Transnational Associations

The review of the Union of International Associations

6/95

INGOs between international law and national laws

L'économie sociale dans le monde

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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 commun interest to them. Contributors to the journal revieuw 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 dam ¡a 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 an savoir comme à la pratique des spécialistes du champ d'action des associations transnationales. Les documents, articles et études publiés par Associations transnationales *traitent également des liens établis entre celles-ci et les organisations intergouvememementales. 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'UAI, 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'UAI 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'UAI 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'UAI devait incarner, dans l'esprit de ses fondateurs, les aspirations internationalistes et les idéaux de paux qui animaient leí associations et qui allaient aboutir en 1920 à la création de la Société des Nations.

L'UAI 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.

Contents 6/1995 *Sommaire*

A legal tangle: the "status" of non-governmental international organizations between international law and national laws
by Marcel Merle
Page 324

General review of arrangements for consultations with non-governmental organizations (II)
ECOSOC
Page 331

Keynote address by Secretary-General Boutros-Ghali to the 47th DPI/NGO Conference
Page 345

Le concours des OING à l'action de l'Unesco
Page 350

The Tokyo Resolution
Page 353

L'économie sociale dans le monde
Fondation de France
Page 355

Liberal politics and the public sphère (I)
by Charles Taylor
Page 362

Association News
Vie associative
Page 372

Index 1995
Page 382

A legal tangle: the "Status" of non-governmental international organizations between international law and national laws

*by Marcel Merle**

The gaps in the law (especially numerous in international law) never cease to fascinate the observer of organisations. How is it that mankind, so careful in regulating the course of all social activities, can overlook one or two of them and abandon them to the law of the jungle? Is it because of the lack of curiosity about certain terrae incognitae, which are still distant and, for the time being, inaccessible? This argument may hold true of sectors that are being turned upside down, such as that of bio-ethics, where the law is dependent on fast-moving scientific progress; but it does not extend to long-standing and easily marked situations, as with non-governmental international organizations (INGOs). Are they in fact sectors which are perfectly marked out but subject to a kind of taboo, as with primitive societies, whose violation would seem a sacrilege? Such a theory in the light of the secularization of the law. Is it possible, on the other hand, that these gaps have deliberately been left unfilled by an implicit consensus, whereby everyone stands back, preserving their reciprocal rights, from encroaching on the margin of manoeuvre from which other decision-takers seek to benefit? That seems a more plausible explanation. However, to confirm it, we must explore the void left by the absence of law and, like a potholer, map our the subterranean currents that explain the origin or the disappearance of the flow that he has noted on the surface.

The problem presented by the absence of an appropriate status for INGOs is a perfect illustration of this working hypothesis. On the one hand, we see an accumulation of phenomena; on the other, all we find in existing law are fragments of an answer, ill-adapted to the problems raised through the vitality of the tendency to associate. The latter is the more apparent as it is one of the more characteristic expressions of the transformation that occurred in international relations during the last century. True, the existence of a cross-border solidarity between beliefs or between interests goes back further than yesterday. But the examples that we can find in history either emerged at a time when political power was fragmented and incapable of ensuring the control of territory (cf. the urban leagues or the religious orders in the Middle Ages) or they came up against a defensive reaction by the State (cf. the expulsion of the Jesuits and the distrust of Freemasons, suspected in each case of wishing to create a state-within the state). Nowadays, we have left this reticence and the state of mind far behind us. The statistics are there to prove it: the States that signed the Pact of the League of Nations in 1919 were31 in number; those who signed the Charter of the United Nations in 1945 numbered 50. Today, the UN has 182 members, namely a sixfold increase in less than a century. By comparison, the *Yearbook of International Organizations* tells us that the number of intergovernmental organizations (IGOs) has increased from 37 in 1909 to 297 in 1993, i.e. an increase of slightly less than tenfold, while, within the same period of time, the number of INGOs has increased from 176 to 12,457, namely an increase by a factor of 70. In the light of these statistics, we can understand how many observers have interpreted the proliferation of INGOs as proof of the emergence of a "civil society" in the face of the grouping of states and why they have regarded this process as foreshadowing a radical transformation in the structure of international relations. We shall in due course consider the reasons for a more restrained assessment[1].

However it might be truly described, this quantitative thrust is a "social fact" possessed of its own dynamics: aware that they are meeting aspirations that governments ate not - or are no longer - able to satisfy, the INGOs are demanding their place in the sun by claiming the granting of a "status" recognizing their specific nature but also and above all, endowing them with the necessary rights to discharge their functions on che international scene. From the start, however, the discussion seems distorted. Although the INGOs are claiming special status, they do so to overcome the constraints imposed on them both by national law and by the carving up of territory by frontiers. However, these two kinds of obstacle are inherent to the juxtaposition of sovereign states holding a monopoly in the creation of the rules of law. The INGOs themselves have no power to grant themselves special status; they have no

* Professor Emeritus au the University of Paris I (Pantheon-Sorbonne).
(1) V. Marcel Merle, "Le concept de transnationalité", in *Mélanges René-Jean Dupuy*, Pedone, 1991.
This article is the English translación of che French original wich appeared in *Transnational Associations*, 5/1995, 266-272.

hope of achieving this, save through intervention and concessions on the part of the groupings of states, whose influence they are at the same time seeking to reduce and whose privileges they are disputing.

A dramatist would say that the fate of victims lies in the hands of their executioners and the former can hope for an improvement in their lot only by the good grace of the latter. To put it more simply, in legal language, only the State has the ability to grant INGOs the special status they claim. This already explains the lack of enthusiasm that governments have shown in finding a solution to the problem.

1. The myth of the unification of national status

The question is one that firstly affects each state taken individually. Many of the difficulties encountered by INGOs would be resolved if states were to agree to adopt a single model association status, or, at least, to reduce the disparities that persist both in their functioning and in their regulation.

Unfortunately, such "standardization from the ground upwards" has little chance of success, owing to the weight of national tradition, especially heavy in this field. Authoritarian regimes have long looked at the association tendency with suspicion, until the time when they discover the opportunities for influence that it offers them. Under the banner of private organizations, structures have been erected for organizing and mobilizing the population which soon became mouth-pieces for political propaganda for instruments at the disposal of the authorities. Many "development" schemes, (albeit beneficial) in Third World Countries have been guided by processes of that kind. Although liberal regimes have nothing to learn, they have nothing to give either. It took France more than a century to overcome the ban imposed by the Le Chapelier Act and it had to wait until 1901 before associations were granted the right to be freely formed, under a non-restrictive regime. But association status has, hereto, frequently led to a misuse of power by government. The latter has not hesitated to set up fictitious associations (such as the "Carrefour du développement" in the mid-Eighties) intended to receive grants, for which there was then no mandatory public accountability. But the defence of "good causes" may also hinder financial transparency, as the budgets of humanitarian associations are in principle fed from public funds.

The distinction between national and international associations for its part varies similarly from one country to another. Some have introduced a radical discrimination between the expenditure of international associations regarded as "foreign" and subject to a system of prior authorization and the discretionary powers of dissolution (French system introduced by the Decree of 12 April 1939, as a result of the threat of war, but kept in force until October 1981). On the other hand, other laws grant favourable conditions for certain international associations (Belgian Act of 25 October 1919, supplemented by that of 6 December 1954, "granting civil personality to international associations pursuing a philanthropic, religious, scientific, artistic or educational aim"). Other systems draw no distinction between national and international associations, provided the latter are established within the frontiers of the state (as in Switzerland and France since the repeal of the 1939 decree).

The spontaneous sweeping away of such disparities is a pious hope. No government will unilaterally take the decision to align its laws on those of its neighbour since association status is engrained in national tradition and government custom. Besides, a harmonization of laws would presuppose an alignment on a joint reference standard, which could be created only by a joint decision of the states beforehand. Let it be noted, finally, that the "downgrading" of the status of INGOs by purely and simply placing them on the same basis as national associations in their host country would only partly meet the desires of those concerned: on the one hand because such reference to national law would leave all kinds of disparities affecting the status of national associations from one country to another, and on the other because such assimilation would accelerate the segmentation of the international association movement and

would mean the latter losing the benefit of all privileges that it might claim to assist with the deployment of its cross-border activities. What the INGOs need is not so much equal treatment by States as recognition of their own rights, which may be invoked before and, if necessary, against the State authorities.

Putting the problem in these terms is to recognize that the solution is an international convention granting INGOs appropriate status.

2. The "consultative status" trap

Pending this ultimate beatification, the INGOs believe they have found some solace in "consultative status", a model for which exists under article 71 of the United Nations Charter, which reads as follows:

> *"The Economic and Social Council may take all useful steps to consult non-governmental organizations concerned with matters within its jurisdiction. These provisions may apply to international organizations and, where applicable, to national organizations after consulting the Organization Member concerned".*

The Pact of the League of Nations did not even mention private international institutions while the workings of the Geneva Organization paid them scant attention.

The possibility of henceforth being associated with the work of one of the principal bodies of the United Nations, in this case the Economic and Social Council, was legitimately regarded as a victory by the representatives of INGOs. Their success was all the greater since article 71 was to serve as a model for specialized institutions and for most of the regional organizations (e.g. the Council of Europe). A vast network of relationships was therefore installed as from 1945 between the IGOs and the INGOs. To what extent these innovations contributed towards improving the condition of the INGOs is hard to say.[2]

True, the category of INGOs emerged from obscurity. It was in fact following publication in the United Nations Charter that it received the patronym by which it is today identified. But recognition of their existence has only limited effect and can in no way be regarded as equivalent to "legal status".

Firstly, the position of spokesman for the INGOs remains reserved to a limited number of partners. It is up to the authorities of the IGOs to grant and, where applicable to withdraw this privilege. The regime is therefore one "granted" unilaterally and at discretion, not vested ipso jure and remaining precarious and revokable. In fact, only a few hundred INGOs (approx. 700, according to the United Nations out of more than 12,000 units surveyed) are permitted to participate in the work of the IGOs. The others are kept at arm's length of all recognition. It is true that the General Assembly of the United Nations has softened the stringency of this discrimination by inviting a growing number of INGOs to participate in the major conferences that it has organized on subjects of a general nature, such as the environment, disarmament or population. The number of delegations despatched was such (2,500 private participants in the Earth Summit in Rio de Janeiro, 1992) that two conferences had to be organized separately in parallel. Within the framework of the "Forums" allocated to them, the INGOs acted as representatives of a kind of world public opinion within which contradictory proposals were frequently tackled. In fact, these events largely played the role of a pressure group, aimed at influencing the work of the experts or government delegates who were attending the official conferences. Dialogue between the two categories of bodies on occasion suffered from certain forms of demagogic over-bidding and the confusion that resulted. However, be that as it may, these experiments had only limited extent and cannot be regarded as offering recognition to those invited, beyond the period of the meetings.

These being beneficiaries appointed under article 71 and equivalent provisions, the so-called "consultation" scheme extends only to bilateral relations between the IGOs and the INGOs concerned. It gives rise to no objective right that may be held out against third parties (including Member States of the Organization). The consultation mechanism therefore does not confer international personality on its addressees. It would be wrong to regard a simple

(2) V, Marcel Merle, "Le'article 71 de la Charte" in La Charte des Nations Unies, Commentaire article par article, edited by J.P. Cot and A. Pellet, Económica 1991.

functional arrangement, which has no effect beyond the departmental limits of the IGOs as "status".

Finally, this "pseudo-consultative status" grants the INGOs only very limited prerogatives. Most of the beneficiaries must be happy with the distribution of information and non-participant attendance at debates. Only a minority of the "major" INGOs were entitled to ask for questions to be included on the agenda, to submit brief arguments in writing and, even more rarely, to have their say at meetings. In no event were voting rights granted to representatives of INGOs. This means that the consultative function was construed in very restrictive terms and that the INGOs had very little opportunity to influence the decisions of the IGOs.

This restrictive interpretation is clearly disputed by INGO representatives, who quite rightly claimed their prerogatives. Under the pressure of the latter, the Economic and Social Council on 29 July 1993 passed a resolution opening the debate on the reform of consultative status.[3] There is no reason to believe that its work will end with a favourable result before the fiftieth celebration of the Charter and that States will abandon the distrust that they have so far shown towards the INGOs.

Although the IGO/INGO relationship is only one element of the "status" of the INGOs, it nonetheless remains an essential link in the operation of the international system. To be fair, one should mention here the often fruitful collaboration between the two categories of institution in the field of international cooperation. Many INGOs have accordingly been invited to participate in setting up aid schemes on the ground or to offer training under the aegis of the specialized institutions.

In this connection, a word must be said about the problems raised through the humanitarian intervention in recent situations of armed conflict (former Yugoslavia, Somalia and Rwanda). The situation that the partners concerned must face up to does not fall under article 71 of the Charter, bur it concerns to the fullest extent the question of the relationship between "private" and "public" in international relations. The humanitarian organizations operate in a field where not only rival factions but also the "blue helmets", entrusted by the Security Council with tasks that are sometimes less than certain and, with armed forces possibly placed under the direct and exclusive control of certain States (United States in Somalia, France in Rwanda), are manoeuvring. Where it is most needed, the humanitarian approach becomes impossible, as it is constantly asked for, exploited and distracted from its objective through the strategy of the parties on the spot.[4]

The problem is not that of finding a solution but simply to draw attention to the seriousness of the disfunctions resulting from the total absence of coordination between private initiative and the action of those who pull the political strings, national or international. The matters at stake go well beyond academic debate, but it would do little good to show proof of sophistication in perfecting consultative status if it was at the expense of finding a "code of conduct" to associate the private sector and the public sector in the solution of the more dramatic crises that affect the course of international relations. Even if the case is an extreme one, this example shows that legal gaps exist that can have catastrophic consequences in certain circumstances. We have seen that "consultation" is insufficient to grant status. Where there is not even consultation, we come back to the law of the jungle.

Since, in any case, consultative status is an illusion, the difficulty must be tackled head-on and the preparation of a true international status for INGOs envisaged.

3- Towards an international status for INGOs ?

This is not a new plan and it can boast of at least one famous precedent, that of the formation of the *Red Cross.* In fact, there is nothing to stop States as a group from setting up organizations, public or private, to which functions considered useful or necessary for the international good order are entrusted. In 1864, the nations agreed on the initiative of an ordinary private citizen, the Swiss Henry Dunant, to entrust a private organization, the

(3) See Associations transnationals (U.A.I., Brussels) 1993, No. 6.
(4) V. Alain Destexhe, "L' humanitaire impossible, ou deux siècles d'ambiguité". A. Colin, 1993.

International Committee of the Red Cross, with the task of offering succour to the injured on che field of battle and subsequently to come to che aid of victims of all armed conflict. Strictly in law, the *Red Cross* remains an association governed by Swiss law, whose directors must be Swiss nationals but which is entrusted, with the aid of national sections attached to it, with a true international public service mission. Its founder was blessed wich the intuition of a genius when he suggested to the nations that the duty of acting in circumstances where international relations reach a high degree of conflict should be left to a private, neutral and independent institution.

But, States as a group may also entrust an inter-governmental organization with a more modest task. That is the case wich the *International Diplomatic Academy*, founded in 1926 by a convention signed by 91 governments and whose objective is "the joint study of international problems by statesmen and diplomats". In fact, the functioning of the Academy, which is established in Paris, is very similar to chat of a INGO, as its operation is more often a matter of personalities than of governments.

On che basis of these two examples, one may wonder why States have appeared so reticent in attributing INGOs the status that they seek. Ten projects have been worked out since 1910 within the framework of prestigious institutions (including the Institute of International Law) and patronized by persons whose authority has been universally recognized (Nicolas Politis, Suzanne Bastid, amongst others) [5]. Despite these incentives, the States have remained deaf to che appeals launched by the INGOs. Insofar as they have begun to listen to these requests, they have shown proof chat their goodwill is not free from timidity or tactlessness.

Although it is true chat, so far, no "world" status for INGOs has seen the light of day, significant progress has nonetheless been made at "regional" - especially European - level. The most meaningful achievement in this connection is the "European Convention on the recognition of the legal personality of INGOs", signed on *24* April 1986 under the aegis of the Council of Europe [6]. The writers of the document had a choice between two formulae: either to cobble together an entirely new status from many different parts or to submit to the existing provisions of national law and, by a subtle system of "references", ensure for INGOs on the territory of all Member States of the Council of Europe the same rights and prerogatives as those that they already enjoy in the State where they have chosen to establish their head office. Wisely, the Council of Europe opted for the minimalist solution, one quite easy to put into effect, thereby evading the essential issue as to che ideal content of an autonomous internacional law for associations. In terms of this Convention (arc. 1), the following are regarded as INGOs:

Associations, foundations and other private institutions that fulfil the following conditions:

a) to bave a non-profit-making aim of international utility

b) to bave been established by an instrument governed by the internal law of a Party

c) to cany on their activities with effect in at least two States

d) to have their statutory office in the territory of a Party and the central management in the territory of that Party or of another party. "

Subject to the arrangements for application the details of which cannot be entered into here, article 2 provides chat:

> *"The legal personality and capacity, as acquired by an INGO in the Party inb which it has its statutory office, shall be recognized as of right in the other Parties".*

An essential point is therefore established. Within the area covered by the 19S6 Convention, the INGOs are henceforth protected from any discrimination. Like the snail that carries its shell, every INGO carries with it its identity and its status without having to request new recognition from the various countries where it carries on its activities.

Does this deal with all the problems as such? Far from it. Although article 7 of the Strasbourg Convention encourages the executive bodies of the Council of Europe to instigate membership on the part of non-member States, the scope of che new system ends wich the geographical limits of the Council of Europe and, within them, to the countries who have ratified

(5) A full list of these projects (texts and comments by the authors) appears in the International Statutes Series, Vol. 1, U.A.I. 1988.
(6) Text and preparatory work in Transnational Associations, 1986, No, 3.

the Convention. France saw no reason to proceed with ratification, owing to its gut reaction to which problems of immigration and terrorist threat give rise in respect of any form of foreign - or supposedly foreign - admixture.

Secondly, the mechanism for referral back to the original legal system prevents INGOs from being granted privileges beyond the ordinary law of partnership, which would in fact be necessary for the free pursuit of private activities of a national nature: freedom of movement for persons and capital across frontiers, tax and customs exemptions, easing of the rules of labour law. This is where the lack of a legal status specific to associations is felt.

Finally, the welcome initiative of the Council of Europe is today under threat from interference arising from projects of the European Union. Even before ratification of the Maastricht Agreement, the EEC Commission had, on 5 March 1992, published a "proposed Regulation concerning the status of the European Association". This project is aimed at encouraging the setting up within the exclusive jurisdiction of the Community of associations of a "European" inclination (to avoid the word "Community"), whose status would endow them both with advantages and specific constraints. Contrary to the automatic effect for which the Council of Europe Convention provides, the Community status would be "optional" and "granted" on the basis of criteria in line with the Community's objectives.[7]

There was a time when people complained of the lack of international organizations compared with INGOs. The time has perhaps come for people to complain of the plethora of initiatives, owing to the absence of coordination. This will necessarily mean distortion in space and time, according to the chronological order in which the laws enter into effect and depending on the scheme of association adopted. In the worst case, having regard to the competition that exists between the Council of Europe and the European Union, we can imagine the same association being subject to three different schemes, depending on where its head office and its foreign branches are located, or an association benefitting from three different and contradictory schemes in the same country and at the same time. The theory of conflict of laws will be given a new lease of life.

Although the present turmoil within the European space is a source of confusion, it shows all the more the enormous size of the challenge presented by the drafting of the Convention and in providing all INGOs on a world scale with an appropriate status.

But with the symptoms of the malaise relatively easily identified, causes of this behaviour, the result of which is the persistence of a regrettable gap in the international legal order requires scrutiny.

The responsibility of States has frequently been questioned. It is true that they are the "legislators" and we can understand that nations as a group have some worries about offering potential competitors a platform: the more that "rights" are conceded to representatives of the international "private" sector, the greater the slice of the "public" sector is placed under the control of the sovereignty of states, is reduced.

Added to this very general motif is the distrust of many governments of these "Trojan horses" that hostile regimes or ill-intentioned operators sometimes infiltrate into their territory merely to destabilize or speculate. We remember that the Decree of 1939 is motivated by the fear instilled in the French government by the actions of the "Fifth Column" (an espionage and demoralization network set up by the Nazis), and we know that the people as a whole will always respond to the "security" argument.

Although well-known, these arguments are still insufficient to carry the day. Not only does the distinction between "private" and "public" tend to weaken in the international environment as in the domestic environment, but legal prohibitions do not prevent subversive elements and foreign speculators from acting in their own fashion by other means- Standing the problem on its head, one might even wonder whether States are not chary of laying down over-strict rules in a field where they do not hesitate to use the association cover (internal or international) to achieve their own ends.

We must, rather, turn to the INGOs

(7) See the discussion opened on this point at the Colloquium held by the U.A.I. in October 1992, *Transnational Associations*, 1993, No. 2,

themselves to understand the difficulty, if not the impossibility, of regulating their participation in international life. The growth in size of the phenomenon is already in itself an obstacle to dialogue; however, the extreme diverseness of the association environment, which is such as to prevent any attempt to typify them, enhances the obstacle yet further. Whatever the degree of anarchy inter-state system may have reached, it remains a model of order and organization compared with the ceaseless, uncontrolled mushrooming of oddball INGOs: it is a French garden compared with an equatorial jungle.

No authority is at present in a position to represent this grouping or to negotiate on its behalf, and no authority could claim such an impossible task. The Union of International Associations (UIA), formed in Brussels in 1907, certainly attempted at one time to set up a "Federation". It had to give this up in 1953, to devote itself in accordance with article 3 of its Articles of Association to activities of "research, study, information, consultation, advice and services" which exclude any notion and any function of representation in che strict sense of the word.

