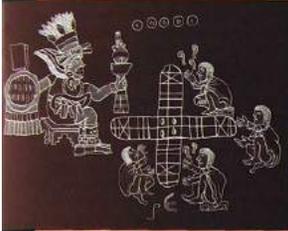


# Transnational Associations

The review of the Union of International Associations



## 3/2000

Water management in  
the next 25 years

Le partenariat entre  
l'Union européenne  
et les ONG

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## Associations transnationales

La revue de l'Union des associations internationales

## Transnational Associations

### *Associations transnationales*

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

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

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

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

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

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

*La visée adoptée est essentiellement interdisciplinaire et fait appel au savoir comme à 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 ce/les 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**

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# Water Management in the next 25 years: an NGO vision

By *Both Ends*\*

## Introduction<sup>1</sup>

Within the context of the World Water Vision process it is vital that we do not obscure that the vast majority of people has no or insufficient access to water and other resources because these are exploited for the narrow ends of a minority of powerful interest groups. Hence, this position paper focuses on decision making, participation and power.

The groups endorsing this Vision consider river basin management, from the angle of local people's livelihoods, with special attention for the position of disadvantaged groups and women in particular. In this context 'sustainable livelihood' refers to "... *the capabilities, assets (material, cultural and social) and activities required for a means of living. A livelihood is sustainable when it can cope and recover from stresses and shocks, maintain or enhance its capabilities and assets while not undermining the natural resource base.*" (IDS, 1998: p. 5) The point of departure is that current social, economic and ecological problems which accompany the management of most river basins can only be solved if these are understood as conflicts over the control and use of natural resources.

This Vision paper builds on the insights and views which surfaced during regional consultations undertaken, respectively in Kenya, India, Brazil, and Poland. Whereas the paper addresses problems and opportunities which prevail in the South, the observations, conclusions and recommendations also bear a message for river basin and water management in the northern hemisphere.

The NGO Vision paper is organised in two parts. The first chapter identifies the causes of degradation of river basins and other freshwater ecosystems<sup>2</sup> and the marginalisation of society's socially weaker groups, rural dwellers, indigenous peoples and the urban poor. Special attention is paid to the current and potential role of women in freshwater management.<sup>3</sup>

In this first part, the assumptions on which most river basin planning rests are criticised. It addresses the myth of "peoples participation" and describes how obstacles which hinder genuine participation limit marginalised groups in exercising truly active roles in water management.

The second chapter presents an NGO Vision. It lists a number of key principles and approaches for participatory river basin management and offers specific recommendations for policy makers, donors, water professionals, the education sector, the business sector, NGOs and local stakeholders.

## 1. Context and challenge

### 1.1 Introduction

A Vision on river basin management requires us to acknowledge that conflict of interests and the lack of genuine accommodation and participation in decision making are an inherent part of the problems associated with natural resource management.

"For centuries, human civilisations flourished on the coasts of major river bodies. There were conflicts over water then also. But if you pan over different continents, regions and countries, across centuries, you can see that certain management systems have emerged which minimised ... such conflicts. However, ... present management systems (predominantly) work on different geographical planes than the river basin. National, state and district boundaries have developed only after cutting across rivers, river basins and watersheds, ... trying to aggrandise the natural resource." (D. Narasimha Reddy)

The conditions of most river basins in both North and South reflect the distribution of power and the dominant socio-economic trends in society. Dams, navigation channels, flood control and irrigation structures are the most obvious signs of intervention in the flow of rivers. On top of that, logging, mining, industrialisation, grazing, agriculture, and urbanisation have all impact on rivers, lakes and the lands they drain - the watershed. (Abramovitz) An estimated two-thirds of the world total stream flow is regulated by the end of the 20th century.<sup>4</sup>

The socio-economic consequences of the ongoing degradation of watersheds and whole river basins is probably most manifest in the developing countries and some parts of the erstwhile Soviet Union. In these countries, serious

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1. This Vision report has greatly benefited from the views, writings, personal comments and support of, amongst others, Marcus

Colchester, Suzan George, Nicholas Hildyard, Patrick McCully, Linden Vincent, Irene Dankelman, Oswald Quintal, S.T. Somasekhare Reddy, Daoud Tari, Elias Dias Pena, Patrick Bond, Hildebrando Velez, Sandra Claasen, Medha Patkar, Shripad Dharmatikaya, Malja Bouayad, Frank Rijsberman, Ton van Eck, Vijay Paranjpye, D. Narasimha Reddy, Rosaline Gardiner, Margreet Zwartveen and E. Venkat Ramnya.

2. In this Position Paper the focus is on river basin management. However, it should be noted that most of the analysis presented in fact relates closely to the management of all freshwater ecosystems.

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3. It should be noted that all these groups have to cope with specific problems of access and benefit distribution. The stress on their

social and economic survival differs greatly. Meanwhile, the common characteristic of all these groups is that they do not participate effectively in decision making and resource management, and are therefore unable to define their needs and interests related to the use of these resources. This is why the sustainability of their livelihoods is threatened. For some of these groups (esp. indigenous peoples), current management and policy making has already greatly affected livelihoods, from an environmental as well as socio-economic and cultural perspective.

4. It should be noted that the fragmentation and regulation of rivers is not just a problem in so-called developing countries. Dams, water flow regulation from reservoir operation, irrigation, and inter basin transfers have altered 77 percent of the total water discharge of the largest 139 rivers in the North (Europe, North America and the former Soviet Union).

degradation of vital ecosystems and loss of species diversity directly undermine the livelihoods of a majority of rural households. Apart from directly affecting their means of survival, ecosystem degradation can have extremely negative impacts on the cultural and social identities of local communities. (Censat 'Agua Viva') Likewise, the destruction of these freshwater systems has affected the well being of the urban poor.

Generally, river basin management still focuses on one element at a time - navigation, irrigation, power generation or ground water exploitation. (Abramovitz, 59) There is a strong bias towards centralised and capital intensive structures to transfer water to fulfil the perceived national demands. These large scale, sectoral interventions fail to protect the fundamental ecological functions of rivers and watersheds. (Postel, 28) Consequent socio-cultural and ecological losses are dealt with as externalities. In fact, development projects which create new access to scarce resources, often exacerbate existing inequalities, by further marginalising socio-economic weaker groups and supporting the activities of the more powerful sections of society.

As we later elaborate, few policy makers and professionals have shown a commitment to, or competence in 'social engineering' towards sustainable livelihoods. This requires patience, humility and compassion for a just process of genuine joint management with all different stakeholders, including in particular the vast disadvantaged groups: marginal farmers, landless people, pastoralists and indigenous peoples.

One of the most important and most disregarded 'groups' is women. Both women belonging to the above mentioned marginalised groups as well as women that have better socio-economic and political positions, tend to be excluded from decision making in water management. Thus, while the interests of women as a group are heterogeneous, their role as water users and managers is constantly denied. Due to different gender roles, women and men are affected differently by the same policies. Therefore, as men are normally leading decision making and management, this paper stresses the need to address women involvement explicitly. (M. Zwartveen)

## 1.2 Causes of decline of river basin ecosystems and social exclusion

*"... changing systems of land tenure and property have had a negative effect on the way in which natural resources are exploited... external pressure for change has weakened customary rules on the allocation and use of land... while traditional cultivation systems prevail in much of the country, large tracts of land (usually the most productive and irrigable land) are brought under commercial cultivation using modern, capital-intensive technology. This is usually accompanied by the displacement of small holders or tenant farmers, who are either bought out or evicted, leaving them no option but to encroach on marginal land. ". (The South Commission, 1990)*

Analysing the recent history of river basin planning, one has to conclude that decision making has predominantly been determined by:  
=> The notion that 'development' is to be achieved through economic growth; and that natural resources and ecosystems are considered as exploitable goods/commodities.

=> The principle of 'eminent domain': the state has a legitimate right to override local objections and expropriate private or communal property in the name of 'national interest'. (Colchester, 15)

=> Insufficient opportunity for meaningful participation by local stakeholders, in particular women and disadvantaged groups.

The following paragraphs explain why these three aspects are in fact the underlying causes of the decline of river basins and the erosion of local people's livelihoods.

### 1.2.1 Development

It is a near universal phenomenon that the strive towards "development" is subject to a one-sided and strongly Western-normative definition of poverty, which takes the monetary-economic performance of a country or 'target group' as its main benchmark. Income is perceived as the universal basis for peoples freedom of choice. (Dutch Development Policy 1996)

However, it needs to be recognised that local people with sufficient access to natural resources to meet their basic needs, generally do not consider

themselves poor. Therefore, integrated water management should focus on 'sustainable livelihoods' and enhancing quality of life, instead of the reduction of poverty in narrow monetary terms.<sup>5</sup>

Nevertheless, approaches towards management seem to stick to the narrow interpretation of development. The globalised gospel of economic growth has recently been summarised in the World Bank report *Assessing Aid*, also known as the 'Dollar report'. This report, which is embraced by many international official development agencies (such as the Dutch NEDA) to guide their ODA policies, reiterates the need to focus on the simple benchmark of increase of per capita income as the main indicator of 'development'.

Notwithstanding the outcomes of UNCED, this overall approach pays no attention to the need to protect and support local survival strategies, which in reality are often only partially (or not at all) based on monetary, market related sources of livelihood. In this picture, vital cultural and environmental considerations remain unnoticed. It denies the fact that the majority of rural people in developing countries is not in a position to satisfy their basic needs through the market place. These people largely depend on common property resources: grazing lands, irrigation ranks, recreational space, cultural space etc. Access to and control over natural resources still offer the best guarantee for well-being and survival of the landless, pastoralists, indigenous communities and marginal farmers. The fact that mainstream 'development' thinking still deals with ecological, social and cultural factors as mere externalities is in itself a major cause of poverty.

Rural people are in many respects the guardians of food supply, water resources and biodiversity on which an increasingly urbanised population depends. *The problem ...that when wealth is defined in purely economic/quantitative terms, most social labour, ecological processes and cultural world views become devalued .. (and) remain outside the economic calculus. That is, without the unpaid labour from the commons, the household and the community, and without tapping ecological processes, there could not be any surplus-value production for capitalist industries* (Goldman, 1998: 16). The daily activities of

hundreds of millions of women, especially household and community tasks, is probably the greatest non calculated contribution to this free-riding economy.

The economic growth and urban centred orientation of policies has increasingly geared the management of river basins towards export-oriented and infrastructure intensive industries. In addition, there is the accelerated drive towards privatisation in combination with the promotion of new technologies. Disadvantaged groups all over the world experience the "enclosure" and degradation of their commons due to privatisation and other interventions in river basins. *"Water is threatening to become a mere commodity, instead- of a natural resource."* (D. Narasimha Reddy) Local people are becoming excluded from their resources.

Privatisation, new market opportunities and modern techniques (e.g. mechanised pump sets, biotechnology) have certainly contributed to the improvement of food security, welfare, better health conditions and political influence of selected groups of people. At the same time, these are also a major cause of the collapse of numerous local systems of natural resource management which were socially and ecologically well embedded. As a consequence, an increasing number of people is at risk of losing their livelihood, without any assurance that they will enjoy the opportunities and facilities offered by modern society.

When discussing the direction of development, the basic argument often boils down to "subsistence versus surplus". A strong view is expressed that since disadvantaged groups totally depend on fragile natural resources for their survival, and thus *"the intention should, not be to take these resources and cater to the dominant markets. The intention should be to strengthen what can be produced locally and consumed locally."* (Hivos, 3)

On the other side are those who see the macro-economic changes that are occurring as an opportunity for economic progress in rural areas. It is argued that rural economies can access a broader market if they are "globalised". Indeed, this could be a significant option in terms of long-term survival, provided that simultaneously efforts are made to strengthen the rural econo-

5. This approach has now been adopted by the British Department for International Development (DFID)

my." This implies that governments and donor agencies pursue dualistic policies, which cater to the needs of those groups who produce for the market and those people (in many countries the majority) who are not (substantially) linked to the market, thereby acknowledging the social and economic diversity of societies.

In relation to water management, this generalised conception of development has led to the view that one does not have access to water by right, but by what one is willing to pay, or by the degree of Value-added' economic benefit of a particular water use. Unsurprisingly, this tendency has far reaching implications for disadvantaged groups, whose current water use priorities are often determined by direct basic needs satisfaction. Meanwhile, market economists and policy makers have scarcely focused on providing incentives to or compensation for marginalised groups that protect water producing ecosystems for urban and industrial users, thus in fact provide for essential and economically highly important 'environmental services'. (Censat 'Agua Viva')

Pricing water seems to follow the trend to externalise social costs and internalise environmental costs. The concern over environmental damage seems to have gained awareness, while the social aspects of resource management are forgotten. While there is a growing recognition of the fact that nature degradation should be stopped, environmental policies seem to affect the poor disproportionately, prioritising efficiency and sustainability over social equity. (N. Reddy)

From a feminist perspective, the tendency towards the establishment of markets as the major mechanism of water management, is a serious cause for concern (based on M. Zwartveen).

- While accepting that the access to water increasingly becomes a function of the access to money, existing income distribution mechanisms are accepted implicitly. Financial resources are often gender differentiated at the detriment of women, due to skewed income distribution mechanisms. Accepting the 'ability to pay' as the primary rule for water allocation might very well lead to the serious discrimination of women. Thus, whilst they

might be willing to pay for improved water services and management, they might personally be unable to commit resources to their priorities.

- By attributing only economic value to the resource, benefits of its use in terms of livelihoods are not adequately reflected. This denies the importance of non-marketable benefits that often derive from uses of water by women.

- As women often play the role of risk managers and have to take care of unexpected and life threatening contingencies, they might very well end up paying more: in times of need their willingness to pay will increase exponentially.

Thus, a precondition to sustainable management of river basins is the acceptance that, markets do not offer universal solutions; and that they are often mere sub-elements of the human-ecology relationship.

### *1.2.2 The Principle of the Eminent Domain*

Serious clashes over large river infrastructural projects have sharpened the general controversy regarding the conflict between local needs vis-a-vis national needs and international demands. As it appears, the national needs, or the so called 'national interest', have superseded the local needs during the last few decades.

This is very manifest in river basins. Their management has focused on supporting national development rather than ensuring individual equity. River basins all over the world are subjected to serious manipulations - e.g. canalisation, impoundment, pollution, poldering and ground water extraction - to serve the 'national interest'. Notably, this 'interest' most often refers to water availability in urban and industrial areas and water for the large scale generation of hydro-electricity.

"...if one accepts current patterns of economic development and the institutions and premises on which they rely, the logic of 'global environmental management' is impeccable" (Hildyard et al. 1997: 5) Sustaining these patterns through damage control requires an equivalent of top-down surveillance and intervention. The physi-

6. It stands out, however, that livelihood options may be determined by a combination of environmental conditions and market forces which compel some to produce for a globalised market at a subsistence level. In other words, access to markets offers no guarantee for local prosperity and sustainability. The distinction between subsistence and surplus grows further blurred as the vulnerability of surplus producers caught within a mainstream economy is accentuated. Illustrative is the growing dependence of local farmers who are involved in growing monoculture cash crops.  
7. It should be noted that water use priorities are also a reflection of current water rights and access; if socially weaker groups would obtain stronger and more equitable water access, chances are high that their priorities would change. (M. Zwartveen)

cal environment becomes a terrain to be reordered, zoned or parcelled up, while people are removed or cajoled into 'collaboration according to some preconceived Master Plan. This is exemplified in the growing investment in the formulation of water management systems guided by GIS and other sophisticated information management technologies, without considering whether these tools can be comprehended and used by women, indigenous communities or local communities. (Censat 'Agua Viva')<sup>8</sup>

The enforcement of such alterations are legitimised on the basis of the states eminent domain, often at great social, economic and ecological costs. The assumption is that growth and development in general, no matter who determines it and how it takes place, or what scale or technology is used, will eventually lead to wealth and income generation, which would trickle down and satisfy the needs of the poorest of the population. Unfortunately, as subsequent studies (e.g. the UN Human Development Reports) indicate, this trickle down approach is failing and gaps between the 'haves' and 'have nots' have increased extensively over time.

In this respect, it is crucial to differentiate between the interests of the national government and the interests of (inter)national companies. To understand the workings of eminent domain requires one to also focus on the role of the politically powerful private sector vis-à-vis the state.

Likewise, the principle of the eminent domain allows for national governments to overrule local governments and community representative structures. Meanwhile, in the majority of countries, representative systems are better developed and more effective on local levels than on central decision making levels. Thus, the principle of the eminent domain allows for the priorities of a national and often urban elite to discard those of local majorities. (S. Claassen)

From the viewpoint of disadvantaged groups, the practise of river basin planning raises fundamental questions about ownership of water, and how water rights can be obtained, maintained and used. In introducing catchment management systems, states assume the right to control water sources and water uses. In general, new legislation is concerned with promoting access rights only,

such that water rights can be granted for take away) in relation with registration of user or use. Increasingly, water rights are dissociated from land rights, despite their strong associatif (Knell and Whiteford, 1989). Arguably, the dissociation of water rights from land rights is seen by many as a fruitful way to empower land-less and land-poor people. (M. Zwarteven)

### 1.2.3 Participation

"Families are not just rice producers. Why are our needs never considered?" (Ms. Memona, from Ekotani village, Bangladesh, in 'Rivers of Silence', p 51)

'Participation' means very different things to different people and different interest groups under different circumstances. All in all, there are five levels of participation<sup>9</sup>.

- i. Participation by being 'passive beneficiaries';
- ii. Participation by carrying out tasks and functions defined by others;
- iii. Participation through active consultation;
- iv. Active participation in planning, implementation, monitoring and evaluation;
- v. Autonomous decision making.

Thus, participation can refer to a wide variety of attitudes by decision makers, policy developers and resource managers. It should be noted, that the forms of participation currently implemented mostly refer to the first two levels. Participation through active consultation is still developing, while participation at levels iv. and v. is still extremely rare, if not non-existent, in today's resource management processes. (S. Claassen)

Genuine participatory management demands an increased understanding of and respect for people and their use of water resources. And although increasing lip service is paid to 'participation' and 'gender aspects', measures to establish higher levels of participation of local stakeholders and women in decision making often fail, thereby denying these groups a decisive say.

This is why it is vital to identify and acknowledge key obstacles to participation. The following shortlist presents obvious and more insidious factors that limit effective participation by marginalised groups and women:

- « Opposition by 'the powers that be';
- A misplaced sense of consensus;

8. In fact, the resistance towards the use of these technologies is growing, as they are said to reflect the 'voices of power' and deny the fact that other than geographical information is valid in management and

planning. (See "Navigation in the information age: Potential use of GIS for sustainability and self-determination in Hawaii", by Cogswell and Schlotz, 1996)

9. Based on comments by S. Claassen and PROEQUIDAD, Herramientas para construir equidad entre mujeres y hombres, Manual de Capacitación, Octubre 1995, p. 41-44

- Lack of an holistic (eco-)systems approach ;
- " Top-down planning;
- Standardisation of institutions;
- Planners are plagued by 'blind spots';
- Lack of information sharing and access.

The general conclusion is that there is no appreciation of local capacities, strategies and cultures:

### Opposition by 'the powers that be'

It is important to take a critical look at past and current practices in decision making and implementation of large river based infrastructural works. A mass of literature and detailed reports (e.g. Morse Report<sup>10</sup>) testify that the allocation of huge public funds on river basin management has served to maintain a bureaucracy and to enrich building contractors, cement and machinery suppliers and others vested interests - often with the silent approval of foreign donors. That is why India's former Prime Minister Rajiv Gandhi lamented in 1986 that "...since 1951, 246 big surface irrigation projects have been initiated. Only 65 out of these have been completed; 181 are still under construction...Perhaps we can safely say that for 16 years we have poured money out. The people have got nothing back, no irrigation, no water, no increase in production, no help in their daily life. " (In Paranipye: Large dams on the Narmada river, 1989.)<sup>11</sup>

Also, new urban, agricultural and industrial water supply projects are often focused on capital intensive infrastructural projects without analysing the potential of alternative schemes of demand management, aimed at reducing consumption at the source and at preventing losses in inefficient distribution networks. (Censat 'Agua Viva')

If only such scarce capital were used for more carefully planned and efficiently managed land and water resource conservation and rehabilitation projects, many of the most immediate needs and capacities of the rural and urban population would be addressed. It is, however, naive and dangerous to suggest that under the current circumstances socially and ecologically sound river basin management is possible, without making it a point to effectively disempower

those who suppress each form of participation in decision making which may affect their interests.

### Misplaced sense of consensus

Many participatory water projects rest on the dubious assumption that simply identifying different stakeholders and getting them around the table will result in a consensus that is fair to all. Such an assumption only holds if all the actors involved are perceived to have equal bargaining power, which they do not, or if the inequalities between stakeholders is viewed as a purely technical matter -which it is not.

