la lutte contre les mesures discriminatoires et de la protection des minorités.

La décision faisait partie des 57 textes adoptés par l'organe de 26 membres à sa quarante-cinquième session (à Genève, du 2 au 27 août 1993). Quatre textes concer-

naient spécifiquement les droits des peuples autochtones, dont les difficultés étaient soulignées par l'observance en 1993 de l'Année internationale des peuples autochtones.

La sous-commission, l'organe principal de la Commission des droits de l'homme, a poursuivi ses travaux sur un projet de déclaration sur les droits des peuples autochtones. Elle a également approuvé le projet de proclamation par l'Assemblée générale d'une Décennie internationale des peuples autochtones du monde et elle a recommandé l'organisation d'un séminaire sur les revendications et les droits fonciers des autochtones. (*Chronique ONU* - Décembre 1993)

Women's organizations all over the world have begun working towards the 1995 Fourth World Conference on Women (WCW). They are debating a common platform and exchanging ideas, proposals, and data. To do so, they are weaving network and creating information-exchange mechanisms. One of the central challenges of this process is to broaden participation as widely as possible at every step of the way.

Responding to the increasing need of women's non-governmental organizations (NGOs) to transmit and share information rapidly over long distances, the Association for Progressive Communications (APC) has set up the computer-based Women's Networking Support Programme to act as a global forum for women's information exchange. APC, having provided information and communications services to NGOs during the 1992 UN Conference on Environment and Development in Rio and the 1993 World Confer-

ence on Human Rights in Vienna, wants to use its experience to help women's groups benefit from new communications technology, both in connection with the WCW and in general.

The APC Women's Programme is a network chat has 16 main locations, or "member nodes", around the world. Each location has a computer that receives, stores and transmits information to and from more than 18000 Women's Programme users in 94 countries. APC's current member nodes are located in the following countries: Argentina, Australia, Brazil, Canada, Ecuador, England, Germany, Mexico, Nicaragua, Russia, Slovenia, South Africa, Sweden, the Ukraine, the United States, and Uruguay.

Becoming a user of the APC Women's Programme is like renting a box at a local post office. The member node is like the post office. To become a user, an organization or individual must have a personal computer, an ordinary telephone line, a modem, and almost any communications software. The modem is a device that links the computer with the telephone. It converts computer signals into telephone frequencies so that information can be sent from one computer to another in the form of sound signals and then converted back into the receiving computer's digital language. The reason that telephone networks have become the preferred means of transferring computer-based information across distances is that these networks already exist and are relatively cheap.

APC is especially concerned with ensuring information flow to and from women's organizations in less developed countries. As part of this initiative, APC has set up contact points in each country to

transfer material from the bulletin boards to paper and distribute this material by conventional means. APC is also offering training workshops for women in the developing regions.

(For more information, contact Sally Burch, Coordinator, APC Women's Networking Support Programme, Casilla 17-12-566, Quito, Ecuador. Tel: 593-2-528716 Fax: 593-2-505073 E-mail: sally.alai.ec.or apcadmin.apc.org. By Avis Lang, Editor, *UNIFEM News*, June 1994)

Un important contrat pour la création d'un réseau privé européen de télécommunications, relie 30 des principales compagnies multinationales du continent, a été obtenu par BT (British Telecom); une alliance a été conclue entre AT&T (USA) et Unisource, une co-entreprise entre les compagnies téléphoniques nationales de Suède, des Pays-Bas et de Suisse.

Les 30 multinationales, qui comprennent ABB, DuPont, Philips, ICI et Rank Xerox, ont constitué une association européenne de télécommunications pour négocier des réductions tarifaires.

Selon un article du *Financial Times*, le réseau a la bénédiction de la Commission européenne, intéressée à promouvoir des communications paneuropéennes. Le réseau prévu envisage d'exploiter les règlements actuels de l'Union européenne qui autorisent des réseaux privés d'entreprise et obligent les opérateurs publics à leur fournir des lignes louées. Pour que le réseau puisse être qualifié de privé, les compagnies n'ont pas le

droit de l'utiliser pour communiquer entre elles. Chaque compagnie aura le droit d'étendre le réseau à ses fournisseurs, à ses usagers et à ses filiales. Les compagnies espèrent économiser 40% de leurs factures pour le trafic transfrontalier.

(*Nouvelles IPTT*, Mai 1994).

In April 1994, the government of North-Rhine Westphalia in Germany established, in participation with other partners, the independent Bonn International Centre for Conversion (BICC). The Centre's aim is to promote the process by which people, skills, technology, equipment and facilities in defence are shifted to alternative economic applications. BICC offers services for organisations promoting conversion and assists in practical conversion projects.

The Centre will focus on six areas:

1. Analysis of means and methods of reallocating the financial resources of the military sector to non-military purposes.

2. The re-orientation of military research and development facilities and making this knowledge and creativity available for non-military purposes.

3. Research of opportunities for, and barriers to conversion of the defence industry. The Centre will assist industry in down-sizing capacity and reducing dependence on arms production.

4. Programmes for the demobilisation of the armed forces and civilian personnel employed by the armed forces and their re-integration into civilian jobs.

5. Programmes for the reallocation of military facilities and installations and their conversion to non-military purposes (base closures).

6. The alternative use, disposal or scrapping of surplus weapons so that they will not be indiscriminately exported.

The activities of BICC will include data collection and dissemination of information; research, education and retraining programmes, seminars, symposia and conferences; consultation, project management and technical assistance.