In fact, we find that the "major" INGOs, those who live from their own resources or whose usefulness and good name have long been recognized (such as the International Chamber of Commerce), are not looking for any supplementary endowment in terms of a status that might impose unnecessary constraints on them; most of the INGOs that play an active part in the international cooperation sector gravitate around IGOs whose activities are in line with their objectives and manage to arrive at the necessary compromises with them for useful cooperation. "Consultative status", which covers these activities, can and must be improved, but progress must be sought on the part of the two categories of partner that exist: IGOs must do something about the discredit resulting through their lack of effectiveness, while the INGOs should look for improved balance between the set of convictions that underlie their purpose and the set of responsibilities that they sometimes lack.

Beyond this, one notes with satisfaction some positive progress, such as the Convention of the Council of Europe already mentioned. However, the barriers that remain and the persistence of a grey area within an ever-more substantial part of international activity are all too obvious. What we also know is that this legal vacuum relates to realities which must one day be tackled, as they will otherwise surface in due course in a more threatening form. But to fill the gaps, it is not enough to mark their existence; we must also try to understand the reasons for them. The legal tangle is never a coincidence but the outward sign of contradictions that are at work at the heart of society.

General review of arrangements for un consultations with non-governmental organizations (II)*

Report of the Secretary-General of the United Nations

V. Secretariat support

Services provided by the Non-Governmental Organizations Unit of the united Nations Secretariat

102. The Non-Governmental Organizations Unit is located within the Division for Policy Coordination and Economic and Social Council Affairs of the Department for Policy Coordination and Sustainable Development. The Unit is headed at the P-5 level and consists of three Professional and three General Service staff members. The resources of the Unit were augmented by one Professional and one General Service staff member following the review conducted by the Economic and Social Council in 1992 as a result of General Assembly decision 46/431 of 17 December 1991 and on the basis of the report of the Secretary-General on the effective functioning of the NGO unit (E/1992/63).

103. The functions of the Non-Governmental Organizations Unit, which are based on Article 71 of the Charter of the United Nations and on Economic and Social Council resolution 1296 (XLIV) can be divided into three main components: (a) acting as substantive secretariat of the Committee on Non-Governmental Organizations and of related meetings, which includes the preparation of all required documentation, (b) assisting the Committee and the Council in ensuring the full implementation of Council resolution 1296 (XLIV) on arrangements for consultation with non-governmental organizations and (c) acting as a focal point within the United Nations Secretariat for the provision of advice and information to Secretariat officials, the United Nations system, States Members of the United Nations and outside users, with regard to non-governmental organisations. From time to time the Unit is also called upon to provide services to ad hoc international conferences and meetings related to the contribution and participation of non-governmental organisations.

Services provided for NGO participation in United Nations conferences

104. In all the cases where the General Assembly has made budgetary allocations for the establishment of ad hoc secretariats for world conferences, relations with NGOs, including NGO accreditation to the conferences, have been principally handled by those secretariats, with guidance provided by the NGO Unit regarding NGO accreditation, and support from DPI for public information purposes. The same arrangements have been made when conference secretariat responsibilities have been assigned to Secretariat departments equipped with their own NGO liaison unit, e.g., the secretariat of the United Nations Conference on Trade and Development (in the case of the two United Nations conferences on the least developed countries) and the Centre for Human Rights (in the case of the World Conference on Human Rights). In cases where there have been no budgetary allocations for an ad hoc secretariat, the NGO Unit has been called upon to provide a substantial part of the services regarding NGO participation.

105. In each case, the responsibilities have normally covered:

(a) Notification of the relevant intergovernmental decision regarding rules and criteria for the accreditation of NGOs;

(b) Review of the applications submitted by NGOs in accordance with the relevant intergovernmental decision, and submission of documents to the preparatory committee of the United Nations conference for decision;

(c) Organization of logistical arrangements at the site(s) of the various sessions of the preparatory committee and the conference itself, with a view to facilitating NGO involvement in the formal process (NGO lounge, NGO access to official documentation, processing of NGO statements eligible for official distribution, preparation of lists of NGO representatives wishing to address plenary sessions, organisation of regular

This is the second parr of che repon written by che open-ended working group on the review of arrangements for consultations with non-governmental organizations, First session, 20-24 June 1994, Item 3 of the provisional agenda* (E/AC.70/1994/2).
The complete document, including annexes, is available at ECOSOC Secretariat, Department of Public Information.

briefings on the intergovernmental process and participation of NGOs therein, etc.);

(d) Organization of additional logistical arrangements to facilitate informal interaction between NGO representatives, governmental delegates and representatives of intergovernmental organizations at official sices (e.g., government-NGO "dialogues" on matters under discussion at the intergovernmental level);

(e) Support for fund-raising efforts to facilitate participation by NGO representatives from developing countries and, in the last several years, from countries in Central and Eastern Europe, and involvement in the management of the resources raised for such purposes;

(f) Liaison with NGO committees and coalitions responsible for organising NGO parallel activities (especially NGO forums and newspapers monitoring sessions of preparatory committees and world conferences);

(g) Coordination with other Secretariat units concerned with NGO participation in United Nations conferences, especially the NGO Unit, DPI and the United Nations Non-Governmental Liaison Service.

106. Equivalent services have been provided by the secretariats of United Nations funds and programmes on the occasion of other world conferences, e.g., UNICEF for the World Summit for Children, and the negotiation of conventions, e.g., UNEP for the Intergovernmental Negotiating committee for a Convention on Biodiversity.

Services provided by the United Nations Non-Governmental Liaison Service (NGLS)

107. The United Nations Non-Governmental Liaison Service (NGLS), an inter-agency unit dedicated to fostering cooperation between developed- and developing country NGOs and the United Nations on a broad range of development policy issues, has become increasingly involved in the organisation of United Nations conferences, especially with regard to:

(a) Provision of substantive documentation on the background, themes and policy significance of world conferences, and on the policy content of the preparatory process;

(b) In cooperation with conference substantive secretariats, organisation of briefing/orientation sessions for NGOs attending sessions of preparatory committees and world conferences;

(c) Assistance to fund-raising efforts, especially as regards funds for developing-country NGO representatives, and (since the third session of the Preparatory Committee for UNCED) responsibility for managing and disbursing such funds, in cooperation with substantive secretariats;

(d) Organization of informal sessions for NGO representatives on aspects/themes of the intergovernmental process, and of informal dialogues between NGO representatives and government delegates;

(e) Similar support services for NGO participation in post-conference activities, especially with regard to (i) follow-up deliberations of the General Assembly on decisions taken by world conferences and (ii) activities of organs established as a result of decisions taken by world conferences and endorsed by the General Assembly, e.g., the Council's Commission on Sustainable Development;

(f) Similar support services for NGO participation in sessions of intergovernmental negotiating committees, e.g., those established for the conventions on climate change and on desertification.

VI. Conclusions and recommendations

Issues arising from experience in the implementation of Council resolution 1296 (XLIV)

108. The survey of experience in the implementation of Council resolution 1296 (XLIV) contained in chapter II and the review of the functioning of the Committee on Non-Governmental Organizations contained in chapter III indicate that the Committee has been able, for the most part, to carry out the

guidelines and provisions of that resolution. Over the years, the Committee has brought into consultative status with the Council some 1,000 NGOs on the basis of that resolution. It has proceeded with a review of these organisations and, from time to time, it has also considered a number of questions related to the granting of consultative relations to NGOs. Most recently, the Committee, at its 1993 session, discussed and took note of some practical guidelines for the implementation of Council resolution 1296 (XLIV).

109. However, experience in the implementation of Council resolution 1296 (XLIV) also brings out several sets of interrelated issues that need to be addressed during the current Council review:

(a) Issues related to the nature, objectives and substantive content of the relationship between the United Nations and NGOs, leading to the question whether too much emphasis has been placed on looking upon NGOs as disseminators of information about the United Nations and its activities and too little emphasis on NGOs as (i) organizations of civil society that want to strengthen their links to global governance and (ii) generators and reservoirs of substantive expertise and practical experience that are necessary to the formulation of international legal instruments, policies and programmes, and to their implementation nationally and globally;

(b) Issues related to the scope of Council resolution 1296 (XLIV) in terms of its coverage of the organs of the United Nations. Limitations arise from the fact that the resolution identifies the consultative relationship only with the Economic and Social Council and does not include the General Assembly and its Main Committees or its other subsidiary organs;

(c) Issues related to the need to give greater attention to the institutional, cultural, thematic and functional diversity that exists among NGOs, both between and within countries and regions, and to their differing requirements for policy dialogue, programme implementation, and exchange and dissemination of information;

(d) Issues arising from the resolution's principal focus on international organisations, whereas the growth of the non-governmental sector in the fast two decades has seen an unprecedented rise in national and regional NGOs that have a significant impact on society and governance, in both developed and developing countries, and that seek increasingly to collaborate with the United Nations in the economic, social, humanitarian, environmental and human tights areas;

(e) Issues arising from the quasi-exclusive emphasis given in Council resolution 1296 (XLIV) to relations with NGOs at Headquarters level, and the need to find a more effective balance between the global, regional and national levels, as well as between the various dimensions e.g., policy formulation and programme development and implementation of the relationship between the United Nations and NGOs;

(f) Issues related to the practical and procedural problems that the Committee on Non-Governmental Organizations has confronted with increasing acuity in carrying out its mandate under Council resolution 1296 (XLIV). The Committee, which meets only every two years, handles a growing volume of work relating to the granting of consultative status, reclassification and the quadrennial review of NGOs already in consultative status. The wide range of NGOs that need to be covered in this review does not allow the Committee to carry out an in-depth analysis of these reports;

(g) Issues that stem from the lack of interaction between the Committee on Non-Governmental Organizations and other subsidiary bodies of the Council and the General Assembly that deal with economic, social, environmental and humanitarian matters. As a result, the Committee has tended to work in relative isolation from emerging trends in various substantive fields;

(h) Issues related to the participation of NGOs in United Nations conferences, about which there continues to be a need to adopt standard rules. Stock must be taken of both emerging patterns and inconsistencies inherited from past practices in order to reach

agreement on a basic framework that will be conducive to broad and effective participation by NGOs;

(i) Finally, issues that concern che nature, scope and range of services chat the Secretariat would need to support an improved relationship between che United Nations and NGOs. Three issues of an administrative/financial nature may in particular need to be considered in that light: (1) the capacity of the Non-Governmental Organizations Unit to carry out the work required by the rapidly expanding number of NGOs in consultative status and of NGOs seeking accreditation to United Nations conference processes (2) the funding of participation of NGOs in United Nations processes, which may require an adjustment in United Nations administrative/financial regulations; and (3) the predictability of support for the United Nations Non-Governmental Liaison Service to give it the financial viability needed for effective programme planning. An adequate response to these questions will logically depend on an assessment of needs once the review determines the character and institutional requirements of that relationship.

Issues suggested for consideration by the Open-Ended Working Group

110. In light of the information provided in che previous chapters and the issues identified in the section above, the following section contains suggestions as to a possible series of questions for discussion by the Open-Ended Working Group. This section has been prepared with a view to facilitating the Working Group's identification of the elements of debate that should be taken into account with respect to each question and the elaboration of a possible programme of work following che first session of the Working Group. Account has been taken, in preparing this section, of the discussions as well as various studies and proposals originating in non-governmental and academic circles and deliberations of the Committee on Non-Governmental Organizations (see chap. II and Selected Bibliography).

General considerations

111. Several general considerations that are currently not explicitly included in Council resolution 1296 (XLIV) but form part of che evolution in che relationship between the United Nations and NGOs deserve consideration by the Open-Ended Working Group:

(*a*) *Scope and nature of arrangements:*

(i) The future relationship between the United Nations and NGOs could have as its main objective to provide an enabling environment for the contribution of the institutions of civil society to global governance and for the establishment of an enhanced relationship between the United Nations and the institutions of civil society on the basis of common ideals, purposes and interests;

(*b*) *Interaction of the institutions of civil society with national and global governance.* Account needs to be taken of the following:

(ii) The contribution that NGOs have already made in all the major areas in which the United Nations is involved, their role in making the work of the United Nations better known to their constituencies and the general public, and their positive influence in alerting the international community to emerging issues and in proposing ways in which they can be addressed;

(iii) The emergence of civil society as a cause and consequence of positive transformations in governance at the national, regional and global levels:

(iv) The challenges facing the international community, which increasingly require that Governments and che institutions of civil society cooperate at both policy and programme levels;

(v) The growing practice and scope of cooperation between Governments and che institutions of civil society in a wide range of fields and activities, from policy dialogue to operational programmes;

(vi) The role that NGOs play in helping to build participatory democracy;

(1) Current practice allows NGOs in consultative status with the Council, in the absence of a formal status ¡n the General Assembly, to participate in the public sessions of the latter's main Committees, albeit without the right to either circulate written statements or make oral presentations. Although confined mostly to informal working methods, participation by NGOs in the work of the General Assembly has significantly risen over the years and many NGOs in conslutative status that have representatives in New York have had a stronger presence in the General Assembly than ¡n the Council. In particular, a number of Main Committees have devised informal arrangements which have allowed NGO representatives to make oral statements and NGO documents have been made available, on an informal basis, outside Committee rooms.
In particular, NGOs have been able to participate, through hearing sessions, in the activities of special committees of the General Assembly, especially the Special Committee on Apartheid and the special Committee on Decolonisation.
NGOs have also been able to take part in special sessions of the General Assembly and to address the Ad Hoc Committee or the Committee of the Whole (first, second and third special sessions on disarmament, special session on the critical economic situation in Africa, special session on apartheid, special session on drugs, and special session on international economic cooperation, in particular the revitalisation of growth and development of the developing countries). Such practices have allowed

(c) Diversify and growth within civil society

(vii) Recognition should be accorded to the changes that have taken place within the non-governmental sector, especially as regards (i) the growth in numbers of national and regional organisations and networks; (ii) the significant expansion of the NGO sector in developing countries; (iii) the re-emergence of NGOs in countries in transition; and (iv) new partnerships between developed-country and developing-country NGOs;

(*d*) *Roles and responsibilities of NGOs as regards the United Nations.* Account needs to be taken of the following

(viii) The various functions that NGOs assume in their relationship to the United Nations, such as (i) policy analysis and advocacy, (ii) substantive expertise, (iii) capacity to plan and implement programmes and (iv) capacity to participate in the implementation and monitoring of United Nations programmes of action;

(ix) The fact that as the history of relations clearly shows, NGOs, like Governments, interact with the United Nations Member States, decision-making machinery, the Secretariat and programmes in a wide variety of formal and informal ways;

(x) The importance of the role played by NGOs in helping to create or strengthen a positive context for development, through empowerment of people at the community level, participation of communities in decision-making, and improved dialogue between people and governance;

(e) United Nations system

(xi) Future arrangements could include provisions for inter-agency cooperation, with a view to monitoring developments across the entire range of United Nations institutions, stimulating inter-agency cooperation and identifying, on a "best practice" basis, ways to improve relationships with NGOs;

(*f*) *Monitoring and review of arrangements*

(xii) This could include provisions for monitoring and reviewing the relationship between the United Nations and NGOs so as to enable Governments, NGOs and the Secretariat to propose and agree on improvements at reasonable intervals.

Specific areas suggested for the review of Council resolution 1296 (XLIV)

Institutional and thematic scope of arrangements

112. Although Article 11 of the Charter of the United Nations identifies the Economic and Social Council as the organ responsible for making consultative arrangements, numerous recommendations have been made, especially by NGOs since the mid-1970s, to extend the scope of consultative arrangements beyond the Council in order for NGOs to contribute as comprehensively as possible to the work of the United Nations. Such extension is deemed desirable if the relationship is to cover all United Nations organs that are competent in economic and social matters and, a fortiori, those organs that have competence in political and humanitarian questions. [1]

Definition of NGOs

113. Chapter I of the present report draws attention to the reservations expressed regarding the phrase "non-governmental organisations", especially to the fact that it defines organisations negatively and exclusively on che basis of their existence as institutions outside the State. The Open-Ended Working Group may wish, through a dialogue with a wide cross-section of NGOs, to consider alternatives to the current phrase with a view to (a) taking into account the broader reality of civil society of which these organisations ate a part and (b) recognizing the diversity of institutions that operate within civil society, e.g., voluntary organisations, trade unions, cooperatives, church and church-related organisations, research and advocacy institutions, and self-help

and grass-roots groups, which represent not only different constituencies and organizational categories, but also different forms of involvement in the activities of the United Nations.

114. In this respect, attention should be given in the review to the significant changes that have taken place in the NGO sector as regards types and modes of operation of these organisations, e.g. the emergence of informal national, regional and international coalitions, such as thematic networks, and national and regional organisations that are not formally affiliated with international NGOs. Information and communication technology makes it possible for NGOs world wide to exchange points of view and develop consensus in a participatory manner, as well as to have exchanges with Governments and intergovernmental organisations.

115- An interpretive guideline is proposed in document E/C.2/1993/6 regarding paragraphs 5 and 7 of Council resolution 1296 (XLIV). The guideline purports to exclude from consultative relations five types of institutions: institutions of learning and research (schools, universities and similar institutions); political parties; commercial-sector entities (corporations, businesses and consulting firms); religious faiths, churches and orders; and sects and cults. Several questions should be considered with regard to three of these types of organizations:

(a) The exclusion of institutions of learning and research from consultative arrangements raises the question whether it is in the interest of the United Nations to maintain formal channels of communication with such institutions. Regional and international associations and federations of teachers and academics are already in consultative status, as well as private, not-for-profit research institutions that specialize in areas of concern to the United Nations. Given the long-standing and growing interest of the academic and research sector in the work of the United Nations, and the wide range of questions on which the United Nations requires support from that sector, the review might wish to consider whether special arrangements should not be made to enable the United Nations to interact more systematically with the research and academic community (see below, "Categories of status");

(b) The exclusion of for-profit entities clarifies a definitional criterion of NGOs that had been left out of the text of Council resolution 1296 (XLIV) - namely, that NGOs are non-profit institutions. Trade federations and business councils are eligible for, and have been granted, consultative status. For the same reasons as those given above in subparagraph (a), suggestions have been made at various points in time that such organizations might constitute a separate status, or category of status. The Open-Ended Working Group may want to give further consideration to this point;

(c) Concern has been expressed regarding the proposal to exclude religious faiths, churches and orders (as differentiated from religious councils and lay bodies) as reflecting a lack of understanding about the nature and structure of religious organizations (see CONGO, 1994).

Definition of an international NGO

116. Interpretive guidelines are proposed in document E/C.2/1993/6 regarding the criteria enunciated in paragraph 4 of Council resolution 1296 (XLIV). The first guideline proposes to regard as international an NGO that is "active in at least two countries in different regions". Concern has been voiced that such a guideline could have the effect of (a) conferring eligibility for status to "international" NGOs with minimal membership, or even encouraging national NGOs to replicate themselves in one country of another region for the purpose of - becoming eligible for status, while (b) leaving regional NGOs with members in a significant number of the region's countries (a number of which have acquired status with the Council) without being recognised as an institutional category.

117. In reviewing the interpretive guidelines proposed on the subject of the "recognized international standing" of an international NGO, the Open-Ended Working Group may want to take into account substantive considerations, such an assessment of the quality and

the General Assembly to hear NGOs without NGO statements appearing in full in the records of the plenary meetings. NGOs that have made such oral statements have had their names recorded on a list that appears as part of the report of the Ad Hoc Committee.

regularity of contributions, e.g. publications, to the field(s) in which the NGO is active, and of contributions to the work of the United Nations in these same fields.

Definition of a national NGO

118. Interpretive guidelines are proposed On this subject in document E/C.2/1993/6, with regard to paragraph 9 of Council resolution 1296 (XLIV). The first proposed guideline, which stipulates that "any national organisation affiliated to an international non-governmental organisation working in the same field, covering the same subject, should not apply for consultative status", endorses a position which has been consistently defended by international NGOs. The issue has arisen recently wich the accreditation to UNCED, and subsequently to the Commission on Sustainable Development, of some national member associations of inrernational NGOs already in status with the Council. Although the interest in, and commitment to, United Nations processes on the part of such national NGOs must be very welcome and, indeed, encouraged, the granting of separate accreditation - and separate status - raises issues regarding the desirability of such practices, from the point of both the raison d'etre and functioning of international NGOs vis-a-vis their national members, and the carrying capacity of the intergovernmental organs and Secretariat services dealing with such applications.

119. Concern has been expressed over one of the two elements of the definition of a national NGO - that "its programme of work is international in scope". This would seem to apply essentially, although not exclusively, to developed-country NGOs with "overseas" programmes in developing countries, and, therefore, to introduce criteria based on access to resources.

120. The other criterion of eligibility of a national NGO proposed in this guideline is that "it has particular competence that international organizations working in the same field, already in status with the Economic and Social Council, do not have". Although difficult to determine in practice, chis criterion does open up the consultative arrangement to greater participation by national NGOs that are not members of international NGOs in consultative status and that have original contributions to make to the Council.

121. Concern has been expressed over the years by NGOs regarding the fact that national NGOs may be admitted "after consultation with the Member State concerned", a clause often regarded as a legacy of the climate of suspicion and competition that prevailed in international relations when the Council drafted resolution 1296 (XLIV). The Open-Ended Working Group may want to discuss this matter and propose ways in which, should the principle of consultation be upheld, it could be observed with maximum simplicity, e.g. on a "no objection basis",

Categories of status

122. Various opinions seem to have coexisted for many years on the usefulness of the classification of NGOs by Council resolution 1296 (XLIV). While many have supported the legitimacy and usefulness of the distinction between categories I and II and the Roster, some specific concerns have been registered:

(a) Although the classification was originally intended to reflect the various magnitudes of "interface" between NGOs and the Council and its subsidiary bodies, it has gradually become perceived as a hierarchical system within which NGOs can be promoted from the Roster to category II and from category II to category I;

(b) There is a need for greater transparency in the granting of consultative status, especially as regards the application of criteria for classification;

(c) Although NGOs in categories I and II are requested to submit quadrennial reports, the monitoring of the exercise of consultative status has been concerned more with respect for the formal aspects of consultative status than substantive contributions to, and interaction with, the United Nations.

