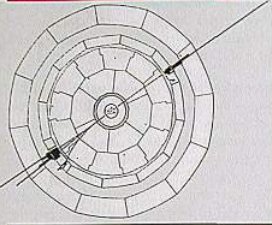


Transnational Associations

The review of the Union of International Associations



1/95

The World Bank
and NGOs

L'économie sociale
dans l'Union
européenne

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Associations transnationales

La revue de l'Union des associations internationales

Transnational Associations

Associations transnationales

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

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

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

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

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

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

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

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

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

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

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The bretton woods institutions at 50 years: a critical appraisal*

by Susan George

Never again! Designing the post-war economic system

I would like to begin with the context that presided over the birth of the Bretton Woods Institutions. Indeed there was a sense that never again would we get into the kind of period that existed in the years between the First and Second World Wars, when beggar my neighbor policies characterized trade and there were crade blocs, sterling bloc, protectionism, and every country was out for its own interests. The reparations demanded of the German government after the First World War had created such tension that the founding fathers of Bretton Woods really felt that if they could not fix the international trade and financial system, it would lead to other wars.

They started right after Pearl Harbor to invent the post-war financial institutions. The Bretton Woods conference took place right after D-Day. The war was still going on in both Asia and Europe, but the planning had been going on since the early 1940s, Keynes on his side and the American, Harry Dexter White, on his. When everyone came together at Bretton Woods they had almost polished their draft plan down to the last comma. It had already been published in several cities in the North and the South, and the structure was well understood.

I will concentrate my comments on the World Bank, because that is what I know best. When they came to Bretton Woods, the invitations read "to draw up the statutes for an international monetary fund and perhaps for a bank", and they didn't even know what they were going to call it. They hovered between 'investment' and 'guarantee', and they didn't even know if they should call it a bank. Eventually the name 'reconstruction and development' was invented, but if you read the 5,000 pages of the proceedings, you can see how tentative the whole birth of the World Bank was.

The Bretton Woods conference lasted

three weeks, and two weeks into the process the drafting committee hadn't come up with anything definitive about the bank. They revised things up to the final day of the meeting. Finally they were able to say that they had a draft, but an hour before that the Soviet Union proposed five major revisions. Without the tenacity and inventiveness of Keynes, the World Bank could have gone the way of all suggestions.

The third commission of Bretton Woods, which had to do with stable prices for commodities and a different sort of trade organization from the GATT, was touch-and-go for quite a long time.

The birth of the Bank was one that should have given great hope. Keynes was given a standing ovation at the final dinner as the real ancestor of the bank, yet there is no portrait of Keynes at the Bank headquarters. He is neither remembered nor honoured. During the first 25 years of the Bank, there was a different sort of conception from the one that entered when Robert McNamara took over the presidency. Although historical forces are very important, the influence of one man was in many ways determining.

I want to try to explain what some of the impacts of the Bank's strategies and policies have been. I don't think that these impacts have been accidents. Often in conversations with NGOs, with people who want to change how life in the South is now, with people who correctly recognize that structural adjustment is responsible for so many of the things that are wrong, somehow there is the belief that these are mistakes. They think that if only it could be explained to the Bank what's happening down-scream from its policies, it would change, that there's something wrong in the system, but this is something which is an error. I don't think that's right. We can debate the moral issues, but we're not talking about whether these policies are bad or good. We are talking about whether they are intentional or are not intentional.

*The fiftieth anniversary of the Bretton Woods Conference was marked by the organization of an NGO Seminar on the South and the Bretton Woods Institutions held at the United Nations Office in Geneva on 20 and 21 June 1994.

Organized by the Subcommittee on the South of the Special NGO Committee on Development (Geneva), the Seminar brought together representatives of 25 NGOs, 15 ambassadors or their representatives

sions to the United Nations, and a number of representatives of the UN system.

The following text is the keynote address given by Susan George, Associate Director of the Transnational Institute in Amsterdam, and an expert on the economic problems of the South, particularly on the debt burden. It is part of the proceedings of the Seminar, *The South and the Bretton Woods Institutions*, edited by Janet Brain, c/o World YMCA, Geneva.

One dollar, one vote

The World Bank is not a membership organization like the United Nations. It's not one nation - one vote, even if there is a powerful Security Council. The Bank has one dollar - one vote. When it was founded and its capital was subscribed - and every country subscribes on the basis of its quota with the International Monetary Fund, in other words, proportional to its wealth - it is ascribed at the same time voting rights which are also distributed according to wealth. This is how the United States now has 17.5% of the vote; the major European countries each have 5-6%; Japan has 6.5-7%; and 44 African countries have less than 4% when taken together. So this is not an egalitarian institution and it was never intended to be.

The only democratic thing about the Bank is that it has a board of 24 Executive Directors who are loosely responsible to the constituents in their countries. Not all of them are obliged to make their votes public. It has been a matter of lobbying governments to force them to reveal the way the Executive Directors are voting. Each country that has a large block of votes has one Executive Director; other countries are grouped around a single Executive Director. China has one; Saudi Arabia has one. Only the Canadian, the American, the German and the Australian are obliged to say to their Parliaments, and therefore in some indirect way to their people, how they actually voted on a given loan.

This is certainly an avenue in which NGOs should think about working - making these Executive Directors accountable. Because everything else you want to do with the Bank is going to be ad hoc. There is no legal system for you to make your voices heard. You can reject one thing, protest another, and you'll have to fight again the next day on some other project because there is no other machinery for the people to be heard. It is all ad hoc. So lobbying Executive Directors is a very important job.

The World Bank's lending, reserves, profit, and economic clout

The Bank has now commitments in lending which amount to about US\$2.5 million per hour. I like to reduce things to manageable sums of money because we're talking about an institution that is lending billions of dollars each year. It's not just its own money that it's lending, because it gets its money on capital markets and most of the funds it raises on capital markets it sells back. It sells bonds to widows and orphans, to pension funds, and to institutional investors. Then it charges its clients a slightly higher rate than it has to pay its bondholders. So if you have a World Bank bond, let's say, that will give you 6.5% per year, then the Bank will charge the people it lends to 7-7.5% per year. You see that the margin allows the Bank to make a very nice profit.

The Bank borrows money and is not lending out mostly its subscribed capital. That's what stands behind the loans. But what your governments have all subscribed to the Bank, most of it they don't pay in. But the rest of it is on call, so if ever a country defaults, if it says it can't pay its loans and it won't pay its loans, then the Bank calls on its subscribed capital, and that's what makes it an ironclad investment. It's why widows and orphans buy World Bank bonds, because it virtually cannot go wrong. Even if 16 countries at once default on their loans, nothing will happen to the Bank because the Bank would say to its member governments, we need your capital. Or it can dip into its reserves, which are considerable. But the Bank cannot get into financial trouble, and this is why it has a triple A rating. That's the best you can have on the credit line.

So it's not lending out your money and mine as taxpayers; it's lending out mostly bondholders' money, and it's charging a market interest rate to its clients. It also has the capacity to bring along with it a lot of other money. In other words, if the Bank is involved in a project somewhere in Pakistan or China or Brazil,

many other investors will say, "Aha! Good investment", and we will come along and put our capital into this - public or private capital as well. So if I give you a picture of what the Bank is lending, that does not give a total picture of its economic clout because it can draw on reserves 50% more capital each year than it actually lends out.

In this way, over the years since its first loan in 1947, the Bank has made 3,500 loans costing \$235 billion. The International Development Association (IDA) - which was founded in 1960 to make grants to the poorest countries because the Bank said that not everybody can afford to borrow at 7 or 7.5% so we've got to have a window which would provide soft loans which they call 'credits' to distinguish them from their other loans - has loaned an additional \$78 billion. About half of that has gone to India, Pakistan, Bangladesh, and China and the rest has mostly gone to the poor African countries. It's a window for countries that cannot afford all their loans on hard terms; but India, for example, which was until last year the Bank's top client, has borrowed \$28 billion from the Bank and \$20 billion from IDA, so the rules are not hard and fast.

Until 1968, which is the year Robert McNamara took over - and that is one of my cut-off points - the Bank had lent in its first two decades a total of \$ 10 billion for 708 projects. But McNamara changed all that, and from 1968 to 1973 he went way beyond what the Bank had managed to do in 20 years. In only five years he lent \$13.5 billion for 760 projects. In other words, in five years there were more projects than there had been in 20 years at a total cost which was 30% higher than what the Bank had lent in its first two decades. As a World Bank staff member said to McNamara's biographer, "In the old days we were rewarded for finding reasons not to lend, and with McNamara we were rewarded for finding reasons to lend." That is a very profound statement, because what McNamara did when he came in - and he came into an institution which wasn't exactly a backwater, but it wasn't a very excit-

ing institution either - was to change the Bank's direction in a very definitive way.

Until the late 1960s the Bank had been dealing in making loans to sovereign governments. It was bankers dealing with finance ministers, and many of these projects, we would judge now, were disasters. We have no hesitation in saying that. A lot of them were dams which were disastrous for the environment, no doubt about it. But mostly what they thought they were doing is what most people thought development was at that time, and that was providing infrastructure for industry. You can criticize it in saying that they have always favoured roads over rail transport, for instance; they have always favoured mega-dams and huge engineering projects over smaller scale or local scale, yes. But don't forget that that's what most countries were also asking for at the time. This modernization paradigm was not just the invention of the Bank. This was what the governments wanted. This was the fix, the mind-set of the time.

They were doing what seemed to be normal at the time, providing infrastructure for industrialization in what were called the developing countries. Then McNamara comes along and brings in his staff and says, "Look, why aren't we lending to strategically important countries like India or Indonesia? Why aren't we lending to Africa? We've got to increase our portfolio." He came in with this messianic complex, but he was also a Cold Warrior fresh out of the Pentagon where he had been running the whole Vietnam War effort. I don't know whether he was disgusted or ashamed or what, but he told his biographer that his desire was always to do the greatest good for the greatest number. Many of us believed he was a war criminal, but I will pass over that phase of his career.

McNamara believed that a dollar spent somewhere was a dollar that was doing good for somebody somewhere. It was unfeasible to him that money spent on "development" was not doing somebody good, and he never stopped to ask which social classes were benefiting from

these loans, nor did he in particular stop to ask what would happen when the time to repay them came.

McNamara started encouraging his entire staff to draw up projects faster and faster, so they cleaned out drawers and old filing cabinets and they began to put projects into countries that were assumed previously to be incapable of managing such projects - in other words in countries that were considered not to have the capacity to be given the same sorts of projects of advanced developing countries. And so the debt built up in a very big way, and the Bank encouraged this.

False prophecies and bad advice

Here I would like to make a parentheses, because in *Faith and Credit: The World Bank's Secular Empire*⁽¹⁾, Fabrizio Sabelli and I look at the kind of advice that the Bank had given to its clients since McNamara, who was there from 1968 to 1981. This is a long period, and over this period, if you look at what the Bank was claiming, they got it absolutely wrong from A to Z. Right down the line, all the prophecies they made were wrong. Here again, this may not be an accident. I'm not making a judgment. We have a chapter rightly called "False Prophecies" because the Bank and particularly McNamara were saying to the Bank's client countries, especially after 1973, the year of the OPEC oil crisis: Don't worry, because the private banks are going to continue to supply you with fresh capital. You have to borrow a lot because this is the only way to increase your growth and that is the only way to be solvent, and then you will be in the upward spiral where you will grow and you will earn revenues and you will be able to pay back your debts. Don't worry because every year during the 1980s you are going to be getting from \$90 to \$115 billion in fresh capital from the private banks.

Well this was off by about 1,200% by comparison to what actually happened. In some years during the '80s, instead of getting from \$90 to \$115 billion, all private lending was

reduced to \$7 or 10 billion. It is absolutely astonishing how wrong they got it. The other thing the Bank said was that since you're going to be taking on all these loans, and since you're going to be paying for it through export earnings, you can export your population as foreign workers or you can have tourists if you're a good tourist destination, but those are the only ways you can earn foreign exchange. You understand that connection, I'm sure. You don't pay back your loans in your local currency. Nobody wants Third World country currency. You have to earn dollars or francs or marks or whatever, and the only way you can earn that is through exports of raw materials or of people.

The Bank was also saying to its client countries, "You're going to have very good commodity prices and this is how you will be able to pay back your loans." Whether it was minerals and metals or whether it was fats and oils or coffee and cocoa or agricultural or non-food products, they were off by a range of 62-180%. Those were the predictions at the beginning of the 1980s. What is perhaps even more interesting, in 1991 they made another set of predictions on commodities. I won't say they should have gotten it 100% right at the beginning of the 1980s, but in 1991, the projections for 1993 - even with this two-year time span - their projections were off by 47% on coffee, 56% on cocoa, 74% on sugar, 30% on coconut oil and 35% on rubber, etc. They only got two commodities about right. As you know, commodity prices have been on a continual downward slide. There has been a slight increase in coffee prices lately.

Putting development on hold

We made our calculations in August 1993 and found that the Bank continually made false prophecies. I'd like to quote something that was written in 1992 by Larry Summers, who was then the Bank's chief economist, in the Bank's magazine *Finance and Development*. He wrote it with the man who was in charge of debt and development. Their piece was entitled "Ten Lessons of the Debt Crisis". One of the

(1) A French version of this book has been published by Ed. La Découverte, with the title "Crédits sans frontières. La religion séculière de la Banque mondiale."

things he said went wrong with the debt crisis and one of the lessons that had to be learned was that "they were treating the debt crisis purely as a liquidity problem which delayed the search for a stable and real solution". This demands a bit of textual explanation. He said that one of the things that many people did wrong (he doesn't cite his employer and he says nothing about the Bank), but he says one of the things that just happened (no responsibility, it just happened) was treating the debt crisis purely as a liquidity problem. It put development on hold in many countries for perhaps a decade.

This is a startling admission. If you go back to the World Bank's own World Development Report, what you find is that as late as 1986 and 1987 they themselves are treating the debt crisis as a liquidity problem. They are saying, "It's just a cash flow problem; it's not really a structural crisis. Not to worry. Commodity prices will come to the rescue. All is well. Prosperity is just around the corner."

Summers noted that he was saying all these things in a spirit of humility. "This lesson is well learned now, that the cost of delay has been to put development on hold for a decade in many of these countries. A lesson for the future is the importance of acknowledging reality sooner." In other words, we're the world's top development institution but we're a bit slow in acknowledging reality, so we may have inadvertently put the development of a few dozen countries on hold for a decade. Actually we were just one among many observers, and in any event this lesson is well learned now, and we affirm this in a spirit of humility. I can't resist sometimes some rather heavy irony.

The Bank has about 4,000 economists on its staff. You would think that they could spot the trends at least two years in advance in commodity prices, levels of capital, and perhaps even more catastrophic, levels of debt. Among their first prophecies they were also telling their client countries that their debts collectively and individually would be a third to a half of what they actually are now. Very late in the game they were saying, "Don't worry. Total

debt will be no more than \$560 billion." It's now about three times that, but they were saying that for the mid-90s it would be \$560 billion instead of \$1.5 trillion. Indeed these are not trivial errors. If people like me and others in this room, with no secretarial help, much less research help, can come up with better predictions than that, you would think that 4,000 economists could do a better job for their clients' countries. I don't think this is trivial because this conditioned very deeply the choices that were made by those governments.

Structural adjustment conditionalities vs. social responsibility

Many of them, as was well known, were terrible governments. Many of them are corrupt and many of them steal from their people, on so on. But it would also be a good idea if the international system were serving at least those who are trying to make the right choices and those who are trying to do the best for their people. Because the result of all this, and the result of taking on more debts than could possibly be absorbed, and the result of believing that fresh capital would be rolling over these debts constantly throughout the 1980s and 90s was none other than structural adjustment, because if you are indebted up to your neck, the only choice that you have is to go to the Bank and the Fund and ask for fresh capital, because your private creditors are not going to give you \$115 billion as the Bank said they would. Then you get the whole conditionality package.

I was at a meeting at UNESCO recently, and one of the participants who has worked as a consultant for the Bank said there can be 40 pages of a matrix of conditionality for a \$20 million loan. I have seen some of these matrices, and you have no idea of the level of details which the Bank or the Fund descend in turning out their conditionality packages. These packages don't just restructure economies in a general way. They don't just say, "You have to get inflation down by 3% this year." It's not a gen-

eral target system. What they really say is: "You will pass such legislation by such dates which will have the effect of privatizing companies X, Y, Z, etc." It is extremely detailed. It is sector by sector. It is the Commerce Department, the Agricultural or Mining Department, the Tourism Department, etc.

One of these matrixes I did have the opportunity to look at was the privatization package for Russia, in which the Bank has already helped to privatize 1,700 large and medium-sized enterprises, 70,000 small ones, and some - they don't say how many - of more than 10,000 employees. What goes along with that? This is just a random and very recent example of structural adjustment, which always includes privatization. But what goes along with it?

I don't have much good to say about the Soviet system. I was not a fellow traveller of the Communist Party; I was always a non-aligned person. But these enterprises considered themselves socially responsible for their personnel. They provided creches for the women who had small children. They provided kindergartens. There were health services. There was on-the-job training and various kinds of vocational training for upgrading the technological skill of the workers, and this of course is all going to be dropped. In the privatization package, it says that through this process of privatization and restructuring these enterprises will only keep the services which allow them to generate profit. They shall have to get rid of the others. They can transfer them to the local authorities or to the private sector. These will include such services as training and education, kindergartens, creches, health services, all of which should be transferred to local or municipal governments who will themselves have to reform their systems of taxation in order to be able to provide these services.

When you know the shape of the tax base presently in Russia, where people are living on unbelievably inadequate revenues, it's anybody's guess whether these municipal and local authorities will be able to provide anything like

the social services that were previously part of the workplace package. The Bank says that it will have a programme with the Russian government to help some selected local authorities take on these new charges "for a limited time only" in order "to finance employment programmes to treat the effects of massive layoffs".

Considering high unemployment a success

This should not really surprise us. I would like to quote another person from the Bank who was at a meeting held by the ILO two years ago in Torino - perhaps I should say it was fronted by the ILO, because in fact it was a Bank meeting and you will see why I say 'fronted'. This quote was from a European Community participant who said to his superior "I, like the other participants on the rostrum, spoke for 5 or 10 minutes and the Bank representative spoke for 25 minutes, and he presented us with a hypothesis to be considered, which is if we should not judge our success in achieving adjustments in central and eastern Europe by the extent to which unemployment rises rather than by the extent to which we were able to keep unemployment down. A figure of 20% was referred to in later discussions. In other words, the 'It's not working if it's not hurting' approach. In the same discussion, he [the Bank representative] referred to the changes in central and eastern Europe as being 'a massive experiment for which we have no previous experience'. The insensitivity and arrogance of Mr. H and Mr. F has to be experienced to be believed. They behave like a mixture of missionaries and insurance salesmen."

The comparison is apt. Why should Mr. H (whose name doesn't matter; what matters is what's in the heads of these people) want 20% unemployment in central and eastern Europe and elsewhere in countries under structural adjustment? This would be proof that in the privatization process, these companies are becoming lean and mean and able to compete on the world market and that they shed all their fat. What's more, it means that in a country

where 20% unemployment exists, workers are prepared to take any job at any price under any conditions, particularly when there are no longer any social services to back them up.

I have concentrated on the Bank, but I want to be a bit ecumenical and give you some idea of what the International Monetary Fund is publishing in its latest World Economic Outlook, which is its flagship publication just the way the World Development Report is published by the World Bank. The IMF survey gives the lead articles on what the Fund is up to. What they have suggested about Europe is that its labour market is much too rigid, and what it needs is reform, and what they understand by 'reform' in Europe is less generous unemployment benefits, a smaller gap between salaries, which means no minimum wage; lower levels of unionization; fewer local agreements on salaries, which means no collective bargaining; fewer restrictions on hiring and firing; and much lower extra salary charges such as social contributions or paid holidays. That's what the IMF has in mind for Europe, so what do you imagine it has in mind for the Third World?

Political implications

I don't think this system of structural adjustment is an accident. You all know what the effect has been on health, child mortality, education, the systems of social security, unemployment, subsidies, the price of food, and so on. What is important is to understand that the political implications of this system are as serious as the social implications. The social implications are bad enough, but what is really going on here? What is structural adjustment about? I believe that this is the equivalent of a religious doctrine in which I'd include Leninism, which is not to be argued with. You can give 100 case studies showing that this is a disaster to the poor and a threat to the environment, but that's like arguing with someone who believes that the world is flat. If I believe that the world is flat and you believe that it is round, and you give me 100 case studies showing that it is round, I will still at the end of the day believe

that it is flat. That is what we are up against.

We are also up against a strategy whose goal is to weaken the State and to weaken systems of community. The ultimate goal of this doctrine is to put market liberalism - or by its old name, capitalism, even savage capitalism - in place all over the world. For quite a while people would call you dirty names if you used words like capitalism; but I'm sorry, I'm going back to using them because it isn't just the market. The market is part of this, but all societies have markets and they always have had markets. We always bartered and exchanged since man was able to exchange an elephant tusk for a tiger paw. It isn't just the market. It is that the market is becoming co-equivalent with society.

Society used to contain the market, but the goal of this particular strategy is that the market control and contain society. In order to institute this system throughout the world - and there are now 90 countries under this system - you must weaken the State, and that is what rival powers have always sought to do throughout history. This isn't a conspiracy. This is power politics. You have to weaken the State and its capacity to provide for its own citizens and to control what goes on its own territory. So that States are no longer, when they are under adjustment, making their own monetary decisions. These are the attributes of a State: you make your monetary decisions and determine your social policies. But social policies are also under surveillance, and in some cases even foreign policy can be influenced, as in the case of Egypt when it fell on the 'right side' of the Gulf War and was immediately given a debt reduction of 25%.

Forcible orientation towards the market

States are not only being forcibly pushed towards the export orientation in order to earn the hard currency to keep on servicing their debts: they are also being reoriented in much more subtle ways. The second thing that you

have to weaken its structures of community, because if people have their own solidarity networks and if they have their own ways of coping, then they're not going to become the universal ideal, which is *homo economicus*: all of us alone in the market place, all of us producing, consuming, saving, and profiting - alone. That is the ideal.

I don't say we've achieved this yet, especially in Asia. There are many States that are under structural adjustment which could have an independent policy. I spoke with a friend who has now got a charter signed by 11 heads of State in south Asia whose group says that we cannot continue to cope, politically speaking, with 40% of the population in deepest poverty. This is going to create such problems that if we don't have a charter and if we don't stop reorienting our policies, we're dead in the water, the heads of State are dead in the water. Maybe this initiative will succeed. I wish it well.

I don't want to be pessimistic, but I want to try to convey the politics of this whole thing that has been going on for the last 15 years. I don't believe that this is an accident. All of the indicators show that for the last 15 years this has been a voluntary policy, but it has been perfectly obvious to everyone for at least a decade what the impacts of these policies are socially. The only response has been to put a 'social safety net' here or there, to try to treat a few of the symptoms. When large bodies like UNICEF start saying that the child mortality rates are going up, so don't you think you should do something about it, you will get a social programme in there, and the Bank will say, "Yes, we're going to protect the environment. Don't worry." But I'm talking about the roots of these policies, not about treating the symptoms. There is evidence that this kind of thing is wilful, and we aren't going to change it through arguments.