This sort of 'window dressing' might in fact very well be caused by the lack of real intention by policy makers and decision makers to involve local stakeholders effectively in the process. The lack of a clear terminology allows for this low level of participation to persist, and helps to maintain the image of a 'participatory decision making process'. (S. Claassen)

Attempts at 'participatory development' in the context of river basins often are a reaction to growing resistance from grassroots groups to interventions which seriously impact on their natural environment and livelihood. In this context, 'participation' often has a negative connotation as they seem to aim at softening resistance or engineering consent. (Hildyard cs)

Few of the institutions that are now pushing for 'participation' in water management have a history of taking such participation seriously. The World Bank, for example, in 1994 estimated that some 300 large dams were constructed world wide every year, displacing some 4 million people -against their will. That same World Bank continues to endorse and sponsor such projects -often in violation of its own operational directives.

### Top-down planning

In the face of serious water problems -drought and water scarcity, floods, environmental degradation, siltation etc.- the preferred response of many planners, politicians, civil servants, technicians and heads of industry lies in increasingly global forms of management. This approach is instrumental and inevitably top-down. It leaves

10. The World Bank appointed Independent Commission which reviewed the Sardar Sarovar dam and irrigation projects in India.

11. McCully estimates that by the late 1980s approximately US \$ 250 billion of public money had been spend on irrigation in developing countries, almost all of it on large surface schemes.

no scope for genuine participation. (Hildyard)

### **Imposing institutional structures**

Group formation has been a fertile area of political interference for nation-building and promoting 'efficiency' and 'direct democracy'. One can witness the top-down introduction of standardised committee structures and rules in the field of irrigation management and other areas of water and land use.

These often standardised and theoretical structures do not build on existing ones, nor enhance their consolidation and adaptation to new circumstances. On the contrary, new institutions are superimposed and replace existing decision making systems. Whereas the latter often are the result of long evolutionary processes and respond by and large to the needs and capacities of local stakeholders, the former lack sufficient legitimacy to function as a representative institution.

Bureaucratisation of water activities often removes much decision-making outside the locality, thereby removing the institutional memory from a location. (Tjerkstra in Vincent, 4). Consequently, the new institutions rapidly undermine the local systems of natural resource management and weaken the representation of disadvantaged groups.

As existing management and user structures are neglected, women tend to experience a deterioration in their decision making power. On the one hand, biased planners (see next paragraph) do not consider women for major functions in the new institutional structures. On the other, as management is taken away from local decision makers and users, women tend to experience a shift from being a direct user with user rights to a household member without direct rights but still with many (water) responsibilities.

### **Planners are plagued by 'blind spots'**

River basin planning methodologies tend to be highly reductionist in their treatment of agricultural, industrial and ecological demands. (Rondinelli, 1981) Needs are often assessed

without consideration of actual needs and patterns of water use, which have evolved on the basis of empirical rules on how water should be supplied.

While public agencies and professionals are experts in sophisticated hydrological modelling, they often lack the local knowledge to obtain a full understanding of realities in the field. *The direct rural experience is limited to the brief and hurried visits ... These exhibit six biases against contact with and learning from the poorer people. These are spatial -urban, tarmac and roadside; project -towards places -where there are projects; person -towards those who are better off, men rather than women; seasonal; diplomatic; and professional, confined to the concerns of the outsider's specialisation. As a result, the poorer rural people are little seen and even less is the nature of their poverty understood.* " (Chambers 1993)

This is exemplified by the fact that new institutional structures, often introduced by the state, tend to assume that men control tenure and decisions about cropping and so forth. In decision making on domestic water supply, men are often the main actors in developing agreements about water supply projects, or for information about health problems in an area.

However, in many cultures, men often know relatively little about the reliability of water supply, as women form the major user group. The provision of hydrological and user information by women, the main primary users at the household level, is generally a neglected field.

The inclination of planners to relate only to the people and interest groups that are nearest to their conception of the situation and fit the conventional planning and research methodologies, greatly frustrates effective participatory processes. Participation will only be possible if schedules, discussion forums etc. are adapted to the daily reality and restrictions of each stakeholder group.

The lack of alternative process approaches is one of the main causes for the very low degree of female participation. As women typically fulfil other roles than men, they have other daily schedules and tend to convene at other geographical locations. In order to truly facilitate their involvement, the decision making process must be designed in such a way that it accom-

modates for women's daily practices, (S. Classen)

### **Lack of information sharing and access**

Official water planning structures, which are set up to support information flows at the national and regional level, are usually established between sectoral bureaucracies. They rarely have the sharing of information with "grassroots" representatives as a major objective, although many local agency staff would like more time to work with the public.

Even if information is available, not all stakeholder groups have access to it. For example, information is presented in a language unknown to those groups who do not belong to the political and intellectual elite. (Censat 'Agua Viva')

Data of public agencies is generally much more accessible to powerful parties who consult officials in such offices directly. This tends to effectively disempower also local technical representatives and official intermediaries who are the main contact point for poorer, less mobile people, the latter of whom are often women.

#### *1.3 Conclusion: lack of appreciation for local capacities, strategies and cultures*

Standardised organisations for the administration of water activities and water rights are often created for specific purposive action, to ensure generation of funds, to improve performance in production or water use efficiency. Yet, earlier institutional arrangements may have existed to ensure adequate distribution, opportunities for production, maintenance etc. In fact, there is an un-tapped wealth of sustainable water management systems. (See Agarwal)

However, many NGOs and local communities experience that there is insufficient recognition for the water management capacities of local people. Consequently, a range of specialised water-harvesting techniques are ignored simply because they do not fit the mainstream technical description used by agencies. Or, they are not expected to generate the aspired rapid increase in crop production or to meet official

targets.

The work of local communities to maintain, rehabilitate and develop sustainable water management and land systems often takes place in great isolation and anonymity. On the contrary, local people are often accused of being the main agents of destruction of natural resources. The argument of their inability to look after watersheds is then used to take over control over these resources, without their consent.

This is not to state that all commons regimes are without flaws. It can not be denied that there is often a potential conflict between local control over water and land resources and sustainable exploitation. Commons regimes are not some romantic idyll free from internal inequalities, social injustices and environmentally destructive practices. Also, it should be noted that actual patterns of water use may be gender biased and socially unfair.

It is to insist, however, that for all their inequalities, commons regimes exhibit an 'un-common equity'. (Netting, 1997 in Hildyard) Common property regimes are managed sustainably 'as long as group members retain the power to define the group and to manage their own resources.' (George in Goldman 1998: xii)

#### *2. Where to go?*

*"...the effective management of water resources demands a holistic approach linking social and economic development with protection of natural ecosystems... Second, water development and management should be based on a participatory approach involving users, planners, and policy makers at all levels. Third, [both] women [and men] play a vital part in providing, managing, and safeguarding water.... Integrated water resources management is based on the perception of water as an integral part of the ecosystem, a natural resource and social and economic good." (The World Bank, p. 24, 1993)*

Every year, an estimated four million people are displaced by large scale river infrastructure projects, of which many are sponsored by the World Bank. The problem of forced massive displacement is a grim characteristic of non-participatory and ill-designed river basin planning. Those being displaced have few options left to

eke out a living. Most oustees belong to disadvantaged groups. They are forced to leave sustainable livelihoods behind and face the vagaries of a life as landless labourer, slum dweller or colonist in a unknown environment.

Women are especially hard hit by these changes. They and their families, children in particular, face dislocation, water pollution and acute water scarcity. Without access to the variety of natural sources of food and medicine to rely on, forced migration nowadays often leads to serious problems of under nourishment and poor health, thus significantly reducing the resilience of families, wherein women are one of the main players.

Considering the scale of ecological degradation and human hardship, water management has reached a cross roads. We strongly urge the World Water Vision and the Framework for Action to give first priority to the following principles and concrete measures:

### 2.1 Rethinking the objectives of river basin management

Prevailing sectoral politics and institutional structures regarding energy, agriculture and transport have a tremendous impact on river basin dependent economies and cultures.

The rejection of today's large scale, growth focused and sectoral top-down river basin management implies that it is not enough to question the means of river basin management, but also, more fundamentally, its ends. That is why the World Water Vision and the actions to achieve that Vision should deal with the question: *'How can we enable people to obtain adequate and equitable supplies of water and energy far into the future, reduce the destructiveness of floods [and droughts], and protect the watersheds from degradation?'*. (McCully, 1996: p. 188)

The primary goal of river basin management and restoration efforts should be to enable rivers and watersheds to perform their many vital ecological functions and to benefit people who depend on them as a source of income and for their shelter, food, firewood, fodder, medicine, cultural identity and other basic needs.

• Governments, donors and international insti-

tutions (e.g. IMF, European Union, WTO) need to check the current wave of economic liberalisation, because of its impact on the ecological and cultural basis of the livelihoods of millions of vulnerable groups and on the economy in general. This calls for fiscal reforms, adapted trade agreements, formal investment policies, new sets of standards and regulations, the creation and implementation of accountability mechanisms and adequate monitoring.<sup>12</sup>

- In view of the unprecedented impact of commercial enterprises on river basin ecosystems (e.g. power generation, mining, logging, industrial effluents), governments, international public agencies and business associations should issue strict guidelines to monitor and control the conduct of the private sector. Companies that refuse to accept the primacy of local communities' needs and which do not respect them as their equal partners in development and conservation activities, should not be permitted to operate in such areas. There is a need for more transparency about the aims, motives and methods of land and water use to enable the general public to increase their participation in the control and protection of natural resources.
- Investors, companies and multilateral donors should face closer scrutiny than before from governments, shareholders, NGOs, the media and - increasingly - their own staff. South-North-East collaboration and information sharing is essential, to assure that commercial activities in one part of the world determine a company's reputation -and profitability."
- Governments and international institutions like the International Chamber of Commerce should address with priority the problem of "free riders", i.e. companies which continue to enjoy the benefits of market access (such as timber or minerals) without making sufficient efforts to adhere to international standards<sup>14</sup>.

### 2.2 Decision making

"Participation is a process in which stakeholders influence policy formulation, alternative designs, investment choices, and management decisions affecting their communities and estab-

12. More in general, the prevention of poverty and further environmental destruction demands, first of all, that societies in the west and in emerging economies in the south

abandon the increasingly non sustainable levels of consumption and production. There is the challenge to design and adopt socially and ecologically benign avenues towards needs satisfaction and fulfilment

13. The fact that some of the companies involved water management are setting their own standards suggest greater sensitivity towards the needs of local peoples and the environment. (Colchester 1999; 53).

14. E.g.: the UN Declaration of Human Rights, the Biodiversity Convention, ILO Convention article 169

lish the necessary sense of ownership" (The World Bank, p 16, 1993)

Hundreds of millions of people, who are unable to obtain their basic needs from the market, find it increasingly difficult to rely on traditional subsistence practices since much of the natural environment is destroyed by government or private business sponsored development schemes (e.g. the large scale introduction of ground water exploitation from growing cash crops, industrial sites, large canalisation projects, mono-culture plantations). Their reality is essentially different from the one perceived by those officials, bankers and consultants who keep their distance from the field that often make far reaching decisions about the future of water resources and people. Of course, these water experts do not witness the consequences of these decisions.

To avoid such inconsistencies, governments should make sure that the power and means to achieve economic survival and development are located as close to the people as possible. This calls for higher levels of economic self-sufficiency and for allowing more self-determination, without supposing that local communities can supply all their own needs. (Daly et al. 1989) As Hildyard et al. conclude, "...only when all those that have to live with a decision have a voice in making that decision can the checks and balances on power that are so critical to the working of the commons be ensured". (Hildyard et al. 1997)

Local communities often experience a vicious circle of isolation, and a lack of contacts, information, financial means, recognition and political support. Unless this circle is broken, local water and land use management practices will not have the opportunity to prove their potential as a more sustainable alternative to dominant systems of natural resource exploitation.

In order to break the vicious cycle and to enhance decentralisation in decision making, participation must no longer stay limited to the aforementioned shallow levels of participation. A major effort should be directed at the establishment of decision making structures that allow for women, the urban poor, the rural landless, indigenous groups and other disadvantaged groups to participate in planning and manage-

ment, and if possible contribute actively to autonomous decision making.

NGOs, consultants, governments, universities and donors have much to offer in the field of redistribution and regulation of access to natural resources. Their activities should aim at enhancing possibilities for marginal groups to claim and protect their access to such resources.

All this requires a new sensitivity for the needs and priorities of local people and their resource management systems, as is made explicit by the following recommendations:

« Those who wish to collaborate with local stakeholders should be prepared to make a long term commitment to build trust and partnership. An early involvement of all stakeholders in the decision making process, requires the allocation of time and financial resources to establish local stakeholders' bargaining position.

- Governments, donors, and scientists must link up with local initiatives and give primacy to the needs and political demands of marginalised and oppressed groups. This may require them to take measures that actively disempower dominant groups; for example by enhancing the position of women and by promoting agrarian reform. (Hildyard et al. 1997)
- The ability of local communities and indigenous peoples to effectively influence the decision making process that will affect their livelihoods is key to a successful outcome of any water management initiative. Hence, all stakeholders should have an opportunity to be genuinely involved in joint environmental and social impact assessments.
- Principles like 'informed and prior consent' and 'precautionary principle' are to be established as the basic elements of procedures and standards dealing with public or private industry's interventions in the lands and water resources of local people. (Colchester, 1999)
- Considering the onslaught of many large scale water infrastructure schemes on local people and their natural environment, it is crucial to develop and present alternatives during the earliest stages of the decision making process. Hence, there is an urgent need to include the potential merits of existing knowledge as an intrinsic part of all decision making processes.

- All information relevant for a particular decision making process should be accessible - both in format and in content- and available to all stakeholders. That is why instruments and institutions that facilitate the exchange of information between national and local levels, and between stakeholders within the basin, should receive priority attention.
- Efforts should be directed at setting up monitoring systems that are managed by local communities. In order to enhance the power of local actors in decision making, these systems have to allow for the incorporation of indicators that reflect local knowledge, including women's specific knowledge domains.. (Censat 'Agua Viva) It calls for the development of gender oriented participatory approaches, that respond adequately to the needs and capacities of women in local and higher decision making levels.
- International development agencies should reject a top-down approach and increase the accountability of their staff. Establishing a bottom-up approach would allow for the early incorporation of local knowledge in development alternatives and would demand a truly participatory decision making process, based on a dialogue. Making staff more directly accountable would increase the involvement of staff and would demand a much more critical analysis of experts involved at the different levels. Again, this implies a different allocation of time (and money) throughout the entire decision making process, with much more emphasis on design and planing during early stages.
- Bilateral donors and multilateral financiers are urged to make community based water management and non-displacement of local people conditional upon their funding for water schemes, to help prevent external funding from accelerating the down going spiral of poverty and environmental degradation.
- There is an urgent need to develop and implement alternative indicators of 'development', to guide decision making and investment in river basins. It is essential that these indicators are developed in collaboration with all interest groups directly involved in decision making and policy implementation.
- Even when assuming the need for larger scale water infrastructure projects, there is a constant need to assure that only those projects which amply satisfy the objectives of economic, financial, ecological and social viability and equity are implemented.
- There is great opportunity to learn from positive lessons and examples and to open up space for experimenting with new ways of decision making.

This series of recommendations implies that development agencies and other external agents have to make clear choices as to whom they work with. As Larry Lohmann argues, "*Blaming client governments or their departments when a project stifles participation of local people in (water) management, for example, should have no place in agencies that are committed to fostering genuine participation and local control. It should be the responsibility of agency staff to evaluate in advance whether or not a partner government is likely to support local participation and not to become involved if this evaluation is negative.*" (Lohmann in: Hildyard et al. 1997:24) NGOs and donors should make their own participation in programmes led by international agencies, the corporate sector or governments dependent upon the degree in which such initiatives embody a genuine commitment to structural change and how they address the political demands of all those groups.

### 2.3 Land and water rights

Security of local land and water rights, or user rights, is the basis for ecosystem preservation and the well being of local people. Legal establishment of user and property rights of local communities and indigenous peoples as well as of the landless, is a precondition to genuine participatory decision making processes. These rights should be established as a pre-requisite of any intervention in river basin ecosystems.

- It calls for the recognition of customary land and water titles as well as for more collaboration between governments and local people, whereby the latter are entrusted with the management of public lands and water resources, on condition of sustainable use. At the same time, legal arrangements need to be made to

achieve genuine land reform, as an alternative to the politically more convenient practice of handing out unsuitable public land for agricultural purposes. There is an immediate need to increase the attention for the rights of landless people. (E. Venkat Ramnayya)

- Whereas recognition of land and water rights is essential, it is in itself not sufficient. Governments and donors should pay much greater attention to the design and implementation of integrated development programs and activities, in which appropriate technical assistance, credit and health programmes respond to the needs and perceptions of local communities and the demands of sustainable water and land use.
- It should also be acknowledged that traditional or customary right systems are often highly gender skewed. Whereas political recognition and security of customary right systems is vital, the empowerment of women and the promotion of gender equality, requires progressive legal reforms that allows women to obtain more and better rights than they currently have. (M. Zwartveen)

#### **2.4 Institutions and capacity building**

In many countries, institutional reform will focus on river basins as the appropriate unit for analysis and co-ordinated management. (The World bank 1993) The fact that most governments have failed to recognise the role of local water management has not necessarily ended local peoples' management of, and local tenure over, water resources.

Local water management practices often remain invisible, only to come to light when there is a clash of interests within communities or between local communities and the outside world. More positively, there is also a growing range of initiatives and opportunities to foster collaboration between local people, state authorities and other parties in support of local sustainable management of (parts of) river basins.

To further enhance successful collaboration the following conditions need to be met:

- The principle is that nothing should be done at a higher level of government that can be done satisfactorily at a lower level' (The World

Bank 1993: 15) This principle requires modes of participatory planning, decision making and execution which allow for micro-shed management to be officially entrusted to local institutions that truly represent all sectors - including women. Also, it implies that government structures, mandates and financial resources are shifted in support of watersheds.

- Efforts to protect or repair the interests of local people and their environment invariably start with great investment of time and commitment to foster unity and a common direction within the community and to strengthen or build local institutions that represent and respond to the community's needs and capabilities. There is an urgent need to enable these institutions to secure legal standing, and generate political commitment towards their recognition.
- It is crucial to pay more attention to the degree of gender-sensitivity of existing and newly created institutions, and the adequate representation of women therein.
- It is vital to support NGOs<sup>15</sup> that fulfil the long term role supporting local communities - as catalysts -, and are an essential link between these communities and other (donor and government) institutions.
- Water should be considered a commons. Governments, donor agencies and NGOs need to support the building of open, accountable and representative institutions that consolidate or restore the authority of local commons regimes. As such, the role of landless people might be crucial, as in certain regions they form the vast majority of the actual users of these commons. (E. Venkat Ramnayya)
- Where local people have ceased to look upon formal institutions as viable and useful organisational structures, it is necessary to advocate for changes in order to make the institutional structures truly effective, and representative of the reality in which they operate.
- In as far that water pricing is acceptable as an appropriate tool to conserve and management water resources, local communities should be entrusted with the responsibility for rationalising the system of water tariffs based on agreed priorities.
- Facilitate strategic discussions between NGOs from the South en the North, with the aim to

15. These NGOs should count with a number of characteristics, which are further specified under 2.6.

identify common goals and challenges and the role of NGOs vis-à-vis other major stakeholder groups and to define a common actions in regard to water management in general.