123. The review provides an opportunity to assess the relevance of the existing categories and whether the current classification does en-

able the United Nations to benefit to the fullest extent from the expertise and outreach of NGOs which are identified in Council resolution 1296 (XLIV) as the two main reasons for establishing consultative relations with NGOs. Positions on these questions vary widely from advocating the abolition of the categorisation because the current categories and criteria have proved in practice to be non-functional, to wanting to maintain a classification which reflects objective differences between NGOs (scope, functions, history of involvement in the United Nations, capacity to advise and support the United Nations in specific areas, etc.).

Should the principle of classification be retained, there seems to be a broad measure of agreement among both consultative and non-consultative NGOs on the need for greater transparency and flexibility. The review could also look into the experience of various institutions of the United Nations system which have established consultative arrangements.

124. Based on the experience of UNCED and its institutional follow-up, suggestions have been made to either replace or supplement the existing system of categories by creating new, non-hierarchical categories which would be defined according either to the issue areas with which NGOs are concerned (sustainable development, human rights, etc.) or to their functions (information, research, advocacy, operational programmes, etc.).

125. Whatever system is preferred, it would seem important to design for each category a set of rights and responsibilities on both the United Nations and NGO sides of the consultative arrangement, with a view to facilitating the monitoring of the relationship and the evolution of the legal framework. Greater clarity in this respect would make it possible, for example, for the Secretariat to develop, with full transparency, a system of factual "report cards" on the involvement of NGOs in consultative status in United Nations activities .

126. It has also been suggested that NGOs should elaborate among themselves a voluntary code of conduct on NGO relations with the United Nations, which they could use for self-regulation.

Consultative arrangements and accreditation to United Nations conferences

127. In the tradition of NGO involvement in the United Nations, a distinction was drawn between, on the one hand, the establishment of consultative relations, whose purpose is to enable NGOs that meet specific requirements of competence to take part, on a continuing basis, in the activities of the organs to which their category of status gives access, and, on the other hand, participation in United Nations conferences, which used to be seen more as an instrument of public mobilisation around major events on the intergovernmental agenda.[2]

128. For a number of reasons, the traditional distinction between consultative status and accreditation to conferences has been considerably eroded. First, NGO participation in United Nations conferences has become a much more intensive and extended process which covers not only the conferences themselves but every session of their preparatory committees, with an increasing number of NGOs focusing on the substantive process through communications with Governments at both national and United Nations levels.

129. Second, NGO involvement in United Nations conferences generates a desire on the part of many NGOs to remain committed to United Nations efforts in the follow-up phase, with a view to monitoring the international community's implementation of the commitments entered into at such conferences.

130. Third, as has been the case with UNCED and the follow-up establishment, by the General Assembly, of the Commission on Sustainable Development, a substantial part of the NGO momentum generated for the conference can be expected to be thrust upon the activities of a newly created intergovernmental body.

Commission on Sustainable Development

131. Following UNCED, the General Assembly adopted resolution 47/191, which specifies that arrangements for NGO accreditation and participation in che Commission on Sustainable Development should take into ac-

(2) Council resolution 1296 (XLIV) does not cover the participation of NGOs linked in United Nations conferences. In practice, however, a strong link has been established between consultative status and conference accreditation; taking into account their ongoing relationship to United Nations activities in the economic and social fields, NGOs in consultative status have generally been given preferential access by being granted accreditation automatically if they express the will to attend.
A long established practice has made it possible for non-consultative NGOs wishing to participate in conferences to be accredited by the preparatory committee of the conference, after submission of an application to the secretariat of the conference. In the evaluation of the relevance of applications from non-consultative NGOs, it is also an established practice that their background and involvement in the theme of the conference should be taken into account. Accreditation to United Nations conferences has tended in recent years to be granted at successive sessions of the preparatory committees for these conferences and to be completed at the last session of the preparatory committees. While initially intended principally for the participation of international NGOs not in status, this procedure has over the years, been applied more and more flexibly in response to the growing demand from national NGOs.
In an attempt to achieve equitable representation of NGOs from developed and developing countries and from all regions and also to ensure fair balance between

count both the established rules of procedure of the Council and its functional commissions, as well as relevant decisions and the rules of procedure of UNCED and relevant provisions of chapter 38 (on international institutional arrangements) of Agenda 21 (see chap. I of the present report). This was followed by the adoption of Council decision 1993/215, by which it was determined, inter alia, that:

> "Any non-governmental organisation which was accredited to participate in the work of the Preparatory Committee for the United Nations Conference on Environment and Development by the conclusion of its fourth session could apply for and should be granted Roster status, subject to approval by the Council and bearing in mind the provisions of Article 71 of the Charter of the United Nations."

In decision 1993/220, the Council decided to accredit to the Commission on Sustainable Development those non-governmental organisations listed in the note by the Secretariat (E/1993/65) in application of Council decision 1993/215. Some 550 NGOs were thus accredited (approximately half of those NGOs accredited to UNCED that were not in consultative status with the Council).

132. Two sets of issues arise from the UNCED-Commission on Sustainable Development experience. First, the decisions taken effectively create a precedent in that NGOs not in consultative status with the Council can be accredited to a functional commission of the Council on the basis of their accreditation to a United Nations conference but without explicit reference to the rules and criteria established by the Council in resolution 1296 (XLIV).

133. This precedent has been interpreted in different ways. Some have argued that, while trying to open up the United Nations to greater NGO participation, the addition of several hundred NGOs to the Roster will, in addition to adding to the management problems of the Secretariat, give rise to practical difficulties in the exercise of the rights attached to accreditation due to the large number of NGOs wanting to be involved in the work of the Commission, limit the ability of NGOs in consultative status to exercise their rights (e.g., through the fact that these NGOs cannot have their written submissions issued by the Secretariat as official documents), and risk generating adverse feelings among Governments owing to a possible fear of NGO "crowding" of the Commission on sustainable Development.

134. Others have welcomed the decision to open up the follow-up to UNCED to the broad range of organisations chat had been involved in the UNCED process and were recognised, in Agenda 21, as essential partners in the monitoring and implementation of UNCED decisions. While mindful of the rights of NGOs in consultative status, they emphasize the fact that special importance is attached in Agenda 21 to NGO and major group involvement at all levels, and that it is therefore important that, in addition to the international NGOs ¡n consultative status, national and regional organisations be enabled to maintain the momentum of public mobilisation and support for United Nations efforts to build a broader constituency worldwide for sustainable development. They point to the fact that, while management problems do exist, "crowding" can be, and has already been, avoided through the use of informal consultative mechanisms among NGOs and the designation, through such procedures, of spokespersons.

135. Second, clarification is required as to the exact status of those NGOs accredited to the Commission on Sustainable Development, since there exists a hiatus between Council decision 1993/215, paragraph 2 (c) and decision 1993/220, in that the former equates accreditation to the Commission with Roster status while the latter decision speaks only of accreditation to the Commission. Inclusion of the NGOs accredited to the Commission in the Roster is compatible with the original objectives regarding the creation of the Roster, especially in that, as stipulated in paragraph 19 of Council resolution 1296 (XLIV), placement of an NGO on the Roster "shall not in itself be regarded as a qualification for general or special consultative status should an organization seek such status". Establishing a distinction between accreditation to the Commission and placement on the Roster would be equivalent to creating a new category of NGOs.

136. Given the large number of NGOs currently involved in che preparatory processes

NGOs with an equitable focus and those with a development focus, the Preparatory Committee of che United Nations Conference on Environment and Development (UNCED) decided to invite "competent and relevant" NGOs, whether in conslutative status or not, to become accredited to UNCED. UNCED had the largest number of NGOs (over 1,400) ever accredited to a Nunited Nations conference.

of United Nations conferences, it would be helpful if the Council review advanced the discussion on these points.

New mechanisms for Cooperation between NGOs and the United Nations

137. It has often been suggested that the most limiting aspect in the existing legislation on relations between the United Nations and NGOs is that while it opens up channels of communication with Governments and intergovernmental institutions, there are no provisions for a sustained two-way dialogue between NGOs and the Member States. Much progress has been made in recent years in this respect through the widening range of possibilities for NGOs to participate in intergovernmental meetings (beyond the formal rights granted to NGOs in consultative status and NGOs accredited to world conferences), as well as the intensification of the informal dialogue between NGOs and Governments.

138. Based on the success of such practices, it would seem desirable for the Open-Ended Working Group to review the paragraphs of Council resolution 1296 (XLIV) dealing with the organisation of heatings and to propose a more contemporary definition of hearings based on existing parliamentary practices. The organization of sessions in which cross-sections of the non-governmental sector would be invited to testify before government representatives could greatly improve the quality and regularity of the expertise and advice that Governments could draw upon in preparing major intergovernmental initiatives,

Decentralisation of relationships between the United Nations and NGOs

139- Council resolution 1296 (XLIV) is essentially a framework for relations between the United Nations and NGOs at the policy level and at the global level. In practice, however, NGO cooperation with the United Nations has, over the years, grown significantly in two complementary directions: first, through policy-oriented activities at the regional level (e.g., cooperation between the Economic Commission for Africa and NGOs since the 1968 special session of the General Assembly on the critical economic situation in Africa); and second, in operational activities at the national and regional levels, as evidenced in particular in the report prepared by the Joint Inspection Unit (JILT, 1993). Policy-level involvement of NGOs in United Nations-related processes has also increased, especially since UNCED, with the establishment of national machinery in a number of countries to guide country implementation of Agenda 21.[3]

140. It is suggested that the Open-Ended Working Group include these other aspects of the relationship between NGOs and the United Nations in its work programme, with a view to establishing stronger linkages between the various types and levels of NGO cooperación with the United Nations and building greater sustainability in such cooperation.

(3) For example, in the Philippines, with the establishment by che President, in September 1992, of the Philippines Council for Sustainable Development, a consultative policy body in which representatives of NGOs and people's organisations constitute one third of the membership, and Government representatives two thirds.

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Keynote address by Secretary-General Boutros Boutros-Ghali to the 47th DPI/NGO Conference*

Introduction

The 1994 Annual DPI/NGO Conference, "We the Peoples: Building Peace", highlighted the deepening involvement of the NGO community in the promotion of peace in today's rapidly changing world. As Secretary-General Boutros Boutros-Ghali stated in his opening address to the Conference: "The vast enterprise of building peace presupposes that non-governmental organisations should be Involved at every stage." This year's Conference amply demonstrated the impressive scale and range of activities being undertaken by the non-governmental community, including efforts to promote a sustainable peace process at the local level, in response to the many crises and conflicts around the world.

During the Conference a consensus emerged that if the underlying causes of such crises and conflicts are to be addressed, a. broad range of actors must be involved. In his An Agenda for Peace, the Secretary General argued that peace in the largest sense cannot be accomplished by the United Nations and Governments alone. Non-governmental organisations, as well as academic institutions, parliamentarians, business and professional communities, the media and the public at large; must all participate in the peace-building process, he asserted.

Bearing this in mind, the panellists explored ways in which NGOs can actively assist in mobilising Governments, the media and the public to ensure an adequate national and international response to situations where emergency relief and conflict resolution are required. Lessening the tragic impact of such crises requires both improved early warning systems and careful post-emergency monitoring and support. NGOs, with their grass-roots involvement and knowledge, can play an important role in both these areas, in addition to their traditional activities of the provision of emergency relief and advocacy.

As the Secretary-General has pointed out, there is now the opportunity as well as the necessity for the United Nations and NGOs to intensify their partnership, so that together we can work more effectively in promoting peace.

Samir Sanbar
UN Assistant Secretary-General
for Public Information

On behalf of the United Nations and for myself I welcome you. I want you to consider this your home. Until recently, these words might have caused astonishment. The United Nations was considered to be a forum for sovereign States alone. Within the space of a few short years, this attitude has changed. Non-governmental organisations are now considered full participants in international life.

This change is largely due to the quick succession of historic events which we have witnessed in recent years. The fall of the Berlin wall, the end of the cold war and of East-West antagonism, shattered the ideological screen which concealed the reality of international relations. Political, economic, social and cultural phenomena have been revealed in their true dimensions and in their profound complexity.

Today, we are well aware that the international community must address a human community that is profoundly transnational. For a long time, the international order was regarded as political and firmly established. Now we must learn to accept and to deal with a world that is both social and mobile. The movement of wealth, people, capital and ideas is as important today as control of territory was yesterday. We, therefore, must build a framework which takes into account not only political issues, but economic behaviour and social and cultural aspirations.

Non-governmental organizations are a basic form of popular representation in the present-day world. Their participation in international organizations is, in a way, a guarantee of the political legitimacy of those international organizations. It is therefore not surprising that in a short space of time we have witnessed the emergence of many new non-governmental organizations.

Today, non-governmental organizations continue to increase in number on every continent. This is true in developed countries: in France, 54,000 new associations have been established since 1987; in Italy 40 per cent of the associations have been set up within the last 15

* 47th Annual DPI/NGO Conference, September 8-10 1994, New York, final report.

years. This phenomenon is also occurring in developing countries: within a short space of time 10,000 non-governmental organizations have been established in Bangladesh, 21,000 in the Philippines and 27,000 in Chile. In Eastern Europe, since the fall of communism, non-governmental organizations have been playing an increasingly important role in people's lives. Their development is inseparable from the aspiration for freedom which, in various forms, is today shaking international society.

You have chosen as your topic for this year the role of non-governmental organizations in peace-building. This is a particularly ambitious and innovative subject. We are well aware of what non-governmental organizations do in social, cultural and humanitarian fields, as well as of their work to protect human rights and to promote development. But we do not often have occasion to think about what these organizations can do for international peace and security.

I, for my part, am convinced that non-governmental organizations have an important role to play in the achievement of the ideal established by the Charter of the United Nations: the maintenance and establishment of peace.

We all know that States play the preponderant role in this area. We all know that the Charter confers the primary responsibility for the maintenance of peace upon the Security Council. But I have sought, in *An Agenda for Peace*, to emphasize as clearly as possible that "peace in the largest sense cannot be accomplished by the United Nations system or by Governments alone. Non-governmental organizations, academic institutions, parliamentarians, business and professional communities, the media and the public at large must all be involved."

This is the point I wish to stress to you. For, to paraphrase an old saying: peace is too important to be entrusted to States alone. Accepting this perspective, non-governmental organizations can, I believe, pursue their activities on three fronts.

In the search for peace, non-governmental organizations must obtain the means - and we must help them to do so - to engage in assistance, mobilization and democratization activities, all at the same time. I should like to consider these three types of activity with you for a few minutes.

With regard to assistance, non-governmental organizations have a key role to play - and many are already doing so. In fact, in the area of peace-keeping, non-governmental organization activities have to a large extent paralleled the changes which have taken place within the United Nations itself. Today, the mandates of United Nations operations go far beyond the standard definition of "peace-keeping" employed in the past.

These operations reflect recent international developments, in that conflicts increasingly are taking place within, rather than between, countries. Every day the United Nations deals with civil wars, secessions, partitions, ethnic clashes and tribal conflicts. It will be understood how difficult the mission of the United Nations then becomes, obliged as it is to respect the fragile balance between the sovereignty of States and a mandate to intervene.

Moreover, the role of these operations is no longer confined to simply deploying a neutral presence between two belligerent parties. The aim of the new operations is the making, and indeed the building, of peace. This can involve electoral assistance, humanitarian aid, administrative activities, the rebuilding of roads and bridges, rural de-mining operations, the promotion of democracy and the protection of human rights.

In *An Agenda for Peace* I stated explicitly that "this wider mission for the world Organization will demand the concerted attention and effort of individual States, of regional and non-governmental organizations, and of all of the United Nations system". Indeed, the vast enterprise of building peace presupposes that non-governmental organizations will be involved at every stage.

In the field of preventive diplomacy, non-governmental organizations, because of their familiarity with the situación on the ground, are well placed to play a part in early warning machinery by drawing the attention of Governments to nascent crises and emerging conflicts.

With regard to peacemaking, there is

wide recognition of the humanitarian and social work done by non-governmental organizations, generally under perilous and difficult conditions.

Lastly, with regard to post-conflict peace-building, non-governmental organizations can do a good deal to help fragile Governments and destitute populations find the confidence and the resources to make peace last.

But it is essential that the activities of non-governmental organizations and those of the United Nations should complement each other. I am sure that you will reflect at length on how best to coordinate non-governmental organization activities with those of the United Nations.

We can all recall the difficulties, misunderstandings and differences which have arisen from time to time between the world Organization and certain non-governmental organizations in the context of specific operations.

Today it must be stated quite clearly that we must all make an honest and fundamental reappraisal. We want not to lay blame at anyone's door, but to avoid any repetition of events which undermine peace - the objective which together we are pursuing. Perhaps the United Nations has not yet fully appreciated the importance of the role of the non-governmental organizations in the field. Perhaps it does not cooperate enough with institutions on the spot which can provide essential support.

But non-governmental organizations must also understand the political complexity of any peace-keeping operation. Perhaps in their desire to resolve problems urgently they do not appreciate how much time is needed to settle any conflict. Perhaps their involvement in activities sometimes prevents them from grasping all aspects of a conflict. Perhaps on occasion they are too quick to point a finger, whereas the overriding aim is to reconcile the belligerents.

I believe that the time has now come to tackle these problems so that together we can act still more effectively to promote peace. You can rely on me to undertake an in-depth analysis of how to better coordinate our common activities. I am confident that you, for your part, will contribute to this analysis through your deliberations. This is my sincere expectation.

Yet I hope you will do still mote. For, as I have said, non-governmental organizations must also, in my view, undertake essential mobilization activities. The mobilization of States and public opinion by non-governmental organizations is an essential element in international activities to promote peace.

As you are aware, the end of the cold war has, in some cases, had untoward effects. Certain regions of the world have suddenly lost strategic interest for the great Powers. As a result, these Powers have been sorely tempted to leave those regions to their own devices, to let them sink into economic underdevelopment, or to founder in political disorder.

As the Secretary-General of the United Nations, I know that it is sometimes difficult to convince States to commit themselves to peace-keeping activities which, none the less, are essential. For States to commit personnel, *matériel* and money in the service of peace and in the framework of United Nations activities, it is often necessary for national public opinion to lead the way.

It is the non-governmental organizations which, in most cases, have helped to cleat this way. I wish to state it to you as clearly as possible - I need the mobilizing power of non-governmental organizations.

But here again, each of us must consider the matter in depth. Just as the United Nations must constantly strive to transcend partisan differences in order to uphold the higher interests of peace, the non-governmental organizations must also secure their independence with regard to all States.

This is a basic condition for their credibility. Non-governmental organizations are infinitely diverse by virtue of their size, statutes, fields of activity, methods, means and objectives. It is understandable that States are sometimes tempted to try to utilize or control non-governmental organizations in order to place them indirectly in the service of their own national policies.

It is quice obvious that in order to be able to carry out fully their role as a stimulus for the international community in promoting peace, non-governmental organizations must be be-

yond reproach in the political field.

I know that this is not an easy task and that it entails constant and continual work. But I also know that I can rely on you to be vigilant. For, let me repeat, your independence is essential for you to be able to be full participants in the international peace process.

Indeed, the mobilization mission that the international community expects of you will be possible only if you really represent the profound aspirations of all the integral parts of international society. In other words, this mobilization can be truly meaningful only if it is based on a third element: your activities for democratization.

In *An Agenda for Peace* I had occasion to reflect on the necessary democratization of international relations and of the United Nations. I stressed che fact that, for me, "democracy at all levels is essential to attain peace". Yes, democracy must be che guiding principle both in relations between States and within States themselves. And I believe that non-governmental organizations have a major role to play in the democratization process.

As I said at the beginning of my statement, the international order in which we must conduct our work today is radically different from the one in which those who drafted the Charter operated. We find ourselves today within a world system that has profound doubts about its own structures and, strangely, about the most fundamental of these: the very notion of the State.

Undoubtedly, not only will the twentieth century have been the century of the downfall of empires - the consequences of which we have yet to fully experience or sustain - but the twentieth century also will have been the century in which doubt was cast on che nation State.

With tragic uncertainty, certain peoples seek to reconcile the rational nature of the State with the urges of micro-nationalism. Elsewhere, it is the very substance of the State that is collapsing. Social integration has become more difficult even within Western societies. This decaying of institutions has led to the resurgence or rebirth of primitive ties of solidarity, many of which, alas, seem prone to engender fanaticism and a desire to exclude.

Accordingly, it is necessary to provide the men and women in today's world wich a framework that will enable them, amidst the practical challenges of concrece situations, to mobilize themselves in favour of the great ideals of the internacional community.

It is the non-governmental organizations which, in most cases, make it possible for these complex and often diffuse aspirations to take form, and to flourish. In this way, you are carrying out an essential representational role. You are an essential part of the legitimacy without which no international activity can be meaningful. Often, it is you who, on a day-to-day basis, constitute the link between democracy and peace.

Indeed, the democratic imperative is inseparable from the activities chat we must carry out to promote peace. In my opinion, diplomacy that consolidates peace and democracy is of the utmost importance at the close of che twentieth century. I will pay close attention to your ideas on how to strengchen the link between peace and democracy.

I am convinced that, just as human rights are universal, democracy can be adapted to all cultures. I have already said that human rights are che common language of mankind. The same holds crue fot democracy. Democracy, coo, is che political expression of our common heritage. For it must be understood that democracy is not a model to be copied from certain States but a goal to be reached by all peoples.

Non-governmental organizations have a crucial role to play in this area. They can help develop effective ways of spreading the ideas of peace and democracy. They can take part in the birth and development of democratic institutions within States. They can also serve as vigilant monitors, helping to guarantee respect for democracy throughout the world.

I should like, in conclusion, to carry this line of thought even further.