I'm not saying that all of our research was worth nothing and that all the work NGOs have done on the impact of structural adjustment in Ghana or Bolivia is worth nothing. I have a library full of studies, and it isn't useless

work. But I'm saying that it's not through arguments that we're going to win this one. It is absolutely through changing the balance of power, because we are talking about a strategy of power.

'Governance' as a defense against the failure of World Bank policies

There is a lot more to say about the Bank's environmental policy, and perhaps just one word on governance. You've heard about their big new preoccupation with what they call 'governance'. This means: "You governments better get your act together. You better do all of the following list of things". It is a list of good things, like an independent judiciary, respect for human rights, regular elections, or ways of changing the government and so on. I don't think there's a government in the world that observes all these things they want the Third World governments to do. Certainly the World Bank doesn't observe any of them. The Bank is neither transparent nor accountable, nor can you get its leadership to regularly turn out of office or any of those things. But I think that this, again, is power politics.

I think they are preparing their defense for the day when these egregious and deleterious impacts of structural adjustment become so obvious that nobody can say: "Maybe it's going to work, so let's give it another 5 years", which is what they're doing now. They are stretching out the time frame. I think governance is going to be the new defense. "It wasn't our fault! It was those governments that didn't have an independent judiciary and who weren't transparent and didn't respect human rights and didn't do all the things we told them to do." It is a way to keep on blaming the victim. That's what I think it's about.

The Bank is not going to take the consequences for any of this. It's not accountable, certainly not to NGOs. It is accountable, in a very vague way, to governments, but mostly to the higher stock-paying governments. It isn't accountable to the markets because it can't go

broke. There's no way that even if it continues to make very bad loans (and some of its loans have been very bad indeed; internal reports of the Bank itself have said that 30% of its loans have been failures), it will never go broke in the marketplace, so there are no sanctions on this. It's opaque and it's not democratic. The Fund is worse, by the way. All the things I'm saying about the Bank you can multiply by two and say about the Fund. It's a kind of super-state in which the Fund is the Ministry of Finance, GATT is the Ministry of Trade and the Bank is the Ministry of everything else. There is no system of checks and balances or ways of controlling what they do.

Need for machinery to ensure democracy at international level

All of this means that the job the NGOs have on their plates is absolutely enormous because you have no less than to invent some kind of machinery for ensuring democracy at the international level. It took people a couple hundred years to do this at the national level in the countries that now have some democratic machinery; but we don't have it at the International level. And unless you want to go on fighting against Sardar Sarovar dam this year, and then a dam in Thailand next year, and then a dam in Chile the year after that, and then a forest destruction project in Brazil the year after that, and on and on until as Keynes said in the long-run we're all dead, then we've got to have some machinery. The ad hoc way of going about it, while it may be successful in some cases, is just not adequate. There aren't enough of us and there are too many Bank projects. So that means forcing them to strengthen environmental assessments, it means forcing them to put into practice their guidelines about the consultation and involvement of local people, which they only do kicking and screaming. They say that they do a lot of things that they're not doing.

It means monitoring very carefully what's happening on the ground for those of you who are in Bank recipient countries and

telling your counterparts in the North very quickly what's going on so that there can become North-South lobbying work together, because the votes are in the North and the bad projects are in the South, and if you count on just the votes in the South, you're counting on your own elites which want these projects. The Indians want \$8 billion for the National Thermopower Corporation which would probably contribute 4-5% of all greenhouse gases on earth by the end of the century. These elites want these loans.

So again the task of NGOs is exceptionally daunting. It means that the UN system has become marginal with regard to the Bretton Woods Institutions. It means that the Bank has more control over education and culture than UNESCO, more control over agriculture than the FAO, more control over health than the WHO, certainly more control over the environment than UNEP. In financial terms, the UN system has \$6 billion a year and the Bank alone has \$24 billion, not taking into account the funding of the multilateral development banks.

It means attempting to strengthen the UN system. It also means attempting to strengthen the State, which as a quasi-anarchist I wouldn't have said 10 or 15 years ago. But now, considering the strategy to weaken the State, I think we have to do our best to improve its capacity to care for its own people because it isn't NGOs that are going to put in school systems. They can do a project here or a project there, they can help a woman here or there, but they cannot set State policy for an entire territory. It means also strengthening your own organizations.

Resisting recolonization

We are living in a very difficult and complex period of history. This recolonization - and I think it's fair to call it that - has happened in a space of about 15 years. Most people don't even know what has hit them. It has been much faster than the Enclosure Movement in England, which is the only other large historical

movement of that kind that forced the marginalization of very large numbers of people. It went on over a period of at least a century. It has been very fast and the effects have been very deep; but obviously, the only way to counter this is first of all to have an understanding of what's going on. They say there are three kinds of people: those who make things happen, those who watch things happen, and those who never knew what hit them. To make things happen, the people's organizations must obviously be strengthened.

Questions and discussion

• *Concerning Northern values imposed on the South with specific reference to opposition to plans for the Indian Power Corporation:*

Nobody is saying that India should not have electrical power. In this particular case, not only had NGOs said that there are lots of energy alternatives for India; even USAID said that India is sitting on an energy-efficiency goldmine. In other words, there are all kinds of things to do before you do coal-based power plants. Unfortunately, the Bank is devoting only 1% of its energy lending, which is its biggest or second biggest sector, to energy renewables and energy efficiency, and the rest it is devoting to classic fossil fuel-powered things. When people make this argument I always ask why they don't want to go straight into the 21st century and why they want to stay in the 19th, why they don't want to do it better than we did.

• *Concerning the meaning of strengthening the State in the context of structural adjustment as a means of suppressing peoples under un-democratic leaders. What can NGOs do?*

The people's organizations must be strengthened. Of course I'm not arguing for a Marcos-type State. Those are the States that have gotten you into debt to begin with in cooperation with the banks in the North. Of

course we don't want that, but I can't give you your blueprint.

What you hear now, and you hear it coming from Ministers and people in positions of some authority, say "TINA" (there is no alternative). It has become so ingrained that that's all they have to say. When I heard an African Minister say this, I just said "TATA" (there are thousands of alternatives). The whole point of structural adjustment and the extension of capitalism to the furthest backwaters is to make everything unison, to make everybody like everybody else, with the same consumption patterns, everybody with the same Coca Cola. The point is to have diverse eco-systems and diverse cultures and to protect both things. That's what makes being human worthwhile.

• *Concerning the requirement under structural adjustment that countries privatize, liberalize and deregulate their economies, thus enabling transnational corporations to penetrate even more deeply, a process that will be accelerated by new rules on services, agriculture, intellectual property and investment measures that will be imposed by the new World Trade Organization.*

Exactly! At a recent meeting at UNESCO, I thought that since I don't depend on them for a job I might as well say the truth. The meeting was devoted to "whatever happened to development?", a pretty downbeat title to begin with. After two days of this I just said that it all depends what indicators you pick. I can give you some indicators that show that development is really doing well; but if you want to take child mortality, or life expectancy, or health, or women, that's another thing.

One of the indicators that I used was debt service, which is continuing to be paid at an increasing rate, although debt is continuing to increase. The outcome of structural adjustment has been exactly what it was supposed to be, which is that the debt continues to be serviced while the countries of the South have not gotten together. You can speak to your Amba-

sador about chat, even though It's a bit late in the day. We have missed a historical opportunity-

The countries of the South have been kept separate. Brazil doesn't talk to Mexico, it doesn't talk to Argentina, and it doesn't talk to the Philippines. The debt continues to be serviced. This is a great political victory. Nobody is talking about the New International Economic Order anymore. It's not on the agenda. The South, which was speaking with one voice in the 70s, has nothing to say. Everybody's saying there is no alternative: privatization, structural adjustment, let's be competitive, let's be dragons. This is a very great victory. The strategy has done exactly what it was supposed to do.

It depends what indicators you take, so if you pick the indicator of transnational corporations, you can show that they are moving into the South in a big way. The Bank has always said that the reward of structural adjustment is foreign direct investment and jobs. They admit that adjustment is painful. We have to go down the hard and narrow path, but at the end of this path is the reward, they say. The road is hard; it is not for the faint-hearted, but at the end there is foreign direct investment and jobs. That's the point.

It is true that transnational corporations have come in and have increased their investment, largely because of privatization, but for other reasons as well. Here are the figures which I used as my indicators at UNESCO:

* These companies have invested 13% of everything they invested from 1986 to 1990 in the Third World and the rest they invested in the already developed countries. This went up in 1992 to 31% of the total and in 1993 to 40%.

* The proportion that the Southern countries are getting of the aggregate pie is growing very rapidly, and the sums themselves are of course growing very rapidly as well. Between 1981 and 1985 an average of \$13 billion was invested in the South. In 1992, howev-

er, \$47 billion were invested and in 1993, \$70 billion. So you see the jump. That's the good news: foreign direct investment is coming.

The bad news is that about 83% of it is going to 10 countries and a lot of that is going to China. It has created only 12 million jobs in the aggregate since the beginning in the Southern countries, and 6 million of those are in China. Four million of the 12 million are in Export-Processing Zones, where most of the workers are very poorly paid women between the ages of 16 and 25 who have no social protection, and where corporations can repatriate their profits and there are no government norms, etc. So the jobs have come, but let's ask what kind of jobs they are, and where they are, and who is getting them, with what benefits.

In the 1980s the US lost almost all of its shoe industry. Tens of thousands of jobs were lost. Many of these companies, including Nike which makes sport shoes, went to the dragons, particularly to Korea. In the late 1980s the Korean workers went on strike for better wages and union rights. Nike said, fair enough, and they left for Indonesia where the daily wage is \$1.03, which according to the Indonesian government's own standards is insufficient to provide a physiological level of well-being, and 88% of the people who make that wage are indeed malnourished. So the jobs are coming, investment is coming, but the obvious question is: what sort of investment for what kinds of jobs under what conditions?

Here we get into another terrain for solidarity. There is no point in American workers losing 60,000 jobs so that they can go to people who earn \$1.03 an hour, which isn't enough to keep body and soul together. This is total madness. The Bank will tell you, if you ask them, that everybody can be a NIC (newly industrialized country). That's right, but at what cost, at what inhuman cost? The populations are now such that we can use them up. There are plenty of people behind those who are already in the jobs, plenty of people behind them who will work for even less. So without a worldwide pact, a worldwide contract, people-to-people...

You know, the people in the North are not the enemies of the people of the South or vice versa. It's a question of degree, but everyone is subject to the same pressures, to the same marginalization, and the North is not at all secure anymore.

As far as I'm concerned, we are all on the Titanic, so we have to steer this ship away from the iceberg, because the next revolution or the next responses are not going to be pleasant for any of us. I'm terribly surprised that there isn't more violence: talk about Rwanda or Bosnia or other places. I'm very surprised that there isn't more conflict, more nationalism, more people taking refuge in ethnic identities, which is a false refuge, of course, because it doesn't solve any problems. I'm surprised there isn't more of

In closing, I am reminded that I met this Sub-Committee's President, Romesh Chandra, at a meeting during the Vietnam War. At the time we thought that the war would never be over; but eventually it was over, with a lot of work from a lot of people, particularly by the Vietnamese and the NGOs (as we didn't call them at that time). The popular movements were very strong, and that's an encouragement for all of us to hang in there. Sometimes you don't think it's ever going to be over. Problems can go on, and their impacts can be felt, and wrongdoing can continue for a very long time; but in the end the people win.

So I leave you with a huge amount on your plates, and I thank you very much for your welcome.

Cooperation between the world bank and NGOs *

I. Introduction

1. This is the eleventh annual progress report on cooperation between the World Bank and non-governmental organizations (NGOs). The report aims to keep Bank Executive Directors, management and staff, NGO representatives, government officials and other interested parties informed of progress and new developments in Bank-NGO relations. The World Bank has increasingly recognized the important and growing contributions of both local and international NGOs in achieving poverty reduction and facilitating sustainable growth. It is also aware of the key role played by NGOs in promoting beneficiary participation in development initiatives and carrying out public advocacy activities. In addition to collaboration at the operational level, the Bank has engaged NGOs in policy dialogue and undertaken initiatives to better understand and support the NGO sector. This report begins by outlining patterns and trends of Bank-NGO operational collaboration. It then describes a number of additional efforts aimed at promoting greater Bank-NGO interaction.

II. Operational collaboration

2. Operational collaboration is the core component of the Bank's relationship with NGOs. This section of the progress report outlines patterns in Bank-NGO operational collaboration by region, sector, type of NGO and form of collaboration. It also describes some

specific examples of Bank-NGO collaboration at the project level.

3. In FY93, seventy-three (30 percent) of the 245 projects approved by the Bank's Executive Directors included provisions for NGO involvement. This level of collaboration is similar to that of FY92, in which 68 (31 percent) of 222 projects approved involved NGOs. Although these figures are slightly lower than those of FY91 (an exceptional year in which a record number of 89 projects had NGO involvement), they are consistent with a pattern of sustained growth in the level of NGO operational collaboration over the past decade. From FY73 to FY88, NGO-associated projects represented, on average, only six percent of all Bank-financed projects. From FY89 to FY92 this average rose to 28 percent.

A. REGIONAL PATTERN OF COLLABORATION

4. The regional breakdown of Bank-NGO operational collaboration in FY93 shows little change from previous years. As has been the trend, Sub-Saharan Africa had the highest number of NGO-associated projects, 31 of the 73 NGO-associated projects approved in FY93. Latin America and the Caribbean had 14 projects, up from 12 projects in FY92. East Asia and the Pacific had 12 projects, a substantial increase over FY92. Table I shows regional trends in Bank-NGO operational collaboration since FY74.

* This document is an excerpt of the 1993 Progress Report on Cooperation between the World Bank and NGOs, Operations Policy Group, Operations Policy Department, World Bank, February 2, 1994.

Table I

REGIONAL TRENDS IN WORLD BANK-NGO OPERATIONAL COLLABORATION, FISCAL 1974-93										
1974-89	1990		1991		1992		1993			
	No.	%	No.	%	No.	%	No.	%	No.	%
BY REGION (number of projects with NGO involvement)										
Africa	140	55	23	45	41	47	30	46	31	43
East Asia and Pacific	26	10	6	12	13	15	6	9	12	16
South Asia	32	13	11	23	16	18	9	14	11	15
Europe and Central Asia	3	1	0	0	3	3	3	4	2	3
Latin America and the Caribbean	38	15	8	17	13	15	12	18	14	19
Middle East and North Africa	16	6	0	0	2	2	6	9	3	4
TOTAL	255	100	48	100	100	88	66	100	73	100

5. Table II compares the number of NGO-associated projects to the total number of Bank-financed projects approved in each region in FY93, reflecting the intensity of NGO collaboration in the different regions. This analysis shows that 42 percent of all projects approved

in South Asia in FY93 had NGO involvement. In Africa, 41 percent of all projects included some form of NGO collaboration while in Latin America and the Caribbean the figure is 28 percent. The lowest recorded figures are for Europe and Central Asia where 7 percent of projects involved NGOs.

Table II

NGO-ASSOCIATED PROJECTS AS A PERCENTAGE OF TOTAL BANK-FINANCED PROJECTS BY REGION, FY93			
REGION	NO. OF PROJECTS WITH NGO INVOLVEMENT	TOTAL NO. OF BANK PROJECTS IN THE REGION	PERCENT OF TOTAL PROJECTS IN THE REGION
Africa	31	75	41%
EAP	12	45	27%
SAS	11	26	42%
ECA	2	30	7%
LAC	14	50	28%
MNA	3	19	16%

B. SECTORAL PATTERN OF COLLABORATION

6. Table III shows a sectoral breakdown of Bank-NGO operational collaboration since FY74. Among NGO-associated projects approved in FY93, the largest share (22 percent) were in the population, health and nutrition (PHN) sector. This represents a significant

change from FY92, when PHN accounted for only 12 percent of NGO associated projects. Some 19 percent of projects with NGO involvement in FY93 were in agriculture/rural development, down from 32 percent in FY92. The number of NGO-associated projects in the environment sector nearly matched that of agriculture/rural development, accounting for 18 percent of all projects with NGO involvement.

Table III

REGIONAL PATTERNS IN WORLD BANK-NGO OPERATIONAL COLLABORATION, FISCAL 1974-93										
1974-89	1990		1991		1992		1993			
	No.	%	No.	%	No.	%	No.	%	»	
BY REGION (number of projects)										
Adjustment related	7	3	6	13	14	16	7	11	5	7
Agriculture/rural development	110	43	19	40	21	24	21	32	14	19
Education/training	25	10	6	12	10	11	6	9	6	8
Environment	4	2	3	6	5	6	10	15	13	18
Industry/energy	24	9	1	2	10	11	6	9	5	11
Infrastructure/urban development	47	18	4	8	12	14	6	9	8	11
Population, health and nutrition	34	13	9	19	14	16	5	12	16	22
Relief	4	2	0	0	2	2	2	3	3	4
TOTAL	255	100	48	100	88	100	66	100	73	100

C. TYPE OF NGO INVOLVED IN COLLABORATION

7. Since the late 1980s, the Bank has made special efforts to engage local NGOs in its projects. The past few years have thus seen increased collaboration with indigenous intermediary NGOs (including church groups, professional societies and national NGO consortia) and more particularly with grassroots groups (including village committees, women's groups and cooperatives). This collaboration reflects a recognition that working with local NGOs is often the most effective means of eliciting the views of project beneficiaries and bringing their needs and interests to bear on project design and execution.

8. The breakdown of the type of NGO involved in operational collaboration in FY93 shows a clear trend towards increased collaboration with local NGOs. In FY93, 84 percent of operational collaboration involved indigenous NGOs up from 73 percent in FY92, and 58 percent from FY73 to FY91.

D. FORM OF COLLABORATION

9. Bank-NGO operational collaboration can be broken down into five categories which correspond broadly to stages in the Bank's project cycle. These are advice, cofinancing, design, implementation and monitoring /evaluation.

10. This breakdown shows that while project implementation remains the most common form of collaboration, accounting for 43 percent of collaboration in FY93, its overall share has decreased over the years, down from 56 percent in FY92 and 67 percent from FY73 to FY91. Over the same time period, instances of NGOs providing advice (in both a formal and informal capacity) has been on the increase, rising from 13 percent in FY73-FY91 to 15 percent in FY92 and 21 percent in FY93. NGO involvement in project monitoring and evaluation has also steadily increased from only 5 percent in FY73-FY91 to 13 percent in FY92 and finally to a high of 24 percent in FY93.

E. THE GLOBAL ENVIRONMENT FACILITY (GEF)

11. Fiscal year 1993 marked the second full year of activity for the GEE Community groups and NGOs play a large role in helping design, implement and monitor GEF projects. NGOs and local community groups provide information and advice to help ensure that GEF projects and programs are based on the needs and concerns of local populations.

12. NGOs and NGO networks are also playing an expanded role in various national, regional and global forums on GEF issues. Consultations with NGOs have preceded each of the semiannual meetings of participating governments. In December 1992, more than 85 NGOs participated in the third GEF-NGO consultation in Côte d'Ivoire (including 55 from developing countries). With support from IUCN-Washington, a GEF-NGO consultation was held in Beijing in May 1993. Fifty-four representatives from NGOs in industrialized and developing countries participated in the meeting. Various initiatives have been launched to ensure that NGOs play a significant role in defining the agenda for these consultations.

13. To further strengthen NGO collaboration, the Bank commissioned in 1993 the development of a set of guidelines for produc-

ing local participation plans to enhance the involvement of communities and NGOs in the design and implementation of GEF projects. These guidelines will be field tested in fiscal year 1994 under the supervision of the Bank's Social Policy and Resettlement Division.

E SUMMARY DESCRIPTIONS OF A SAMPLE OF FY93 PROJECTS WITH NGO INVOLVEMENT

14. A list of projects approved in FY93 with provisions for NGO involvement is included in Annex 1. Paragraphs 15-31 provide a summary description of five projects from different regions where NGO involvement is noteworthy.

India - Uttar Pradesh Sodic Lands Reclamation Project

15. The purpose of this project is to reclaim approximately 45,000 ha of sodic (highly alkaline) lands, working with farmers to introduce rice and wheat cropping, the cultivation of salt tolerant horticultural crops and tree cultivation for fuel and fodder. The project emphasizes participatory management and identifies the active participation of beneficiary groups as a key element. The "top-down" approach which resulted in low levels of farmer participation was identified as a key weakness of past reclamation programs in the state.

16. In order to facilitate and sustain the participation of farmer groups, two local NGOs with experience in land reclamation were identified: Sarvodya Ashram (a grassroots NGO) and the Society for the Promotion of Wasteland Development (an intermediary NGO). They have been contracted to: (i) organize awareness campaigns prior to the commencement of reclamation activities; (ii) undertake training programs for contact farmers (male and female) in reclamation technology and problems of crop production; (iii) facilitate the formation of water sharing groups and (iv) organize training

programs for local project staff including components on effective communication techniques, group dynamics and the socio-economic background of project beneficiaries.

17. NGOs played a particularly important role in the design phase of this project to ensure that gender issues were addressed in an effective way and that provisions were made for rural women's full involvement. During project preparation, the Centre for Social Research in New Delhi conducted an assessment of the potential for women's involvement in the project villages, while MYRADA, another local NGO, was commissioned to carry out a study on the role of participatory systems and institutions in fostering gender equity. The Self-Employed Women's Association (SEWA), a respected women's NGO, undertook a study on women's informal credit groups and provided support in the formation and training of such groups.

Papua New Guinea (PNG) - Population and Family Planning Project

18. The principal objectives of this project are to create the capacity to bring the rate of population growth into balance with the country's potential for socio-economic development and to improve the health of mothers and children through greater use of family planning. NGOs, particularly church-related organizations, enjoy strong and extensive community ties in PNG. Recognizing the important developmental role of the NGO sector, the project was designed with provisions to both support and engage local NGOs.

19. The project includes training, technical assistance and financial support for NGOs in order to build the long-term capacity necessary to maintain a comprehensive population program. The main project activities which NGOs are expected to undertake include awareness-building, advocacy and some provision of services. One important area of NGO involvement will be the training of male and female family planning communicators at the community level.

20. While considerable discussion with NGOs interested in becoming involved in the project has already taken place and funds have already been allocated for suitable proposals, a certain amount of funds have been set aside to support future submissions from NGOs. A Consultant for NGO Activities has been hired to: assist NGOs in identifying and implementing activities; train NGO staff in project management, accounting and report preparation; and monitor and evaluate NGO initiatives. The consultant will work with the NGO Division of the Department of Religion, Home Affairs and Youth, which will continue to accept NGO proposals, passing them on to a Project Steering Committee for approval.

Guatemala - Social Investment Fund (SIF) Project

This project aims to alleviate poverty in Guatemala by creating a decentralized mechanism to finance social assistance, social and economic infrastructure, and productive sector projects proposed by local groups. The project targets marginalized rural communities which have benefitted the least from the country's economic growth, with special emphasis on indigenous communities and women's groups.

22. Since the mid-1980s, the number and scope of activity of NGOs in Guatemala has steadily increased. There are currently more than 200 development NGOs operating in the country. Given their proven ability to work closely with municipal and village development committees, cooperatives and other community-level associations, NGOs are expected to be the main contractors for a significant number of the SIF's social assistance and social infrastructure projects. Both individually and through ASINDES (an umbrella organization) NGOs have expressed a strong interest in participating in the SIF.