For further information contact:

Dr Herbert Wulf, BICC, An der Elisabethkirche 25  
53113 Bonn, Germany  
Tel: 49 228-241115  
Fax: 49228-241215

*(International Security Digest, Vol. 1 n°6, May 1994)*

La Revue de la Fédération internationale des organisations de donneurs de sang annonce dans son numéro d'avril 1994 la création de l'Organisation mondiale pour l'information sur les dons d'organes et de tissus (OMIDOT).

- Contribuer dans tous les pays au développement des prélèvements d'organes par une meilleure information fondée sur la solidarité.
- Dissiper certaines préventions et certains tabous, dans le respect des convictions de chacun.
- Combattre toute forme de commercialisation des éléments issus du corps humain.
- Promouvoir partout les principes éthiques du bénévolat et du non-profit.

Tels sont les grands principes qui ont présidé à la création de l'OMIDOT.

L'organisation groupe actuellement la fédération française, l'association belge, deux associations italiennes et l'association espagnole. Chacun de ces groupements s'engage à respecter l'esprit de la "Charte des mouvements en faveur des prélèvements de tissus et d'organes, en vue de greffes et de transplantations". Le président est Maurice Magniez (France, 13 av. de Ceinture - F-95880 Enghien-les-Bains; le siège social est fixé 1, avenue Claude Vellefaux - F-75010 Paris.

*(FIODS Revue, avril 1994).*

NGOs from five Latin American countries met in Caracas in September-October for the first Andean-Amazon subregional meeting on follow-up initiatives to the NGO Alternative Treaties. The meeting issued the "Amazon Declaration", which calls for indigenous groups and NGOs working to protect tropical forests to form a common front to save the Amazon. NGOs and governments in the region should share data, so as to enhance decision-making and policy formulation, and develop plans to incorporate environmental education into the curricula. Governments were called upon to demarcate indigenous lands and guarantee indigenous rights. Clean and appropriate technologies should be encouraged, as well as sustainable, organic agriculture.

*(Source: The Network,*

*The Centre for Our Common Future, Geneva, December 1993).*

Le 13 mars 1994 a eu lieu à Barcelone la réunion constituante

de l'Université Européenne du Volontariat (UEV). Les normes de fonctionnement ont été fixées et les organes de direction mis en place. Un programme pour les trois premières sessions académiques a également été élaboré. Segismundo Pinto (Lisbonne) et Lluís Martí (Barcelone) ont été nommés respectivement recteur et président de l'UEV.

*(AVE Connexion, avril 94).*

#### **An NGO Forum on Human and Children's Rights**

was set up in Bissau on the occasion of the first Symposium on human rights in the PALOP countries. Palop is a new abbreviation given to the official Portuguese-speaking African countries: Angola, Cape Verde, Guinea Bissau, Mozambique, Sao Tome and Principe. It is at the initiative of the Guinea League of Human Rights that this 1st symposium took place on 21-23 February 1994 in Bissau.

The Forum was set up in response to the need for NGOs in these countries to join forces and pool efforts to promote, protect and defend human rights. Among other things, the Forum will act as a co-ordination body aiming to promote respect for human rights and fundamental freedoms. It will also undertake research studies, set up human rights documentation and training centres, and organise conferences on the situation of human rights all over the world.

A project has now been drawn up to encourage institutional and financial support for the implementation and development of the Forum's activities and structures. The project will establish a group of trainers who, by their multiplying effect, will promote



public awareness on human rights issues, particularly at rural level. Success of the project will allow the Forum to contact other African organisations for an exchange of experience and skills.

(For further information please contact: Forum das ONG dos direitos do homem e da criança dos PALOP, C.P.N<sup>o</sup> 599 Bissau. Tel. 245 213777. Fax 245 201766).

Vingt-cinq pays des Caraïbes ont signé, dimanche 24 juillet, en Colombie l'accord de fondation de l'Association des Etats des Caraïbes (AEC), en vue notamment de créer de l'une

nouvelle zone économique comprenant la Colombie, Cuba, le Mexique, le Venezuela, l'Amérique centrale et les treize Etats membres de la Communauté des Caraïbes. Le numéro un cubain, Fidel Castro, et le président mexicain, Cárlos Salinas, s'étaient rendus à Carthagène-des-Indes à cette occasion

*(AFP, Reuter).*

Au terme de trois années de négociations, les présidents de l'Argentine, du Brésil, du Paraguay et de l'Uruguay, les quatre pays du marché commun du Sud (Mercosur), ont officialisé, vendredi 5 août à Buenos-Aires, leur projet de création d'une zone de libre-échange le 1er janvier 1995, qu'ils souhaitent étendre rapidement au

Chili et à la Bolivie. L'accord va se traduire par la levée de toutes les barrières douanières pour 85% des produits échangés entre les quatre pays. Le Mercosur, qui représente un marché de près de 200 millions d'habitants, sera progressivement doublé d'une union douanière avec la mise en place d'un tarif douanier extérieur commun entre 1995 et 2006. A la demande du Brésil et de l'Argentine, les deux poids lourds de la région, les secteurs les plus fragiles, dont les produits connaissent des problèmes de compétitivités (informatique, équipements de télécommunications), bénéficieront d'un délai de grâce de quatre ans avec une protection douanière maximale jusqu'en 1999.

