

Transnational Associations

The review of the Union of International Associations



2/96

The management of
INGOs in the 1990's

L'humanitaire dans la
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Associations transnationales

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Associations transnationales

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

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

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

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

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

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

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

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

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

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

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Transnational Associations *Associations transnationales*

The management of international non-governmental organizations in the 1990s

by Bonnie Koenig*

Introduction

The recent trend towards non-governmental organisations (NGOs) becoming more international in their operations has been well documented. As Rice and Ritchie note in a 1995 issue of *Transnational Associations*, "The emergence during the past two decades of these organisations (INGOs) is one of the most striking global phenomena of the late 20th century. Although still inadequately recognised by some scholars of international relations, INGOs have become a significant third force in international systems, paralleling, although not yet equalling, the expanding role of intergovernmental organisations in the political sphere and rapid globalization of business in the economic sphere". According to a 1993 report by the Development Centre of the Organization for Economic Cooperation and Development (OECD), "International NGOs - those without a strong national identity and with independent chapters in several countries - are a growing phenomenon. They are also the expression of an important desire to reduce the North-South gap, particularly where communication, learning and development education are concerned."

Increasingly, organisations are being founded initially as international organisations with members and/or leadership coming from more than one country. Examples include Civicus and the Women's Environment and Development Organization (WEDO), both U.S.-based, the Green Cross (based in Switzerland) and WomenSport International (with its secretariat in Australia). However, this expansion of NGO activity at the international level also includes an equally significant movement of traditionally nationally-based organisations to expand their international programs.

Many NGOS focus on issues that are naturally cross-boundary and lend themselves to multinational constituencies (improving the status of women, sustainable development, health and human rights to cite a few examples). Thus, the step from working at creating alliances at a local level, to extending these partnerships to the global level, can also be seen as a natural progression. The recent series of UN conferences and NGO forums (beginning

with the United Nations Conference on the Environment and Development - UNCED in 1992), as well as the increased availability of telecommunications (notably electronic mail, the Internet and faxes) have helped to facilitate this activity, by enabling formerly local and national groups to communicate on an international level.

Although this activity into the international arena has been significant, little has been written to help practitioners make this transition. In *Citizens Strengthening Global Civil Society*, Isagani Serrano notes that "Citizen bonds extend far and wide across the globe...Citizen solidarity and the international institutions built on it have been molded through direct and sustained cultural encounters and mutual learning processes." The strength and the weakness of this citizen-based process has been the shared knowledge base is by and large an oral tradition, with little recorded about the growth and structure of these new international institutions.

The following article looks at the management of international NGOs (INGOs) in the 1990's and the unique characteristics of operating internationally as it relates to fundamental NGO management issues such as organisational structures, leadership through the Board of Directors, and staff management. Although this article will touch upon organisations that do international work but remain under the jurisdiction of leaders of one nationality, its primary focus is organisations that also have a multinational leadership.

Transitional phases

INGOs can be classified into two categories vis a vis the international nature of their operations: 1) organizations that began in one country and expanded to other countries (the most common historic model) and 2) organizations that were founded initially as INGOs, with representatives of a number of countries.

For organisations in the first category, there are often transitional phases as the organisation expands its international program and/or operations. Initially an organization may have a

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in 1919 in the U.S., as its membership began to grow in other countries, it moved to have its biennial meeting held in different parts of the world (holding the first one in Germany in 1976.) These meetings are now rotated on a regular basis throughout the world.

Finally, as an organization expands its international operations and/or membership, it will progress to making the goal of treating its members and operations in all parts of the world equally, a priority for the organization.

An example of this first stage is the National SkillShare Association, an Australian-based employment training network of 400 plus community organizations and local government authorities which operate skills training projects. In 1993 SkillShare began an association with colleague organizations in Vietnam and in late 1995 sent a staff member to participate in a seminar on the SkillShare program in Hanoi. Currently less than 10% of one staff person's time is devoted to this international work, but the organization is considering continuing and expanding this program, perhaps looking to share the SkillShare model in other countries.

A second stage, as an organization continues to expand its international operations, is to also expand the resources allocated to these activities. This may include the creation of an international division or department.

A third phase is membership expansion to other countries. This movement implicitly or explicitly will commit an organization to internationalism, as the commitment of a multinational membership to the organization will inevitably bring with it changes in the character of the organization. In some cases, organizations will skip the first two phases, and move initially to expanding their membership in other countries.. When this is done, an organization will be best served in the long run if they anticipate and prepare for some of the organizational changes that may be necessary to keep these members committed to the organization (e.g. leadership opportunities, membership benefits that are appropriate to more than one culture, etc..) For example, in the case of Zonta International, an organization that works to enhance the status of women worldwide, founded

Organizational structure issues

No matter what organizational structure an organization might choose, to function as one organization, there must be some unifying ties, usually resting with a headquarters' operation. Except in rare circumstances, this headquarters' operation (no matter how weak), will be located within the boundaries of one nation. Thus, the challenge for the headquarters' operation is to look after the interest of members or constituents who are not residents of that nation, in a way equitable to those that are. An organization that is truly striving to operate as an international entity will make this one of its priority goals. How an organization functions in reality, will generally be somewhere along a spectrum. The end point of this spectrum would be operations that could be transferred to any other part of the world and not change dramatically.

Carol Kinsey Goman in *Managing in a Global organization* describes two different organizational structures for international business: 1) ethnocentric - with centralised decision-making and tight control of foreign subsidiaries from domestic headquarters and 2) polycentric - with less headquarter authority and more decentralised interconnected facilities with greater authority and local control. In the middle, she describes global management as a "tight—loose" affair, with local subsidiaries making many decisions, but with centralised headquarters in control of core issues.

As with private sector organizations, INGOs have a choice along the spectrum from decentralised to centralised in the running of

their operations. The choice of where to land along the spectrum may be particularly acute for INGOs, however, given their historic drawing of their legitimacy from their members and constituencies. This characteristic might argue for structures that maximize the continued closeness of the organization's decision-making structure to its constituent groups wherever in the world they may be located.

Community Aid Abroad (CAA), founded in Melbourne, Australia in 1953 is a good example of an organization committed to the participation of its far flung constituent groups. After beginning its operations with one project in India, by 1995 it had field offices in nine countries in Asia, Africa, and Central America and operations in 26. Although CAA has the challenge common to many INGOs of providing participation opportunities to members, staff and local partners alike, CAA does have this goal of participation in mind. According to Laurie Zivetz in *Doing Good: The Australian NGO Community*, "CAA believes its organizational structure should reflect its participatory development philosophy - that it should encourage members to participate in decision-making processes, as well as in fundraising, educational and advocacy work."

Challenges unique to INGOs in choosing an effective organizational structure include:

1. Sizing and maintaining the commitment of local groups and/or members, while retaining core values common to the entire organization.
2. Maximizing the receptivity of the organization to cultural and regional distinctions
3. Structuring communication methods that allow all members to have equal opportunities for participation

While historically many INGOs (as was the case in the private sector) had highly centralised structures, current trends appear to be toward more local autonomy. In an article in *Voluntas*, Dennis Young in the three case studies he reviews, notes that "Two of the three associations [considered] are moving toward a more decentralised structure with greater emphasis on local and regional concerns and on the autonomy and diversity of local affiliates. The di-

rection in which the [third] will move as it expands its international programme is unclear."

Civicus, an organization founded in 1993 to strengthen citizen action and influence throughout the world, has chosen to maintain its global nature by relying on a strong regional structure. A small secretariat (currently U.S. based) is supported by an international Board and six regional conveners responsible for implementing the organization's action plan within its region, with the secretariat's assistance and general supervision.

Green Cross International, an organization founded in 1992 to focus continued global attention on the importance of the environment, is also an example of this apparent trend towards local initiative within the context of the organizational unit. A senior staffer for Green Cross describes the organization's goals as "striving for a balance between grassroots action and global vision...a pliable structure seeking to be both bottom-up and top-down to achieve a workable balance."

A corollary structure issue that is often faced by Lagos that have made the commitment to representing their constituency as equitably as possible is whether the headquarters' secretariat should remain in one location or rotate to different countries. Although many organizations have determined that any benefit gained is offset by the time and cost of hiring and training new staff, locating new office space etc...and have chosen to remain in one location, others have chosen to move. The International Association for Volunteer Effort (IAVE) is an example of an organization that has successfully moved its secretariat. The IAVE was founded in the U.S. in 1970 and currently has members in over 60 countries and a Board of Directors representing 14 different nationalities. The IAVE's original headquarters were located in the U.S., moved to Bogota, Columbia when its president came from that country from 1954-SS and since 1988 the five volunteer staff members have been housed in Sydney, Australia in the offices of its current president. The presidency is scheduled to change again at the end of 1996 and the option of a permanent secretariat is under review.

The newly created Oxfam International

is a example of a new model being tried by some INGOs. Although, Oxfam affiliates have existed for a number of years in several different countries, it has been just recently that these national groups have decided to strengthen their affiliation by founding Oxfam International and working more closely together in areas such as advocacy work, program harmonisation and emergency response. To maintain its decentralisation and sense of globalism, the organization has been incorporated in the Netherlands, has a small secretariat in the United Kingdom, an advocacy office in Washington, D.C., USA, and its current chair resides in Australia. Its structure will be reviewed in three years, including whether the secretariat should be rotated to another location.

The A-B-C Indicator Model, dialed by the International Institute for the Urban Environment (IIUE) in 12 European cities (and described by Dr. Valerie Brown in her discussion paper "Measuring Local Sustainability: linking rhetoric to reality") poses an interesting model for INGO practitioners reviewing organizational structure issues in the future to consider. The model includes Area-specific, Basket and Core indicators. The area-specific indicators are relevant only to a specific local area, the basic set of indicators are agreed to and used within an entire region and the core indicators are a small set of indicators common to all regions and essential for national policy development. INGOs wishing to decentralise their operations to a greater degree, allowing more local autonomy, could separate out indicators which can differ among local entities, from those that must be core to the entire organisation regardless of geographic location.

The role of board members in international organizations

Effective Board membership includes responsibility for oversight of the organization's administration, policy development, vision setting, and ensuring financial stability (often including a fundraising component). These roles within a nationally-based NGO are well documented in other sources. How might these roles

differ when the organisation being considered is an international one?

- 1) *Global perspective* - A member of an international Board needs to think *globally*. Each Board member (as in a single-nation organisation) will bring his or her own experiences to the table, which lends an important diversity to the discussions. However, in an international organization it is especially important for each Board member to base his decisions on the welfare of the entire organization, not just the needs of his own national constituency. This global perspective, will help to minimise the strength of national identifications which could serve to inhibit the group's decision-making.
- 2) *Fundraising* - Although different countries have varying approaches to financing voluntary organizations, more international organizations are finding the need to identify additional sources of revenue. Although there is a professional staff role here, Board members with their status in their local community can be an important source for locating potential donors that may not be known or accessible to professional staff members. Fundraising may be particularly challenging to logos because they "don't fit into a funding category" for any particular country, and few donors currently exist that focus on the activities of INGOs (see OECD 1993 report for further discussion).
- 3) *Language abilities/sensitivities* - Although many international organisations have chosen to function with English as an operational language, those Board members who speak English as an additional language, may not be as comfortable functioning in English as their Board colleagues who have English as their mother tongue. Board members of international organizations would be well served by having knowledge of at least one other language in addition to their own, or at a minimum recognize the need to speak slowly and clearly when speaking in their mother tongue. The Board chairman should be especially cognizant of the need to ensure that everyone is following the discussion and to stop periodically for clarification or "whisper translations" from

one Board member to another.

4) *Cultural styles* - Each culture has its unique characteristics. For a multinational Board to operate effectively, there must be a high level of tolerance. When a colleague's verbal presentations or decision-making process appear bewildering or counterproductive to another, the organisation may be best served if the Board member does not prejudge his colleague without first striving to understand more about his cultural background. For example, an Asian member's silence may not be agreement, but merely a desire not to be confrontational.

(Note that cultural and personality characteristics can often be intertwined and may be hard to distinguish).

5) *Public relations* - Any organization's ability to accomplish its mission can be greatly enhanced by its public image. The stature that Board members bring to an organization can help play a key role in enhancing and maintaining a public image. Although the media has become increasingly more international, there is often still a local component to an effective media presentation. Thus an organization's public relations will be strengthened if the International Board works with the organisations' professional staff to develop *common* themes which can be presented as most appropriate in different geographic locations.

(Note that this overlaps some of the issues raised in number 2 above. Some Board members may feel more comfortable as spokespeople rather than fundraisers although one can bring benefits to the goals of the other.)

5) *Leadership of the organization* - The leaders of an organization must believe in the importance of the internationalism of the organization and work to translate this belief into their everyday actions and decisions. Current global structures encourage nationalism, not internationalism. Cultural, ethnic, religious and increasingly regional groupings also have played a role in the way that individuals define their identity, therefore influencing their decision-making. Thus, leaders need to believe in the benefits inter-

nationalism brings, to be visionary and motivational, and to lead sometimes skeptical constituencies. In addition, leaders must strive to be good team leaders, even if their cultural background may not easily point them in this direction. And increasingly, busy professionals need to be kept committed to the time they must expend in their volunteer role as Board members.

Special staff considerations

Working as staff to an NGO that does not operate internationally often calls for a special set of qualifications: ability to work with a wide range of people including volunteers and senior executive leaders, ability to often work with few resources, commitment to the work of the organization, etc... In addition to the special characteristics unique to nationally-based NGOs (well documented in other sources), the staff of INGOs have the special challenge of working with people and organizations of different cultures, ethnics, nationalities and religions.

A preliminary list of skills helpful to the staff of an INGO would include:

1. International outlook and knowledge
2. Multicultural sensitivities
3. "Civil service" philosophy to remain neutral among members of differing cultures, nationalities, political perspectives, etc...
4. Communication and facilitation skills that will help bring about and implement consensus ideas and actions
5. Language skills

Iris Varner and Linda Beamer in their book *Intercultural Communication* note that "The first step in effective intercultural communication is the understanding and acceptance of differences." This understanding does not come easily to many people. Nancy Elder of the American Society of Training and Development in *Associations and the Global Marketplace* emphasises that the need for training is important. Her suggestions include incorporating international training into the staff education agenda, including role-playing that enhances sensitivity to cultural differences in a variety of settings

and situations, and disseminating information that highlight cultural differences.

It is important that where senior staff managers supervise employees with special skills (such as those listed in #'s 1-5 above) that they share this information within the organization. For example, a listing might be kept of language capabilities of staff members so that when translation needs arise, the appropriate person can be consulted.

Many organizations are now placing increased attention on diversifying their professional staff members, to better represent a diversified membership. Having a multicultural staff that is encouraged to work together, can model for the entire organization effective behavioral patterns.

Other considerations

Some of the major areas in which managing and international NGO poses some unique challenges are detailed in the preceding sections - organizational structure, the functioning of the Board of Directors and staff. This section refers to some subsidiary issues that may also be worthy of managerial attention, in keeping with a goal of making the organization as multinational as possible.

Members not unduly penalized for nationality - In addition to the operational structure issues raised above, organizations that obtain a high state of global orientation, make it a priority to analyze many of the specific areas in which geographic location will affect members. The organization's leadership will then attempt to control for this so that no member is unduly penalized. Areas that may be addressed include currency used for paying dues or making other payments to the central body, language(s) for communicating within the organisation, postage costs to communicate with the headquarters' operations, and travel costs to organizationally-sponsored meetings.

Communications - Communicating internally within the organization is an area that calls for special attention for Lagos. Communications should be structured so that all members feel equally included fax machines (which

are often left on for receiving messages 24 hours a day) and electronic mail (also allowing for 24 hour message receipt) have greatly facilitated communications, as they limit the need to control for time differences around the world.

However, there are times when Board members or other within the organization must communicate directly. In this case, time differences should be carefully considered so that no particular area of the world is discriminated against. For example, if the Board is to have periodic conference calls with Board members residing in several geographic areas around the world, the time of the call could be rotated so that the same Board member will not always be taking the call at an inconvenient time of day (or night).

Sensitivity to "geocentric" messages - There are many nuances to global sensitivity that the truly international NGO will strive to understand, in order to make all members feel equally comfortable within the organization. For instance, seasons of the year and views of the globe vary depending on the part of the earth one resides in. Although it may be common knowledge that while it is winter in the Northern Hemisphere, it is summer in the Southern Hemisphere, the "language" of the INGO may be most effective if it eliminates references to seasons of the year and instead refers to calendar months. Thus, a "summer" journal edition (based on summer months in the Northern Hemisphere) would instead be referred to as the June-July-August edition. Or a picture of the globe, if used as a logo or illustration, could periodically be rotated to display different views.

Clarification is almost always useful when any doubt may exist to how information will be understood. An example of this need for clarification would be the labelling of currencies - such as the dollar which exists in a number of countries including the U.S., Australia and Hong Kong and a simple label (i.e. U.S.\$) will help to avoid confusion.

Conclusion and summary

The first half of the decade of the 1990s has seen a growing number of NGOs entering

the international arena - both as an expansion of previously existing national groups, as well as new organizations being created as INGOs. The management of INGOs presents some unique management challenges, but fortunately this new activity is providing a wealth of models for practitioners to refer to. Although much of this new activity is currently undocumented international networks are being created that will increasingly allow the managers of INGOs to consult and learn from each other.

The current trend shows a movement towards decentralised organizational structures,

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which has as a goal the increased involvement of members or constituent groups regardless of their geographic location. While existing NGOs that are expanding their international programs are looking at ways to share decision-making abilities, newly created INGOs are initially seeking as diverse a representation as possible on their committees, Boards and staffs. As the composition of Boards and staffs become more diverse, leaders are learning important lessons about the dynamics of these multinational groupings.

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NGOs advocacy for environmental diplomacy to effect global environmental change

by Graciela Buschor *

After the end of the Cold War, global concerns in international relations have shifted from national military security issues to the conservation of the natural environment as advocated in the North and the right to sustainable development as demanded in the South. The resulting disparity of interests will automatically lead to confrontations. Different negotiation processes will be needed to reach consensus and arrive at solutions. Unilateral efforts by single states cannot solve global problems. As a result, a new typology of diplomacy is emerging that will have to accommodate the different environmental and developmental concerns of the North and the South.

Global environmental change can only occur once sustainable development is integrated in the same equation. In a world of growing interdependence, environmental protection and sustainable development are but two sides of the same coin.

This new diplomacy will hold to transparency and openness of facts and issues and be democratic in nature. It should resolve the arising conflicts peacefully through the international fore.

Another special feature of this diplomacy

is that it will not be dominated only by nation-

Transforming international relations through Public environmental diplomacy

The nature of international relations will undergo drastic changes given the new issues on its agenda. Environmental protection and sustainable development are replacing the old issues of military security and uncontrolled economic growth. If up to now, national security has been defined according to the perceived degree of military threat from neighbour states, environmental degradation and sustainable development are proving to be more destabilising and a larger threat to mankind. This means that diplomacy will shift from military security issues to environmental and developmental concerns.

The success of any global or regional initiative will depend on the resolution of conflict-

states and their institutions, but other new actors will enter the political arena. The public, business and industry, different societal groupings and non-governmental organisations (NGOs) are already involved in this new process and constantly voice their concern about the consequences of environmental degradation and unsustainable development on their security and well-being. They will increasingly continue to advocate global change. NGOs are in a unique position to advocate for a new focus of diplomacy to help resolve the common problems because they stand between governments and their constituencies. NGOs have collected wide, in-the-field experience and have moved now to the more complex task of advocating for environmental change and sustainable development. Their strong leadership in these fields has given them broad credibility and the support of wide societal groupings, governmental institutions and international organisations. NGOs have been vital in awareness building, in the development, implementation and monitoring of treaties and conventions, and in channelling financial support to the South. As such environmental global diplomacy cannot exist without their participation.

ing political forces through diplomatic means. However, scepticism is not out of place. As Hurrell and Kingsbury rightly question: "Can a fragmented and often highly conflictual political system made up of over 170 sovereign states and numerous other actors achieve the high (and historically unprecedented) levels of cooperation and policy co-ordination needed to manage environmental problems on a global scale?"¹

The environmental issues that have resulted from the prosperity in the North and the poverty of the South have shifted the focus of international relations in the sense that there is now a concrete and urgent need to develop and implement new policies towards sustainability. Sustainable development has become a global issue not only because of the high level of economic world interdependence but also because it questions the distribution of wealth, political

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1) Hurrell and Kingsbury, *op. cit.*, p. 1.

2) Luard, *op. cit.*, p. xi.

power and resources between the North and the South. As Luard points out: "It is these inequalities which now pose the principal challenge for political action."² For him the demanded action to balance these inequalities will be the dominant concern of politics in the years to come.