Today, we are all searching for an international order that is acceptable to all. Nevertheless, we also know how profoundly ambiguous the very noción of an international order ¡s. For the concept of an international order - if there is

one at all - fulfils various different functions in the lives of States and peoples. It has a political and an ideological dimension, as well as an economic and a cultural one. It can be used by the very powerful to buttress a legal argument, and it can also be used by the very weak in support of a militant speech. In shore, what we call the international order is both the expression of the present-day balance of power and an idealization of a society in evolution.

In order for every woman and every man in the world to perceive their true stake in the great ideals of the world Organization, it is necessary to have many more institutions such as yours. Only thus shall we be faithful to the urgent exhortation with which the Preamble to the Charter begins: We the Peoples of the United Nations.

Rapport sexennal du conseil exécutif à la conférence générale sur les concours apporté à l'action de l'UNESCO par les organisations internationales non gouvernementales (1988-1993)

Le Conseil exécutif,

1. *Ayant examiné et amendé* le document 146 EX/35,

2. *Recommande* à la Conférence générale d'adopter la résolution suivante:

"La Conférence générale.

Avant examiné le Rapport sexennal qui lui a été soumis par le Conseil exécutif sur le concours apporté à l'action de l'UNESCO par les organisations internationales non gouvernementales (catégories A, B et C) de 1988 à 1993, et ce, conformément à la section VIII.3 des Directives adoptées à sa onzième session et modifiées à sa quatorzième session,

Considérant que la participation des organisations internationales non gouvernementales à l'action de l'UNESCO constitue un moyen privilégié pour l'Organisation d'associer les peuples à son oeuvre, particulièrement les milieux intellectuels et scientifiques compétents, de même que les mouvements représentatifs de l'opinion publique concernés par le développement de l'éducation, la science, la culture et la communication dans le monde,

Rappelant que cette coopération est fondée sur l'article XI de l'Acte constitutif de l'Organisation et est régie par des Directives qui constituent le cadre de sa mise en oeuvre,

1. *Exprime sa satisfaction* pour la présentation claire et concise de ce rapport, l'évaluation qu'il contient, de même que les propositions visant à l'amélioration de la coopération entre l'UNESCO et les ONG qui s'en dégagent;

2. *Remercie* le Conseil exécutif, le Directeur général et le Comité permanent des ONG, pour la contribution qu'ils ont apportée à la préparation de ce rapport;

3. *Souligne* les efforts accomplis par les ONG elles-mêmes dans la contribution qui leur a été demandée en vue de l'élaboration de ce rapport;

4. *Se félicite* du dialogue constructif et de la confiance mutuelle qui se sont instaurés à cette occasion et qui créent un climat favorable à la poursuite de relations fructueuses de collaboration entre l'UNESCO et les ONG;

5. *Souhaite* que ce dialogue puisse encore s'enrichir au sein du Conseil exécutif, tout particulièrement grâce aux travaux menés par son Comité sur les ONG;

6. *Considère* que la résolution 25 C/37, qu'elle a adoptée à l'issue de l'examen du rapport couvrant la période précédente, a été mise en oeuvre scrupuleusement par le Directeur général et que la coopération avec les ONG a été maintenue à un niveau élevé, malgré la faiblesse des ressources de l'Organisation au cours de la période qui s'achève;

7. *Remercie* les organisations internationales non gouvernementales ayant, avec efficacité, conjugué leurs propres ressources avec les moyens mis à leur disposition par l'UNESCO, sous forme de subventions et de contrats notamment, qui leur ont permis d'associer les différentes communautés scientifiques, culturelles et éducatives qu'elles représentent à la mise en oeuvre du programme de l'Organisation;

8. *Exprime également sa reconnaissance* à l'égard des nombreuses organisations qui, bien que n'ayant bénéficié d'aucune aide financière de l'UNESCO durant la période sexennale écoulée, ont néanmoins participé à l'action de l'UNESCO et à son rayonnement dans le monde;

9. *Souligne* l'importance d'une amélioration et d'un renforcement de la coopération entre

l'UNESCO et les ONG, afin que l'Organisation, conformément à son mandat, développe en nombre et en qualité les réseaux d'experts sur lesquels elle doit nécessairement s'appuyer pout l'exercice de sa mission;

10. *Souligne également* la nécessité de tenir compte dans l'amélioration de cette coopération des éléments définis par la Stratégie à moyen terme: 1996-2001;

11. *Souhaite* que, dans le développement de cette coopération, il soit en même temps tenu compte de la diversité des ONG, et du rôle de coordination et de suivi que doit nécessairement jouer le Secrétariat tant au Siège qu'au travers de ses unités décentralisées;

12. *Se félicite* de la constitution au sein du Secrétariat d'une base de données afin d'assurer une plus grande transparence des informations concernant les ONG et de promouvoir une meilleure connaissance des services qu'elles sont susceptibles de rendre à la coopération internationale;

13 *Rappelle* aux ONG les obligations qu'entraînera leur acceptation des Directives révisées, indissociables de leur admission, nouvelle ou maintenue, au statut d'organisation ayant des relations avec l'UNESCO;

14. *Prie* le Directeur général de mettre à la disposition du Comité permanent des ONG, dans toute la mesure du possible, les services de secrétariat nécessaires à son fonctionnement et ce, conformément aux Directives;

15. *Invite* le Directeur général, dans toute la mesure du possible, à renforcer, dans les différents secteurs du Secrétariat, le personnel chargé de la coordination et du suivi de la coopération de l'UNESCO avec les ONG, afin d'utiliser davantage et au mieux les réseaux qu'elles constituent, en développant la communication entre les ONG et l'UNESCO;

16. *Recommande,* en matière d'élaboration des programmes:
   (a) *aux ONG* de répondre plus promptement et en plus grand nombre aux consultations entreprises par le Directeur général, notamment en vue de l'élaboration des stratégies à moyen terme et des projets de programme et budget biennaux de l'UNESCO;
   (b) *an Directeur général:*
      (i) d'adapter les procédures de consultation individuelle et collective des ONG en vue de l'élaboration des futurs projets de programme biennaux et stratégies à moyen terme, afin d'en accroître l'efficacité, tant au plan qualitatif que quantitatif;
      (ii) d'intensifier les consultations sectorielles formelles et informelles entre le Secrétariat et les ONG afin d'accroître la complémentarité de leurs efforts respectifs dans l'élaboration et la mise en oeuvre des activités de l'UNESCO;
      (iii) de décentraliser, dans toute la mesure du possible, les consultations collectives sectorielles et intersectorielles des ONG:

17. *Recommande* au Directeur général, en matière d'exécution du programme:
   (a) d'encourager les projets conjoints menés par les ONG qui sont la traduction de la mise en oeuvre interdisciplinaire des programmes de l'Organisation adoptés par les Etats membres;
   (b) de soutenir la création de réseaux régionaux, dans les domaines de compétence de l'UNESCO, en coopération avec des ONG, dans la mesure où ceux-ci répondent à une demande;
   (c) d'associer le plus grand nombre d'ONG au Programme d'entraide de l'UNES CO;
   (d) d'inviter aussi largement que possible les ONG en tant qu'observateurs aux conférences spécialisées et, chaque fois que les ressources de l'Organisation le permettent, d'inviter des personnalités

compétences et représentatives de ces organisations à prendre part en tant qu'experts à ces réunions;

(e) de conclure des accords-cadres avec des ONG faîtières, représentatives, efficaces et compétences, pour les associer effectivement à l'action de l'UNESCO, dans l'esprit de la résolution 27 C/13 141;

(f) de faire appel aux procédures existantes et d'examiner la possibilité d'en ajouter de nouvelles pour étendre la coopération avec les ONG dans l'exécution du programme de l'Organisation et de mettre en valeur les résultats obtenus dans les documents de bilan et d'évaluation;

(g) de prendre toute mesure utile pour favoriser la prise en compte des contributions des ONG ayant des relations avec l'UNESCO aux Sommets mondiaux des Nations Unies;

18. *Recommande*, en matière de décentralisation et d'extension géographique:

(a) *aux Etats membres et à leurs commissions nationales*, de renforcer leur coopération avec les membres ou les comités nationaux des ONC;

(b) *au Directeur général* de prévoir des moyens appropriés afin:

(i) de renforcer le rôle d'impulsion et de coordination des bureaux régionaux en vue du développement de la vie associative aux plans régional et sous-régional dans les différents domaines de compétence de l'UNESCO;

(ii) de contribuer, notamment dans les régions les moins favorisées, au développement d'ONG régionales et sous-régionales travaillant dans les domaines de compétence de l'UNESCO et au renforcement de celles qui existent déjà, dans le cadre des nouvelles modalités approuvées par la Conférence générale à sa présente session;

(c) *aux ONG:*

(i) d'intensifier leurs efforts pour aboutir à une large extension géographique, tant en ce qui concerne leur composition que leurs activités en associant à leur travail, notamment, des organismes régionaux ou nationaux représentatifs de la société civile dans les pays en développement et en transition;

(ii) d'établir dans le même esprit des liens de coopération plus étroits avec les commissions nationales, notamment par une participation accrue de leurs sections nationales aux activités de ces commissions;

19. *Recommande* au Conseil exécutif, en matière de classement des ONG:

(a) de tenir compte, lors de l'admission des ONG, à la fois du meilleur équilibre géographique possible, avec une attention particulière aux demandes provenant des pays en développement - selon les priorités définies dans le cadre de la Stratégie à moyen terme: 1996-2001 - et de la nature de leur coopération souhaitée avec l'UNESCO;

(b) de revoir l'ensemble des admissions à la lumière des Directives révisées et de l'engagement souscrit par les ONG qui auront confirmé leur volonté de coopération;

20. *Charge* le Conseil exécutif de prévoir la mise en application des modalités financières et matérielles correspondant aux Directives révisées lors de la présente session et l'adaptation ultérieure éventuelle de ces modalités;

21. *Recommande* enfin qu'une étude soit menée en commun par le Conseil exécutif et le Directeur général afin de préparer la révision des dispositions approuvées à sa vingt-sixième session concernant les relations entre l'UNESCO et les fondations et institutions similaires, en vue de les adapter aux Directives concernant les relations entre l'UNESCO et les ONG telles que révisées à la présente session."

The Tokyo Resolution

The "Tokyo Resolution" was first presented at the Opening Session of the 47th International Federation for Information an Documentation (FID) Conference and Congress in Omiya, Saitama, Japan to His Imperial Highness Prince Akishino at the start of the FID Centennial Celebrations on 6 October 1994. By offering it to His Imperial Highness Prince Akishino it has been presented to the general public as a joint initiative of the non-governmental organizations.

To date 33 *International non-governmental organizations and associations have joined the initiative.*

The Tokyo Resolution on Strategic Alliance of International Non Governmental Organizations in Informations to serve better the World Community

Preamble

We, the undersigned, international non governmental organizations representing the Information Sector in the broadest sense of the word, *ie*. production, acquisition, dissemination, management, preservation and use of information (hereinafter referred to as management and use of information), solemnly agree to create a Strategic Alliance based on the following rationale and objectives:

1. All countries - large and small, rich and poor - share a deep concern about many global problems, ranging from the exhaustion of the planet's environmental resources to new global threats to health; the spread of poverty and famine; political and social tensions; demographic explosions; an unstable world economy and the deterioration of the quality of life. We believe that the proper use of information for decision-making at all levels of society will help solve humanity's problems as the world enters an age of greater awareness of the importance of information. To this end, it is critical to ensure continuity in access by documenting and preserving high quality records of the actions of society, through time.
2. All persons must have open and unrestricted access to information, consistent with the protection of individual rights, appropriate economic incentives, and the concerns of nations and peoples as determined by their unique circumstances.
3. As stated in Article 19 of the Universal Declaration of Human Rights "Everyone has the right to freedom of expression and opinion; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers".
4. Societal improvements require a deeper and widespread understanding of how to find and use authentic information properly. Universal literacy, lifelong learning, education and training are essential to these improvements.
5. We who are involved in the management and use of information face several forces of change. These forces are economic, political and cultural and include dramatic technological developments and vastly expanded user expectations for information services. The forces also present many challenges concerning the protection of intellectual property, the provision of access, protection of privacy, security, integrity and preservation of information, and the increased need for common legal and technical standards.
6. A particularly serious problem is the increasing information gap between various countries and societies within them, which is exacerbated by the increasing cost of information. Developing countries have an essential need both for information produced outside their frontiers and for information they themselves produce which must be properly managed, disseminated and used.
7. Each of our non-governmental organizations has its own distinct identity and objectives which should be preserved. Allied, we represent a major force which can lead the way forward for the the information professions. We realize that the societal problems are too great for any single organization to help

solve alone and that we should avoid any unnecessary overlap of effort. Intense collaboration, consultation and strategic planning are the answers.

We believe that a strategic alliance will contribute to advancing the goals of our organizations, contribute to the solution of the world's problems, better serve the world community and intensify our collaboration with intergovernmental organizations.

Our common goal is to serve society by:

a) Providing an international forum to address issues of common interest.
b) Identifying common issues in the management and use of information; clarifying diverging positions and agreeing on new cooperative solutions, especially concerning equitable access, balanced intellectual property protection, the protection of privacy, information systems security and common legal and technical standards.
c) Forecasting and assessing changes affecting the provision of information to meet the expected challenges.
d) Ensuring that the information professions take a pro-active stance in studies aimed at elucidating future aspects of human endeavour.
e) Ensuring that the development and application of information technologies effectively meet the needs of users of information.
f) Encouraging the use of new teaching and learning technologies and other telematics techniques in education and lifelong learning starting at the pre-school age.
g) Ensuring that the information professions, through education and training, maintain and further develop their knowledge and expertise in order to keep up with changes in the environment.
h) Encourage the development of communication training and education programmes that increase awareness of the importance of interactive communication between providers and users of information.
i) Advocating practices that guarantee the integrity and preservation of information irrespective of format and medium, and ensuring that the accuracy and quality of the information are maintained when it is passed along through its cycles of transformation and transfer.
j) Ensuring that the cost and value of information are recognized in the development of information policies, programmes, systems, and services. However, we need to try to influence policies to ensure that economic barriers do not prevent access to information.
k) Encouraging the discussion of ethical issues for the information society and the development of principles (eg. codes of conduct for appropriate sectors) related to the responsibilities of the information professions.
1) Encouraging the need for the development of strong policies on information by suggesting directions for future policy and strategic planning.
m) Intensifying the collaboration between public and private sectors, in particular by infusing the values of each into the other.
n) Influencing the creation of new viable product and service clusters both within the information sectors and with external partners.
o) Encouraging the worldwide identification of information capabilities and the mobilization of these for the solution of major global problems.
p) Devising international programmes to strengthen the awareness of the value of information in all areas of human endeavour such as education, science, industry, culture and recreation.
q) Creating awareness and promoting the role of international non-governmental organizations in information.
r) Developing a coordinated, international approach to the research needs of the information field.

L'économie sociale dans le monde

Associations et fondations : un poids économique de$ plus de 600 milliards de S par an

Les résultats de la première étude comparative internationale sur le secteur sans but lucratif ont été présentés par la Fondation de France, à l'occasion d'un colloque tenu à Paris le 1er juin.

Mené de 1990 à 1994, sous la direction des professeurs Lester Salamon et Helmut Anheier de l'Université Johns Hopkins (Baltimore, USA), ce programme international de recherche scientifique décrit pour la première fois la taille, la structure, le financement, l'histoire et le rôle des associations et des fondations dam 7 pays [1], sur une base comparative.

Venus a Paris pour l'occasion, les chercheurs responsables du programme aux Etats-Unis, en Allemagne, au Royaume-Uni, au Japon, en Italie, en Hongrie et en France présentent les résultats de leurs travaux. L'étude souligne le poids économique et la capacité à créer des emplois du secteur sans but lucratif, dont seul le rôle social est habituellement mis en lumière.

Un poids économique important

— Dans les 7 pays étudiés, les dépenses courantes du secteur représentent en moyenne 3,5 % du PIB en 1990, soit plus de 600 milliards de $. Ces organisations emploient au total 11,8 millions de personnes en équivalent temps plein — soit environ un emploi sur 20 (un sur S dans le secteur des services). En France, en Allemagne et aux Etats Unis, les associations ont représenté 13% des emplois créés de 1980 à 1990.

— En France, le budget total du secteur associatif est d'environ 217 milliards de francs et représente près de 3,3 % du PIB. L'emploi dans les associations a progressé de 40 % de 1981 à 1991. En 1990, le secteur emploie 803 000 salariés en équivalent temps plein, soit 4,2 % des emplois rémunérés.

Le programme Johns Hopkins a bénéficié de la participation active de quelque 200 chercheurs et professionnels du secteur, et du soutien de plus de 30 organismes publics ou privés américains, européens et japonais. La partie française du prograrmme a été réalisée par Edith Archambault, directeur du Laboratoire d'économie sociale, unité de recherche associée au CNRS.[2]

Faire reconnaître le rôle des organisations à but non lucratif

«Notre objectif est de mieux connaître ce secteur pour le faire reconnaître comme un acteur économique à part entière. Les associations et les fondations apportent des réponses adaptées aux problèmes les plus criants de la société, comme dans les domaines de la santé, la vieillesse ou encore la lutte contre les exclusions; cette étude nous révèle que ce secteur est de surcroît créateur de richesses pour l'économie. Il constitue à nos yeux une troisième voie, entre le secteur privé et l'Etat providence mis à mal par la crise économique. Son développement doit être encouragé, notamment par une fiscalité plus incitative», a commenté Francis Charhon, Directeur général de la Fondation de France.

La première étude comparative internationale **sur le** secteur sans but lucratif

Partout dans le monde existent des organisations sans but lucratif aux formes juridiques proches (associations, fondations, mutuelles...) et qui oeuvrent dans les mêmes domaines (santé, éducation, services sociaux, culture et loisirs, environnement, défense des droits, développement local, action internationale...); partout cependant, la connaissance statistique de ce secteur est faible, voire nulle, car les conventions du système international de comptabilité nationale ne permettent pas de l'identifier. Les comparaisons internationales sont impossibles et on ne peut vérifier l'hypothèse de la croissance de ce secteur.

Par ailleurs, la crise économique et l'augmentation des déficits publics ont favorisé un profond réexamen du rôle de l'Etat dans la plupart des pays industrialisés, et le développement d'alternatives à l'Etat providence et au

(1) Etats Unis, Allemagne, Royaume Uni, Japon, Italie, Hongrie, France. L'étude globale apporte également des informations sur le secteur à but non lucratif de la Suède et de 5 pays en développement: Brésil, Egypte, Ghana, Inde et Thaïlande.

(2) «Le secteur sans but lucratif en France», par Edith Archambault, synthèse de l'étude française, est disponible à la Fondation de France (92 Frs), service de documentation - 40 avenue Hoche 75008 Paris.

marché. Dans ce contexte, les associations et les fondations sont appelées à jouer un rôle nettement plus important que par le passé.

Partant de ces constats, le programme Johns Hopkins de comparaison internationale du secteur sans but lucratif a construit une méthodologie comparable, adaptée à des pays différents par leur niveau de développement et leur culture. Treize pays — sept pays industrialisés représentatifs des grandes aires géographiques et culturelles (Allemagne, Etats-Unis, France, Italie, Japon, Royaume-Uni et Suède), un pays en transition (Hongrie) et cinq pays en développement (Brésil, Egypte, Inde, Ghana et Thaïlande) — ont participé à cette recherche initiée et coordonnée par les professeurs Lester Salamon et Helmut Anheier de l'Institut d'études politiques de l'Université Johns Hopkins de Baltimore. Les résultats du projet couvrent la période de 1990 à 1994.

Cinq objectifs:

1. Améliorer la connaissance empirique du secteur sans but lucratif en décrivant le poids, la structure, l'origine des ressources et le rôle de ce secteur dans les pays participant au programme.
2. Mieux comprendre les caractéristiques et l'évolution de ce secteur dans des pays de cultures différentes et de développement inégal, en examinant notamment son histoire et ses statuts juridiques et fiscaux.
3- Examiner les relations entre le secteur associatif et l'Etat, les collectivités locales, les entreprises et les organisations internationales et procurer une base plus sûre pour évaluer et comparer les politiques en faveur de ce secteur.
4. Apporter une plus grande visibilité à ce secteur et contribuer à faire reconnaître l'importance de son rôle dans la vie économique et sociale.
5. Consolider dans chacun des pays un groupe d'experts susceptibles de suivre l'évolution du secteur sans but lucratif dans le temps, dans une perspective comparative.

Une approche originale:

Pour poursuivre ces objectifs, le programme utilise une approche comparative empirique basée sur:

- une équipe de chercheurs associés dans chaque pays participant;
- une approche commune, fondée sur un cadre commun de définirions et de notions destinées à guider le rassemblement et l'analyse des données qui forment la base du programme;
- un réseau de comités consultatifs nationaux et internationaux chargés de suivre l'avancement des recherches.

Au total, le programme a bénéficié de la participation active de quelques 200 personnes, chercheurs et professionnels du secteur.

I - Panorama international d'un secteur économique en expansion

Les résultats présentés ici portent sur sept des treize pays ayant participé au Programme: l'Allemagne, les Etats-Unis, la France, la Hongrie, l'Italie, le Japon et le Royaume-Uni. 1990 est l'année de référence.