(Censat 'Agua Viva')

- Research institutes and the informal and formal educational sector should be included as active players in capacity development. Their role as knowledge transmitters and as facilitators of an exchange of knowledge between different stakeholder groups needs to be enhanced. (Censat 'Agua Viva')
- Households are important in day-to-day water management. It is on this level that gender-biases can be solved effectively. That is why policy makers and researchers should focus more on changes at this level. (M. Zwarteveen)

### 2.5 Eco-system approach

A major part of the water potential of the river basin can be found outside the actual river, in the watersheds, in the up-stream areas. Land and water resource development under no circumstances should contravene the limitations imposed by the natural quantum and frequency of precipitation, the natural processes of water run-off and sediment transportation, the natural texture and contours of the land surfaces, the prevailing multi-tired structure of vegetation and faunal distribution, the wind and temperature patterns and all other relevant geo-morphological conditions. (Paranjpye, 1999)

- The often exclusive focus on (irrigation) agriculture needs to give way to the much broader approach of 'managing natural resources', such as fisheries, non-timber forest products and more integrated agro-forestry and analogue forestry systems.<sup>16</sup> Considering water scarcity and soil conditions, the latter land use systems are often a complementary and more secure and viable alternative source of basic needs provision.<sup>17</sup>

"It is urgent to create the appropriate framework for integrated ecosystem management. In relation to freshwater ecosystems, this implies a focus on river basins. Currently, a range of bottom-up initiatives is developing all over the world. These alternatives should

be taken seriously and compared to the blueprint approaches of the automatic -often top-down- creation of River Basin Authorities. (based on E. Venkat Ramayya)

- Significant attention should be paid to the development of economic and environmental policies that establish 'environmental services' as a recognised and economically important activity. There is an urgent need for the establishment of systems that include financial compensation for these services. Thus, day-to-day nature protecting activities will become a regular source of income and a recognised economic activity. (Censat 'Agua Viva')

### 2.6 Technology and planning

Planning for the future must include an assessment of the availability of water and the optimal sustainable utilisation potential in the upstream areas. In this respect, there is most often a proven need for small scale technologies, based on existing management capacities and on still existing or re-established local management systems. Appropriate technologies which fit the socio-economic and cultural context stand the best chance to succeed and benefit disadvantaged sections of society. From this it follows that:

- "If 'appropriate technologies' are to fulfil their potential to meet human needs in an equitable fashion, they should ideally be instigated by the people who are benefiting and applying them. It is to insist that the people in whose name technology is being installed should willingly accept it and participate in its implementation: where they are not, the supposed beneficiaries must understand what the technology is, how it works, and who stands to gain and who to lose." (McCully 1996: 189) Water management projects are only likely to 'succeed' if all sectors at community level - including women-, have been able to determine their design, operation and implementation.
- Management approaches and tools emanating from local experiences have to be identified and financially supported if the fundamental needs and requirements of the poorer populations are to be fulfilled. At present, these local

16. The potential of small-scale, labour intensive production systems demands much more attention.

These systems, often based on traditional approaches towards natural resources, can match the productivity per hectare of labour extensive, capital intensive large scale systems.

17. This is particularly the case in dry areas with poor

alternatives tend to be neglected because they are difficult to locate and even more difficult to comprehend in terms of modern development co-operation jargon. Also, being usually small-scale, they are not amenable to institutional funding or integration in large scale development initiatives. (Task Force GOI River Basin, India 1998) Local peoples living in flood plains are often engaged in management systems which guarantee their security while respecting the main ecological characteristics of the floodplains. These systems need to be acknowledged and, where desirable, supported.

- It is essential to support the recognition of local and indigenous knowledge and to start more systematic inventories and analysis of existing approaches to water management. There is a urgent need to make an inventory of the wealth of traditional and innovative agricultural methods, developed to reduce the negative hydrological consequences of, for example, farming watersheds. Small-scale irrigation techniques have proven their effectiveness in increasing production, without upsetting the local hydrology.
- Instead of using scarce capital for starting new major or medium scale water infrastructure projects, priority should be given to micro water impounding structures, conservation and use of in-situ soil moisture in the upper catchments. Consequently, the choice of technology should follow a planning which begins at the point of origin located in the upper most reaches of the river basin, then proceeds downwards along the minor and the major tributaries, then continues along the main stream till the lower reaches of the estuary. Project formulation and execution must also begin from the ridges and end in the valleys.
- NGOs, through their often long-term involvement with communities or indigenous peoples, have acquired a vast amount of knowledge of socially and ecologically sound approaches and techniques. Emphasis should be placed on the gathering of information and on networking; facilitating the exchange of information, knowledge and experiences between different river basin communities.

It should be noted that the relation between local communities and NGOs often signifies conflicts over views, power and functions. And hence, more support is required for NGOs which;

- respect local communities as equals;
- have developed specific participatory approaches to co-operate with local interest groups;
- assure that all stakeholders are effectively represented in the entire decision making processes;
- are aiming at the empowerment of local actors, and
- ideally, aim at making themselves redundant.

(S. Ciaassen)

#### 2.7 Rehabilitation/ restoration

'Achieving a healthy river requires a healthy watershed...' (McCully: 1996: 189) To stop further degradation, it is imperative to collaborate towards the rehabilitation of degraded resources. To counter the marginalisation of vast numbers of rural people and subsequent migration to the urban slums the consolidation and rehabilitation of water and land-use practices should receive first priority. Rehabilitation of river basins and related, often fragile ecosystems (e.g. wetlands and mangroves, coastal ecosystems, forests, pastures) will contribute significantly to sustainable production of food and other essential needs. This requires that numerous traditional water and land use techniques, notably in (semi-) arid areas, have to be strengthened or adapted. If the international community is genuinely interested in addressing these social and environmental problems, a 'restoration agenda should guide future planning and investment. Such an agenda should comprise amongst others the following actions:

- There is the challenge to exchange and facilitate cross fertilisation between the many well established water storage and/or irrigation systems in different pockets of the world. There are various promising examples of new or adapted techniques which help to abate problems of evaporation and contamination exist all over the world., e.g. the 'muang faai' system in Thailand, the 'subaks' on Bali, the 'zanjeras'

in the Philippines.

- An immediate and systematic exploration of local knowledge on river basin management and local management approaches is a precondition to support viable local rehabilitation efforts. Apart from documenting the knowledge, special attention has to be paid to an analysis of the potential of these - often micro-shed approaches- to be applied on a larger scale - i.e. large watersheds or river basins.
- It is crucial to consider more in-depth the various concrete action agendas for the rehabilitation (and re-orientation) of existing water harvesting and land use management systems which have been suggested by organisations in different corners of the world. These agenda's suggest, amongst others, that action is taken with priority:
- The conservation, and the necessary recharge of surface, sub-surface and deeper ground water aquifers, should be treated as interdependent and inseparable priority of the basin restoration process.
- Pastoral systems in dryland environments have been able to cope with harsh climatological and environmental conditions. It is crucial to counter forces which undermine these intricate survival systems, notably the expropriation of land and water and efforts to 'develop' the pastoralist economy through the digging of wells and the enclosure and privatisation of grazing commons. (McCully, 1996).
- Rainfed farming will continue to provide a major share of the food supply, notably in developing countries. There is a need for more support for consolidating or up-grading existing systems of water harvesting, such as runoff farming (directing collected water running down slopes towards arable fields below).
- Flood recession farming which involves the use of moisture, sediments and nutrients which remain after seasonal floods. Another key area with great productive and ecological potential is the restoration of tank irrigation.
- In many regions (e.g.: India and Sri Lanka) the artificial water storage systems (e.g.: ponds, tanks) are the centre of the village life economy and culture.<sup>18</sup> These systems constitute an enormous potential to restore the sus-

18. (For example, in India over half a million tanks still exist, of which many are now laying waste and derelict.

19- It is important to note that gender is about establishing the right balance between women's and men's agement and the equitable sharing of the costs and benefits of that management. Thus, focus should not be exclusively on the position of women, but on their position vis-à-vis men.

tainable farming potential and for a key source of drinking water for humans and cattle. It requires, however, that the government stops to promote privately owned bore-wells, which promote private control over water, and as such are a major cause of the decline of the said communal systems.

- The maintenance and restoration of watersheds with forests, wetlands, and stable soils, to check floods, erosion and ensure crucial ecological regulative and productive functions implies strict controls on destructive logging, and a halt to government subsidies and grants for other destructive interventions. (McCully, 1996)
- « Local communities, NGOs and other sectors need to direct mechanisms of flexible funding, research and other forms of encouragement at traditional and modern agricultural and land restoration techniques such as terracing, agroforestry, life stock management, the development of non-timber forest products and fisheries. Donors should thereby give priority attention to strengthening the position of (politically) marginalised groups.
- The application of the full range of techniques would require long term training and education for the government officials concerned along with the local people and voluntary workers. Resource persons and competent experts would have to be identified first within the community and later externally so that the development process can be implemented efficiently and swiftly. (Task Force)

## 2.8 Gender as a means and an end<sup>19</sup>

Gender issues should form an integral part of all actions mentioned thus far. However, special attention should be paid to gender aspects in the design of participatory processes of decision making, recognising existing knowledge and assuring the choice of appropriate technologies, for women as well as for men. In the end, it is the division of labour, knowledge, responsibility and control between men and women that determine the overall success water management. Often women are called 'environmental managers', whereby management refers to deliberate measures to sustain or increase the resource

and its yield. But management also implies that the manager has control over resources, and women often lack this. In order to successfully abate problems of water scarcity and environmental decline it is critical that women gain greater access to and control over water, land and forest resources. (Homberg 1993)

Thus, the following principles and commitments are essential pre-conditions of sustainable river basin management:

- The promotion of more equitable gender arrangements will enhance the survival of whole households and communities. That is why, the workings of these gender arrangements need to be understood at both the micro level and at higher levels, such as watersheds and river basins. Better understanding of gender roles will give better information about water uses, and will enhance the effectiveness of institutions for water management.
- A precondition of genuine participation of women in decision making and water management on a local and national level is gender analysis into the role of women in water management on both levels. Only by knowing country and region specific circumstances will it be possible to design decision making and management processes which truly accommodate women. (S. Claassen)
- Gender related criteria and indicators should guide both the assessment of (potential) impacts and decision making regarding existing and new water development projects. Indicators which reflect the degree in which the well being and socio-economic position of women is affected should be made key indicators to guide cost-benefit analysis and actual decision making. This concern should also be translated into special arrangements for compensation and assistance. Notwithstanding compensation, interventions in land and water resources with substantially (direct and indirect) negative impacts on women and their positions are unacceptable. The point of departure that river basin management can be improved by attention and action on gender issues in different parts of the water sector needs to be adopted, bearing in mind that such action will vary regionally. As a rule, both women and men should be involved as key informants on water availability and water use priorities. At the same time, government authorities and other external agencies should ensure adequate dissemination of information to women. They should promote, in collaboration with women representatives, women to have sufficient choices and options, on the short as well as on the long term. During all aspects of decision making and implementation and at all levels of river basin management, enough time, expertise and resources should be set aside for that purpose.
- Before introducing, new legal and institutional measures, these should be scrutinised for their differential impacts on men and women and their possible effect on the distinct rights and responsibilities of men and women in water management. This notably concerns measures regarding land tenure, decision making, their choice of cropping patterns cultivation methods and individual and collective work arrangements.

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# NGO participation at international conferences: assessing theoretical accounts

by Kerstin Martens\*

## Introduction<sup>1</sup>

Non-governmental organisations (NGOs) are more and more involved in the processes and performances of international relations. The end of the Cold War facilitated increasing NGO activity on the global level. In particular, the participation of NGOs at the series of international conferences in the 1990s led to broader consideration and conceptualisation of NGOs in international relations (Hüfner 1996:116). Politicians began to regard NGOs as important actors and full participants of international life (Boutros-Ghali 1996:7). Political scientists re-launched the transnational approach, which considers non-state activity in particular (Risse-Kappen 1995a). In the UN system, the NGO involvement at international conferences led to the revision of the 'consultative status' which now explicitly provides for NGO participation at international gatherings<sup>2</sup>.

Despite empirical evidence of NGO participation and theoretical conceptualisation of NGOs, we lack works, which link theoretical and empirical findings on the participation of NGOs at international meetings. In many works the issue of international conferences - if at all — mainly only serves as one example among others to demonstrate NGO activity and influence. Theoretical concepts, however, have been only very rarely specifically employed on the issue of NGO participation at international conferences<sup>3</sup>. Within its limits, this paper hopes to fill the gap and concentrates on the evaluation of current theoretical approaches on one international event in the 1990s, the World Conference on Human Rights.

The activity of NGOs in the field of human rights has become an issue of increasing interest in the last decade<sup>4</sup>. Works mainly consist of case studies of single organisations<sup>5</sup>, studies of human rights organisations in specific countries or regions of the world<sup>6</sup>, or the contributions of human rights NGOs and/or the challenges to their involvement in international political processes. Many studies also consider the relationship of human rights organisations with other international actors, in particular with IGOs, such as the UN<sup>7</sup>. These studies analyse the involvement of NGOs working on a specif-

ic human right<sup>8</sup> or the NGO contribution to the development and implementations of international law<sup>10</sup> and norms<sup>9</sup>. Most studies on the Vienna Conference, however, are primarily empirical in order to show the importance of NGOs in the field of human rights and emphasise their influence on other actors<sup>12</sup>.

Hence, in this paper, theoretical approaches to the study of NGOs in international relations will be explored and their appropriateness for explaining the involvement of human rights NGOs at the Vienna Conference on Human Rights will be examined. The paper will be split into a theoretical part, in which current theoretical conceptions and their implications for the role of NGOs will be looked at in more detail. Particular attention will be paid to theoretical indications on the involvement of international conferences for NGOs. In the second part, theoretical implications will be employed in an empirical investigation. The Vienna Conference on human rights and the involvement of NGOs will be examined in more detail under the light of the theoretical indications. Particular attention will be paid to the limits and deficits of theoretical dimensions in explaining the involvement of human rights NGOs at Vienna. It will be argued, that dominant theoretical approaches are helpful in conceptualising and explaining the rise and influence of NGOs in general terms; the Vienna Conferences, however, showed that states still set the structures of global governance and limit the participation of non-governmental actors.

## Theoretical approaches to the role of NGOs at international forums

International relations theory has recognised non-governmental organisations as important actors on the international stage, which gain increasingly significant influence. IR models acknowledge NGO activity in turning away from state-centric approaches to society-dominated perspectives on world politics. In particular, transnational and transsocietal approaches recognise the influence of non-state actors on international affairs. Organised groups of a 'global civil society', in particular 'transnational social movements' extend their activity to the

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1. Special thanks to Philip Alston for helpful comments on an earlier draft.  
2. Willets argues, that due to the participation of 550 national NGOs participating at the Earth Summit in Rio, the 'consultative status' became revised in 1996 and now also allows the application of national NGOs (1996c:54). Furthermore, NGOs in one of the three stars at the UN (general consultative status, special consultative status or roster) are now free to participate at a UN conference or in one of the preparatory bodies.  
3. Only recently, NGO participation at international conferences has been analysed under the light of theoretical accounts. See the works by Clark, Friedman and Hochstetler (1998, 1999) in which the authors employ the concept of 'global civil society' in their analysis of NGO participation at UN conferences in the 1990s.  
4. For general studies on

5. In particular, Amnesty International (AI) gained the most consideration, see for example Baehr (1994) and on AI in relation to the UN, see Thakur (1997) and Cook (1996). On Save the Children Fund, see Penrose and Seaman (1996). On the International Commission of Jurists, see Toiley (1994). 6. Latin America obtained the most attention, see for example Macdonald (1994), Sikkink (1993). The Forschungsgruppe Menschenrechte worked on 'southern countries' (1998). 7. For a general overview, see Steiner (1991). Wiseberg particularly worked on the issue of NGO independence, see for example some of her more recent studies (1991, 1993). On NGO impunity, see Jochnick (1999). On the self-image of non-governmental organisations see Pal (1995). 8. On the relationship between NGOs and companies, see Rodman (1997). On NGOs and the CSCE (now OSCE), see Brett (1994), Grönick (1993). Many studies are dedicated to a general analysis of human rights NGOs and the UN, see for example Ziegler (1998), Korey (1998), Smith (1997), Baehr (1995), Brett (1995), Gaer (1996), Kamarotos (1990). 9. In particular, the rights of women gained most consideration, see Chen (1996), Connors (1996). On conscientious objection, see Hovey (1997). 10. In relation to the drafting of the Convention of the Rights of the Child, see Longford (1996), Cantwell (1990), Price Cobén (1990). On the issue of NGOs and international law see Merle (1995), Wiederkehr (1995).

global world<sup>13</sup>. In this part, these approaches will be explored with a particular reference to the role of NGOs in relation to intergovernmental organisation and world conferences.

#### *Transnational relations and the boomerang effect*

In the 1990, the academic world increasingly studied NGOs and their significance in world politics. In particular, Risse-Kappen's book on *Transnational Relations* (1995a) which resumed works from the 1970s<sup>14</sup> inspired a wider discussion and research on the impact of non-state actors in international affairs<sup>15</sup>. In contrast to Keohane's and Nye's studies, the 'new transnationalists' not only show the significance of transnational actors but also present elaborated theoretical conceptualisations on the circumstances under which non-state actors have an impact on international relations.

#### *Transnationalism*

Risse-Kappen (1995b:6) builds upon two theoretical approaches, which significantly influence the activity and ability of transnational actors: *domestic structures* (the normative and organisational designs by which the state and the society are formed and also interlinked) and *international institutionalisation* (the degree by which international agreements, regimes or organisations regulate a specific issue-area). The domestic structure model explains why non-state actors have divergent influence in different countries, however, it does not account for the differences of influence in particular issue-areas in the same country, e.g. why environmental NGOs are more successful than human rights NGO in the same country. The reasons of this divergence lie in the differences in the degree of international institutionalisation in a particular issue-area: the more a specific issue-area is arranged by international co-operation, the more permeable should state boundaries become for transnational activity (Risse-Kappen 1995b:7).

Analogously, linkages with international institutions, such as the UN mediate the policy impact of transnational actors. First, intergovernmental organisations provide *additional*

access points to policy-making processes of the state. In particular, international organisations make it easier for NGOs to lobby governmental representatives. Following, IGOs open up channels for NGOs, which would otherwise be limited by the domestic structure (Risse-Kappen 1995b:31). Second, intergovernmental organisations *reduce* the resistance of state to transnational activity. As Risse put it "highly institutionalized inter-state relations tend to lower state boundaries thereby allowing for flourishing transnational relations. At the same time, these institutions also legitimize transnational activities in the 'target state', actors are less and less treated as 'foreigners', but as almost indistinguishable from other domestic players" (Risse-Kappen 1995b:32). Hence, interlinkages with IGOs are highly fruitful for NGOs because they increase their ability to influence political processes.

#### *The Boomerang model*

The 'boomerang pattern' is a particularly precise model on how NGOs use IGOs as a 'detour' to influence the state. This model is a conceptual frame, which exposes how domestic social actors try to form an alliance with international groups and with IGOs in order to put pressure on the repressive state. Keck and Sikkink (1998) studied *transnational advocacy networks* (TAN) and discovered the 'boomerang pattern' by which domestic social actors bypass the repressive state in order to find international allies who bring pressure on the state in question from outside. Transnational advocacy networks are "those relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchange of information and services" (Keck/Sikkink 1998:2)<sup>16</sup>. National groups, domestic NGOs, and social movements link up with international NGOs which then establish (or use already established) bonds with intergovernmental organisations or other states in order to put pressure on norm-violating states<sup>17</sup>.

Following on from the transnational approach, international conferences should offer a great chance for NGOs to influence single states and the interstate system as well as deepen network structures. International meetings open

up additional channels for NGO participation; at the same time these meetings increase the ability for NGOs to meet each other and establish tighter links among NGOs with the same aims and goals.

#### *Transnational social movement organisations in a global civil society*

In transsocietal approaches, the emergence and increasing importance of intergovernmental institutions has been seen as the shift of political processes upwards from the national to the international level<sup>18</sup>. Following Tilly's (1984) shift from local to national social movement activity, authors argued, that analogously, these transformations towards the international level similarly affects social movements<sup>19</sup>. On the one hand, content and organisation of social activism is becoming increasingly global (Rucht 1999). On the other hand, the addressee of societal activism shifts towards intergovernmental institutions (Passy 1999). Although transsocietal approaches have mainly been developed on the study of in the field of human rights and the environment (Lipschutz 1992:393/4), in recent years, these concepts have been widely applied in different contexts, for example on various regions of the world<sup>20</sup> or on other issue-areas<sup>21</sup>.

#### *Global civil society*

Based on concepts of civil society, *global civil society*<sup>22</sup> is concerned with the interlinkages between different societal actors on the global scale and across borders. Following Wapner, "[g]lobal civil society ... is the domain that exists above the individual and below the state but also across national boundaries, where people voluntarily organize themselves to pursue various aims" (Wapner 1997:66, 1996:158, 1995:313)<sup>23</sup>. A global civil society has arisen for two main reasons. On the one hand, external development allowed for easier interconnections between societies. In particular, political and technical developments facilitate the generation of transnational linkages. Most importantly, the end of the Cold War opened up a greater social space for transnationally operating organisations (Peterson 1992:371; Shaw 1994). Less constrained to national borders, societal actors are

able to co-ordinate their activities on a global level. Furthermore, new technologies, in particular in the field of communication (such as internet and email) make co-operation throughout the world easier and connects societies and organisations of societies (Shaw, 1994b:647; Lipschutz, 1992:390; Turner 1998:30; Wapner 1997:66; Peterson 1992:413). On the other hand, these new political arrangements and technical possibilities call for the collaboration of societal actors from different countries. Many issues or topics societal actors work on exist in different societies or across borders (Walker 1994:675; Turner 1998:32). For example, human rights violations occur in many countries or environmental pollution is not restricted to national borders. Following, co-operation between societal actors supports the aims and goals better than promotion within the national frame. In particular, because these issues are generalisable, and hence it is possible to mobilise a broader (in best case global) public opinion (Eckert 1996:54; Turner 1998:39; Thränhardt 1992:223).