For many classical thinkers of international relations, the absence of any globally central authority is the fundamental principle of international relations and as such, the source for inevitable insecurity and conflict because states vie to accumulate power in order to ensure their survival. This in turn creates more insecurity and mistrust making sustained cooperation extremely difficult.³ As Robert Jervis has put it:

"Because there are no institutions or authorities that can make and enforce international laws, the policies of co-operation that will bring mutual rewards if others co-operate may bring disaster if they do not. Because states are aware of this, anarchy encourages behaviour that leaves all concerned worse off than they could be."⁴

Environmental diplomacy must start by analyzing the difficulties of inter-state cooperation and strongly emphasise the fact that states have a lot to gain from such cooperation. This is particularly difficult in the absence of strong international institutions that could prevent free-riding and apply sanctions to defectors. States will not freely participate in such efforts unless they are guaranteed that other states will follow. This issue is aggravated by the fact that governments and their representatives - normally elected for a few years - usually place a high priority on short-term national interests and on relative gains and losses.

The success or failure of negotiations on the environmental regime to follow will depend on the overall climate of international relations. As Hurrell and Kingsbury observe: "Political or military crises in, for example, the Middle East or the former Soviet Union rapidly divert political and media attention away from global environmental issues."⁵

Environmental diplomacy should endeavour to increase international environmental cooperation by pressuring states to agree

and to implement international agreements. For this to happen, general standard settings should be agreed upon to define the principles, rules, course of action for global environmental management, and, if necessary, to prohibit conduct. However, under no circumstances should these standards reflect the lowest common denominator in order to achieve consensus.

Attaining and implementing high standards to preserve the environment will necessitate the creation of strengthened environmental law and regimes. But reaching basic agreement on the arrangements is more complicated. This is due to the complex and elusive characteristics of environmental problems. There is a high degree of uncertainty in regards to environmental issues and trying to define the problems and set boundaries to them, as well as calculating the costs for alternative responses, is the dilemma. The environmental regime that will be applied will depend on the nature of the issue, the level of scientific and public knowledge of it and the costs of financing alternative options. This new international regime will set out to prevent further environmental degradation through concrete measures such as reductions in the use of fossil fuels or the phasing out of CFCs.

As Young suggests: "... the growing interest in international co-operation to cope with global environmental changes is currently directed more towards preventing or mitigating anticipated impacts than towards adjusting to changes that have already occurred."⁶

Thus, the trend is clearly remedial and not preventive. A focus on compliance with international agreements should be strengthened. Generally, states usually comply with international agreements because it is in their interest to do so. However, states have a preference for non-binding guidelines or principles rather than fixed obligations because they can implement the former ones at their own pace. Many states, specially in the South, do not yet have the capacity to implement international agreements because they lack human, economic, institutional and technical resources, and because implementing such agreements might pose a heavy burden on their societies which could lead to civil strife.

3) Hurrell and Kingsbury, *op. cit.*, p. 4.

4) Jervis, Robert, "Cooperation under the Security Dilemma", *World Politics*, 20 (1978), 167, quoted in Hurrell and Kingsbury, *op. cit.*, p. 4.

5) Hurrell and Kingsbury, *op. cit.*, p. 21.

6) Young, *op. cit.*, p. 7.

Conclusions

Many argue that the only way to solve the current environmental issues and those to come is by giving up national sovereignty and creating a new type of world governance that will survey the activities of all states. Of course, most governments are against such an idea of rendering their own power to a supra-national structure. There is an immanent threat that global environmental management could lead to global technocracy and as result it would be the end of democracy.

Others argue that the new conflicts will lead to a re-enforcement of the existing power structures, ie, the North dictating, the South following. The new eco-morality of the North should not force the South to abandon its development strategies. A new balance has to be struck between both blocs. Rendering power to a higher authority is rather unlikely because not all countries are on the same political, economic and social footing. Some would have to give up a lot while others would only gain.

However, keeping the current power status quo will not help preserve the natural environment.

Managing the environment collectively in a responsible manner is a sensitive political challenge because it translates into the creation of new rules and institutions that reflect shared responsibilities and duties. These will infringe on the domestic organisation of states and will entrust individuals and societal groupings with rights and duties. This means that global governance must become more participatory, democratic and less centralised.

Action is needed now. More than three years after the Rio Conference, no legally binding, concrete steps have been taken. Environmental diplomacy must strengthen and concentrate its efforts to negotiate the implementation of the principles laid down in Agenda 21 as soon as possible and pressurise states to fulfil their promises.

There are strong signs of hope. Although the Earth Summit of 1992 did not achieve all its objectives, it did manage to assemble more

than 150 representatives from different governments and involve them in a diplomatic process which led to the signing of binding environmental pledges. All states signed Agenda 21, the blue-print for environmentally sustainable development for the millennium to come.

UNCED was not simply a public relations mega-event. It can be interpreted as a new opening for environmental diplomacy that will change international relations after the Cold War. Its success was achieved thanks to visionary political leaders and the important role played by NGOs. Environmental concerns and sustainable development have now entered into the concrete deliberations of trade negotiations, economic and political calculations, international aid, lending practices of major donors, and most importantly, they have entered into the consciousness of the public.

It is still too soon to evaluate if the number of international agreements are solving the issues or preventing them, but it is not too late to start a new global thinking process that will ensure that the generations to come will have a sustained future.

NGOs have played a key role in furthering environmental diplomacy. Through their awareness building, advocacy and monitoring of progress, they have advanced the cause of environmental protection and sustainable development. Their participation has been vital to open dialogues and they have become a vital link for financial support to the South. Their strong leadership for a shift towards environmental diplomacy has been pivotal in bringing about global change.

The task of environmental diplomacy will be to bring to the forefront of international relations in regards to environmental protection and sustainable development a new way of thinking and behaving, one that reflects that we have to think locally, but act globally. The key features must be transparency and openness. Furthermore, it should set as a goal the reaching of a global environmental code of conduct. At this point in time, unilateral efforts will not solve the environmental global issues.

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Emergency coordination: a problem of humanitarian agencies or rather of politicians and generals?*

by Peter Fuchs

The problem of coordination in humanitarian emergencies arising from conflicts is not a new subject. So many seminars, round tables, declarations and publications have tackled it. Most came to the logical conclusion that stronger coordination between the humanitarian agencies was necessary, that the money had to be spent in the most effective way, and that new coordination bodies had to be created to make sure that there was no waste of operational energy.

It makes sense of course to pursue and intensify these efforts. The end of the Cold War raised hopes for a more peaceful world and in the new climate of international relations tension between governments has indeed eased in several areas of conflict, but conflict has flared up in other parts of the world and again in former theatres of the Cold War. Manifold types of violent confrontations are today claiming a growing number of victims. These phenomena, which are an obvious threat to international peace and stability, plus the rapidly growing number of non-governmental organizations and the increasingly operational nature of the large international agencies, all call for tighter cooperation and stricter coordination.

The creation of cooperation mechanisms such as the meetings of the Inter-Agency Standing Committee and its working groups, in which the ICRC takes an active part, or the Department for Humanitarian Affairs (DHA) within the UN system, or ECHO within the EU, offers new possibilities to discuss coordination.

In addition, there is an increased awareness of the need for coordination among humanitarian agencies at field and headquarters levels. The ICRC not only consults regularly with operational UN bodies such as UNHCR, but also with the National Red Cross and Red Crescent Societies and their Federation and with major NGOs. There is a permanent exchange of information and plans of action are widely discussed. Parts of programmes are handed over to other competent operational organizations. Humanitarian workers in the field work hand in hand.

Usually, the ICRC is the first organization on the spot because of its permanent pres-

ence in regions where tension prevails. If a conflict breaks out, the ICRC immediately strengthens its presence, intensifies the gathering of information, evaluates humanitarian emergency needs and launches its activities to protect and assist civilians, prisoners and the wounded. The ICRC shares information with the governments and the various humanitarian organisations that might step in, especially the International Red Cross and Red Crescent Movement and the UN agencies.

This constructive form of cooperation certainly deserves to be pursued and developed. It makes it possible to avoid duplication of effort or failure to respond, thanks to a distribution of tasks in accordance with the respective mandates of the different organisations concerned. But despite these efforts, some problems remain.

Only too often, following constructive discussions leading to the distribution of urgent tasks, the ICRC, together with certain non-governmental organisations whose courage I should like to commend, finds itself alone out in the field for long periods of time or, worse, it is left on its own when the UN and NGOs decide to withdraw.

Another problem is the pressure which is put on NGOs to act as instruments of donor policy, to concentrate on activities which are rewarded by a high national media profile and provide perfect visibility, thereby enhancing fund-raising possibilities and leaving for others less appealing and less visible tasks such as emergency rehabilitation and coping with the medium-term consequences of war.

While it is encouraging to see that humanitarian issues are higher on the agenda or the international community today, the trend towards "politicization" of humanitarian work does not favour respect for international humanitarian law. A more precise division of tasks and responsibilities is therefore essential between the humanitarian organizations that are working to alleviate suffering and the political bodies whose duty it is to tackle the pauses or conflict and to restore conditions for peace and stability, inter alia by military means.

Finally, beyond purely operational coordination, the humanitarian agencies, which are

* Article based on an address delivered at the Royal Institute of International Affairs, Chatham House, London, 15 November 1994. Reproduced from the *International Review of the Red Cross* with permission of the editor.

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Transnational Associations 2/1996, 80-83.

well placed to observe the consequences of war, should join forces to promote respect for international humanitarian law and act in a way which enhances it. The "code of conduct" promoted by the ICRC and the International Federation of Red Cross and Red Crescent Societies and adopted by some of the major NGOs is an important step in this direction.

Thanks to all these coordination efforts, considerable progress has been achieved in the field of operational coordination between the various humanitarian agencies. The existing mechanisms should be sufficient to overcome the remaining problems.

What worries me more today is the indiscriminate use of the word "humanitarian", which is creating new problems of coordination. Much of today's international response to a conflict is labelled "humanitarian". There is a purely military intervention dubbed "humanitarian", there are army units which are deployed for purely "humanitarian" work in a conflict region without participating in peace-keeping efforts; a "humanitarian group" should supervise the implementation of an embargo on a border. To me, this indiscriminate use of the word "humanitarian" seems to be an indication of increasing uncertainty as to the different roles and responsibilities within the international community, and this leads me to the fundamental question of whether the real problem of emergency coordination is still a problem of the humanitarian agencies or rather a problem of politicians and generals.

It is true that the changing environment of conflicts has become much more complex. The new conflicts often have little to do with the classic international or civil wars of the Cold War period, where a clearly defined number of parties were involved and a certain chain of command, both political and military, existed on each side. The new phenomena encountered today - the destruction of any social fabric, the complete disappearance of any form of authority except for that of guns, the denial of basic values and the increasing chaos and anarchy - are making conflicts more complex, the suffering of civilians ever more cruel, and humanitarian workers and the international community more helpless. Instead of having to deal

with generally two parties to the conflict, each with its own strategic Cold War patron in the background, the ICRC today often has to negotiate with groups, clans, bandits, militias and weekend fighters.

The international regulating mechanisms are not yet adapted to these new situations.

The disappearance of the direct or indirect influence brought into play by the superpowers during the bipolarity of the Cold War leaves humanitarian agencies, but also politicians and generals, often without clear points of reference. And it seems to be difficult, sometimes even impossible, for governments to reach a realistic consensus on political and military options and actions. Even though UN resolutions are no longer blocked by the veto mechanisms so often applied during the Cold War, they are often not realistic and reflect a verbal consensus rather than a genuine readiness to intervene in a truly efficient manner.

In this increasing aimlessness, a result of the failure to reach a consensus on appropriate political or military reaction, humanitarian action provides a welcome focal point, a sense of purpose. This activism helps to decrease the pressure exerted on governments not only by the national and international media, but also by public opinion, which tend more and more to dictate today's agenda of political priorities and create a political need to act immediately. Since nobody contests the need for humanitarian aid, unlike political or military interventions, humanitarian action may serve "*ut aliquid fieri videatur*" - in order to give the impression that something is done.

But humanitarian action should be parallel to political or military action, not replace it. If humanitarian action is misused as an alternative instrument of politics, as an opportunistic extension of foreign policy, as a means of decreasing internal political pressure in one's own country, this same humanitarian action loses its "innocence", is no longer neutral and free of ulterior political motives. It will finally lose its very identity and even become a target for armed attacks.

As I said, army units are doing humanitarian work but refuse peace-keeping activities.

Governments are stepping up their direct humanitarian activities through governmental operational bodies under their national flag. Humanitarian agencies are taking part in the so-called integrated approach.

This creates new coordination and identity problems during humanitarian emergencies.

Let us have a look at the integrated approach which is the guiding principle of the *Agenda for Peace*, that very stimulating and valid document by the United Nations Secretary-General, Mr. Boutros Boutros-Ghali. This *Agenda* advocates a comprehensive approach including political, military and humanitarian activities which seems to make sense in complex emergencies such as today's conflicts. Creating synergies between the different possibilities for action could indeed enhance the efficiency of the international community without considerably increasing the resources which have to be invested.

This approach is certainly correct in situations of conflict prevention. Preventive diplomacy, economic support, development, humanitarian aid and the deployment of military observers can indeed stabilize a given situation. Greater means should be invested in such preventive efforts, which are in any case cheaper than all the investments which have to be made in order to contain a conflict which has broken out, not to mention reconstruction and rehabilitation.

The same synergies can be created in the post-conflict phase where consolidation of peace, reconstruction and, if needed, a bridging humanitarian action in favour of the most needy are required.

But I think that the plan set out in the *Agenda for Peace* cannot be applied without difficulty during the acute phase of a conflict. In such a situation, humanitarian work concentrates on the acute symptoms produced by the crisis and may not tackle political or military problems. There is a clear need for an independent, neutral and impartial approach without any ulterior political motives in order to reach all the victims of the conflict on all sides, and to do so with the agreement of all parties. In such a situation, often only really independent, neu-

tral and impartial organisations such as the ICRC can reach those in need. The States were completely aware of this necessity when they drew up and signed the Geneva Conventions which stipulate this neutrality and impartiality of humanitarian assistance.

"Neutral and impartial" - in the meantime, most of the humanitarian agencies use these words to define their identity. But the important question is not whether an organisation really is or declares itself to be neutral and impartial. What counts is how that organization is perceived by the various parties involved in the conflict. UN agencies such as UNHCR are certainly neutral and their action is impartial. But since they operate under the same blue emblem as the UN blue helmets, using the same white cars with the blue flag protected by white armoured vehicles with the blue emblem, they are not necessarily perceived as being independent and neutral. If UN troops are seen as enemies by one or another protagonist, all those who work under the same flag and emblem risk being equated with them and also regarded as enemies. This perception of dependence and partiality jeopardizes humanitarian work in general and the safety of all humanitarian field workers.

The same is true for the laic efforts of some governments sending armed army units into conflict zones to do purely humanitarian work. This blurring of responsibilities hampers coordination efforts considerably. Troops are made for peace-keeping and peace enforcement, that is what they are expert at. Humanitarian work needs a different kind of expertise and should be done by humanitarian organisations.

In order to prevent a further dangerous weakening of real humanitarian action, which must remain independent, neutral and impartial, it is even more important to combat the growing tendency to label any political and military intervention as "humanitarian".

There is, of course, an important place for political and military action in a humanitarian emergency, especially in the anarchic and chaotic new conflicts. It would be impossible, and probably even undesirable, to dissociate humanitarian endeavour completely from political action.

Humanitarian work concentrates on the acute symptoms produced by crisis, but the crises themselves cannot be resolved without political or even military measures to tackle their underlying causes.

In chaotic situations of total insecurity, humanitarian work may depend on the creation of an environment which allows the deployment of humanitarian operations. A humanitarian space must be established by deploying UN troops in an early phase of the conflict, replacing absent police authorities and ensuring a minimum of security for humanitarian organisations to fulfil their mandates. But in order to do this, the UN Secretary-General should have a rapid reaction force at his disposal. Are the States ready to coordinate their efforts to this effect?

Again, military action should be clearly separated from humanitarian action. In the former Yugoslavia and in Somalia, it has unfortunately proved necessary to use armed escorts to protect humanitarian convoys. This, however, must remain a temporary and exceptional measure, and we must take care not to start thinking of it as an acceptable long-term solution. If we resign ourselves to these means, are we not in fact giving up all hope of persuading the belligerents to respect not only humanitarian work but above all defenceless civilians and prisoners? We must also demand and restore respect for protective emblems, especially those of the red cross and red crescent, which are so often disregarded.

Moreover, a clear distinction must be drawn between jurisdiction and humanitarian

action. Although the ICRC and other humanitarian organizations are ready to take considerable risks in order to bring the victims assistance and protection, their role is not to act as judge and even less as prosecutor. Their having such tasks would be seen as very dangerous by the parties to the conflict, which would do anything to avoid the presence of witnesses and would not allow access to those in need. However, we should be more than happy if the governments were to fulfil that role. This would discourage further violations of international law and, alongside other measures, would facilitate the restoration of dialogue and lasting peace.

Is emergency coordination a question for humanitarian agencies or rather for politicians and generals?

I think the answer is less complex than the new complex emergency situations. The major humanitarian agencies have reached a promising level of consultation and coordination with quite good results in the field. But today I feel that it is urgent to go beyond humanitarian coordination, to enhance consultation and effective coordination in the political and military approach. The respective responsibilities of humanitarian agencies, politicians and generals must be defined more clearly and complied with, and the political and financial support for both activities must be strengthened. This could create new synergies and clear responsibilities without confusion. Both are desperately needed to resolve today's emergency situations with their devastating effects and inhuman consequences.

Humanitarian intervention and international humanitarian assistance: law and practice*

by Danesh Saroosbi

Introduction

Humanitarian assistance aims to alleviate human suffering within a state, regardless of its cause, in accordance with the principles of impartiality and neutrality. By definition, humanitarian assistance is non-coercive and is generally carried out with the consent, or at least acquiescence, of the state concerned. However, humanitarian intervention aims to stop the gross and widespread violation of human rights occurring within a state; and for that reason it has traditionally been directed against the authority in control of the country in question. Moreover, humanitarian intervention embraces both military and non-military coercive measures and thus may be perceived as a challenge to the sovereignty and institutions of the affected state.

Although such a distinction between humanitarian assistance and humanitarian intervention can be maintained as a matter of law, in practice the separation between the two concepts often becomes blurred. It is sometimes difficult to distinguish between a state's freely given consent and coerced agreement. Moreover, military force may be deployed specifically to protect the delivery and distribution of humanitarian assistance, a role increasingly being undertaken by United Nations (UN) peacekeeping forces.

This paper addresses the legal issues that concern the UN, regional organisations, and non-governmental organisations (NGOs) in their attempts to provide humanitarian assistance; and, in the case of some, to undertake humanitarian intervention. Especially in the case of humanitarian assistance, the limited ability of international law to contribute to the safe and effective operation of organisations 'in the field' is highlighted. Consideration of the situations within Bosnia, Cambodia, and Somalia provide prominent examples of this deficiency. Moreover, the paper focuses on issues such as the lack of a comprehensive legal framework governing humanitarian assistance and UN humanitarian intervention; the need for greater accountability and operational transparency of the organisations working in the field; and whether there could or should be a set of gener-

ally accepted criteria to govern humanitarian intervention by the Security Council.

The legal framework

Legal aspects of humanitarian intervention

When discussing the legality of humanitarian intervention by states, it is necessary to distinguish between forcible and non-forcible intervention; and in the case of forcible intervention between unilateral and multilateral intervention.

Article 2(7) of the UN Charter prohibits intervention by the UN in matters essentially within the domestic jurisdiction of a state. It is clear that this does not apply to non-forcible humanitarian intervention by the UN, since human rights are no longer a matter solely within the domestic jurisdiction of states. Thus non-forcible humanitarian intervention by any organ of the UN, which has the requisite power to do so, is not prohibited by the Charter.

The general proscription in Article 2(4) of the use of force by states, except in the cases of individual or collective self-defence, renders the legality of forcible humanitarian intervention by a state doubtful. Even if prior to 1945 there existed a right under customary international law to unilateral humanitarian intervention, by adopting the UN Charter, an international treaty, the member states in effect 'contracted out of this customary right.

Under the Charter, the use of force is lawful in the following three main cases: (a) where the Security Council takes or authorises military enforcement action under Chapter VII; (b) where a regional organisation is authorised by the Security Council to take military enforcement measures; and (c) where the use or force is a valid exercise of the inherent right of states to individual or collective self-defence. Therefore if humanitarian intervention is to be justified under international law, it must come within one of these three cases:

(a) The legal prerequisite for enforcement action under Chapter VII is an express or

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implied determination by the Security Council under Article 39 that there is a threat to the peace, breach of the peace, or act of aggression. Thus, in order to undertake forcible humanitarian intervention, the Security Council needs to link gross violations of human rights occurring in a specific country to one of these situations.