23. NGOs which submit proposals to the SIF for funding will be evaluated on the basis of their objectives and policies, operating experience and track record, management and staff qualifications and accounting and auditing

systems. NGOs approved for participation in the SIF must agree to be supervised and audited. When necessary, the SIF will provide technical assistance to NGOs to help them comply to the operating procedures established for the Fund.

24. Local NGOs have also participated in the design phase of the SIF and are represented on its Board of Directors.

Republic of Tunisia - Second Forestry Development Project

25. To address growing demand for wood products, while also responding to environmental pressures, this project aims to promote the sustainable development and management of Tunisian forests based on the active participation of local forest dwelling populations. Project components include forestry development and research, wood exploitation and value enhancement, national reserves and institutional development.

26. Forest dwellers represent a poor and marginalized segment of Tunisian society. Due to relatively high population density levels, pressure on forest resources as a result of grazing activities, agricultural expansion and fuel wood consumption is increasing. Past projects have shown that in order to address such problems, it is essential that local communities of forest users participate fully in the definition and implementation of forestry management programs.

27. Due to their comparative advantage in reaching local communities, NGOs have been asked to play a major role at various stages throughout the project cycle. While consultation with NGOs during the design phase has taken place informally, NGOs will be formally contracted to carry out responsibilities during the implementation phase. A first important task entrusted to NGOs will be to promote community-level organizational capacity by facilitating the formation of voluntary forest-user associations (Associations Forestières

d'Intérêt Collectif). NGOs will also be involved in training and awareness-building activities, with particular attention to those project components which target women's groups. Provisions have been made for on-going dialogue throughout the project cycle on how local populations, NGOs and government can best work together to exploit forestry resources in a sustainable manner.

The Republic of Congo - Wildlands Protection and Management Project

28. The overall objective of this GEF project is to protect a significant amount of the Congo's biological diversity through the systematic coordination of conservation activities at the national level, and the careful management of selected reserves at the local level. Provisions for collaboration with NGOs at the international, national and grassroots level were included in the design of this project.

29- Four reputed international NGOs - the World Conservation Union (IUCN), Wildlife Conservation International (WCI), TECSVLT and the Howletts and Port Lympne Foundation participate in project management and provide technical assistance. Several other international organizations, including the World Wildlife Fund, the Amca Wildlife Fund, the World Resource Institute and the Peace Corps, are involved in complementary projects in the same area.

30- Given that the NGO movement in the Congo is relatively new and under-developed, the project includes provisions to help national NGOs build their capacity to implement conservation-related activities. This support includes:

- i) developing the capacity of local NGOs to execute conservation-related activities through direct on-the-job training with the international NGOs associated with the project;
- ii) providing conservation-oriented local NGOs access through the Project Manage-

ment Unit to consultancies and the necessary facilities and equipment to develop conservation programs; and

- iii) promoting local NGOs through seminars, workshops, conferences and short-term training.

31. At the local level, the daily management of project activities is the responsibility of individual reserve authorities. To assist in the management of reserves a review board made up of the management team, local community representatives and other interested parties (including local NGOs) are established for each reserve. In the Konkouati reserve, a local NGO called HELP (Habitat Écologique et Liberté des Primates) is an active member of the reserve's review board.

III. Efforts to promote closer bank-NGO collaboration

A. THE WORLD BANK NGO UNIT

32. The NGO Unit, located in the Operations Policy Department comprises three H/L staff, two long-term consultants and three support staff. Initially the Unit primarily serviced the Bank-NGO Committee but its role has broadened to give support and guidance to staff throughout the Bank aimed at improving and strengthening their relations with NGOs. Its major functions are:

- i) Encouraging and facilitating operational collaboration, in particular upstream involvement of NGOs in project design and consultation with stakeholders.
- ii) Leading and coordinating the Bank-wide learning process and other activities relating to participatory development.
- iii) Making Bank-NGO policy dialogue con-

structive for all parties, including advising on appropriate consultations on draft policy papers, advising CDs on response to "problem project" criticisms, and servicing the Bank-NGO Committee.

- iv) Carrying out NGO-related studies on topics such as NGO-State relations, NGO contributions to social funds, NGO contributions to Bank operations etc.
- v) Providing information to Bank staff and others about NGOs (particularly from the data bases on NGOs and consultants), and to NGOs about the Bank, acting as a first point of call.

33. In FY93, the NGO Unit organized a two-day training seminar for Bank staff where participants were given the opportunity to: examine case-studies of Bank-NGO collaboration at both the operational and policy level; exchange ideas on opportunities for closer collaboration, and; determine "best practice" for purposes of replication.

B. THE NGO-WORLD BANK COMMITTEE

34. Formed in 1982, the NGO-World Bank Committee provides a formal, international forum for policy discussions between senior Bank managers and 26 NGO leaders from around the world. (A list of current NGO-World Bank Committee members is included in Annex 2). The Committee has served to improve the quality of dialogue as well as the operational relationship between the Bank and the NGO community. Committee meetings in Washington in October 1992 and in Managua in May 1993 focused on issues of structural adjustment and popular participation.

35. During its annual meeting in Washington DC in October 1993, the Committee examined three country-level studies of structural adjustment programs commissioned by the NGO members of the Committee. The studies, which assessed the social and economic

impact of structural adjustment in Mexico, Senegal and Sri Lanka, provided the basis for interaction between Bank staff, NGO representatives and, in the case of Sri Lanka, government officials. Country department and resident mission representatives agreed to pursue issues raised in the studies with interested NGOs in Senegal and Sri Lanka. Provisions were also made to disseminate the findings locally.

36. Committee discussions about popular participation have increased Bank understanding of the importance of relating to local groups most affected by the Bank's projects. They have also helped to re-define concepts of popular participation, emphasizing its fundamental importance for sustainable development. The Committee has generated initiatives to create a common perception of popular participation within the Bank and NGO communities.

37. In FY93, the Committee surveyed past and current members concerning the overall effectiveness, strengths and weaknesses of the Committee. The future priorities and focus of the group will be discussed at the next Committee meeting in Spring 1994.

C. BANK-NGO POLICY DIALOGUE

38. Policy dialogue with NGOs has now become an established feature of Bank work. Most major new policies and lending initiatives of interest to NGOs are subjects of NGO consultations, nationally or internationally. Bank-NGO policy dialogue currently concentrates on three broad areas:

- i) Economic Policy: Notably structural adjustment programs; the social and environmental impact of these programs; country specific adjustment case studies; the debt crisis; and the Uruguay Round.
- ii) Environmentally sustainable development: Addressing the strengthening of policies on forestry, energy and water resource man-

agement; national accounting systems; environmental assessments; National Environment Action Plans; the Bank's contribution to UNCED and "Agenda 21"; and the Global Environment Fund.

- iii) Social policy: Addressing poverty reduction strategies; popular participation; indigenous peoples; gender and development; social assessments to compliment environmental assessments; and health strategies. (An international meeting including NGOs and health specialists was held to discuss the 1993 World Development Report on Health.)

39- Early in 1992 a group of advocacy NGOs launched a drive to oppose the IDA 10 replenishment. A number of Southern NGOs, however concluded that opposing IDA replenishment was not the correct target and urged support for the full replenishment. The NGO Unit of the Bank organized a meeting in September 1992 between IDA Deputies and a group of Southern NGOs, where the Southern NGOs supported the thrust of their Northern colleagues' reform agenda but firmly disassociated themselves from the anti-replenishment movement. Subsequently other Southern NGOs and major development NGOs in the US and Europe voiced support for a full replenishment, while noting the importance of specific reforms.

40. NGOs have also identified a number of specific Bank operations on which they seek policy dialogue. For example, meetings with NGOs were held to discuss the Laos Forestry Project and the Bangladesh Flood Action Program.

41. The most significant trend in NGO lobbying over the last year has been the focus on internal Bank issues. This is particularly true of Northern lobbying groups. NGOs typically have called for:

- i) A more open information policy which

- would ensure routine public disclosure of Bank documents.
- ii) An independent inspection unit to investigate complaints from parties affected by Bank operations.
 - iii) Public hearings and consultations with communities affected by proposed Bank-financed operations, especially on environmental assessments.
 - iv) Greater attention to issues of popular participation.
 - v) The introduction of human rights' policy.

42. While a number of issues remain to be resolved, two recent developments within the Bank respond to NGOs' expressed concerns. First, the Bank has introduced a new disclosure policy which makes available to the public a large number of previously restricted Bank documents. Second, the Bank has announced the creation of an Independent Inspection Panel which will review complaints from parties affected by Bank projects and, where necessary, conduct an investigation to ensure that Bank policies and procedures have been complied with. As noted below, participation issues are also receiving attention in the Bank.

43. Finally, NGOs have started to prepare activities and publications to mark the 50th Anniversary of the Bretton Woods institutions in 1994. Plans to discuss the future role and vision of the Bank with NGOs and other development actors are already underway.

D. PARTICIPATORY DEVELOPMENT IN THE BANK

44. A Bank-wide effort has been underway since 1991 to study and promote participatory approaches in Bank work. This "learning process" has been supported by the Swedish International Development Authority and

guided by a Bank-wide Participatory Development Learning Group. The learning process has yielded several important products and there have been a few encouraging developments in participatory approaches throughout the Bank:

- i) Select Bank-supported operations, including ESW and lending, that are considered participatory are being documented as "best practice". About 35 cases are being analyzed, 15 in-depth.
- ii) Other studies are being produced on particular aspects of Bank or country experience in promoting participation. One examines how the Bank's procurement and disbursement procedures facilitate or hinder efforts to support community participation. Another study is underway to try to determine the costs and time implications of supporting participatory approaches in Bank-financed operations.
- iii) A handbook for staff on participatory approaches to development is being prepared under the leadership of ENVSP.
- iv) A workshop in May 1993 assessed training objectives and explored strategies for increasing staff awareness and improving skills on participatory approaches.
- v) Complementing its continuing work on poverty assessments, the Bank has started to develop and employ participatory techniques to listen to poor people's own views on their condition and on poverty reduction strategies. Guidelines on participatory poverty assessments have been prepared and some 10 participatory poverty assessments are expected to be undertaken in FY94.
- vi) In July 1993, a participation fund (PARTIF) was established in the amount of US\$300,000 to support innovative activities in both lending operations and ESW. Because of a matching requirement, the fund allowed staff to lay claim to up to US\$600,000 in FY94. Over 20 proposals

from 25 different units were approved representing a wide range of countries and sectors. The fund was fully committed in less than four months.

45. A comprehensive discussion of participatory development in the Bank is outlined in *Governance: The World Bank Experience* (November 30, 1993).

E. THE SMALL GRANTS PROGRAM

46. Established in 1983, the Small Grants Program was designed to support activities that promote dialogue and dissemination of information on development issues of interest to the World Bank. The program is administered by the External Affairs Department and managed by a Bank-wide Small Grants Committee.

47. The activities which most often receive support include: conferences and seminars, special publications and other information dissemination efforts which small organizations generally find difficult to fund through their regular program budgets. The grants thus support the exchange of experience and information among a variety of audiences, including NGOs, academia, government, business and the media.

48. In FY93 the Small Grants Program provided grants totalling \$500,000 to 44 different institutions. These organizations had headquarters in 29 countries and conducted activities in 34 countries. Thirty-seven (84 percent) of the grants awarded directly supported institutions or activities in borrowing countries. The average grants size was \$11,400. The projects which were supported addressed a broad range of development issues including: economic development, environment, childhood development, women—in-development, popular participation, agriculture, education, labour, water and sanitation, and population. Four grants focused on indigenous people and represented an important part of the Bank's

overall contribution to the U.N. International Year of the World's Indigenous People.

E THE ECONOMIC DEVELOPMENT INSTITUTE (EDI) AND NGOS

49. In FY93, the Economic Development Institute (EDI) continued to expand its work with NGOs, seeking to enhance their capacity and effectiveness as local agents of poverty reduction. The programs developed by EDI aim to strengthen the institutional capacity of local NGOs, involve NGOs in grassroots training and promote cooperation between NGOs and government.

50. In Latin America the EDI has sponsored institution-building programs aimed at strengthening the abilities of local institutions to improve living conditions in low-income settlements. During FY93, assistance was provided to FICONG, a regional institution responsible for training and strengthening NGOs that work on urban poverty issues. Ongoing institutional development programs dealing with issues of strategic planning, entrepreneurship and poverty reduction in Africa have been organized by the EDI, in collaboration with local NGOs and with the financial support of donors including Japan, Sweden and the Netherlands. EDI also sponsors a number of grassroots training programs, several of which specifically target local women's groups. In Senegal, the Women's Management Training and Outreach Program (WMTOP) offers hands-on skills training to the members of grassroots associations of women entrepreneurs. A similar program called WEMTOP (Women Entrepreneurs Management Training and Outreach Program) is operated through an NGO in India. In FY93, the EDI invited NGOs to a number of national and regional training events in areas such as health, resettlement and water resources. At these events participants discussed how both governments and NGOs can make the best use of their respective comparative advantages to improve development programs.

Summary & conclusions

OPERATIONAL COLLABORATION

1. Patterns and trends in Bank-NGO operational collaboration indicate that the involvement of NGOs has become an important feature of Bank-financed projects. Seventy-three (30 percent) of the 245 projects approved in FY93 include some form of collaboration with NGOs.

2. A regional analysis of NGO collaboration found little change from recent years. As has been the trend, almost half of all NGO-associated projects were in Africa. There was a change in the sectoral distribution of NGO collaboration in FY93. For the first time, the largest number of NGO-associated projects (22 percent) were in the population, health and nutrition sector. Nineteen percent of NGO-associated projects were in agriculture/rural development, down from 32 percent in FY92.

3. The figures from FY93 also show a trend towards increased collaboration with local NGOs and growing diversity in the form of NGO collaboration.

EFFORTS TO PROMOTE CLOSER BANK-NGO COLLABORATION

4. In addition to servicing the NGO-World Bank Committee, and facilitating an ongoing policy dialogue with NGOs on a broad range of issues, the NGO Unit continues to provide support to staff throughout the Bank in order to promote and strengthen relations with NGOs. Other efforts to promote closer Bank-NGO collaboration include the on-going work of the Participatory Development Learning Group, which has served to enhance the Bank's understanding of the importance of collaborating with local groups, and the Small Grants

Programme, which provides direct funding to NGOs and others for purposes of information exchange. In FY93, the Economic Development Institute (EDI) continued to expand its work with NGOs, seeking to enhance their institutional capacity and effectiveness.

CONCLUSION

5. While growth in the number of NGO-associated projects is encouraging, broadening the quality and scope of NGO involvement in Bank-financed projects remains a priority. NGO collaboration is still frequently limited to the implementation/service delivery stage. Greater NGO involvement in project design is an important objective of Bank work over the next few years. While NGOs have participated in 533 Bank-financed projects since 1973, there is a need to work with governments of borrowing countries to engage NGOs in a more meaningful way throughout the project cycle and in policy development. There is also a need for qualitative studies of the effectiveness of Bank-NGO collaboration (from the point of view of poor communities, NGOs, governments and the Bank).

6. The Bank will face three important challenges in its relations with NGOs in the coming year. The first of these will be to work with governments of borrowing countries at improving the quality and scope of operational collaboration with NGOs. A second challenge in the coming year will concern the role of the NGO-World Bank Committee. FY94 will be a significant year in determining the future priorities of this long-standing forum of Bank-NGO dialogue and reassessing its areas of comparative advantage. Finally, NGO work on the 50th Anniversary of the Bank presents an important opportunity to dialogue with NGOs about Bank policies and operations, and to improve and strengthen Bank-NGO relations.

Widespread calls for reform of IMF, World Bank

As the International Monetary Fund (IMF) and the World Bank celebrate their 50th anniversary, they are facing a growing chorus for radical changes to their structures and mandates. With often very different perspectives, but with some common conclusions on downgrading the role and power of the two Bretton Woods institutions, bodies ranging from Western parliaments (NGOs) have issued strong critiques of Bank/Fund operations, many of them fuelled by concern. The Bank and Fund have responded with a strong defence of their operations. In a 19 July report, *Learning From The Past, Embracing The Future*, World Bank President Lewis Preston set out a new vision of the Bank's future role. Listing five major challenges - pursuing economic reforms, investment in human resources, protecting the environment, stimulating the private sector and reorienting government - Mr. Preston presented six principles which would guide Bank operations, including limiting Bank interventions to where they can have maximum impact; and more effective partnerships with governments and local groups.

The IMF's Managing Director Michel Camdessus has also vigorously defended the role of his institution, arguing in a series of speeches that the Fund had more responsibilities as the world becomes more economically complex, not less.

Much of recent critique of the two institutions has centred on the need to reduce their role, and for greater democracy in their operations. The 50 Years is Enough Campaign, a coalition of 100 US NGOs and numerous

national campaign equally focused on reforms to the Bretton Woods institutions and a replacement of their structural adjustment programmes (SAPs) with policies directly geared to the needs of the poor.

The Campaign says the capital base of the Fund and Bank should be cut in order to reduce "the power they wield over borrower nations." The IMF should stop making adjustment loans and return to aiding countries with short-term balance of payments problems.

The 50 Years Is Enough Campaign says the Bank should relinquish management of both the soft-loan International Development Association (IDA) and the Global Environment Facility (GEF). It says, IDA should continue as a concessional lender, but with

accountability and full disclosure to local citizens as key operations principles. The GEF, the Campaign says, should be "legally and financially removed from the Bank" and incorporate input from NGOs and affected communities in its projects.

UK NGO, Oxfam, in a response to the Bank's *Embracing The Future*, has called for more accountability in the Bretton Woods system and for a more active UN input into the formulation of adjustment policies. In particular, it argues that the policy-making role of the IMF in developing countries should be ended and the resources of its soft-loan window, the enhanced structural adjustment facility, transferred to a "more appropriate body." Canadian and US NGOs have put pressure on their legislatures to freeze or cut funding for the two institutions unless reforms are undertaken and greater disclosure of information is implemented.

In Southern Africa, the South-South-North Network of NGOs has argued that "the active (or reluctant) collaboration of IMF/World Bank client governments in Africa cannot be used to override the needs of, and active opposition by, people on the ground" to SAPs. A report by the UK's Christian Aid and the Worldwide Fund for Nature, *Facing The Next Fifty Years*, says multilateral institutions should "completely rewrite their economic prescriptions for the developing world," and SAPs must be imposed in northern industrial nations to remove economic obstacles like unfair trade and debt.

The Bretton Woods Commission states in a July 1994 report that the IMF and World Bank have "served the world well in the past." Composed of high-level experts in international finance and development the Commission says the IMF should return to its original focus on international monetary and macro-economic adjustment issues.

While seeing a central role for the Bank in improving the efficiency of global development aid, the Bank should be primarily geared to speeding "the transformation from state to market", particularly by strengthening the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA). It also said that as their per capita incomes rise, the more successful middle-income countries should share the burden of funding IDA. For now, it warned, "maintaining support for IDA will require strong political leadership in the major industrial countries."

AFRICA RECOVERY, April-September 1994

La politique européenne de concurrence et les entreprises de l'économie sociale

par François Coursin*

L'histoire de la plupart des pays européens a conduit au développement d'un tissu de formes variées d'entreprises, de groupements et d'initiatives collectives.

Cette diversité répond à la richesse de l'éventail des activités humaines et des motivations qui les inspirent. Elle représente un élément positif pour la capacité de l'Europe à répondre de manière efficace et adaptée aux enjeux auxquels elle est confrontée.

Aux côtés des sociétés classiques, les coopératives, mutuelles et associations ont acquis aujourd'hui une dimension d'ampleur incontestable: leur rôle dans le développement économique local, national et international, dans la prise en charge des priorités nationales en matière de politique d'emploi, de participation des travailleurs à la vie de l'entreprise, ainsi que leur implication et leur impact dans les politiques de cohésion sociale, d'intégration et d'exercice de la citoyenneté, ne sont plus à démontrer.

En conséquence, elles ont et auront de plus en plus un rôle important à jouer dans la société, dès lors que celle-ci est fondée sur la liberté et la responsabilité. Cela tient en particulier à leur enracinement dans le tissu social, que favorisent leur structure de société de personnes, leur objet non lucratif au service de l'intérêt collectif et les caractéristiques de leur gestion désintéressée.

Le risque de la banalisation:

Cependant, cette diversité des formes d'entreprendre est, depuis au moins une vingtaine d'années, progressivement mise en cause. Les dispositions d'encouragement aux entreprises et de lutte contre les distorsions de concurrence négligent souvent les spécificités qui traduisent la légitimité des organisations de l'économie sociale - coopératives, mutuelles et associations - en adoptant des mesures conduisant à leur banalisation, dans une conception uniformisée de l'entreprise.

C'est aller à rencontre, non seulement des réalités économiques et sociales, mais de

l'intérêt même des pays, en prenant le risque de stériliser nombre de capacités d'initiatives.

Afin d'assurer la parité de l'ensemble des acteurs économiques, il ne s'agit pas de les ramener à un modèle unique en les soumettant à une hiérarchie des statuts d'entreprises, mais de mettre en oeuvre une conception du cadre institutionnel, juridique et fiscal préservant l'originalité de chaque opérateur.

En visant cet objectif, l'analyse ci-après examine comment s'organise la politique de libre concurrence en Europe et comment elle s'applique aux composants de l'économie sociale.

Le cadre de l'étude

Plus que pour tout autre acteur économique, la confrontation des mutuelles, coopératives et associations à la politique communautaire de la concurrence mérite de traiter un champ élargi, allant au delà des seules dispositions qui dans le traité de Rome sont expressément consacrées aux "règles de concurrence":

En effet, toutes les dispositions qui, au sens large, régissent l'accès des personnes, physiques ou morales, au marché intérieur, doivent être passées en revue: Sans accès au dit marché, il n'y a pas de concurrence possible, et donc pas de règles de concurrence à appliquer. Or, on le sait, la prise de conscience que l'ouverture du marché intérieur, afin de lever les discriminations, devait concerner également les coopératives, mutuelles et associations est chose relativement nouvelle. D'où plusieurs handicaps: Son opportunité est parfois encore contestée; tant à l'intérieur des familles que dans leur environnement. Elle n'a peut-être pas toujours été préparée avec autant de soin pour les entreprises de l'économie sociale que pour les formes de sociétés purement "marchandes", en ce qui concerne les dispositions législatives qui visent à achever le marché intérieur.

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Communication faite par l'auteur au Séminaire organisé par le CEDAG des 13 et 14 septembre 1994 à Bruxelles.

Par ailleurs, chacun reconnaît la dualité des acteurs de l'économie sociale: acteurs économiques certes, méritant à ce titre un accès plein et non discriminatoire aux libertés du grand marché, mais aussi acteurs politiques et sociaux, porteurs de valeurs de solidarité, centrés sur les hommes plutôt que sur le capital, et souvent véhicules, explicitement ou non, de messages idéologiques, moraux, religieux, philosophiques... etc. L'Europe communautaire, qui est en passe de se transformer en une Union Européenne, Economique et Monétaire certes, mais aussi Politique, se doit de respecter cette dualité. Car les coopératives, mutuelles et associations disposent sans conteste du registre le plus complet pour pouvoir postuler aux premiers rôles dans la future Union Européenne, de l'économie à la culture, de la santé à l'environnement, de l'aide aux défavorisés à l'éducation; elles constituent un ferment irremplaçable pour l'éclosion de la citoyenneté européenne appelée par le traité de Maastricht. Il serait donc paradoxal qu'elles ne se voient pas accorder un traitement adapté à leur apport à la construction européenne.