NGOs are a major component of global civil society. They present the majority of organisations within global civil society (Lipschutz / Mayer 1996). As political organisations they seek to change and influence international political processes (Wapner 1997:66; Coate / Alger / Lipschutz 1996:100). Disregarding the principle of nationality, non-governmental organisations form the societal linkages which connect different national societies with each other on the individual level (Wapner 1995:311). NGOs introduce issues of world-wide interest to the international agenda and in so doing, they enhance the transnational exchange of science, ideas and culture, and contribute to the formation of international norms and values. The most visible co-operation between societal actors and official actors in a global civil society are interlinkages between NGOs and IGOs (Turner 1998:31)<sup>24</sup>. NGOs lobby states within the frame of international organisations in order to advance the institutionalisation of international standards, for example in the fields of human rights and environmental protection (Wapner 1997:80). Furthermore, IGOs also legitimise NGOs because they formally acknowledge the

11. Forschungsgruppe Menschensicht (1998). On NGOs and sanctions, see Rodman (1997).  
12. On NGOs at the Vienna Conferences, see Silber (1994), Wiseberg (1995). On women's groups and their involvement at the Vienna Conferences, see Sullivan (1994).  
13. Of particular importance for this approach was the special issue of *Millennium* on social movements and world politics, especially the contributions by Shaw (1994-) and Walker (1994). Similarly, for others the involvement of non-state actors demonstrates 'world civic politics' (Wapner 1995, 1996) or a world polity institutionalism (Boli / Thomas 1999).  
14. See in particular works by Keohane and Nye (1971a,b, 1974) and Feld (1972, 1976, 1979).  
15. Risse-Kappen defines transnational relations as the "regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an international organization" (1995b:3).  
16. See also Sikkink (1993) on 'issue-networks', as a precursor of transnational advocacy networks.

17. In the human rights area, Risse and Sikkink (1999) further elaborated the boomerang effect to a 'spiral model', which reveals the single consecutive steps of bringing about changes in the human rights field. The 'spiral model' presents the five different phases of institutionalising international human rights ideas and norms into respective domestic arrangements. As such, it explains the variations in the degree of internalising human rights norms in different states (Risse / Sikkink 1999:3). The adaptation to these norms follows in a socialisation process, during which IGOs play a major role for societal actors. As in the boomerang model, societal actors link up with international institutions to bring upon pressure on human right violating states. IGOs are particularly important during the socialisation process of norms, since they set up the standards for rights (by passing the necessary resolutions) and most

of the 'talk' (the processes of arguing over human rights violations) takes place within the framework of international governmental organisations.

18. This is one of the most often used arguments, Lipschutz (1992:399), Camilleri / Falk (1992:211), Finger (1994:59) Smith / Pagnucco / Romeril (1994:125), Smith (1995).

19. With special reference to Tilly, see (Rucht 1999), Passy (1999)  
20. In particular, on South America, these transsocietal concepts have been found attention. On Latin America (Sikkink 1993), on Central America see Macdonald (1994), on Argentina see Brysk (1993).

rights and practices of nonstate actors by consulting NGOs and honour NGOs with official recognition (Wagner 1997:74; Price 1998:623/4). As such the inter-state system shares a major contribution in upholding a global civil society. Moreover, linkages to IGOs provide NGOs with the opportunity to establish more links with other NGOs. In particular, international conferences bring together NGOs what allows them to build up and intensify their contacts and networks (Schoener 1997:562).

#### *Transnational social movement organisation*

Borrowing from national social movement theory, *transnational social movement organisations* (TSMO)<sup>25</sup> are the major actors which engage across borders on a global scale. For some, TSMOs therefore build up the infrastructure of global civil society (Smith 1998:103). Transnational social movement organisations are those NGOs which engage internationally and aim at bringing about progressive change in a specific issue-area. In contrast to social movement organisations within nation-states, transnational social movement include individual and / or organisational members from at least two countries, they have some formal structure, and they co-ordinate a common strategy through an international office. They share common norms, modes of political influence and a limited thematic goal<sup>26</sup>. Amnesty International, Greenpeace or Oxfam are 'prototypes' for transnational social networks (Macdonald 1994:276; Kriesberg 1997:12).

Intergovernmental organisations are the direct target of TSMOs because they provide *transnational* political opportunity structures. These structures facilitate or constrain societal activity and influence. Societal actors seek to influence them directly in order to advance their aims and goals. IGOs, in particular the UN establish formal mechanisms to co-operate with non-governmental organisations, such as arrangements for 'consultative status', regular meetings or participation during multilateral negotiations. From closer co-operation, IGOs gain benefits which they often lack, such as knowledge, resources and international legitimisation, since TSMOs enhance governmental accountability (Passy 1999:155; Smith / Pagnucco / Chatfield

1997:74; Smith 1995:195). Within the structures of IGOs, transnational organisations aggregate interests across national boundaries and facilitating intergovernmental policymaking by diffusing ideas and values (Passy 199:156; Smith / Pagnucco / Chatfield 1997:69). TSMOs in return are provided with symbolic resources, because IGOs officially recognises non-governmental organisations by granting a consultative status (ibid).

In sum, transnational approaches expect an increasing participation of NGOs (or TSMOs) on the global level. NGOs attempt to co-operate with IGOs because intergovernmental forums provide additional channels for successfully influencing states and the community of states. Accordingly, international conferences could be expected to be of major importance for NGOs as a venue of dense influence on states during the process of norm-creation. As part of a global civil society, NGOs themselves are expected to represent the international civility.

### **The Vienna Conference on Human Rights and the involvement of NGOs**

From June 14 to 25, 1993 the Second World Conference on Human Rights took place in Vienna. Not only representatives from states and international organisations participated, but also non-governmental organisations were involved in the largest gathering on the issue of human rights (Boyle 1995:79). Around 2100 official representatives from 171 countries participated at this international meeting<sup>27</sup> gathered by the United Nations and another 3600 NGO representatives of 840 organisations were present at Vienna<sup>28</sup>. Similarly to the Earth Summit, accreditation procedures for NGO-participation became relaxed in Vienna and non-ECOSOC NGOs were allowed to attend the conference. According to a UN source, only 248 of the NGOs had had ECOSOC accreditation before the actual conference (Gaer 1996:58/9, Clark / Friedman / Hochstetler 1998:9). Around 100 of all NGOs also obtained the right to contribute oral statements at the conference (Furtak 1997:56). This was a *novum* compared to the

Earth Summit, where NGOs were only allowed to silently observe the conference (Furtak

The Vienna Conference was preceded by various regional states gatherings and one NGO forum. In Africa, Latin America, and in the Asia Pacific Region the meetings led to regional declarations. In Europe no regional meeting was held. According to European officials, an inter-regional meeting was not preferred due to cost reasons (in Boyle 1995:81). NGOs participated intensely at these regional meetings. Only a couple of days earlier (June 10 to 12), the NGO Forum preceded the official conference. It took place in the same building as the following UN conference<sup>20</sup>. Whereas states representatives meet in the 'upstairs' rooms, NGOs held their forum 'downstairs' (Gaer 1996:58). Furtak assess this as a 'spatial' (*räumlich*) success, since NGOs at Rio (and later at Beijing) sat 40 km away from the main venue (Furtak 1997:65). According to NGO Forum organisers, 2721 representatives of 1529 organisations<sup>21</sup> attended the three-day forum (Gaer 1996:58)<sup>22</sup>.

#### *NGO (non-)participation at Vienna*

Despite the shire figures of NGOs at Vienna, a couple of reservations on NGO participation have to be considered. First, not every NGOs can be considered of non-governmental character. Some NGOs at the Vienna Conference were known to be government-organised NGO (GONGOs) and others were suspected of being GONGOs, in particular since some were set up just prior to the World Conference (Wiseberg 1993:24). A GONGO is an organisation which obtains the legal status of an NGO but works exclusively for a government (Furtak 1997:25). China, for example, created NGOs in order to have them participating at Vienna. The Chinese government simply declared party organs to be an NGO forwarded their names to the UN Centre. Following, several participated at the UN meeting as participant, but no Chinese NGO was registered by the parallel NGO Forum (Wiseberg 1993:26; Clark / Friedman / Hochstetler 1998:23). Also Cuban, Indian and Nigerian NGO were lobbying in favour of their governments (Wiseberg 1993:24).

Secondly, the accreditation and participation of NGOs at Vienna does not necessarily imply autonomy from governmental influence. Many governments offer support for NGOs, e.g. the provision of funding for travel. "Such support brings with it the possibility of compromising NGOs' independence and is often debated among NGO participants" (Clark / Friedman / Hochstetler 1998:23). In others cases, however, as with the El Salvador Commission for Human Rights, the name was identical to that of an existing NGO, so that "the element of confusion created was probably not accidental" (Wiseberg 1993:26). Furthermore, some NGOs also served on official governmental delegations (Gaer 1996:58/9; Pal 1995:191). Again, this issue has to be handled with care. It does not necessarily indicate an increasing participation of NGOs. "As officials, they [NGO representatives] are accountable first to their political masters and then to the broad public. Therefore there are clear limits to how transparent, open, and accessible they can be" (Pal 1995:191).

Although a huge number of NGO were present at Vienna, access to the official conference was rather limited than open for NGOs. In contrast to the Earth Summit, at the Vienna Conference NGOs were largely excluded from the official process. During the conference, many governments persisted on limiting the formal access of NGOs and their participation at the conference as well as challenged the legitimacy of their work and findings<sup>23</sup>. Not surprisingly, those governments who are especially criticised by NGOs insisted on restricted NGO participation (Gaer 1996:51). Particularly, Arab and Asian states argued for limited NGO participation at every opportunity (Otto 1996:119; Azzam 1993:98). Therefore, NGOs were only allowed to attend 'formal sessions' of early drafting groups (Silber 1994:85), mainly, because of some governments' unease of completely excluding the NGOs from the conference. The main work, however, was done in closed informal meetings to which NGOs were excluded (Cook 1996:192). In particular, NGOs were excluded from the final draft session, both in the Preparatory Committee and at the conferences itself (Cook 1996:192)<sup>24</sup>. For NGOs, this exclusion from final drafting sessions marked an

21. E.g. on security, see Price (1998). On communication, see Braman / Shebani-Mohammadi (1996). On NGOs and International Law; see Schoener (1997). On social capital, see Smith (1998).

22. For a detailed presentations of the notion of civil society in relation to global civil society see Lipschutz (1992:398; 1996:53-57); Walker 1994: 679-84); Wapner (1997:67-72) and Kaldor (1999:195-8).

Similarly to divergent interpretations of civil society, authors differ in their deduction to the roots and the implications of the notion of 'civil society'. Whereas Wapner mainly refers to De Tocqueville and Hegel, Lipschutz examines also the Latin origins of the term and refers to Lockian and Marxist interpretation of *bürgerliche Gesellschaft*. Walker refers to Habermas, Adorno, Kant, Cohen and Arato

23. See also Lipschutz (1992:390) who describes global civil society as "the emergence of a parallel arrangement of political interaction...focused on the self-conscious constructions of networks of knowledge and action, by decentralised, local actors, that cross the reified boundaries of space as through they were not there".

24. IGOs and the interlinkages between NGOs and IGOs increasingly play the major role in the concept of global civil society. The first works on global civil society mainly focused on the connections between societal actors from different countries and states and only rarely included linkages with interstate organisations. Peterson identifies five ways of how NGOs and states interact (Peterson 1992:380). In her analysis, for example, only states and single societal actors interact with each other, without reference to networks or state organisations. More elaborated conceptualisations increasingly consider IGOs as the reference point for global civil society. In particular, the UN is increasingly gained in consideration in the concept of global civil society, see for example, Clark / Friedman / Hochstetler (1998), Coate / Alger / Lipschutz (1996).

25. For a detailed presentation of the implications of national social movement theory on the concept of transnationally operating social movements, see Finger 1994:49ff. He mainly bases his deductions on Touraine, Offe and Habermas in order to demonstrate that social movement theory is transferable on the international arena (similarly Shaw 1994a:651ff).

26. This definition draws together elements from Smith (1997:42); Kriesberg (1997:12) Leatherman / Pagnucco / Smith (1994:19); Comparativ (1997:8); Ecken (1996:58).

27. Most authors refer to 171 states, see also (Klingebiel 1996:189). Thakur mentions 180 governments who were present at the conference (1997:262).

unexpected drawback because it considerably limited the possible impact of NGOs on the final document<sup>35</sup>. NGOs were only able to exert indirect influence by making wording proposals which they handed in to state representatives (Bungarten 1994:80).

As a result of these limitations to NGO participation, the Vienna Declaration implicitly established restrictions on NGO activity (Otto 1996:119). During the conference, the issue of NGO involvement in the field of human rights preoccupied states and much time was spent on drafting the passage which relates to the contribution of NGOs (Posner / Whitome 1996:491). During the drafting of documents single states neglected the contribution of NGO in the field of human rights. E.g. Bangladesh insisted on dropping the notion of 'tribute' to NGOs in a draft. Pakistan called for any excision with positive reference to the work of NGO. Indonesia even proposed that the call for 'facilitating' the work for NGOs should be replaced by a rather passive notion of 'co-operation' and 'dialogue' (Gaer 1996:note 2). Also the notion of 'monitoring' was deleted (Schmitz 1997:49). Posner and Whitome assess the conference as a setback for human rights advocates. They argue that according to the Vienna Declaration now only genuinely involved organisations in the field of human rights enjoy the rights and freedom recognised in Universal Declaration. Secondly, NGOs are supposed to carry out their activities within the framework of national law. "The reference to national law undermines a fundamental premise of international human rights law: international standards are necessary precisely because national law so often offers inadequate protection" (Posner / Whitome 1996:491).

#### *'Global' civil society?*

The Vienna meeting clearly revealed a still existing North-South cleavage, also among the NGOs (Klingebiel 1996:187). Even the share number of participating NGOs shows the dimensions of North-South differences. At the NGO Forum, the majority of organisations came from Western countries. Of all NGOs, the largest group came from Western Europe and

North American (426+178), followed by Asian organisations (270), Australia/Oceania (38), Latin American (236), African groups (202) and East and Central European groups (179) (Gaer 1996:58). Similarly, during the conference, Northern NGOs owned disproportional control over resources, such as funds, personal, data, computers and experience (Clark / Friedman / Hochstetler 1998:17). According to a survey which had been sent to 500 NGOs that went or wished to go to UN conferences in the 1990s, 76 % of them felt restricted by larger NGOs, 75 % by English-language NGOs and 71 % by Northern NGOs (Nowak and Schwartz in Clark / Friedman / Hochstetler 1998:note 78).

Secondly, most of the NGOs in the Joint Planning Committee (JPC), which organised the NGO Forum were international NGOs with offices in Geneva and New York. Some observers described these NGOs as not being sensible enough to consider the needs of the other NGOs, in particular Southern NGOs (Azzam 1993:96, Bungarten 1994:81). Tensions among the NGOs emerged and the JPC broke up into 30 Liaison Committees on its first day (Ziegler 1998:88). The JPC split up into regional groups, and the NGOs agreed that the JPC should only have administrative functions (Pal 1995:196). "Most of the first half of the Conference was taken up by NGOs attempting to reorganise themselves after a nearly disastrous NGO forum ... and by intense discussions and lobbying on the rules of procedures governing NGO participation in the Conference ... [t]his led, in major parts, to a weakening of the NGOs' potential for having an impact on the Conference through lobbying, as too much of their efforts were expended on organizational and procedural matters" (Azzam 1993:96).

Parallel to the preceding regional meetings of participating states, NGO regional forums were held in order to prepare for the conference<sup>36</sup>. Primarily intended to develop a common NGO standpoint or strategy for the Vienna Conference, diversities among human rights NGOs were revealed. Although Asian NGOs defended the principle of universality, they also referred to the particularities of the Asian culture and advocated a cultural pluralism (Boyle 1995:87). NGOs also attended the regional

28. The exact number of NGO participants seems to be unclear or to be dependent on counting criteria which often remain undefined. Most authors estimated around 800 as official observers (Boyle 1995:79; Klingebiel (1996:189); Gaer counted 3691 representatives of 841 organisations (1996:58, also Wiseberg 1995:175). Others mention around 1500 NGOs (Brett 1995:97, Clark / Friedman /Hochstetler 1998:9); Bachr (1995) counted 2300 NGO representatives. 29. Wiseberg notes, that due to the decision of not having a regional meeting in Europe, Western-based NGOs feared that they would be excluded from the conference since NGO participation was first to depend on NGO participation at regional meetings (1995:174). 30. The parallel NGO

since the Stockholm Conference on the environment in 1972. Clark, Friedman and Hochstetler, however, mentioned that a NGO network formed preceding the Tehran Conference on human rights in 1968 which drew up recommendations for the official conference (1998:11). Azzam, instead, notes that NGOs were too few to have an impact on the discussions in Tehran (1993:89).

31. Wiseberg mentions around 2000 NGOs delegates (Wiseberg 1995:177). 32. The Forum is not an official UN event, and as such, no formal accreditation is necessary (Ziegler 1998:87).

33. Similarly, NGO participation had already been a source of conflict during the preparatory meetings preceding the conference.

34. Mainly due to China (Thakur 1997:262).

governmental meetings and lobbied official representatives for their goals. Intended to feed the Vienna Conference, the regional meetings were supposed to prepare texts to be adopted in Vienna. However, the regional statements were very far from a final draft for Vienna due to disagreements between the countries in these preparatory meetings (Boyle 1995:81).

#### *NGO influence - women's rights as human right*

Comparatively successful were women's groups who lobbied for the inclusion of special references to the rights of women. Their intention was not to claim different rights for women but to make clear that the discrimination and violation of women's rights is not different or less severe than any other human rights violation (Connors 1996:170; Boyle 1995:91). As Connors put it "[m]uch of the recognition in Vienna of gender-specific abuses as human rights violation was the result of the efforts of a group of women's NGOs which had worked hard to recapture the discourse of human rights for women" (Connors 1996:169). This success of women's group was due to their joint and well organised lobby work in the pre-conference period and during the conference itself. Women's groups were particularly active at the official regional preparatory meetings and during the preceding time of the conference (Ziegler 1996:86/7; Connors 1996:170). Women's NGOs were present at regional meetings, raised awareness of the issue of women's rights and lobbied governmental representatives (Ziegler 1998:87, Sullivan 1994:152). Women's NGOs also organised preparatory meetings in order to develop a common standpoint. For example, in 1991, the Center for Women's Global Leadership organised a meeting, in which the strategies for lobbying for Vienna were discussed (Ziegler 1998:87). Connors described Vienna as the turning point of women's participation at the UN (1996:171). When the Vienna Conference took place, women's NGOs constantly came together and kept contact with governmental representative. During the Conference, women's NGOs met daily in an 'women's caucus' with official UN

representatives (Ziegler 1998:89). Their success is visible in certain passages in the Declaration (Ziegler 1998:89).

#### *NGO influence — The establishment of a High Commissioner for Human Rights*

To many observers the conferences was less successful than expected. Even more enthusiastic writers admit the failure (Boyle 1995:93/4). One of the successful nova in the UN system due to the Vienna Conference, however, was the establishment of a High Commissioner for Human Rights<sup>37</sup>. The office of the High Commissioner had been originally proposed by Jacob Blaustein in 1963 at a Lecture at Columbia University, but had been put aside afterwards (Gaer 1996:60)<sup>38</sup>. Only NGOs took up the proposal in the following year and organised various meetings on the issue, without success (Clapham 1994). The idea of the establishment of a High Commissioner for Human Rights became only revived at the Vienna Conference due to the work of NGOs (Gaer 1996:60). In particular, Amnesty International (AI) heavily proposed for the establishment (Ziegler 1998:90; Cook 1996:194)<sup>39</sup>.

The issue of a High Commissioner had first been introduced in October 1992 at an African regional meeting (Cook 1996:194). AI called for the creation of the post at the meeting in Tunis (Azzam 1993:92). Also at every regional preparatory meeting, the idea was endorsed by the NGO community (Gaer 1996:60). The Asian governments ignored the issue at the regional meeting, Asian NGOs took it up at their parallel meeting (Cook 1996:195). By April 1993, US-based NGOs in the field of human rights had convinced the Clinton administration of the need to establish the High Commissioner. Following on, the Clinton administration proposed it formally at the fourth preparatory session held in Geneva. In the pre-period of the conference not many governments considered it realisable, in particular since consensus was required for a resolution (Gaer 1996:60).