*(Le Monde)*

## UNITED NATIONS OBSERVANCES

### International Décades and Years

|           |  |           |   |
|-----------|--|-----------|---|
| 1985-1996 | Transport and Communications Decade for Asia and the Pacific | 1993-2002 | Second Industrial Development Decade for Africa         |
| 1988-1997 | World Decade for Cultural Development                        | 1993-2002 | Asian and Pacific Decade of Disabled Persons            |
| 1990s     | Third Disarmament Decade                                     | 1993-2003 | Third Decade to Combat Racism and Racial Discrimination |
| 1990s     | International Decade for Natural Disaster Reduction          | 1994-2004 | International Decade of the World's Indigenous People   |
| 1990-2000 | International Decade for the Eradication of Colonialism      | 1994      | International Year of the Family                        |
| 1990-1999 | United Nations Decade of International Law                   | 1994      | International Year of Sport and the Olympic Ideal       |
| 1991-2000 | Fourth United Nations Development Decade                     | 1995      | United Nations Year for Tolerance                       |
| 1991-2000 | Second Transport and Communications Decade in Africa         | 1996      | International Year for the Eradication of Poverty       |
| 1991-2000 | United Nations Decade against Drug Abuse                     | 1999      | International Year of the Elderly                       |

### Annual Days and Weeks

|                      |   |                             |   |
|----------------------|---|-----------------------------|---|
| 21 March             | International Day for the Elimination of Racial Discrimination                          | First Monday of October     | World Habitat Day   |
| Beginning 21 March   | Week of Solidarity with the Peoples Struggling against Racism and Racial Discrimination | Second Wednesday of October | International Day for Natural Disaster Reduction            |
| 22 March             | World Day for Water   | 16 October                  | World Food Day  |
| 3 May                | World Press Freedom Day   | 17 October                  | International Day for the Eradication of Poverty            |
| 15 May               | International Day of Families   | 24 October                  | United Nations Day  |
| 5 June               | World Environment Day   | 24-30 October               | Disarmament Week  |
| 26 June              | International Day against Drug Abuse and Illicit Trafficking                            | Week of 11 November         | International Week of Science and Peace                     |
| 11 July              | World Population Day  | 20 November                 | Africa Industrialization Day                                |
| 3rd Tuesday of Sept. | International Day of Peace  | 29 November                 | International Day of Solidarity with the Palestinian People |
| 7 October            | International Day for the Elderly   | 3 December                  | International Day of Disabled Persons                       |
|                      |   | 10 December                 | Human Rights Day  |

*L'humanitaire impossible, ou deux siècles d'ambiguïté*  
par Alain Destexhe, Paris, Armand Colin, 1993, 237 p.

L'humanitaire a déjà fait couler beaucoup d'encre. N'aurait-il pas fait couler aussi beaucoup de sang?

La question peut paraître inconvenante. On ne peut cependant l'éluider en refermant le livre d'A. Destexhe. L'auteur n'est pourtant pas suspect de malveillance, puisqu'il s'agit à la fois d'un acteur, d'un témoin et d'un responsable de la cause humanitaire (en sa qualité de secrétaire général de Médecins sans frontières - international). Il est donc bien placé pour évaluer le capital de générosité, de dévouement et de courage qui a été investi depuis 25 ans dans l'action humanitaire. Mais, derrière le pessimisme de son titre, il y a plus qu'un aveu d'impuissance. Si les "French Doctors" et tant d'autres ont sauvé des vies humaines et soulagé beaucoup de souffrances, il n'en reste pas moins que leur intervention a pu être nocive, au point d'aboutir à multiplier le nombre des victimes.

L'explication de ce paradoxe tient d'abord à l'ambiguïté qui caractérise depuis sa mise en place, l'action humanitaire. L'auteur a raison de souligner la manipulation dont le "charity business" a été victime de la part des régimes totalitaires et, aussi, d'évoquer la paralysie imposée à la Croix Rouge par une stricte application de son statut de neutralité pendant la seconde Guerre mondiale. Mais l'humanitaire n'accède vraiment au rang d'institution (sinon de catégorie mentale) qu'avec l'affaire du Biafra. A partir de là vont se multiplier des interventions dans de nombreux conflits armés qui fournissent autant de cas de figure différents, depuis le Bangladesh jusqu'à la Somalie en passant par les "Boat People", l'Afghanistan, le Liban, le Cambodge, l'Éthiopie, l'Irak et la Yougoslavie

(pour ne citer que les principaux exemples).

L'intérêt du livre est d'abord d'évoquer ce qu'il y a de spécifique dans chacun de ces conflits, en fonction de la nature des enjeux, du nombre et de l'identité des protagonistes et du type d'environnement dans lequel l'affrontement se déroule. Mais l'intérêt est aussi et surtout dans le diagnostic que le "Médecin" tire de son expérience au-delà de multiples frontières. Deux dangers, nous dit-il, pèsent sur l'action humanitaire. Le premier est celui de la neutralité, qui refuse de choisir entre les bourreaux et les victimes (et qui finit souvent par accorder, même involontairement, une prime aux premiers. Le second est celui de la politisation qui sert à couvrir d'un voile pudique l'exercice de la violence par les détenteurs de la force armée. On conviendra qu'entre les deux périls, la liberté de manoeuvre laissée aux champions de la cause humanitaire est étroite. Comme il arrive souvent en termes de morale politique, il s'agit moins d'opter entre le bien et le mal que de choisir entre deux maux : d'où les victimes innocentes que le recours aux bons sentiments laisse parfois sur son passage.