Chapter VII of the Charter, in particular Article 42, expressly provides for military enforcement action to be taken by the Security Council using forces supplied by members under Article 43. However, Article 42 does not stipulate that military enforcement action can only be carried out using Article 43 forces. No agreements under Article 43 have ever been made, due to political considerations, but that does not prevent the Security Council from obtaining forces by other means: for example, the voluntary contribution of forces by member states. Thus the only consequence of the non-implementation of Article 43 is that the Council cannot compel states to contribute forces to military enforcement action taken under Article 42. Although it can be argued that under Article 48(1) the Security Council can require some or all member states to supply military forces, even without any Article 43 agreements, this interpretation of the Charter has not been accepted in practice.

Although the Charter contains no express provision which empowers member states to undertake military enforcement action, the Security Council has the implied power to authorise such action. To imply such a power is in accord with the object and purpose of Chapter VII, namely that the Security Council should be able to take such action as it deems necessary to maintain or restore international peace and security. As the International Court of Justice observed in the Expenses Case: "It cannot be said that the Charter has left the Council impotent in the face of an emergency situation when agreements under Article 43 have not been concluded"¹

(b) There is no provision in the Charter which expressly grants regional organisations the ability to undertake military enforcement action on their own initiative. However, the Security Council has the power to authorise such action by implication from the terms of Article

53(1) of the Charter which prohibits enforcement action by a regional arrangement or agency 'without the authorization of the Security Council'. Thus for forcible humanitarian intervention by a regional organisation to be lawful it must receive Security Council authorization. As enforcement measures are legally distinct from peacekeeping activities,² Article 53 does not require regional peacekeeping activities to be authorised by the Security Council. This legal position is reflected in practice. The dispatch of an inter-African peacekeeping force to Chad in 19S2 was simply brought to the attention of the Security Council. A similar procedure was followed by the Economic Community of West African States (ECOWAS) as regards the deployment of their peacekeeping force in Liberia.

(c) If a state is the subject of an armed attack, then, under Article 51 of the Charter, it can, *inter alia*, exercise its inherent right of collective self-defence and request military assistance from other states to repel the attack.

Although there are obvious differences between humanitarian intervention and collective self-defence, there is an overlap in cases where gross and widespread violations of human rights occurring within a state are caused by another state's armed attack. Those violations of human rights may be the primary reason leading another state to assist the state being attacked. But the legality of this kind of humanitarian intervention is to be judged by reference to the conditions for collective self-defence, and not by reference to a purported right under customary international law to humanitarian intervention.

The observance of international humanitarian law by the United Nations

When a UN force or UN authorised force takes enforcement measures, it may effectively become a party to a conflict. But is the UN, and by implication its forces, bound by international humanitarian law? As the UN cannot become a State Party to the 1949 Geneva Conventions and the 1977 Protocols, it seems clear that the Organisation is only bound under

¹ Certain Expenses of the United Nations, Advisory Opinion, I.C.J. Reports 1962, 151 at 167.

² This distinction between military enforcement action and peacekeeping had been confirmed earlier by the International Court of Justice in Certain Expenses of United Nations, *ibid.*, at 166.

international law by those parties to international law which are part of customary international law.

Nevertheless, it would seem that as the 1949 Geneva Conventions and the 1977 Geneva Protocols bind all states party to them. By implication, then, they are binding on any UN force that comprises troops from these states. This obligation rests not on the UN force itself, but on the states party to these treaties to ensure that their troops do not violate international humanitarian law. However, the operation of Article 103 of the Charter provides an important exception to this obligation. Article 103 stipulates that in the event of a conflict between the obligations of UN members under the Charter and their obligations under any other international agreement, their obligations under the Charter prevail. Thus if the Security Council should require a UN force to take measures which contravene the international humanitarian law treaty obligations of states contributing those troops, the states' obligation arising under Article 25 of the Charter to carry out the decisions of the Security Council would prevail over their treaty obligations.

Legal aspects of the provision of humanitarian assistance

Although in both General Assembly resolutions 45/100 and 46/182 a limited right of assistance to starving populations is recognised, neither resolution mentions a right to humanitarian assistance. Moreover, both resolutions stipulate that the provision of humanitarian assistance to a state is dependent on obtaining the approval or consent of the government of that state. This emphasis on consent is not, however, a requirement under customary international law. As the International Court of Justice observed in the *Nicaragua* Case: "There can be no doubt that the provision of strictly humanitarian aid to persons or forces in another country [without the consent of the government], whatever their political affiliations or objectives, cannot be regarded as unlawful intervention, or as in any other way contrary to international law".³

³) Military and Paramilitary Activities in and against Nicaragua, Judgment, I.C.J. Reports 1986, 14 at 114.

⁴) *Ibid.*, at 115.

Nevertheless, the Court restricted the scope of humanitarian assistance when it stated: "if the provision of 'humanitarian assistance' is to escape condemnation as an intervention in the internal affairs of [a state], not only must it be limited to the purposes hallowed in the practice of the Red Cross, namely 'to prevent and alleviate human suffering', and 'to protect life and health and to ensure respect for the human being'; it must also, and above all, be given without discrimination to all in need in [a state]".⁴

Thus under customary international law there is no legal obligation to obtain the consent of the relevant government in order to provide humanitarian assistance to populations in need. However, the position under the treaties which contain international humanitarian law is somewhat different. Common Article 9 of the 1949 Geneva Conventions I, II, and III states that the International Committee of the Red Cross (ICRC) can provide humanitarian assistance for part of a civilian population, but only subject to the consent of the state party concerned. Moreover, Article 10 of the 1949 Geneva Convention IV, Article 70 of the 1977 Geneva Protocol I, and Article 18(2) of the 1977 Geneva Protocol II all require the consent of the government for the provision of humanitarian assistance to civilian populations. Thus the consent of the relevant government is a necessary prerequisite in order for states, party to these treaties, to provide humanitarian assistance in a particular case. However, these provisions are based on the assumption that the state party in question welcomes humanitarian relief for its population. They do not deal with the situation where a state party - or in the case of a civil war, as in Bosnia, the parties to the conflict - do not wish such humanitarian assistance to be provided. In a case such as Bosnia, where the main objective of some of the combatants is the formation of distinct ethnic regions by the forced removal of civilian populations, the delivery of humanitarian assistance may be regarded as contrary to that objective and will almost inevitably be opposed. Under Article 14 of the 1977 Geneva Protocol II, it could be argued that an arbitrary decision by an authority to withhold relief supplies from civilians, who are

in danger of starving, constitutes a violation of the prohibition of the starvation of civilians as a method of warfare.

The scope of international peace and security under the charter and criteria to govern humanitarian intervention by the Security Council

Under the scheme of the Charter, human rights are not directly connected to the collective security system established by Chapter VII. The Charter clearly distinguishes between action taken to restore and maintain international peace, as envisaged in Article 1(1) and Chapter VII, and action taken to create the conditions of stability and well-being necessary for peaceful and friendly relations among states, as dealt with in Articles 1(2), 55, and 56. Human rights are a component of this latter, "peace strengthening role of the UN. Nevertheless, as noted above, the Security Council can decide that human rights violations constitute a threat to international peace and security and thereby undertake enforcement measures under Chapter VII of the Charter. The Security Council may be perceived to have taken action in this way in the following cases: the imposition in the 1960s of economic sanctions against the white minority government in Southern Rhodesia; the arms embargo imposed against South Africa in 1977; resolution 688 dealing with the protection of minorities in Iraq; and resolutions 751 and 794 adopted in response to the crisis in Somalia.

In the case of Southern Rhodesia, the Security Council called for two collective measures to be taken following the Unilateral Declaration of Independence by the minority Smith regime in 1965- The first was collective non-recognition and the second was the imposition of economic, financial, and diplomatic sanctions under Chapter VII of the Charter.⁵ This was the first instance in which the Security Council has interpreted human rights viola-

tions by a state as constituting a threat to international peace and security under Article 39 of the Charter.

In the case of South Africa, Security Council resolution 418 imposed a mandatory arms embargo against the country on 4 November 1977. The basis for this resolution was the Council's finding that it was the acquisition of arms by South Africa which constituted the threat to international peace and security, and not the system of apartheid in itself. Thus, resolution 418 cannot be seen to constitute a precedent for a link between gross and widespread violations of human rights occurring within a country and a threat to international peace and security.

Although Security Council resolution 688 on Iraq makes no express mention of Chapter VII, the resolution's reference to the Council's responsibility for the maintenance of international peace and security, and its expression of concern that Iraq's actions had "led to a massive flow of refugees towards and across international frontiers and to cross border incursions which threaten international peace and security" amounted to an implied determination under Article 39. However, China specifically opposed any references in the resolution to action being taken under Chapter VII. Thus the value of this resolution as a precedent for a link between human rights and an Article 39 determination is unclear.

Security Council resolutions 751 and 794 dealing with the situation in Somalia are significant, as they directly link human rights issues to a threat to international peace and security. This is the first time that the Security Council has formally recognised that widespread suffering in itself can constitute a threat to international peace and security.

These instances of practice cannot, however, be said to require an Article 39 determination in every similar case of large-scale human rights violations. The Security Council has a very broad discretion when making a determination under Article 39. The exercise of that discretion is governed essentially by political and not legal factors. Moreover, to attempt to prescribe a set of rules for future Article 39 determinations by generalising from past cases

⁵ See Security Council resolutions 217, 221, 232,

could be a purely academic exercise, since each crisis has its own configuration and particularities. All that can be said from these instances is that Article 39 of the Charter provides a mandate for, but does not necessitate, humanitarian intervention to be undertaken or authorised by the Security Council.

In a broader context, it would seem that even if the Security Council may now regard a humanitarian crisis *per se* as a threat to international peace and security, this in itself does not improve the maintenance of international peace and security. The expansion of the scope of Article 39 determinations to include human rights violations when the Security Council does not intend to take decisive action in a case might simply 'devalue the currency' of a Chapter VII determination. Moreover, such a 'devaluation' could undermine the authority of the Security Council to deal with those situations which have traditionally been considered a threat to international peace and security'. The perceived inability or unwillingness of the Security Council to take enforcement measures against an aggressor state could lead to a regressive situation where states undertake large scale rearmament. The fundamental restriction on the UN undertaking humanitarian intervention appeared to be the lack of political will, in particular by the permanent members of the Security Council. Against a background of concerns about the cost of enforcement operations in human and financial terms, this deficiency of political will might be due not so much to a lack of public support or interest, as to a lack of political leadership in motivating public support towards such action.

Criteria are necessary to reduce the selective nature of UN humanitarian intervention actions and to avoid the perception that decisions are largely dictated by the political interests of the five permanent members. Additionally, if the Security Council does not strive to incorporate a degree of clarity and transparency in its decision-making processes, it stands to lose not only the respect of the population in a state where an intervention occurs, but also the respect of the wider constituency of member states of the UN not represented on the Security Council. The criteria could be:

1. Humanitarian intervention must be based on the existence or impending likelihood of gross and persistent violations of human rights that shock the world's conscience.
2. Military intervention should be undertaken or authorised, except in rare cases, only after all reasonable diplomatic efforts at the international and regional level have been exhausted and have failed to bring about the cessation of human rights violations.
3. Military intervention must be strictly limited in scope to action which is necessary and proportionate to bring about the cessation of the human rights violations.
4. The intervening forces must begin their withdrawal as soon as reasonably possible after the cessation of the human rights violations.
5. Military intervention should preserve the territorial integrity of the target state; that is, respect the state's boundaries which, except in rare cases, should not be redrawn.
6. Military intervention should not interfere with the authority structure within the target state, except where the cessation of human rights violations is clearly dependent upon the removal of the central government.

Criteria 3 and 4 should not suggest that humanitarian intervention is a 'quick fix' solution to human rights violations occurring within a country. Although it may be easy for troops to go into a country, it is often more difficult to withdraw. In this regard criteria 4 and 6 assume a certain importance. If it is necessary to remove the authority structure of the state, then a long-term troop commitment may be required in order to preserve a minimum standard of public order within a country. In any event, the completion of an effective humanitarian intervention operation should not mean the end of international assistance to the population of the country.

While these criteria may determine the justification for and limits of a humanitarian intervention, they do not address the fundamental question: when should an intervention be made? Selectivity may only be avoided if there were criteria that governed the decision by the Security Council whether or not to intervene in a particular situation. But even if that

as desirable, there seems to be no realistic possibility of such criteria being adopted. Alternatively, the General Assembly could play a role in formulating the content of these criteria to add a degree of 'legitimacy' to the Security Council's decision-making processes. However, any such criteria which the General Assembly may adopt would have no legally binding effect on the Security Council and, moreover, would be unlikely to be accepted by the permanent members of the Security Council.

The role of regional organisations

Under the UN Charter there are two legal limitations on measures which regional organisations can take when dealing with matters relating to the maintenance or restoration of international peace and security. First, Article 52(1) restricts such measures to those which are appropriate for regional action and which are consistent with the purposes and principles of the UN. Second, Article 53(1) requires that any military enforcement action by a regional organisation be authorised by the Security Council.

Regional arrangements should develop into a viable and effective process for the resolution of disputes in order to alleviate some of the burdens currently facing the Security Council. However, regional arrangements should never develop to the stage where the states within the region focus their resources and efforts exclusively on their region and feel that they have no obligations in respect of problems elsewhere. Moreover, regional efforts to resolve a dispute should never exclude wider involvement once it is clear that the regional arrangement cannot adequately deal with the problem. This approach is consistent with Article 52(1) of the UN Charter since in these cases regional action is no longer appropriate. Regional arrangements should be a complement to, not a replacement for, the Charter system of maintaining and restoring international peace and security.

Illustrations of the role of regional organisations in humanitarian intervention and humanitarian assistance operations are provided by the work of the Economic Community of West African States (ECOWAS) and the Organisation of American States (OAS).

Economic Community of West African States

The humanitarian crisis in Liberia has its roots in the civil war which started in the late 1980s between the government forces of the then President Samuel Doe, and the rebel forces of Charles Taylor, known as the National Patriotic Front of Liberia (NPFL). After a call by ECOWAS for a cease-fire was ignored, the organisation produced a peace plan in June 1990, which established an ECOWAS Cease-fire Monitoring Group (ECOMOG). The original role of ECOMOG was to monitor and verify a cease-fire, and to restore law and order within the country so that elections could be held. However, the cessation of hostilities was brief: on 15 October 1992 the NPFL launched an attack against ECOMOG forces in Monrovia. In response, ECOWAS authorised a change in the nature of ECOMOG's activities from peace-keeping to peace-enforcement. This enforcement action was to continue until the NPFL was convinced that military victory was impossible and that the only acceptable long-term resolution of the conflict was the holding of free and fair elections.

The doctrine of humanitarian intervention was put forward as a legal basis for ECOMOG's peace-enforcement action. The government had at the time of the ECOWAS intervention lost control over most of the country; there was evidence of large-scale destruction of property and the indiscriminate massacre of thousands of civilians by all parties to the conflict; and large sections of the Liberian population were being deprived of food and health facilities. This situation led to an outflow of approximately 1.3 million refugees who sought refuge in neighbouring countries.

As pointed out above, the legality of any regional peace-enforcement measures under the Charter depends on Security Council authoriza-

on being given Article 53. The Security Council had adopted resolutions 788 and 813 which dealt with the situation in Liberia by, *inter alia*, commending the efforts of ECOWAS to mediate in the conflict, calling for a ceasefire, condemning the armed attacks by the NPFL against ECOMOG forces, and by placing an arms embargo on Liberia with the exception of arms being supplied to ECOMOG. The Security Council's commendation of ECOWAS's efforts together with its condemnation of the attacks by the NPFL against ECOMOG, represents an implied retroactive authorization of ECOMOG's enforcement action. However, neither resolution 788 nor resolution 813 expressly authorises military enforcement action.

Security Council authorization was not necessary in the Liberian situation provided that the ECOWAS response was a valid exercise of the inherent right of states to collective self-defence. Thus it was argued that the Protocol on Mutual Assistance in Defence (PMAD) was the legal basis of ECOMOG's peace-enforcement role in Liberia. The PMAD is a collective security treaty which was drawn up by ECOWAS in 1981 to protect member states from internal or external aggression. However, the PMAD contains formal requirements which have to be met before a concerted community response can be triggered. One of the most important of these formalities under the PMAD, and for that matter under customary international law, is an express request for assistance by the state which has allegedly been subject to an armed attack. In the case of Liberia, President Doe, in a letter dated 14 July 1990 addressed to the ECOWAS Committee dealing with Liberia, asked for the introduction of an "ECOWAS Peace-Keeping Force into Liberia to forestall increasing terror and tension and to assure a peaceful transitional environment". Whether this letter constitutes a valid request for the exercise of collective self-defence under the PMAD is a matter beyond the scope of this paper. What this letter does, however, represent is the consent which is required for the establishment of ECOMOG as a peacekeeping force in Liberia.

In mid-1993 the Executive Secretary of ECOWAS issued an order suspending the de-

liver of humanitarian assistance to areas outside Monrovia until a 'corridor of tranquillity' had been established through which all relief supplies could pass from Monrovia to NPFL-held areas. It was suggested that the basis for this decision was that the cross-border movement of relief supplies was jeopardising the safety of ECOMOG soldiers. NGOs believe that this decision has serious implications for large parts of NPFL-held areas whose populations are malnourished. Moreover, the legality of this measure is questionable. Paragraph 15 of Security Council resolution 813 demands, *inter alia*, that all parties to the dispute refrain from any action that will impede or obstruct the delivery of humanitarian assistance. This demand applies to ECOMOG, and also by implication to ECOWAS, who by virtue of their peace-enforcement role became in effect 'parties' to the conflict.

Organisation of American States

The adoption of the OAS Charter and the American Declaration on the Rights and Duties of Man in 1948 adopted for the first time specific norms of a binding nature in respect of representative democracy in the Americas. At a meeting of Foreign Ministers of the OAS held in 1958 the following declaration was made: "The existence of anti-democratic regimes constitutes a violation of the principles on which the Organisation of American States is founded, and a danger to united and peaceful relationships in the hemisphere".

Although a draft Convention concerning representative democracy produced in 1958 was judged too controversial, over the next 20 years the OAS displayed an increasing concern to confront anti-democratic regimes on a multilateral basis. It was the internal crises in Nicaragua, particularly the human rights violations by the Somoza government, which led to an effective mobilisation of the inter-American system. In a resolution which laid the basis for the definitive settlement of the situation, and with the government concerned participating in the debate, the foreign ministers of OAS member states declared in June 1979 that the

solution in Nicaragua should be based upon, *inter alia*, the immediate replacement of the Somoza regime by an interim government which reflects the free will of the people and the holding of free elections as soon as possible.

The democratisation of many Latin American countries during the 1980s enabled the OAS to amend its Charter in 1985 to incorporate a specific commitment to representative democracy as a purpose of the Organisation. In June 1991, the Ministers of Foreign Affairs of the Americas signed the Santiago Commitment to Democracy and the Renewal of the Inter-American System (Santiago Declaration) and adopted resolution 1080 on Representative Democracy, creating a mechanism providing for an automatic response to any interruption of the democratic process within an OAS member state. The most recent effort to promote representative democracy is a proposed reform of the OAS Charter by means of the Washington Protocol which was adopted in December 1992. Once a specially convened Inter-American conference ratifies the Washington Protocol it will become binding, allowing an OAS member state to be suspended from the Organisation if its democratically elected government is overthrown through the use of force. It was the adoption of the Santiago Declaration and resolution 1080 which provided the bases for prompt OAS action in the cases of Haiti and Guatemala.

On 29 September 1991 the democratically elected government of Haiti was overthrown in a violent coup by members of the Haitian armed forces. The response of the international community was immediate. The Canadian, French, United States, and Venezuelan ambassadors to Haiti successfully intervened by persuading the coup leaders to allow President Aristide, who was at the time under arrest, to leave the country. The OAS response to the coup was to invoke the Santiago mechanism. Within a few days a meeting of Foreign Ministers recognised President Aristide and his government as Haiti's only legitimate government and recommended that all member states take specific action to isolate economically and diplomatically the *de facto* government which had seized control. While non-recognition has

been used by the UN, for example in the case of Southern Rhodesia, this was the first time it had been used by the OAS. This policy of collective non-recognition is legally important, as it represents a common refusal to validate an act which is illegal under international law.