At Vienna, however, not only the NGO forum strongly encouraged the establishment, but also 60 official speakers at the plenary session

35. Interview with Helen Desa (Amnesty International London), 24.1.2000.

36. For an overview on NGO participation at regional meetings, see Azzam (1993:90-6).

37. The Vienna Conference called for the institutionalisation of the office of a High Commissioner, which has later been adopted by resolution of the General Assembly. Due to its lack of legislative power, the Vienna Conference could not create the High Commissioner, but strongly recommended its establishment to the General Assembly of the United Nations, which then took up the idea in September 1993 after President Clinton and other countries, such as Germany, Canada, Hungary, Russia, the Gamma, Costa Rica and Sweden strongly favoured the idea (Gaer 1996:61). Jose Avala Lasso, a Peruvian became the first High

December 1993.  
38. Until the early 1980s, the idea circulated at the UN between the Commission on Human

Rights and the subcommittees. NGOs, in particular the International League for Human Rights, lobbied Costa Rica to introduce a formal proposition. The USA first backed it, but the Reagan Administration

rejected it (Gaer 1996:60).

39. Ai proposed to call it Special Commissioner in order to avoid any similarities with British colonial nomenclature (Gaer 1996:60).

40. Interview with Helen Desa (Amnesty International London), 24.1.2000.

referred to this concept (Gaer 1996:60). About two-thirds of the governments favoured the idea, whereas most of the Asian participants preferred to reconsider the establishment and to call for further study (Gaer 1996:60). Later in the General Assembly, when it was considering the question of the establishment of a High Commissioner for Human Rights, AI continued the intensive lobbying for the NGO community to observe the working group on the issue (Cook 1996:192). The decision to admit NGOs to the working group, was finally left to the Chairman (Schmitz 1997:50, Clapham 1994) and NGOs were only allowed into a few sessions, but some of these were of highly sensitive discussion on the High Commissioner's mandate (Cook 1996:192).

### Concluding remarks

The Vienna Conference clearly showed the challenges and possibilities of a 'global civil society'. First, world conferences hosted by inter-governmental organisations are a genuine opportunity for NGOs to pressure states and raise consciousness for certain issues, such as human rights and human rights abuses. Representatives from most countries attend such conferences and most (international) NGOs are present to observe the proceedings and outcomes and to lobby official representatives for their aims and goals. Due to the dimensions of these conferences (and the corresponding media attention), NGOs gain excessive attention for their work and advances their matters of concern. Overlooked in the global civil society approach, however, is that states still decide the procedures and contents of conference proceedings. States and organisations of

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states determine the extent to which NGOs participate at the actual conference and to which NGOs directly influence conference outcomes. In the case of the Vienna Conference, states clearly restricted NGO participation in conference proceedings and drafting committees. As such, states still set out the limits of the participation of (global) civil society.

Second, international conferences offer an opportunity for greater networking among NGOs (Boyle 1995:94; Thakur 1997:262). In particular, the parallel events facilitate NGO gathering, the discussion of common future strategies and the creation of joint statements<sup>40</sup>. At the same time, NGOs discover their disagreements (Clark / Friedman / Hochstetler 1998:25). The importance of conference networking among NGOs could best be assessed in a post-conference perspective and should be the subject for further research. However, NGOs are still far away from representing an unified 'global' civil society. The Vienna Conference thirdly demonstrates diversities within the NGO community. In particular, a North-South cleavage is not only prevailing between states but also within civil society. Northern NGOs predominate the NGO scene and large transnational social movements organisations, such as Amnesty International determine the NGOs' main theme<sup>41</sup>. The example of women's organisations at the Vienna Conference, on the other hand, demonstrates the possible success of NGOs when they clearly define their matter of concern and co-ordinate their joint actions. To conclude with Clark, Friedman and Hochstetler put it, "we do find evidence that the construction of a global society is under way but is far from complete" (1998:5).

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## UNCTAD and civil society: towards our common goals\*

### UNCTAD and civil society: towards our common goals

We, organizations of civil society meeting at an NGO Plenary Caucus held in Bangkok on 7-8 February 2000, welcome the holding of UNCTAD X and would like to put forward a number of proposals that have resulted from our deliberations.

We wish, at the outset, to make explicit the values, aspirations, and concerns that we share as civil society organizations, many of which are also shared by member Governments of UNCTAD. It was such concerns that civil society and some Governments had in common in the recent and historic processes in Seattle.

We oppose the promotion and imposition of neoliberal theories and programmes incorporating liberalization, selective deregulation, privatization and the commercialization of all aspects of human life and endeavours. And we are opposed to the usurping of the roles of national Governments and citizens' democratic rights by global institutions such as the IMF, the World Bank, and the WTO.

Instead, we propose the development of a system of global governance that respects local democratic prerogatives and is based on global conventions agreed to at the United Nations. The principles of such a pluralistic and participatory form of international governance must constitute the over-arching principles and regulatory frameworks within which all global, regional, national and local governmental institutions and corporations, and all people, should cooperate.

These fundamental principles must be based on the primacy of human rights obligations, which include the principles of non-discrimination, progressive realization and non-retrogression. Such a system must also include the principles of diversity and holistic and integrated development, based not only on economic but also on political, social, gender, cultural and environmental dimensions. These must promote human cooperation and the basic needs of people, as opposed to the neoliberal promotion of untrammelled competition and a race to the bottom.

These principles promote institutional déconcentration and decentralization of power and

decentralized decision-making at global, regional, national and local levels. They also seek to foster greater transparency and accountability. The methods and means are as important as the aims of all development strategies. These means are not only intellectual efforts and policy debates, but include changing power relations in all institutions and sectors and at all levels of society. This, in turn, demands the empowering and mobilizing of ever wider numbers of people and the building of coalitions of popular organizations and international alliances.

### A New Deal

#### 1. *Agriculture and food security*

Food sovereignty is a fundamental right of each nation and food security - accessibility, affordability and adequate nutrition - the right of all people. For developing countries, food security is a matter of livelihood security. Therefore disciplines on agricultural trade which curb developing countries' ability to implement policies for food security should be taken out of the WTO.

Governments should uphold and protect peoples' right to equitable access to and management of land, water and natural resources, including seeds. Life forms must not be cornmodified; therefore, we reject any form of intellectual property rights on life. Sustainable forms of agriculture should be promoted and cooperatives at the local, national or international levels strengthened.

In achieving these, we urge UNCTAD to recognize the negative social consequences of contract farming and oppose its continued extension by corporate agribusiness as a means of rural development.

The TRIPS agreement, article 27.3(b), encourages biopiracy. UNCTAD should provide leadership and capacity in the establishment of sui generis systems based on the Convention on Biological Diversity (CBD) in order to protect community rights over resources and the strengthening of national laws against biopiracy.

UNCTAD should lead developing countries in negotiating for adequate competition disci-

\* The attached statement to the tenth session of the United Nations Conference on Trade and Development, entitled "UNCTAD and Civil Society: Towards Our Common Goals", reflects the outcome of the NGO Plenary Caucus held at UNCC-ESCAP, Bangkok, on 7-8 February 2000. The statement was adopted by acclamation at the meeting, which was attended by approximately 160 participants representing around 120 non-governmental organizations from over 40 countries.

*Transnational Associations*  
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plines on agribusiness. It should also lead in providing a mechanism for protecting developing countries from the dumping of cheap food.

UNCTAD should strengthen the capacity of developing countries in tightly regulating trade in genetically modified organisms based on a strong precautionary principle and a biosafety protocol, by supporting the creation of national or regional technical bodies.

UNCTAD should promote regional or South-South cooperation and fair trade in agriculture and fisheries in order to encourage greater diversification, sustainability and self-reliance in food production in and amongst developing countries.

UNCTAD should constructively address the issue of the long-term decline in the terms of trade of commodities for developing countries.

## 2. Debt and reparations

A new deal for developing countries has to be premised upon fundamental resolution of the debt crisis.

Existing proposals for debt "relief" do not release the indebted countries from debt bondage or address the fundamental causes and recurrence of the debt problem. Instead, they further subject developing countries' people and economies to the pressures and dictates of creditor countries, institutions and corporations.

We reject the HIPC initiative, and the repacking and perpetuation of the IMF and the World Bank structural adjustment programmes under the guise of the growth and poverty reduction facility.

We support the move to build an international alliance among Governments and civil society that would press for a new arrangement for the cancellation of all debt of developing countries which, in the judgement of civil society, is illegitimate, immoral or unpayable. We further demand that the control of the process dealing with debt be removed from the hands of the creditors, including the IMF, the World Bank and the Paris Club. A new independent, transparent arrangement accountable to civil society must be put in place. Such an arrangement must ensure full restitution and reparations to the people from those responsible for the human, social, political and environmental damage inflicted on developing countries and their people.

## 3. Finance

We urge UNCTAD to press for the abolition of IMF and World Bank stabilization and structural adjustment programmes, whatever name these go under.

In light of the failure of the G-7 to seriously respond to the crying need for a transformed global financial architecture, UNCTAD should actively discuss and make proposals in this area and help forge an agreement among its member countries that would put such a system in place. This architecture should involve capital controls at national, regional and international levels, including the Tobin tax. These innovations are necessary for global financial and economic stability. The design of this architecture must not be dictated by the policies or interests of the banks, hedge funds, the IMF, the World Bank, and the finance ministries of the G-7 countries. UNCTAD should also press for the abolition of tax havens in countries and territories.

UNCTAD should ensure that the dynamics of finance capital does not destroy the social, cultural and natural capital that supports, among other things, the achievement of food security.

Therefore, we strongly recommend that UNCTAD stand for the democratic transformation of international financial institutions which have impacted negatively on national economic sovereignty under the guise of rescuing countries facing economic crisis.

## 4. Labour

The current approach to trade and development has significantly worsened the situation of workers around the world. We strongly believe that UNCTAD member Governments have the clear responsibility to guarantee the fundamental labour rights of their citizens, and we recognize our responsibility as civil society organizations to provide solidarity and to help strengthen labour movements of the South.

All UNCTAD member Governments should immediately ratify and ensure effective implementation of the core ILO conventions, specifically Convention 87 (Freedom of Association), Conventions 29 and 105 (Forced Labour), Convention 100 (Equal Pay for Equal Work),

Convention 111 (Discrimination in Employment), Convention 98 (Organize and Collective Bargaining), and Convention 138 and 182 (Minimum Age and Child Labour).

UNCTAD member governments must recognize and allow labour to play a significant role in designing and deciding on all aspects of trade and development policy.

Corporate globalization has caused a rapidly increasing trend toward the casualization of labour and marginalization of vulnerable groups of workers — especially children, working women, migrant workers, fish workers, commercial sex workers, home workers and other workers in the informal sector. Added protection and promotion of the fundamental rights of these vulnerable groups beyond the existing ILO tripartite system is urgently needed. Further, we believe that there should not be discriminatory misuse of labour rights in North-South exchanges for economic advantage.

UNCTAD and its member Governments must recognize that respect for and implementation of fundamental labour rights have a strongly beneficial impact for sustainable development because they address critical development questions by improving equality, distributing income and increasing participation in development.

A new development paradigm must be established that recognizes the key role of labour rights within a perspective of development and human rights.

We believe that UNCTAD should promote an understanding of the beneficial connection between labour rights, human rights, and sustainable development as a matter of priority.

### **The challenge to UNCTAD**

UNCTAD can play a critical role in shaping a more equitable and democratic world. UNCTAD's research and analysis has already played a key role in exposing the negative effects of globalization and suggesting alternative policies for addressing them.

However, UNCTAD's approach must now be made more fully consistent with its development mandate. The core UNCTAD assumption that full, albeit gradual, integration of develop-

ing countries in the world economy as the way to prosperity must be questioned in light of the many negative consequences of globalization - which are so painfully evident in many countries. UNCTAD's analysis must also incorporate human rights approaches to economic governance, and advances in ecological and feminist economics that propose a different paradigm from neoliberal economics, by subordinating narrow efficiency to the values of social reproduction and solidarity, social and gender equity, and environmental integrity. In addition, UNCTAD should pay greater attention to the great diversity of existing economic practices that emphasize cooperation, rather than competition-driven economic relations.

In seeking external intellectual advice and input, UNCTAD should also reverse its tendency to consult mainly with experts based in Northern research institutions, and seek greater input from developing country-based researchers, scholars and thinkers.

UNCTAD must also focus on internal social transformation in the economies of countries in both the North and the South. In particular, it should encourage countries to ensure the right to a dignified and adequate basic livelihood income for each person. However, the implications of UNCTAD's analysis of growing inequalities not only between, but also within nations North and South, has not led to any meaningful political debate and initiative by its member States. The absence of significant attention to internal social transformation owes itself to a simplistic North-South model of international relations that ignores social contradictions cutting across the North-South divide. UNCTAD must see itself as representing the interests of marginalized people in both the North and the South.

### **Proposals for UNCTAD**

International trade and investment rules promoted by the dominant global economic institutions are aimed at creating a "level playing field" between all economic players, irrespective of their scale and economic power. This understanding of "non-discrimination" in national treatment provisions assumes that equal rules

should apply to very unequal players. So far, this tendency has only been resisted through "special and differential treatment" provisions, which in the WTO most often do not have contractual status and rely on artificial and arbitrary time frames unrelated to need and capacity.

We call for a human rights application of "non-discrimination", which is premised on the need for affirmative action by the state to protect and promote vulnerable groups and sectors to avoid discrimination and further marginalization. In other words, these measures are not a special favour granted to developing countries and their citizens, but are fundamental components of their right to development.

On this basis, and with the support of civil society organizations, UNCTAD could play a catalytic role in launching an international movement aimed at ensuring that international economic policies and rules are not allowed to supersede national, regional and international measures designed to protect and promote all human rights - including the right to development and widely-held social and environmental objectives. It would therefore reassert its capacity to counter-act what are in effect "development-distorting" trade and investment policies.

*For this to happen, UNCTAD should:*

- Undertake independent monitoring and assessments, disaggregated below the national level, of the developmental, social, gender and environmental impacts of trade/investment liberalization and globalization, and formulate proposals for addressing these problems;
- Undertake, in cooperation with other United Nations agencies, independent impact assessments of intellectual property regimes such as TRIPs on food security, development, health and technology transfer;
- Undertake, with the FAO and the WTO, a comprehensive assessment of the impact of the WTO's Agreement on Agriculture and its Agreement on Subsidies and Countervailing Measures;
- Undertake independent analysis, from a development perspective, of new proposals in areas such as labour, finance, investment, government procurement and competition,

building on its ongoing work such as that of the Trade and Development Report (TDR);

- Ensure that its work on foreign direct investment (FDI), transnational corporations (TNCs) and financial flows, particularly the World Investment Report, is more independent and critical of the development impact of FDI and more coherent with analytical work in other areas like the Trade and Development Report;
- Approach with extreme caution proposals for any multilateral, regional or bilateral investment agreement, given the frequently negative impact of FDI and other forms of capital flows on peoples' welfare, national sovereignty and development;
- Educate and encourage its member States to frame national antitrust policy and laws that would serve to empower small and medium-sized enterprises (SMEs) and protect consumers against excessive market power of TNCs;
- Promote improved corporate governance and corporate transparency by encouraging the use of acceptable standards for financial, environmental, social, and ethical accounting, auditing and reporting; and, in addition, call on all member Governments to adopt effective anti-corruption measures;
- Address imbalances and inequities of existing trade agreements, as well as problems relating to the implementation of such agreements, with a view to achieving the best options for the developmental and social needs of people in developing countries;
- Monitor the compatibility of trade agreement Governments under United Nations treaties such as on human rights, environment, women and labour;
- Establish an Intergovernmental Group of Experts to discuss issues pertaining to consumer policy;
- Conduct an audit of the origins of the financial debts of developing countries and a parallel study of the historical and contemporary social and ecological debt owed by the North to the South;
- Encourage its member Governments to submit a formal request to the International Court of Justice for an advisory opinion on the legality of external debts of developing countries.

In all these areas, UNCTAD's work must be firmly rooted within its development mandate. In order to strengthen the role, contribution and scrutiny of civil society in the work of the organization, UNCTAD must open up to civil society participation in its official deliberations, including in the Trade and Development Board, the commissions and expert groups, on issues such as competition policy, investment and consumer protection. To this end, UNCTAD must follow the lead of ECOSOC and review and extend its procedures and arrangements for granting consultative status to national civil society organizations.

In addition, UNCTAD should deepen and strengthen its commitment towards and report on the involvement of civil society as agreed at UNCTAD IX.

Furthermore, UNCTAD could develop dynamic partnerships with civil society organizations to strengthen its outreach capacity at the national level, notably by fostering public and parliamentary debates around its policy proposals. This could be an important component in democratizing economic governance in both developed and developing countries, and would contribute to making trade and finance ministries accountable to the wider social development objectives that economic policy should serve.

We hope UNCTAD X will consider the aforementioned recommendations, the implementation of which will contribute to the achievement of the common goals of equity, democracy, and sustainability that are shared by civil society, the member Governments of UNCTAD and its secretariat.

## "NGOs - Fools or Angels??"

by Cyril Ritchie\*

"Fools rush in where angels fear to tread": surely one of the more mysterious - more misinterpretable - of English-language catch phrases. A phrase used self-deprecatingly by the adventurous, by the courageous, or by people of principle - those not being mutually exclusive terms - to defend their temerity. A phrase also used sanctimoniously by the timid, by the self-serving, or by the venal politician - also non-exclusive terms - to justify their inaction.

What relevance does this cobwebbed phrase have for a discussion of non-governmental organizations, notably in regard to their role in situations where civil peace is tenuous or the dark clouds of societal conflicts still hover? I can here only share some thoughts and encourage a questioning attitude, for the answers are multiple and shifting.

A clarification is needed first of all on the terminology. I have long been part of the great number of NGO people who live with the term "non-governmental organizations" because it was introduced to the world through the United Nations Charter - which we support wholeheartedly - and has acquired quasi-legal standing and political recognition. But at the same time many NGOs are unhappy - frustrated, even - with being described by a negative term. NGOs do not owe their existence to the fact of "not-having-been-established-by-a-government".

They exist because ordinary citizens freely decide to get together, formally or informally, to consult on a perceived issue, whether at community, national or supranational level; to mobilize concern and/or resources to tackle a problem perceived to be of importance to the community, the nation or the globe; to advocate for government legislation or action on these perceived issues and problems, once more at the appropriate local, national or international level; to exchange experience within and among professional, academic and other civil society groupings, thereby building capacity and promoting ethical and operational standards of conduct. All these are inherently positive motivations and actions that ill accommodate to the often-negative undertone of the term non-governmental. That is why - outside the legislative or protocol frameworks - the concept of civil society and civil society organizations (CSOs)

has gained such acceptance in recent years. Thus when the World Civil Society Conference (WOCOSOC) met in Montreal in December 1999, the United Nations Secretary General spoke of "a United Nations keenly aware that if the global agenda is to be properly addressed, a partnership with civil society is not an option: it is a necessity". And Kofi Annan continued "Civil society organizations have already given new life and new meaning to the idea of an international community - There is much that we (the UN and civil society organizations) can do as partners in the field - in places where people go hungry, have seen their home destroyed or have had their basic rights violated".

Those are the places central to the concern of this Symposium. To paraphrase Kofi Annan, in conflictual and post-conflict societies, the presence and action of civil society organizations is not an option, it is a necessity.

There are multiple reasons for an active presence of CSOs in post-conflict societies. Some examples first in the realm of ideas and institutions:

- a) Democracy is the principal potential bulwark against civil conflict. Democracy is best learnt and deeper ingrained by being practiced. Groupings of citizens joining together to promote or defend a legitimate common interest are the building blocks of democracy. Fostering such groupings - and where needed instructing them in the mechanisms of the democratic process - is a prime role for civil society organizations and for free media.
- b) While not a sufficient condition, elections are a necessary condition for creating a viable democracy. In a growing number of cases - often as a result of leadership and opportunities provided by the United Nations, or the Organization for Security and Cooperation in Europe, or the Organization of American States - CSOs have provided expertise and/or monitoring functions in relation to the functioning of electoral commissions, electoral laws, electoral administration and of course citizenship education. Three CSOs that particularly come to mind in this connection are the International Institute for Democracy and Electoral Assistance, the International Commission of Jurists, and the Carter Centre.