Coopératives, mutuelles et associations: des acteurs à part entière du grand marché

1. Article 60: "Au sens du présent traité, sont considérées comme services les prestations fournies normalement contre rémunération, dans la mesure où elles ne sont pas régies par les dispositions relatives à la libre circulation des marchandises, des capitaux et des personnes. Les services comprennent notamment: a) des activités de caractère industriel, b) des activités de caractère commercial, c) des activités artisanales, d) les activités des professions libérales."

Les règles de concurrence s'appliquent aux acteurs dont l'accès au marché intérieur est reconnu, et qui, en contrepartie, bénéficient des libertés qui y sont rattachées. Est-ce le cas de l'économie sociale?

Il ne serait évidemment point besoin d'entamer une réflexion sur l'application des règles de concurrence aux acteurs de l'économie sociale, si l'on ne se convainquait pas qu'ils ont, en tant qu'acteurs économiques à part entière, un accès plein et non discriminatoire aux libertés fondamentales du marché intérieur. Quelques principes sont à examiner:

1°) *L'affectation du commerce intra-communautaire:*

Le critère commun à toutes les règles de concurrence est l'affectation du commerce intra-communautaire, du fonctionnement du marché intérieur ou d'une partie substantielle de ce dernier. Si les associations, coopératives et mutuelles étaient confinées à leur espace national par les dispositions mêmes des traités, elles ne seraient pas concernées par des règles régissant des comportements à une autre échelle.

Mais tel n'est pas le cas: la libre circulation des marchandises achetées ou produites par des mutuelles, coopératives et associations va de soi, car le traité (articles 9 à 37) ne se préoccupe pas de la nature de ceux qui se livrent à leur commerce. L'accès à la liberté de circulation des capitaux (articles 67 et s.) obéit à la même logique.

Les deux autres libertés, libre prestation de services et liberté d'établissement, posaient quelques difficultés d'interprétation, en particulier pour les associations, que l'on peut considérer comme résolues aujourd'hui.

2°) *La définition élargie de la notion de service:*

L'article 60 du traité de Rome fournit une définition des services, ouverts à la libre prestation¹. Le caractère de liste d'exemples exemplatoire mais non limitatif des activités qu'il cite, comme terrain de prestations de services, laisse le champ libre à l'inclusion de toute une gamme de prestations propres à l'économie sociale: éducatives, sanitaires, culturelles, sociales...

Encore faut-il que ces prestations satisfassent au critère majeur posé par l'article 60: qu'elles soient fournies contre rémunération. Or, chacun sait que le consommateur final d'une prestation, associative par exemple, peut n'être pas solvable, et ne pas payer lui-même, ou pas totalement, le service qui lui est rendu. Tel est d'ailleurs une des spécificités de l'offre

2. Aff. C-41/90.
 3. La constatation d'une position dominante sur un marché donné a toujours comme étape préalable la définition précise du marché en question. De même, en ce qui concerne les ententes, celles qui n'affectent que 5% du marché d'un produit ou d'un service sont réputées anodines: encore faut-il bien préciser quel est le marché (voir infra).
 4. La liberté d'établissement comporte l'accès aux activités non salariées et leur exercice, ainsi que la constitution et la gestion d'entreprises, et notamment de sociétés au sens de l'article 58 alinéa 2, dans les conditions définies par la législation du pays d'établissement pour ses propres ressortissants..."
 5. La politique de concurrence des Communautés Européennes et les entreprises publiques et d'économie sociale, CD. Ehler-
 6. COM.91/273 et COM.93/252.
 7. L'article 100A prévoit que "le Conseil, statuant à la majorité qualifiée sur proposition de la Commission en coopération avec le Parlement Européen et après consultation du Comité Economique et Social, arrête les mesures relatives au rapprochement des dispositions législatives, réglementaires et administratives des Etats membres qui ont pour objet l'établissement et le fonctionnement du marché intérieur."

de service associative. Mais chacun s'accorde à penser que la rémunération peut être indirecte, un ou des tiers (la puissance publique et/ou un mécène privé - entreprise, fondation, particuliers -, y contribuant, par leurs subventions et/ou dons. Plus généralement, la logique économique postule que la pérennité de l'action ateste à elle seule qu'il y a bien eu rémunération, ne serait-ce que pour couvrir les coûts des moyens, matériels ou humains, mis en oeuvre.

La jurisprudence de la Cour de Justice des Communautés (ci-après CJCE) complète l'analyse: dans son arrêt du 23.04.91 "Höfner et Elsner"¹², concernant l'office fédéral allemand de l'emploi, la CJCE indique qu'une prestation gratuite pour son consommateur final, n'en est pas moins un service au sens de l'article 60, pour peu qu'il soit également presté, concurrentiellement, à titre onéreux, par des sociétés commerciales. Cette jurisprudence élargit donc encore la notion de service, mais élude un point qui pourrait avoir des conséquences importantes, dans l'application des règles de concurrence, concernant la définition du marché³: elle implique que le service gratuit (ou de faible prix) est sur le même marché que le service payant (au sens où il a un prix commercial). Est-ce conforme à la réalité, même à prestations équivalentes? N'y a-t-il pas encore des cloisonnements économiques et sociaux qui font que le consommateur d'une prestation de tourisme social n'est pas le même que le client d'un hôtel "normal"? Y a-t-il une interchangeabilité des clientèles telle que l'on puisse parler d'un seul et même marché?

3°) Pas d'accès au marché intérieur sans liberté d'établissement:

La liberté d'établissement est définie par l'article 52-2 du traité de Rome⁴.

L'article 58-2 a longtemps constitué un obstacle théorique à la pleine reconnaissance de la liberté d'établissement des associations, dans la mesure où il définit comme sociétés "les sociétés de droit civil ou commercial, y compris les sociétés coopératives, et les autres personnes

morales relevant du droit public ou privé, à l'exception des sociétés qui ne poursuivent pas de but lucratif."

La Commission avait un temps envisagé de se livrer à une communication interprétative de cet article, afin de limiter la portée de l'exclusion qu'il édictait. Ce problème est aujourd'hui dépassé: Le Directeur Général de la Concurrence à la Commission, C.D. Ehlermann⁵, montre que le débat s'est évanoui par le simple fait que la Commission a proposé les trois règlements⁶ sur la Société Coopérative Européenne, la Société Mutuelle Européenne et l'Association Européenne: Ces propositions - leur base juridique, l'article 100A⁷, l'atteste - sont explicitement faites pour aider ces formes juridiques à accéder au marché intérieur. Ce dernier ne se conçoit pas sans liberté d'établissement. Et Monsieur Ehlermann de conclure: "La Commission confirme ainsi que les entreprises de l'économie sociale, bien qu'elles ne poursuivent pas un but lucratif, sont à considérer comme des sociétés au sens de l'article 58 du traité CEE relatif à la liberté d'établissement lorsque, pour réaliser leur but, elles poursuivent une activité économique exercée contre rémunération, à titre principal ou accessoire, et que cette activité a un caractère de permanence. Ces entreprises bénéficient aussi, en vertu de l'article 66 du traité CEE, de la liberté de prestation de services sur tout le territoire communautaire."

4°) Mettre la Politique communautaire de l'économie sociale au diapason du marché intérieur:

Prouver l'Inaccessibilité théorique du marché intérieur aux mutuelles, associations et coopératives est une chose. Concrétiser cet accès dans les faits et les politiques communautaires en est une autre:

Les propositions de statuts européens, précitées, sont un premier pas important, pour une mise à égalité des formes juridiques de l'économie sociale avec les autres sociétés. On peut néanmoins leur reprocher un travers caracté-

S. SEC 89/2187 P-11.
9. "1. Sont incompatibles avec le marché commun et interdits tous accords entre entreprises, toutes décisions d'associations d'entreprises et toutes pratiques concertées, qui sont susceptibles d'affecter le commerce entre Etats membres et qui ont pour objet ou pour effet d'empêcher, de restreindre ou de fausser le jeu de la concurrence à l'intérieur du marché commun, et notamment ceux qui consistent à: a) fixer de façon directe ou indirecte les prix d'achat ou de vente ou d'autres conditions de transaction; b) limiter ou contrôler la production, les débouchés, le développement technique ou les investissements; c) répartir les marchés ou les zones d'approvisionnement; d) appliquer, à l'égard de partenaires commerciaux, des conditions inégales à des prestations équivalentes en leur infligeant de ce fait un désavantage dans la concurrence; e) subordonner la conclusion de contrats à l'acceptation, par les partenaires, de prestations supplémentaires qui, par leur nature ou selon les usages commerciaux, n'ont pas de lien avec l'objet de ces contrats.

2. Les accords ou décisions interdits en vertu du présent article sont nuls de plein droit."

10. "3- Toutefois, les dispositions du par. 1 peuvent être déclarées inapplicables: - à tout accord ou catégorie d'accords entre entreprises, - à toute décision ou catégorie de décisions d'associations d'entreprises et - à toute pratique concertée ou catégorie de pratiques concertées qui contribuent à améliorer la production ou la distribution des produits ou à promouvoir le progrès technique ou économique, tout en réservant aux utilisateurs une partie

téristique: leurs emprunts abusifs aux dispositions régissant les sociétés commerciales, et en particulier la proposition concernant la société européenne. Mettre à égalité de chances ne signifie pas imposer à tous le même modèle, mais au contraire respecter, voire promouvoir, les spécificités de chacun.

Concernant les mutuelles, le manque de prise en compte de leurs spécificités dans le cadre de la libéralisation des services d'assurances est manifeste: L'intégration des mutuelles dans le champ des directives "assurances" a entraîné, lors de leur transposition en droit français, une refonte du code de la mutualité qui constitue une telle banalisation du secteur qu'elle a conduit les mutuelles à demander leur sortie des textes "assurances", et l'adoption de directives propres aux mutuelles.

Le programme de travail de la Commission pour l'économie sociale contient un certain nombre d'initiatives de nature à promouvoir les activités transnationales des mutuelles, coopératives et associations: soutien à des projets pilotes, amélioration et approfondissement de la connaissance statistique du secteur, actions de formation et d'information... Encore y faut-il une dotation financière substantielle. Or, la ligne budgétaire allouée est pour le moins en quasi stagnation: 1.200.000 ECUS en 1991, 820.000 en 1992, 840.000 en 1993.

La Commission affirmait, en 1989, dans sa communication sur les entreprises de l'économie sociale: "S'il s'avère que la participation réelle et non discriminatoire au marché intérieur des entreprises de l'économie sociale se heurte à des obstacles contraires au droit communautaire, que ces obstacles résultent de la législation d'un Etat-membre (pays d'origine ou d'accueil) ou qu'ils résultent de dispositions statutaires, anticoncurrentielles ou discriminatoires propres à une entreprise de l'économie sociale..., il appartiendra à la Commission ... de s'assurer de la levée des obstacles ainsi identifiés". La Commission a-t-elle entamé la mise en oeuvre de cette résolution? Un travail systématique sur chaque proposition législative communautaire, qu'elle concerne la fiscalité, les ser-

vices, la politique sociale... visant à en évaluer l'impact sur les acteurs de l'économie sociale, à l'instar de la fiche d'impact en vigueur pour les PME, pourrait au moins prévenir toute discrimination au niveau européen.

Les "règles de concurrence" du traité s'appliquent aux acteurs de l'économie sociale

Ce que l'on entend ici par "règles de concurrence" sont les dispositions des articles 85 à 94 du traité de Rome.

1°) Les règles applicables aux entreprises:

a) L'article 85 par. 1 et 2 interdit les accords et ententes anticoncurrentiels entre entreprises⁹. L'article 85 par. 3 permet toutefois d'exempter certains accords de l'interdiction, si malgré leur effet anticoncurrentiel, ils contribuent à améliorer la situation économique du secteur qu'ils couvrent¹⁰.

D'un point de vue procédural, les entreprises qui passent un accord susceptible d'avoir les effets condamnés par l'article 85-1 et 2, doivent le notifier à la Commission. Celle-ci soit interdica l'accord, soit lui délivrera une attestation négative, pour caractère non anticoncurrentiel, soit l'exemptera, au nom de l'article 85-3.

Pour ne pas être débordée par une montagne de notifications, la Commission a utilisé deux techniques:

- les exemptions catégorielles, qui permettent d'autoriser, en vertu de l'article 85-3, des accords standards mis en oeuvre dans divers secteurs (ex: distribution, transports...);
- l'adage de minimis: les accords ne sont pas réputés anticoncurrentiels s'ils concernent des entreprises dont les chiffres d'affaires rassemblés ne dépassent pas 200 millions d'ECUS, et affectant une part de marché, pour le pro-

équitable du profit qui en résulte, et sans a) imposer aux entreprises intéressées des restrictions qui ne sont pas indispensables pour atteindre ces objectifs, b) donner à des entreprises la possibilité, pour une partie substantielle des produits en cause, d'éliminer la concurrence."¹¹ "Est incompatible avec le marché commun et interdit, dans la mesure où le commerce entre Etats membres est susceptible d'en être affecté, le fait pour une ou plusieurs entreprises d'exploiter de façon abusive une position dominante sur le marché commun ou dans une partie substantielle de celui-ci. Ces pratiques abusives peuvent notamment consister à: a) imposer de façon directe ou indirecte des prix d'achat ou de vente ou d'autres conditions de transaction non équitables b) limiter la production, les débouchés ou le développement technique au préjudice des consommateurs c) appliquer à l'égard de partenaires commerciaux des conditions inégales à des prestations équivalentes, en leur infligeant de ce fait un désavantage dans la concurrence, d) subordonner la conclusion de contrats à l'acceptation, par les partenaires, de prestations supplémentaires, qui, par leur nature ou selon les usages commerciaux, n'ont pas de lien avec l'objet de ces contrats."¹² JOCE L.395/89 p.1 13. Aff. T-61/89. 14. Aff. jointes 209/215 et 218/78. 15. Aff. C159 et C-160/91, "Poucet c/AGF" et "Pistre c/CANCAVA". 16. Aff. C.61/80.

duit ou service objet de l'accord, ou pour tout produit ou service jugé équivalent, au vu de ses caractéristiques, prix et utilisation, inférieure ou égale à 5%, sur la zone géographique couverte.

b) L'article 86 interdit les abus de positions dominantes".

c) Les concentrations d'entreprises sont aussi réglementées:

Le règlement 4064/89¹² instaure un régime de notification et d'autorisation préalables pour toute opération de concentration entre entreprises, ayant une dimension communautaire, c'est-à-dire, impliquant des entreprises dont l'ensemble du chiffre d'affaires mondial est supérieur à 5 milliards d'ECUS, et dont le chiffre d'affaires communautaire, pour au moins deux d'entre elles, dépasse 250 millions d'ECUS. Les opérations de concentration générant ou renforçant une position dominante dans le marché commun ou une partie substantielle de ce dernier doivent être interdites.

d) La première difficulté qui a du être résolue pour savoir si les dispositions ci-dessus décrites concernent les coopératives, mutuelles et associations, a été de savoir si ces dernières sont bien des entreprises au sens donné à ce terme par le traité. La réponse, donnée par la jurisprudence de la CJCE et son Tribunal de Première Instance (ci-après TPI), est positive, sans ambiguïté. Particulièrement exemplaire à ce titre, l'arrêt de la CJCE "Höfner et Elser" précité, édicté que "dans le contexte du droit de la concurrence, la notion d'entreprise comprend toute entité exerçant une activité économique, indépendamment du statut juridique de cette entité et de son mode de financement." Le TPI complète cette réflexion, dans un arrêt du 02.07.92, condamnant les coopératives danoises de fourreurs¹³: "En juger autrement permettrait à tout Etat membre de privilégier un type déterminé d'entreprise dans son organisation économique, aux seules fins de se soustraire aux règles communautaires de la concurrence applicables aux entreprises. Il en résulterait une rupture d'égalité entre opérateurs économiques, incompatible avec les fondements mêmes de l'ordre juri-

dique communautaire." Concernant plus particulièrement les associations sans but lucratif, l'arrêt CJCE du 29.10.80 "Febetab"¹⁴ indique que l'article 85-1 s'applique à elles, dès lors que leur activité propre ou celle de leurs adhérents tend à produire les effets que cette disposition vise à réprimer. S'il n'y a pas encore de jurisprudence relative aux mutuelles, tout laisse à penser qu'elle irait dans le même sens que les arrêts précités.

(Cette unanimité doit cependant être nuancée: dans son arrêt Poucet de février 1993¹⁵, la CJCE a estimé que n'exerce pas une activité économique et ne sont donc pas des entreprises au sens des articles 85 et s, du traité "les organismes concourant à la gestion du service public de la sécurité sociale, lesquels remplissent une fonction de caractère exclusivement social et exercent une activité fondée sur le principe de la solidarité nationale dépourvue de tout but lucratif." Même si l'idée d'exclure le service public de sécurité sociale des règles des articles 85 et 86 doit être défendue, on peut s'étonner que la CJCE l'ait sur une distinction apparemment absolue dans son esprit, entre activité économique et activité purement sociale. Espérons que ce cloisonnement posé par la CJCE soit un cas d'espèce qui ne sera pas étendu à d'autres activités).

e) Reste maintenant à examiner, ou à imaginer, comment et dans quels cas les dispositions communautaires sur la concurrence ont été appliquées, ou pourraient l'être, aux acteurs de l'économie sociale.

i. Les coopératives:

C'est sans doute le secteur coopératif qui a fait l'objet de la jurisprudence à la fois la plus abondante et la plus significative: L'essentiel du débat consiste à savoir s'il y a, ou peut y avoir, contradiction entre les principes du droit coopératif et ceux du droit européen de la concurrence: Le premier arrêt significatif qui a permis cette confrontation, dit de la "présure", date du 15.03.1981¹⁶. Une coopérative imposait à ses membres, au nom du principe de la fidélité coopérative, une obligation d'achat exclusif auprès d'elle, de la présure dont ils avaient besoin pour produire leurs fromages.

Pour la CJCE, même si le droit coopératif n'est pas, par principe, incompatible avec le droit de la concurrence, il n'en reste pas moins que, en l'espèce, les obligations d'achat exclusif contenues dans les statuts de la coopérative étaient, "compte tenu du contexte économique dans lequel elles s'inscrivent, de nature à consolider des cloisonnements de caractère national, entravant ainsi l'interprétation économique voulue par le traité." Cette approche pragmatique, refusant toute condamnation a priori des principes coopératifs, mais les examinant à la lumière des effets réels qu'ils produisent dans leur environnement économique, a été quelque peu contredite dans l'arrêt du TPI, précité, sur les coopératives danoises de fourreurs.

Dans cette autre affaire d'approvisionnement exclusif, le TPI semble avoir estimé qu'il existe, a priori, un risque spécifique qu'une entreprise coopérative, de par son mode d'organisation et de fonctionnement, puisse fausser le jeu de la concurrence: En effet, s'il confirme dans un premier temps la jurisprudence de la CJCE de 1981, affirmant que "l'organisation d'une entreprise sous la forme juridique spécifique d'une société coopérative ne constitue pas par elle-même un comportement restrictif de concurrence", et poursuivant que, toutefois; "un tel mode d'organisation peut, compte tenu du contexte dans lequel opère la coopérative, constituer néanmoins un moyen apte à influencer sur le comportement commercial des entreprises membres de la coopérative, de manière à restreindre ou à fausser le jeu de la concurrence sur le marché où ces entreprises déploient leurs activités commerciales", le TPI était ce constat sur des arguments discutables, et en tire une conclusion nous semble-t-il redoutable et erronée:

Les arguments sont au nombre de deux:

- le fait "qu'au nom des principes coopératifs, cette société échappe, dans une proportion variable selon les Etats membres, à l'application des règles de droit national imposées aux autres formes d'organisation sociétaire".
- le principe de la "fidélité coopérative", qui serait susceptible "d'exercer une influence tout à la fois sur l'activité économique de la

coopérative et sur le libre jeu de la concurrence entre ses membres et vis-à-vis des tiers";

Le TPI en dit trop ou trop peu: Primo, quelles sont ces règles de droit national auxquelles les coopératives échappent, qui en feraient des acteurs économiques privilégiés? Le TPI affirme, mais ne prouve pas. Secundo, par quel biais la "fidélité coopérative" peut-elle jouer négativement sur la concurrence? Cette fidélité est-elle finalement si spécifique? En effet, la question est pertinente, de savoir si tout projet, toute activité, rassemblant des acteurs, sous quelque forme juridique que ce soit - association, coopérative, mais aussi société de capitaux - n'implique pas un minimum de solidarité de comportement entre ces acteurs, restreint forcément la concurrence entre eux, et influe sur leur attitude respective vis-à-vis des tiers? La "fidélité capitalistique" n'est-elle pas, à bien des égards, plus contraignante que la "fidélité coopérative"? Jusqu'à l'adoption du règlement 4064/89 sur le contrôle des concentrations, les autorités communautaires ne se sont pourtant sans doute jamais souciées de savoir si les actionnaires d'une société anonyme respectaient, entre eux, les règles de la concurrence; elles trouvaient sans doute également tout naturel que le fait qu'ils concourent ensemble au développement de la même entreprise influe sur leur comportement respectif vis-à-vis des tiers!

On a vu la Commission et la CJCE plus réalistes, dans plusieurs affaires¹⁷, où elles ont estimé ne pas devoir condamner des ententes entre entreprises qui, même si elles éliminaient ou restreignaient, de par leur nature même, la concurrence entre leurs membres, la renforçaient à l'échelon macro-économique, seul réellement pertinent, en créant une entité suffisamment puissante pour rivaliser avec les entreprises tierces.

Faute de cette réflexion, le TPI tire une conclusion discutable: il qualifie la coopérative "d'association d'entreprises... ayant vocation à regrouper non seulement des personnes physiques, mais également des sociétés par actions, des sociétés en nom collectif ou toutes autres formes de sociétés qui, par nature, exercent,

37. Par exemple: affaire des
chaufourniers, décision
69/152, JOCE L.122/69
p.8.

elles aussi, une activité économique." Cela expose toute nouvelle coopérative à notifier sa création et tout acte important de son existence à la Commission, puisque toutes les "décisions d'associations d'entreprises" sont susceptibles d'être interdites par l'article 85-1 du traité de Rome.

ii. Les associations:

Nombreuses sont les associations qui ont été condamnées au titre des règles communautaires de la concurrence, en particulier pour ententes interdites: il s'est agi dans la plupart des cas d'associations professionnelles, d'entreprises, de cartels... rassemblant des entreprises qui, elles, poursuivent des buts éminemment commerciaux, et qui prennent la forme juridique d'association sans but lucratif pour mieux mener leur démarche anticoncurrentielle¹⁸. D'une certaine façon, dans ces cas, la constitution en association non lucrative est une des preuves de l'entente ou de l'abus de position dominante condamnés. Ce paradoxe apparent, mais de bon sens, prouve bien que le droit de la concurrence est peu formel, mais se concentre sur le fond et la nature des activités qu'il examine.