1. Le poids économique du secteur: données globales

- En 1990, les dépenses courantes du secteur sans but lucratif représentaient en moyenne 3,5% du produit intérieur brut des différents pays, soit plus de 600 milliards de S, 4 fois le chiffre d'affaires de General Motors, l'entreprise privée la plus importante au monde.
- Ces organisations employaient au total en 1990 11,8 millions de personnes en équivalent temps plein — soit environ un emploi sur 20 (un sur S dans le secteur des services).
- L'emploi dans le secteur sans but lucratif dépasse largement l'emploi des plus grandes entreprises de chaque pays (General Motors, Hitachi, Fiat, Unilever, Alcatel-Alsthom, Daimier-Benz).
- L'emploi dans ces organisations a fortement progressé au cours des années SO, alors qu'il a plutôt eu tendance à stagner dans les autres secteurs de l'économie: en Allemagne, aux Etats-Unis et en France, les associations ont

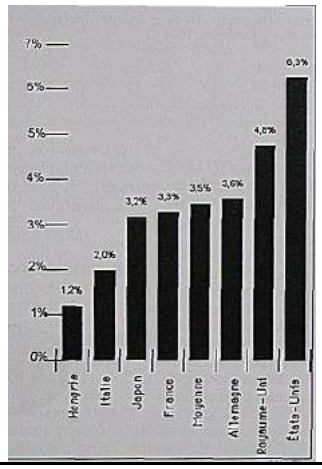
représenté 13 % des emplois créés de 1980 à 1990.

- Enfin, le travail bénévole effectué dans ces organisations représente 4,7 millions d'emplois en équivalent temps plein.

2. *Des situations contrastées sehn les pays*

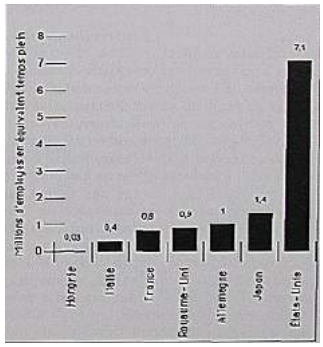
- C'est de loin aux Etats-Unis que le secteur sans but lucratif est le plus important, en termes relatifs comme absolus, avec 6,8 % de l'emploi total.
- Les secteurs sans but lucratif français, allemand et britannique ont un niveau relativement élevé et comparable, malgré de fortes différences historiques, juridiques, politiques, et dans le niveau de prise en charge publique. Dans ces pays, ce secteur représente entre 3 et 4 % de l'emploi et 9 à10 % de l'emploi dans le secteur des services. En revanche, le secteur sans but lucratif italien a un poids plus limité (2% de l'emploi total), sans doute en partie à cause de son statut juridique ambigu dans ce pays.
- Bien que plus limité en termes relatifs que ses homologues dans les autres pays, le secteur sans but lucratif japonais est le second après les Etats-Unis, en valeur absolue, notamment en terme d'emplois.
- Pratiquement inexistant il y a encore cinq ans, le secteur sans but lucratif Hongrois totalise aujourd'hui près de 20 000 organisations grâce à une très forte croissance depuis 1989, et 3 % de l'ensemble des emplois dans les services.

Dépenses courantes du secteur sans but lucratif en % du PIB



Source : Salamon Lester M. et Anheier Helmut K., *The Emerging Sector : The Nonprofit Sector in Comparative Perspective - an Overview*, The Johns Hopkins University, Baltimore, 1994.

Emploi dans le secteur sans but lucratif (Millions d'employés)



Source : Salamon Lester M. et Anheier Helmut K., *The Emerging Sector : The Nonprofit Sector in Comparative Perspective - an Overview*, The Johns Hopkins University, Baltimore, 1994.

L'emploi associatif en comparaison avec l'emploi des plus grandes entreprises

Pays	Plus grandes entreprises privées		Emploi associatif	Ratio de l'emploi associatif par rapport à l'emploi des plus grandes entreprises
	Nom	Nombre d'employés		
France	Alcatel- Alsthom	83 000	802 619	9,7
Allemagne	Daimler-Benz	267 000	1 017 945	3,8
Italie	Fiat	128 000	416 383	3,2
Japon	Hitachi	274 000	1 440 228	5,2
Royaume-Uni	Unilever	210 000	945 883	4,5
Etats-Unis	General Motors	717 000	7 120 000	9,0
TOTAL		1679 000	11 775 796	7,0

Source : Salamon Lester M, et Anheier Helmut K., *The Emerging Sector : The Nonprofit Sector in Comparative Perspective - an Overview*, The Johns Hopkins University, Baltimore, 1994.

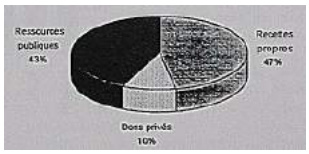
Les principaux domaines d'action:

- Quatre domaines associatifs dominent largement dans tous les pays: l'éducation et la recherche, la santé, les services sociaux et la culture, le sport et les loisirs.
- Toutefois, d'importantes variations existent entre les pays: l'éducation domine au Japon et au Royaume-Uni, tandis qu'en Allemagne et aux Etats-Unis, c'est le domaine de la santé qui est le plus développé. Le secteur sans but lucratif est fortement polarisé autour des services sociaux en France et en Italie. Enfin, la Hongrie se singularise par le poids important qu'occupent les associations culturelles et de loisir.

Les sources de financement :

- Dans tous les pays, le financement public joue un rôle rédominant. 10 % seulement des ressources proviennent de dons privés, dans les sept pays de la comparaison. Même aux Etats-Unis, ils ne représentent que 20 % des ressources.

Ressources du secteur sans but lucratif
Moyenne des sept pays



Source : Salamon Lester M. et Anheier Helmut K., *THE Emerging Sector : The Nonprofit Sector in Comparative Perspective - an Overview*, The Johns Hopkins University, Baltimore, 1994.

II - La France: un secteur sans but lucratif comparable à celui des autres pays développés, en dépit d'un retard historique important

La forte tradition jacobine qui a longtemps prévalu en France depuis la Révolution et a conduit l'État centralisateur à s'arroger le monopole du bien public et à réprimer les corps intermédiaires, explique pourquoi la plupart des organisations sans but lucratif sont assez récentes en France. Ce n'est en effet qu'à partir des années soixante que ce secteur a commencé à rattraper son retard historique par rapport à d'autres pays d'Europe.

C'est à un véritable «boom associatif» auquel on assiste en France à partir des années soixante:

Créations annuelles d'associations déclarées en France

Année	Créations	Année	Créations	Année	Créations
1908	environ 5 000	1976	25 622	1986	50 607
1938	environ 10 000	1977	33 188	1987	54 130
1960	12633	1978	35 025	1988	50 650
1965	17 540	1979	31 222	1989	60 630
1970	18 722	1980	30 543	1990	60 190
1971	23 361	1981	33 977	1991	58 840
1972	26 257	1982	40 228	1992	70 403
1973	22 403	1983	46 857	1993	62 736
1974	22 153	1984	48 040	1994	65 056
1975	23753	1985	47 803		

Source : Archambault Edith, d'après le **Ministère** de l'Intérieur, 1995.

Alors que moins de 15 000 nouvelles associations étaient créées en 1960, près de 70 000 sont actuellement créées chaque année. Le nombre total d'associations en activité est estimé à 700 000.

Grâce à la forte création associative enregistrée ces trente dernières années et encouragée par l'Etat, le tiers secteur français a pratiquement rattrapé son retard et a actuellement un niveau comparable à celui des principaux peys européens, le Royaume-Uni et l'Allemagne : en 1990, il employait 803 000 personnes en équivalent temps plein, soit 4,2 % de l'emploi total, proportion nettement supérieure à la moyenne des sept pays (3,4 %). Ses dépenses courantes représentaient 217 milliards de francs c'est-à-dire environ 3,3 % du PIB français, une proporción très proche de la moyenne des sept pays (3,5 %).

Ces résultats permettent de démentir, dans le cas de la France, la théorie selon laquelle le poids du secteur sans but lucratif esc d'autant plus faible que l'Etat-providence est développé. En effet, malgré le niveau de dépenses sociales publiques le plus élevé parmi les pays ayant participé à la comparaison internationale (29 % de son PIB, Eurostat, 1991), la France a un secteur sans but lucratif équivalent à celui de ces pays.

La structure du secteur associatif français est toutefois très différente de celle des six autres pays, de la comparaison. Le secteur associatif est d'abord fortement polarisé autour des organisations gestionnaires d'établissements ou de services sociaux. En effet, la part des services sociaux dans les dépenses totales des associations est en France nettement plus élevée que pour la moyenne des sept pays comparés : 28,9 % contre 19,6 %. Cette position s'explique essentiellement par la répartition des tâches qui s'est instaurée entre pouvoirs publics et associa-

LE SECTEUR SANS BUT LUCRATIF EN FRANCE DANS UNE PERSPECTIVE COMPARATIVE		
	France	Moyenne des 7 pays *
I. EMPLOI (en équivanlent temps plein)		
Effectif	802 619	
Pourcentage dans l'emploi total	4,2 %	3,4 %
II. DEPENSES COURANTES		
Montant (en millions de F)	217 000	
Pourcentage dans le PIB	3,3 %	3,5 %
Répartition par domaine (pourcentage)		
Culture et loisirs	17,8	16,5
Education et recherche	24,8	24,5
Santé	14,5	21,6
Services sociaux	28,9	19,6
Environnement	0,7	0,8
Développement local et logement	6,4	5,0
Services juridiques et défense des droits	2,9	1,2
Intermédiaires philanthropiques et promotion du bénévolat	0,0	0,5
Activités internationales	1,1	1,2
Associations professionnelles et syndicales	2,9	9,2
TOTAL	100 %	100 %
III. ORIGINE DES RESSOURCES (pourcentage du total)		
Ressources publiques	59,5 %	43,1 %
Dons privés	7,0 %	9,5 %
Cotisations, droits, ventes et autres ressources propres	33,5 %	47,4 %
TOTAL	100 %	100 %

** Il s'agit d' une moyenne non pondérée.*

Source : Salamon Lester M, er Anheier Helmut K., *The Emerging Sector : The Nonprofit Seitor in Comparative Perspective - an Overview*, The Johns Hopkins University, Baltimore, 1994.

tions. En effet, les services sociaux destinés à l'ensemble de la population et gérés par la Sécurité sociale sont principalement publics, alors que les services sociaux orientés vers les personnes fragiles et pauvres, qui délivrent des services personnels et font face à de nouveaux besoins sociaux, sont surtout gérés pat des associations. Ainsi, comme on l'a vu, les associations bénéficient d'un quasi-monopole pour les services aux personnes handicapées ou droguées et aux enfants en difficulté.

Pout la santé, au contraire, le secteur associatif joue en France un tôle nettement plus faible que dans la moyenne des sept pays (l4,5 % contre 21,6 %), en partie à cause de la précoce nationalisation des hôpitaux et des autres services sanitaires pendant la Révolution, puis du développement d'un système généralisé de Sécurité sociale aptes la Seconde Guerre mondiale. Les différences sont moins sensibles pour les autres domaines. La France est légèrement au-dessus de la moyenne pour l'éducation et la recherche, la culture et les loisirs et pour les associations civiques et de défense des droits. En

revanche, elle se place légèrement en dessous de la moyenne des sept pays pour l'environnement, le logement, le développement local et les activités internationales. Pour les associations professionnelles, l'écart esc très sensible (2,9 % en France contre 9,2 % en moyenne), à cause de la faiblesse des syndicats en France et, plus généralement, d'une tradition corporatiste fortement affaiblie par la loi Le Chapelier de 1789. La quasi-inexistence des fondations en France est la conséquence des réglementations restrictives de l'Etat issues de la tradition jacobine, mais aussi, à plus long terme, de la crainte de l'accumulation improductive de biens de mainmorte, qui fut la cause de réglementations restrictives sous Louis XIV er Louis XV.

La structure des ressources des associations françaises est également originale. Deux caractéristiques essentielles les distinguent en effet de leurs homologues des autres pays : d'abord, le soutien public est en France nettement plus élevé; en effet, la France arrive, après l'Allemagne, en deuxième position dans la part des ressources fournies par les administrations publiques, avec près de 60 % contre 43 % pour la moyenne des sept pays. A l'inverse, seulement un tiers des ressources du tiers secteur français, contre la moitié pour la moyenne des sept pays, est constitué par des ressources propres.

Cette structure de ressources est liée à la forte tradition facobine qui prévalut pendant de longs siècles en France et qui conduisit à une prise en charge précoce par l'Etat des services éducatifs, culturels et de santé. La politique de décentralisation a favorisé le développement d'un partenariat entre les pouvoir publics er certaines associations, dans lequel l'Etat ou les collectivités locales fournissent la majorité des ressources tandis que les associations produisent les services. La décentralisation n'a donc pas été, en France, le moyen d'un désengagement financier des pouvoirs publics, mais bien d'un allégement de l'appareil administratif.

Le cadre européen

Le Programme Johns Hopkins de comparaison internationale du secteur sans but lucratif révèle donc le rôle essentiel de ce secteur dans le fonctionnement du système social et dans l'expression de la société civile et permettra, espère-t-on, d'améliorer l'opinion générale relative à son importance dans la société. Il pourrait également favoriser la reconnaissance de ce domaine par les pouvoirs publics et ses différents partenaires. L'enjeu est considérable, car de cette reconnaissance dépendra le rôle éventuel que pourront tenir ces organisations dans le processus d'intégration européenne.

L'intégration économique européenne donne en effet un caractère encore plus urgent à la compréhension du secteur sans but lucratif. Car celui-ci pourrait être un remède à l'eurocratisme de Bruxelles, comme il le fut au jacobinisme en France. Les discussions autour de la ratification du traité de Maastricht dans les pays européens ont montré que les principales critiques faites au processus d'intégration européenne étaient le manque de démocratie, le dirigisme des eurocrates de Bruxelles ou encore les dangers d'une perte d'identité nationale ou du sacrifice de certains acquis sociaux à la construction d'un «grand marché concurrentiel». Dans une Europe sociale qui reste à construire et qui a été trop longtemps négligée, le secteur sans but lucratif peut constituer l'instrument de l'apprentissage de la démocratie à l'échelle européenne. II peut en effet contribuer à l'épanouissement d'une société civile plus vigoureuse à l'échelle européenne, et assurer la promotion de l'innovation sociale et de l'initiative individuelle.

Si les organisations du tiers secteur consentent à dépasser leurs conflits et divisions internes, elles pourront ainsi contribuer immensément à la construction d'une communauté européenne qui ne serait plus seulement un «marché commun» mais également une Europe culturelle et sociale unifiée, basée sur une éthique commune. Ainsi, comme le dit très justement Dominique Wolton : «Passer d'une Europe technocratique, faite par 50 000 fonctionnaires, hommes d'affaires et politiciens, à un Europe démocratique, comme le souhaite le traité de Maastricht, demande que 350 millions de citoyens se sentent concernés.»

Existe-t-il une meilleure école de la citoyenneté que la participation associative «sans frontières» ?

Liberal Politics and the Public sphere (I)

by Charles Taylor *

Introduction

What exactly is a liberal society? What makes it possible? And, what are the dangers it faces? These are the questions I would like to explore in this paper.

The problem is that all of these questions permit of answers of indefinite length. The dangers, for instance, of liberal society are not denumerable. Threats can come from an uncountable number of directions. So I am going to be selective. There ate problems and difficulties that seem to me widespread in our age and I am going to put them in the foreground. In doing that, I am aware that I will be speaking out of a parochial experience. Societies of a liberal type are now aspired to almost everywhere in the globe, in radically different conditions. No finite discussions can do justice to all these situations.

But surely, if the dangers are infinite, the first question, which calls for a definition of liberal society, permits of a clear and finite answer? So one might think, and a number of thinkers have tried to proffer clear definitions. But I think that here, too, the complexity of the reality and the multiplicity of its facets defeats us. Indeed, I think there is a danger in trying to make clear definitions, because this may narrow the scope of our attention in ways which may be damaging or fatal.

But don't we have to know what we are talking about? I will grudgingly admit this, and am willing to offer a rough delineation of what I mean by liberal society at the outset. But as the discussion proceeds, the slippery and multi-faceted nature of this description should become evident.

We can delineate liberal society in terms of its characteristic forms, for instance, representative government, the rule of law, a regime of entrenched rights, the guarantees of certain freedoms. But I would prefer to start off on another footing, and think of a liberal society as one which is trying to realise in the highest possible degree certain goods or principles of right. We might think of it as trying to maximise the goods of freedom and collective self-rule, in conformity with a rule of right founded on equality.

The unsatisfactory nature of this as a definition springs to our attention as soon as we ponder what freedom means here. It is clear chat this is much contested. For some, it might just mean "negative" freedom: being able to do what you want without interference from others and particularly, from authority. But for others, the meaningful freedom here involves real self-determination, an excellence of moral development. Someone who was merely negatively free, doing what he or she wanted, might be largely governed by unreflective convention, or timidly conforming to norms which were not at all inwardly accepted; which he or she might even inwardly chafe at. This would not be the more robust freedom of self-responsible life choice, which John Stuart Mill makes his standard in *On Liberty*, as when he praises "a person whose desires and impulses are his own - are the expression of his own nature, as it has been developed and modified by his own culture ..." [1]

But with all its fuzziness and uncertainties, this description will be good enough to be getting along with. It will enable us to begin examining some of the bases and dangers of a society dedicated to these ends.

I want to start the discussion by looking at Western liberal societies, the original models. Among the bulwarks of freedom here, have been, for instance, the emphasis on the rule of law, on entrenched rights recoverable by judicial action, and various modes of dividing power. I mean not only the "division of powers" as it exists in the US Constitution, but other ways of distributing power in different hands, for instance, through federal structures, or autonomous local governments, and the like.

But in part, freedom has been based, in Western liberal societies, on the development of social forms in which society as a whole can function outside the ambit of the State. These forms have often been referred to under the general description "civil society", taking the term in its post-Hegelian meaning as designating something distinct from the State.[2] The notion of civil society comprises the host of free associations, existing outside of any official sponsorship, and often dedicated to ends which we generally consider non-political. No society can be called free in which these are not able to

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The second part will appear in our next issue.
(1) From "On Liberty", *Three Essays*, Oxford University Press, 1975, p.74.
(2) I have discussed this in "Invoking Civil Society", a paper presented to an earlier Castel Gandolfo seminar, and Published in German translation; "Die Beschworung der civil society", in Krzysztof Michalski (Ed.) *Europa und die Folgen.* Stuttgart Klett Cotta, 1988.

function, and che pulse of freedom will beat very slowly where they are not being spontaneously formed.

But civil society in a strong sense exists where, beyond these multiple associations, or through their combination, society can operate as a whole outside the ambit of the State. I mean by this ways in which society can be said to act, or to generate or sustain a certain condition, without the agency of government. The very idea of their being such modes of extra-political action or pattern-maintenance by the whole society is foreign to a great many historical civilisations; for instance, traditional Chinese society, or - to take an example very far removed from this - the ancient *polis.* And if we take other civilisations, like the Indian, or the Medieval European, where the society also has extra-political authorities, the striking difference from the modern west lies in the fact that the forms of civil society are purely secular.

Two major forms of civil society which have played a big role in western freedom (or at any rate have been thought to play such a role) are: the public sphere, and the market economy. To put some flesh on this rather abstract discussion of extra-political and secular action of the whole, I will talk in a little more detail of the rise of the public sphere.

The Public Sphere

What do I mean by a public sphere? I want to describe it as a common space in which the members of society are deemed to meet through a variety of media: print, electronic, and also face-to-face encounters; to discuss matters of common interest; and thus to be able to form a common mind about these. I say "a common space" because although the media are multiple, as well as the exchanges which take place in them, these are deemed to be in principle intercommunicating. The discussion we are having on television now, takes account of what was said in the newspaper this morning, which in turn reports on the radio debate of yesterday, and so on. That is why we usually speak of the public sphere, in the singular.

The public sphere is a central feature of modem society. So much so, that even where it is in fact suppressed or manipulated, it has to be faked. Modem despotic societies have generally felt compelled to go through the motions. Editorials appear in the party newspapers, purporting to express the opinions of the writers, offered for the consideration of their fellow citizens; mass demonstrations are organised, purporting to give vent to the felt indignation of large numbers of people. All this takes place as though a genuine process were in train of forming a common mind through exchange, even though the result is carefully controlled from the beginning.

Why this semblance? Because the public sphere is not only a ubiquitous feature of any modem society; it also plays a crucial role in its self-justification as a free self-governing society, that is, as a society in which

a) people form their opinions freely, both as individuals and in coming to a common mind; and
b) these common opinions matter: in some way they take effect on, or control government

Just because it has this central role, the public sphere is the object of concern and criticism in liberal societies as well. One question is whether the debate is not being controlled and manipulated here as well, in a fashion less obvious than within despotic regimes, but all the more insidiously, by money, or government, or some collusive combination of the two. Another is whether the nature of certain modern media permit the truly open, multilateral exchange which is supposed to issue in a truly common opinion on public matters.

There is a tendency to consider something which is so important and central to our lives almost as a fact of nature, as though something of the sort had always been there. Modem liberal society would then have innovated in allowing the public sphere its freedom, and in making government in a sense responsible to it instead of the other way round. But something like public opinion would always have existed. This, however, would be an anachronistic error, which obscures what is new, and is, as yet, not fully understood, in this kind of common space. I want to try to cast a little more light on this, and in the process become clearer on the trans-

formations in background understanding and social imagery which produced modern civilisation.

In this discussion, I want to draw. in particular, on two very interesting books: one published almost 30 years ago but recently translated into English; Jürgen Habermas, *The Structural Transformation of the Public Sphere*[3] which deals with the development of public opinion in eighteenth century Western Europe; the other is a very recent publication by Michael Warner, *The Letters of the Republic*[4], which describes the analogous phenomenon in the British-American colonies.

A central theme of Habermas's book is the emergence in Western Europe in the eighteenth century of a new concept of public opinion. Getting clear what was new in this will help to define what is special about the modern public sphere. Following the anachronistic reading, we might think that what was new in the eighteenth century appeals to public opinion, was the demand that government be responsive to it, but that which government was called on to heed could be deemed to have already been in existence for an indefinite period. But this would be a mistake.

People had, of course, always recognised something like a general opinion, which held in a particular society, or perhaps among mankind as a whole. This might be looked down on, as a source of error, following Plato's low estimation of *"doxa"*. Or it might be seen in other contexts as setting standards for right conduct[5] But in either case, it is different from the new public opinion in three important respects: "the opinion of mankind" is seen as i) unreflected; ii) unmediated by discussion and critique; and iii) passively inculcated in each successive generation. By contrast, "public opinion" is meant to i) be the product of reflection; ii) emerge from discussion; and iii) reflect an actively produced consensus.