The OAS imposed a trade embargo against Haiti which included the freezing of Haitian assets, the banning of arms sales, and the diplomatic isolation of the *de facto* government. With the failure of these efforts to effect change in Haiti, a meeting of Foreign Ministers in May 1992 recommended to OAS member states that they, *inter alia*, deny vessels that violate the embargo access to their port facilities, monitor compliance with the embargo, and refuse entry to their territories of persons who were involved in any way with the coup. Several European countries, which are obviously not bound by the OAS resolutions, continued to trade with the regime in Haiti, despite the OAS embargo. Subsequently, in response to a request from the legitimate government of Haiti, the UN Security Council passed resolution 841. Acting under Chapter VII, the Security Council imposed a universal arms embargo against Haiti; froze all overseas assets controlled by the *de facto* government; and threatened to impose a worldwide trade embargo against Haiti to come into force on 23 June 1993 unless the UN Secretary General advised otherwise. Subsequently, resolution 841 was used as a lever in negotiations with the *de facto* government that led to agreement to deadlines for, *Inter alia*, the return of President Aristide to Haiti and the eventual establishment of a new democratically elected government. Although President Aristide has designated a new Prime Minister of Haiti, the agreement has not been honoured.

The response of the international community to the coup in Haiti illustrates the potential for co-operation between the Security Council and a regional organisation. It also shows how action by a regional organisation may serve as a catalyst for Security Council action. Most importantly, however, it shows that the Security Council may now be willing to act in respect of a matter which was traditionally considered to be within the domestic jurisdic-

tion of states: the method of governance of a state. However, it remains to be seen whether a notion of democratic governance will be used to support political arguments in favour of similar Security Council action in analogous situations in the future.

For example, when on 25 May 1993 the then President Serrano of Guatemala suspended constitutional guarantees and staged what was, in effect, a self-inflicted *coup d'état*, the OAS reacted under the Santiago mechanism by calling an emergency meeting of Foreign Ministers. As a result, the OAS Secretary-General headed a fact-finding mission with the additional task of warning the President and the Guatemalan armed forces of the consequences of action taken against democracy. By the time of the meeting of Foreign Ministers on 3 June 1993, President Serrano had left office. When the Secretary-General of the OAS visited Guatemala again three days later, constitutional democracy had been returned to Guatemala and the former Attorney-General for Human Rights had been designated as the new Constitutional President by Congress. The new President attended a subsequent OAS meeting and praised the crucial role which the Organisation had played in supporting domestic efforts to regain democracy in Guatemala.

Thus the recent practice of the OAS indicates considerable progress in the inter-american system in support of an emerging right to democracy.⁶ Particularly encouraging has been the effective use of political and economic pressure to ensure the protection and preservation of democratic values in the Americas. This may lend support to the view that the threat of force is not required for effective intervention. However, recent developments in the case of Haiti may indicate that a determined regime can survive against international pressures where there is no threat of military intervention. Nevertheless, the use of force as a means to oust a non-democratic government is unacceptable to a large majority of OAS member states, largely because it is uncertain who would control and undertake the military intervention. In any case, the OAS Charter does not allow the Organisation to take military enforcement measures against a member state.

Bosnia

The United Nations High Commissioner for Refugees (UNHCR) is charged under its statute with ensuring the protection of refugees and asylum seekers who are outside their country of origin and providing them with material assistance where required. It has not traditionally operated in war zones. In fact the principal legal function of the UNHCR is somewhat different from the humanitarian assistance operations which it is now conducting in Bosnia. Established under Article 22 of the Charter as a subsidiary organ of the General Assembly, the UNHCR has no general legal competence to deal with internally displaced persons. However, the UNHCR does provide material assistance in certain circumstances to nationals of a particular state while they are still in that state. This has occurred where, for example, refugees are repatriated to their country of citizenship and the UNHCR has continued to assist them to facilitate their integration into society.

In these assistance programmes the UNHCR has insisted on the observance of four principles. First, that it has freedom of access to the beneficiaries of the assistance programme. Second, that it is given the freedom to assess independently the needs of the beneficiaries. Third, that it is able to monitor those who eventually receive the relief supplies. Finally, that no relief supplies are to be distributed to combatants. In the case of Bosnia, however, none of these principles have been respected by the parties to the conflict. Nonetheless, the UNHCR has continued to provide humanitarian assistance to civilians in Bosnia. Moreover, its role as the lead organisation has enhanced co-ordination and co-operation between the NGOs. This may provide a good model for similar operations in the future.

UNHCR operations in Bosnia have not been totally independent of UN peacekeeping operations. Indeed, the provision of humanitarian assistance was in some cases used by the peacekeeping component of the UN operations as a bargaining chip to, among other things, negotiate the release of prisoners. The lack of

⁶ Writers argue that a right to democracy is also emerging as part of general international law: see Franck, T., 86 *American Journal of International Law*, (1992), 46. In this regard see also Article 21 of the Universal Declaration of Human Rights and Article 25 of the International Covenant on Civil and Political Rights.

operational independence of UNHCR may have restricted its ability to provide humanitarian assistance in a safe and effective manner.

The provision of humanitarian assistance in Bosnia has had two serious military and political consequences. First, governments and politicians have been able to take comfort in the existence of a programme which to some extent has alleviated human suffering in Bosnia: the work of the UN humanitarian assistance programme has been used as an excuse for the lack of military intervention. The provision of military support for the delivery of humanitarian assistance to populations in need, yet refusing to accept responsibility for protecting those same people against murder, ethnic cleansing and rape, leads to a profound moral crisis in humanitarian practice. Moreover, assistance and protection are two sides of the same coin: respect for the dignity and integrity of human life. Secondly, the inhabitants of many cities like Sarajevo have resisted much longer than they would have done without the relief effort.

The security of persons engaged in relief action

It is clear from the cases of Bosnia, Cambodia, and Somalia that UN and NGO officials are not immune from attack. In Bosnia, all the parties to the conflict sometimes see the delivery of humanitarian assistance as an impediment to their war aims. This attitude has led to the breach of numerous agreements concluded between the military authorities and the ICRC and UNHCR. Moreover, this situation has been exacerbated by the lack of identifiable authorities to deal with who could exercise effective control over areas through which humanitarian assistance had to pass. The threat to the security of relief workers in many areas of Bosnia meant that humanitarian assistance to these areas often had to be halted for long periods of time; for example, assistance to central Bosnia and the eastern enclaves. This experience may push the UN in the future towards a greater readiness to use military enforcement measures to create the conditions for safe and effective delivery of humanitarian assistance. However, the

reaction of the Security Council to the Bosnian situation was simply to make the demand, for example in resolution 770, that all parties and others concerned take the necessary measures to ensure the safety of UN personnel and others engaged in the delivery of humanitarian assistance. More needs to be done by the Security Council to address this problem. A legal device which the Security Council could use would be to declare attacks on UNPROFOR or UNHCR to be an international crime. Perpetrators of these attacks would then be liable to prosecution by the War Crimes Tribunal set up under Security Council resolutions 808 and 827.

The role of United Nations peacekeeping troops

As peacekeeping operations are not enforcement measures under Chapter VII of the Charter, they cannot be directed against a state: the consent of the state where the peacekeeping troops are to be deployed is necessary. Thus the deployment of UN peacekeeping forces in Bosnia (UNPROFOR I) required the consent of the host state. The problem which arises in this context is whether it is only the consent of the Bosnian government which is required for the deployment of peacekeeping troops or whether the consent of other authorities in control of large parts of Bosnian territory is also required. In any case, when the legal mandate of UNPROFOR ran out in February 1993, the Security Council, under resolution 807, placed the peacekeeping operations in Bosnia and Croatia expressly under Chapter VII of the Charter. This express classification of the peacekeeping operation under Chapter VII means that extra troops could not be introduced into Bosnia and Croatia without the consent of these states. Furthermore, the termination of host state consent would therefore not require UNPROFOR II to be withdrawn. This, however, may be questioned, for the consent of all parties involved is always required in a peacekeeping operation regardless of whether or not it is expressly or implicitly under Chapter VII. In any case, this determination by the Security Council without a corresponding decision to increase the size of

UNPROFOR II, and thus its ability to implement its mandate, 'debased the currency' of an express Chapter VII operation.

The legal mandate of peacekeeping operations is expressed in their rules of engagement. The standard rules of engagement for UN peacekeeping forces only permit the use of force in self-defence. This has been interpreted to mean that force may be used to overcome armed opposition which is preventing the peacekeepers from performing their duties. However, this was not the approach taken in Bosnia, even though UNPROFOR's mandate in respect of the provision of humanitarian assistance was very broad. Thus the use of force in many situations could have been justified where the peacekeepers were prevented from fulfilling this mandate. For example, Security Council resolution 761 authorised UNPROFOR to ensure the security and functioning of Sarajevo airport and the delivery of humanitarian assistance. Moreover, resolution 776 authorised UNPROFOR to support the efforts of the UNHCR in delivering humanitarian assistance. Politically, however, the use of force by UNPROFOR was deemed undesirable due to the increased risk of troop casualties. Moreover, this reluctance to use force to deliver humanitarian assistance is partly attributable to the desire for UNPROFOR to be seen to remain impartial and to the fact that the levels of its armaments and weaponry were based on the assumption that the parties would comply with their commitments.

It is crucial that UNPROFOR is seen to be impartial, since the parties to the conflict in Bosnia do not distinguish between UN humanitarian workers and peacekeepers. Moreover, if relief operations were to be imposed by force upon the parties to the conflict, then the ICRC and other NGOs would probably not participate because they do not want to jeopardise their perceived independence and neutrality.

Implementation of international humanitarian law

The flagrant and widespread violations of international humanitarian law by the par-

ties to the conflict in Bosnia should be the appropriate response of the international community to such a situation.

Initially, it may be appropriate to enter into dialogue with the parties in order to obtain their commitment to respect international humanitarian law, and to find practical solutions to urgent problems, such as access to populations in need. However, if grave breaches of international humanitarian law persist then dialogue alone is no longer adequate. It is then the responsibility of the international community, primarily through the Security Council, to take action to ensure the observance of international humanitarian law. This action is arguably envisaged by Article 89 of the 1977 Geneva Protocol I which obliges the states parties to act in co-operation with the UN to deal with serious violations of the Protocol or of the 1949 Geneva Conventions.

The Security Council attempted to deal with the violations of international humanitarian law in Bosnia in two ways. First, it called upon the parties to the conflict to observe their treaty or customary law obligations, such as the 1949 Geneva Conventions. When it was clear that such a call had no effect, the Security Council found that the large scale violations of international humanitarian law constituted a threat to international peace under Article 39 of the Charter. Thus, for example, Security Council resolution 808 decided that the violations of international humanitarian law in ex-Yugoslavia constituted a threat to international peace and security and, moreover, that an international tribunal was to be established for the prosecution of persons responsible for serious violations of that law. Nonetheless, no militant enforcement action was taken by the Council in Bosnia. In any case, even had the Council ordered limited enforcement action, such as air strikes in order to stop the practice of 'siege warfare', this in itself would not have changed the situation within Bosnia as a whole. Any external military action against a particular warring party in one part of Bosnia would simply lead to retaliation against civilians in another part of the country. Moreover, such action may further compromise the perceived neutrality of

UN humanitarian and peacekeeping operations. Thus the only effective way to prevent the widespread breaches of international humanitarian law occurring in Bosnia may be for the UN to carry out a large-scale military intervention.

Cambodia

There have been three phases in the Cambodian crisis. The first was from 1975-1978 when the Khmer Rouge under Pol Pot controlled the country. This was a period characterised by the lack of any real international assistance or intervention in Cambodia. The second period, from 1979-1991, started with the overthrow of the Khmer Rouge by Vietnamese armed forces and saw the instalment in Cambodia of a non-recognised regime called the Peoples Republic of Kampuchea. During this period the UN General Assembly passed resolution 34/22, which appealed "to all states and national and international humanitarian organisations to render, on an urgent and non-discriminatory basis, humanitarian relief to the civilian population of Kampuchea, including those who have sought refuge in neighbouring countries". In January 1980 the UN Secretary-General appointed a Special Representative to coordinate the international relief effort. In 1982 the UN Border Relief Operation (UNBRO) was set up to provide assistance to the populations living on the Thai-Cambodian border. The third phase started on 23 October 1991 with the signing of the Paris Peace Settlements on Cambodia (the Accords).

The Accords created a Supreme National Council of Cambodia (SNC), comprised of all four parties involved in the dispute, which it described as a "unique legislative body and source of authority enshrining the sovereignty, independence, and unity of Cambodia during a transitional period". The possession by the SNC of sovereign power over Cambodia was recognised in Security Council resolution 668 which notes that the SNC is to represent Cambodia internationally. However, the Accords then stipulate that the SNC delegates to the UN all necessary powers to ensure implementation of

these agreements. Moreover, the Accords provide, *inter alia*, that the UN is to have direct control over five areas of government in order to create and maintain a neutral political environment for the holding of elections. These areas include matters relating to defence, finance, national security, information, and civil administration.

As UN involvement in Cambodia was by delegation of power from the entity exercising sovereignty over the country, the SNC, the operation was with the consent of the state and was, thus, not humanitarian intervention. Security Council resolution 745 endorsed the Accords and the cease-fire; urged all Cambodian parties to demobilise their armed forces; established the UN Transitional Authority in Cambodia (UNTAC), and decided that elections should be held in Cambodia by May 1993 at the latest. UNTAC comprised 15,500 troops, 3,500 police, and 1,500 civilians; had an initial budget of \$2 billion; and included an electoral component, a rehabilitation component, a civil administration component, a peacekeeping component, and a human rights component. It was suggested that in determining the composition of UNTAC not enough importance was laid on the rehabilitation and human rights components of the operation which, at least initially, had very few staff and resources.

The Security Council attempted to ensure the implementation of the Accords by stating in resolution 766 that it considered all signatories bound by their terms. Moreover, in resolution 783 the Security Council demanded that the Khmer Rouge fulfil its obligations under the Accords. However, when the Khmer Rouge refused to disarm, the Secretary-General should have reconvened a meeting of the signatories.

The Secretary-General's Special Representative was given strong interventionist powers: for example, the power to dismiss officials implicated in human rights abuses. This power of dismissal was, however, used sparingly. Although several senior administrators were removed from positions of power at the proposal of the Special Representative, this was never formally because of human rights violations.

A major concern of the human rights component of UNTAC was to contain the level

politically and ethnically motivated violence so that free and fair elections could be held. Accordingly, a UN special prosecution office in Cambodia was established which worked with local criminal prosecutors to arrest and detain alleged human rights violators where there was a prima facie case for prosecution. These arrests were mandated by the Amended Penal Code of Cambodia which the UN helped draft. Suspected human rights violators were held under a decree issued by the Special Representative by virtue of the powers invested in him by the Accords. The lack of an independent and impartial judiciary in Cambodia to hear these cases meant that UNTAC had to detain those accused for a prolonged period without trial.

In the elections of April 1993, 90 per cent of registered voters turned out to vote, a massive vote of confidence for the organisation of the elections by the UN. The Phnom Penh regime was voted out of office, winning only 51 out of the 120 seats. The election was certified as free and fair by the Special Representative and by the Security Council in resolution 840.

The provision of a clear and broad mandate conferred on the UN by the Accords was crucial in helping to rebuild Cambodian society. That mandate provided a comprehensive legal and political framework within which the UN could work. Moreover, the incorporation of a human rights component into the Accords had two main benefits. First, it meant that human rights monitoring and training were accepted by all the parties to the former conflict. Second, it allowed the use of other components of UNTAC, notably UN military police, to assist the work of the human rights component.

The need for continued international commitment to Cambodia in order to ensure that the country maintains its fledgling democratic institutions is generally agreed. The holding of the elections in Cambodia by the UN should not see the end of the international community's involvement.

Somalia.

The cause of the current crisis in Somalia

can be traced back to the civil war which started in May 1988. This conflict, between government forces and various clan-based armed forces, continued until it became clear in late January 1991 that the rebel forces were going to enter Mogadishu. It was then that President Siad Barre left the country. With no government or clan in Somalia which could exercise effective control over the country, and after nine months of expectation when it became clear that no resolution of the situation was going to be achieved, large-scale fighting broke out between the clans in Mogadishu.

If the UN had during that nine-month interval taken an active role in the resolution of the dangerous and uncertain situation, peace might have been returned to Somalia. The international system should provide for earlier detection and action in respect of potential situations of conflict. At these early stages of a conflict the problem was not a legal one but to translate international concern into the political will to take action. There was no legal constraint on UN diplomatic action in Somalia under Article 2(7) of the Charter, as there was no effective authority to exercise control over the country: effectiveness constitutes an essential precondition for the successful invocation of Article 2(7).

The UN became involved in Somalia in January 1992 when the Somali permanent representative to the UN requested assistance from the Organisation. In response, the Security Council passed resolution 733 which, *inter alia*, called for a cease-fire, imposed an arms embargo against Somalia, called for an increase in the amount of humanitarian assistance being sent to Somalia, and requested the Secretary-General to send a fact-finding mission to the country. This resolution raised great expectations in Somalia. Most Somali clan leaders and tribal elders agreed to co-operate with the UN and accepted the deployment of a small group of UN observers and a 500-strong peacekeeping force. All leaders, however, insisted on the need for a large and urgent emergency relief and rehabilitation operation, as they were concerned that the lack of food in the country would lead to the loss of control of their troops. General Aideed, for example, agreed to the deployment of peace-

guaranteeing troops precisely because he could not guarantee to the Secretary-General's Special Representative that he could control the armed militia roaming the streets of Mogadishu. Thus in resolution 751 the Security Council set up a peacekeeping force, the UN Operation in Somalia (UNOSOM), which had as one of its main objectives the protection of humanitarian assistance operations. However, the deployment of these peacekeeping troops took two and a half months; a faster deployment of UNOSOM would have staved off the conflict.

The lack of safe conditions for the delivery of humanitarian assistance in Somalia led the Security Council in resolution 794 to authorise the Secretary-General and any co-operating member states to use "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia". This resolution provided the legal basis for "Operation Restore Hope" which was carried out by United States marines and which had the limited objective of providing a secure environment for the delivery of humanitarian assistance in Somalia. The provision of humanitarian assistance at this stage was not an adequate response by the international community to deal effectively with the situation. An effective response should have coupled the provision of humanitarian assistance with the good offices of the UN and other appropriate mechanisms in order to resolve the dispute peacefully.

When Operation Restore Hope came to an end with the withdrawal of the US marines, there was an increase in the attacks by Somalia clans on UN troops. The death of 23 Pakistani soldiers in the UN force on 5 June 1993 led the Security Council to pass resolution 837 which authorised the Secretary-General to take all necessary measures to arrest and detain for prosecution those responsible. This was the legal basis for subsequent military enforcement action undertaken by UNOSOM in their attempts to arrest General Aideed who was widely believed to have ordered the attack. In this context, there was a need for equitable treatment of the clans in Somalia. Application of this principle would have meant that it was inappropriate to disarm only the clan of General Aideed; what was needed was universal and si-

multaneous disarmament. If the clan of General Aideed was disarmed, the other clans would take the opportunity to exact retribution for their losses in previous inter-clan conflicts.

As a result of these developments, the military and humanitarian components of the UN efforts in Somalia, as well as the operations of NGOs, had all lost a degree of local legitimacy. This situation has severely hampered the effective operation of NGOs in Somalia. In order to avoid the distinction between humanitarian action and political-military action becoming blurred, the objectives and functions of the political, military, and humanitarian components of a UN operation must be clearly defined and conveyed to those who are affected. Moreover, humanitarian operations should not be 'hijacked' to serve political purposes. The provision of humanitarian assistance might help to establish the conditions necessary for the peaceful resolution of a dispute, but the effective operation of any such programme requires that it retain a non-partisan profile. Indeed, some NGOs operating in Somalia had even undertaken publicity measures in an attempt to distance themselves from the UN enforcement action.

Humanitarian assistance and non-governmental organisations

NGOs play an increasingly significant and recognised role in the provision of humanitarian assistance in many conflict areas around the world. This is reflected in the rising proportion of US government assistance channelled through NGOs, some 51 per cent of total government assistance in 1992. NGOs should therefore now be more effectively integrated into UN's decision-making processes.

NGOs sometimes provide humanitarian assistance without the consent of the state concerned. For example, Médecins sans frontières (MSF), which adopts a without border approach, operates in many countries without the consent of governments. Similarly the ICRC has in some cases acted without the consent of governments when providing its services to the

of victims of an armed conflict. Common Article 3 of the 1949 Geneva Convention allows the ICRC to offer its services to the parties to a non-international armed conflict. The ICRC has interpreted this provision to apply also to non-governmental parties to the conflict. Thus if a non-governmental party accepts the ICRC's offer of assistance, it has been the practice of the Organisation to operate in areas under the control of this party. Although NGOs may be prepared to operate without the consent of the government of the state, the consent of the authority in control of the territory to which humanitarian assistance is to be provided is in most cases essential.

The recent increase in the number of non-inter national armed conflicts involving high levels of violence has created new challenges for humanitarian work. The ICRC, for example, is encountering operational conditions vastly different from its former experiences. In Bosnia the ICRC has been prevented from carrying out its humanitarian mandate, as it has been unable to obtain the agreement of the parties involved to respect its neutrality. The principle of neutrality that is fundamental to the ICRC in its approach to humanitarian crises has, notably, not prevented it from speaking out against flagrant violations of international humanitarian law occurring in Bosnia, such as the condition of detainees being held in camps near the city of Mostar.