Il permet d'emblée d'éliminer, comme hors du champ des préoccupations du droit européen de la concurrence, toute une série d'ententes entre associations qui n'ont aucune visée ni implication économiques: jamais un accord entre deux associations militant pour la défense de l'environnement ou la paix dans le monde, portant sur une plate-forme commune de positions et d'actions, ne tombera sous le coup de l'article 85-1. Jamais une association, même rassemblant 90% de la population de la Communauté, oeuvrant pour les droits de l'homme, ne sera accusée, pour ce seul fait, de position dominante.

Les vrais problèmes sont ailleurs: ils portent essentiellement d'une part sur la double nature des associations, prestataires de services mais aussi porteuses de valeurs et d'idées, et d'autre part sur la double nature de la plupart

desdits services, certes ressortissant au champ économique, mais relevant aussi d'une logique de solidarité, d'intérêt général, et souvent en relation avec les autorités publiques, sur base d'un partenariat, plus ou moins formalisé.

* *La double nature des associations:* L'exemple suivant est emprunté à Perri Six¹⁹: une association, qui milite pour une religion donnée, gère une école privée. Elle en réserve l'accès aux élèves des familles partageant ses convictions. Avec d'autres écoles du même genre, elle risse un réseau suffisamment puissant pour être en position dominante sur une partie substantielle du marché commun. Le refus d'accueillir des élèves d'autre confession constituera-t-il alors un abus de position dominante, pour avoir "limité la production", ce que condamne l'article 86 a)?

De façon plus générale, de nombreuses associations prestent, pour des raisons variées, divers services à leurs membres à un tarif plus avantageux qu'aux tiers, ou se livrent à d'autres distinctions quant à la nature de leurs clients (entreprises, particuliers, étudiants, autres associations)²⁰. Dans le même registre, l'association peut lier prestation avantageuse et adhésion. Y a-t-il, là aussi, abus de position dominante, pour discrimination dans les conditions de vente, ou vente forcée d'une prestation supplémentaire sans lien avec l'objet du service offert?

Le problème n'est pas aisé à trancher car, la plupart du temps, l'association motivera son comportement non pas d'un point de vue économique, mais avant tout politique: au nom de la liberté associative, elle doit pouvoir servir qui elle souhaite, comme elle doit pouvoir se donner les moyens de recruter des adhérents et faire progresser et exprimer ses idées. Reste qu'assurément une frontière doit être posée: où finit le prosélytisme et où commence le respect des règles du jeu économique? Jusqu'où va la liberté de s'associer, quand cette liberté a des implications sur l'organisation économique et commerciale d'une Communauté?

* *La double nature des services des associations:* Ces services sont-ils uniquement des services au sens de l'article 60 du traité de Rome? Ils en

18. Voir par exemple l'arrêt **Febetab** précité.
19. Perri Six, European Competition law and the non profit sector. Voir en particulier p. 234.

20. La législation fiscale européenne les encourage même à agir ainsi puisque la 6^e directive TVA exonère de cet impôt les prestations des associations à leurs membres!

vérifient assurément le critère principal, à savoir la rémunération (voir supra).

Mais, lorsqu'elle a lieu, l'intervention d'une tierce personne, dans cette rémunération, surtout lorsqu'il s'agit de la puissance publique, n'entraîne-t-elle pas une requalification de la prestation, comme "service d'intérêt économique général" en vertu de l'article 90-2 du traité²¹?

Une association reconnue d'utilité publique en France est-elle une entreprise chargée d'un service d'intérêt économique général au sens de l'article 90-2? Dans la mesure où le traité ne précise pas ce qu'il entend par service d'intérêt économique général, cela peut se défendre. L'intérêt économique, si l'on se rapporte à la jurisprudence de la CJCE, peut être entendu très largement. L'adjonction de l'adjectif "général" ne peut que concourir à l'extensibilité de la notion.

Quoi qu'il en soit, quelles seraient, pour une association, les conséquences, du point de vue de la concurrence, d'être qualifiée d'entreprise chargée de la gestion d'un service d'intérêt économique général? Sans doute assez faibles: le principe posé par l'article 90-2 reste la soumission aux règles de concurrence. Il n'y est dérogé qu'exceptionnellement, s'il y a échec à l'accomplissement du service. Un garde fou est en outre installé: la non application des règles ne doit pas affecter le développement des échanges dans une mesure contraire à l'intérêt de la Communauté. De surcroît, il y a fort à parier que la Commission et, en aval, la CJCE ou le TPI, estimeraient qu'un cadre juridique pro-concurrentiel favoriseraient l'efficacité des services d'intérêt économique général en question, et que son absence, au contraire, les scléroseraient et empêcheraient leur bonne exécution.

iii. Les mutuelles:

Comme dans le cas des associations, certains services offerts par les mutuelles sont à la limite du service purement privé et du service d'intérêt général, voire public: il s'agit des pres-

tations qu'elles assurent dans le cadre des régimes complémentaires de sécurité sociale, en sus des prestations légales minimales. Ces prestations ne pourraient-elles pas elles aussi être qualifiées de services d'intérêt économique général au sens de l'article 90-2? La proposition de directive concernant la liberté de gestion et de placement des fonds collectés par les institutions de retraite²², qui traite exclusivement des "régimes complémentaires liés à un emploi ou à une profession mais seulement dans le cas où ils ne sont pas gérés par des organismes d'assurance"²³, assimile ces régimes à des services qui doivent s'ouvrir au marché intérieur, puisque tel est l'objet même de cette proposition. Est-ce à dire que les régimes complémentaires généralisés, exclus du champ d'application, ne sont pas, pour la Commission, des services ordinaires, mais d'intérêt économique général? La proposition de la Commission ne va certes pas expressément jusque là, mais son exposé des motifs affirme néanmoins: "Il faut ... prendre en compte la nécessité de s'assurer que toute nouvelle proposition ne mette pas en cause les régime obligatoires de retraite complémentaire qui fonctionnent en répartition sur une base de solidarité sociale." La "solidarité sociale" n'est-elle pas une composante d'un "intérêt économique général" bien compris? La question mérite d'être posée, (même si la CJCE, dans son arrêt *Poucet précité*, se livre, comme déjà mentionné, à une distinction radicale²⁴ entre activité économique et activité purement sociale).

2°) Les règles applicables aux Etats membres : les aides publiques :

a) Le traité de Rome ne sanctionne pas que les comportements anticoncurrentiels des entreprises. Il sanctionne aussi ceux des Etats membres qui sont tentés, soit de restreindre l'accès à leur marché aux entreprises des autres Etats membres, par le biais de diverses mesures visant à rendre les importations plus difficiles, soit de mettre leurs propres entreprises en position de force, via des aides, financières ou autres:

Le paragraphe 1 de l'article 92 du traité condamne ces aides, le paragraphe 2 ménageant

21. "Les entreprises chargées de la gestion d'un service d'intérêt économique général ou présentant le caractère d'un monopole fiscal sont soumises aux règles du présent traité notamment aux règles de concurrence, dans les limites où l'application de ces règles ne fait pas échec à l'accomplissement en droit ou en fait de la mission particulière qui leur a été impartie. Le développement des échanges ne doit pas être affecté dans une mesure contraire à l'intérêt de la Communauté."

22. COM.91/301 et COM.93/257.

23. La mutualité française face aux directives européennes "assurances" et "pensions", note FNMF, 1991, p. 5.

24. avec le résultat lui-même très radical d'exclure totalement les organismes visés de l'application des articles 85 et s., sans les conditions posées par l'article 90-2.

25. "1. Sauf dérogations prévues par le présent traité, sont incompatibles avec le marché commun, dans la mesure où elles affectent les échanges entre Etats membres, les aides accordées par les Etats ou au moyen de ressources d'Etat sous quelque forme que ce soit, qui faussent ou menacent de fausser la concurrence en favorisant certaines entreprises ou certaines productions.

2. Sont compatibles avec le marché commun :

a) les aides à caractère social octroyées aux consommateurs individuels, à condition qu'elles soient accordées sans discrimination liée à l'origine des produits, b) les aides destinées à remédier aux dommages causés par les calamités naturelles ou par d'autres événements extraordinaires, c) les aides octroyées à l'économie de certaines régions de la république fédérale d'Allemagne affectées par la division de l'Allemagne, dans la mesure où elles sont nécessaires pour compenser les désavantages économiques causés par cette division.

3. Peuvent être considérées comme compatibles avec le marché commun :

a) les aides destinées à favoriser le développement économique de régions dans lesquelles le niveau de vie est anormalement bas ou dans lesquelles sévit un grave sous-emploi, b) les aides destinées à promouvoir la réalisation d'un projet important d'intérêt européen commun, ou à remédier à une perturbation grave de l'économie d'un Etat membre, c) les aides destinées à faciliter le développement de certaines activités ou de certaines régions économiques, quant elles n'aient pas les conditions des échanges dans une mesure contraire à l'intérêt commun. (...).

toutefois des dérogations de droit, et le paragraphe 3 des dérogations discrétionnaires et conditionnelles²⁵.

D'un point de vue procédural, les aides doivent être notifiées à la Commission, qui, après enquête, les autorise, telles quelles sous réserve de modifications, ou les interdit.

Là aussi, la règle de minimis vient tempérer le flux des notifications : les régimes d'aides qui limitent à 50.000 ECUS l'aide dont une entreprise peut bénéficier, pour chaque grande catégorie de dépenses (comme l'investissement ou la formation) sur une période de trois ans, sont considérés a priori comme bénins et échappent à tout examen. Par ailleurs, la Commission a édité des "guidelines", posant les critères minimaux à respecter pour qu'une aide soit compatible avec le marché commun: il ne doit pas s'agir d'une aide de fonctionnement; elle doit être dégressive et temporaire; son intensité doit être adaptée à la situation économique ou sociale à corriger ou améliorer... etc.

Une vérification attentive des décisions de la Commission ou de la jurisprudence de la CJCE (qui peut éventuellement annuler ou confirmer lesdites décisions), permettrait sans doute de constater que nombre d'aides publiques ayant bénéficié, parmi d'autres récipiendaires, à des mutuelles, des associations ou des coopératives ont déjà été validées ou interdites. Il suffit de songer aux multiples programmes nationaux de développement économique, de développement régional, de reconversion, d'aides à la création d'emploi, d'aide aux PME... etc, bénéficiant indifféremment à routes les formes sociétales, pour s'en convaincre. Ces cas ne posent a priori aucun problème particulier.

b) Poseraient ou posent problème des aides spécifiques aux entreprises de l'économie sociale, telles qu'une fiscalité avantageuse ou supposée telle, une aide à la constitution... etc. Quelques cas ont déjà été traités par la Commission: Le XXI^e rapport de la Commission (1991) sur la politique de concurrence²⁶ exprimait une certaine sollicitude à l'égard des aides aux entreprises de l'économie sociale: "Divers régimes d'aides

espagnols ayant pour but le développement d'entités de l'économie sociale ont été approuvés en 1991 par la Commission. En favorisant les investissements, la formation et l'assistance technique aux coopératives et sociétés anonymes de travail (sociétés dont la majorité du capital social est détenu par les travailleurs), ces régimes s'alignent sur les objectifs de la Commission en la matière, ainsi qu'elle l'a exprimé dans sa communication sur les entreprises de l'économie sociale. D'autre part, ce type d'actions favorise prioritairement les projets comportant la création d'emploi (de jeunes et de chômeurs de longue durée) et bénéficie de ce fait, d'une approche particulièrement favorable de la part de la Commission."

Sans épuiser le sujet, la Commission a donc d'ores et déjà pose un certain nombre de jalons pour évaluer la compatibilité des aides spécifiques à l'économie sociale avec le marché commun²⁷:

- peuvent être compatibles les aides à l'investissement, à la formation, ou d'assistance technique (sans pour autant que des types d'aides non citées soient exclues);
- la conformité avec les objectifs de la politique communautaire de promotion de l'économie sociale est un second critère;
- la création d'emploi sera également regardée comme positive.

Cependant, le XXII^e rapport pour 1992²⁸ ne traite pas d'un chapitre spécifique à l'économie sociale: n'y a-t-il eu aucun cas digne d'être mentionné? Les lignes directrices esquissées dans le rapport précédent restent-elles valables? Est-ce le calme annonciateur de la tempête?

c) De fait, des cas épineux commencent à se présenter: L'exemption de la taxe d'assurances de 9% pour les mutuelles et institutions de prévoyance françaises a fait l'objet d'une plainte déposée auprès de la Commission par la Fédération Française d'Assurance, par les compagnies classiques, pour faire disparaître ce qu'elle considère comme un privilège injustifié.

Or, on a vu le TPI, dans l'affaire des fourreurs précitée, lancer une première banderille contre

les "privilèges" (ou réputés tels) statutaires ou légaux octroyés aux coopératives dans les Etats membres. C'était sans trop de conséquence, car n'affectant pas le fond de l'affaire. Ici, au contraire, il s'agit bien d'une disposition légale, réputée créer un privilège dans le chef des mutuelles, qui est attaquée.

d) Les financements publics aux associations posent des problèmes particuliers: On a évoqué supra la parc du financement public dans la rémunération des services associatifs. Quelle est la nature de ce financement au regard de l'article 92?

Perri Six, dans son article précité, envisage trois qualifications possibles:

i. Le financement public est une aide au sens de l'article 92-1 du traité: l'interdiction de principe sera dans bien des cas tempérée soit par application de la règle de minimis, soit par les exemptions des paragraphes 2 et 3- Mais si cette qualification peut permettre effectivement de valider, au plan pratique, une majorité de financements publics aux associations (ce que seules la pratique et la jurisprudence permettront de confirmer), elle reste peu compatible avec la notion de rémunération, indispensable si l'on veut faire entrer les prestations associatives dans la définition communautaire des services. En outre, l'obligation de notifier tout régime d'aide publique aux associations dépassant les seuils de minimis risque d'entraîner des lourdeurs et retards administratifs préjudiciables tant aux associations qu'à leurs "usagers". Un dernier point, pour renforcer les avantages de la qualification d'aide: il y aurait peut-être lieu de plaider pour la mise en oeuvre de l'alinéa d) de l'article 92-3 (autres catégories d'aides), qui permettrait de définir de façon adéquate quelles subventions, à quelles associations, seraient exemptables de l'interdiction.

ii. Le financement public est l'aboutissement d'une contractualisation entre l'association et la puissance publique. Elle est véritablement constitutive de la rémunération de la prestation associative, dans le cadre de la relation triangulaire association - "client" - puissance publique:

cette dernière compense l'insolvabilité totale ou partielle du "client". Il y a parfaite adéquation avec les exigences de la définition du service par l'article 60 du traité. Mais surgit une difficulté: la contractualisation avec la puissance publique signifie marché public, et application des directives communautaires sur la passation de ces derniers, dont la directive 92/50, sur les marchés publics de services, précitée: les associations seront mises en concurrence par les autorités publiques. On entre dans un fonctionnement de sélection des projets et des acteurs les plus performants. Au moins à moyen terme, cette approche risque de créer plus de problèmes qu'elle ne permet d'en résoudre. Elle a peut-être l'avantage, à long terme, d'assainir durablement des relations entre pouvoirs publics et associations qui sont parfois supposées entachées de clientélisme et d'arrière-pensées politiques.

iii. La subvention assimile l'association à une entreprise publique, titulaire de droits exclusifs ou spéciaux, au sens de l'article 90-1 du traité, ou, mieux, à une "entreprise chargée de la gestion de services d'intérêt économique général" au sens de l'article 90-2 précité. On revient sur le terrain déjà exploré ci-dessus.

Pour conclure

Les auteurs du traité de Rome, rédigeant les dispositions sur la concurrence, n'avaient sans doute pas imaginé leur application aux entreprises de l'économie sociale. Manifestement, elles ne sont pas entièrement adaptées à leur spécificité. Il conviendrait de retoucher la côte. Faute de quoi, les pétitions de principe des autorités communautaires en faveur de l'intégration de l'économie sociale dans le grand marché prendront vite l'allure de la politique de la réserve d'indiens: on tolère, à côté du modèle de référence, du pur sang, en l'occurrence l'activité économique capitalistique et purement commerciale, des espèces pittoresques, marginales, dont on vante les mérites - la solidarité, l'importance de l'humain - comme on évoque le "bon vieux temps".

d) les autres catégories d'aides déterminées par décision du Conseil statuant à la majorité qualifiée sur proposition de la Commission."

26. XXI^e rapport de la Commission sur la politique de la concurrence, Office des Publications des Communautés Européennes, p. 194/195.

27. Sans préjudice des "guidelines" précités, valables pour tous les régimes d'aides, qui assurément s'appliquent aux aides à l'économie sociale.

28. COM 93/162 du 06.05.93.

Oui, il y a plusieurs formes possibles d'organisation de l'activité économique.

Oui, chacune de ces formes répond à des motivations, à des critères d'efficacité propres, à des traditions, tout aussi respectables les uns que les autres.

Non, la Communauté n'a pas à privilégier telle ou telle forme d'organisation: il n'est que de rappeler l'article 222 du traité pour s'en

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C.N.C.M: Droit coopératif et droit européen de la concurrence (06.05.93).

convaincre: "Le présent traité ne préjuge en rien le régime de la propriété dans les Etats membres"²⁹.

Non, il ne s'agit pas seulement d'accorder une place pour les entreprises de l'économie sociale dans le marché intérieur: il convient de repenser ce marché, d'y intégrer, en sus de la liberté des échanges, cette cohésion économique et sociale, non comme pansement, mais comme élément fondamental de son intégrité.

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Faivre Henri (Fédération Nationale de la Mutualité Française): La mutualité française face aux directives européennes "assurances" et "pensions", 18.02.1991.

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²⁹. En l'absence de toute autre indication, cet article **inclut** la propriété des moyens de production: publique, privée, et à l'intérieur de la sphère privée, capitaliste ou autre.

L'impact de la construction communautaire sur les relations entre les pouvoirs publics et les associations gestionnaires d'établissements et services sociaux dans les différents Etats membres

par Nicole Alix*

Le rôle que jouent les associations dans la gestion d'établissements et services sociaux dépend, dans les Etats membres de la Communauté européenne, des fondements des systèmes de protection sociale et de la place du tiers secteur (encore appelé secteur non-lucratif ou secteur volontaire ou secteur associatif, selon les pays). Leur mode de coopération avec les collectivités publiques, ainsi que le financement de leurs activités sont définis en conséquence.

Le nouveau Traité de l'Union européenne élargit les compétences communautaires aux activités sanitaires et sociales, sur lesquelles, par ailleurs, le droit communautaire influe depuis plusieurs années.

Ces effets s'exercent dans un ensemble d'économies de marché fondé sur la concurrence, où des tendances lourdes sont à l'oeuvre: crise de l'Etat providence, de la protection sociale, dépression économique (plus ou moins prononcée), montée du chômage et des exclusions, explosion démographique du 3ème et du 4ème âge... Par ailleurs, l'adaptation à ce nouvel environnement conduit à rechercher d'une part de nouveaux modes d'implication sociale des citoyens et, d'autre part, le développement de projets à l'échelle humaine.

Pour assurer des réponses adaptées à certains besoins sociaux des personnes, les rencontres semblent donc se multiplier entre les associations et les autorités publiques, que l'initiative revienne aux unes ou aux autres (I). Les modalités d'une telle coopération semble toutefois souffrir à l'échelon communautaire d'un manque de prise en considération de certaines spécificités associatives (II), qui inspirent quelques suggestions (III).

Les associations de solidarité sociale dans l'Europe communautaire et leur coopération avec les pouvoirs publics.

En annexe du Traité de Maastricht, les représentants des gouvernements des Etats membres ont arrêté en commun le texte de déclaration (n° 23) suivant:

"La conférence souligne l'importance que revêt, dans la poursuite des objectifs de l'article 117 du Traité instituant la Communauté européenne, une coopération entre celle-ci et les associations de solidarité et les fondations en tant qu'institutions responsables d'établissements et services sociaux".

1 - La place de ces associations est importante:

- En France, elles sont 90.000 à fournir 60% des services d'action sociale et 11% des prestations d'hospitalisation et emploient environ 300.000 salariés dans le secteur social.
- Au Royaume-Uni, 166.000 charities emploient environ 250.000 salariés dans le secteur social.
- En Espagne, une "plate-forme volontaire" regroupe 20 organisations qui salarient 50.000 personnes.
- Dans la Belgique flamande, 66% des hôpitaux sont gérés par des organismes privés et 39% des établissements pour personnes âgées sont des associations.
- En Belgique, les associations gèrent autant de maisons de retraite que le secteur lucratif.
- En RFA, les associations de bien-être social salarient environ 750.000 personnes et gèrent les 2/3 des établissements d'aide à l'enfance et 1/3 des hôpitaux.

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* Les IPSS portugaises assurent 80% de l'action sociale et emploient 30.000 travailleurs.

Les chiffres cités ci-dessus sont malheureusement incomplets et non officiels (source UNIOSS, d'après les rapports nationaux établis pour un séminaire interassociatif "Charitable associations within the EC, 3 - 4 avril 1992, Bruxelles). Par ailleurs, ils ne traduisent pas l'importance du bénévolat mobilisé.

2 - *Le statut de ces associations et leurs modes de coopération avec leurs autorités nationales et les systèmes de protection sociale diffèrent:*

Les différences viennent du niveau de garantie, par l'Etat, des droits sociaux des citoyens et de la place accordée à l'initiative privée volontaire par rapport aux services publics ou marchands. Par exemple:

- en France, l'Etat organise et régle le système de protection sociale; il en contrôle les agents d'exécution, qu'ils soient publics ou privés. Les associations jouent (ou ont joué dans l'histoire) un rôle de pionniers en matière d'assistance, de solidarité, de protection sociale. Encore aujourd'hui, elles conservent souvent ce rôle (relayé par l'Etat, voire par le marché); elles ont aussi un rôle de gestionnaire. Les différentes idéologies en présence fondent l'action des associations tantôt sur des missions de service public ou sur des compléments des services de l'Etat, tantôt sur la primauté du système libéral ou encore sur la spécificité des initiatives privées volontaires;

- * en Allemagne, l'Etat doit pourvoir aux besoins sociaux fondamentaux des citoyens grâce au dispositif d'assurance sociale obligatoire et à la réglementation applicable aux services. La gestion même des services sociaux, toutefois, n'est pas assurée par les autorités publiques, mais par des organisations associatives qui, au nom du principe de subsidiarité, ont une priorité en la matière (bien que limitée par la planification et le financement qui restent du domaine public);

- le Royaume-Uni des années 1990 est caracté-

risé par une économie mixte de prestations sociales, l'Etat se retirant depuis 20 ans de la gestion de services sociaux pour ne garder qu'un rôle de financeur en promouvant un marché concurrentiel de l'aide sociale et en favorisant les services sociaux plutôt que les prestations légales. La décentralisation a par ailleurs donné un rôle primordial aux collectivités locales. Les associations ont un rôle essentiel fondé sur une tradition séculaire de bénévolat, mais semblent craindre de plus en plus d'être assimilées à des prestataires de services comme d'autres;

- au Danemark, la Sécurité sociale est un droit fondamental du citoyen; les services et prestations sont donc en théorie organisés et distribués par les pouvoirs publics, qui ont d'ailleurs repris en gestion certains anciens équipements associatifs. En pratique, le système tend à un mixage entre institutions publiques et privées;

- * au Portugal, si l'Etat a la responsabilité du système de Sécurité sociale, on reconnaît à la société civile le droit de s'organiser pour l'exercice de l'action sociale, au nom de sa capacité à optimiser les ressources humaines et financières disponibles et à fournir des réponses sociales plus adaptées, parce que plus humaines et personnalisées. Des accords de coopération et des accords de gestion formalisés par la loi lient l'Etat et les associations de solidarité sociale.