De remèdes à une telle situation, il ne semble pas y en avoir - aussi longtemps tout au moins qu'on ne sera pas parvenu à neutraliser les "effets pervers" inhérents à toute initiative humaine. On peut, au moins, tenter de réduire les "bavures" en remontant jusqu'à leurs causes. Les données fournies par l'auteur permettent d'en repérer deux séries.

La première tient à la nature des situations conflictuelles qui déclenchent l'action humanitaire. Ce sont toutes des situations d'une extrême complexité où s'affrontent

sur le terrain des groupes armés, publics ou privés, des populations qui sont aussi bien en lutte les unes contre les autres que contre le pouvoir en place, des gouvernements étrangers et des représentants des organisations intergouvernementales (fonctionnaires, experts ou casques bleus). L'action humanitaire, qui voudrait bien se tenir "au-dessus de la mêlée", ne peut manquer d'être piégée par certains protagonistes, sinon de manière successive, par plusieurs protagonistes différents. L'apport que représente l'aide humanitaire, sous quelque forme qu'elle s'exerce, est trop précieux pour échapper aux convoitises de factions, mais trop faible pour justifier un arbitrage entre ces dernières.

La liste des conflits précédemment évoqués suffirait à montrer que ce type de conflit qui participe à la fois de la guerre civile (ou internationale), des règlements de comptes entre bandes et des opérations de police internationales, n'est pas le simple produit de la fin de la guerre froide (comme on l'a parfois écrit). Mais il est vrai que la conjoncture présente favorise la multiplication de ce type de conflits - dont beaucoup n'entrent pas dans le champ d'investigation parce que l'aide humanitaire ne peut les atteindre. Rien ne permet, malheureusement, d'augurer un reflux de la conflictualité dans ce domaine, bien au contraire. L'humanitaire devra s'en accommoder.

C'est peut-être du côté de l'assistance que des progrès pourraient être accomplis. La littérature abondante sur l'humanitaire confirme l'impression fâcheuse d'un "bazar international de la charité". Certains groupes ou associations ne sont en réalité que le camouflage d'une initiative gou-

vernementale qui n'ose pas dire son nom et qui préfère agir sous le couvert d'une organisation privée; d'autres font mine de défendre fièrement leur indépendance, alors qu'ils sont massivement soutenus par des fonds publics. L'idéologie, mais aussi la déontologie, oppose aussi parfois des groupes dont la

sincérité n'est pas en cause, mais dont l'efficacité souffre de leur divergence d'appréciation. L'humanitaire restera nécessaire, hélas! aussi longtemps qu'il y aura des hommes pour s'entre-tuer. Mais pour qu'il reste "possible", dans des conditions souvent dramatiques, ses adeptes

auraient sans doute intérêt à commencer par mettre un peu d'ordre et de discipline dans leurs propres rangs. Alain Desceuxe le suggère à l'occasion. On ne saurait trop l'approuver sur ce point comme sur les autres.

Marcel Merle  
(Université de Paris I)

*Le rôle international des organisations non gouvernementales*  
par Yves Beigbeder, Bruylant Bruxelles, Paris, 1992, 195 p.

Les organisations appelées ONG sont à la fois bien connues et méconnues. Tout comme la faune et la flore du milieu naturel, les grandes espèces font partie de la structuration du milieu social de tout le monde - que ce soient les syndicats, les scouts, les partis politiques, les fédérations sportives ou les ordres religieux. Mais comme pour le milieu naturel, il y a bien des espèces d'ONG qui ne se manifestent que dans des milieux lointains, exotiques ou bien isolés de tout observateur.

L'on pourrait supposer que les ONG souffrent d'une étiquette les définissant par le négatif. Une approche d'ailleurs dépassée, si l'on pense à l'évolution de la pensée par rapport à des catégories telles que "non européen", "non développé", "non adulte" ou "non scientifique". Mais curieusement peu d'ONG contestent l'étiquette. La raison principale est peut-être dans le fait que celle-ci est peu employée au niveau des espèces d'ONG ou parmi leurs membres. Un syndicaliste ou un scout ne se voit pas comme membre d'ONG. L'étiquette est devenu nécessaire pour d'autres afin de définir des familles d'ONG regroupant plusieurs espèces. Le terme est l'oeuvre des Nations Unies, reprises ensuite dans les études de relations interna-

tionales, rendu visible par les programmes d'aide au développement, et ensuite par les médias. Mais, tout comme dans le cas de "non blanc", les sujets ne s'y identifient guère.

Le terme ONG est plein d'ambiguïté dans son usage. Pour le milieu onusien il peut, dans son sens le plus strict, se limiter aux seules organisations internationales actuellement reconnues par l'institution en question. Mais, même dans ce milieu, confronté à des exigences de relations publiques, il peut s'étendre à toute organisation "non gouvernementale" avec laquelle l'institution a des rapports, surtout pour diffuser son message. Ainsi le terme peut aussi bien recouvrir des organisations internationales que des organisations nationales ou même locales. L'oubli d'un de ces qualificatifs peut être utile pour rehausser l'importance d'une ONG nationale que l'on voudrait dorer d'un subside, ou pour noyer l'action d'une organisation qui a réussi (souvent avec beaucoup d'efforts) à se structurer internationalement. Dans la pratique le terme ONG peut sembler se limiter aux organisations bénéficiant d'une certaine médiation, notamment dans l'aide au développement ou l'acte humanitaire.