NGOs in their operations are more concerned with the spirit than the letter of the law. NGO representatives feel that mere recitation of a technical legal argument was in many cases insufficient to deal with operational problems which NGOs face, for example, negotiating access to a region or the security of their workers. However, this does not mean that the legal framework ceases to be important. Without the protection which international law offers, the security of NGO workers would be even more compromised than at present.

Greater use should be made by NGOs of international lawyers who would be able to help them formulate in legal terms the obligations they wished to place upon states. For states to feel bound, an obligation must be formulated in terms of law. On the other hand, although

international lawyers apply law to a particular situation, they do not create these principles to serve the interests of their particular client. International lawyers should not allow the application of law to become the law of political expediency.

In order for humanitarian assistance to be provided as effectively as possible, what may be required is greater co-ordination and co-operation between NGOs and intergovernmental organisations. However, the more NGOs are perceived as 'sub-contractors' pursuing donor objectives by proxy, the more difficult it is to convince recipients of humanitarian assistance of NGO independence.

There is a growing understanding of the nature of the humanitarian framework which NGOs and other actors need if they are to operate effectively. This framework, comprising security, improved co-ordination and communication, and a strategy for achieving access, can only be provided by the UN. At present it is only partially being provided.

Although the UN has recently been more willing than in any other period in its history to act militarily in order to relieve human suffering, military involvement should only be used as a last resort. Nonetheless, it is uncertain whether the approach of using military means to address a humanitarian crisis is the most effective way of saving lives on a large scale. Moreover, the political selectiveness of the UN in choosing the areas for military intervention could lead to a loss of credibility for the humanitarian motives of the international community. Thus the integrity of genuine humanitarian action by independent and impartial organisations could also be severely damaged. The strict application by the international community of the 1949 Geneva Conventions, and fast diplomatic action where these Conventions are being violated, should be used as the basis for dealing with a humanitarian crisis.

Conclusions

1. It is important to maintain a clear distinction between the political resolution of a

conflict and the provision of humanitarian assistance to the victims of that conflict. Humanitarian assistance should not be used to serve political ends, otherwise the effectiveness and security of the humanitarian operation is inevitably. At the same time, to address the cause of a crisis humanitarian assistance alone is insufficient. Therefore the resolution of a conflict must be viewed in the broader legal and political context. In that regard, as the crisis in ex-Yugoslavia dramatically illustrates, more is needed than a legal framework provided by Security Council resolutions. The political will to stop a conflict, preferably at its early stages, and not just the alleviation of the suffering that results, is of crucial importance for the integrity of any system of collective security such as that embodied in the UN Charter. Indeed, that political commitment may need to continue after the humanitarian cri-

sis is over.

2. In many shattered societies which lack effective governments there may be a need for a transitional period where the sovereignty of a state would have to be shared with an outside institution such as the UN. The term 'trusteeship' should not be used because of its past associations and it is important to avoid any notion of the UN undertaking a 'colonial' role.
3. There should be a greater examination of the process by which the Security Council decides to intervene in a country. The adoption of criteria which would guide decision-making processes may have value, but is problematic in practice. An amendment of the veto provisions in respect of Security Council decision-making and greater involvement of regional organisations in maintaining and restoring international peace and security could also be beneficial.

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Labour and Feminist contributions to a global solidarity culture in South Africa (Part II)

by Peter Waterman*

3. Analysis: the 'South African Labour Bulletin'

3.1. Background

SALB celebrated its 20th anniversary in 1994. It began in Durban in 1974, in close association with labour studies specialists at the University of Natal Durban (UND) and the Institute of Industrial Education (IIE). The IIE was a response of radical, and mostly-white, academics to the Durban strikes of 1973 that signalled the birth of the new unionism in South Africa. SALB first appeared as a slim, dull, cyclostyled A5 periodical. But, although university-based, it was from the beginning movement-oriented, attempting to make analytical, theoretical and strategic materials accessible to at least labour leaders. SALB was largely inspired by a non-dogmatic New Left critical of Communism, Social Democracy and Radical Nationalism (at least in terms of the ANC's fixation on guerilla warfare and an eventual insurrection). Like other such socialist, church, liberal and democratic intellectuals around the world at this time, this group opted primarily for providing services to the growing working-class movement. It has been close, successively, to the Federation of South African Trade Unions (FOSATU, 1979-85) and COSATU (founded 1985), the two central organisations of the rising South African union movement. But it has always remained independent of these, has sometimes given the lead in new thinking, sometimes been sharply critical. It has also provided space for different union and socialist tendencies, and for strategy debates (also often sharp).

SALB has always received foreign funding, this coming primarily from progressive development-aid agencies rather than directly from foreign and international trade unions. SALB survived the suppression of various issues, the banning, trials and exiling of various editors and contributors, as well as the assassination of Rick Turner, its initial guiding spirit. It also seems to be surviving the collapse of the other alternative periodicals with which it was recently linked. Early 1995 its total circulation was just under 2,400. Distribution broke down

more or less as follows: national 1,520, international 850. This must be an exceptionally high foreign distribution for what is basically a national labour journal. Of the national distribution, 641 go to workers and unions on an individual or bulk basis; 205 go to corporations (which pay the exceptionally high corporate rate). Of the international distribution, 770 are distributed in bulk, presumably also ensuring a regular income. SALB claims to be dependent on subsidies for under eight percent of its total income¹⁰. This is likely to be exceptional within the IMG also.

A national sample survey of COSATU's 25,000 shop-stewards in 1992 suggested that five percent (say 1,250) were readers of this 'serious' journal (Pityana and Orkin 1992#2847). It came sixth in a ranking of preference, being preceded (in this order) by three commercial glossies and two 'popular' alternative publications. A 1994 sample survey/consultation with SALB readers throughout COSATU, revealed a relatively high value placed on it in comparison with other alternative periodicals, popular or serious. It also suggested that the international material was reasonably well received.

3.2. Foreign/International coverage

3.2.1. Quantitative analysis

The existence of a computerised index, covering Volumes 1 to 16 (1974 to 1991) makes it possible to state that of a total of some 1,916 items indexed over this 18-year period, some 287, or 14.3 percent, have fallen into the F/1 category. The annual percentage has varied between a low of 2.2 percent (Vol. S, 1982-3) and a high of 22.2 percent (Vol. 12, 1985-6). Variations from the mean have, however, generally been much less. There appears to have been no clear movement toward either an increase or a decrease in the number of such items published. Given, however, that in recent years the magazine has increased the number of short items - and that the notes, briefs, advertisements and satirical items tend to be brief indeed - a count of items may be misleading. Certainly, the impression one receives on scanning

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olumes is of an increase in F/I coverage over recent years. My own calculation of the last and current volume (Vol. 17, 1993 and Vol. 18, till November 1994 only) suggests that a number-of-pages comparison gives a higher percentage of F/I than would a number — of — items count: 15

percent for Vol. 17 and 23 percent for the incomplete Vol. 18. What seems to determine whether or not there is an above-mean F/I coverage is whether or not there is a signalled 'focus', or a concentration of articles, on F/I matter, in a particular volume. Identification of these concentrations also requires a specification regarding the F/I category, since in recent years there have been numerous foci, or on-going discussions, on 'socialism', 'social-democracy' and 'democratic socialism', which — whilst addressed to South African circumstances — have usually had an international character, implicit or explicit.

For a national labour — indeed union — magazine, it is clear that SALB has a persistently high interest in foreign, international and strategic or theoretical matters of a far more than national nature. We can here make a comparison with *Cuadernos Laborales*, a Peruvian monthly labour monthly, similarly oriented to, but autonomous from, the major left union confederation in Peru. In 1986, when I interviewed journalists from the NGO responsible for the magazine (Waterman 1992), they were apologetic about its failure to cover foreign and international material. During the following seven or eight years, *Cuadernos Laborales* has devoted perhaps one page out of 30 to F/I material, usually news briefs.

3.2.2. Qualitative analysis

As far as *the foreign* is concerned, there is a heavy bias toward close neighbours. Thus Rhodesia/Zimbabwe, Namibia, Botswana, Lesotho and Swaziland received heavy attention in Vols. 1-7 (1974-82). The particular interest in Rhodesia/Zimbabwe was evidently due to the questions its transition from a racist/isolationist to an independent 'socialist' regime raised for South African labour and unions. If 1974-82 marks a first period for foreign cover-

age, 1986-present marks another. Whilst Africa received its last 'Special' appearance with another Zimbabwe issue in 1986, Volumes 12-18 see increasing attention to — though no special focus on — Western Europe, Australia, Latin America, the (ex-)Communist/Socialist world (East Europe, Russia, Grenada, Nicaragua, China). The dramatically growing interest in Brazil was due to the increasingly-recognised parallels between the Brazilian and South African labour movements (for which also see Seidman 1994). But in many cases interest was apparently due to a perceived positive or negative relevance for South Africa.

The first *international* issues of SALB were Vol. 5, No. 5 (May 1980) and Vol. 9, No. 6 (May 1984), both issues also including such foreign material as that on Nigeria or Brazil. However, both issues paid highly-critical attention to the internationally-dominant Western unions, represented by the 'European' International Confederation of Free Trade Unions (ICFTU) and the American Federation of Labour-Congress of Industrial Organisations (AFL-CIO). Both of these were already intervening heavily in South and Southern Africa. The first issue arguing for 'a new labour internationalism' was Vol. 15, No. 7 (April 1991). This seems to have begun a continuing debate on and around the ICFTU that continued in Volumes 16 and 17. Strategic issues with international implications may have earlier found place in SALB (e.g. discussion on the anti-apartheid strategy of disinvestment, Vol. 10, No. 6 and 14, No. 1). But it was from 1990, with the legalisation of the ANC and SACP and the approaching end of the apartheid era, that theoretical/strategic reports and debates — the latter with much international reference and many foreign participants — really took off.

Debates about 'socialism', 'social-democracy', 'social contracts/pacts' and 'democratic socialism' mark the period 1990-94. But so do articles and debates about globalisation and internationalism. Indeed, it is my feeling that the *Labour Bulletin* was leaning heavily in the direction of a social-reformist dispensation *locally* at the same time as it was leaning heavily toward an *alternative* to such internationally. Convincing evidence of the first would require a

systematic content analysis. But, for the second, article titles and number of pages suggest that SALB was not so much reporting or analyzing as *promoting* a new kind of labour internationalism related to a new understanding of the international. A number of items on 'globalisation' were accompanied by extensive reports on or from new international labour fora or groups. Much of this came from the Indian Ocean. But it also came from the another axis, that between the South African COSATU, the Brazilian CUT and the Italian Communist-led federation, the CGIL. Here it was reported, that the three organisations had agreed during a forum to work for a new form of labour internationalism which could challenge the global domination of capital by building an alternative to the neo-liberal project. Such an internationalism should be based on a pro-active or strategic unionism which engages in industrial and social restructuring in each country. At its centre is a project for democratisation and social justice [...] Once the project of strategic unionism is adopted, it has to be extended into the international arena, it has to commit itself to the tough, ambitious fight for social regulation of the global economy. (Vol. 17, No. 5, 1993:72-79)

In so far as this did represent not only a high interest in the international but a new orientation toward such, we now need to relate it to other approaches.

3.2.3. Approach

We are now considering the material in terms of the typology mentioned in the Introduction, i.e. Third worldist, Social-Democratic, Democratic-Socialist, Communist, Marxist-Leninist, New Social Movement/Civil Society. My impression is that the original and continuing orientation of the SALB editors and writers has been a *Democratic-Socialist Internationalism*. This is suggested by: 1) the continual critique of not only international capitalism but of state-authoritarianism (left as well as right); 2) the critique of bureaucracy and authoritarianism within the international labour movement; 3) the sympathy for shopfloor worker movements, West, East and South; and 4) the wel-

coming of support to a democratic and labour internationalism without geographical or political frontiers. An early indication of this orientation is provided in the 'Editorial Notes' for the issue with the special focus on the New Internationalism':

[T]here is potential for militant, democratic trade union movements to emerge as a powerful force on the international stage with the capacity to reinvigorate and give new meaning to international solidarity... [T]he militant democratic organisations will have to start sharing experiences and strategising collectively. This could be one step forward in a struggle - together with other progressive organisations - for a new world order dominated, not by the interests of imperialism, the multinationals and finance capital, but by the interests of the ordinary citizens of our planet. (Vol. 15, No. 7, 1991:1).

The last sentence here contains hints of what I have called a *New Social Movement/Civil Society* approach. There have always been such other notes or approaches expressed within SALB, beginning with the first 'Focus on International Labour' (Vol. 5, No. 8, May 1980). *Social-Democratic* voices, both from within South Africa and from Europe/Australia, have been increasingly heard in the debates around the international trade union movement and the future of South Africa and its trade unions. In the argument of Alan Fine, Assistant Editor of the South African *Business Day* and correspondent of the ICFTU's *Free Labour World*:

South African socialists have, at this stage, given the absence of any credible socialist model anywhere in the world, little realistic option but to pursue, in the short to medium term, what amounts to a social-democratic agenda [...] The irony is that - as the experience of western and northern Europe shows - the more comprehensively these goals are achieved, the more will wither on the vine of improved quality of life the revolutionary consciousness of the working class on which the socialist revolution depends. (Vol. 16, No. 3, 1992:85)

Thirdworldist Internationalist notes have also been struck in recent years, particularly in the 'Special Focus' on the meaning of a New Internationalism. Here an unnamed correspondent argued for a new international organisation or alliance, based on COSATU, the

Brazilian CUT, the Filipino KMU and the Organisation of African Trade Union Unity (OATUU):

The new emergent and largely non-aligned trade union movements such as COSATU, CUT, OATUU, KMU and others are potentially in a powerful bargaining position. Their strength includes the support of extensive networks of worker activists in the established unions of Europe and North America. If their strengths are shared and consolidated, the non-aligned trade unions, together with union activists within the unions affiliated to the ICFU and WFTU, could play a decisive role in campaigning for...the establishment of an international democratic trade union alliance...the free flow and exchange of information...specific campaigns reflecting the needs of the working class internationally...This would be a logical development...towards *worker-controlled internationalism*. (Vol. 15, No. 7, 1991:39. Emphasis in original).

A distinct *Communist internationalist* note has hardly been heard, since the unbanning of the SACP took place simultaneously with the collapse of the state-socialist project internationally. Perhaps its first and last expression in SALB was in the famous paper by the SACP General Secretary, 'Has Socialism Failed?'. In defending the theory of Communism both from its practitioners and from its critics, Joe Slovo declared:

The crucial connection between socialism and internationalism and the importance of world working-class solidarity should not be underplayed as a result of the distortions which were experienced. These included excessive centralisation in the era of the Comintern, subordination of legitimate nationalist aspirations to a distorted concept of 'internationalism', national rivalries between and within socialist states (including examples of armed confrontation). *Working class internationalism remains one of the most liberating concepts in Marxism and needs to find effective expression in the new world conditions.* (Vol. 14, No. 6, 1990:16. Emphasis in original) ¹¹

Certain other *Marxist-Leninist* voices have been heard in SALB, though more in the debate on socialism than in any on internationalism. However, Adam Habib and Mercia Andrews, of the Workers Organisation for Social-

ist Action (WOSA), hit an appropriately international, apocalyptic and workerist note (but simultaneously a nationalist 'weak-link' one?) when they declared:

The South African and international working class movements are today at crossroads. Faced with the attacks on socialism by the bourgeoisie, it is important that socialists respond in a concerted way to regain the moral highground that socialism to date has occupied. The collapse of Stalinism also heralds the possibility of a realignment of political forces within the socialist camp. This is imperative more so than ever before, for the South African working class is in a position today to establish the first society on the face of this earth to be based on the principle of 'from each according to his ability, to each according to his need'. (Vol. 15, No. 3, 1990:93).

As for a distinctive *New Social Movement/Civil Society* note (i.e. one pointing beyond labour, socialist or third-world internationalism), this has been struck to a some extent in the discussion following the issue that front-paged the *New Internationalism*. Thus, Jeremy Brecher extended his analysis of 'bridge-building' (between unions, communities and the new social movements) from the US to the North American Free Trade Agreement level when he stated that

The labour movement, along with environmentalist, small farmer, consumer, and many other allies, has mounted major campaigns to oppose these agreements... Labour, religious, and other popular organisations on both sides of the US-Mexico border have held a series of meetings and developed their own alternative proposals for a North American development pact which would protect workers, small farmers, consumers, and the environment while allowing for jointly-regulated economic integration. (Vol. 17, No. 4, 1993:72).

In a more strategy-oriented piece I myself argued that

the new labour internationalism...comes... from reflection on the successes of the internationalism of the 'new social movements' such as those on peace, human rights, women and the environment... [A] new Third World labour internationalism should be practical rather than ideological in nature...simultaneously addressed to the Third, First and Sec-

(11) Joe Slovo continued to reflect on the relationship between the SACP and the Soviet Union until just before his death in early-January 1995 (Niekerk

and Worlds... [It] would suggest the following—issues for action and discussion [...] Trade union autonomy and worker democracy [...] An internationalism of the shopfloor and of networks [...] Alternative forms of communication [...] A code of relations for richer partners [...] Including non-unionisable labour [...] Learning from women's movements [...] Starting internationalism at home [...] Broader social and economic democracy [...] alternatives to multinationalisation [...] alternatives to indebtedness (...) Alternatives to ecological catastrophe [...] Alternatives to militarism [...] Socialist alternatives to capitalism... (Vol. 16, No. 2, 1991.)

It would seem, in sum, that whilst leaning in a certain direction, SALB has also been providing some kind of platform for an international debate on labour strategies and for on labour internationalism. Let us examine this matter further.

3.2.4. Style

I have already spoken of SALB as providing some kind of a platform for different approaches to the foreign and international. The same may be true for style.

The Rhetorical/Denunciatory. A positive example of this is provided by the British Trotskyist, Alex Callinicos, denouncing social democracy and energetically promoting 'struggle':

The alternative to social contract is struggle or rather...struggles— It was, after all, struggle that built the workers' movement in South Africa [...] The struggle needs to be continued...[D]espite all the formulations about 'combining negotiations and struggle' - negotiations are becoming a substitute for mass struggle... Struggle...is...essential...to challenge a capitalist system which is in crisis, not just in South Africa, but all over the world [...] Of course, 'struggle' can degenerate into an empty slogan...debate should instead be concentrating on the question of how to take the struggle forward. (Vol. 16, No. 6, 1992:67.)

Negative, i.e. denunciatory, passages or items have abounded in the debates about labour internationalism and socialism during

the last few years. Here are samples from left and right socialists respectively. The first is from a critique, by Mike Neocosmos, of three different contributions (or contributors?) to the discussion on socialism:

They rehash tired old formulae... They trot out crude statements...One would have expected a little more self-criticism... [They reveal] a lack of seriousness towards theory, a failure to produce evidence and a pandering to...opportunistic tendencies...without providing evidence...based purely on assertion without any reference to evidence... [U]nsubstantiated theoretical assertions are precisely a feature of...Stalinism... Unfortunately, none of the above three contributions to the debate on socialism in the Labour Bulletin really seem to approach theoretical work with the seriousness it requires. Their assertive form of argumentation and their...ignorance of evidence...denotes...a kind of fear of contestation...fear of democracy. (Vol. 15, No. 7, 1991:71-74)

The second is from a letter by Dan Gallin, General Secretary of the International Union of Food and Allied Workers (IUF), criticising the South African Congress of Trade Unions (The ANC's traditional union ally from the 1950s to the 1990s):

SACTU in exile represented never more than a small clique of parasites living off Soviet subventions who put more energy into defending their sectarian turf...than into fighting apartheid. (Vol. 16, No. 2, 1991:5). *The Agitational/Mobilisational.* Many of the contributions quoted earlier are written in this particular style, in so far as they are intended to move readers to a particular form of organisational action. Consider this passage, from a largely informational/analytical item, by Latin Americanist, Ian Roxborough:

Behind the disarray of the unions lies a failure of the Left... Revolution is not on the cards. What then is left? [...] The answer, at least in the short run, must be defensive [...] What does this mean in concrete terms? [...]

1. *Accept some neo-liberal advantages [...]*
 2. *Work within corporatist institutions [...]*
 3. *Co-operate with governments and employers [...]*
 4. *Form alliances with conservative union leaders [...]*
- These are dark times. We must have the courage to look reality in the face. We must conserve our strength in the hope that a time

(12) The justification for the more extensive treatment of this publication lies in its being, to the best of my knowledge, the first such analysis of a feminist publication.