3 - *Leurs spécificités demeurent constantes:*

A leur acquis, les associations de solidarité sociale responsables d'établissements et services sociaux peuvent citer:

- leur double rôle de défenseurs des droits de leurs bénéficiaires ou membres et de gestionnaires d'institutions d'établissements et services sociaux;

- leur capacité à lutter contre les carences en matière de satisfaction des besoins de protection sociale et de lutte contre les exclusions;

- leur rôle de pionnier mettant en oeuvre de nouvelles formes de réponses, les plus adaptées possibles, aux besoins et aspirations des "oubliés";
- leur action d'animation sociale et de détecteur d'énergie au sein de la société civile;
- leur appui au processus de démocratisation;
- leur participation au développement des réponses sociales de proximité;
- leur capacité à mobiliser des forces sociales et à impliquer la société civile dans l'organisation de réponses à la demande sociale;
- leur capacité à mixer des ressources d'ordre différent (privées, publiques, marchandes, non marchandes, dons de temps et d'argent, ventes de services, subventions publiques);
- leur gestion non lucrative et désintéressée; leur contrôle par la puissance publique, au plan de la sécurité et de la gestion.

Leur mode de coopération avec leurs autorités nationales et les systèmes de protection sociale tiennent compte de ces spécificités, grâce à des agréments et contrats qui ont souvent des bases légales. La question se pose de savoir en quoi la construction communautaire modifie l'équilibre de ces situations nationales.

L'impact de la construction communautaire

1 -Le droit communautaire existant concerne les activités des associations sanitaires et sociales:

a) La question se pose de savoir si la *personne morale appelée association* entre dans le champ d'application du *Traité de Rome de 1957* instituant la Communauté économique et de l'Acte Unique. L'article 58-2 du Traité de Rome relatif au droit d'établissement exclut explicitement de son champ d'application les "sociétés qui ne poursuivent pas de but lucratif.

Certaines en déduisent que les associa-

tions en tant que personnes juridiques ne sont pas visées par le Traité.

D'autres font valoir que le Traité appelle société pratiquement toute personne morale, tout groupement, ce qui n'exclut pas les associations. Par ailleurs, en se référant à deux conventions européennes (convention de La Haye du 1er juin 1956 relative à la reconnaissance des sociétés, associations et fondations étrangères; convention de Bruxelles du 29 février 1968 sur la reconnaissance mutuelle des sociétés et personnes morales), on relève que le but lucratif dans les textes européens, n'exige pas qu'il y ait recherche et répartition de bénéfices. Une activité économique exercée normalement contre rémunération, principale ou accessoire, de droit ou de fait, est suffisante (B. Goldman, "Droit commercial européen", précis Dalloz, 634).

La contrepartie d'une telle reconnaissance, pour les associations assurant la gestion de services sociaux, serait l'assujettissement aux différents règlements et directives visant les sociétés, au moins pour ce qui est de leur activité et sous réserve de dispositions spécifiques qui seraient le cas échéant prises pour les associations.

La Cour de Justice européenne a d'ailleurs montré que, dès lors qu'il s'agit de défendre les règles du marché (et donc de la concurrence), elle a tendance à traiter de la même façon tous les groupements de quelque nature juridique qu'il soit (par exemple, s'agissant de la fusion de deux associations, elle a étendu au cas d'espèce une disposition de la 3^e Directive européenne sur les sociétés du 9/10/78 - arrêt CJCE du 23/4/86). Par ailleurs, certaines lois nationales ont adapté aux associations des règles européennes du jeu économique (par exemple, en France les règles comptables découlant des directives européennes 78/660 du 25 juillet 1978 concernant l'agrément des personnes chargées du contrôle légal des documents comptables).

b) En vertu de l'article 60 du Traité CEE, par ailleurs, sont considérées comme services au sens du Traité, les prestations fournies normalement contre rémunération, dans la mesure où

elles ne sont pas régies par les dispositions relatives à la libre circulation des marchandises, des capitaux et des personnes. Le deuxième alinéa, sous d/, du même article 60 indique expressément que les activités des professions libérales entrent dans la notion de services.

La Cour de Justice des Communautés européennes avait déjà estimé, dans un arrêt du 18/1/1984 Luisi et Carbone, que les activités médicales relevaient du champ d'application de l'article 60 du Traité. Le 4 octobre 1991, dans un arrêt "Grogan" (n° C/ 159/90), CJCE a jugé que l'interruption volontaire de grossesse est un service au sens du même article 60 (bien qu'interdite par la constitution irlandaise).

Les compétences communautaires ont donc, peu ou prou, une influence sur le fonctionnement et le développement des interventions des associations gestionnaires de services sociaux et, notamment, celles qui tiennent aux: liberté d'établissement (art. 52 à 58), liberté de prestations de service (art. 59 à 65), jeu de libre concurrence (art. 85, art. 86, art. 90), compatibilité avec le marché commun des aides accordés par l'Etat (art. 92-94), fiscalité (art. 95 à 99).

2 - Les Etats membres gardent la maîtrise de l'intérêt public national ou de la sécurité des personnes:

Les Traités CEE ont laissé la possibilité aux Etats membres de tenir compte des nécessités de leurs ordres publics nationaux pour l'application des principes communautaires de la libre concurrence (cf. notamment l'article 36 en ce qui concerne la libre circulation des marchandises, l'article 48 pour la libre circulation des travailleurs, les articles 55, 56,⁽¹⁾ 57 et 66 pour la liberté d'établissement et de prestations de services).

3 -Pour autant, l'articulation entre l'application des principes communautaires de concurrence et la prise en compte de l'intérêt général n'est pas établie:

a) Cette situation a été soulignée par

ailleurs pour les entreprises publiques: si l'article 222 établit la neutralité du Traité CEE quant à la nature de la propriété, privée ou publique, l'article 90 rappelle aux Etats membres que leurs entreprises publiques sont soumises aux règles de la concurrence. Si ces entreprises sont chargées de la "gestion de services d'intérêt économique général", elles n'y sont soumises que "dans les limites où l'application de ces règles ne fait pas échec à l'accomplissement en droit ou en fait de la mission particulière qui leur a été impartie" (article 90-2). Encore faut-il que "le développement des échanges entre Etats n'en soit pas affecté dans une mesure contraire à l'intérêt général de la communauté", cet intérêt général l'emportant sur celui de chacun des Etats membres (Olivier Saint-Martin - La place de l'entreprise publique dans le marché unique - CIRIEC, 1992) et étant défini d'après les articles du Traité. Les entreprises publiques font valoir leurs difficultés à faire prendre leurs spécificités dans ce cadre.

Le problème provient notamment du fait qu'il n'existe pas encore de définition européenne de ce qu'est "l'intérêt général". Il faut désormais se référer à l'article 2 du Traité qui assigne en particulier à la Communauté européenne l'objectif de "relèvement du niveau et de la qualité de vie, la cohésion économique et sociale". La cohésion économique et sociale, censée faire le pendant du libéralisme communautaire, figurait déjà dans l'Acte Unique. Les nouvelles compétences de l'Union en matière sociale introduites par le Traité de l'Union européenne devraient tempérer l'application des principes communautaires fondamentaux de libre concurrence dans le domaine sanitaire et social.

Ceci est d'autant plus vrai que le principe de subsidiarité prévoit que "dans les domaines qui ne relèvent pas de sa compétence exclusive, la Communauté n'intervient que si... les objectifs de l'action envisagée peuvent être mieux réalisés au niveau communautaire".

Si l'organisation du Grand marché intérieur des services relève de la compétence communautaire, on peut difficilement arguer qu'il s'agit d'une compétence exclusive: l'organisa-

1. Par exemple, l'article 55 du Traité prévoit que: "sont exceptés de l'application des dispositions du présent chapitre, en ce qui concerne l'Etat membre intéressé, les activités participant dans cet Etat, même à titre occasionnel, à l'exercice de l'autorité publique. Le conseil, statuant à la majorité qualifiée sur proposition de la commission, peut excepter certaines activités de l'application des dispositions du présent chapitre". L'article 56 permet le maintien de certains régimes spéciaux pour les ressortissants étrangers, "justifiés par des raisons d'ordre public, de sécurité publique et de santé publique".

tion des réponses sociales et sanitaires aux besoins des citoyens relève des Etats membres.

b) La situation des associations gestionnaires de services sociaux n'en paraît pas moins précaire. Deux exemples éclairent ce propos:

- pour traiter du problème particulier de l'obstacle à la liberté de prestations de service né de l'interdiction constitutionnelle de l'interruption volontaire de grossesse en Irlande du Nord, deux protocoles ont dû être annexés au Traité de Maastricht.

Le premier prévoit que: "*Aucune disposition du Traité sur l'Union européenne n'affecte l'application en Irlande... de l'article 40.3.3 de la constitution de l'Irlande*" (protocole n° 17 adopté à Maastricht).

Une "déclaration des hautes parties contractantes au traité de l'Union européenne" a dû être adoptée 6 mois plus tard au Portugal pour donner l'interprétation juridique suivante: "*leur intention était et demeure que le Protocole ne limite pas la liberté de se déplacer ou... d'obtenir ou de fournir en Irlande des informations concernant les services que la loi autorise dans les Etats membres*".

Ceci est la preuve de l'importance nécessaire de la pression politique pour faire obstacle au principe de concurrence.

- les directives sur les marchés publics de travaux, services et fournitures retiennent une définition fonctionnelle des organismes de droit public à partir des critères suivants: mission d'intérêt général, personnalité morale, financement ou majoritaire ou contrôle par l'Etat. La définition de l'intérêt général n'est pas donnée, mais des listes d'organismes visés sont fournies en annexe des directives. Bien que les associations gestionnaires de services sociaux ne figurent pas dans ces annexes, on ne peut pas ne pas évoquer le risque de voir les contrats qu'elles passent soient soumis aux mêmes règles de publicité et de mise en concurrence que celles applicables aux marchés des collectivités publiques, règles peu compatibles avec les exigences d'une gestion

associative. Ces directives, par ailleurs, pourraient retenir une acception purement marchande des services sanitaires et sociaux qui condamnerait les spécificités associatives et qui introduirait la concurrence dans la santé et l'action sociale.

Dans un tel contexte d'économies de marché fondé sur la concurrence, il est donc difficile de reconnaître une ligne directrice dans la politique communautaire en direction des associations gestionnaires de services sociaux. Alors qu'elles font par ailleurs la démonstration de la pertinence de leurs projets et de leurs modes de gestion, les associations risquent une double banalisation, par assimilation tantôt au secteur marchand (les associations seraient des prestataires de services sociaux comme les autres sur le marché) tantôt au secteur public (les associations gestionnaires de services sociaux, remplissant des missions d'intérêt public, deviendraient des organismes de droit public).

La reconnaissance au plan communautaire, des valeurs associatives dans la gestion des services sociaux.

Deux nécessités apparaissent:

1 - Reconnaître les spécificités de la gestion associative et de ses champs d'activité:

Entre ceux qui considèrent que les services sociaux sont des services non marchands (car non financés directement par leurs usagers ou ne répondant aux conditions habituelles de régulation de l'offre et de la demande sur un marché) et ceux qui les considèrent comme des services commerciaux comme les autres, où est la bonne réponse? Au fond, quelle est la définition du "social"?

Redoutable question à laquelle il n'est sans doute pas de réponse manichéenne, si l'on veut bien écarter d'emblée les solutions dogmatiques et simplistes du tout public (proches des

préoccupations collectives, mais peu susceptibles de résister à la conjoncture et aux pressions politiques) ou du tout privé érigeant la concurrence et la privatisation en remèdes universels.

La question de savoir quels sont les opérateurs les plus aptes à concilier les impératifs économiques et les besoins sociaux dans la gestion de services sociaux, conduit, évidemment, à proposer une gamme de solutions.

En matière de services sociaux, on peut affirmer que les associations sont (seules?) en mesure de développer des offres là où le service public est insuffisant (par exemple lorsqu'il s'agit de demandes minoritaires) et où les mécanismes du marché rencontrent des échecs (notamment en raison de la non solvabilité de la demande ou des valeurs, autres que marchandes, sur lesquelles celles-ci se fondent). Parce qu'elles jouent ainsi un rôle économique irremplaçable pour l'allocation de ressources entre le marché et l'Etat, les associations doivent faire l'objet d'encouragements particuliers de la part des collectivités publiques.

Par ailleurs et inlassablement, il faut répéter que la réponse associative à la demande sociale est différente de celle qu'apporte le secteur lucratif:

- la forme juridique non-lucrative garantit que la "valeur ajoutée sociale" est bien redistribuée aux bénéficiaires ou réinvestie dans "l'oeuvre";
- la finalité de l'entreprise est l'utilisateur et le membre, non la rentabilité ou le profit;
- l'administration bénévole témoigne d'une implication réelle de la société civile dans l'organisation des réponses à certaines questions sociales; elle est créatrice de cohésion sociale, en permettant la mobilisation des solidarités et l'expression de la citoyenneté.

2 - *Adopter au plan communautaire des règles minimales en matière de protection sociale et de lutte contre les exclusions.*

Les associations de solidarité sociale ont des atouts présentés ci-dessus. Encore faut-il, pour qu'ils puissent s'exprimer, que soit écarté le double risque, pour elles:

- d'être assimilées à des prestataires de services marchands comme les autres, sans prise en compte de leur finalité première (l'homme, non la rentabilité économique) et de capacité à abaisser les coûts de production des services et à créer des liens sociaux en mobilisant des dons de temps et d'argent. L'Etat peut certes solvabiliser la demande pour un recours total au marché, mais au risque de perdre les valeurs d'échange, de bénévolat, du social, de la solidarité;
- d'être assimilées au secteur public, au risque de perdre les solidarités concrètes qu'elles mobilisent et de normaliser totalement les services sociaux. Le souci de l'utilisateur demeure le contrepois indispensable à toute entreprise de rationalisation de l'action sociale.

A cet égard, une suggestion pourrait être faite de l'adoption, au plan communautaire, selon le principe de subsidiarité, de règles minimales susceptibles d'être appliquées (ou devant être appliquées!) par les Etats membres pour faire respecter, en matière de protection sociale et de lutte contre les exclusions, notamment, les principes de:

- accessibilité à tous les services sociaux, y compris des plus démunis;
- adaptation des réponses à des besoins évolutifs et différenciés;
- participation des usagers;
- contrôle des fonds publics;
- accès à des financements publics.

Transdisciplinarity through structured dialogue

beyond sterile dualities in meetings to the challenge of participant impotence

by Anthony J N Judge

Introduction

The 1st World Congress on Transdisciplinarity was held near Lisbon from 2-6 November 1994. The event was organized with the support of the Portuguese National Commission of UNESCO, the Transdisciplinarity Study Group for UNESCO, and the International University of Lisbon, under the auspices of the Centre International de Recherches et d'Etudes Transdisciplinaires (CIRET, Paris), UNESCO, the Council of Europe, and the Mayor of Setúbal. It was opened by the President of Portugal.

The 76 invited participants were primarily French-speaking, with 33 from France. Other countries represented included: Argentine, Australia, Austria, Belgium, Brazil, Hungary, Italy, Japan, Poland, Portugal, Romania, Spain, Switzerland, USA. A preparatory meeting had been organized by CIRET at UNESCO in Paris in June.

The event was held in the Convento da Arrábida, a Franciscan monastery dating from 1542 but abandoned since 1854 (when religious orders were abolished in Portugal). The monastery has been taken over and partially restored since 1990 by the Fundação Oriente, with some buildings converted into a small residential conference centre (although many participants resided in nearby Setúbal as guests of the city). The centre is part of the *European Network of Cultural Businesses and Institutions located at Historical Sites*. It is set in the Arrábida National Park on slopes overlooking the sea. Christopher Columbus is said to have meditated in a hermitage there prior to his explorations.

Given the nature and ambitions of the event, it would be inconsistent to describe it in any conventional way. The following sections are therefore designed to evoke an understanding of what it might, or might not, have been according to one's perspective.

Transdisciplinary ambiguity

What indeed is transdisciplinarity and who could possibly be interested in it? As with many events that bring together unusual combinations of people, it is less interesting what it "is" and more interesting what a range of committed individuals assume it to be from their various perspectives. Lack of detail in any preliminary announcements then contributes to diversity and surprises.

Whereas many are familiar with efforts at interdisciplinarity over the past decades, transdisciplinarity is as yet poorly defined - if it does not lie beyond definition as commonly accepted. Clearly it is in some way associated with whatever can be understood to be "beyond" interdisciplinarity and a discipline-bound perspective.

What it might be is obviously of fundamental concern to philosophers, logicians and those concerned with any form of epistemology or challenges to conventional logic. And philosophers and mathematicians concerned with "complexity" were indeed represented at the event. But it is also of concern to physicists faced with the constraints and limitations of their methodology. But the technical questions of such disciplines do not prevent those from the social sciences from having their own understanding of its significance. Those present therefore included anthropologists, sociologists, mythologists, linguists, and semioticians. But there were also participants reflecting the special concerns of media communication, culture, ethics, architecture and information technology. And then there were those concerned with concrete forms of social and political action.

Whilst many were concerned with various forms of theoretical integration of disciplines, others were concerned with integrative experience, as indicated by the number of psychoanalysts of various schools. Various religious perspectives were represented, as well as those of the plastic arts, literature and poetry. There were also traces of more esoteric concerns in some of the presentations touching on cabbalistic and other symbol-imbued traditions.

Many of the participants were major authorities in their respective fields. This does not mean that there was any clear consensus on the nature of transdisciplinarity. However there was clear concern that the fragmentation of the disciplines was foiling to serve society in the face of a complex of global problems and conflicting initiatives.

A choir of disciplines?

It would be inspiring to imagine a choir of disciplines gathered together on such a challenging occasion. How would they divide into sections - and on the basis of what common qualities? How would their multi-part song take form as a self-organizing whole? With what insights would the functions of a Kapelmeister be performed - if such a role was necessary?

Would transdisciplinarity emerge as the musical form to which all perspectives collectively contributed - each according to some appropriate timing, each from an appropriate register?

Of course many of the participants did indeed sing according to the modalities of their respective discipline. There was much sincere effort towards articulation of the collective song. But like the tuning period of an orchestra, harmonies would emerge briefly before being swamped by discord from some other source. There were hints of unifying themes, but these were easily obscured by the enthusiasms of particular singers. One participant's unification could easily become another's strait-jacket - although such mutual constraint could also be said to be evident in any choral context.

Superposition of understandings

Transdisciplinarity might be thought of as a challenge to space-binding and time-binding learning. A congress would therefore tend to show evidence of superposition of layers of insight and understanding which in other circumstances might be separated over time and space.



This could be seen in the emphasis, from one perspective, on the conventional linear organization of the event. There were many solo presentations in sequence throughout each packed day. But, to the surprise of many, a significant number of these mirrored common themes that transcended conventional logics. The transcendence of duality was evoked in many ways.

But in a context where it was to be expected that every participant's understanding was necessarily challenged and stretched by unfamiliar insights, distinguishing fruitful insight from unhelpful distractions was no easy task. The event could thus be read and heard in a variety of ways through superimposed layers of meaning and noise. Participants were free to project significance into the dynamics or to strip them of meaning altogether.

In an event of this nature, requiring a configuration of complementary insights, must significance for one necessarily be meaningless to another for the congress to function effectively? Can such an event transcend its own limitations without the apparent presence of such conceptual hubris? How is the experience of hubris to be balanced against that of powerful harmonies?



Logistic shocks

It is occasionally argued that useful communication in a conference can be most quickly evoked by subjecting participants to a shared shock of some kind. Clearly few organizers would be prepared to indulge deliberately in such risky exercises.

A Latin environment offers many natural opportunities through which to subject newcomers to useful shocks. Scheduling and arrangements are liable to evoke northern nervousness under the best of circumstances. When should one start to panic: when transportation arrangements seem unpredictably fluid; when the event is opened in the absence of many participants; when hotel reservations have not been made; when there is no interpretation into a language one understands; when there is no complete programme ...?

What better than to arrive in the dark and be required to walk for 10 minutes through a heavy mist to an undefined destination down a muddy track that a bus is unable to negotiate? The aesthetic experience alone offers interesting flavours to any exploration of transdisciplinarity.

Shocks of this kind can usefully force

participants into a mental framework that is detached from conventional expectations. Responding in the moment to emerging configurations of circumstances then makes for a more harmonious experience than a stressful need for predictability. Surprises can be more effectively evoked, met and enjoyed. Encounters with other participants under such conditions then have a more realistic quality going beyond shared interests or congeniality. The reality of the event then permeates the content and process rather than being detached from them as a neutral framework. Taken seriously transdisciplinarity does indeed call for transformation of the framework within which it is considered and exercised.

Searching for keystones

From within an architectural metaphor, any assembly of disciplines can be seen as a configuration of walls and pillars. Each presentation effectively positions a new part of the structure. Participants can wander between the parts as they emerge - and to the extent that they can negotiate the various barriers and pitfalls of a complex building site. Finding one's way around is no trivial matter. Certain parts may make it easy to get lost - especially when the mist comes down and all sense of context

and perspective is lost. One may have odd encounters with participants mysteriously busy in distant and unfrequented parts of the structure. One may be drawn into furious activity in other more frequented parts.

Especially challenging is the difference in what is seen by different participants. Some seem only to see a rather primitive structure in the earliest stages of its construction - or in the final stages of its decay into ruins. Others seem to see a completed temple of integrative knowledge and insight in all its glory. Wandering around an atemporal structure that flickers unpredictably in this way between reality and potentiality is a real challenge to understanding. Some participants seem to be engaged in constructing a roof in the absence of any substantive walls to support it. There are magnificent doorways which, in the apparent absence of any walls, seem to lack any justification - except as a powerful symbol of future possibility. Where do they lead? Marvellous windows seem to lack any support and yet let in light of unforeseen quality. And, as in the most famous Escher drawings, stairways to higher levels often seem to lead paradoxically back to their starting point, defying any normal sense of gravity in the process. Arguing in circles then takes on new meanings.

Most confusion seems to lie around the nature of the keystones on which any such edifice depends. It is one thing to construct walls and pillars - most disciplines have long practice in building conceptual edifices. It is another to find the form through which such knowledge structures can be meaningfully related to others to bear a load at a higher level. This is the challenge of conceptual scaffolding. Again, some participants have an almost mystical approach to the substance and design of keystones, others lapse into technicalities that fail to arouse confidence elsewhere. There is a sense that much work remains to be done.