Mais comme les espèces naturelles, les différentes espèces d'ONG ont des degrés différents de compatibilité. Celles dite bénévoles ont beaucoup de mal à côtoyer les associations de fabricants, elles-mêmes "sans but lucratif" du moins juridiquement. Les associations scientifiques ou professionnelles souffrent du contact avec des ONG sans discipline reconnue. Et que dire des organisations d'élite comme le Forum économique mondial, le Club de Rome, ou le Groupe du Bilderberg qui réunissent des chefs d'Etat, des grands scientifiques et les PDG des multinationales?

Yves Beigbeder, dans cet ouvrage, explique d'une manière très claire la situation de trois grands groupes d'ONG. Dès son introduction, il indique l'absence d'une typologie adéquate d'ONG. Tous les efforts ont échoué. Les espèces d'ONG attendent leur Linné. Y a-t-il 100, 1.000 ou un million d'espèces et quelles sont leurs grandes familles? Une telle typologie nous guiderait dans la réflexion sur celles qui n'habitent que des milieux bien peu connus.

Faut-il accepter l'argument que les ONG sont une découverte du monde occidental? Ne peut-on pas reprocher à cette notion de

"découverte" ce que l'on reproche à la découverte des Amériques en 1492? Que dire des associations secrètes dans toutes les grandes cultures, ou même des groupements religieux, et des "réseaux" qui opèrent dans toutes les sociétés du monde?

Cet ouvrage est important à cause de ce problème d'étiquette. Le passé a montré combien il était facile de ranger "toutes les ONG" dans telle ou telle catégorie selon le jugement que l'on voudrait porter sur elles. Il y a eu beaucoup de simplifications sur la base de peu d'informations. Ce livre est un correctif fort utile. En métrant l'accent sur la richesse et les apports de trois grandes familles d'ONG, il ouvre la possibilité de la reconnaissance d'une richesse équivalente dans d'autres cas.

Est-ce que les ONG sont "utiles" ou pas "utiles" - question que l'on peut entendre de la part de toutes les autorités, que ce soit en pays industrialisé ou dans le tiers monde. L'information fournie par Yves Beigbeder donne beaucoup de détails sur ce point par rapport aux

ONG citées ici. Cette explication manquait. Mais jusqu'à quel point les ONG doivent-elles vraiment se justifier? Esc-ce la bonne question? L'on voit la faiblesse de cette logique pour ce qui concerne l'environnement. D'un côté des décisions sont prises qui réduisent le nombre d'espèces pour faire de la place aux grandes récoltes essentielles. Mais de l'autre l'on déplore l'appauvrissement des systèmes écologiques avec la disparition des espèces qui ont notamment des avantages pour la médecine. Il est bien possible que le critère d'utilité des ONG souffre de ce même manque de perspective. L'utilité éventuelle est à déterminer, du moins en partie, par ceux qui y participent, et non pas uniquement en fonction des catégories d'un observateur étranger.

En dépit de ces évaluations souvent hâtives, les ONG sont en bonne santé, si l'on en juge par leur nombre et leur variété toujours en croissance - 12,457 dans le *Yearbook of International Organizations, 1992 / 1993* - avec plus de 160.000 "liens de membres" vers tous les pays du monde. Et leurs 40.000

liens de travail révèlent un niveau important de coopération. Mais que dire de leurs "conditions de travail" dans un monde toujours préoccupé de questions de souveraineté nationale? Yves Beigbeder indique un bon nombre de plaintes et réserves émises par les ONG, les gouvernements et les organisations intergouvernementales sur leurs relations de travail. Malheureusement ces réserves ne sont que l'écho de ce qui a été dit au long des années 60 et 70. Avec leur étiquette "négative", l'on peut imaginer que ces partenaires sociaux ne sont pas faits pour s'entendre avec le pôle "positif" c'est-à-dire les institutions gouvernementales. On perçoit des accommodements, mais le discours reste assez figé sauf lorsqu'il s'agit de relations publiques.

Cet ouvrage apporte un rayon de clarté et de bon sens dans un milieu souvent déchiré par des courants et des modes politiques. Nous pouvons espérer que cela permettra à tous de faire mieux à l'avenir.

Anthony J.N. Judge

*Le Glaive et le Fléau. Généalogie de la société civile*  
par Dominique Colas, Grasset, Paris, 1992.

*Civil Society*  
par Keith Tester, Routledge, Londres, 1992.

*The Development of Civil Society in Communist Systems*  
par Robert F. Muller (dir.), Allen & Unwin, Londres, 1992.

*Building Peace in the Middle East. Challenges for States and Civil Society*,  
sous la direction d'Elise Boulding, Rienner, Boulder (USA) et Londres, 1994, 345 p.

Réapparu dans la terminologie socio-politique à la faveur de l'effondrement des régimes communistes des pays d'Europe centrale et orientale, le terme "société civile" continue de susciter de nombreuses études dont certaines

retracent le cheminement historique de la notion, tandis que d'autres étudient ses diverses représentations dans les sociétés contemporaines.