(13) The main source for this is an evaluation for the Dutch funding agency, HIVOS (Budlender 1994). Debbie Budlender's report provides a sophisticated multi-methods model for the evaluation of alternative publications (it could be fruitfully used in self-evaluation also). It deserves consideration and possible replication elsewhere.

which would make systematic comparative analysis possible. The report covers: the publication itself (including aim, readership, planning, impact and income); an organisational analysis; relationship with the South and Southern African context; relationship with the funder; conclusions and recommendations. Whilst this might be a conventional rubric, the methods used are diverse and appropriate. Budlender used the following: extensive interviews with 20 of 26 past and present collective members; 30 phone or personal interviews with over 30 women from NGO, academic, publishing and political communities; visits to 16 stockists of *Agenda* in Durban, Johannesburg and Cape Town; construction of a database index of the first 22 issues, with keywords, analysed according to contributor characteristics, type of material and content; another database of collective members, recent referees and *Agenda* workshop participants; a two-page questionnaire answered by six other alternative publications for comparative purposes (see Table 1 earlier); a questionnaire to all South African universities con-

will come when labour can once again take the offensive. (Vol. 16, No. 4, 1992:37. Emphasis in original)

The Informational/Analytical. This style is exemplified by the Brecher item above. Whilst it could be taken to implicitly favour the kind of action it is analyzing, this is not expressed in overtly argumentative or persuasive form. Here is a piece that is, perhaps, more question-raising. It was written by Argentinean Ronaldo Munk in response to the Roxborough article: While accepting the bleak economic scenario painted... I am not sure labour's alternatives are that limited. In particular, I believe the option of the social contract or social pact could be usefully explored. [...] Like most of social reality, the social contract is a contradictory phenomenon [...] Also, we need to ask whether a strategy for the labour movement can ignore the vital role played by the so-called 'new' social movements...in the struggle for democracy [...] On balance, the price paid for *not* pacting seems greater than the risk involved in participating in some kind of democratic social pact [...] What is not clear is how the trade unions might broaden their traditional role to embrace...the 'new' social movements [...] We certainly [also] need to challenge the situation whereby capital works with a broad international project, while labour remains imprisoned within its national boundaries... (Vol. 17, No. 1, 1993:62-66)

The Critical/Self-Reflexive. Curiously enough, the only individual item which would seem to fit this bill would be the previously-mentioned re-evaluation of socialism (actually Communism) by SACP Secretary, Joe Slovo (Vol. 14, No. 6, 1990). In so far as he criticised both the (ex-)Communist world and the SACP (for its previously uncritical identification with this) he provoked an extensive and energetic discussion in the *Labour Bulletin*. However, even the limited self-criticism in his article is hardly reproduced either by contributors to this particular debate, or in other items on the problematic past of institutionalised internationalism. Thus, none of the political Social-Democrats seem to have felt it necessary to analyse, far less criticise, past national Social-Democratic collaboration with their own warring states and oppressing empires. And such new and star-

ling admissions as were made on one occasion by ICFTU leaders, concerning past collaboration with corrupt unions and dictatorial regimes (Vol. 17, No. 1, 1993:67-71), was neither accompanied nor followed by any more serious self-reflection.

SALB has published large numbers of interviews, which have often given space and voice to those whose persons or organisations have been elsewhere criticised in the journal. Thus, although Mike Alien, a British international labour journalist, sharply criticised the SALB Special Focus on 'the new internationalism' for its 'blatantly leading questions' (Vol. 16, No. 2, 1991:61), both he and many other officers/supporters of the ICFTU have been provided with considerable space to both defend the ICFTU and criticise its detractors. This means that the *Labour Bulletin* has been contributing to, or even creating, not only a democratic *South African* public sphere but also a *global* one. Given the customary absence of any debate, or even discussion in the periodicals of the traditional labour internationals, this is no mean achievement.

It could thus be argued that, in so far as it has provided a platform or arena for a variety of approaches (and styles), the *Labour Bulletin* exemplifies the Critical/Self-Reflexive mode. I do not, however, think that this is the case. Part of the definition of this style is 'to stimulate collective critical and creative capacities amongst readers'. Whilst occasional letters from rank-and-file activists in the *Bulletin* do deal with F/I matters, most of the discussion remains amongst academics and politicians, South African or foreign. It would seem that the creation of such capacities amongst *union* readers requires that the publication in question *go beyond itself*, stimulating or feeding into the more general kind of global solidarity culture project with which this paper will later deal.

4. Analysis: 'Agenda'¹²

4.1. Background¹³

Agenda first appeared in 1987. It was

largely an outcome of the development of women's studies in South Africa and feminist activity in Durban and elsewhere. There was a felt need in South Africa for an addition to both the more serious alternative publications, which gave little attention to women, and to *Speak*, which, whilst feminist, had a popular orientation. At this time South Africa's women's and feminist movements were less developed than those in many other parts of the world. They were also isolated from the feminist intellectual and political ferment outside South Africa, whether nationally, regionally or internationally.

Whilst these problems could be considered results of apartheid policies, others were due to the nature of the anti-apartheid movements locally. These concentrated heavily on issues of race and class, with those concerning women a distant third. There was, moreover, the local perception of the left that feminism was a White, Western, Middle-Class concern. If the journal could have been originally stereotyped as White, Western, etc. then one would have to add the left South African qualification, 'of a special type'. The journal may have been created as an 'alternative to the alternative' (Holland-Muter 1994), but it had and has intimate links with women in the labour, national, democratic and community movements, has written about men and masculinity, and has provided space for male writers.

Whilst certain obstacles to the development of a South African feminist journal might have diminished with the decline of apartheid, others have not. The prohibitive costs of foreign journals continues to restrict access to the women's movement and feminist ideas internationally, making the local one a crucial means of access to the outside world. Nor has the need disappeared for a bridge between academic feminists and those in policy-making, parties, the unions and a myriad of community organisations and other NGOs. Indeed, it could be said that with the post-apartheid movement of feminists from women's studies and movements into legislatures, the mainstream media, ministries and other positions of formal power, the need for this bridging function has increased.

Agenda has always been produced by a

'collective', even whilst it has moved from a totally volunteer staff to one with two full-timers and a part-timer. The Editorial Collective has always functioned more frequently and more intensively than those of other alternative periodicals, thus providing extensive and varied training to members, and - at least implicitly - exemplifying the feminist insistence that the political is also the personal and the professional. The difference between the SALB Editorial Board and the *Agenda* Editorial Collective is suggested by the high profile of the former within its pages compared with the low profile of the latter. This contrast is particularly evident in respect to the Editor of the *Labour Bulletin* and the Coordinator of the *Agenda* Collective. If, moreover, it has been possible to identify a SALB 'line' or general orientation, at particular times, this is hardly possible for *Agenda*, which has made efforts to provide place for a wide variety of opinions.

Agenda began with small grants from South African and foreign funding agencies. Since 1991 its main funder has been the Dutch humanist development funding agency, HIVOS. In 1990 *Agenda* shifted from two to three issues a year. In late-1991 it shifted up to four, where it remains at present. At the same time it decided to produce theme issues, which are highlighted on the front cover. Themes have included Women and the ANC, Sexual Politics, Health, Violence, the Economy, Difference, Democracy, etc. In 1994 the magazine claimed to have just under 400 subscribers.

A limited and possibly unrepresentative readership survey (Data Research Africa 1994) suggested that four out of five readers are university educated, half of them are academics, two-thirds are white, one-third Black (i.e. African, Coloured, Indian). Indeed, the journal probably functions most effectively to link feminist academics and to provide resources for courses on women or gender. Most readers of *Agenda* speak English at home. The most popular rubrics amongst them are articles, book reviews and interviews. Asked about what topics they would most like to see covered, 16 percent say 'politics' and 'practical information', only seven percent 'international issues' (ranked tenth of 17 items). Readers are satisfied with

concerning gender programmes and policies; examination of documents held by the magazine; checking of relevant publications for references to articles in *Agenda*. Useful additional light on *Agencia* is thrown by the account of long-rime Coordinator, Susan Holland-Muter, particularly with respect to the problems of the Editorial Collective (Holland-Muter 1994).

the feminist orientation of *Agenda* but there are complaints about over-theoretical writing. Due, in part, to travel abroad for study and other purposes, *Agenda* has always had a certain foreign input, at least in terms of contributed articles. It has also always had some foreign distribution, whether in Southern Africa, the North or the Third World.

Since early on, *Agenda* has been aware of the class and ethnic implications of its contents, its language and theoretical level, and the social make-up of its readership, its editors and its contributors. It has worked hard on the ethnic, occupational and class composition of its Editorial Collective and contributors, with some success over the years. It is, however, confronted with a continuing problem concerning Black women: that the few qualified and interested are also in very high demand in other spheres in South Africa - feminine or not. Low sales amongst Blacks may be due to the low numbers of highly-educated amongst them, and the other demands on their attention, as well as to the fact that these are liable to fall in lower income categories. Despite all its limitations and problems, *Agenda* would seem to bear a favourable comparison with feminist political/theoretical journals in other countries, and to make a distinct contribution to feminist knowledge and women's politics internationally.

Agenda also plays a crucial role in the new South Africa more generally. There is, here, a paradoxical situation with respect to women. On the one hand there is a high level of official, and even media, awareness and recognition of women's oppression and the need for affirmative action. This has already led to relevant language in legal and policy documents, and to one of the world's highest proportions of female parliamentarians. On the other hand, as local feminists flatly declare, 'there is no women's movement in South Africa'. This is in dramatic contrast with much of Latin America, where the relationship is reversed: little official or media recognition, high level of autonomous women's and feminist activity. The situation is, no doubt, due to the political energy flowing into the anti-apartheid struggle, followed by a certain exhaustion or confusion in the immedi-

ate post-election period. Whatever the role of this feminist publication in raising new or difficult issues, in providing for continuity with the past, and a stimulus for the future, is probably quite crucial.

4.2. Foreign/international coverage

4.2.1. Quantitative analysis

In the case of *Agenda* it has been necessary to recognise and allow for a specific 'theoretical/strategic' (T/S) sub-category amongst the F/I. This is due to the considerable proportion of such material in the journal, much of which makes exclusive or heavy reference to F/I literature or debates. F/I/T/S material takes an average of over one-third of total space in *Agenda*. This is at least twice as much as SALBEven if we subtract the T/S, almost one-quarter of the journal is still devoted to F/I material. Expressed in percentages, total Foreign material would be 9.8, International 14 and Theoretical/Strategic 10.5. So, whichever way we look at it, *Agenda* is a very internationally-oriented journal. The extent of this is something of which neither readers nor observers seem to be aware.

Whilst there has only been one Focus on anywhere outside South Africa (Southern Africa, No. 14, 1992, with 75.6 of its material being F/I), *Agenda* does give considerable attention to the rest of Africa, both in its foreign and its international coverage. Further analysis of the 23 issues of the journal reveals the following:

- Of the *Foreign* material, about one-half deals with Africa and the diaspora (the latter mostly US women writers), one-third with the industrialised capitalist world, the rest with the non-African Third World - with just one or two mentions of the (ex-) Communist world;
- Of the *International* material, four-fifths deals with the 'global' (i.e. two or more world areas, or the global level), but almost one-quarter deals with Africa;
- Of the *Theoretical/Strategic* material, almost two-thirds is 'global' (e.g. referring to both

African and US/UK literature), and almost one-third refers to the First World (i.e. primarily US/UK literature). If we cut the cake the other way, looking at distribution of total F/I+T/S material between world areas or levels, we find the following:

- *Global*: almost one-half;
- *Africa (inc. diaspora)*: almost one-quarter;
- *First World*: almost one-quarter;
- *Rest of Third World, (ex-)Communist World*: almost negligible.

It is interesting, again, to note that none of the surveys or analyses of *Agenda* discusses far less criticisms - this specific distribution.

4.2.2. Qualitative analysis

What accounts for the very much higher proportion of foreign and international coverage in *Agenda*, and what is its nature? Let us consider all those issues with over the average 34.3% F/I+T/S coverage. There are ten of these • (Nos. 1,6,7,9,10, 11,14,19,22,23).

This extensive sample draws attention to certain qualities of F/I coverage in *Agenda*. The first must be the considerable attention given conferences, whether academic, political or - often - academic/political. The second is the heavy involvement in international feminist debates, theoretical, strategic or - often again - theoretical/strategic. The third is the attention given to foreign books and/or films. We will return to these matters after considering approach and style below.

4.2.3. Approach

I am not sure how appropriate my original typology is for a journal that is both clearly feminist and largely academic. The typology is, after all, inspired by reflection on past and present *labour and socialist* publications addressed as such have been - to politics, economics or political-economy. It was also based on *political* publications, whether of a more theoretical or more popular type. Yet, Thirdworldist and Social-Democratic/Social-Reformist internationalisms do find expression in women's move-

ments and publications. Indeed, they also clash there, as they have over international population policies. And one can find echoes of Marxist-Leninist internationalism both amongst academic and different 'popular' feminisms globally. Indeed, it might make more sense, in the *Agenda* case, to operate with a concept of 'populist internationalism', combining characteristics of Communism and Marxism-Leninism and generalising from them, thus: - *Populist Internationalism*: the relevant 'people' as the subject of progress, democracy, virtue and internationalism; the 'non-people' as conservative, authoritarian/hierarchical, evil or chauvinist/racist; and the speakers as representative of the oppressed, leaders of them, possessors of truth.

The Social-Democratic/Social-Reformist internationalism common to global feminist writings, seems to be irrelevant, at least so far, in the semi-insurrectionary conditions of South Africa. A Democratic-Socialist internationalism, prioritising the working class, might seem to be irrelevant to this case but turns out not to be so. As for the New Social Movement/Civil Society, this concept was developed largely on the basis of reflection on the internationalism of second-wave feminism, *soought* to be relevant here.¹⁴ So, whilst admitting the possible limitations of the original typology, let us consider the listed types, qualified or combined as above. The categories would then be: *Thirdworldist, Populist, Democratic-Socialist, New Social Movement/Civil Society*.

A *Thirdworldist* internationalism can occasionally be found within *Agenda*, and is clearly articulated by Black South African feminist, Bunie Sexwale, in her extensive criticism of the international (i.e. Western) 'Gender Training' establishment.¹⁵ Commenting on an Amsterdam workshop, Sexwale says:

Firstly, some of the women worked for funding organisations and pursued this interest in several hegemonic and patronising ways...that...were experienced and interpreted quite negatively by the Latin American, Caribbean, African, Asian and Pacific (LA-CAAP) women [...] Secondly...groups were divided according to continents [but some in the] North America and Europe...group raised an objection to the name. It was ar-

(M) For further evidence and argument here see Waterman (1993).

(15) 'Gender Training' is a methodology for sensitising and qualifying those working in organisations or projects concerned with 'gender and development'.

1992:63-68. Emphasis in original)
An exceptional *Democratic-Socialist* position (here meaning one that favours a gender-sensitive labour internationalism but does not problematise gender relations) is articulated in an item on 'Women Workers and the World Economy', by Althea Macquene of the Cape-Town based International Labour Research and Information Group (ILRIG).

The attack of international capital on the poor and exploited has also been an attack on women and women workers worldwide. [...] The most glaring feature of this crisis is the rapid increase in poverty and the stark inequality between rich and poor people and rich and poor nations [...] The present conservative policies of world capitalism have undermined the gains made by women and their organisations. World capitalism can only be successfully fought by united acción from the international working-class movements. But the struggle of the working class must also be a struggle against women's oppression. (No. 22,1994:81-85)

How about the *New Global Solidarity/Civil Society*? Whilst it could be argued that this is the implicit undertone in the many *Agenda* articles concerned with feeing up to power differences between women inter(nationally), and seeking for inter(national) relations between women that recognise and respect difference, it is not easy to find more explicit statements. In a theoretical item on violence against women, Mikki van Zyl uses the term 'Global Feminism' to characterise and identify with the work of German feminist Maria Mies:

Over the last few years feminists who were working with women and their struggles all over the world came to the conclusion that all the struggles were intertwined and that we had to try and paint a complete picture of them all [...] By looking at the international sexual division of labour, [Mies] shows how underneath the layers of relations of capitalist and socialist accumulation lie patriarchal relations which exploit women [...] Within her theory we...have an explanation which links the hitherto privatised experiences of women to a feminist analysis which applies equally to broad economic and political social structures (...) Global feminists...stress the need for...linking feminist demands on a

gued that...their work was international, therefore they called themselves 'the global' group [...] The obvious political insensitivity and supremacist assumptions of this label were left unchallenged but discussed in the corridors from then on. [...] Thirdly, reflecting common North/South relations, the north took this opportunity...to use women of the South as sources of data for their...missions and consultancies [...] One of the most disturbing aspects of dominant gender training is a complete disregard of the ethical questions which have been debated, negotiated and by now broadly established within the feminist movement and women's studies. (No. 23, 1994:59-61)

The occasional *populist* note is struck in the journal, as it is in the report by the Black South African feminist, Lumka Funani, on a US-Nigerian sponsored international conference on 'Women in Africa and the African Diaspora: Bridges Across Activism and the Academy', held in Nsukka, Nigeria, 1992. Although the article is differently inflected at the end, the predominant voice is, I think, distinctively populist:

The question that core the conference apart was 'Should white women present papers about black women's experiences?' This question was raised by an Afro-American. Before this question was addressed, the next question was asked, 'What do American women know about the struggle in Africa?' [...] Black American women who were in the majority at the conference...said 'No', white women must not read papers about black women's experiences. [...] It is legitimate and justifiable for only black women to protest for what we so broadly and confidently know about our suffering... [T]he thinking and reflecting subject is no other than the native herself. The colonist/white person cannot strike back with mere academic 'knowledge'. [...] ANC political philosophy imposed by the Euro-African woman, which is non-discriminatory, was supportive of the fact that white women should participate [...] All this bitterness arises from the poverty which is the fundamental result of the policy of apartheid and its discrimination of various kinds - economic, spiritual, educational, social, emotional... [...] We need our own space to explore our own realities, first, before we can make this space available to others. (No. 15,

variety of fronts. To achieve his need to re-establishment of effective international networks of cooperation on issues... Although networking on a local level has long been part of many women's cultures, international feminist networks have developed since 1975... Since about 1987 there has been an increased call for global networking around violence against women, and the recognition that violence against women is a violation of human rights. (No. 11, 1991:71-72)

A related note is struck, briefly but significantly, in a general article about 'Feminist Conferencing' by Susan Bazillic:

[T]here is a real poverty of networks in Southern Africa when compared to Britain and North America [...] We need to be networking around, for, of and with women - activists, academics, politicians, structures, resources - locally, nationally, internationally. (No. 9, 1991:44-52)

If there is little explicit theorising about internationalism within Agenda, does it have a distinct style?

4.2.4. Style

Once again the question arises of the relevance of my typology (Rhetorical/Denunciatory, Agitational/Mobilisational, Informative/Analytical, Critical/Self-Reflexive) for a journal that is not simply feminist but also to a considerable extent academic. Whilst, however, the first two categories might seem more suited to 'popular' or 'political' publications, it must be remembered that Agenda is also a political publication.

The *Rhetorical/Denunciatory* style can, I think, be found, and not only in some of the more populist writings. Thus, Lumka Funani, in another contribution to the debate on the Nsukka Conference, replies to Fidela Fouché, using the following terms:

I, therefore, question the sincerity and intention of Fouché...opportunistic...mischievous and downright irresponsible...spurious arguments...brazen and ham-handed contempt...pathological response [...] sterile and tautologous [...] shockingly naive... (No. 17, 1993:55-57)

But, immediately following this item,

there is this response by the same Fouché to a 'pro-pornography' piece in *Agenda* No. 16 by Canadian feminist Tracy Adly's:

Adly's theme has little relevance to the broad South African context. At most, it expresses the (decadent?) sexual proclivities of a very small minority of privileged, leisured and reactionary middle class women. (No. 16, 1993:3)

More positively, the Rhetorical/Denunciatory style can be found at the end of an interview with Egyptian writer and feminist activist, Nawal el Saadawi:

[W]omen in South Africa have a cause which is against political, social and economic oppression as well as against gender oppression. We should unite - women in South Africa with Egyptian women, Palestinian women, African and Arab women - because women all over the world should be fighting the same cause. Because the main enemy against women in South Africa is the international political system and the exploitative and imperialist neo-colonial powers and multinationals. They are really keeping your government in power. They are the same powers that are keeping the Israeli government in power and who are helping our many national governments in Africa and the third world to oppress their people. So we have the same enemy; we are in the same boat so to speak, and we have to fight together. (No. 5, 1989:39)

Neither the negative nor the positive expression of this style is common in the journal. The second negative example above is, however, not too distant from the personalised charges and counter-charges sometimes expressed in the prolonged international theoretical controversy over ways of understanding sexual violence against children (Nos. 7, 11, 12, 16, 17, 18). The amount of space devoted to this one international controversy in *Agenda* (a total of some 46-7 pages) justifies a consideration of its terms - which themselves became a matter of discussion within the journal (No. 17, 1993:2). In an otherwise balanced commentary on the debate, Liz Kelly comments on 'post-modernist' feminists in a manner clearly intended to include the South African responsible for the controversy:

White privileged women in the west have been drawn to post-modernism [also because

the challenges to an unproblematic sisterhood amongst women demanded that we face what it meant to be part of both oppressed and oppressor groups. Many white feminists have given up involvement in the activist women's movement because the challenges we had to face hurt too much, and involved engaging directly with what it meant to give up power. Those who can, have withdrawn into a more academic/intellectual environment, and ideas about fragmented selves can become a way of escaping feeling one's complicity in other forms of oppression. (No. 16, 1992:32)¹⁶

The *Agitational/Mobilisational* voice is much more common in *Agenda*, as in one of five recommendations to be found at the end of an item on women and aids by Vicci Tallis:

* We need to focus on the needs and concerns of women in all aspects of Aids - this includes women as caregivers, mothers and lovers. The focus of International Aids Day on 1st December 1990 is women - we need to organise activities for that day. (No. 19, 1991:9).