Most challenging to the unwary is the apparent ability of some participants to work on higher floors of the structure when the lower levels do not yet seem to offer any substantive support. How do they get up there? Some seem to have specially powered elevators. What

keeps them there? With what materials are they working? What do they think they are doing? Are there yet higher levels that one cannot see through the confusing mists of one's limited understanding? Is one effectively a ghost oneself to someone observing from another part of the structure?

War of the maps

Under such circumstances it is useful to pay careful attention to those who offer maps and plans of the structure that is emerging into collective awareness. At such an event, many offer such maps. The event could even be described as a "map market" with some stallholders making harder sales pitches whilst others seem relatively indifferent to the interest of potential buyers. Their maps sketch in relations between certain parts or offer a general understanding of the whole.

But there are difficulties with such maps. Often these are a consequence of the limited extent to which the map-maker has explored the structure as a whole. Some maps are imbued with the mystique and wisdom of antiquity. Others seem to be simply out-of-date. The map-maker may deny that certain features are part of the structure. Some maps are very sketchy indeed. Some are based on quite bizarre projections. Some provide an excessive amount of detail for only a very small part of the overall structure. Some are really only technical drawings relating to particular aspects of the construction. But it is also important to recognize that everybody does not need the same kind of map.

Most disturbing are the situations in which participants argue for the respective merits of their own map - effectively denying that of others. How can one find a way to reconcile the maps to facilitate the ability of people to navigate the structure? For even the process of discussion is fraught with difficulty when there is no common language and people are suspicious of the experience underpinning any given map they are offered. In French the "War of the Maps" (La Lutte Dès-cartes) suggests an interesting twist to the challenge. It is of course pos-

sible that the higher dimensionality of the transdisciplinary arena makes it inherently unmapable - or transcendent to the normal function of maps.

Coffee... what a break

There is now widespread recognition that the real business of meetings takes place at coffee breaks and meals. The coffee in Portugal is superb, even when served in quantity. Coffee and meals with a superb view can only be conducive to a higher order of reflection.

Coffee breaks are indeed a real relief from the substantive indigestion of lengthy presentations. A different pattern of communication ensues. It is this switch in mode which is poorly understood. Clearly the presentations provide substance for dialogue in the breaks. And the breaks reframe the way in which the presentations are understood. They are necessary complements.

But as with the digestive or respiratory processes of the body, it is questionable whether organizers know how to get the balance right. Too much inspiration? Too little expiration? Or just plain breathlessness because of the high altitude? Maybe conferences need some communication analogue to breathing exercises - provided they can protect themselves from the ministrations of self-righteous conference gurus!

"Trance-discipline"

Much has been said about the logical or other frameworks through which disciplines can be related or integrated. Much stress can be placed on the need for understanding of a single discipline before it can in any way be transcended. It is difficult to transcend that which one has not acquired or gained some competence in. But then what is a discipline - given that most disciplines find ways to disparage or deny the legitimacy of others?

Then too, there is a strong current, which was represented by some participants, favouring a more experiential approach that is

less dependent on ideas and more reflective of integrative, grounded experience. Many spiritual, aesthetic and physical disciplines stress this perspective.

A more shamanistic metaphor may be appropriate. In this sense the disciplines reflect the habitual patterned (and often limited) behaviours with which many are often unfortunately familiar in society today. Rather than a Kapelmeister, what the key player at a transdisciplinary event then takes on are the functions of a Shaman. Through some suitably repetitive conference ritual (not lacking at the 5-day event), the Shaman effectively evokes a "trance of the disciplines" allowing new insights of a "supernatural" order to emerge. Like the Kapelmeister, the Shaman uses disciplined chanting to good effect. Clearly to the detached observer, the sight of a collection of disciplines indulging in activity of a dubious nature can only raise questions and many doubts. And yet to others the "trance" offers experiential evidence of a higher order whose operations are understood as vital to the organization of everyday life. What indeed would entrance the disciplines and oblige them to constrain their habitual responses in useful new ways?

Perhaps it was no accident that so many psychoanalysts were present from Brazil - given the importance of shamanistic and voodoo traditions there.

Transcultural transfiguration

But why would poets and artists of the highest repute choose to be present at such an event? They have never received much consideration from the harder sciences. And yet they too imagine a role for themselves in the transdisciplinary arena.

It is tempting to accept that the sciences have reached the limit of their ability to articulate their understanding of complexity in the formal languages which they cultivate. It is tempting to foresee a time when higher orders of complexity can only be understood through the insightful representations of the arts. For many participants that time may have already

arrived. Formal abstractions have come to be equated with aridity. The much sought integration may need to be fired by experiential and aesthetic qualities.

Just as the scientific disciplines must recognize their limitations in a transdisciplinary framework, so it is with the artistic disciplines. Transfiguration is no trivial matter if it is to succeed. How can such disciplines bring to bear their aesthetic power to reframe and reconfigure that of which others are aware? Of what idiosyncrasies must they themselves be aware - and leave behind in this endeavour?

The Arrábida Monastery, and its natural environment, certainly set a high standard of aesthetics. How can higher orders of beauty be given form in the light of transdisciplinary perspectives? There were those who addressed this issue and related this quest to those of more scientific inclination. For scientists do claim sensitivity to the beauties of the natural order, even though these have no place in their language of formal abstraction.

Symmetry

A key thread in linking formal abstraction to aesthetic sensitivity was explored through notions of symmetry. As in many instances, the event was privileged to have one of the world's few specialists on this topic. The search for keystones may even be defined in terms of the search for new forms of symmetry capable of holding the relationship between new forms of seeming incommensurability.

Each form of symmetry can be said to imply the presence of a higher form of order. The nature of that order can often only be surmised through a pattern of symmetry - as a two dimensional projection of what escapes the comprehension. The challenge is even greater when the symmetry lies in the dynamics between intangible qualities or principles. This is especially so when their apparent incompatibility can only be understood, if at all, as of a "complementary" nature - with all the paradoxical challenges this may imply.

It was for such reasons that symbolists of various persuasion were attracted to the event. For it is symbols that have been traditionally used to embody subtle qualities and it is through the symmetry of symbols that higher orders of understanding are suggested. It is however one thing to imply the possibility of such understanding and another to manifest it in practice - especially at a congress with others endowed with related or competing skills. But did some of these differences, like those between the tones of specially tuned Tibetan temple bells, serve to create the kind of interference patterns through which higher harmonics could be engendered and heard? This calls for meeting skills of an unusually high order.

The local organizer of the event, a well-known artist, had recently completed a book on five-fold symmetry. But, curiously, and unrecognized by the organizers, the event was held in a hall lit in such a way that the interference pattern between certain fixed lights created a striking heptagram on the main wall - an unusual pattern under any circumstances.

Design constraints

The organizers, and the Kapelmeister, were clearly faced with a daunting challenge. This was aggravated by the requirements of the various sponsors.

As with any work of art, or any piece of research, there are outside influences that structure the enterprise in ways that may appear less than fruitful. It is a truism that the more that a project is international, intercultural or interdisciplinary, the lower the probability of institutional support. This is hardly surprising when sponsoring and funding agencies are themselves organized to reflect the high degree of fragmentation of contemporary society - and pride themselves for their practical realism and social relevance in doing so.

Sponsors fear any form of innovation but require that projects appear innovative. This is a traditional dilemma for innovators. Transformative processes must be disguised as exercises in the reinforcement of the status quo. But in

che case of this event the external pressures were even more severe. In order to be eligible for funding, an open discussion-oriented congress had to be presented as a closed, traditionally-ordered sequence of presentations - minimizing the amount of discussion. But the final institutional "sting" was that promised funding was then decimated just prior to the event - effectively preventing any interpretation between French and English-speaking participants.

Even under such circumstances there is a need to maintain acceptable links to the institutional world. The wise may even allow traditional protocol to rule in potentially transformative environments - giving to Caesar, what is Caesar's. The wisdom of allowing Caesar to claim full responsibility for creativity and innovation has long been recognized - even when he fails to recognize the limitations of his understanding of it.

Participant impotence

In a transformative environment it is to be expected that transformative insights would co-exist with a total lack of transformation. Optimistically these extremes may be seen as necessary complements to each other, with the one providing stability to give birth to the other.

The event did however provide some striking lessons in collective impotence and paralysis. What lessons are to be learnt from participants waiting impatiently outside the conference hall, inadvertently locked, when there is an open window via which the door may be opened? And what is to be learnt from highly intelligent participants observing, without reaction, as the bus they are in drives kilometres past the sole turn off to their conference site? The latter incident may of course be reframed in terms of offering new experience - but there are limits to such intellectual gymnastics.

But what is to be said of a conference that emerged as highly structured despite declared intentions to the contrary? How is it that participants can accept their individual and collec-

tive impotence so readily? With even the "complainers" acting discreetly and non-disruptively in the articulation of their complaints. Participants even failed to move to reconfigure the seats in a circle - which would have facilitated any dialogue. Is this the route to transdisciplinary transformation?

There is an instructive story about four able-bodied participants in such a meeting:

There was an opportunity for a real transformative change initiative. *Everybody* was sure that *Somebody* would take the opportunity. *Anybody* could have done so. But *Nobody* did. *Somebody* got angry about that, because it was *Everybody's* responsibility. *Everybody* thought *Anybody* could do it, but *Nobody* realized that *Everybody* was failing to do so. It ended up that *Everybody* blamed *Somebody* when *Nobody* did what *Anybody* could have done!

In this way the congress modelled the fundamental challenge of contemporary society. The best and the brightest indulge in the structures and dynamics of the past - since they continue to be well-nourished by them. At the same time they are aware of the need for new forms, and may even discuss and enthuse about them at great length. But the silken cords binding to the past are very strong: avoidance of rudeness, respecting the eminent, acknowledging support, need to avoid jeopardizing valued friendships, cultivating possible future relationships (and funding), reliance on the "tired and true", etc.

Participant impotence: Mea culpa

Blame and scapegoating others obscures the need to understand individual responsibility. Such impotence is most frustrating when it is conscious:

(a) As an opening speaker, what "spell" prevented me from restructuring my presentation to involve the participation of others in dialogue? Having advised the organizers on such specific challenges prior to the event (*Reflections on the organi-*

zation of *transdisciplinary conferences*. Transnational Associations, 1994, 5, pp 292-301), what exactly prevented me from switching to an emphasis on dialogue - especially since I had already distributed a prepared paper to all? Agreed there is always a case for using a presentation to establish one's own legitimacy and the coherence of any transdisciplinary enterprise. Caesar needs to be reassured, even when he has withdrawn much of his financial support. Opening speakers are expected to offer coherence. But perhaps the error is to be caught up in this role rather than bridging to the urgent need for self-organizing dialogue as a contemporary challenge to both content and process in meetings which claim to be innovative.

(b) As a participant, what "spell" prevented me from vigorously protesting certain "abuses" and styles of presentation? Why did I not plead for dialogue in a more open meeting? Is there no limit to tolerance? But then again, I had already said my piece. With what justification could I challenge the rights of others? But why not simply voice that dilemma? There were many others holding that view.

By buying into a traditional communication pattern, this was effectively reinforced for a whole chain of speakers. And for each speaker it became more difficult to break the pattern and give up the opportunity to say one's piece - even though this precluded any dialogue.

Traditional speeches from the podium are a comforting ritual - a contemporary form of chant. Other forms of communication involve a much higher order of risk. Failure to take such risk prevents participants from bringing their collective insights to bear on the issues of how to redesign or co-create their communication environment in the spirit of those insights which purportedly unite them.

Are there other ways of approaching such participant impotence? At an event in which there was much stress on duality and its tran-

scendence - with an emergent third - there might have been a case for calling upon the insights of the psychoanalysts present, especially those of Freudian orientation. Could such impotence be seen in terms of psycho-sexual metaphors? Whether a question of impotence or frigidity in the face of transformation, it suggests some deep-seated fear of conceptual "consummation" through which the excluded third takes form.

Faced with duality, the transdisciplinary participant is effectively unable to act. As elsewhere, such impotence can only be discussed with the greatest discretion. It must be disguised and reference to it must be avoided in polite society - despite its obvious implications for the political impotence currently evident within the international community. This would suggest that there is a need to completely reframe the way in which conference participants approach such duality. As in contemporary society, the pattern of contextual stress is recognized as a severe inhibitor of healthy response. But should this suggest a search for psychic aphrodisiacs to facilitate the necessary response to duality?

Participant discipline

If a choir is a useful metaphor, it highlights the need for the individual discipline of the participants. It is one thing for meeting participants to claim to practice a discipline, but it is another for them to act in a disciplined manner within a meeting. The issue of participant discipline is seldom raised explicitly - except in the stressful irritation of session chairpersons endeavouring to ensure respect for a much abused meeting schedule.

The art of "terminating" an inappropriate presentation remains elusive under the best of circumstances. There are always participants who overrun their time, depriving others of similar opportunities. To do so, some shamefully abuse their status as world authorities, honoured guests or sponsors - and are allowed to do so, despite considerable irritation. Some launch into lengthy anecdotes from their life story, abusing real appreciation for their achieve-

ments. Some see their presentation as an opportunity for personal dramatization - so drama too was well-represented at Arrábida! This may take the form of personal testimony - converting the gathering into a testimony meeting in which applause is required as necessary affirmation. Some abuse a gathering as a marketing or self-promotional opportunity before a crapped audience.

At a gathering in which many have a theoretical interest in self-organization processes, what prevents them from acting in such a way as to augment the self-organization of the event itself? Why the dependence on father figures to ensure good behaviour on the basis of dubious criteria? Is it a proven fact that mature participants are unable to exhibit the personal discipline to order their behaviour without such intervention? Perhaps attention should be focused on the contrasts between a typical Western "organized" choir and the self-organizing variety characteristic of some African cultures, for example. At what point does the discipline of Kapelmeister become absorbed into the personal discipline of every participant?

Ironically the challenge of participant impotence in the face of such abuses may be taken as an excess of participant discipline - but of an antiquated kind. The challenge is that participants misbehave when given the freedom to do so as presenters, but they behave like chastened children, denying all responsibility, when relegated to the function of listeners.

There is a need for a new participant discipline for those seeking to function in transdisciplinary gatherings. A *Charter of Transdisciplinary Meeting Participants* might be a useful beginning (cf *Pattern of Meeting Participant Roles*; the shadowy roundtable hidden within every meeting, Brussels, UIA, 1993). As in the case of a singer, it would highlight the way in which a participant could most useful contribute to a collective song. It would clarify entry cues and the moments when a particular voice should cease. It would articulate the function of counter-point and the disciplines of multi-part song. Different styles of singing would be contrasted (to avoid vain attempts to combine the equivalent of Georgian chant and

hard rock!). It would clarify, despite the best of intentions, how each participant brings both key insights and unfortunate ways of undermining the quality of the collective song.

At Arrábida some participants called for a new attitude on the part of participants. Such events should allow for skilful confrontation of perspectives without suppressing fruitful disagreement. In music terms such elements make for more harmonies of a higher order because of the ways in which apparent disagreement must be held in order to be effectively integrated. The best of perspectives calls for challenge in order to evoke responses of a higher order.

Purpose: a new route to the "Indies"?

What might have been the purpose of the congress? What quality was being optimized? Or were there a multiplicity of mutually indifferent agendas?

At best a self-organizing event could be understood to be refining and reframing a purpose through its own processes. This would of course be anathema to any conventional sponsor and to many participants. Intentions are expected to pre-date any serious project. Spontaneous discovery is to be kept to a minimum. Meetings are expected to produce predefined products. It is no wonder that meetings come up with very little that is new - they are designed that way. Meetings are not intended to focus on the transformative quality of the moment - which may be why they do seldom give rise to anything of moment!

There was of course the undercurrent of shared concern that disciplines have failed to respond to the social challenge of the emerging social crisis. And in many ways their arrogance and complacency have served to exacerbate contemporary problems and the conceptual gridlock in responding to them.

A gathering of the disciplines at the place where Columbus meditated on the possi-

bility of circumnavigating the globe does have a quality of appropriateness. There is great need to see the world functionally in the round. But for those sensitive to historical symbolism, there was a high degree of irony in the interpretation by Columbus of what he subsequently "discovered". He thought he had found a new route to the Indies. He had in fact "discovered" a new continent. But it was only new from his cultural perspective - since it was already inhabited by other civilizations.

What surprises are in store for the trans-disciplinary enterprise? What might it be expected to discover in this way?

Meeting enfoldment

Given the quality of those assembled at the monastery, it was to be expected that patterns of insight would be articulated in such a way as to resonate with one another. Complementarities were brought to light. Conceptual relationships and other bonds were affirmed. The harmonies and discords relating particular perspectives were carefully cultivated and contextualized, notably in relation to the rhythm of the meeting. Paradoxes were suitably held and configured. The arduous sequence of presentations could be seen as the carrier wave for such construction - both occupying those susceptible to distraction as well as focusing the intentions of the gathering. The conceptual scaffolding became progressively more transparent.

The metaphor of an antenna is useful in this context. A suitable array of concept detectors can be used to capture insights which are difficult to resolve under other circumstances. Whether the antenna could have been better designed is another matter - a circular array instead of a linear one? And towards what was the array oriented?

But what was done with the insights captured in this way? It cannot be said that they were processed in any ordinary way - although those looking for a conventional product will find one. Rather they were somehow fed back onto the meeting processes so that the

content became the process. The gathering became producer and produced - it became what might be called a meta-object or a meta-subject. There emerged a form of self-reflexiveness that was imbued with the aesthetic and spiritual qualities of the monastery and its environment. Perhaps it was no accident that the monastery is nestled into the slopes of a sacred mountain on which one of Portugal's most famous mystic poets had lived as a hermit. Beauty can function as the subtlest of contextual frameworks.

Can a meeting be said to enfold itself, gathering and configuring its elements into a higher dimensional construct? Is this construct to be considered subject or object? Or, as emphasized in a number of presentations, both-subject-and-object? Or again, in the light of Eastern logics, might it also be neither-subject-nor-object? How may such a construct be said to act, if action is how it should be understood?

Are the fragmented frameworks of individual participant experience to be considered a necessary counter-balance to such meeting enfoldment? For clearly there is never any lack of participants who experience a gathering as a jumble of relative meaningless contributions. How then do participants work together to evoke such enfoldment? And in what way does it touch them thereafter?

Embodiment of insight

What was really going on at the monastery? Was it an effort to give form to Herman Hesse's *Glass Bead Game* in which the skills of the sciences are so intimately entwined with those of the arts? As representative "singers" of the disciplines, what were participants striving to achieve through their responses to one another?

Can the quality of the endeavour be more appropriately evoked by the following description by philosopher Antonio de Nicolas (1975) of the four complementary conceptual languages of the Rg Veda that are considered necessary to hold the complexity of insights and experience:

"Therefore, from a linguistic and cultural perspective, we have to be aware that we are dealing with a language where tonal and arithmetical relations establish the epistemological invariances... Language grounded in music is grounded thereby on context dependency; any tone can have any possible relationship to other tones, and the shift from one tone to another, which alone makes melody possible, is a shift in perspective which the singer himself embodies. Any perspective (tone) must be 'sacrificed' for a new one to come into being; continuity, and the 'world' is the creation of the singer, who shares its dimensions with the song.

In ancient times, the infinite possibilities of the number field were considered isomorphic with the infinite possibilities of tone... Veda man, like his Greek counterparts, knew himself to be the organizer of the scale, and he cherished the multitude of possibilities open to him too much to freeze himself into one dogmatic posture. His language keeps alive that 'openness' to alternatives, yet it avoids entrapment in anarchy. It also resolves the fixity of theory by setting the body of man historically moving through the freedom of musical spaces, viewpoint transpositions, reciprocities, pluralism, and finally, an absolutely radical sacrifice of all theory as a fixed invariant." (Antonio de Nicolas, Medications through the Rg Veda. Boulder, Shambhala, 1978, p. 57)

What next?

The proceedings of the event will be published by the International University of Lisbon and will presumably include a list of participants. The views of the most authoritative French-speaking transdisciplinaryists have

been recorded in filmed interviews. A *Charter of Transdisciplinarity* was drafted, debated and signed by most participants. Whether it could have had a more self-reflexive evolving structure, consistent with its content and objective, is a matter for the future.

The main lesson of the first congress seems to be the need for a new form of participant discipline responsive to the transformative moment (rather than to the untransformative constraints of sponsors and programmes prepared in advance). Perhaps this implies a new form of structured dialogue, as implied by Stafford Beer's (*Beyond Dispute: syntegrity team design*. New York, "Wiley, 1994) most recent experiments. Perhaps the facilities of Internet will be the key to the required breakthroughs in conceptual scaffolding. Given the presence of the arts, perhaps the transdisciplinary reality is in some way essentially plastic. The success of such an event lies in the ability of individual participants to mould its earthy reality into a form that embodies a higher order of coherence. It is the ability of participants to act out of such coherence which is the key to the future of transdisciplinary events - irrespective of whatever is collectively articulated.

What of the next congress (scheduled for 1996 in France)? Could there be any improvement on Arrábida? A small group of complainants, including this writer, drafted some mild suggestions. These were not discussed, but instead I was appointed to focus any such recommendations for the next event, if it is ever to be held. Any practical insights on how to square the circle in such a congress...?

The Associate Members Meeting of the Union of International Associations

Open Space at UIA

The annual Associate Members Meeting of the Union of International Associations (UIA) last October turned out to be the event the meetings industry had been waiting for.

The UIA opened its doors in Brussels to include members of IAPCO, the European Federation of Conference Towns (EFCT) and the Association Internationale des Palais de Congrès (AIPC) at the two-day meeting. The opportunity was grasped with enthusiasm to air views and feelings and come up with constructive ideas on better cooperation within the international convention industry - so much so there was a suggestion to merge the annual conferences of the different associations into one mega meeting. The idea was quickly squashed as impractical but the UIA has helped trigger off further moves to close communication gaps between suppliers and clients.

The second day of the meeting was devoted to "Relationships between Convention Bureaux Congress Centres, PCOs and User's". Topics for discussion were nominated on the day using "Open Space Technology", the very simple technique which enables participants to talk about whatever is close to their hearts at that time - as long as it has some connection with the given theme.

As is usual with Open Space, ideas for discussion were posted on the wall and sorted into sessions under the direction of communications consultant Tim Casswell. Participants made their choice and were despatched off to break-out rooms. What followed was an impressive and rapid learning curve for many people.

The perception of each other's roles in their dealings with conference clients often turned out to be off track, so there were some lessons to be learnt about the other industry sectors. Convention bureaux particularly came in for some scrutiny, and the result was a clear definition of their function, how they should work with conference suppliers, the best way to

use public and private **funding and** how best to serve the market.

Another session evolved with the title "Destination Europe". This group produced, in less than two hours, a marketing plan to promote Europe as a conference destination which could compete with the rising popularity of other continents, particularly the US, Asia and other Pacific Rim countries (The geographical bias was not planned but inevitable as most participants worked in Europe and felt passionately about it. Next time maybe there will be more representatives from further afield).

There were ideas on maximising the profit and potential of meetings. There was also a review of new congress technology together with the resolution to hold a special meeting on the subject before the next EIBTL in Geneva, to which equipment suppliers and users would be invited.

Six groups met during the day and then reported back to the joint assembly. At the end someone commented, "We have achieved more than we do sitting listening to speakers". IAPCO President Diana Ambrose said, "Meetings like this certainly help relationships within our industry. It was dynamic and productive and we are grateful to the UIA for allowing us to participate. We hope it can be repeated next year".