\*President, International Federation of Semi-Official and Private International Institutions Established in Geneva (IFIIG). These commentaries were made at "Peace-building in post-conflict societies", a symposium held at the University of Alberta, Edmonton, Alberta, Canada, March 10, 2000 (Panel on "The role of non-governmental organizations").

c) These same organizations - and of course a multitude of others - have been and will be engaged in diverse post-conflict societies in rebuilding respect for the rule of law and human rights. This most naturally again includes education, not only of civilians and lawyers but also of the police and the military. The International Committee of the Red Cross has the Sisyphean task of promoting the Geneva Conventions and international humanitarian law: this is as important post-conflict as pre-conflict, and merits deep respect and support. This rubric also of course includes the rebuilding and retooling of judicial institutions, where appropriate competent and harmonized inputs from governmental and non-governmental specialists can enhance and accelerate the process. As Louise Arbour stated, the safeguarding and practice of human rights needs both their enunciation and their enforcement. Both levels need the participation of an informed civil society to bolster the performance of educators, lawyers and judges. An informed civil society and free media are also potent monitors of the human rights standards and practices of military and police personnel. The importance of an active presence of CSOs in post-conflict situations can also be supported by examples from the point of view of operations on the ground.

d) Relief, assistance and recovery programmes are ones where CSOs have a wealth of experience, including specialist and/or volunteer personnel who can be rapidly and economically deployed. CSOs are also increasingly aware of the need to ensure that relief and recovery programmes are linked effectively to longer term and sustainable development planning, itself crucially intertwined with capacity-building.

e) The social conscience and social-work-expertise of many CSOs highlights a further contribution they make in the recreation of harmonious post-conflict communities, namely in counselling and assisting i) the réintégration of demobilized former combatants, especially the lamentably numerous child soldiers, ii) returning refugees, so many of whom are women and children, iii) internally

displaced persons, iv) war orphans and war widows.

- f) The presence of civil society organizers on the ground, with their links within local communities, can be a positive influence for the restoration of a climate of confidence, itself essential for rehabilitation and reconstruction to take place. Their presence can moreover capture early warning signs should there be risk of the embers of the previous conflict reigniting.
- g) In post-conflict assistance and recovery operations there are some concepts that come more naturally to competent and relevant CSOs, such as attacking the causes of poverty, focussing on people-centered social development, enhancing women's capacity to increase household food security, and ensuring that the rebuilding of educational and societal structures does not perpetuate traditional forms of discrimination against females.

This latter point cannot be sufficiently emphasized, since it is now indisputable that the education of girls leads to later marriages, reduced fertility rates, increased family incomes, better nourished and healthier children, greater opportunities for the adult women and their greater participation in political and economic decision-making. All of these are long-overdue elements of a better civilization and will constitute bulwarks against future male-driven civil conflicts. Post-conflict societies - and all societies where gender equality is still a distant dream - need thus to give highest priority to the full-fledged education of girls.

The few practitioner's pointers outlined above may of course be criticized as presenting too rosy, too ideal, a picture of the complex role of CSOs in complex and tortured situations. Are we only Angels? Idealism is of course nominally our collective "badge-of-office", yet we must acknowledge that the non-governmental community has probably much the same proportion of charlatans and incompetents as are to be found among bankers or plumbers, footballers or bishops. We all very much need codes of conduct that are publicly enunciated and enforced. We also need greater self-discipline in our sometimes headlong rush to be universal do-gooders

and good-doers. Are the hundreds of "foreign" NGO representatives competing in Kosovo really all needed? Were ten evaluation teams sent to study Uganda's post-conflict health system really all needed?

I hope the academic community - perhaps starting here at the University of Alberta, a "University without boundaries", as stated by the President - might look impartially at these and other questions raised here, for objective answers could help us all do our work better.

Which is, after all, what we all want, and what post-conflict societies need.

*Postscript:*

You may wonder what happened to the opening interrogation about Fools and Angels. Well, fortunately NGOs, like human beings, are a bit of one, a bit of the other, a bit of both, and a lot of inbetween. Peacebuilding in postconflict societies needs a lot of the inbetween.

# The European Commission and non-governmental organisations: building a stronger partnership

*We publish hereafter the discussion document COM (2000) II final by the E. C., adopted on 18 January, 2000. A web page dealing with the same topic can be found at: <http://europa.eu.int/comm/secretariat-general/sgc/ong/introduction.htm>.*

## Introduction

Over the last two decades, the partnership between the European Commission and NGOs has expanded on all fronts. This intensification has covered a range of issues, from policy dialogue and policy delivery, to project and programme management, both within the EU and in its partner countries. It results from a number of interwoven factors, related both to changes and developments within the EU institutions themselves, as well as to developments within the NGO Community. As the European Commission has acquired additional responsibilities in a number of new policy areas, this has been matched by an ever-increasing number of NGOs operating within and outside Europe and a widening in the scope of their work. This trend can be seen in the increasing number of national NGOs creating or joining European associations and networks often based in Brussels. With the enlargement of the EU on the not too distant horizon, and the increased public scrutiny of EU affairs, there is no reason to believe that this process will slow down, rather the contrary.

Although the Commission's current practice clearly proves its willingness to maintain and strengthen its partnership with NGOs, the structures and procedures involved have not kept up with this. At present it is estimated that over 1.000 million a year is allocated to NGO projects directly by the Commission, the major part in the field of external relations for development co-operation, human rights, democracy programmes, and, in particular, humanitarian aid (on average 400 million). Other important allocations are in the social (approximately 70 million), educational (approximately 50 million), and environment sectors within the EU. Several hundred NGOs in Europe and worldwide are receiving funds from the EU. The Commission has therefore contributed substantially to matching the support of the members of the European public given to NGOs and thus highlighting the continued importance of high levels of public support for the role of NGOs.

However, the complexity of EC policies as well as the growing number of regulations and funding sources (budget lines) coupled with recent financial security problems have created a great deal of uncertainty for NGOs about co-operation with the Commission. Both the Commission and the NGOs wish to put the relationship on a new footing. The context to this initiative is recognition on the NGO side that many policy areas are now being decided at European level as well as the increase in funding available to NGOs from the European Union. A new Commission committed to change and reform, means the time is right for a new initiative.

The Commission has recently launched a far-reaching process of administrative reform which includes among its aims a more service-oriented behaviour and an improvement in the management culture of the Institution. A greater effort will be made to increase transparency and accountability to principal interlocutors as well as improving efficiency for instance by speeding up payments to all beneficiaries. These aims are reflected in this Discussion Paper which represents a step forward in defining and improving a relationship that is obviously likely to evolve.

## Purpose of the Discussion Paper

The purpose of this paper is two-fold. First of all, it aims to give an overview of the existing relationships between the Commission and NGOs including some current problems. Secondly, it aims to suggest possible ways to develop these relationships by considering the measures needed to improve and strengthen the existing relationship between the Commission and the NGOs.

In particular, the Discussion Paper deals with the question of Commission support for NGO activities, and looks at improved methods of dialogue and consultation. It also addresses the question of how best to organise EU funding for NGO-managed activities, and suggests ways of providing a more coherent Commission-wide

framework for co-operation that has hitherto been organised on a sector-by-sector basis.

At the same time, dialogue and co-operation between the Commission and NGOs are working well in certain areas. These could serve as a model for other fields. The objective of reviewing the relationship between the Commission and NGOs is in any case not to impose constraints where this relationship is satisfactory but rather to extend "good practice" across all sectors.

Some Member States are also currently addressing the question of co-operation with NGOs or have done so recently and their proposals have provided a useful input to this Discussion Paper.

The Discussion Paper is also intended to give new impetus to an ongoing process of internal and external appraisal of the way in which the Commission works with NGOs. Whilst providing an initial basic statement of the Commission's long-term principles and commitment towards the NGO sector, it is clear that specific proposals must be established as a coherent part of the process of overall administrative reform.

#### *Common characteristics of a non-governmental organisation*

The NGO-sector has often been described as extremely diverse, heterogeneous and populated by organisations with hugely varied goals, structure and motivations. It is therefore not an easy task to find a common definition of the term "non-governmental organisation". It cannot be based on a legal definition given the wide variations in laws relating to NGO activities, according to which an NGO may have, for instance, the legal status of a charity, non-profit association or a foundation. The term "NGO" can nevertheless be used as shorthand to refer to a range of organisations that normally share the following characteristics:

- NGOs are not created to generate personal profit. Although they may have paid employees and engage in revenue-generating activities they do not distribute profits or surpluses to members or management;
- NGOs are voluntary. This means that they are formed voluntarily and that there is usually an element of voluntary participation in the organisation;

- NGOs are distinguished from informal or ad hoc groups by having some degree of formal or institutional existence. Usually, NGOs have formal statutes or other governing document setting out their mission, objectives and scope. They are accountable to their members and donors;
- NGOs are independent, in particular of government and other public authorities and of political parties or commercial organisations;
- NGOs are not self-serving in aims and related values. Their aim is to act in the public arena at large, on concerns and issues related to the well being of people, specific groups of people or society as a whole. They are not pursuing the commercial or professional interests of their members.

Though these common characteristics can help describe the notion of the term "NGO", it must be borne in mind that their size as well as their scope of activities can vary considerably. Some NGOs consist of a rather limited number of persons; others may have thousands of members and hundreds of professional staff. In functional terms NGOs can focus on operational and/or advocacy activities. Operational NGOs contribute to the delivery of services (such as in the field of welfare), whereas the primary aim of advocacy NGOs is to influence the policies of public authorities and public opinion in general. In a broader sense, trade unions and business or professional organisations might also be considered to be non-governmental organisations. The present document, however, deals primarily with organisations active in the so-called "Third Sector", i.e. in the non-governmental and non-economic field. Nevertheless it goes without saying that the approach to consultation processes proposed in this document should be used as a model for other categories of organisations, in so far as these consultations do not take place under a specific framework (e.g. Social Dialogue).

#### *Rationale of co-operation between the Commission and non-governmental organisations*

The rationale behind the existing co-operation and the desire to strengthen and enhance it is based on five main considerations:

1. This list is inspired by the list of common features of voluntary organisations proposed by the Commission in its Communication of

June 1997 "Promoting the Role of Voluntary organisations and Foundations in Europe" (COM/97/0241

### ***Fostering participatory democracy***

The decision making process in the EU is first and foremost legitimised by the elected representatives of the European people. However, NGOs can make a contribution to in fostering a more participatory democracy both within the European Union and beyond.

The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States. The right of citizens to form associations to pursue a common purpose is a fundamental freedom in a democracy. Belonging to an association provides an opportunity for citizens to participate actively in new ways other than or in addition to involvement in political parties or trade unions. Increasingly NGOs are recognised as a significant component of civil society and as providing valuable support for a democratic system of government. Governments and international organisations are taking more notice of them and involving them in the policy- and decision-making process.

This is of particular relevance in the context of enlargement. According to the so-called Copenhagen criteria, membership in the EU requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. NGOs can make an important contribution to the development of democracy and civil society in the candidate countries.

Developing and consolidating democracy is also the Community's general policy objective in its co-operation with developing countries and goes therefore far beyond the enlargement process. Partnerships with local NGOs in developing countries are particularly significant in this regard.

### ***Representing the views of specific groups of citizens to the European Institutions***

The role of NGOs in representing the views to the European Institutions of specific groups of citizens (such as people with disabilities, eth-

nic minorities) or on specific issues (such as the environment, animal welfare, world trade). In particular, many NGOs have an ability to reach the poorest and most disadvantaged and to provide a voice for those not sufficiently heard through other channels.

In the European context, NGOs perform this role not only in relation to the Commission, but also the European Parliament, the Economic and Social Committee, the Committee of the Regions and the Council. Their involvement in policy shaping and policy implementation helps to win public acceptance for the EU. In some cases, they can act as a balance to the activities and opinions of other interests in society.

### ***Contributing to policy making***

The specific expertise that NGOs can contribute to policy discussions. Through their links at local, regional, national and European level, NGOs can provide expert input for EU policy-making. In particular, they can provide feedback on the success or otherwise of specific policies thereby contributing to the Commission's task of defining and implementing policies by fully taking into account its overall public policy responsibility.

### ***Contributing to project management***

The specific expertise that NGOs can contribute to managing, monitoring and evaluating projects financed by the EU. The contribution of NGOs is particularly important in tackling social exclusion and discrimination, protecting the natural environment, and the provision of humanitarian and development aid. The expertise and dedication of NGO staff and their willingness to work under difficult operational conditions mean that NGOs are vital partners for the Commission both within the EU and beyond.

### ***Contributing to European integration***

By encouraging national NGOs to work together to achieve common goals, the European NGO networks are making an important contribution to the formation of a "European public opinion" usually seen as a pre-requisite to the

establishment of a true European political entity. At the same time this also contributes to promoting European integration in a practical way and often at grassroots level.

Moreover, the ability of European NGO associations and networks to channel and focus the views of the various national NGOs is very useful for the Commission.

Therefore, strengthening the relationship between the Commission and NGOs can help both parties to be more successful in achieving their respective goals. At the same time, the Commission will need to recognise and support the development and independence of the NGO sector.

#### *Existing relationships*

The various aspects of the Commission's current relationship with NGOs can be summarised as follows:

- Fostering the development of civil dialogue and civil society at the European level and the strengthening of civil society as an objective in co-operation programmes with non-member countries;
- Dialogue/discussions with and consultation of NGO representatives in the context of policy shaping. Certain NGOs and networks, especially those at European level, have been established or selected in order to provide information, experience and expertise. Some Directorates-General have established specific fora in order to provide a framework for dialogue;
- NGOs as information relays. European NGOs and their networks and national members, can serve as additional channels for the Commission to ensure that information on the European Union and EU policies reaches a wide audience of people concerned by and affected by its policies;
- Funding of NGO-led activities, within the Community and abroad, which are coherent with and contribute to the implementation of EC policies. These programmes are characterised by a high degree of NGO ownership of the actions financed;
- NGOs as actors implementing Community programmes and projects, in particular in the

field of non-member countries co-operation. In these cases, NGOs have been chosen as partners because of their specificity coupled with their expertise and technical capacity.

#### *Problems which currently cause constraints on co-operation*

The following problems are listed here as examples of areas where co-operation between the Commission and NGOs could usefully be improved.

- Co-operation with NGOs is organised by policy areas (environment, social affairs, humanitarian and development aid, trade etc) implying considerable differences in the relationship between NGOs and the Commission from one sector to another with regard to access to information, the way dialogue and consultation is organised and the availability of core-funding. While recognising the specificity of different sectors, most NGOs feel that there should be a greater effort at a coherent Commission-wide approach;
- There is a lack of sufficient information for NGOs in particular on funding and financial procedures. Better guidance on application procedures and more comprehensible application forms would be much appreciated;
- The NGO sector is a dynamic one which is constantly evolving. Commission departments often find it difficult to follow this evolution. In particular they lack adequate information on the various NGOs with which they come into contact;
  - Internal Commission procedures are often complex. Although the NGOs have on the whole welcomed the Commission's Vademecum on Grant Management as providing clear rules, they are concerned that emphasis on financial rigour will place an increasing burden on NGOs applying for funding;" As part of its overall policy on transparency, the Commission should provide better information for NGOs and improve communication with them as a means of building a true partnership. Some of the consequences of the current situation are considerable delays in handling applications, ill-adapted procedures particularly for dealing with small projects and a breakdown in confidence.

### *Making the relationship work*

Whilst for its part the Commission recognises that it must improve and strengthen its relationship with NGOs, the NGOs themselves must also recognise their own responsibilities in making that relationship work. Each side should be able to acknowledge and take into account the priorities and realities of the other. This does not, of course, exclude frank discussions or even differences of opinion.

In the area of policy dialogue, the Commission has to discharge its inter-institutional responsibilities in this area, as well as offering, within these boundaries, dialogue and consultation to the NGOs as representatives of civil society. The NGO Community must recognise and take into account this formal institutional set-up. Other obligations might relate to representativity (see point 2.2. below), proper communication of information to member organisations and respecting the confidentiality of Community information where required.

Regarding funding, the NGOs must accept, for example, that there will always be a legitimate need for the Commission to impose certain conditions and controls to safeguard community funds. NGOs have a duty to demonstrate that they have the expertise, management systems and internal quality control systems appropriate to the work they are undertaking in behalf of the Commission.

### **Dialogue and consultation**

Dialogue and consultation between NGOs and the Commission have to be seen in the framework of the democratic decision-making process of the European institutions. Many European institutions, and in particular the European Parliament, the Economic and Social Committee, and the Committee of the Regions have a strong tradition of close contacts with NGOs. The Commission has been following with great interest recent developments in the Economic and Social Committee aimed at strengthening its links with civil society, including NGOs, in order to provide an improved forum for the dialogue with the European citizens. The Commission also participated actively

at the First Convention of Civil Society Organisations organised by the Economic and Social Committee in October 1999.

Against this background, dialogue between the European Commission and NGOs is an important complement to the institutional process of policy-shaping. The specific value of these consultations derives notably from the Commission's right of initiative. Timely consultation with all stakeholders at an early stage of policy-shaping is increasingly part of the Commission's practice of consulting widely, in particular before proposing legislation, to improve policy design and to increase efficacy.

*It should be noted that in June 1998, the European Community signed the UN/ECE Convention on Access to information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, the so-called "Aarhus Convention".*

By signing the Convention, the European Community demonstrated its commitment at international level to increased transparency and openness as well as to ensuring adequate consultation of the public in the process of shaping EC environmental policy.

Ratification by the EC of the Aarhus Convention is a priority for the Commission.

### *Existing contacts*

In many fields, the Commission has developed extensive contacts with NGOs in the context of policy-making. These contacts range from ad hoc meetings, the participation of NGO representatives in expert groups to more formalised arrangements such as regular meetings with European NGO associations and networks, or the participation of NGOs in advisory committees as part of a formal consultation process.

While it is logical that consultation on policy-shaping and implementation of specific programmes or projects is best done at sector level, some more general cross-cutting co-ordination is desirable in certain circumstances.

### *Ad hoc meetings between Commission services and NGOs*

In its Communication of 2 December 1992, "An open and structured dialogue between the

Commission and special interest groups" the Commission reiterated its belief in the need to remain open to outside input.<sup>2</sup> Therefore the Institution remains open and accessible to a wide variety of organisations including NGOs which wish to put their views forward.

*Example: The Agriculture, Employment and Social Affairs, Environment and the Directorates-General responsible for co-operation with non-member countries have a large number of ad hoc meetings with NGOs (both European and non-European) on a range of issues.*

#### *Structured dialogue/co-operation*

Where there is an established practice of systematic, regular meetings with NGOs to discuss policy issues, though without the formal structure of a committee or other structure with operating rules.

*Example - Bi-annual meetings between the Commission services and all member organisations of the Platform of European social NGOs.*

*Example - The Liaison Committee of Development NGOs provides a representative European structure and well established working groups and quarterly meetings with the Commission to discuss both policy and procedural issues. This is not a formal consultative structure but a 25 year tradition ensures it has "de facto" gained such a standing with the EU institutions.*

*Example - The Trade DG has regular exchanges of view, both horizontally and sector-by-sector, on issues related to trade policy and in particular the WTO.*

*NGO representatives also accompanied the Commission delegation at the recent WTO Ministerial meeting in Seattle.*

*Example - The Framework Partnership Agreement concluded by ECHO and more than 160 NGOs provides a forum for debating issues of mutual interest and a joint exam of humanitarian objectives and principles.*

*Example - Twice a year, the biggest pan-European environmental NGOs ("Group of Eight") meet with the Director-General to discuss the work programme of the Environment Directorate-General and the general relationship between the NGOs and this Directorate-General. Any problems encountered in the pre-*

*vious six months can be discussed in these sessions. The Environment Directorate General also organises a twice-yearly "EU and Candidate Countries NGO Dialogue on Accession".*

A good example of the value of a horizontal approach was the seminar which was hosted by the Commission in November 1998 to present the Vade-mecum on grant management to some 200 representatives of Brussels-based NGOs. Representatives of four NGO "families" (environment, social affairs, development aid and human rights) participated actively in the seminar. Representatives of the same four NGO "families" are in regular contact with the Grant Management Network on the implementation of the Vade-mecum. The steering group sees the current informal co-operation as useful and wishes it to continue.

#### *Formalised consultation*

Where there is a political/formal commitment to consult an NGO or grouping of NGOs on a particular issue, during the decision-making process. Also, where NGOs participate as members or observers in advisory groups / consultative committees with defined procedures.

*Example: The Consultative Committee for Co-operatives, Mutuals, Associations and Foundations was formally established by the Commission to advise on policy affecting the Social Economy (including the "not-for-profit"/NGO sector).*

*Example: For about 40 years, the agricultural advisory committees have existed as a formal mechanisms for regular and systematic consultation of NGOs and socio-professional organisations.*

*Example: A future formal consultative role for civil society organisations both in Europe and ACP Member States is being proposed by the EU in the future Post Lomé convention both at the level of the institutions and for programme policy and implementation.*

#### *Specific role of European NGO associations and networks*

It is important for NGOs and groupings of NGOs to be democratic and transparent as regards

their membership and claims to representativeness. In this context, the European Commission encourages organisations to work together in common associations and networks at the European level since such organisations considerably facilitate the efficiency of the consultation process. However, for the consultation process to take place via such associations and networks, these organisations need to ensure that their structures are representative, in particular regarding their roots in the different Member States of the European Union. However, representativeness, though an important criterion, should not be the only determining factor for membership of an advisory committee, or to take part in dialogue with the Commission. Other factors, such as their track record and ability to contribute substantial policy inputs to the discussion are equally important.