L'excellente étude de

Dominique Colas intitulée *Le Glaive et le Fléau*, qui relève de la première catégorie, retourne aux origines aristotéliennes de la société civile identifiée à l'Etat, et retrace son évolution à travers ses avatars médiévaux, modernes et

contemporains. Opposée à la Cité de Dieu de saint Augustin, elle se distingue ensuite de l'«état de nature» chez Hobbes, Locke et Rousseau et se retrouve au centre du débat philosophique de Hegel à Marx, puisque la société civile est subordonnée à l'Etat chez le premier mais retrouve sa prééminence, contre l'Etat, chez le deuxième. L'intérêt essentiel du livre réside dans cette mise en lumière de l'ambiguïté fondamentale de la notion, qui contient aussi bien les germes de la libération de l'homme dans l'Etat de droit confronté aux totalitarismes que les germes du fanatisme érigé en vérité absolue d'inspiration religieuse ou idéologique. Car la promotion de la société civile est autant celle de la tolérance que celle du «bourgeois», la promotion de la libre pensée que celle du libre marché, le terreau de l'anarchie que celui de la vérité révélée. C'est ainsi que les avatars, souvent antagonistes, de la société civile dans l'histoire occidentale constituent autant de repères d'histoires qui se déroulent en parallèle et qui, lorsque celles-ci convergent, produisent le polymorphisme du terme et l'usage inflationniste qu'on lui connaît si bien - ou si mal - aujourd'hui. Le mérite premier de l'ouvrage est de dénouer les fils d'une notion particulièrement complexe et ancienne au départ d'une riche documentation puisée dans l'iconologie, la lexicographie, la psychanalyse et l'histoire, et de montrer par la réflexion philosophique que l'espérance ou l'angoisse d'une destruction de la société civile restent associées, de façon paradoxale, à l'horizon de la politique moderne.

Le livre de Keith Tester, *Civil Society*, s'il conserve quelques références historiques et philosophiques obligées à Locke, Hobbes, Rousseau et Marx, relève plutôt de la deuxième catégorie. L'oprique adoptée rappelle celle de Domi-

nique Colas par le souci d'explorer la multiplicité des idéaux et des contradictions que recèle le terme et par l'abondance des références aux travaux des sciences humaines et des philosophes. Elle s'en distingue cependant en situant le débat dans un cadre résolument moderne et contemporain, faisant référence à Niesche et à Habermas autant qu'à Max Weber, Freud, Norbert Elias et Carl Schmitt. Relevant le caractère «incohérent» de la notion de société civile, notamment par l'incapacité qu'éprouve celle-ci d'imaginer un cadre légitime et reproductible susceptible de rendre compte de l'homogène et de l'universel auquel cependant elle aspire, l'auteur estime que c'est peut-être là la conséquence inévitable des turbulences de la modernité que la société civile exprime. Plus précisément, la contradiction inhérente à la notion de société civile proviendrait du caractère inconciliable de ses deux composantes essentielles. D'une part, la réflexivité par laquelle le social et le sociétal prennent conscience d'eux-mêmes, se définissent et se donnent un sens, de sorte que les individus puissent agir selon les exigences d'une réciprocité symétrique; d'autre part, l'aspiration à l'ordre, ressenti comme nécessité vitale face à la déconstruction de l'ordre ancien et à la menace du chaos et à la perte du sens si un ordre des choses socialement construit n'est pas imposé à l'ordre «naturel». C'est ainsi qu'apparaissent, dans la définition de la citoyenneté et de la liberté dans les sociétés contemporaines, certains enjeux, qui, comme les enjeux culturels, étaient restés jusqu'ici à l'arrière plan de la condition post-moderne.

L'ouvrage collectif dirigé par Robert F. Miller sous le titre *The Development of Civil Society in Communist Systems* traite d'un aspect aujourd'hui bien couvert des socié-

tés civiles contemporaines, sur la base des expériences du monde ex-communiste, qui inclut ici la Chine et le Viêt-nam et à ce titre offre la perspective la plus large des sociétés englobées dans cette aire géopolitique. Le profond délabrement politique, économique et culturel de celles-ci fait que ce type d'étude reste tout-à-fait pertinent de nos jours, le phénomène communiste restant par ailleurs l'une des composantes essentielles de l'histoire du 20<sup>e</sup> siècle. La question centrale qui réunit ces diverses contributions, rédigées pour la plupart par des chercheurs de l'Université nationale d'Australie, est de déterminer le rôle effectif joué par les sociétés civiles des pays concernés dans la défaite du monopole communiste. Question d'autant plus complexe si l'on inclut, comme le fait le coordinateur de l'ouvrage, les pays asiatiques. Les réponses apportées par les auteurs sont diversifiées, et le cas soviétique lui-même se trouve éclairé par la corrélation qui est établie par plusieurs auteurs entre modernité (et non modernisme) et liberté. S'il ne faut pas confondre corrélation et causalité, ce dont se garderont bien des lecteurs auxquels les auteurs exposent leur théorie de la «modernisation», l'intervention d'autres facteurs que ceux regroupés sous l'étiquette de société civile devra sans doute être envisagée. Mais ce n'est pas là le but de l'ouvrage, dont l'utilité sera davantage d'enrichir les données relatives à cette dimension essentielle de la fin d'une époque.

Les études réunies par Elise Boulding dans *Building Peace in the Middle East. Challenges for States and Civil Society* sont le résultat du travail de la Commission de la construction de la paix au Proche-Orient de l'Association internationale de recherches sur la paix (IPRA). Le volume inclut le rapport de la Commission elle-même.

créé en 1991 à la suite de la guerre du Golfe, ainsi que des articles de fond rédigés pour la plupart par des chercheurs originaires de cette région du monde et traitant, dans une optique interdisciplinaire, de divers aspects des problèmes rencontrés par la Commission, tels que la démocratisation des divers Etats de la région et dans la perspective islamique, l'avenir du monde arabe après la guerre du Golfe, la politique des grandes puissances, les nouvelles stratégies de sécurité et de développement économique et social dans un cadre culturel apaisé. L'intention d'ensemble de l'ouvrage, sans définir aucune stratégie unitaire que l'évolution des événements aurait vite fait de rendre obsolète, est de dégager de nouvelles perspectives de résolution des conflits à partir de nouveaux modes d'action sociale, poli-

tique et culturelle.