The difference lies in more than the evaluation - there, passive acceptance; here, critical thinking. It was not just that the eighteenth century decided to pin Cartesian medals on to the opinion of mankind. The crucial change is that the underlying process is different. Where the opinion of mankind was supposed to have passed down in each case from parents and elders, in a myriad of unlinked, local acts of transmission, public opinion was deemed to have been elaborated by a discussion among those who held it, wherein their different views were somehow confronted, and they were able to corne to a common mind. The opinion of mankind is probably held in identical form by you and me, because we are formed by the same socialising process. We share in a common public opinion, if we do, because we have worked it out together. We do not just happen to have identical views; we have elaborated our common convictions in a common act of definition.

But now in each case, whether as opinion of mankind or public opinion, the same views will be held by people who have never met. That is why the two can be confused. But in the latter case, something else is supposed; it is understood that the two widely separated people sharing the same view have been linked in a kind of space of discussion, wherein they have been able to exchange ideas together with others and reach this common end point.

What is common space? It is a rather strange thing when one comes to think of it. The two people I am invoking here have, by hypothesis, never met. But they ate seen as linked in a common space of discussion through the media - in the eighteenth century, the medium of print - books, pamphlets, newspapers circulated among the educated public, vehiculing theses, analyses, arguments, counter-arguments, referring to and refuting each other. These were widely read, and often discussed in face-to-face gatherings; in drawing rooms, coffee houses, salons, and/or in more (authoritatively) "public" places like Parliament. The perceived general view which resulted from all this, if any, counted as "public opinion" in this new sense.

I say "counted as" public opinion. And here we get to the heart of the strangeness. Because an essential part of the difference is made by what the process is deemed to amount to. The opinion of mankind spreads through myriad unlinked acts of transmission, as I said above, while public opinion is formed by the participants together. But if one made an exhaustive list of all the face-to-face encounters

(3) Translated by Thomas Burgers Cambridge, Mass: MIT Press, 1989 German original: *Strukturwandel der Offentlichkeit*, Newied: Luchterhand, 1962.
(4) Cambridge, Mass: Harvard University Press, 1990.
(5) Habermas, *Structural Transformation*, p.91, refers to Locke ¡n this connection

that occur in each case, the two processes would not look all that different. In both cases, masses of people sharing the same views never meet, but everyone is linked with everyone through some chain of personal or written transmission.

Crucial to the difference is that in the formation of public opinion, each of these linked, physical or print-mediated encounters is understood by the participants to form part of a single discussion proceeding towards a common resolution. This cannot be all, of course; that is, the encounters could not be the same in all other respects and just differ in how they were understood by the participants. For instance, it is crucial to these linked encounters that they are constantly interreferring; I attempt to refute in my conversación with you today the *Times* editorial of last week, which took some public figure to task for a speech she made the week before, etc. It is also crucial that they be carried on as arguments. If in each case, someone just passively accepted what another told him - as in the ideal-typical case, of authoritative transmission of tradition from parents to children - these events could not be plausibly construed as forming part of a society-wide discussion. But without this common understanding of their linkage on the part of the participants, no-one, even from the outside, could take them as constituting a common discussion with a potentially single outcome. A general understanding of what things count as is constitutive of the reality here which we call the public sphere.

In a similar fashion, there are clearly infrastructural conditions to the rise of the public sphere. There had to be printed materials, circulating from a plurality of independent sources, for there to be the bases of what could be seen as a common discussion. As is often said, the modern public sphere relied on "print capitalism" to get going. But as Warner shows, printing itself, and even print capitalism, did not provide a sufficient condition. They had to be taken up in the right cultural context where the essential common understandings could arise.[6]

We are now in a slightly better position to understand what kind of thing a public sphere is, and why it was new in the eighteenth century. It is a kind of common space, I have been saying, in which people who never meet understand themselves to be engaged in discussion and capable of reaching a common mind. Let me introduce some new terminology. We can speak of "common space" when people come together in a common act of focus for whatever purpose, be it ritual, the enjoyment of a play, conversation, the celebration of a major event, or whatever. Their focus is common, as against merely convergent, because it is part of what is commonly understood, that they are attending to the common object or purpose together, as opposed to each person just happening, on his or her own, to be concerned with the same thing. In this sense, the "opinion of mankind" offers a merely convergent unity, while public opinion is supposedly generated out of a series of common actions.

Now an intuitively understandable kind of common space is set up when people are assembled for some purpose, be it on an intimate level for conversation, or on a larger, more "public" scale for a deliberative assembly, or a ritual, or a celebration, or the enjoyment of a football match or an opera and the like. Common space arising from assembly in some locale, I want to call "topical common space".

But the public sphere, as we have been defining it, is something different. It transcends such topical spaces. We might say that it knits together a plurality of such spaces into one larger space of non-assembly. The same public discussion is deemed to pass through our debate today, and someone else's earnest conversation tomorrow, and the newspaper interview Thursday, and so on. I want to call this larger kind of non-local common space "meta-topical". The public sphere which emerges in the eighteenth century is a meta-topical common space.

What we have been discovering about such spaces is that they are partly constituted by common understandings; that is, they are not reducible to but cannot exist without such understandings. New, unprecedented kinds of spaces require new and unprecedented understandings. Such is the case for the public sphere.

What is new is not meta-topicality. The

(6) ***Letters*****, Chapter 1.**

Church, the State, were already existing metatopical spaces. But getting clear about che novelty brings us to the essential features of modernity. We can articulate the new on two levels: what the public sphere does; and what it is.

First, what it does, or rather, what is done in it. The public sphere is the locus of a discussion potentially engaging everyone (although in the eighteenth century the claim was only to involve the educated or "enlightened" minority) in which the society can come to a common mind about important matters. This common mind is a reflective view, emerging from critical debate, and not just a summation of whatever views happen to be held in the population. This indicates how far the late eighteenth century notion of public opinion is from what is the object of poll research today. The phenomenon that "public opinion research" aims to measure is, in terms of my above distinction, a convergent unity, and does not need to emerge from discussion. It is analogous to the opinion of mankind. The ideal underlying the eighteenth century version emerges in this passage from Burke, quoted in Habermas.

> In a free country, every man thinks he has a concern in all public matters; that he has a right to form and deliver an opinion on them. They sift, examine and discuss them. They are curious, eager, attentive and jealous; and by making such matters che daily subjects of their thoughts and discoveries, vast numbers contract a very tolerable knowledge of them, and some a very considerable one.... Whereas in other countries none but men whose office calls them to it having much care or thought about public affairs, and not daring to try the force of their opinions with one another, ability of this sort is extremely rare in any station of life. In free countries, there is often found more real public wisdom and sagacity in shops and manufactories than in cabinets of princes in countries where none dares to have an opinion until he comes to them.
>
> Habermas, *Structural Transformation*, pp. 117-8.

As a consequence this opinion has a normative status: government ought to listen to it. There were two reasons for this, of which one tended to gain ground and ultimately swallow up the other. The first is, that chis opinion is likely to be enlightened, and hence government would be well-advised to follow it. This statement by Louis Sébastien Mercier, quoted ¡n Habermas[7] gives clear expression to this idea:

> Les bons livres dépendent des lumières dans toutes les classes du peuple; ils ornent la vérité. Ce sont eux qui déjà gouvernent l'Europe; ils éclairent le gouvernement sur ses devoirs, sur sa faute, sur son véritable intérêt, sur l'opinion publique qu'il doit écouter et suivre: ces bons livres sont des maîtres patients qui attendent le réveil des administrateurs des états et le calme de leurs passions.

Kant famously had a similar view. The second reason emerges with the view that the people are sovereign. Government is then not only wise to follow opinion; it is morally bound to do so. Governments ought to legislate and rule in the midst of a reasoning public. Parliament, or the court, in taking its decisions ought to be concentrating together and enacting what has already been emerging out of enlightened debate among the people. From this arises what Warner, following Habermas, calls the "principle of supervision", which insists that the proceedings of governing bodies be public, open to the scrutiny of the discerning public[8]. By going public, legislative deliberation informs public opinion and allows it to be maximally racional, while at the same time exposing itself to its pressure, and thus acknowledging that legislation should ultimately bow to the clear mandates of this opinion.

> It is certainly right and prudent to consult the public opinion.... If the public opinion did not happen to square with mine; if, after pointing out to them the danger, they did not see it in the same light with me, or if they conceived that another remedy was preferable to mine, I should consider it as my due to my King, due to my Country, due to my honour to retire, chat they might pursue the plan which they thought better, by a fit instrument, chat is by a man who thought with them.... but one thing is most clear, chat I ought to give the public the means of forming an opinion.
>
> Fox's speech, quoted in *Structural Transformation*, pp. 65-6.

The public sphere is, then, a locus in which rational views are elaborated which should guide government. This comes to be

(7) *Structural Transformation*, p. 119.
(8) *Letters*, p. 41.

seen as an essential feature of a free society. As Burke put it "in a free country, every man thinks he has a concern in all public matters".[9] There is, of course, something very new about this in the eighteenth century, compared to the immediate past of Europe. But one might ask, is this new in history? Is not this a feature of all free societies?

No: there is a subtle but important difference. Let us compare the modem society with a public sphere with an ancient republic or *polis.* In this latter we can imagine that debate on public affairs may be carried on in a host of settings: among friends at a symposium, between those who meet in the *agora,* and then of course in the *ekklesia* where the thing is finally decided. The debate swirls around and ultimately reaches its conclusion in the competent decision-making body. Now the difference is that the discussions outside this body prepare for the action ultimately taken by the same people within it. The "unofficial" discussions are not separated off, given a status of their own, and seen to constitute a kind of meta-topical space.

But that is what happens with the modern public sphere. It is a space of discussion which is self-consciously seen as being outside power. It is supposed to be listened to by power, but it is not itself an exercise of power. It is in this sense that extra-political status is crucial. As we shall see below, it links the public sphere with other facets of modern society which are also seen as essentially extra-political. The extra-political status is not just defined negatively, as a lack of power. It is also seen positively: just because public opinion is not an exercise of power, it can be ideally disengaged from partisan spirit and rationale.

In other words, with the modern public sphere comes the idea that political power must be supervised and checked by something outside. What was new, of course, was not that there was an outside check, but rather the nature of this instance. It is not defined as the will of God, or the Law of Nature (although it could be thought to articulate these), but as a kind of discourse emanating from reason and not from power or traditional authority. As Habermas puts it, power was to be tamed by reason. The notion was that *"ventas non auctoritas facit legem".*[10]

In this way, the public sphere was different from everything preceding it. An "unofficial" discussion, which nevertheless can come to a verdict of great importance, it is defined outside the sphere of power. It borrows some of the images from ancient assemblies, as we saw above from the American case, to project the whole public as one space of discussion. But as Warner shows, it innovates in relation to this model. Those who intervene are, as it were, like speakers before an assembly. But unlike their models in real ancient assemblies, they strive for a certain impersonality, a certain impartiality, an eschewing of party spirit. They strive to negate their own particularity, and thus to rise above "any private or partial view". This is what Warner calls "the principle of negativity". And we can see it not only as suiting the print, as against the spoken medium, but also as giving expression to this crucial feature of the new public sphere as extra-political, as a discourse of reason on and to power rather than by powers.[11]

As Warner points out, the rise of the public sphere involves a breach in the old ideal of a social order undivided by conflict and difference. On the contrary, it means that debate breaks out, and continues, involving in principle everybody and this is perfectly legitimate. The old unity will be gone for ever. But a new unity is to be substituted. For the ever-continuing controversy is not meant to be an exercise in power, a quasi-civil war carried on by dialectical means. Its potentially divisive and destructive consequences are offset by the fact that it is a debate outside of power, a rational debate, striving without *parti pris* to define the common good. "The language of resistance to controversy articulates a norm for controversy. It silently transforms the ideal of a social order free from conflictual debate into an ideal of debate free from social conflict".[12]

So what the public sphere does, is enable the society to come to a common mind, without the mediation of the political sphere, in a discourse of reason outside power, which nevertheless is normative for power. Now let us try to see what, in order to do this, it has to be.

(9) Cited in *Structural Transformation,* p 117.
(10) *Structural Transformation,* p. 82.
(11) See *Letters,* pp. 40-2. Warner also points to the relationship with the impersonal agency of modern capitalism (pp. 62-3), as well as the closeness of fit between the impersonal stance and the battle against imperial corruption which was so central a theme in the colonies (pp. 65-6), in the framing of (his highly over-determined mode
(12) *Letters,* p.46.

We can perhaps best do this by trying to define what is new and unprecedented in it. And I want to get to this in two steps as it were. First there is the aspect of its novelty which has already been couched on. When we compare the public sphere with one of the important sources of its constitutive images, viz, the ancient republic, what springs to our notice is its extra-political locus. The "Republic of Letters" was a common term which the members of the international society of savants in interchange gave themselves towards the end of the seventeenth century. This was a precursor phenomenon to the public sphere; indeed, it contributed to shaping it. Here was a "republic" constituted outside of the political. Both the analogy and the difference gave its force and point to this image: it was a republic as a unified association, grouping all enlightened participants, across political boundaries; but it was also a republic in being free from subjection; its "citizens" owed no allegiance but to it, as long as they went about the business of Letters.

Something of this is inherited by the eighteenth century public sphere. Within it, the members of society come together and pursue a common end; they form and understand themselves to form an association, which is nevertheless not constituted by its political structure. This was not true of the ancient *polis* or republic. Athens was a society, a *koinônia,* only as constituted politically. And the same was true of Rome. The ancient society was given its identity by its laws. On the banners of the legions, "SPQR" stood for *"Senates populusque romanus",* but the *populus* here was the ensemble of Roman citizens, that is, those defined as such by the laws. The people did not have an identity, did not constitute a unity prior to and outside of these laws.

By contrast, in projecting a public sphere our eighteenth century forebears were placing themselves in an association, this common space of discussion, which owed nothing to political structures, but was seen as existing independently of them.

This extra-political status is one aspect of the newness: that all the members of a political society (or at least all the competent and "enlightened" members) should be seen as also forming a society outside the State. Indeed, this society was wider than any one State; it extended for some purposes to all of civilised Europe. This is an extremely important aspect, and corresponds to a crucial feature of our contemporary civilisation which emerges at this time and which is visible in more than the public sphere. I want to take this up in a minute, but first we have to take the second step.

For it is obvious that an extra-political, international society is by itself not new, It is preceded by the Stoic cosmopolis and, more immediately, by the Christian Church. Europeans were used to living in a dual society, one organised by two mutually irreducible principles. So the second facet of the newness of the public sphere has to be defined as its radical secularity.

This is not easy to define, and I am taking a risk in using a term which is already thrown around very loosely in attempts to describe modern civilisation. Nevertheless, if I adopt it, it is because I think an awareness of its etymology may help us to understand what is at stake here, which has something to do with the way human society inhabits time. But this way of describing the difference can only be brought in later, after some preliminary exploration.

The notion of secularity I am using here is radical, because it stands not only in contrast with a divine foundation for society, but with any idea of society as constituted in something which transcends contemporary common action. For instance, some hierarchical societies conceive themselves as bodying forth some part of the Chain of Being. Behind the empirical fillers of the slots of kingship, aristocracy, and so on, lie the Ideas or the persisting metaphysical Realities that these people are momentarily embodying. The King has two bodies, only one being the particular, perishable one, which is now being fed and clothed, and will later be buried.[13] Within this outlook, what constitutes a society as such is the metaphysical order it embodies.[14] People act within a framework which is there prior to and independent of their action.

But secularity contrasts not only with divinely-established churches or Great Chains. It is also different from an understanding of our society as constituted by a law which has been

(13) See E Kantorowicz, *The King's Two Bodies,* Princeton: Princeton University Press, 1957.
(14) For an extra-European example of this kind of thing, see Clifford Geertz's *Negara,* Princeton: Princeton University Press, 1980; where che pre-Conquest Balinese State is described.

ours since cime out of mind. Because this too places our action within a framework, one which binds us together and makes us a society and which transcends our common action.

In contra-distinction to all this, the public sphere is an association which is constituted by nothing outside of the common action we carry out in it: coming to a common mind, where possible, through the exchange of ideas. Its existence as an association is just our acting together in this way. This common action is not made possible by a framework which needs to be established in some action-transcendent dimension: either by an act of God, or in a Great Chain, or by a law which comes down to us since time out of mind. This is what makes it radically secular. And this, I want to claim, gets us to the heart of what is new and unprecedented in it.

This is baldly stated. Obviously, this notion of secularity still needs to be made clearer. Perhaps the contrast is obvious enough with Mystical Bodies and Great Chains. But I am claiming a difference from traditional tribal society as well, the kind of thing the German peoples had who founded our modern North Atlantic polities, or, in another form, what constituted the ancient republics and *poleis*. And this might be challenged.

These societies were defined by a law. But is this all that different from the public sphere? After all, whenever we want to act in this sphere, we meet a number of structures already in place: there are certain newspapers, television networks, publishing houses, and the rest. We act within the channels that these provide. Is this not rather analogous to any member of a tribe, who also has to act within established structures, of chieftainships, councils, annual meetings, etc? Of course, the institutions of the public sphere change; newspapers go broke, television networks merge and the like. But no tribe remains absolutely fixed in its forms; these too evolve over time. If one wanted to claim that this pre-existing structure is valid for ongoing action, but not for the founding acts which set up the public sphere, the answer might be that these are impossible to identify in the stream of time, any more than they are for the tribe. And if we want to insist that there must be such a moment, then we should remark that many tribes as well hand down legends of a founding act, when a Lycurgus, for instance, laid down their laws. Surely he acted outside of existing structures.

Talking of actions within structures brings out the similarities. But there is an important difference which resides in the respective common understandings. It is true that in a functioning public sphere, action at any time is carried out within structures laid down earlier. There is a *de facto* arrangement of things. But this arrangement does not enjoy any privilege over the action carried out within it. The structures were set up during previous acts of communication in common space, on all fours with those we are carrying out now. Our present action may modify these structures and that is perfectly legitimate, because these are seen as nothing more than precipitates and facilitators of such communicative action.

But the traditional law of a tribe usually enjoys a different status. We may, of course, alter it over time, following the prescription it itself provides. But it is not seen just as a precipitate and a facilitator of action. The abolition of the law would mean the abolition of the subject of common action, because the law defines the tribe as an entity. Whereas a public sphere could start up again, even where all media had been abolished, simply by founding new ones, a tribe can only resume its life on the understanding that the law, although perhaps interrupted in its efficacy by foreign conquest, is still in force.

That is what I mean when I say that what constitutes the society, what makes the common agency possible, transcends the common actions carried out within it. It is not just that the structures we need for today's common action arose as a consequence of yesterday's, which was, however, no different in nature from today's. Rather the traditional law is a pre-condition of any common action, at whatever time, because this common agency could not exist without it. It is in this sense transcendent. By contrast, in a purely secular association (in my sense), common agency arises simply in and as a precipitate of common action.

The crucial distinction underlying the

concept of secularity I am crying to define here can thus be related to this issue: what constitutes the association or, put otherwise, what makes this group of people, as they continue over time, a common agent? Where this is something which transcends the realm of those common actions this agency engages in, the association is non-secular. Where the constituting factor is nothing other than such common action - whether the founding acts have already occurred in the past, or are now coming about is immaterial - we have secularity.

Now the claim I want to make is that this kind of secularity is modern; that it comes about very recently in the history of mankind. Of course, there have been all sorts of momentary and topical common agents which have arisen just from common action. A crowd gathers, people shout protests and then the governor's house is stoned, or the chateau burned down. But prior to the modern day, enduring meta-topical common agency was inconceivable on a purely secular basis. People could only see themselves as constituted into such by something action-transcendent, be it a foundation by God, or a Chain of Being which society bodied forth, or some traditional law which defined our people. The eighteenth century public sphere thus represents an instance of a new kind: a meta-topical common space and common agency without an action-transcendent constitution, an agency grounded purely in its own common actions.

But how about the founding moments which traditional societies often "remembered"? What about Lycurgus' action in giving Sparta its laws? Surely these show us examples of the constituting factor (here law) issuing from common action: Lycurgus proposes, the Spartans accept. But it is in the nature of such founding moments that they are not put on the same plane as contemporary common action. The foundation acts are displaced onto a higher plane, into a heroic time, an *illud tempus* which is not seen as qualitatively on a level with what we do today. The founding action is not just like our action, not just an earlier, similar act whose precipitate structures ours. It is not just earlier, but in another kind of time, an exemplary time.

And this is why I am tempted to use the term "secular", in spite of all the misunderstandings which may arise. Because it is clear that I do not only mean "not tied to religion" [15]. The exclusion is much broader. But the original sense of "secular" was "of the age", that is, pertaining to profane time. It was close to the sense of "temporal" in the opposition temporal/spiritual. The understanding was that this profane time existed in relation to (surrounded by, penetrated by: it is hard to find the right words here) another time, that of God. This could also be conceived as eternity, which was not just endless profane time, but a kind of gathering of time into a unity; hence the expression *"hoi aiônes tôn aiônôn", or "saecula saeculorum"*.

The crucial point is things and events had to be situated in relation to more than one kind of time. This is why events which were far apart in profane time could nevertheless be closely linked. Benedict Anderson, in a penetrating discussion of the same transition I am trying to describe here, quotes Auerbach on the relation prefiguring-fulfilling in which events of the Old Testament were held to stand to those in the New; for instance the sacrifice of Isaac and the Crucifixion of Christ.[16] These two events were linked through their immediate contiguous places in the divine plan. They are drawn close to identity in eternity, even though they are centuries (that is, "eons" or *"saecula")* apart. In God's time there is a sort of simultaneity of sacrifice and Crucifixion.