#### *Improving dialogue and consultation with NGOs*

The Commission adheres to the principle of open government, and therefore feels it necessary to establish a number of clear guiding principles to ensure that systematic and regular consultations with NGOs are also meaningful, efficient and conducted in a transparent manner.

#### *Guidelines for best practice in consultation*

In order to be mutually beneficial, dialogue and consultations require first and foremost proper planning and a high level of commitment: by all participants throughout the process. The Commission therefore wishes to develop a framework of principles for creating a more structured dialogue with NGOs. This process should lead to a set of recommendations identifying best practice in consultation, which would be addressed to all Commission departments.

The following issues could be considered in this context, though they remain open to further debate with the Commissions NGO partners, whose own views on the best ways to improve the dialogue with the Commission will be important:

- How best to define the scope and nature of the dialogue or consultation and to ensuring adequate publicity;

- How to provide adequate background information in good time so that NGOs can consult their own members properly (thereby helping to ensure the quality and representativeness of the NGO input), and in a language and style accessible to the NGO audience;
  - \* How best to bring the opinions voiced by the NGOs to the attention of the relevant Commission department/officials and to ensure, where possible, that NGOs receive appropriate feedback on how their contributions and opinions have affected the eventual policy decision, thereby making the relationship a real dialogue;
  - \* What are the most appropriate means (the Internet, (e-mail) mailing lists and newsletters) to give wide publicity to the whole consultation process;
  - How to set jointly the agenda of any consultation process. The need for adequate Commission resources (staff) in order to provide the necessary assistance in the organisation, running and the follow-up of any dialogue consultation procedure, whether eliciting NGO views on a Green Paper or a Discussion Paper, or the organisation of meetings;
  - How best to select the NGOs to be included in the various consultation processes. In some sectors the Commissions should have its own objective and pre-established criteria and reasons for selecting the NGOs for the purpose of dialogue or consultation procedures. These could include the following:
    - Their structure and membership.
    - The transparency of their organisation and the way they work.
    - « Previous participation in committees and working groups.
    - Their track record as regards competence to advise in a specific field.
    - Their capacity to work as a catalyst for exchange of information and opinions between the Commission and the citizens.
- It should be borne in mind that selection by the Commission of its interlocutors according to such criteria may not be feasible or appropriate in each area of Commission's activities. Self-selection by the NGO Community, through the appointment of representatives and the setting-

up of networks or platforms can be a useful alternative.

#### *Improving transparency*

In practice greater transparency means providing more information on how the Commission selects and has selected its partners for regular consultation, what consultative groups exist, their composition and some details about the NGOs participating.

Where it is the NGO community that nominates interlocutors for dialogue with the Commission, the NGO associations and networks should provide information on the criteria and reasons for selecting these NGOs.

The issue of whether joint criteria should be agreed between the NGOs and the Commission should be considered.

Further consultation with NGOs on these issues will be part of the follow-up to this Discussion Paper (see Annex).

#### *Improving information about meetings*

As a first step to improve information about ongoing and planned consultations the Commission intends to announce all major consultative meetings on the EU's EUROPA website, including links to more specific information with appropriate DGs.

#### *Listing the NGOs included in formal and structured consultation processes*

A list of the committees and working groups involved in formal and structured consultation procedures and the NGO belonging to them will be compiled and incorporated into a special EUROPA website on NGOs<sup>3</sup>. Where consultations are held on a regular basis with a limited number of NGO associations and networks and individual NGOs (e.g. in the context of advisory committees or other forms of structured consultation processes), it seems desirable in the interests of transparency to provide the general public with some information about these structures and NGOs which belong to them. This information could include, for example, the legal status of the NGOs, their objectives, membership struc-

ture, and main sources of financing. These groups and NGOs could therefore be invited to co-operate with the Commission to make this information available, possibly by supplementing the information already given in the Directory of non-profit making special interest groups published on the website referred to above, and by creating a specific website with links to those DGs where such information is already available.

#### *Accreditation*

Some NGOs have raised the issue of having an official consultative status for NGOs along the lines of existing systems in the United Nations and Council of Europe.<sup>4</sup> The Commission has always rejected an official consultative status. One reason given for instance in the Commissions Communication on "An open and structured dialogue between the Commission and Special Interest Groups"<sup>5</sup> is that "the Commission has always wanted to maintain a dialogue which is as open as possible without having to enforce an accreditation system." Moreover, unlike the system in international bodies, the decision making process in the EU is first and foremost legitimised by the elected representatives of the European peoples.

However, the dialogue with the other European institutions and NGOs in the follow-up of this Discussion Paper could usefully include a discussion on whether a more formalised approach would provide an added value.

#### *A legal basis for consultation with NGOs in the Treaty*

Unlike the social dialogue with the social partners, there is no legal basis in the Treaty for dialogue or consultation with NGOs, though in terms of social policy and the civil dialogue, there already exists Declaration 23 annexed to the Treaty of Maastricht.

Despite the lack of a specific reference to the civil dialogue in the Treaty, a number of forums for dialogue and consultation have been developed in a range of policy fields. The Employment and Social Affairs Directorate General, for instance, aims to try to engage in the civil dialogue in practice via NGO participation in a wide range of committees and liaison

3. A webpage on special interest groups can be found at: [http://europe.eu.int/comm/sg/sgo/lobbies/index\\_en.htm](http://europe.eu.int/comm/sg/sgo/lobbies/index_en.htm)  
A list of NGOs co-operating with ECHO is available on [http://europa.eu.int/comm/echo/en/index\\_en.html](http://europa.eu.int/comm/echo/en/index_en.html)

4. In 1996 the Council of Europe had 380 accredited NGOs divided into nine groupings.

5. JO C 63 of 5 March

groups, meetings with the Platform of Social NGOs and informal working groups.

Several European-level NGOs in particular have raised the issue of having a legal base for NGO relations established in the Treaty in the context of the next Inter-Governmental Conference.

## Budgetary issues

### *Core-funding*

#### *Current situation*

The Commission already provides considerable amounts of core-funding for the running costs of a variety of organisations. The Vademecum on Grant Management approved by the Commission in July 1998 lays down special rules on funding for organisations which are receiving core-funding. This means of course that these organisations must be clearly identified. Although this has been done for Part A (administrative appropriations) of the Budget and the list is on the Grant Management Network website,<sup>6</sup> for Part B of the Budget (operating appropriations) it is much more complicated. However, a listing of budget lines providing core-funding and the names of the beneficiaries is being prepared. It is only when this information is available that it will be possible to assess to what extent NGOs already receive core-funding. The situation is also complicated by the fact that in certain cases financial awards for projects performed by an NGO may in reality also act as a significant support for the running costs of the organisation. Some budget lines can provide funding both for project funding and core-funding.

Furthermore, even when NGOs already receive core-funding this is not done in any kind of co-ordinated way or according to common criteria across the Commission. It has grown in a piece-meal way through mention of specific NGOs in Parts A and B of the EU Budget.

#### *Proposals for future measures to improve coherence*

The question of core-funding is linked to the Commissions general policy towards partner-

ship with NGOs and in particular NGOs organised at European level and deserves to be examined in detail on the basis of both existing best practice<sup>7</sup> and shortcomings. As pointed out already in Chapter 1, by encouraging national NGOs to work together to achieve common goals, the European NGO networks are making a vital contribution to the formation of a "European public opinion" usually seen as a prerequisite to the establishment of a true European political entity. In particular, the ability of European NGO associations and networks to channel and focus the views of the various national NGOs is extremely useful for the Commission. It therefore seems reasonable that the Commission should provide practical support for these NGOs.

In the interests of transparency, it seems preferable that this support be provided through specific core-funding budget lines. The legal bases of such lines should specify the eligibility criteria and conditions under which core-funding would be provided to NGOs. The criteria should take into account, among other things:

- the genuine European nature of the activity undertaken;
- the representativity either of the European NGOs applying for such funding or of those bodies promoting the NGO or relevant activity, and
- the long-term financial viability of the NGO or activity.

In addition, the Commission will respect the right of any NGO or activity it funds in this way to promote frank, accurate and properly supported views on matters directly relating to the stated purpose of the NGO or activity.

#### *Project funding*

A review of existing legal bases related to project funding also needs to be undertaken with a view to seeing where substantial inconsistencies exist. At the same time the nature and impact of budget commentaries also need to be examined to see to what extent they are consistent with the legal bases. Where legal bases need to be renewed an attempt should be made to bring them into line with other existing legal bases so as to ensure a more coherent approach. In cases where the

6. [http://europa.eu.int/comm/sg/scg/info\\_subv/index\\_en.htm](http://europa.eu.int/comm/sg/scg/info_subv/index_en.htm)

7. For instance, the "Action Programme promoting environmental NGOs" (based on Council Decision 872/97/EC) is considered an excellent framework for co-operation both by the Environment DG and by environmental NGOs.

same action can be funded in different ways (as is the case for example of support to the electoral process in developing countries), there must be explicit criteria or policy guidelines established to clarify which instrument is the most appropriate.

### ***Restructuring the budget / rationalisation of budget lines***

At present the Commission is faced with a high number of budget lines with their respective legal bases which are not coherently organised either in terms of their position in the EU budget nor with regard to the complementarity of their objectives. These have largely developed out of particular orientations set by the budgetary authority, in particular the European Parliament.

In their Second Report on Reform of the Commission, the Committee of Independent Experts stressed the need "to establish a budget structure favourable to transparent management and effective monitoring. The distinction between administrative and operating expenditure should be abandoned"<sup>8</sup>. In particular it questions the need for the division of the Budget into Part A - (administrative appropriations) and Part B (operating appropriations). To illustrate that the distinction which is supposed to be made between the two Parts is often ignored, it cites cases where grants have been made to cultural organisations in both Part A and Part B.

The need for clarification of the structure of the Budget was also taken up in the report of the Budget Committee of the Parliament in its report on the Draft Budget for 2000. In this it asks the Commission to present a new approach to the separation of appropriations into Part A and Part B of the Budget when the Draft Budget for 2001 is presented.

The Preliminary Draft Budget for 2001 will reflect a new approach and will incorporate some elements of Activity-Based Budgeting. ABB is the budgetary component of the wider Activity Based Management (ABM) approach which aims to improve management culture in the Commission as part of the overall Commission administrative reform process. However, since the definition of activities and

policy areas will be linked to the existing organisational structure of the Commission, introduction of ABB alone will not solve the existing problems of a lack of coherence among budget lines.

To deal with this problem, consultations need to be started at the earliest possible opportunity with the budgetary authority to exchange views on how to rationalise budget lines as described above. Clearly, this issue will concern all beneficiaries, not just NGOs.

It is recognised that the budgetary authority will always wish to retain its right to fix priorities - the issue here is how to allow this in such a way as to ensure that the administrative and human resource consequences are foreseen and addressed in an appropriate way.

At the same time there needs to be better use of annual "programming" reflecting Council, European Parliament and Commission priorities.

### **Management issues**

The objective of this chapter is to provide an overview of current challenges in EC grant management and to identify a number of approaches for improving present financial and management procedures as they affect NGOs in particular. Although any reform of the Commission's grant management will be undertaken in the interest of all beneficiaries, the Commission is aware that NGOs are its main project partners in many policy fields. NGOs are therefore affected by the present problems in specific ways and can rightly expect that suitable solutions are found.

Grants in all their various forms account for an important part of Community expenditure. The major part is not paid directly by the European Commission but through the national and regional authorities of the Member States. This is the case of payments under the Common Agricultural Policy and of most payments under the structural policy financial instruments.

However, the Commission also pays grants direct to beneficiaries (public or private bodies - universities, businesses, interest groups. NGOs - and in some cases individuals) in pursuance of common policies in a wide number of fields

8. Committee of Independent Experts, Second Report 2.1.15.

(external policies, research and development, education, training, the environment, consumer protection, and information policy). EU funding through grants gives the Community a flexible instrument to support implementation of its various policy objectives.

### ***The challenge of managing grants***

There are a series of challenges facing the Commission at present in managing those grants that are awarded under its direct responsibility. Many of the issues described in the following are pertinent to the management of direct grants throughout the Commission departments. However, some of them are particularly relevant in the field of external policies because of the variety of different budget lines and the relatively high appropriations of these lines in the General Budget.

One of the fundamental problems of the Commission is the low ratio of staff to financial resources managed compared with similar managerial structures in the Member States or in international organisations.<sup>9</sup> In order to cope with this situation, the Commission has developed a range of different management schemes, the common feature of which is the delegation of certain administrative or support activities to various bodies, including NGOs, outside the Commission.

The Commission has also been opting in some cases for concentrating the available resources on a smaller number of larger projects with a view to reducing the administrative burden of grant management. The Commission is nevertheless aware that this approach cannot be applied across the board as in certain policy fields the small size of a project run by an NGO might be a necessary precondition for implementing it successfully.

Another issue of concern in the management of grants awarded to NGOs is the way in which the Commission applies its procedures that are aimed at ensuring the sound management of Community funds. As the taxpayer's money must be spent in a judicious, economic and transparent way, the award and management of EU grants are subject to specific conditions and requirements to be fulfilled by the applicant organisation, notably in terms of its capacity,

both operational (technical and managerial) and financial. This means that the Commission must be able to assess the capacities of NGOs in order to ensure that they are capable of carrying out the projects entrusted to them and also of accounting properly for the funds involved.

At the same time some characteristics of the NGO sector such as the small size of the organisations, a sometimes tight cash flow situation, difficulties in providing financial guarantees, may well mean that their internal structure and capacities are not necessarily well adapted to meet the administrative requirements placed on them by the EU institutions when they apply for grants. In recent years, for instance, increased scrutiny linked in particular to the question of financial security of grants has resulted in a tightening up of requirements which has led to longer delays in a number of cases. In particular, the question of financial guarantees to be provided by NGOs has led to some friction in recent months.

The challenge is to design management procedures which provide the necessary guarantees on the proper use of public money while at the same not placing an unnecessary administrative or financial burden on NGOs since the Commission is often not the only donor providing funds to a particular NGO and must be prepared to allow the NGO sufficient flexibility to comply with the requirements of different donors.

The Commission accepts that, particularly for innovative projects or operations carried out in developing countries, or in the framework of humanitarian or emergency actions, a risk component is implicit and unavoidable.

It also needs to be borne in mind that the EU's co-operation with NGOs means that actions can be financed and realised which neither the private sector nor local governments would otherwise implement.

Against this background, the main challenges facing the Commission today can be summarised as follows:

- How to improve the institutional framework, in particular regarding the adequate use of intermediary bodies, in the management of grants awarded to NGOs.
- How to streamline management of the large numbers of proposals received in certain sectors, (for example for the co-financing of

<sup>9</sup> Details can be found in relation to external aid in an evaluation of European Aid undertaken by the Overseas Development Institute in 1997.

NGO development projects) in view of the limited human and financial resources available to the Commission. Here the challenge is to reduce the number of the projects, contracts and operations, without discouraging applications from small NGOs (often the source of innovative ideas) nor excluding funding for small projects where these correspond to EU priorities.

- How to ensure that limited EU funds go to projects of high quality which are run by NGOs which have the financial and operational capacity needed to successfully implement these projects.
- How to simplify procedures and to provide greater transparency and coherence across the whole range of budget lines in order to facilitate and encourage wide access of NGOs to EU funding.

#### *Overarching principles*

Any new approach aimed at improving the management of Community programmes will fall short if it does not take into account the potential impact on the beneficiaries of these grants. The Commission remains therefore committed to respect the following overarching principles in the management of NGO projects and programmes:

- The need to respect diversity and heterogeneity of the NGO community;
- « The need to take account of the autonomy and independence of NGOs;
- The need to take into account the specific need of NGOs, depending upon the sector, size experience and track record of the NGO(s) concerned;
- The need for greater openness and transparency, in particular by providing information about Community grants and the beneficiaries of these grants;
- The need to ensure that measures taken incorporate and promote the European dimension of EU policies and related grants.

#### *Improving the management of NGO grants*

Designing and implementing measures to improve grant management is a cross-cutting

issue, which affects nearly all Commission departments. As a first important step to ensure that these issues are dealt with in a coherent manner throughout the Commission, the Commission adopted in 1998 the Vade-mecum on Grant Management and set up the Grant Management Network, which will continue to play an essential role in further reforming the Commission's grant management, in particular by identifying and disseminating "best practice". The Grant Management Network has also established a subgroup on partnerships to examine how best to cooperate with certain beneficiaries in areas where the Commission and its partners have strong mutual interests and share general objectives.

Nevertheless, further action, possibly including the widening of the scope of the Grant Management Network, and the involvement of additional actors will be needed in the future. The Commission will ensure, in particular, that the reform of its grant management forms an integral part of the overall reform process by giving an essential co-ordination role to the Task Force on Administrative Reform.

The Commission wishes to outline in the following paragraphs the main features of the next steps to be taken as far as these can affect grants awarded to NGOs. Some of these measures will be implemented fairly rapidly, whereas others will require further examination and consultation.

#### *Institutional arrangements and intermediary bodies*

The Commission has had a mixed experience as regards the decentralisation or delegation of tasks to intermediary bodies such as institutions in the Member States, agencies at the national or European level or Technical Assistance Offices. In some cases these structures have been operating fairly smoothly, in other cases the Commission has encountered serious management problems.

It is apparent that the necessary assessment of the role of intermediary bodies goes beyond grant schemes for NGOs and will therefore require a cross-cutting approach. However, in line with what was said in the chapter on consultation of the present Discussion Paper, the

Commission intends to involve NGOs in the review and reform of these mechanisms as far as these will have direct repercussions on them.

If and when it makes use of intermediary bodies the Commission needs to ensure that these bodies ensure that these have extensive experience in the NGO sector. In this context, the Commission will also thoroughly examine the possibility for NGO/co-operative consultancy groups to be included in call for tenders.

#### *Streamlining the number of projects to be handled by the Commission*

Though not a panacea for all management problems, it is inevitable that in certain areas, in particular in the field of external relations, the number of projects, contracts and operations to be handled by the Commission will have to be reduced. This could be achieved by applying the following measures:

- Increasing the minimum size of projects and programmes financed on Community funds, while ensuring, where appropriate, indicative minimum amounts for smaller projects (introduction of percentages of funds available to be reserved for small and larger projects in Calls for Proposals);
- Encouragement to NGOs to form consortia for the presentation and implementation of projects;
- « Encouragement to NGOs to form networks with one constituent representative body which undertakes operations on behalf of the members of the network;
- Introduction of programme contracts in particular for long standing NGO partners whereby the Commission and NGOs agree an outline programme based on the NGOs policies and strategies, main sectors of activity, partners etc under which NGOs will be able to carry out activities which will be controlled by the Commission on an ex-post basis;
- Introduction of block grants subject to the assessment of the track record of the NGOs involved and to provide funds to both individual NGOs and NGO networks, for the funding of small-scale activities subject to an agreed work programme. These will be controlled on an ex-post basis.

The implementation of the above measures will be based on a serious analysis of the specific needs of the sector and of the NGOs active in that sector. They will be decided in consultation and agreement of the NGO sector directly concerned.

#### *Improving the selection procedures and the quality of projects selected*

Improving the selection procedure through enhanced forward planning will be another means of ensuring quality service in the management of grants. In this context, the systematic introduction of calls for proposals (as suggested in the Vade-mecum on Grant Management) has proved to be an important tool and will be increased in the future. This should be accompanied by more dialogue with the NGOs on defining focal areas, priorities and areas where NGO activities are complementary to EU activities.

In addition, the implementation of multi-annual programmes, on a sector-by-sector, thematic or geographical basis, will aim at increasing the impact and quality of projects as well as at simplifying management tasks.

Moreover, it is apparent that proper and rigorous use of the project cycle management approach, taking into account the special nature and characteristics of NGOs, greatly facilitates the sound management of grants. This includes, in particular, draft agreements that clearly set out the desired outcomes, performance indicators, quality controls and the monitoring and reporting procedures. Regarding the selection phase, the Commission intends to examine the use of external specialist assistance in the assessment of proposals.

#### *Assessment of the NGOs' financial and operational capacity*

Although the Commission recognises that there is an element of risk in awarding grants in certain circumstances (see 4.1. above), it is obviously required to limit this risk as much as possible. The Vade-mecum sets out clear standards and criteria for the assessment by the Commission services of an NGO's eligibility

and technical and financial capacities to carry out operations on which grants are awarded.

#### *Financial guarantees*

In July 1999 the Commission endorsed preliminary guidelines on the financial security of grants awarded to NGOs in the field of external relations. Experience with these guidelines up to now has shown that they have proved to be a viable solution for both the Commission and the NGO community. The Commission therefore wishes to confirm these measures, which are described in the annex to this Discussion Paper.