The Market Place during the Open Forum

Conference organizers redundant?

When millions of people can "talk" about their favourite subject for 24 hours a day, 365 days a year, without moving from their computers, why should they travel to meetings?

Well, for a start there are the social reasons and the need for human contact. The end of "physical" conferences due to teleconferencing or any other electronic communications system is generally agreed to be an unlikely scenario. On an even brighter side, the technological revolution is constantly presenting new ways to enhance the meeting product and speed up gathering of information.

Participants at the UIA Brussels meeting heard about Internet, the worldwide computer network to which presently three million machines are connected via one of 28,000 smaller networks. One of these is the Belgium-based EUNet and its Director Eric Pieters came along to explain how it works.

On-line conferencing, known as "News" in the jargon, is just one of the many possibilities available within the networks - like-minded people form a group and "post" instant messages to each other. However, other major applications such as national and international data transfer, E-mail and information access - without having to pay exorbitant international telephone charges - are already helping many commercial companies to streamline their communications processes. They could also be exciting routes to a wider audience and greater efficiency for conference promoters, planners and participants.

Far from putting PCOs out of a job, there will be many new facets to the management and marketing of meetings in years to come.

Bigger booths

There could shortly be new standards for the dimensions of simultaneous interpretation booths. Helmut Brähler, President of Brähler ICS Konferenztechnik, told the UIA assembly that interpreters who belong to the International Association of Conference Interpreters (AIIC) and those employed by the European Commission are pressing for more space in which to work. The introduction of new standards effectively would mean the end of built-in booths, he said. The revision of standards for both portable and permanent booths is currently in process and he asked for PCOs and convention centres to join in the review.

Boost for PCOs

On the first day of the UIA Associate Members Meeting, Ghislaine de Coninck presented the UIA's new report on international meetings. This latest survey reveals that over 10 per cent of international organizations use a PCO for big meetings such as annual assemblies. This may sound a low proportion, but it is good news compared with the last survey in 1985 which quoted some five per cent.

Questionnaires for the survey went out in 1993 to 156 countries worldwide to the headquarters of international nongovernmental organizations. The 2,905 answers received were analyzed by Ghislaine de Coninck, who is head of the UIA Congress Department as well as IAPCO Executive Secretary. The results now published give a comprehensive picture of trends in decision-making, planning and the structure of international meetings. Here are a few statistic "bites" from the report:

- 23.65% of meetings are attended by between 100 and 250 delegates
- less than two-thirds of meetings include accompanying persons
- average duration is roughly 3 1/2 days, compared with 4 days ten years ago
- September is still the most popular month for meetings but the spread over the year is now more even
- venues for major meetings - 35.95% opt for conference centres but this is slightly down on the '85 figure. Choice of hotels is up proportionately 3% to 33-85% while 19% choose university premises. However, some associations are more flexible than others and will choose the most appropriate venue available in the best city/country
- 86% respondents hold an exhibition with their meeting
- 75% select the destination less than three years ahead of the meeting. The rest - four, five or six years in advance
- just under 50M need a formal bid or presentation before selection but over half need an invitation from their national organization or members
- since 1985 there has been a big increase in associations using only one language at their conference.

Helmut Brähler also presented the first-ever wireless interactive voting system.

Launched in 1976, the original Digivote was the world's first computer controlled voting system using single cable technology. The system has continuously been developed since then, and it has become synonymous with modern voting and audience interaction systems throughout the conference industry. With its single-cable technology, fast response time, high-quality graphics and Windows user interface, Digivote has become the standard for simplicity of use, functionality, versatility and reliability.

The Digivote-2000 system is designed to handle 2,000 participants (larger numbers require additional options). Using wireless data transfer technology, Digivote-2000 units require no cabling, and can send and receive data from as far as 30 meters. Installation problems commonly associated with large numbers of participants or big halls disappear.

A ten-key model will also be available as an option. Voting modes are as flexible as ever (open/secret, with/without name handling), and the type of voting can be tailored to the user's needs: roll calls, voting rights, block votes, opinion polls, pro and con, comprehension tests, product appraisals, and parliamentary or shareholders votes.

(IAPCO Newsletter, December 1994)



Visual minutes made by Tim Conswell

Non-governmental organisations and UNICEF*

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 programmes 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 breastmilk 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 Rädde 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.

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 Director 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,

* From: 1994 UNICEF ANNUAL REPORT.

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).

African NGOs push for action

African non-governmental organisations (NGOs) have pledged to deepen their role in preventing conflicts in the continent. Specifically citing the status of women, structural adjustment policies, human rights and democracy, African NGOs also undertook to come up with "specifically African solutions" to the problems of poverty and economic stagnation confronting the majority of Africans. They made this commitment at a Forum of African NGOs

held in Tunis from 30 June to 4 July 1994 on the theme of "Citizenship and Human Development in Africa." Sponsored by the UN Economic Commission for Africa, the Organization of African Unity and UN Fund for Women, the Forum brought together over 90 NGOs from 30 African, Arab and Northern countries and focused on preparing a significant contribution by African NGOs to the March 1995 UN World Summit on Social Development, the

November 1994 African Regional Conference and September 1995 World Conference on Women and the 1996 World Conference on Human Settlements. The NGOs also resolved to contribute to human development programmes "defined on the pan-African scale" as well as at national level, particularly in least-developed African countries.

(Africa Recovery, April-September 1994)

Bentsen in searing World Bank attack

The US yesterday called for a review of the World Bank that could lead to the most far-reaching changes since its creation at Bretton Woods 50 years ago.

In a speech at the IMF-World Bank spring meeting that contained withering criticism of the bank, the US treasury secretary, Lloyd Bentsen, proposed a task force "to review the development role being played by the multilateral development bank system".

The Chancellor, Kenneth Clarke, weighed in with his own

criticisms.

The bank and its sister institution, the International Monetary Fund, have been trying to come to terms with rapid global change.

Mr Bentsen told the committee, a group of 24 finance ministers: "We have put too much emphasis on top-down approaches that do not work. Experience shows the importance of ensuring the early and meaningful involvement of local people and non-governmental organisations".

Mr Clarke called for a clarification and possibly a redefinition

of the roles of the bank and its private-sector lending arm, the International Finance Corporation.

"Over time, the relative balance between bank lending and IFC investments will inevitably alter, with IFC growing faster than the bank," Mr Clarke told the development committee.

"We must explore ways of expanding IFC's activities without further early calls on share-holder resources".

Mark Tran
(The Guardian, 27/04/1994)

Inter-European NGOs

Citizen groups in the Czech Republic are to get ECU 2m in support during 1995-97, administered by the Civil Society Development Fund.

Grants will be given to citizen-based organisations (usually referred to as NGOs or non-governmental organisations) and journalists working in the fields of ecology, health and social issues, human rights and minorities. The purpose is to strengthen their organisations and participation in public discussion.

The programme covers information and service activities (ECU 430,000), training (ECU 260,000) and project support

(ECU 1,030,000).

At the same time, the Management Committee approved an Ecu 5m programme for 1995-97 to link inter-European NGOs (LIEN).

The Centre Européen du Volontariat-East European Partnership will administer a programme of one-off grants for "innovative self-contained projects" by non-governmental organisations in central and eastern Europe with partial funding from one or more partner organisations in the European Union. The grants can cover up to 80% of technical expertise, training equipment or

other launching costs, to a maximum of ECU 300,000. The projects must be innovative and address particular weaknesses in the civil or social infrastructures of the country or countries concerned. Research projects, one-off conferences and projects seeking funds for credit or private investment purposes are excluded.

Further information: Mr R. Zutter, Centre Européen du Volontariat-East European Partnership, 42 rue de l'Industrie, bte 10, B-1040 Brussels. Tel: +32-2-5118332; fax: +32-2-5145989.

New... Creations... Plaus... New... Creations... Plaus... New...

La dynamique européenne prend un nouvel essor dans le champ de la pharmacie avec la création de l'Agence européenne pour l'évaluation des médicaments (EMA). Cette structure, basée à Londres et dirigée par le Français Fernand Sauer, permettra une meilleure harmonisation des politiques de santé en Europe.

La création de cette structure constituera une étape décisive dans le processus d'harmonisation des politiques des pays de l'Union dans le champ de l'industrie pharmaceutique et de la santé publique. On ne peut éviter, ici, le parallèle avec la FDA (Food and Drug Administration) américaine, agence fortement centralisée dont la compétence scientifique et l'autorité font presque toujours référence à l'échelon mondial.

La création de l'EMA marque l'entrée en vigueur du nouveau système pour l'autorisation et la surveillance des médicaments humains et vétérinaires au sein de l'Union européenne dont les bases juridiques (trois directives et un règlement) avaient été adoptées en 1993 par le conseil des ministres.

Dans une première période, jusqu'en 1998, deux procédures de mise sur le marché coexisteront. Les firmes productrices de médicaments hautement innovants, issus des nouvelles biotechnologies, devront obligatoirement passer devant l'agence de Londres, qui instruira ces dossiers, ses conclusions s'imposant, quelles qu'elles soient, à l'ensemble des Etats membres. Par ailleurs, une procédure dite «décentralisée», concernant les autres produits pharma-

ceutiques, permettra aux firmes de s'adresser aux agences nationales. Passé l'année 1998, les procédures nationales seront réservées aux seuls médicaments dits «d'intérêt local» ou encore aux médicaments génériques, l'agence de Londres tranchant en cas de conflit entre les fabricants et les agences nationales.

Cette agence disposera pour l'année 1995 d'un budget opérationnel de 20 millions d'euros et d'un effectif d'une centaine de personnes (ces deux données chiffrées devant doubler d'ici à l'an 2000). Une liste européenne de mille six cents experts travaillant en équipes pluridisciplinaires et plurinationales a été constituée sous l'égide du comité des spécialités pharmaceutiques, comité qui vient d'élire comme président le professeur Jean-Michel Alexandre, l'un des

spécialistes français disposant d'un grand renom international.

On sait à Londres que les défis sont multiples, qu'il s'agisse des équilibres à respecter entre cette nouvelle structure nécessairement centralisée et les impératifs de subsidiarité ou encore des équilibres entre les puissances agences nationales française, britannique et allemande et celles des autres États membres. On sait aussi que la crédibilité de la nouvelle agence tient pour beaucoup dans la nature des liens financiers et scientifiques qui existent entre les experts du médicament et les firmes de l'industrie pharmaceutique.

(Le Monde, 31 janvier 1995)

Le secrétaire général des Nations unies souhaite donner à l'ONU un rôle plus actif dans le développement et la mettre en état de prévenir les crises économiques et sociales. Pour y parvenir, une commission sur le «gouvernement global» a été chargée de proposer une adaptation des institutions. Elle propose notamment, dans son pré-rapport, la création d'un «conseil de sécurité économique»: composé de personnalités politiques, il aurait un rôle délibératif dans les domaines de l'économie, de la vie sociale et de l'environnement. Le conseil économique et social des Nations unies (ECO-SOC), «qui ne se justifie plus», serait en revanche supprimé.

Dans son discours au Forum de Davos consacré à la «société globale», le secrétaire général des Nations unies a estimé que les entreprises transnationales, «aujourd'hui lieu de pouvoir fondamental à l'échelle de la planète», devaient être associées plus étroitement aux décisions internationales. «Mais, a-t-il ajouté, dans le même temps, elles doivent accepter d'inclure les perspectives de

l'intérêt général et du bien-être collectif dans leurs stratégies économiques. Cette participation des entreprises à l'élaboration d'un nouvel ordre social transnational est d'autant plus importante que l'affaiblissement des moyens de contrôle étatiques, la plus grande perméabilité des territoires et l'émiettement des intérêts économiques nationaux obligent à inventer de nouvelles règles et de nouvelles pratiques dans le domaine de la concurrence», a estimé M. Boutros-Ghali, soulignant sa volonté de «faire participer les grands responsables économiques privés à l'élaboration de ces règles».

Le secrétaire général de l'ONU a rappelé à cette occasion que la commission sur le «gouvernement global», constituée, sous son égide, pour réfléchir à la forme que pourrait prendre une sorte de «nouvel ordre politico-économique mondial», remettra ses conclusions au mois de mars. D'ores et déjà, un pré-rapport, dont le contenu a été diffusé à Davos, comporte un certain nombre de propositions en ce sens, parmi lesquelles le projet de former un conseil de sécurité économique susceptible de se substituer à l'actuel G 7, le groupe des sept principaux pays industrialisés, suspecté de défendre avant tout les intérêts des pays membres, de préférence aux intérêts globaux de la planète.

(Le Monde, 28 janvier 1995)

Le Conseil exécutif de l'Organisation mondiale de la Santé (OMS) a approuvé la création d'un Centre de recherche qui doit être établi dans la ville de Kobe, au Japon, pour contribuer à l'action sanitaire internationale de l'Organisation.

Malgré le grave tremblement de terre qui a frappé la région de Kobe avec les terribles pertes en

vies humaines et les destructions de biens qu'il a entraînées, les autorités de Kobe ont confirmé que leur appui à ce projet demeurerait inchangé.

Le "Centre OMS pour le Développement sanitaire" de Kobe bénéficie du soutien de la préfecture de Hyogo, de la ville de Kobe et d'entreprises du secteur privé représentées par la Chambre de Commerce et de l'Industrie de Kobe. Un appui financier à ce Centre a été garanti pour une période de dix ans. La contribution atteindra US\$ 6 millions par an, en plus de l'espace et de l'équipement nécessaires au Centre. Les fonds seront transmis par l'intermédiaire d'un organisme neutre, la Hyogo International Association, fondation à but non lucratif qui appuie la collaboration internationale.

"C'est la première fois que l'OMS aura à faire à une initiative émanant conjointement d'un gouvernement local et du secteur privé", a déclaré le Dr Eric Goon, Directeur à l'OMS de la Division du Développement des Ressources humaines pour la Santé, dans sa présentation du projet aux membres du Conseil exécutif.

Après une période préparatoire d'un an à partir d'aujourd'hui, les activités débiteront dans des bureaux temporaires jusqu'à ce que le nouveau Centre soit construit. L'objectif du Centre de Kobe est d'accroître les capacités de l'OMS et de ses États Membres à promouvoir et à soutenir une recherche multidisciplinaire dans le domaine du développement sanitaire, ce qui facilitera la planification et la prise de décisions dans le domaine de la santé.

Le Centre effectuera des recherches sur le développement sanitaire et sur les relations entre la santé et divers facteurs sociaux, économiques, environnementaux et démographiques. Il réunira des chercheurs provenant d'un large éventail de disciplines telles que les sciences biomédicales et la santé publique, la sociologie et l'étholo-

gie, l'économie du développement, la démographie et l'écologie.

Il fera partie d'un réseau mondial de centres de recherche: les travaux seront menés en étroite collaboration avec d'autres instituts, tant dans les pays développés que dans les pays en développement, et les résultats des recherches seront largement disséminés au sein de la communauté scientifique internationale.

Pour plus de renseignements, veuillez contacter Mme Susanna Gorga-Mondino et M. Philippe Stroot, Bureau de l'Information, OMS, Genève. Téléphone (41 22) 791 3982 et 791 2535; Fax (41 22) 791 4858.

(Communiqué OMS, 24 janvier 1995).

The European Science and Technology Assembly (ESTA), a consultative committee of the European Commission held its inaugural meeting in Brussels on 6-7 September 1994.

The functions of ESTA, as set out in a European Commission decision paper of 16 March 1994, are to help the Commission to prepare, implement and monitor Community policy in research and technological development, comprising:

- Community measures complementary to measures undertaken in the Member States, as set out in the European Community Treaty, namely:
- implementation of research, technological development and demonstration programmes,
- promotion of cooperation with third world countries and international organisations,
- dissemination and optimisation of results,
- stimulation of the training and mobility of researchers,
- coordination of Community and Member States' activities, as set out in the EC Treaty,

- research and training programmes, as set out in the Euratom (EAEC) Treaty.

The Assembly will also assist the Commission in its efforts to promote a scientific and technical culture in Europe and to stimulate debate on science and technology at European level.

The Assembly has up to 100 members, who are chosen from senior people in European organisations representing "exact and natural sciences; economics, social sciences and humanities to the extent that they are affected by Community research; technology and industry."

The members of the Assembly are appointed in a personal capacity, chosen by the Commission after contacts with representatives of European organisations from the worlds of science, technology and industry. In these appointments the Commission intends to ensure a desired balance in geographical terms, in the different types of research (pure, applied, and development) and in the various fields of scientific and technological activity. The members are appointed for a three-year term. The Assembly is to hold two ordinary plenary meetings a year.

It was felt that while the present consultative body, Committee for the European Development of Science and Technology (CODEST), performs some of these functions (and will continue to act until December 1994), its remit is too narrow for the new needs. (However, the current 27 members of CODEST have been invited to join the new Assembly.)

Comparison has been made with the National Research Council in the United States, and the Japan Scientific Council, which performs functions for their governments which would be appropriate for ESTA to accomplish in Europe.

Lists of nominees have been sought from the following: (the

numbers in brackets are the number of nominees chosen by the Commission from each group).

For the Scientific Community

• Big research organisations (CNR, CNRS, MPG, DFC SERC etc.);

- European Science Foundation (12)

• Academia:
- Academia Europaea (6)
- Federation of National Science Academies (6)

• Universities:
- European Conference of Rectors (6)
• Major European research organisations and laboratories:
- CERN, ESO, ESA, ESRF etc. (4)

For the Industrial World

• EIRMA (European Industrial Research Manager Association) (12)

• EUROCASE (European Association of Applied Science Academies) (4)

• IRDAC (Industrial Research and Development Advisory Committee) (4)

• ERT (European Round Table) (2)

• UNICE (Union of Industrial and

Employers' Confederations of Europe) (2).

(*ESF Communications*).

En 1989 est créé, à l'instigation de l'Unesco, un "Comité exécutif commun" (JEC) entre l'Union internationale des associations et organismes techniques (UATI) et la Fédération mondiale des organisations d'ingénieurs (FMOI). Cinq ans plus tard une étape importante concrétise ce bon niveau de relations avec une évolution du JEC vers une entité du type "Conseil International". Souhaité par M. Federico MAYOR pour renforcer les liens de l'UNESCO avec le monde de l'ingénierie ce nouveau conseil doit permettre à

ce dernier d'être considéré à l'égal d'autres partenaires (Sciences Sociales ou Unions Scientifiques par exemple).

Les statuts du Conseil International des Sciences de l'Ingénieur et de la Technologie (ICET) ont été signés le 6 septembre 1994 à Paris par le Président de l'UATI et le Président de la FMOI en présence du Directeur général adjoint de l'UNESCO; ils doivent être ratifiés dans un proche avenir par les instances qualifiées des deux Membres Fondateurs.

Les principales dispositions - qui méritent d'être retenues - sont les suivantes:

1. L'ICET est une organisation non gouvernementale à but non lucratif qui représente l'ingénierie et les ingénieurs.

2. Il doit représenter le point de vue des ingénieurs et de l'ingénierie auprès de l'UNESCO et des autres agences des Nations Unies et faire part de intentions de l'UNESCO et des autres agences des Nations Unies aux Membres qui le constituent.

3. Son siège est à Paris - Maison de l'UNESCO, 1, rue Miollis 75015 PARIS.

4. L'ICET est composé uniquement d'ONG internationales techniques pluridisciplinaires admises au bénéfice du statut consultatif des organismes du système des Nations Unies. Les Membres Fondateurs sont la FMOI et l'UATI; ils pourront être rejoints par des ONG répondant aux critères ci-dessus.

5. Le Conseil a pour objet:
- de faciliter la coopération entre ses Membres et avec l'UNESCO et d'autres agences des Nations Unies appropriées sur des disciplines et projets concernant les ingénieurs et l'ingénierie ou qui leur sont associés;

- de permettre à ses Membres de travailler ensemble lorsqu'ils reconnaissent qu'il est de leur intérêt de le faire;

- de promouvoir un échange d'informations entre ses Membres afin d'éviter une duplication des efforts tout en respectant le droit qu'a chaque Membre d'agir et de travailler indépendamment;

- de développer et d'apporter l'expérience des ingénieurs et de l'ingénierie pour la réalisation des programmes des organisations intergouvernementales. "

Tout renseignement complémentaire sur l'ICET pourra être demandé au:

Secrétariat de l'UATI
1 rue Miollis-75732 PARIS
CEDEX 15 (France)
Tél: 33 (1) 45669410
Fax: 33 (1)43062927

(Bulletin UATI n°2, 1994)

The International Federation for Information and Documentation (IFID) creates a regional organization for North African and Near East countries (NANE) to help libraries and information centres in the Arab countries, Mali, Chad and Niger and to develop their information systems and services. One of the main objectives is to provide assistance in building the infrastructures of library and information centres in the NANE region. NANE has produced an AID programme and outlined its policy.

For further information please contact: Dr. Shawki Salem
c/o ACMEL, P.O. Box 5225, Safat
13053, Kuwait.

(UNISIST Newsletter
vol. 22, n°2).

The European Regional Organization of the International Federation of Commercial, Clerical, Professional and Technical

Employees (EURO-FIET) has signed the first ever agreement in the private services sector, establishing a European Works Council for employees in the major French bank, Credit Lyonnais.

The agreement was signed in Paris on September 12 by FIET General Secretary Philip Jennings on behalf of EURO-FIET and by the five French banking unions. The agreement is the first of its kind and sets an important precedent. EURO-FIET was mandated to negotiate with Credit Lyonnais management on behalf of all unions representing company employees outside of France.

The agreement sets up a European-wide information and consultation committee. The committee, known by its French abbreviation, CIRCLE (Comité d'Information et Réflexion du Crédit Lyonnais en Europe), will last for four years.

Plenary meetings of the committee will take place once a year where both management and trade union representatives from the company will be present. These joint sessions of the committee will be preceded by a preparatory meeting of the trade union representatives and provision is made in the agreement for extraordinary meetings under exceptional circumstances.

The committee will enable management and worker representatives from throughout Europe to discuss matters of importance in the bank. Such matters may be of an economic, financial, or social nature.

Other features of the agreement are provisions for local negotiations between trade unions and management to decide on workers' representatives who will attend the European Works Council. Crédit Lyonnais has operations in ten countries of the European Union.

(FIET INFO n° 8, 1994).

Transnational Associations
Associations transnationales

47th year
47^e année

Some items in recent issues : <i>Parmi les thèmes traités récemment :</i>	Issue number <i>Numéros :</i>
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The recognition of the legal personality of INGOs <i>La reconnaissance de la personnalité juridique des OING</i>	3/1986, 3/1990, 5/1990, 6/1990.
Latin American Associations <i>Les associations latino-américaines</i>	6/1989, 3/1990, 1/1993.
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Social movements and trade unions <i>Mouvements sociaux et syndicats</i>	6/1989, 1/1990, 3/1990, 4/1994.
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Population and Development <i>Population et développement</i>	5/1994
Language and transnational communication <i>Langage, communication et transnationalité</i>	1/1992, 2/1992, 5/1994, 6/1994.
Civil Society and the State <i>La société civile et l'Etat</i>	1/1992, 1/1994, 3/1994, 4/1994.

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- The concept of civil society
La notion de société civile
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