Modern "secularisation" can seem from one angle as the rejection of divine time, and the positing of time as purely profane. Events now exist only in this one dimension, in which they stand at greater and lesser temporal distance, and in relations of causality with other events of the same kind. The modern notion of simultaneity comes to be, in which events utterly unrelated in cause or meaning are held together simply by their co-occurrence at the same point in this single profane time-line. Modern literature, as well as news media, seconded by social science, has accustomed us to think of society in terms of vertical time-slices, holding together myriad happenings, related and unrelated. I think Anderson is right that

(15) As a matter of fact, excluding the religious dimension is not even a necessary condition of my concept of secular here, let alone a sufficient one. A secular association is one grounded purely on common action, and this excludes any divine grounding for this association, but nothing prevents the people so associated from continuing a religious form of life, indeed, this form may even require that, for example, political associations be purely secular. There are for instance religious motives for espousing a separation of church and state.

(16) In *Imagined Communities.* London: Verso, 1983, **pp.** 28-31.

this is a typically modern mode of social imagination, which out medieval forebears would have found difficult to understand, for where events in profane time are very differently related to higher time, it seems unnatural just to group them side by side in the modern relation of simultaneity. This carries a presumption of homogeneity which is essentially negated by the dominant time-consciousness.[17]

Now the move to what I am calling "secularity" is obviously related to this radically purged time-consciousness. Pre-modern understandings of time always seem to have been multi-dimensional. The Christian relating of time and eternity was not the only game in town, even in Christendom. There was also the much more widespread sense of a foundation time, a "time of origins" as Eliade used to call it,[18] which was complexly related to the present moment in ordinary time, in that it could be ritually approached frequently and its force partly re-appropriated at certain privileged moments. That is why it could not simply be unambiguously placed in the past (in ordinary time). The Christian liturgical year draws on this kind of time-consciousness, widely shared by other religious outlooks, in re-enacting the "founding" events of Christ's life.

It also seems to have been the universal norm to see the important meta-topical spaces and agencies as constituted in some mode of higher time. States, churches, were seen to exist almost necessarily in more than one time-dimension, as though it were inconceivable that they have their being purely in the profane or ordinary time. A State which bodied forth the Great Chain was connected to the eternal realm of the Ideas; a people defined by its law communicated with the founding time where this was laid down; and so on.

The move to what I am calling secularity comes when associations are placed firmly and wholly in homogeneous, profane time, whether or not the higher time is negated altogether, or other associations are still admitted to exist in it. Such, I want to argue, is the case with the public sphere, and therein lies its new and unprecedented nature.

I can now perhaps draw this discussion together, and try to state what the public sphere was. It was a new meta-topical space, in which members of society could exchange ideas and come to a common mind. As such it constituted a meta-topical agency, but one which was understood to exist independently of the political constitution of society and completely in profane time.

(to be continued)

(17) Anderson borrows a term from Benjamin to describe modern profane time. He sees it as a "homogeneous, empty time". "Homogeneity" captures the aspect I am describing here, that all events now fall into the same kind of time; but the "emptiness" of time takes us into another issue: the way in which both space and time come to be seen as "containers" which things and events contingently fill, racher than as constituted by what fills them. This latter step is Part of the metaphysical imagination of modern physics as we can see with Newton. But it is the step to homogeneity which is crucial for secularisation as I am conceiving it.
The step to emptiness is part of the objectification of rime which has been so important a part of the outlook of the modern subject of instrumental reason. Time has been in a sense "spatialised". Heidegger has mounted a strong attack on this whole conception in his understanding of temporality; see especially, *Sein and Zeit*, Tübingen: Niemeyer, 1926, Division 2. But distinguishing secularity from the objectification of rime allows us to situate Heidegger on the modem side of the divide. Heideggerian temporality is also a mode of secular time.
(18)Mircea Eliade, *The Sacred and the Profane*, New York: Harper, 1959, pp.

New primer applauds NGO action on marketing Code

How NGO lobbying can help check the unregulated activities of transnational corporations (TNCs) is the focus of a new publication issued recently by the Women's Environment and Development Organization (WEDO).

The eight-page pamphlet, entitled *Codes of Conduct for Transnational Corporations: Strategies toward Democratic Global Governance*, highlights the work done by NGOs to ensure the adoption, in 1981, of the Internacional Code of Marketing of Breastmilk Substitutes.

Published in March, the booklet is the first in a series of 'primers' on gender, environment and international economic issues produced by this international network of activists whose work focuses on understanding the impact of the global economy on women and the environment.

The pamphlet describes action by breastfeeding advocates to illustrate how codes of conduce addressing particular issues can be developed by intergovernmental bodies to restrict dangerous practices by industries. Anti-pesticide NGOs, which lobbied for the International Code of Conduct on the Distribution and Use of Pesticides, arc also cited for their success. The two Codes — on the marketing of breastmilk substitutes and on the distribution of pesticides — were adopted "only after signi recant NGO efforts and because of their limited focus", the primer points out.

This useful publication defines TNCs and describes their ability "to operate largely in the absence of global governance and democratic political situations", thus having a powerful effect on local economies, employment and environments. Codes of conduct are offered as a way to redress the failure of countries to create and to enforce minimum standards of responsibility for che TNCs they have invited or allowed to operate within their borders. Such codes are offered as a way for citizens to make TNCs accountable for protecting workers, wage standards, job availability and environmental and occupational health.

Codes of conduct are described in tile pamphlet as a strategy for establishing the rule of law, either by governments or by intergovernmental efforts. Voluntary codes of conduct drafted by industry are also described.

A valuable conclusion supplies a checklist to evaluate industry codes. The conclusion also suggests that NGOs can use codes as campaign tools, by publicising those written by TNCs and their industry associations, thus highlighting public awareness of the social and environmental responsibilities of the corporations in their areas. It al so recommends creating model codes of conduct for TNCs and using them to promote international law.

(The Baby-Friendly Hospital Initiative Newsletter, May 1995)

Doctors without Boundaries

NGOs and the Peace-keepers

*by François Jean**

Over the past few decades, NGOs and particularly huymanitarian organizations have been present and active in most conflict areas. Not being mired in che sovereignty principle, they have put in practice their "duty to intervene" wherever there are populations in danger. They arc now major actors in present-day political crises. These private organizations are in fact very well adapted to internal conflict situations that are more often than not notable for the weakening or tatal collapse of state apparatus. Their flexibility and capacity to react quickly make them special players in these changing and volatile situations.

Yet, in theory, these humanitarians have no role to play in settling conflicts. Humanitarian aid does not try to halt armed conflicts; it stops at trying to dress wounds. It seeks to help and protecto populations in danger without taking part in the conflict and leaves the serach for negotiated settlements up to the political actors.

These organizations do, however, play what is in fact a fairly significant role in the peace process. First, in a preventative way by trying to limit the consequences of the violence that makes societies fall over the edge into war and destruction. Second, by their important contribution in the rehabilitation and reconstruction activities that are essential to the peace process.

Worth a Pound of Cure

The preventive role oí NGOs flows from their early presence in the field. It is in effect clear that the early involvement of humanitarian organizations is an important element in stabilizing violent situations. The presence of international players can have a

* Recognized as one of the most effective non-governmental organizations (NGOs) working with the UN, and dedicated tot he job of saving lives, feeding the hungry and tending che sick, the "doctors without frontiers" (MSF, Médecins sans frontières) have reached out overs the last quarrer century to assist disaster victims in some 70 countries.
Dr. François Jean served with the MSF missions in Libya and the Sudan before returning to the group's paris headquarters where he is currently Adviser tot he President and to the MSF Operations Department. He discusses here the expanding role for NGOs in UN peace-keeping operations, ¡n an excerpt from a paper he presented at the Tokyo symposium. He recently edited the *Rapport annuel sur les crises majeures et l'action humanitaire.* Editions La Dicouverte, Paris, 1995.

dissuasive effect on che local powers, can broaden the possibilities of expression by che civilian population and, finally, enhance che keeping open of a minimum of dialogue between che warring parties.

By supplying humanitarian relief, a minimum of normality can be maintained and perhaps can curtail che spiral of violence at an early stage before it spins entire societies into chaos. In chis regard, che cocal absence of UN organizations in Mogadishu (in 1991 and part of 1992) or in Kabul (since January 1993) has probably been partially to blame for the clear-cue deterioration in the situation in these two capitals that are by now on their knees from war.

Humanitarian organizations also often play a basic role of providing information and mitivation for che international community. Their knowledge of the situation and their closeness to che people enable them to give early warning on che possible outbreak of crises and to incite the international community to act quickly to staunch the further deterioration of a situation. Early warning is often a fundamental element in managing crises because an international operation has all the more chance of making an impact if it can be mounted before the crisis becomes uncontrollable.

Information does not in itself, however, generate interest and incite the international community to react.

There are too many examples of acute crises — Somalia, Liberia, Sudan, Rwanda, Afghanistan and Tajikistan, for instance — demonstrating that despite all their efforts, humanitarian organizations in the fild have not succeeded in breaking through international indifference — at least in an early stage of the conflict.

Eerly warning systems, no matter how sophisticated they may be, are not in themselves enough to provoke a reaction. The mechanics are nothing if there is no political will behind them. The so-called "international community", and especially the governments that make it up, only mibilize if there is political interest, high media prolife or a strong public pressure. From this point of view, che NGOs have, through their close relationships with their home societies, a fairly important potential for mobilizing public opinion. But this is not always enough, and preventive policies that are being so widely discussed today are in fact mainly reactive and more often than not too late in coming.

The Needs of Peace

Above and beyond prevention, humanitarian organizations often play a not negligible role in the peace process. Here too their presence can have an important influence in considering the needs and expectations of the civilian populations. They can also have an influence on the restoration of a climate of confidence between the warring parties, especially through the negotiations on the question of distributing aid and the problem of gaining access to victims. Supplying aid and supporting rehabilitation and reconstruction projects are important factors in che difficult period of transition and normalization that follows a crisis.

After the signing of a peace agreement, the end of a war crisis, in many situations, entails rebuilding infrastructures, kick-starting the economy and, more generally, improving the economic and social situation of the afflicted populations — who are usually sorely tried and impatient for the dividends of peace. Gaza is an example of the disillusion that can quickly seep in when the people's living conditions do not make a rapid improvement. And consolidating the peace can become a very fragile process. The NGOs are certainly not in a position to finance bitg economic recovery programmes. But their adaptability and their ability to intervene at the local level allows them to play a non-negligible role in the process.

The success of repatriation programmes, for example, depends in large part on the econommic and social projects that can be started to facilitate the réintégration of refugees and displaced people into their home region. Likewise, demobilization and disarmament efforts have little change of success if they are nor accompanied by measures aimed to ease the réintégration of soldiers into the civilian society. Humanitarian organizations can play an important role in many areas by virtue of the fact that they are close to the people and are settled into even the remotest areas.

Coordinating with Peace-keepers

The role of humanitarian organizations can be complementary to that played by the peace-keeping forces — but such coordination is not necessarily a foregone conclusion. The great increase in peace-keeping operations over the past few years — oth in number and scope — has created new challenges for the humanitarian organizations. They need to have a profound rethinking about cooperation with other international actors, who are now proliferating in crisis areas.

Since the end of the Cold War, peace-keeping is no more just deloyment of international observers or interposition of neutral forces between warring parties who have agreed to suspend hostilities. UN peace-keepers now face a range of responsibilities: from mine clearing to organizing elections, demolibizing and disarming combatants, training police forces, repatriating refugees, defending

human rights, providing relief assistance and rebuilding shattered economies. (In Cambodia, as R.H.F. Austin noces elsewhere, the UN was asked to put in place virtually "the shadow government of a country in chaos.* — Editor)

A jumber of these new missions fall precisely within the traditional scope of NGOs — calling for strengthened coordination with UN bodies. Beyond their traditional cooperation with agencies like UNICEF, the World Food Programme or UNHCR, the humanitarian organizations need now to find the appropriate links with the new UN multi-functional peace-keeping operations.

In theory, the collaboration should pose few problems. But there is need for wariness: We have seen that these operations can go wrong, as was the case, for example, in Angola in 1992.

When a civil war flares up again, it is important that relief organizations not be overtly associated with one side or another. In such operations, there must be certain limits with regard to humanitarian and political coordination. A too close association could rapidly reduce humanitairan assistance to a tactical bargaining chip, with the NGO becoming hostage to the political game. Cooperation between relief agencies must be effective, but it is not desirable for collusion to arise between the humanitarian and the political players.

The Soldier as Humanitarian

This prudence is particularly important in the case of the new "military-cum-humanitarian" interrventions. The UN operations in northern Iraq, in Bosnia and in Somalia heralded the appearance of a new type of intervention that uses military means to protect relief operations. On first sight, this should be cause for rejoicing. But good intentions are not always certain — the increasing militarization of the humanitarian can be seriously prejudicial to benevolent action.

International intervention in Bosnia, for example, has shown that in deploying troops almost none of the problems encountered by humanitarian organizations in conflict situations have been solved. Quite the contrary, it can create additional problems — as we see in Somalia. While the aims in that hunger-ridden country were "to establish a secure environment for the humanitarian relief operation", the international forces added to insecurity and reduced the humanitarian space in the Somali capital. By entering into the conflict, the UN troops have weakened the position of the humanitarian organizations which were quickly associated in the mind of the Somali people with a **military** force.

The Somali example throws a particularly harsh light on the conrradictions between peace enforcement which supposes clearly defined political objectives and humanitarian assistance which demands strict impartiality. Humanitarian organizations can be no other than opposed to interventions that combine the military ligic and humanitarian rationale under the same emblem. Such a mix throws doubt on the independence and impartiality of humanitarian actors. Yet it is just these two principies that enable humanitarian organizations to gain access to the most threatened population.

This should in no way be taken as our opposition to international interventions. On the contrary, we are quite concerned by the relative retreat of the United Nations since the Somali operation. The tragedy of Rwanda is a very worrying illustration of the new reluctance to intervene in today's crisis. The simple fact that it was possible in 1994 to commit genocide amid widespread indifference raises grave questions on the very meaning of "international community". Fifty years after its creation, the United Nations and its Member Stares just cannot abondon threatened populations to their fate.

(*UNU Newsletter)*

Irremplaçable

"La place du monde associatif dans le domaine social est irremplaçable. Le secteur non marchand dans lequel les associations opèrent précède et prolonge le secteur marchand des entreprises. Dans les domaines de la réinsertion, du reclassement, de fa recherche d'activités, la prise en charge par les associations est souvent le point de passage obligé avant de pouvoir s'insérer dans le monde de l'entreprise. Nous voulons coopérer plus étroitement avec ces associations.

Dans le monde en développement, les ONG s'attachent non seulement à pallier les excès de misère, mais à aider les groupes en difficulté à pouvoir vivre par eux-mêmes. Nous pouvons contribuer davantage à leur action : sur le plan financier si nous en avons les capacités, surtout quand la nature ou le lieu des activités d'une association ont un lien direct avec les nôtres; en mettant à leur disposition les

capacités excédentaires, permanences ou temporaires, dont nous disposons (réseaux commerciaux, équipements techniques, capacités de recherche et d'expérimentation, moyens logistiques...) ainsi que notre savoir-faire dans le domaine de la formation. Les ONG ont aujourd'hui à gérer leurs projets en professionnels et leurs moyens ne leur permettent pas toujours d'assurer les formations nécessaires.

Responsables d'entreprise rassemblés dans l'Uniapac, la voie que nous voulons suivre par rapport aux objectifs fondamentaux que s'est fixés le Sommet Social, est de contribuer de toute notre énergie, partout dans le monde, à une croissance économique durable centrée sur la promotion de l'homme".

(Extrait de la contribution de l'Union internationale chrétienne des dirigeants d'entreprise au Sommet des Nations Unies pour le développement social)

Universities

The 1955 International List of Universities published by the International Association of Universities counted 732 entries. Twenty years later, 1975/76, the number of institutions was 6 000. Today, about 11 000 officially recognized institutions are included in the World List of Universities and Other Institutions of Higher Education.

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

La Slovénie a adhéré à l'Accord de libre-échange centre-européen (CEFTA), a annoncé l'agence slovène STA. L'accord a été signé le 26 novembre avec des représentants des gouvernements des quatre pays du groupe de Visegrad signataires du Cefta (Hongrie, Pologne, République tchèque, Slovaquie), selon STA. Il entrera en vigueur le 1er janvier 1996.

(AFP, 28.11.95)

Un Centre international d'études scientifiques du phénomène Staline a été inauguré, jeudi 19 octobre, à Gori, ville natale du Petit père des peuples, par Edouard Chevardnadze. La personnalité du Staline, de son vrai nom Iossif Vissarionovitch Djougachvili, «doit faire l'objet d'investigations approfondies:», a déclaré le président géorgien, en campagne électorale. La directrice du Musée Staline, qui est situé à côté de la maison natale du successeur de Lénine et qui abrite le centre, à précisé qu'il s'agissait «d'en étudier à la fois les aspects positifs et les aspects négatifs». Plusieurs sociétés consacrent déjà leur activité à l'étude du stalinisme, en Géorgie et en Russie. Certaines ont des prétentions historiques, d'autres purement apologétiques. Lots du 50e anniversaire de la capitulation de l'Allemagne, le premier ministre russe avait demandé à ses compatriotes de ne pas sous-estimer le rôle de Staline, qui a su «préserver l'unité du peuple soviétique» pendant la guerre.- (Reuter.)

Les délégués d'une trentaine d'instituts de dix-sept pays européens viennent, sous l'égide de la Fondation européenne de la science (ESF), de mettre en place une nouvelle structure relative aux recherches polaires et océanographiques. Ce European Boards for Marine and Polar Science, dont la création a été fortement poussé par l'ancien PDG de l'Ifremer, Pierre Papón, et par le responsable du comité Ecops (European Committee for Ocean and Polar Science), se compose de deux comités. L'un, dédié aux recherches polaires, sera présidé par le Britannique Barry Heywood. L'autre, consacré à l'océanologie, sera dirigé par le Français Daniel Cadet.

Les promoteurs de ce projet espèrent améliorer les collaborations entre les partenaires, utiliser plus efficacement les moyens à la mer des différents pays et proposer l'engagement de «grands chal-

lenges». L'un d'entre eux, Épica (European Project for Ice Coring in the Antarctica), vise à forer quelque 4 kilomètres de glace représentant 500 000 aps d'archives climatiques. Le coût de l'opération est estimé entre 50 et 60 millions d évus (320 à 385 millions de francs)

(*Le Monde*, 12.10.95)

The Association of Universities of Asia and the Pacific, AUAP, was founded by 132 universities on 28 July 1995, at a ceremony at Suranaree University, Thailand. Dr Wichit Srisa-an (Thailand) was elected President, Dr Donald McNicol (Australia) and Dr Emmanuel Angeles (Philippines) Vice-Présidents. The International Association of Universities (IAU), together with Unesco, had actively supported preparations for this important event.

The Secretary-General of IAU, in his address, underlined the essential forum function of university organizations for voicing common concerns and welcomed AUAP's application to become Associate Member of IAU.

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(IAU Newsletter, September 95)

The heads of 78 Investment Promotion Agencies (IPAs) from 59 countries have decided to form a World Association of Investment Promotion Agencies. The aim is to promote cooperation among IPAs by encouraging the exchange of experience in attracting investment. The participants at a meeting, held from 25 to 27 April 1995 in Geneva, felt there was a need to develop a data bank on "best IPA practices".

The Working Group consisting of officials from 15 IPAs was established to prepare guidelines for the proposed World Association of IPAs (WAIPA). The importance of a forum through which IPAs could share experiences in attracting foreign investment was underscored by Carlos Fortin, Officer-in-Charge of UNCTAD, who opened the meeting. Increased competition for investment among countries, along with the proliferation of incentives, made this sort of cooperation imperative.

(*Transnationals, June* 1995)

Since November 22 1995, the miners' international, the MIF and the chemical workers' international, the ICEF has ceased to exist. In their place will stand a 20-million-strong federation, the International Federation of Chemical, Energy, Mine, and General Workers' Unions (ICEM).

As we go to press, delegates from the Miners' International Federation (MIF) and the International Federation of Chemical, Energy and General Workers' Unions (ICEF) are meeting in the American capital, Washington DC, to merge their two organisations into a single energy workers' international.

The merger was overwhelmingly backed by the ICEF at its 1992 congress, by the MIF congress in Budapest in 1993 and now adopted by the two federations, in Washington, 22 November 1995.

Union leaders from both outfits see the merger as a way of adapting to the changing shape of the energy industry, where energy suppliers and energy generators arc uniting into giant conglomerates.

The founding declaration of the new international trade secretariat describes the creation of the ICEM as "a new departure for world trade unionism", saying that it was a response to "the grip of transnational corporate power".

With many of the world's mines owned by oil or energy multinationals, the members of the MIF and the ICEF have already found themselves driven into local alliances against a common employer. A network of ad hoc mergers at local level has existed for some time.

The creation of the ICEM will back these up with a structure that will provide a co-ordinated response at world level.

(Free Labour World, Nov 1995)

Huit centres européens de congrès ont créé ensemble le European Network of Conference Centers. Le but est de grouper leurs forces pour informer sociétés et associations sur les Services qu'ils peuvent offrir et la qualité de ceux-ci, et assurer un roulement des congrès entre eux. C'est le Maastricht Exhibition and Congress Centre qui a pris l'initiative de la création de ce réseau. Les autres membres sont : Lisbonne, Manchester, Florence, Graz, Karlsruhe, Tampere et Lille. Un seul centre par pays peut être accepté comme membre. Pour toute information : G.J. van den Nieuwenhoff, tel 043-838445.