Similarly, a review of a book on global population and contraceptive policies ends with its author's list of (universal?) rights - which reviewer Barbara Klugman considers could provide a useful starting point for discussion in South Africa. This list, which is clearly intended to move readers to action, includes such items as:

- * The right to choose how to give birth, and to have control over the development and use of new reproductive technologies. [...]
- * The need for men to participate as equal partners in childbearing, housework, and birth control, so women no longer have to shoulder the 'double burden'. (No. 9, 1991:77)

The *Informational/Analytical* style is common enough, as might be expected, and hardly needs exemplification. Most of the many conference reports are in this mode. So are many of the numerous theoretical pieces, although this being in part an academic journal - these pieces are often more abstract than 'Informational/Analytical' might suggest. Take this extract from an item on body and gender by Robert Connell: The concept of body-reflexive practices al-

lows a more exact definition of gender. Gender is a way in which social practice is ordered. In gender processes, the everyday conduct of life is organised in relation to a reproductive arena, defined by the bodily structures and processes of human reproduction. This arena is constituted by the materiality of bodies just mentioned. (No. 23, 1994:14)

Perhaps the most interesting examples of this style are the articles intended to give an overview of debates or positions, without pushing a particular interpretation. In so far as they present alternatives, they invite reflection or option (thus moving in the direction of out next and last category). Here is the beginning of the keynote article, 'What is Feminism - and What Kind of Feminist am I?', by Michelle Friedman, Jo Metelerkamp and Ros Posel: Stereotypes of feminists are almost as commonplace as stereotypes of women in general and certainly as unflattering [...]. Even for those women who identify themselves as feminists or with feminist issues there is confusion over the debates that rage within feminism and the relationship between women's struggles and struggles against other forms of oppression and exploitation [...] This paper tries to make sense of these issues by examining in turn the five main categories of feminism which prevail today; namely 'liberal feminism', 'radical feminism', 'marxist feminism', 'socialist feminism' and 'feminism in the third world'. (No. 1, 1987:3) What of the *Critical/Self-Reflexive* mode itself? This is much in evidence in the discussion about the conferences in which Black: White, Academic: Activist, and even Black American: Black African conflicts came to the fore. It was these conferences that eventually led to an *Agenda* workshop and special issue (No. 19) that dealt with both 'difference' and 'representation'. Here is an extract from one such piece by a Black American heterosexual woman (Amanda Kemp), reflecting on her own performance of the writings of Black American lesbian writer Audre Lorde:

The very act of representation involves at least two parties: that which represents and that which is re-presented. They are not exactly the same. Even when I speak for myself I choose which me to present to you... I can never be you. I am always crossing toun-

¹⁶ Disparagement of an argument's author is, of course, common enough in

course, national or international, male or female. This rhetorical device is called *ad hominem*, not quite appropriate here, perhaps, since it means attacking not the argument but the man.

17) There is, for example, in South Africa, no women's equivalent of COSATU, of South Africa's old or new labour laws, or of institutionalised collective bargaining. Nor is there, at international level, an International Confederation of Free Women's Unions, or an International Gender Organisation. Such structures and procedures may have existed in some form in the past (e.g. the Communist-controlled Women's International Democratic Federation) and may, of course, again do so in the future. Thus, there is in South Africa a women's wing of the ANC, a Women's National Coalition, and networks organised around such issues as health. There has also been extensive and energetic campaigning around the UN's 1995 women's conference in Beijing. It is, however, significant that - the ANC excepted - the words used are precisely those of 'coalition' and 'network'. And that the woman responsible for coordinating the South African contribution to the NGO Forum in Beijing publicly insists that her task is information, advice and coordination, rather than organisation, distribution of funding and decision-taking (observation at regional and national meetings on the Beijing Conference, Durban and Rodeoport, October 1994).

42.5. Discussion

The necessity of this section is due to the difference of *Agenda* from the labour and socialist publications, on the basis of which my typologies were largely developed. Let us consider such differences before further discussing the analysis above.

First, 'Agenda' as an academic journal. Many academic journals in the English-speaking Third World (here, again, including India, Nigeria, the Philippines) are incorporated into a global, or at least Anglo-Saxon, 'world of learning', hegemonised by the USA and UK (though increasingly including Canada, Australia). Legitimation of one's writing here depends less on explicit political/ideological positioning, social relevance, accessibility to non-specialists, or even originality of analysis; it depends more on relationship to 'the literature', 'the discipline', as well as to required academic styles - and even detailed referencing and punctuation ones. Another distinct characteristic of this world is the role of the international conference. Indeed, the international conference represents, for academia, not only its conventional prerequisite of office (most travel being funded by the academic institutions concerned), and mark of prestige (conference attendance, even without presentation of a paper,

being customarily listed in the individual's *curriculum vitae*). It is also academia's ritual of global community. *Agenda* belongs, in part, to this world, having sought and obtained formal academic creditation - , meaning professional recognition for South African academics publishing within it. This may also help to explain both the high proportion of T/S material amongst the F/I, and the high proportion of Global and First World reference in the T/S material.

Second, 'Agenda' as a feminist publication. This has a number of significant implications, marking a considerable difference even from a radical and innovatory labour journal. The first point here is that 'second wave' women's and feminist movements are not, in general, incorporated into structured and hierarchical national or international institutions and procedures.¹⁷ Like other new social movements, furthermore, that of feminism is not directed to 'winning power' or 'controlling the commanding heights of the economy' in conventional political and/or economic terms. Whilst it evidently addresses itself to political domination and economic exploitation, it is primarily oriented toward the expansion and enrichment of civil society, nationally and globally. In so far as the existence of a meaningful national democracy is increasingly recognised to require a surpassing of national, regional or bloc borders (Held 1991), it may be that the national:foreign or local:global distinction is likely to be challenged or blurred. The second point here is that the *feminist* movement does challenge the customary private:public and personal:political oppositions so necessary to the control of women. In so far as it insists that there must be an explicit and principled relationship between the personal and the political (increasingly extended to the professional), the politics of, and in, women's movements are likely to be personalised - at least in the sense of people being required to put their bodies where their mouths are. For feminist publications this may mean higher levels of emotion or personalisation - also at international level - than we may be accustomed to from the old labour or, for that matter, the new ecological movements. It should also mean that such publications are

under some pressure to develop what I have called the Critical/SelfReflexive mode.

Having suggested some possible, or partial, explanations for the specific nature of F/I material in *Agenda*, let me address myself directly to the following features or issues: 1) the high proportion of space devoted to conferences, debates and reviews; 2) the 'invisibility' of F/I coverage in the journal; 3) the Critical/SelfReflexive nature of *Agenda* as medium.

1. The domination of international (and, indeed, national) coverage by conferences, debates and book or film reviews is not only a matter of the more-academic nature of *Agenda*. It must also be, in part, due to the past isolation of South Africa and to the early stage of development of the feminist movement and women's studies in the country. In combination, these provide a powerful motive to dip into the rich source of experiences and ideas provided by the foreign and international women's movements. There are simply, at this moment, not that many South African women's or feminist conferences, debates, books or cultural performances! All this is in contrast with the local labour and socialist movement. Why, however, *these particular* F/I activities? In her analysis of the global women's movement, Jessie Bernard (1987:Part 3), implicitly identifies its activities in terms precisely of conferences, communication and campaigns. *Agenda* would seem to be heavily involved in the first two (at least if we stretch 'communication' to include debates and media) but only peripherally in the third.

2. There is no evidence that the 'invisibility' of F/I coverage in *Agenda* is due to any explicit awareness of globalisation- any kind of post-nationalism. It is probably due, rather, to a shared sense of community with women's movements and feminism globally, sharpened, perhaps, by the relative lack of such with other progressive movements locally. This is common to early feminist and labour movements. But, in so far as this matter is not reflected upon, it could hypothetically disappear along with the development and institutionalisation of the women's movement nationally. This has been the case with most labour movements and publications, even if SALB is so far a partial exception.

3. I have earlier said that we should consider the Critical/SelfReflexive style as a property not so much of the message as the medium. I think that *Agenda* contributes to an 'alternative public sphere' in interesting ways. This is best demonstrated by the overlapping discussions on 'feminist conferencing', 'difference' and 'representation'. These actually led to an *Agenda* workshop, intended precisely to reach women activists beyond the editorial, authorial and readership constituencies (see *Agenda* 19, 1993). This particular conference involved unionists, rural organisers, academics, a poet, and one of the (foreign?) funders. It was, in fact, one of a series of workshops and panels organised by the journal, occasionally involving foreign visitors. However, I think it is the previously cited item on feminist conferencing by Susan Bazilli (No. 9, 1991:44-52) that best reveals the platform function of *Agenda* and the way this can allow for the open and constructive discussion of issues relevant to a culture of solidarity, national or international. The paper deals, amongst other issues, with the following: 1) allowing for those who feel the need to 'speak bitterness' but avoiding polarisation; 2) organising events not dependent on the capacity to write papers; 3) avoiding territorial and competitive claims with respect to the struggle and knowledge; 4) ensuring outreach to those unable to attend; 5) attending to the (differentiated) gender politics of conference place, space, financing, time, paper or presentation accessibility, language; 6) recognition that preparatory 'networking' can exclude as well as include; and, finally, 7) avoiding formation of an elite of 'conference goers'. This critique of the conference form not only breaks with the dominant academic paradigm mentioned earlier but also with that of that of the subaltern one, as customarily exemplified within the labour movement. It shows, moreover, an implicit awareness of the significance of communicative form in the emancipatory process, even when it does not name such.¹⁸ The only question remaining here is of whether one can provide an effective platform for the development of a global solidarity culture when communication remains transparent and the international invisible.

¹⁸ The general unconsciousness of itself as a communicative form is recognised by Holland-Mutet (1994): *Agenda* was more concerned with its role in transforming society, and raising debates within the women's movement(s), than—with itself as a media project...This has partly to do with the members of the collective not having a media background...Only one or two women in the collective had any hard media skills, which were not always easy to transfer during the time available.

The rapid current development of electronic audio-visual media globally is having dramatic effects both on social 'mediators' and on forms of social protest. Thus, in Latin America, one observer has noted that the professionals of the written word are losing influence relative to those of the projected image (Franco 1994). And another has pointed out the shift in form of public protest expression represented by the street demonstrations of *caras pintadas* (painted faces) that helped bring down President Collor in 1992 (Vandresen 1993). These new forms are accessible to more people and thus lend themselves better to a participatory culture and to a cross-cultural one. The future role of the journals, as media of internationalism, must therefore be increasingly evaluated in terms of the service they provide to the other media forms mentioned in Part 2.3 and the international media and culture projects in Part 2.4. I would thus argue that it would be in the interest of the internationalist journals to sponsor or join some kind of coordinated network that would allow for discussion both up and down the new social movements and between them. In so far as these journals may have considered themselves, or even been considered more widely, as being at the centre of alternative national or international communication, they may indeed now find themselves being shifted to the periphery. Whether or not they consider this a threat or an opportunity will depend on whether or not they share the evaluation of Jean Franco. Talking of this displacement of the literary intelligentsia in Latin America, she notes the

tectonic shift from apostlehood to the nomadic margins - which is certainly appropriate in the era of Benetton internationalism and e-mail universalism. The conclusion is

Editor's note

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not as paradoxical as it seems. In the age of global flows and networks, the small scale and the local are the places of greatest intensity. (Franco 1994:21)

One last point. The journals and projects analysed are likely to be seen, both by their promoters and by those they reach, as a means to an organisational end. I want to argue again, in the light of the Introduction, that they must today be analysed primarily in communication/cultural terms. That means seeing them as creators of internationalist meaning and feeling, with this being understood as itself a source of power. This does not mean that organisation and action are today redundant. It means that they will be energised and renewed - and repeatedly challenged - by the force of information, ideas, sounds and images.

The final conclusion of this paper can be found even *before* the Introduction. If a person is a person because of other people, then a person becomes a person because of other peoples. This is not the same as the mutual recognition of states, institutions or corporations, in either the Old or Renewed World Order. Those relationships are based on attack and defence, competition and fear, greed and envy, patronage and clientage, superordination and subordination. The international relations of the dominant are at best based on the recognition of enlightened mutual self-interest - but always against some non-self - the excluded, exploited, marginalised-yet-threatening Other. In this study we have been talking of mutual recognitions that are indications of concern, tokens of respect, expressions of liking, inspired by concerns for equality, justice, solidarity and a humane and sustainable world civilisation.

Today, globally, the advancement of this project will require an increasing number of mirrors in which we see you see us; in which you see us see you.

Nouveau mandat du Comité de l'Unesco sur les organisations internationales non gouvernementales

Lors de sa 47^{ème} session, tenue à Paris, le 17 novembre 1995, le Conseil exécutif de l'Unesco a constitué le Comité sur les organisations internationales non gouvernementales et a élu présidente de ce comité Mme Doris Morf (Suisse).

Le Conseil exécutif a décidé en outre que le Comité sur les organisations internationales non gouvernementales serait composé, pour l'exercice biennal 1996-1997, des 24 membres ci-après:

Présidente: Mme Doris Morf (Suisse)
Membres: Arabie Saoudite, Bolivie, Bulgarie, Cameroun, Chine, Costa Rica, El Salvador, Emirats Arabes Unis, Espagne, France, Guyana, Hongrie, Inde, Jordanie, Kenya, Malaisie, Malte, Maurice, Pakistan, Pologne, République-Unie de Tanzanie, Slovaquie, Suisse, Yemen.

Au cours de cette même session, le Conseil exécutif de l'Unesco a défini comme suit le mandat du Comité sur les organisations internationales non gouvernementales:

"Le Conseil exécutif,

1. *Reconnaissant* la contribution importante des organisations internationales non gouvernementales à la préparation et l'exécution du programme de l'UNESCO,
2. *Tenant compte* des résolutions ci-après adoptées par la Conférence générale:
 - (a) résolution relative au "Rapport sexennal du Conseil exécutif sur les concours adoptés à l'action de l'UNESCO par les organisations internationales non gouvernementales", adoptée par la Conférence générale à sa vingt-huitième session,
 - (b) résolution relative à l'adoption des nouvelles Directives concernant les relations de l'UNESCO avec les organisations non

gouvernementales, adoptée par la Conférence générale à la même session,

- (c) résolutions relatives à la coopération de l'UNESCO avec les organisations internationales non gouvernementales, adoptées par la Conférence générale à ses vingt-sixième et vingt-septième sessions,
 - (d) résolution 21C/7.11 concernant les organisations internationales non gouvernementales qui entretiennent des relations avec l'UNESCO et auxquelles participent encore des organismes ou des personnes de Taiwan au nom de la Chine,
3. *Décide* que le mandat du Comité sur les organisations internationales non gouvernementales sera le suivant:

- (a) procéder à l'étude des propositions que le directeur général soumettra au Conseil exécutif en vue du reclassement d'ensemble des ONG anciennement classées dans les catégories A, B et C, selon une périodicité qu'il lui appartiendra de fixer;
- (b) procéder, selon l'article VI.1 des nouvelles Directives, à l'étude des nouvelles demandes d'admission aux relations formelles;
- (c) examiner toutes les questions du ressort du Conseil exécutif dans le cadre de la mise en œuvre des nouvelles modalités de coopération avec les ONG, y compris la coopération financière et matérielle, conformément aux résolutions et décisions pertinentes des organes directeurs, et notamment sur la base des informations et propositions que présentera le directeur général au Conseil exécutif, plus particulièrement à sa 149^e session;
- (d) traiter de toute autre question concernant les organisations non gouvernementales et les fondations que le Conseil exécutif pourrait lui renvoyer pour étude et avis."

(14SE/SR.2)

Legal protection of geographical information

As stated in the workplan of EUROGI (European Umbrella Organization for Geographical Information), one of the issues that EUROGI is concerned with is "legal aspects of geographical information". In this content EUROGI has decided to address first of all the legal protection of geographical information: copyright and related rights.

One of the suggested proposals of the document: "GI2000 Towards a European Geographic Information Infrastructure (EGII), A Discussion Document for Consultation with the European GI Community, 19 June 1995" is "Develop policy positions on legal issues such as copyright, privacy and liability (which might arise from selling poor quality or otherwise unsuitable data)...".

Therefore EUROGI has asked its member Ravi (the Dutch council for geographical information) to study five countries in a pilot inventory. The countries which have been investigated are: the Netherlands, United King-

dom, Portugal, Germany and France.

The inventory has been set up to give an overview of the extent to which geographical information is subject to legal protection in European countries, regardless of who is the primary beneficiary of these rights (the public or private sector). Further more the study has been focused on the protectability of data itself and not on the hardware and software that is used to collect, update, manipulate and retrieve geographical information.

The pilot inventory has resulted in a report, which states:

- an overview of current types of protection in five European countries, including the European Union law
 - conclusions and recommendations
- " a list of questions that need answering for other countries
One of the recommendations made in the report is to study ten more countries of the European Union to get a more complete pic-

ture. This study will also be conducted by Ravi as a project of EUROGI.

The report of the pilot inventory is available at the EUROGI Secretariat at the price of 15 ECUs (free of charge for EUROGI members only). For more information, please contact: EUROGI

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*Eurogi press release,
Amersfoort, November 1995*

Non, Pugwash n'est pas un mouvement antinucléaire

Au début de la guerre froide, un petit nombre de scientifiques, répondant à l'appel lancé par Bertrand Russell et Einstein en 1955, prennent conscience de la responsabilité qui leur incombe de mettre en garde les gouvernements contre les dangers auxquels s'expose la planète si la course aux armements et les essais nucléaires (dans l'atmosphère, à l'époque) doivent se prolonger. C'est ainsi que sont nées les conférences Pugwash sur la science et les affaires mondiales, qui viennent de se voir décerner le prix Nobel pour la paix, avec leur président Joseph Rotblat.

Contrairement à ce qui est dit et écrit, Pugwash n'est pas un mouvement antinucléaire. On y trouve des gens qui travaillent activement dans le nucléaire. C'est moins un mouvement qu'un lieu de dialogue ou scientifiques, chercheurs, experts militaires et diplomates discutent de sujets souvent sensibles. Chacun s'y exprime à titre personnel sans qu'il puisse être officiellement cité. Aucun ne peut parler au nom de Pugwash.

Malgré la confrontation idéologique et la menace militaire opposant les deux grandes puissances, les scientifiques possé-

daient un langage commun qui leur permettait de travailler ensemble pour évaluer, par exemple, l'accroissement de la radioactivité dans l'atmosphère, ainsi que les moyens de détecter les essais souterrains. Ces études ont largement contribué à la signature des accords de Moscou sur l'interdiction des essais nucléaires dans l'atmosphère.

Le souci constant de Pugwash est de prévenir les conflits et d'éviter que les nations ne se voient débordées par un système et un trafic d'armes qu'elles ne contrôlent plus. Les rencontres ont

contribué à entretenir de précieux contacts personnels entre les scientifiques des deux côtés du rideau de fer.

Pendant la guerre du Vietnam Pugwash a servi à établir des contacts officiels entre les belligérants. Le prix Nobel récompense aujourd'hui les efforts de scientifiques qui ont œuvré pour limiter le développement et la quantité des armes nucléaires, chimiques et classiques, ainsi que leurs vecteurs.

Depuis, la confrontation entre l'Est et l'Ouest a largement disparu. D'autres clivages se dessinent. Les conférences Pugwash se consacrent aux nouvelles sources de

conflit, ainsi qu'aux conséquences du démantèlement des gigantesques arsenaux nucléaires, résidus de la folle course aux armements (problème du plutonium).

Les barrières croissantes qui séparent les pays nantis et les pays pauvres ne peuvent mener qu'à des situations explosives. Le tiers-monde a autant droit que nous à l'énergie nucléaire. La responsabilité des scientifiques consiste à concevoir des réacteurs qui leur donnent accès à cette source d'énergie sans qu'elle devienne source de prolifération.