#### *Processing of information on NGO partners*

The need for much better information on all types of beneficiaries has been raised several times. Both the Commission's Inspectorate-General and the recent report on the reform of the Commission by the Committee of independent Experts pointed to the need for Commission services to have a reliable information source with regard to beneficiaries of grants, which includes information on previous grants or those in the pipeline. The Vademecum on Grant Management also stipulated that grant managers should check on previous grants awarded before making an award. So far no tool is available which provides Commission departments with this information on a continuous basis.

Within this general framework, the improved processing of information on NGOs receiving grants would be a win-win option for both the Commission and the NGO partners. Whilst facilitating the risk assessment of operations on the Commission side, it would also reduce the need for NGOs to provide the same information for each individual project proposal.

Modalities for improved processing of information on NGOs should be examined including the following elements:

- A database providing accurate information on NGOs and in particular on their operational and financial profile, track record, projects financed by the EU, other donors, and other relevant information regularly updated. This

would capitalise on existing information inside the Commission in a co-ordinated way. If sufficient resources can be identified to make such a system workable and maintainable, it would be an extremely valuable tool for Commission staff both in Brussels and in delegations abroad;

- Registration systems for grant beneficiaries (including NGOs) based on an in-depth study of the organisational structure, capacity and financial surface of the beneficiary realised through external audits. In this context, systems existing in the Commission (ECHO), in the Member States, and in international donor institutions like the World Bank could be taken into account. The possibilities of improving the exchange of information with these bodies and/or system of "mutual recognition" should also be examined.

These information systems should take account of the needs of local partners in third countries.

#### *Simplification of procedures*

EU funds are spread across many different budget lines and are open to a variety of actors and potential beneficiaries, including NGOs. Grants are awarded according to different criteria and application procedures which place varying requirements on applicants. In close co-operation with NGOs and other partners/beneficiaries, the Grant Management Network will continue to introduce greater coherence where possible and "best practice" into Commission management procedures. These activities will focus, inter alia, on the harmonisation and improvement of project budget forms.

*One standard contract for grants in the field of EC-external aid programmes is now being introduced replacing the numerous existing contract types under those programmes. The contract, while meeting the specific requirements of projects and programme in the field of external aid, is based on the general standard contract form annexed to the Vademecum on the management of grants, and therefore ensures a basic link to and convergence with standard contract(s) to be used in other fields of EC grants.*

Another interesting development has been carried out by ECHO. When it set up ECHO, the Commission laid down as one of its prime objectives a greater degree of efficient humanitarian operations and stressed the need for a framework for relations with NGOs and international specialised agencies. Hence, the Commission adopted in May 1993 the model Framework Partnership Agreement (FPA) aimed at speeding up procedures and simplifying decision-making.

*A new FPA entered into force on 1st January 1999. The review of the FPA had these main objectives:*

- *To strengthen partnership,*
- *Simplification and clarification of the text,*
- *To increase the flexibility while preserving an adequate control over the use of funds,*
- *To ensure quality oriented assessment with regard to proposals and actual implementation.*

*To date, more than 160 NGOs have signed the FPA. ECHO intends to enlarge its network of partners and the verification procedures for over 130 NGO will be carried out during the first half of the year 2000.*

### **Information**

#### *Information for the public, beneficiaries and potential beneficiaries including NGO*

A considerable amount of information is already available for the public in general, beneficiaries and potential beneficiaries on direct funding from the European Commission and this is being constantly updated and improved. NGOs and others seeking information on funding need different types of information at different stages in the application process, starting with general information on what is available, specific information on the criteria for the various grant programmes and details on how and when to reply.

#### *General information on funding*

General information is available on a website called "Information on funding".<sup>10</sup> At present the main source of general information on

grants is an electronic version of the 1997 information brochure "Grants and Loans from the European Union". This brochure will be replaced during 2000 by a new guide on EUROPA which will link a description of EU policies with a description of the grant programmes available under these programmes and the detailed information given in the websites of the various Commission departments. Thus by following the links or by using a simple search system, an organisation looking for funding should be able to find out what grants are available and the detailed criteria and application procedures.

#### *Specific information on funding*

One of the main aims of the Vade-mecum on Grant Management published in 1998 was to oblige departments to improve publicity on grants available and on grants awarded under these programmes. It was felt that more comprehensive and user-friendly information was needed so as to widen the circle of organisations applying for grants from the Commission. The Vade-mecum lays down specific and quite detailed rules on the information departments must provide in the call for proposals.

Departments are required to publicise calls for proposal widely and using the EUROPA server is a minimum requirement.

#### *NGO liaison point/network of NGO focal points in the Commission*

One way of providing a better service for NGOs would be to set up a number of "one-stop-shops" or information points in the Commission departments and EC delegations abroad working with NGOs. The role of such information points would have to be carefully defined and the resource implications studied. Regarding information on funding, it would be more logical to make such information points available to all potential beneficiaries, although for many departments, NGOs are the main beneficiaries of direct funding from the Commission.

It also seems desirable to provide for general co-ordination of the relationship between the

10. [http://europa.eu.int/comm/sg/sgc/info\\_subv/mdex\\_en.htm](http://europa.eu.int/comm/sg/sgc/info_subv/mdex_en.htm)

Commission and the NGOs by a horizontal department, which could play a role in promoting and widening the debate on NGO issues amongst the Commission services whilst respecting the specificity of NGO/Commission dialogue in the different sectors. In any case, given the specific nature and competence of the different NGO communities, the main responsibility for managing the Commission/NGO relationship in each sector should be kept within the respective Commission department.

This department would have responsibility in particular for co-ordinating measures to improve both information for NGOs as well as information on NGOs for Commission departments.

## Conclusions

The Commission recognises the need to establish a more coherent approach to its relations with NGOs by maintaining and building on existing "good practice" in different sectors.

## Annex

### *Financial guarantees*

Regarding grants awarded to NGOs, the following measures are taken:

1. For any grant equal or exceeding 100,000, the recipient organisations will be required either to produce a report on the financial audit of the organisation carried out by an independent registered accountant, or to produce a report on the audit of the use of the grant, during or after implementation of the action.
2. A financial guarantee will be required for payment or any advance equal to or exceeding 1

million. Certain exceptions may be justified when programmes are implemented by an EU NGO which has a long term record of satisfactory collaboration with the Commission, has been appraised as fulfilling the Commission's technical and operational criteria and other NGOs which are internationally recognised and on that basis supported by other bilateral or international donors.

3. Outside the regular monitoring of ongoing operations, the Commission's departments will carry out subsequent audits by random sampling in order to check the running of operations, particularly small ones, which are not systematically audited.

However, since many of the proposals contained in the present document are closely linked to the proposals on administrative reform which will be put forward in February, it is felt that the a Commission Communication on cooperation with NGOs should not be finalised until then. This will ensure that the proposals put forward in the present Discussion Paper are fully compatible with the reform process as a whole.

The Commission regards this Discussion Paper as a first step in a process involving an extensive exchange of view with the NGO Community.

To facilitate this consultation, the Commission will set up a website on EUROPA which will be open as soon as the text of the Commission has approved the Discussion Paper. The website will contain the text of the document in all official languages. There will also be an e-mail address to which the NGOs can send comments and these will appear on the website.

3. Outside the regular monitoring of ongoing operations, the Commission's departments will carry out subsequent audits by random sampling in order to check the running of operations, particularly small ones, which are not systematically audited.

## Ford, la Banque mondiale et Monsanto "primés" par Corporate Watch

Corporate Watch est une association américaine dont la mission est de fournir des informations et des moyens d'actions pour faire face aux abus des grandes entreprises mondiales, notamment sur le sujet des droits de l'homme et des impacts sociaux ou environnementaux. A l'occasion de la Journée de la Terre, le 22 Avril dernier, le site internet de l'association a décerné les premiers prix de son concours Greenwash, qui récompense ironiquement les meilleures politiques de relations publiques menées par des grands groupes pour "laver" leur image en parant leurs activités polluantes d'une auréole écologiquement responsable. Ford s'est donc vu

attribuer le Grand Prix pour avoir intégralement sponsorisé le numéro spécial du magazine Time publié à l'occasion de la Journée de la Terre, mais également pour "avoir essayé de générer une perception positive de son bilan écologique, qui est l'un des pires de l'industrie", selon Kenny Bruno, l'un des "jurés" du prix Corporate Watch. Ford a d'ailleurs récemment annoncé, selon les organisateurs, que la marque investirait désormais autant d'argent sur son image environnementale qu'elle le fait sur chaque lancement de nouveau modèle. Les prix suivants sont attribués à la Banque mondiale, pour avoir publiquement présenté

pour des placements éthiques les obligations qu'elle commercialise ; à Monsanto, qui est à l'origine du Conseil pour l'information sur les biotechnologies (regroupant plusieurs entreprises du secteur), une initiative qui a séduit les jurés avec sa campagne d'engagement (250 millions de dollars sur plusieurs années) à nourrir le monde entier "tout en faisant la promotion de produits qui ruinent les exploitations familiales et limitent l'accès à la nourriture" ; et à Shell, pour sa campagne institutionnelle "Profits et Principes".

*Plus d'informations :*  
<http://www.corpwatch.org/trac/cimate/sweepstakes.html>

## Suivi du Sommet mondial pour le développement social

Dans un avis d'initiative "Suivi du Sommet mondial pour le développement social" conçu comme contribution pour la Session extraordinaire de l'Assemblée générale des Nations unies qui se tiendra à Genève du 26 au 30 juin prochain et qui sera l'occasion d'évaluer les résultats et des engagements du Sommet mondial sur le développement social tenu à Copenhague en 1995, le Comité économique et social européen (CES) s'étonne de ce que l'ONU ait donné un rôle spécial aux ONG dans la préparation du suivi du "Sommet social" de 1995, mais qu'elle ne juge apparemment pas important de donner une

place particulière aux fédérations d'employeurs, aux organisations syndicales, aux consommateurs et aux organismes sociaux, etc. Le rôle des organisations d'employeurs et des syndicats a d'ailleurs fait l'objet de controverse entre un grand nombre de pays en développement et de pays industrialisés.

Préoccupé, le CES aimerait que la Commission précise, lors de la Session extraordinaire de l'Assemblée générale à Genève, que ces organisations sont des ONG particulières qui ne font qu'exprimer les opinions de leurs membres. A cette occasion, le Comité estime que la

Commission européenne devrait favoriser la représentation des groupes d'intérêts socio-économiques dans les délégations nationales envoyées par les Etats membres.

Le groupes d'intérêts socio-économiques représentés au sein du CES ont un rôle particulier à jouer dans le domaine du développement social; le Comité demande ainsi instamment à la Commission de l'inviter, comme elle l'a fait en 1995, à être représenté au sein de sa délégation.

(CES, *Communiqué de presse* 42/2000)

## NGO civil forum, Marseille November 2000

In November 2000 the French government as the holder of the EU presidency will host the Euro-Mediterranean Foreign Ministers conference in Marseille. As was the case in Stuttgart last year the NGO community aims to celebrate a Civil Forum on the eve of the Ministerial to articulate its concerns and present proposals to the attending Ministers. The 'Marseille Process' is in fact very similar to the 'Stuttgart Process' in 1999, in that the aim is to have a civil forum on the eve of the Ministerial and have direct dialogue with ministers or their representatives so as to enable civil society's input into the political process. In preparation for the forum there will be roundtables in the Mediterranean countries, and representatives from these roundtables will participate in the Marseille civil forum.

In Stuttgart, there were a number of NGO forums all taking

place at the same time but separately. This time however, the civil forum will be multisectoral and will bring together NGOs from different sectors of Civil Society (human rights, development, environment, culture and youth) in one forum to debate thematic and horizontal issues. The philosophy behind this event is to contribute civil society's voice to the Marseille Ministerial, raise public awareness of the Barcelona process and to promote the long-term participation of civil society in the Euro-Mediterranean dialogue.

In preparation for the civil forum, there will be 10 national roundtables in the Mediterranean partner countries and France, and further subregional roundtables (Maghreb, Mashrek, Europe du sud, etc...) are envisaged as well, in building up to the civil forum in Marseille.

Currently, Friends of the Earth Mednet (collaborating with FoE

France), WWF, ENDA, and Comité 21 are working closely together to organise the environmental dimension of the civil forum. In particular, FoE Mednet aims to coordinate the organisation the roundtables, WWF the communication, ENDA the environmental section of the civil forum and Comité 21 the proposed exhibition for the Marseille Civil Forum.

The European Commission has been approached for financial support as well as the French Foreign Ministry and they have agreed to financially support in part the organisation of the event. The environmental group has also discussed with the Heinrich Boell Foundation support and closer collaboration for our particular work.

*(MFTZ Environment Monitor, Vol. 2, No. 4-5 - April-May, 2000)*

*For more information contact: mednet@foeeurope.org*

## Seeking more support for equitable global climate policy

The Global Commons Network' [GCN] for a precautionary and equitable global framework to avert climate changes has adopted a "Contraction and Convergence" (C&C) position, considered as the so-to-speak 'positive' side of the previous campaign. Its contents is synthesized in this open letter for co-signatures, which reads as follows:

*Dear Sir*

*The debts that the wealthy countries have recently forgiven their poorer neighbours are as nothing in*

*comparison with the amount that these countries already owe the rest of the world for the increased global warming they have caused and are still causing. Inevitably there are links between this and the rising frequency and severity of storms, floods, droughts and the damages these are causing in many places across the world.*

*While debts worth roughly \$3 billion have just been conditionally written off by the UK, the cost of the infra-structural damage done by the recent floods in Venezuela alone has been put at \$10 billion. In*

*addition, tens of thousands of lives have been lost there. Is anybody brave enough to put a monetary value on these?*

*Moreover, the greenhouse gases the energy-intensive countries have discharged into the atmosphere in the past two centuries will stay potentially even beyond the new century, causing death and destruction year after year. The debt relief, on the other hand, is a one-off event. Fifty-six countries were affected by severe floods and at least 45 by drought during 1998, the most recent year for which figures are available. In*

China, the worst floods for 44 years displaced 56 million people in the Yangtze basin and destroyed almost five per cent of the country's output for the year, for which climate change was one of the causes. In Bangladesh, an unusually long and severe monsoon flooded two-thirds of the country for over a month and left 21 million people homeless.

Paul Epstein of Harvard Medical School has estimated that in the first eleven months of 1998, weather-related losses totaled \$89 billion and that 32,000 people died and 300 million were displaced from their homes. This was more than the total losses experienced throughout the 1980s, he said. The rate of destruction will accelerate because greenhouse gases are still being added to the atmosphere at perhaps five times the rate that natural systems can remove them. By 2050, annual losses could theoretically amount to anywhere between 12 per cent and 130 per cent of the gross world product. In other words, more than the total amount the world produces that year could be destroyed and life as we know it could collapse. For the industrialized countries, the damage could be anywhere between 0.6 per cent and 17 per cent of their annual output, and for the rest of the world, between 25 per cent and 250 per cent.

Michael Meacher, the UK Environment Minister, has recognised this. He recently told the Royal Geological Society that, "the future of our planet, our civilisation and our survival as a human species... may well depend on [our responding to the climate crisis by] fusing the disciplines of politics and science within a single coherent system."

"Contraction and Convergence" is such a system. As Sir John Houghton, Chair of the Intergovernmental Panel on Climate Change (IPCC) recently told the British Association for the Advancement of Science, global greenhouse emissions need to be reduced by at least 60% in less than a hundred years.

When governments agree to be bound by such a target, the diminishing amount of carbon dioxide and the other greenhouse gases that the world could release while staying within the target can be calculated for each year in the coming century. This is the contraction part of the process.

The convergence part is that each year's tranche of this global emissions budget gets shared out among the nations of the world in a way which ensures that every country converges on the same allocation per inhabitant by, say, 2030, the date Sir John suggested. Countries unable

to manage within their allocations would, within limits, be able to buy the unused parts of the allocations of other, more frugal, countries.

Sales of unused allocations would give the countries of the South the income to purchase or develop zero-emission ways of meeting their needs. The countries of the North would benefit from the export markets this restructuring would create. And the whole world would benefit by the slowing the rate at which damage was being done.

Because "Contraction and Convergence" provides an effective, equitable and efficient framework within which governments can work to avert climate change, even some progressive fossil fuel producers have now begun to demonstrate a positive interest in the concept. Consequently, as Jubilee 2000 and Seattle have shown, governments and powerful interests are helped to change by coherent coordinated pressure from civil society.

Yours sincerely

(A shortened version was published in *The Independent* (UK) 24th Dec. 1999)

Global Commons Institute  
Climate, Debt, Equity and  
Survival

There's more information regarding GCI and Contraction and Convergence on the webpages at: <http://www.gci.org.uk>

## New... Creations... Plans... New... Creations... Plans... New...

Après dix ans de recherches souvent dérangeantes, l'Observatoire géopolitique des drogues (OGD) a rendu son dernier rapport. Dernier dans le vrai sens du terme: l'ONG ferme en effet définitivement ses portes en avril, sa situation financière ayant conduit le tribunal de Paris à prononcer sa liquidation. La disparition de cette association indépendante crée un vide dans un domaine d'études aux fortes implications stratégiques, que les rapports des organismes officiels - département d'Etat américain et Nations unies - ne comblent qu'imparfaitement.

On doit notamment à l'OGD d'avoir lancé des concepts novateurs, comme celui des « narco-Etats » (pays dans lesquels l'Etat ou un secteur de l'appareil étatique est impliqué et/ou utilise le produit du trafic de drogues). On lui doit aussi d'avoir révélé le poids déterminant des trafics dans certains conflits régionaux: dès 1991, l'association décrivait ainsi les réseaux de vente d'héroïne qui ont financé l'insurrection albanaise contre la répression serbe au Kosovo. Animant une équipe de deux cents correspondants (journalistes, chercheurs, membres d'ONG...), présents dans une centaine de pays et souvent bénévoles, elle a œuvré sans subventions.

Finalement victime de sa mauvaise santé financière, l'OGO fonctionnait uniquement sur les crédits des contrats d'études signés avec des institutions publiques. Avec, toutefois, une réelle indépendance d'esprit: son rapport, réalisé grâce aux fonds de la

Commission des communautés européennes et, en France, de la Mission interministérielle de lutte contre la drogue et les toxicomanies (Mildt), prévient ainsi qu'il n'exprime « en aucun cas les points de vue officiels de la Commission et de la Mildt ».

Sans contraintes politiques ni langue de bois, l'OGD a apporté d'utiles contrepoints aux deux seuls autres rapports annuels consacrés aux trafics de drogues dans le monde. Celui du département d'Etat américain, d'abord, qui reflète les intérêts de la première puissance mondiale et va de pair avec les « certificats de bonne conduite » accordés, ou non, par Washington aux divers Etats, en fonction d'une appréciation portée sur leur lutte contre la drogue. Ce processus de certification, qui conditionne l'assistance économique américaine, est évidemment associé aux préoccupations particulières des Etats-Unis. Alors que l'Iran est fortement engagé depuis des années « contre le trafic de transit », note l'OGD, il a fallu attendre 1999 pour que Téhéran disparaisse de la liste noire des pays « décertifiés » par Washington, « précisément au moment où ce pays a amorcé une politique d'ouverture, y compris à l'égard des Etats-Unis ».

Le rapport de l'organe international de contrôle des stupéfiants (Nations unies) souffre, lui, d'être essentiellement élaboré « à partir des rapports nationaux fournis par les pays membres ». A la différence du document américain, il se garde de présenter, en 1999, « une vision triomphaliste des résultats de la lutte antidrogues », notamment dans les pays andins.

« Pour ce qui touche à la responsabilité des Etats », il manque néanmoins parfois « d'objectivité ».

Exemple: le rapport onusien indique qu'Interpol a organisé, l'an passé en Birmanie, une « conférence internationale sur l'héroïne (...) à laquelle tous les pays d'Asie de l'Est et du Sud-Est étaient représentés ». Sans préciser que la réunion a été boycottée par tous les pays de l'Europe de Schengen et les Etats-Unis...

L'OGD disparaîtrait-il donc par excès d'objectivité? Il serait « exagéré » de parler d'« un désintérêt des pouvoirs publics » pour ses analyses, nuance l'association. Des contrats étaient en passe d'être conclus avec le Quai d'Orsay et l'Union européenne, tandis que son expertise était largement reconnue, y compris par les Etats-Unis, dont l'OGD a régulièrement épinglé l'échec de leur « guerre à la drogue », le département d'Etat a dernièrement cité l'association parmi les quatre organismes de référence (dont l'Organisation mondiale de la santé et le programme *ad hoc* des Nations unies). « Il existe probablement aussi, chez un certain nombre de politiciens et de fonctionnaires français et européens, la crainte diffuse qu'apporter un soutien trop prononcé à l'OGD, qui prend sans cesse à témoin l'opinion publique, ait un effet boomerang susceptible d'entraver la politique menée envers certains pays, comme la Turquie, le Maroc », conclut l'ONG, dans un texte aux allures de testament.

(Le Monde, 21.4.00)

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