(Congresnieuws, September 1995)

La Commission européenne n'est pas rancunière. Malgré le refus de la Norvège d'entrer dans l'Union, elle a promis une aide substantielle pour les programmes adoptés le 10 octobre à Rovaniemi par les six ministres des affaires étrangères du Conseil euro-arctique (Danemark, Finlande, Islande, Norvège, Russie et Suède). Il s'agit pour l'essentiel de dépolluer fes régions russes qui empoisonnent la mer de Barents, donc la Norvège septentrionale, mais aussi, il est vrai, les forêts finlandaises.

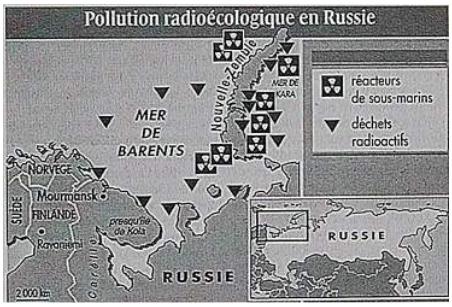
Mikaël Emerson, représentant de la Commission à Moscou, qui a annoncé la nouvelle, en a donné le détail: 11 millions d'écus pour de nouveaux équipements à la centrale nucléaire de Kola, près de Mourmansk - du même type et du même âge que celle de Tchernobyl; 5 millions pour aider au stockage, au transport et au retraitement des déchets nucléaires; enfin, 28 millions répartis sur une douzaine de projets, qui vont de la construction d'une centrale thermique à tourbe en Carélie à la modernisation des usines de nickel de Penpetchenga, en passant par la remise en état des réseaux routiers, ferroviaires et aériens. Au total, avec les financements des programmes européens de Tacis et Interreg, l'aide atteindra 50 millions d'écus.

Une nouvelle solidarité

Ce n'est pas le ministre russe des affaires étrangéres, Andreï Kozyrev, qui s'en plaindra. Député de la région de Mourmansk, il est bien placé pour savoir combien la Russie du nord-ouest est saturée de déchets nucléaires provenant des sous-marins er des installations militaires qui truffent encore la mer de Barents, le seul rivage arctique qui ne gèle pas. «Nous voulons aussi impliquer davantage les banques et les entreprises», a ajouré le ministre russe, qui sait que les fonds publics ne suffiront pas à venir à bout d'un programme très ambitieux.

Créé en 1993 à l'initiative du ministre suédois des affaires étrangères, le Conseil euro-arctique met les bouchées doubles. Il a déjà engagé 60 des 84 projets envisagés lors des deux premières conférences annuelles. Les Scandinaves à la fois ravis et inquiets de voir la Russie s'ouvrir à leur porte, s'engouffrent en force dans la brèche. L'Europe devait faire un geste pour marquer sa toute nouvelle solidarité.

Roger Cans
(Le Monde, 14.10.95)



International Organization Data on CD-ROM
350,000 Hyperlinks on the new UIA CD-ROM

A. INTERNATIONAL ORGANIZATIONS

Hyperlinked organizational relationships

Information on some 20,000 international governmental and nongovernmental organizations has long been available in reference book form in the 3-volume *Yearbook of International Organizations* (now in its 32nd edition) edited by the Union of International Associations. This information is now also being made available on CD-ROM in a hypertext format through the widely used Folio Bound Views interface.

In practice this means that users can now explore the complex networks of relationships between organizations through some 120,000 hyperlinks. These hyperlinks allow the user to "jump" from one organization to another in the network (by clicking with a mouse). Such explorations are much more cumbersome, if not impossible, in book form.

Clarifying complex organization networks

It is important to recognize that many organizations are the focal points of complex networks of relationships. A United Nations agency such as the Food and Agricultural Organization is linked to 546 bodies. UNESCO is linked to some 1,030 international bodies. The complex of 186 bodies making up the European Union institutions is very difficult to explore without hypertext assistance. The new CD-ROM has some 1,600 links between such EU bodies, and a further l',837 to nongovernmental bodies, in a form unavailable from any other source. The European Commission alone is indicated as having 266 links with other intergovernmental bodies, and a further 558 with NGOs. Hypertext media thus contribute significantly to the transparency of institutional systems.

Release of new organization data and search potentials

Language barriers are a major issue in international organization information. A very rich multilingual thesaurus has been developed to enable users to interact with the data according to their language preference. For example, German users can use German words to access information only available in English or other languages. Linguistic variants in geographic terms are reconciled through the same device.

The space and cost restrictions of the book format have also been released by the new CD-ROM format. This means that for the first time the entire database of over 40,000 organisations has been able to be published. It also opens up virtually unlimited indexing and search possibilities, aided by full indexing of all words in the organization profiles. Specific searches can be made on particular paragraphs of the organisation, specific references to individual countries, and a host of other specific information fields and combinations of keywords.

B. INTERNATIONAL MEETINGS AND *PERSONALITIES*

A separate CD-ROM database, based on the *International Congress Calendar*, provides information on tens of thousands of past and planned International meetings through to the year 2010. Many are organized by international organizations to which hyperlinks are provided for supplementary information. Also cross-referenced, through hyperlinks to the organizations, is a *Who's Who in International Organizations* with biographical information.

C. WORLD PROBLEMS AND HUMAN *POTENTIAL*

Cycles of vicious problems

Much effort has gone into the focus on seemingly isolated world problems, such as unemployment, boredom, endangered species, desertification or corruption. Work on the newly published Encyclopedia of World Problems and Human Potential has now shifted its focus to the hunt for vicious cycles of problems. A cycle is a chain of problems, with each aggravating the next - with the last looping back to aggravate the first in the chain. The more obvious loops may be composed of only 3 or 4 problems. Far less obvious are those composed of 7 or more. An example is: *Alienation —> Youth gangs —> Neighbourhood control by criminals —> Psychological stress of urban environment —> Substance abuse —> Family breakdown —> Alienation*, Such cycles are vicious because they are self-sustaining. Identifying them is also no easy matter. Like the search for strange particles in physics, much computer time is required to track through the aggravating chains linking problems. A preliminary search along 9 million such pathways has so far identified 19,000 cycles composed of up to 7 problems.

Volume 1 of the 3-volume Encyclopedia (now in its 4th edition) currently describes 12,000 world problems clustered into 320 overlapping hierarchies in 1,200 pages. The problems are linked by some 120,000 relationships of 7 types. Problems included are those identified in international periodicals but especially in the documents of some 20,000 international non-profit organizations (profiled in the companion 3-volume Yearbook of International Organizations, now in its 32nd edition). The Encyclopedia includes problems which such groups choose to perceive and act upon, whether or not their existence is denied by others claiming greater expertise. Indeed such claims and counter-claims figure in many of the problem descriptions in order to reflect the often paralyzing dynamics of international debate. In the light of the interdependence demonstrated among world problems in every sector, emphasis is placed on the need for approaches which are sufficiently complex to encompass the factions, conflicts and rival worldviews that undermine collective initiative towards a promising future.

Human potential

Volume 2 of the Encyclopedia contains the most comprehensive description of the variety of approaches to human development. While their intention may be to alleviate suffering, paradoxically their blinkered pursuit is often a prime cause of world problems, notably in the case of religious conflict. Not only are there some 1,400 understandings of human development from the spiritual and psychological disciplines of different cultures and traditions, but also 3,050 modes of awareness or experience that are reported to be accessible through such disciplines, often through identifiable sequences or pathways. Buddhism offers the most elaborate perspective, requiring 1,360 interlinked entries.

The Encyclopedia takes an unusual approach to the range of human values. Rather than limiting its focus to the dozen values most frequently discussed (peace, justice, and the like), Volume 2 identifies 987 "constructive" or positive values as well as 1,990 "destructive" or negative values. The positive and negative values are clustered into 230 value polarities (like beauty-ugliness) to transcend the semantic confusion associated with many value-words. It is however the negative value terms which are used to sharpen the problematic nature of the problem names given in Volume 1. Negative values are systematically cross-referenced to both world problem names and to the complementary positive values (via the polarities). For the first time it becomes possible to trace the positive values in terms of which problems becomes perceptible. Also for the first time, values are cross-referenced to human development where particular approaches or experiences enhance the understanding of a particular value. The editors explore a variety of possibilities of organizing value terms as a prelude to any justification for the current preoccupation with so-called basic values.

Sustainable strategies

Organizational strategies and programmes that focus on only one problem in the chain tend to fail because the cycle has the capacity to regenerate itself. Worse still is that such cycles tend to interlock, creating the complex of global problems which causes so many to despair. The good news is that identifying vicious cycles is a first step towards designing cycles of strategies to reverse or break them. Better still some problems are linked by serendipitous cycles in which each problem alleviates the next.

Volume 3 of the Encyclopedia, published in October 1995, profiles over 29,200 linked strategies currently employed by international bodies, whether in response to world problems or to enhance particular values or modes of development. It also provide the first systematic identification of several thousand

vicious problem cycles to which such strategies need to respond. It identifies mutually reinforcing strategic cycles.

Although it is still possible to gather and configure so much detail into book form (or onto the CD-ROM version of the Encyclopedia and Yearbook), the editors are much concerned with new ways of visualizing complex networks of relationships. The challenge is to find meaningful ways to navigate through such complexity and to evoke imaginative insights in response to it. In a section on transformative approaches, the editors explore the implications for computer graphics, transformative conferencing and the design of policy cycles capable of responding to vicious problem cycles.

D. NEW EMPHASES

Much emphasis is placed on the potential of new metaphors for governance as a major unexplored resource to enable paradim shifts. The suggestion is made that many institutions and policies are trapped in inadequate policy metaphors. In this spirit the Encyclopedia even contains an extensive exploration of the relevance to governance of fruitful cross-fertilization between poetry-making and policy-making — seen as equivalent to the mythical challenge of arranging a marriage between Beauty and the Beast.

The Encyclopedia offers radically different perspectives to policy-makers, social researchers and those concerned with development strategy. It is also fascinating reading for any individual with concern for human affairs and wary of the risks of "tunnel vision" in conventional approaches to crises and opportunities.

Most encyclopedias focus only on positive, sanitized aspects of society, presenting an idealized worldview that denies the shadow of humanity. This is one of the few even to mention the existence of such phenomena as corruption (96 entries), torture and many others that do not appear on the agendas of international conferences. It attempts to present the world as many experience it, whether negatively or positively.

Users of the Encyclopedia are encouraged to discover new approaches to understanding and action through the deliberate juxtaposition, within the same context, of contradictory perceptions and fundamentally incompatible viewpoints. By juxtaposing different, but complementary, perspectives, the Encyclopedia is deliberately designed to challenge unquestioned patterns of response to the crises of the times and to evoke new insights in the reader. In this sense it is full of shocks and creative surprises.

Interactive editing: user changes to databases

Both the Encyclopedia and the Yearbook are ongoing programmes of the Union of International Associations. As a nonprofit research institute, founded in Brussels in 1910, it now functions as a clearing house for information on other international nonprofit organizations, whether governmental or nongovernmental.

The clearinghouse function performed by the Union of International Associations (UIA, founded in Brussels in 1910) is unusual in that international bodies around the world effectively function as editorial partners in progressively refining information relating to their concerns in every field of activity. The databases are at no time considered complete, rather they reflect "work in progress" to clarify the complexity of the international community and its actions.

It is thus expected that the unusual process of interactive editorial collaboration will be further encouraged and enhanced by the release of the CD-ROM publications, and the complementary activities being pursued by the UIA to make available its databases on the Internet (to be reported at a later date, but interested readers can get a preview by visiting the UIA's home page on the World Wide Web - http:\\www.uia.org).

The software allows users to make their own additions and changes to the data. These ate saved as special overlay files "through" which users subsequently view the data on the CD-ROM. Different users may have their own overlay files, making the tool very interesting fot institutional users and student projects. Feedback of suggested changes to the Union of International Associations is welcomed to improve the daw in subsequent releases.

E. INFORMATION ON CD-ROM VERSIONS

Technical data:

DOS, Windows and Mac versions of Folio Views access software all provided.

DOS configuration (minimum): MS-DOS 33, PC compatible 386 with 4 MB RAM, screen EGA or VGA, 7 MB disk. No print/export facilities.

Windows configuration: MS-DOS 3.3, PC compatible 486 with 8 MB RAM (recommended), screen VGA, Windows 3.1 (or 95), 7 MB disk. Print/export: restricted for Yearbook; free for Encyclopedia.

Macintosh configuration: System 7 with minimum 68020 processor and MB RAM; access is accelerated on a Power Mac. Print/export: free for Encyclopedia; none for Yearbook

CD-ROM reader DIN/ISO 9660 (2-spin recommended). Access from local CD-ROM reader only; write for information on network version

Availability:

Addition of the DOS and Mac facilities has delayed release to 15th December 1995 for both the Yearbook + Biography disk and the Encyclopedia disk. It is expected to release the Yearbook + Calendar disk early in 1996. A French language version of the Yearbook is planned for 1996. All disks include demonstration versions of other databases. Further information and orders may be addressed to: UIA, 40 rue Washington, B-1050 Brussels, Belgium. Fax: +32 2 646 05 25. Email: info@uia.be.

Prices

The 3-volume book edition of the Yearbook is available at DM 1,398, or with the CD-ROM (including the biographical data from the *Who's Who in biternational Organizations)* at DM 2,800. Without the book, that *Yearbook Plus* CD-ROM is available for DM 1,800. The 3-volume *Encyclopedia* of *World Problems and Human Potential* is available at DM 1,200 (US$ 865), or with the CD-ROM at DM 1,600. Without the book, that Encyclopedia Plus CD-ROM is available for DM 780. The Encyclopedia CD-ROM is also available to individuals at a special price of US $350.

Index
Volume XLVII 1995

47th year
47e année

The actors of the international system
Les acteurs du système international

The South and the Bretton Woods Institutions, by Susan George, l, 2-13.
The Tokyo Resolution, 6, 350-351.

INGO/NGO/IGO Relations
Relations ONG/OING/OIG

Cooperation between the World Bank and NGOs, World Bank, 1. 14-25.
A survey of NGO access to intergovernmental events, Benchmark, 2, 102-108.
La Convention européenne sur la reconnaissance de la personnalité juridique des organisations internationales non gouvernementales, par Marie-Odile Wiederkehr, 3, 181-189.
Text of the European Convention on the recognition of the legal personality of international non-governmental organisations/Texte de la Convention européenne sur la reconnaissance de la personnalité juridique des organisations non gouvernementales, 3, 190-194.
Relationships between international non-governmental organizations and the United Nations, by Andrew E. Rice and Cyril Ritchie, 5, 254-265.
Un imbroglio juridique : le "statut" des OING, entre le droit international et les droits nationaux, par Marcel Merle, 5, 266-272.
General review of arrangements for consultations with non-governmental organizations, UN ECOSOC, 5, 273, and 6, 331-344.
Les relations entre l'Unesco et les OING, 5, 298-307.
A legal tangle: the 'status' of INGOs between international law and national laws, by Marcel Merle, 6, 324-330.
Keynote address by Secretary-General Boutros-Ghali to the 47th DPI/NGO Conference, 6, 345-349.

Sociology of International Relations
Sociologie des relations internationales

Transdisciplinarity through structured dialogue, by Anthony J.N. Judge, 1, 43-54.
Cooperative governance, Group of Lisbon, 2, 66-84.
La pertinence des réseaux associatifs pour le transfert des compétences scientifiques et techniques et leur appropriation, par Georges Thill, 2, 84-87.
Cultivating a new partnership: indigenous peoples in the international arena, United Nations, 4, 198-201.
Who speaks for the people? Who speaks for nature? Who speaks for you?, by H. Gleckman and R. Krut, 4, 202-204.

Social and Economic Development
Développement économique et social

NGOS, the continuing factor in development cooperation, by Henny Helmich, 2, 88-90.
Cooperation between the World Bank and NGOs, World Bank, 1, 14-25.
Integration of church-related NGO health facilities into district health systems: why not?, by Marieke Verhallen, 2, 91-95.
Le développement par la promotion des entreprises artisanales et semi-industrielles, par Célis Martin, 4, 205-211.
Microenterprise as a world movement, SEEP, 4, 212-214.
Les coopératives africaines redémarrent à la base, par Michel Fromont, 4, 215-218.
Analyse des services financiers offerts par les ONG aux petites et micro-entreprises et expérience de l'association des prestataires de crédit en Afrique, par Kotsoni Kodzo, 4, 219-224.
Palestinian development: the role of foreign NGOs, Welfare Association, 4, 225-229.
Copenhagen Alternative Declaration on NGOs, 4, 237-241.
L'économie sociale dans le monde, Observatoire social européen/Fondation de France, 6, 355-361.

Trade Unions and Cooperatives
Syndicats et coopératives

Les coopératives africaines redémarrent à la base, par Michel Fromont, 4, 215-218.

International Law and Human Rights
Droit humanitaire et droits de l'homme

Status of the international human rights instruments, 2, 109-114.
Un imbroglio juridique : le "statut" des OING, entre le droit international et les droits nationaux, par Marcel Merle, 5, 266-272.

Education
Enseignement

Formation de haut niveau (Capacity building) : 4e consultation collective Inesco/ONG de l'enseignement supérieur, par Georges Thill, 4, 230-236.

Civil Society and the State
La société civile et l'Etat

The notion of civil society in Greater Europe, by Frits Hondius, 3, 130-135.
Le concept et les notions de *société civile*, par Paul Ghils, 3, 136-155.
Policy options for civil society through complementary contrasts, by Anthony J.N. Judge, 3, 156-180.
Liberal politics and the public sphere, by Charles Taylor, 6, 362-371.

Africa
Afrique

Les cooperatives africaines redémarrent à la base, par Michel Fromont, 4, 215-218.
Analyse des services financiers offerts par les ONG aux petites et micro-entreprises et expérience de l'association des prestataires de crédit en Afrique, par Kotsoni Kodzo, 4, 219-224.

Asia
Asie

Palestinian development: the role of foreign NGOs, Welfare Association, 4, 225-229.

Europe

La politique européenne de concurrence et les entreprises de l'économie sociale, par François Coursin, 1, 26-36.
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, 1, 37-42.

International Conférences
Congrès internationaux

International metings in 1994, by Ghislaine de Coninck, 5, 308-315.

Miscellaneous
Divers

The Wisdom Council: community building in large organizations, by Jim Rough, 2, 96-101.
UAI associate members meeting, 1, 55-56.

Association News
Vie associative

1 56-58; 2, 115-122; 3, 190-196; 4, 242-248; 5, 316-318; 6, 372-375.

New International Organisations
Nouvelles organisations internationales

1, 59; 3, 197-198; 5, 318-320; 6, 375-377.

Book Reviews
Bibliographie

Guide to NGO Directories, Inter-American Foundation, Arlington, Virginia, 1995, 4, 249.
Histoncal Dictionary of the International Monetary Fund by Norman K. Humphreys, Scarecrow Press, etuchen, NJ, 1993, 4, 249-250.
Historical Dictionary of the European Community; by Desmond Diñan, Scarecrow Press, Metuchen, NJ, 1993,4, 250.

Author Index
Index des auteurs

Alix Nicole, 1, 37-42.
Benchmark, 2, 102-108.
Boutros-Ghali Boutros, 6, 345-349.
Coninck Ghislaine de, 5, 308-315.
Coursin François, 1, 26-36.
Devillé Geneviève, 6, 342-348.
Fondation de France, 6, 355-361.
Fromont Micchel, 4, 215-218.
George Susan, 1, 2-13.
Ghils Paul, 3, 136-155.
Gleckman H., 4, 202-204.
Group of Lisbon, 6, 322-331.
Helmich Henny, 2, 88-90.
Hondius Frits, 3, 130-135.
Judge Anthony J.N., l, 15-22; 3, 156-180;
Kodzo Kotsoni, 4, 219-224.
Krut R., 4, 202-204.
Merle Marcel, 5, 266-272; 6, 324-330.
Rice Andrew E., 5, 254-265.
Ritchie Cyril, 5, 254-265.
Rough Jim, 2, 96-101.
SEEP, 4, 212-214.
Taylor Charles, 6, 362-371.
Thill Georges, 2, 84-87.
Verhallen Marieke, 2, 91-95.
Welfare Association, 4, 225-229.
Wiederkehr Marie-Odile, 3, 181-189.
World Bank, 1. 14-25.

Index of Page Numbers
Index de pagination

n°l 1-64
n°2 65-126
n°3 127-196
n°4 197-252
n°5 253-322
n°6 323-3

Some items in recent issues : *Parmi les thèmes traités récemment :*	Issue number : *Numeros :*
Transnational actors in the international system *Les acteurs transnationaux dans le système international*	1/1990, 4/1993 2/1994, 6/1994.
The recognition of the legal personality of INGOs *La reconnaissance de la personnalité juridique des OING*	3/1986, 3/1990, 5/1990, 6/1990.
Cooperation between INGOs and IGOs (Unesco, World Bank, HCR, EU, OECD) *La coopération entre les OING et les OIG* *(Unesco, Banque mondiale, HCR, UE, OCDE)*	3/1992 2/1993 1/1994, 2/1994, 3/1994, 1/1995, 5/1995, 6/1995.
Latin American Associations *Les associations latino-américaines*	6/1989, 3/1990, 1/1993.
African Associations *Associations africaines*	3/1994, 4/1995.
European Associations after Maastricht *Les associations européennes après Maastricht*	1/1994, 2/1994, 6/1994, 1/1995.
Social movements, trade unions and coopératives *Mouvements sociaux, syndicats et coopératives*	1/1990, 3/1990, 4/1994, 4/1995.
Social and economic development *Développement économique et social*	4/1994, 4/1995.
INGOs view of environmental problems . *Les OING et les problèmes écologiques*	3/1989, 4/1989, 1/1990, 4/1995.
Humanitarian aid and humanitarian law *L'aide et le droit humanitaires*	2/1988, 6/1989,
Population and Development *Population et développement*	5/1994
Language and transnational communication *Langage, communication et transnationalité*	1/1992, 2/1992, 5/1994, 6/1994.
Civil Society and the State *La société civile et l'Etat* 3/1995, 6/1995.	1/1994, 3/1994,

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