L'organisation est internationale. En France, elle existe sous

le nom d'Association française du mouvement Pugwash, et de scientifiques de haut niveau appartenant à des domaines très variés. Francis Perrin, Alfred Kastler et André Lwoff ont participé aux rencontres. C'est un des rares forums en France ou des experts des sciences dites exactes et des sciences sociales discutent et travaillent en toute liberté, en dehors de tout clivage politique.

Georges Ripka

Physicien au Centre d'études de Saclay, président de l'Association française du mouvement Pugwash. (*Le Monde*, 19.10.95)

Les champions du civisme planétaire

La mondialisation ne serait-elle plus l'apanage des sphères impénétrables de l'économie et des vertus de la communication? Plus les centres de décision s'internationalisent, dans l'obscurité des réseaux informatiques et l'anonymat des technostructures, plus on assiste à l'apparition de formes nouvelles de contre-pouvoirs qui dessinent les contours d'une société civile internationale.

Il y a encore quelques années, avant l'implosion du modèle soviétique, les enjeux étaient simples. La société était sommée de choisir son camp entre les grandes idéologies qui se disputaient l'avenir. Partis et syndicats constituaient le vecteur principal de l'opinion. Instruments privilégiés de l'engagement individuel, ils traduisaient sur le terrain l'antagonisme de systèmes globaux concurrents: socialisme, social-démocratie ou capitalisme.

Aujourd'hui, après l'effacement de l'un; les contorsions de l'autre et les mauvaises fièvres du dernier, les formes traditionnelles de la mobilisation de l'opinion sont entrées partout en déclin - à

l'exception notable des partis de Dieu. Comme si les affaires du monde ne concernaient plus qu'une poignée d'experts mystérieux et de barbus hallucinés.

La société n'a cependant pas disparu au point de se réduire à quelques échantillons de sondés pour médias pressés. Les événements récents ont, au contraire, projeté sur le devant de la scène des acteurs de nature différente, représentatifs du changement de rapport entre la société civile et les Etats.

En Chine, au coeur du dernier empire clos, ce sont les organisations non gouvernementales (ONG) qui ont focalisé l'attention et se sont érigées en porte-parole de la moitié de la population mondiale, lors de la conférence des Nations unies sur les femmes. Dans le Pacifique, ce sont les militants de Greenpeace qui ont incarné le rejet massif du nucléaire armé et des décisions unilatérales d'un homme qui aimerait chausser les bottes d'un général.

Les mêmes constatations peuvent être faites ces dernières années, sur d'autres terrains, et

cette fois les interlocuteurs s'appellent Amnesty International, Worldwild Fund (WWF), Médecins sans frontières (MSF) ou Action internationale contre la faim (AICF), toutes structures à vocation internationale que l'opinion soutient et que les pouvoirs craignent. On peut penser ce qu'on veut des méthodes et des mises en scène des unes ou des autres. Il n'empêche que c'est avec la réalité de ces organisations-là, qui campent au carrefour de la société et de l'Etat, du développement et de l'environnement, du Nord et du Sud, que les gouvernements et les institutions internationales doivent désormais compter.

Ces associations, cosmopolites par vocation mais souvent anglosaxonnes de culture, sont à l'image de entreprises multinationales: elles sautent les frontières et imposent ce qu'il est convenu d'appeler «le droit d'ingérence», autrement dit une action ou un ordre de préoccupation que l'Etat-nation ne veut pas ou n'est pas en mesure d'assurer. Elles s'opposent directement à celui-ci, s'attirant immédiatement, en réaction, les

oudres du nationalisme boufoi.

Depuis trente-trois ans qu'elle instruit patiemment le procès des gouvernements à propos de la détention, des tortures ou de la disparition de prisonniers d'opinion, chaque fois Amnesty International s'est entendu reprocher de «rouler pour l'étranger» (le KGB ou la CIA, selon l'inspiration du moment), sur la base du même argumentaire: affaires intérieures, intérêt national, souveraineté inaliénable ! De la même façon percent ici et là des accusations infondées contre Greenpeace, «fourrier» de puissances économiques ennemies, d'autant plus menaçantes qu'elles ne sont jamais identifiées.

Pourtant, à la différence de cours antérieurs dans l'Histoire, principalement celles qui sont originaires du mouvement ouvrier, ces organisations n'agissent pas en fonction d'un messianisme politique invitant à renverser et à conquérir le pouvoir. Fin du rêve prométhéen du grand soir : dans leur contestation — systématiquement non violente —, elles ne mettent pas en cause la légitimité des gouvernements en place et se montrent même très respectueuses des lois en vigueur, ne transgressant celles-ci qu'à titre symbolique. Les ONG sont en dialogue permanent avec les structures étatiques et, depuis le sommet de Rio, en juin 1992, se retrouvent systématiquement associées aux grandes conférences des Nations unies; Greenpeace et ses consœurs en écologie n'agissent qu'avec parcimonie la menace du boycottage afin de ne pas pénaliser les économies; Amnesty International a volontairement inscrit dans ses statuts une imitation de son mandat à la défense des prisonniers d'opinion qui n'ont pas usé de violence... Bref, toutes situent leur intervention dans le cadre d'une stratégie de la pression, ciblant leurs objectifs sur un sujet précis qui ne désa-

voue pas l'ensemble de la politique d'un Etat et ne vise pas à son renversement.

Ces objectifs ne sont cependant pas secondaires. Sélectionnés au nom des intérêts supérieurs de l'humanité, ils portent essentiellement sur les droits élémentaires (la nourriture, l'emploi, le logement, la santé), les libertés individuelles ou collectives, ou encore la protection du patrimoine commun (l'air, la terre, la mer, les arbres).

Par l'intermédiaire des grandes associations internationales fortes de millions d'adhérents souscripteurs, se déploie ainsi la revendication d'un humanisme radical qui, aux quatre coins de la planète, exige de contrôler les spasmes d'un monde entré dans un nouvel âge.

Face à la grande machine anonyme de la mondialisation, porteuse de virtualités révolutionnaires autant que de sourdes inquiétudes, ce sont les prémisses d'une citoyenneté planétaire qui s'affichent à travers les «avant-gardes» associatives: perfectionnement de la démocratie, dans un sens participatif, quête d'un nouvel équilibre, pour la maîtrise du cadre et des modes de vie, rénovation de la trilogie «liberté, égalité, fraternité», à l'encontre de la seule valeur économique.

L'Époque héroïque révolue

Ce tournant réformiste de la conscience et de l'imaginaire mondial, à la recherche des voies d'un partenariat avec les pouvoirs plutôt que celles de leur destruction, s'incarne aussi dans les modes d'organisation et de fonctionnement. L'époque héroïque des petits matins frieux aux portes des usines, des groupes militants sympathiques et impuissants (sympathiques parce qu'impuissants ?) esc révolue. L'heure est aux techniques modernes de communication, à la

médiatisation, au primat de l'image, au fond mixing et à merchandising. L'argent n'est plus le Grand Satan et le cercle de vertu ne passe pas nécessairement par le génie des bouts de ficelle.

Priorité est donnée à l'influence dans l'opinion et à la recherche de soutiens financiers, au détriment du recrutement et du renforcement interne. Une organisation comme Greenpeace possède des millions de souscripteurs en même temps que de solides comptes en banque mais ne dispose, comme en France, que d'une poignée de militants. Les permanents cèdent de plus en plus la place à des professionnels qui, comme à Amnesty International, ne sont pas obligatoirement membres de l'association. A côté de leur travail de terrain, l'ambition de la plupart des ONG concourt maintenant à acquérir un statut consultatif aux Nations unies ou un poste d'expert parallèle. A Londres, Amsterdam ou New York, les instances dirigeantes, pareilles à des conseils d'administration, décident de tout et imposent les campagnes aux sections nationales, sur un mode qui n'a rien à envier à feu le centralisme bureaucratique.

Toutes à leur course à l'efficacité — qui n'est pas contestable —, les associations internationales reproduisent sans état d'âme les méthodes des Etats ou des multinationales avec lesquels elles veulent rivaliser. Un mimétisme d'adversaire-partenaire qui les installe en situation de force dans le concert des nations, mais qui ne va pas sans agacer les rares militants, au sens traditionnel du terme, qu'elles possèdent. Sans doute le nouvel âge de l'internationalisme, orienté vers la gestion des affaires du monde, est-il à ce prix.

Jean-Paul Besser
(Le Monde, 13.9.95)

Le Dialogue transcaucasien : initiatives civiques dans une région européenne en conflit

L'Assemblée des Citoyens d'Helsinki (HCA) est un réseau international d'ONG œuvrant en faveur de la construction de la paix et la défense des droits humains, qui possède des agences dans pratiquement tous les Etats membres de la CSCE (Conférence sur la Sécurité et la Coopération en Europe). L'objectif principal de la HCA est de mettre en place "par le bas" une intégration pacifique et démocratique de l'Europe de l'Est et de l'Ouest. La résolution pacifique des conflits dans les régions d'Europe en guerre est l'un de ses principaux centres d'intérêt.

C'est dans ce cadre que s'intègre le projet de Dialogue transcaucasien de la HCA, qui tend à encourager les initiatives civiques dans deux axes principaux du conflit: entre l'Arménie et l'Azerbaïdjan sur le Nagorny Karabakh, et en Géorgie, impliquant l'Abkhazie, l'Ossétie et le Caucase du nord (russe).

Quel rapport avec le conflit du Rwanda?

Bien sûr, le nombre de victimes estimé à environ 30000 pour ces deux conflits n'est pas comparable à celui du Rwanda. Pourtant, il existe des similitudes frappantes concernant à la fois les origines et les conséquences du conflit, ainsi que le rôle de la communauté internationale. Par conséquent, les initiatives de paix civique et de droits humains qui se sont développées dans cette partie de l'Europe pourraient intéresser les homologues africains.

L. Personnes déplacées

La première similitude, et la plus frappante, entre les conflits

du Caucase et du Rwanda est la crise des réfugiés. Les guerres au Nagorny Karabakh et en Abkhazie ont provoqué le déplacement de 1,5 million de personnes, concentrées sur un territoire réduit. La plupart des réfugiés sont victimes de violents "nettoyages" ethniques. Les conditions de vie dans les camps de réfugiés et les centres surpeuplés, surtout en Azerbaïdjan et en Géorgie, sont abominables, sans réelle perspective d'un retour sans danger.

2. Génocide

A cet égard, la deuxième similitude est le transfert forcé de population par "nettoyage" ethnique à petite dose. Bien que d'après les normes internationales, le Caucase ne soit pas une région touchée par le génocide, les craintes et les allégations de génocide pèsent d'un poids important. Les Arméniens, en particulier, ont perçu le conflit armé dans l'enclave du Nagorny Karabakh comme la continuation des événements de 1915, lorsque la population arménienne de Turquie fut massacrée. Les Azerbaïdjanais ont tendance à s'aligner sur le démenti officiel turc du génocide et à renvoyer l'accusation aux autres. Les deux parties utilisent une propagande reposant sur des atrocités afin de faire valoir leurs revendications.

3. Déportation de masse

Les motivations et les justifications des conflits de Géorgie et du Caucase du nord sont envahies de souvenirs, déformés ou non, de la terreur massive qui régnait sous Staline. Cela vaut en particulier pour le conflit (très peu connu) entre les Ossètes et les Ingouches. Ces derniers faisaient partie des "peuples punes" qui subirent des déportations massives vers l'Asie

centrale en 1944. La méthode stalinienne n'était pas le génocide mais "l'omission" totalitaire : les cartes et les manuels ethnographiques ont été modifiés, comme si les communautés ingouches n'avaient jamais existé. De retour dans leurs anciens villages, ils sont maintenant confrontés à des conflits territoriaux extrêmement violents.

4. Présence internationale

La troisième similitude est la présence inappropriée de la communauté internationale. Son absence virtuelle dans la région du Caucase fait partie d'une tradition: en fait, la Société des Nations (le précurseur des Nations Unies) ne fit presque rien pour les victimes arméniennes des massacres et les alliés occidentaux facilitèrent même les déportations des Ingouches. Dans le cadre de la CSCE, un mécanisme prudent est actuellement mis en place pour contrôler un cessez-le-feu et encourager des mesures pour instaurer la confiance dans le conflit du Nagorny Karabakh; une petite mission de la CSCE promet également la mise en place d'une institution démocratique en Géorgie. Comme au Rwanda, les ONG internationales prennent la tête dans les domaines de l'aide humanitaire, du contrôle des droits de l'homme et de la (re)construction de la société civile.

II Initiatives civiques

Le Dialogue transcaucasien est fondé sur des contacts et des relations amicales régulières "interconflits" entre citoyens. La HCA facilite ces contacts, fournissant une plate-forme internationale

actions à des déclarations et des actions commémorées.

1. Tables rondes

C'est pourquoi, au cours de l'une Caravane de la Paix internationale de la HCA en août 1992, les "tables rondes" se sont tenues dans toutes les capitales de la Transcaucasie, instaurant des comités HCA en Géorgie, Arménie, Azerbaïdjan, ainsi que dans la région contestée du Nagorny Karabakh. Chaque comité sert de plateforme aux ONG et aux personnes locales, qui sont mandatées pour trouver les moyens de résoudre les conflits de façon pacifique et pour mettre en place une société civile.

Une attention particulière a été portée à la création de symboles politiques. Ainsi, la HCA a facilité une visite mutuelle de deux femmes qui militent pour la paix, en tant que coordinatrices des comités arménien et azéri (elles ont toutes deux reçu le Prix Olof Palme de la Paix en 1992).

En 1992, la région limítrophe du Kazakh-Ejjevan, où les Arméniens et les Azéris s'étaient rencontrés pour la première fois afin de dialoguer, fut également déclarée "couloir de la paix" de la HCA. Bien que cette région soit ensuite devenue un lieu très conflictuel, les réunions traditionnelles qui s'y tenaient ont repris après le cessez-le-feu. Les organisations de jeunes sont particulièrement impliquées dans l'élargissement du dialogue. La percée se caractérise ici par des négociations entre les résidents et les réfugiés du Nagorny Karabakh, abordant les problèmes d'un futur commun.

2. Action pour les droits humains

En dehors du symbolisme politique, la continuité du dia-

logue est garantie par une coopération active dans le domaine de la protection des droits humains. Les comités de la HCA ont mis en place un groupe de travail commun d'anciens otages pour s'opposer à un abus flagrant du droit humanitaire international. Etant donné que les distinctions entre les prisonniers de guerre, les otages et les prisonniers criminels sont floues, et que l'enlèvement et le "commerce" de civils sont devenus une pratique courante de guerre, ce groupe de travail joue un rôle de pionnier, améliorant l'autorité de la loi.

De plus, dans le contexte du processus de paix supervisé par la CSCE, la libération inconditionnelle de tous les otages est une mesure "classique" d'instauration de la confiance.

Enfin, on peut affirmer qu'une action coordonnée pour retrouver les personnes disparues, en enquêtant sur place dans les prisons privées et les camps de détention et en insistant pour leur libération, est une façon concrète de contrecarrer la propagande reposant sur des atrocités mentionnées ci-dessus. L'expérience accumulée ici pourrait être d'une utilité directe aux militants des droits humains dans d'autres régions en conflit.

3. Travail en réseau

Grâce aux tables rondes de la HCA, les réseaux informels de militants des droits humains, dont beaucoup étaient des intellectuels dissidents pendant la période soviétique, furent conservés plus ou moins intacts.

La Société commémorative de Moscou était particulièrement impliquée dans la mise en place de réseaux en Transcaucasie et dans d'autres régions de conflit poten-

tiel de l'ancienne URSS. Allier une action de défense des droits humains à la commémoration des victimes du totalitarisme stalinien était un moyen efficace de traîner de l'héritage historique commun et de s'opposer aux mythes nationalistes et ethnocentriques. Faciliter la continuité des tables rondes et la communication à travers les nouvelles frontières nationales est une grande priorité.

4. Bureau international

Depuis les premières réunions à Kazakh-Ejjevan, les comités ont fait beaucoup d'efforts pour rendre les contacts politiquement visibles, au ssi bien à l'intérieur qu'à l'extérieur. Le soutien international par le biais de délégations s'est révélé trop sporadique. A la demande de tous les comités, la HCA met actuellement en place un Bureau internationale de la HCA à Tbilisi en Géorgie. Il sera dirigé par deux directeurs internationaux et une équipe "inter-conflits" de personnes de liaison.

Hormis sa fonction pratique de liaison, un tel Bureau sert à instaurer (ou restaurer) la confiance en la communauté internationale. Il constitue également un exemple normatif, indiquant les façons de rendre le rôle des agences et des mécanismes de l'ONU et de la CSCE plus actif dans la prévention et la résolution des conflits violents.

Marten Van Harten, Coordinateur néerlandais du réseau européen HCA (Helsinki Citizens' Assembly) en Transcaucasie. Texte original de l'auteur, rédigé à La Haye; octobre 1994. Extrait des Actes du colloque "Pour de nouvelles approches de l'aide au développement", mars 1994, COCTA

In Madrid on November 9 1995 the European Union of Older Citizens (EUOC) held its founding congress. Numerous member organisations for older people of the European People's Party have actively taken part- The founding congress directly elected the présidence: President of the EUOC is Stefan KNAPFL, who is also chairman of the Austrian pensioners' league (the ÖVP's pensioners' organisation).

The Secretary General is Wilhelm MOHAUPT (ÖVP). The EUP will decide a European programme setting out its main aims. The basis is a pensioners' charter, whose main elements were sketched out in Madrid.

The charter proposes the principle that retirement be defined as a period of personal development, and that older people should be seen as an important factor of the life in the community altogether. It stresses the key contribution to economic, cultural, and social life made by pensioners in their capacity as unpaid helpers and carers in their own families and as consumers. In this way, today's older generation should be accorded the greater social significance they deserve, and be taken into proper account at a political level.

The EUP wants to see the establishment of a European pensioners' advisory body to take a position on all matters concerning older people. It also wants to see more opportunities for activity in retirement. Europe's educational and cultural infrastructure needs to adapt itself far more than at present to the needs and wishes of older citizens.

Another particularly important matter is the improvement, across Europe, of medical and other services (such as meals-on-wheels) which enable people to remain independent for as long as

possible, living where they feel at home.

People in their sixties are an ever-growing element in society, and their political representation is become increasingly important. In today's Europe of 15 countries about 20 per cent of the population are over 60 - compared to only 15 % in 1960. And the trend is upwards.

Lichtenfeldgasse 7 - A-1010 Wien-Tel: +43 1/401 26/151 - Fax: +43 1/40 66/266.

(EPP News, n° 38, 1995)

For many nongovernmental organizations, finding ways to decrease their dependence on subsidies and multiply their lending power is necessary if they are to enhance services. Many become self-sustaining, financial institutions with access to formal financial markets.

Bolivian NGO Prodem was the first to undertake such a transformation, creating Banco Sol in 1992, the first private Latin American bank dedicated to microenterprise lending.

Banco Sol provides working capital for small-scale production, commercial activities and services to its 65,000 customers, 70 percent of whom are women. Loans range from \$80 to \$5,000. The bank's portfolio reached \$32.6 million in 1994, and its profits for the same year were 273 percent higher than in 1993.

(IDB Extra 1995)

Early Warning News is the working title of a new project launched by Inter Press Service (IPS)-Africa and Third World Network-Africa to address the dearth of information exchange

among civil society organisations in the area of conflict management and early warning.

Early Warning News (EWN) will be a bimonthly news, features, analysis and "notice-board" publication that focuses on issues and processes in those parts of Africa demonstrating various indicators and stages of conflict.

As a noticeboard, EWN will indicate forthcoming events and on-going initiatives to prevent, mitigate or resolve conflicts. The publication, to be distributed in hard-copy form as well as electronically, will also be a forum for the exchange of views.

IPS's Africa network will have primary responsibility for the journalistic output, which will be informed by a large network of NGOs working at various levels in Africa on conflict prevention. TWN will manage the project and build the NGO networks that constitute both an information resource and a client base for EWN. Other collaborators, including International Alert, have already backed the project.

(For further information please contact: Peter da Costa, Regional Director for Africa, Inter Press Service (IPS), 127 Union Avenue, PO Box 6050, Harare, Zimbabwe, tel: +263 4 790 104/5. Fax: +263 4 728 415. e-mail: ipspsc@gn.apc.org)

(*The Interdependent, Jan 96*)

Des négociations se sont ouvertes, mardi 12 mars, à Montevideo pour un accord de libre-échange entre le Pérou et le *Mercosur*, «marché commun du cône sud» de l'Amérique latine, qui comprend l'Argentine, le Brésil, le Paraguay et l'Uruguay. Des négociations sont déjà avancées avec le Chili et un accord a été conclu avec la Bolivie. (AFP)

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