De l'aveu d'Elise Boulding elle-même, le contrat n'a été que partiellement rempli dans la mesure où les auteurs restent davantage attachés à rétablir l'ordre ancien qu'à exploiter l'imaginaire de la communauté des chercheurs et militants spécialistes du domaine. Certaines faiblesses apparaissent par ailleurs dans l'analyse sociopolitique, où il est affirmé un peu vite que la séparation entre Etat et société civile est inéluctable en islam ou que la religion s'est organisée en l'absence de toute institutionnalisation. C'est là faire bon marché d'une tradition ancienne, même si elle est aujourd'hui minoritaire, de la pensée sociologique et philosophique d'inspiration islamique où la séparation du politique et du religieux est affirmée de façon explicite, et oublier la forte

hiérarchisation du clergé chiite, pour ne prendre que ces exemples. L'intérêt de l'ouvrage réside plutôt dans les données relatives à l'ouverture qui s'offre à l'action des mouvements sociaux et particulièrement des associations transnationales (c'est le terme employé par Boulding), dont l'importance grandit en proportion de l'impuissance de l'Union européenne et de l'embaras des Etats-Unis. Le même auteur entrevoit, en conclusion résolument optimiste, de nouvelles configurations des entités intergouvernementales, onusiennes et non gouvernementales, ces dernières apparaissant comme l'un des éléments propres à encourager la créativité des sociétés civiles et à compenser les insuffisances de l'action des Etats.

Paul Ghils

Transnational Associations  
*Associations transnationales*

46th year  
*46<sup>e</sup> année*

| Some items in récent issues :<br><i>Parmi les thèmes traités récemment :</i>   | Issue number :<br><i>Numéros :</i>                    |
|--|---|
| Transnational actors in the international system<br><i>Les acteurs transnationaux dans le système international</i>  | 3/1987, 1/1990,<br>4/1993, 2/1994.                    |
| The recognition of the legal personality of INGOs<br><i>La reconnaissance de la personnalité juridique des OING</i>  | 3/1986, 3/1990,<br>5/1990, 6/1990.                    |
| Latin American Associations<br><i>Les associations latino-américaines</i>  | 6/1986, 6/1989,<br>3/1990, 1/1993.                    |
| African Association<br><i>Associations africaines</i>  | 3/1994.   |
| New social movements<br><i>Les nouveaux mouvements sociaux</i>   | 1/1988, 6/1989,<br>1/1990, 3/1990.                    |
| Cooperatives in today's world<br><i>Les coopératives dans le monde contemporain</i>  | 3/1988, 1/1990,<br>5/1990.                            |
| Voluntary work<br><i>Le travail volontaire</i>   | 2/1989, 3/1990,<br>4/1990, 6/1990.                    |
| Cooperation between INGOs and IGOs (Unesco, World Bank, HCR, EU, OECD)<br><i>La coopération entre les OING et les OIG (Unesco, Banque mondiale, HCR, UE, OCDE)</i> | 2/1991, 3/1992,<br>2/1993, 1/1994,<br>2/1994, 3/1994. |
| INGOs view of environmental problems<br><i>Les OING et les problèmes écologiques</i>   | 3/1989, 4/1989,<br>1/1990.                            |
| Humanitarian aid and humanitarian law<br><i>L'aide et le droit humanitaires</i>  | 2/1988, 6/1989,<br>4/1990, 2/1992,<br>4/1992, 2/1994. |
| Europe 1993  | 5/1990, 6/1990,<br>4/1991, 3/1992.                    |
| Language in a transnational perspective<br><i>Langage et transnationalité</i>  | 1/1991, 6/1991,<br>1/1992, 2/1992.                    |
| Civil Society and the State<br><i>La société civile et l'Etat</i>  | 3/1991, 1/1992,<br>1/1994, 3/1994.                    |



**Forthcoming topics :**

**Dans les prochains numéros :**

- Population and Development in the 90s  
*Population et développement dans les années 90*
- Global governance and global commons  
*La gestion du patrimoine planétaire*
- International Labour Communication  
*Les relations sociales à l'ère des communications internationales*

Articles appearing in the journal are indexed in PAIS (Public Affairs Information Service) and AGRIS (International Information System for the Agricultural Sciences and Technology), FAO.

|   | FB    | FF  | FS | f     | US\$          | DM |
|---|-------|-----|----|-------|---------------|----|
| Subscription / Abonnement 1994            | 1.450 | 250 | 58 | 24.00 | 46.00         | 72 |
| + postage : surface mail<br>or by airmail | 300   | 50  | 13 | 5.00  | 9.50<br>16.00 | 13 |

Commande à envoyer directement à / Order to be sent directly to :  
UNION DES ASSOCIATIONS INTERNATIONALES  
Rue Washington 40 - B-1050 BRUXELLES, Belgique - Telex 65080 INAC B - Fax (32 2) 646 05 25

**Order Form :**

**Bon de commande :**

Name ..... Num .....

Address ..... Adresse .....

Payment enclosed joint  Paiement ci-joint

Payment made to your account n° .....  Virement fait à votre compte n° .....

Invoice required  
envoyer une facture  Veuillez

Date .....

Signature .....

**Methods of payment / Modes de paiement**

Mandat international à notre compte chèque postal n° 000-0034699-70 à Bruxelles ou virement en francs belges auprès de la Générale de Banque compte n° 210-0508283-55 Agence Magistrat, 1050 Bruxelles.  
Genève : Compte n° 472.043-30 Q o l'Union de Banques Suisses.  
Köln : Konto nr 1.0672712.90, Generale Bank & C°, Christophstrasse 33.  
Paris : Compte n° 545150/04200 au Crédit du Nord, bld Haussmann, 6-8.  
London : Account n° 04552334, National Westminster Bank Ltd, 1 Princes Street,

# Transnational Associations

## Associations transnationales

Rédaction/Editorial  
Jacques RAEYMAECKERS  
Genevieve DEVILLE  
Anthony J.N. JUDGE  
Ghislaine de CONINCK  
Paul GHILIS  
Myriam SCHREIBER

Published by/Publié par:  
Union of International  
Associations (UIAI)  
(founded 1910)  
Issn-0020-6059

Editorial and  
Administration:

rue Washington 40,  
1050 Bruxelles (Belgium)  
Tel (02) 640 1808-  
640 41 09  
Tx 65080 INAC B  
Fax (322) 646 05 25

Editeur responsable:  
Jacques Rayemaekers  
rue Washington 40  
1050 Bruxelles (Belgique)  
Tel. 02/640 18 08 -  
640 41 09  
Télécopie: (322) 646 05 25

Subscription rate:  
BF 1.300, or equivalent per  
year (6 issues) + postage BF  
270.

Abonnement: FB 1.300 ou  
équivalent, par an (6  
numéros) + Frais de port  
FB 270.

Method of payment:  
Mode de paiement à  
utiliser:

Bruxelles: Compte cheque  
postal n° 000-0034699-70 ou  
Compte n° 210-0508283 à  
la Générale de Banque, 253,  
avenue Louise, 1050  
Bruxelles.

London: Account n°  
04552334, National  
Westminster Bank Ltd,  
21 Lombard Street.

Genève: Compte courant  
n° 472.043.30 Q à l'Union  
des Banques suisses.

Paris: par virement compte  
n° 545150-04200 au Crédit  
du Nord, 6-S boulevard  
Haussmann, Paris 75009.

Copyright © 1994 by  
Union of International

Associations. All rights  
reserved. No part of this  
work may be reproduced or  
copied in any form or by

including photocopying,  
recording, taping or  
information and retrieval  
systems - without written  
permission of the Secretary  
General, Union of  
International  
Associations.

UNION DES ASSOCIATIONS INTERNATIONALES  
UNION OF INTERNATIONAL ASSOCIATIONS

EXECUTIVE COUNCIL  
CONSEIL

President:  
Marcel Merle (France)  
Professeur émérite  
Université de Paris I

Vice-Présidents:  
Frits HONDIUS  
(Netherlands)  
Secrétaire général adjoint,  
Commission internationale

de l'état civil.  
Raymonde MARTINEAU  
(Canada)  
Chargée des relations avec  
les ONG, Office européen  
des Nations Unies  
Egon SLOPIANKA  
(Allemagne)  
Ancien secrétaire général de  
l'Alliance européenne des  
UCJG-YMCAS(EAY).

Trésorier général /  
Treasurer General:

Paul E. HIERNAUX  
(Belgique)  
Président honoraire de

l'Association des chambres  
de commerce et d'industrie  
européennes  
(EURO-CHAMBRES)

Secrétaire général /  
Secretary-General:  
Jacques  
RAEYMAECKERS  
(Belgique)  
Ambassadeur honoraire.

Membres / Members:  
Mario BETTATI (France)  
Professeur à l'Université  
de Paris 2  
Paul CARÓN (Suisse)  
Expert financier  
Christiaan DE LAET  
(Canada)  
President, Development,  
Alternatives, Montréal.

Philip EVERTS  
(Netherlands)  
Professor, Instituut voor  
Internationale Studia  
George KIBEDI (Canada)  
President, GKIC  
Consultants Toronto  
Georges MALEMPRE  
(Belgique)  
Directeur adjoint du  
Cabinet du directeur général

UNESCO.  
Gregori MOROZOV  
(Russie)  
Maître émérite des sciences,  
Institut de l'économie  
mondiale, Académie des  
sciences de Russie.  
Andrew E. RICE (USA)  
Consultant; Former Deputy,  
Society for International  
Development  
Cyril RITCHIE (Ireland)  
President, Federation of  
Semi-Official and Private  
International Institutions

Established in Geneva,  
S.A. SAXENA (India)  
Former Director,  
International  
Cooperative  
Alliance

Myriam SCHREIBER  
(Belgique)  
Vice-présidente, Fédération  
abolitionniste  
internationale.

Gianni TIBALDI (Italie)  
Professeur, Université di  
Padova.

REPRÉSENTATIONS  
PERMANENTES DE  
L'UIAI  
UIAI  
REPRESENTATIVES  
Organisation des Nations

Unies:  
New York: Andrew RICE  
Genève: Cyril RITCHIE  
Paris: Maryvonne  
STEPHAN

