

Transnational Associations

The review of the Union of International Associations



6/2000

The Global Compact

Le dialogue du FMI
avec les ONG

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Associations transnationales

La revue de l'Union des associations internationales

Transnational Associations

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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 associative) n'engagent que leur opinion.

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

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

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The IMF's dialogue with the NGOs

by *Flemming Larsen**

Recent financial crises and the growing income gap between rich and poor countries have fueled intense criticism of today's global economic and financial system. Much of this criticism is targeted at institutions like the IMF, together with the World Bank and the WTO. We are perceived to be fostering the policies and reforms that have led to unprecedented (and still rapidly rising) levels of international trade, capital flows, technology spillovers, exchange of information, and cross-cultural influences, in short, *globalization*.

The demonstrations in Seattle, Washington, D.C. and, most recently, Prague, have underscored the concerns about globalization. Simply dismissing the protesters as a fringe group of activists to the extreme left (or sometimes right) of the political spectrum may be tempting but would be a mistake. While radical groups did play a role in the streets of Seattle and Washington, the unease about the global economic and financial system clearly extends to broader segments of the population in the advanced and less developed economies alike.

A constructive approach to dispel misunderstandings about globalization and address legitimate concerns should start by emphasizing that the global economic and financial environment is evolving rapidly, that the implications of the changes are often not fully understood, and that institutions and policies will need to adapt to cope with the challenges posed by globalization. All this is particularly true of the phenomenal growth in size and sophistication of global financial markets. As financial resources are put to better uses within and across countries, there is considerable potential for gains in productivity and living standards. But it should also be recognized that a heightened role for market forces carries with it the risks of market failures—both in themselves and in combination with policy errors. The crises in emerging markets during 1997-98 illustrate the costs of swings in market sentiment in reaction to an unfortunate mix of policy shortcomings and the markets' own mistakes.

In other areas also, it is necessary to acknowledge that globalization benefits people unevenly, and that it *can and does* produce losers as well as gainers. This is of course not a new problem: technological developments and rapid econom-

ic changes that have been beneficial for society as a whole have usually been painful for some. But appropriate policies can, and should, be used to ease the adjustment burden. When such changes take on a significant and growing international dimension, the need is underscored not only for appropriate national policies, but also for well-functioning global economic and financial institutions, and internationally agreed rules and regulations.

The IMF is responding to these challenges, and a strong effort is being made to reach out to civil society at large and the NGO community in particular, through an ongoing and open dialogue, to explain what we are seeking to do for the global common good. The hope is that this dialogue will foster a common understanding both of the benefits of open markets and of the economic and financial shortcomings in the system, their causes, and the merits of alternative remedial actions. The following represents a summary of the concerns my colleagues and I typically encounter when meeting with representatives of civil society, together with some of the responses we provide on issues ranging from the role of trade in poverty alleviation, to the debt problem, and structural adjustment policies.

Globalization and poverty

A rallying point for many critics of the system, and of the IMF, is the fact that while the advanced countries are becoming more and more prosperous, extreme poverty remains prevalent in many parts of the world. This has led to the belief that globalization is somehow responsible for the plight of the poor: there is a widespread perception that the poorest countries' efforts to integrate into the world economy through trade liberalization and other market-oriented reforms—some would say under pressure from the industrial countries and the international institutions—have led to a more uneven income distribution and thereby have worsened the poverty problem. A concern often raised is the fear of a race to the bottom whereby the free play of market forces compels the poorest countries to lower wages and labor standards in order to attract foreign investors. From these lines of reasoning, it is tempting to con-

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elude that trade should be restricted—especially for “northern” anti-globalization activists with a protectionist agenda. Some even question the benefits for the poor of policies aimed at fostering stronger economic growth.

But the notion that trade and economic growth tend to aggravate poverty is false. Experience has confirmed time and time again that trade generally benefits the poor by fostering advances in efficiency and stimulating higher growth, which are key to raising living standards. Conversely, restrictive trade policies tend to hamper productivity, damage growth, and worsen conditions for the poor. We only need to point to the experience of the 1930s and to Latin America’s unsuccessful experiment with inward-looking trade policies, which contributed to that region’s “lost decade” of the 1980s. While protectionist policies may have appeared to be successful for a while in some cases, they invariably breed inefficiency and corruption and are eventually abandoned, sometimes under duress.

And trade liberalization is beneficial to society as a whole even though some groups may be negatively affected in the short run by increased competition from abroad. This is why countries often have combined gradual liberalization with measures to ease the adjustment process through social safety nets and retraining. At the end of the day, can anyone deny that trade liberalization has had huge positive effects on countries as diverse as Finland, France, Mexico, Portugal, Singapore, Thailand, and Turkey? If these countries have benefited from open markets, shouldn’t the poorest countries be given the same opportunities?

Rather than questioning the benefits from trade, those who are genuinely concerned about the poorest countries should campaign for improved access for developing countries’ exports into the markets of the advanced economies and for an end to agricultural export subsidies that are undermining the livelihood of many farmers in the developing world. In fact, these reforms would be in the interests of the advanced economies themselves, even if they would need to find other ways to support rural incomes. Many NGOs do, of course, agree on the need for greater market access for developing

countries, but it is also clear that some of them, and many of the anti-globalization activists, genuinely see trade as part of the problem rather than part of the solution.

Similarly, some NGOs are highly critical of the role of foreign direct investment, especially when undertaken by multinational enterprises that are perceived to exploit the poor. We disagree, even though there may be unfortunate examples when multinationals have not behaved ethically. But they increasingly seem to respect internationally agreed principles regarding the need to protect the environment and not to employ child labor. And they generally appear to pay higher wages than local employers do. For us, foreign direct investment is also a critical source of management know-how at the same time as it promotes foreign trade and fosters higher growth and employment.

The IMF agrees that trade and foreign direct investment can only be part of the solution. We are aware that the benefits do not necessarily accrue to those most in need and that some may be negatively affected by the removal of trade barriers and the associated dislocations. Trade liberalization therefore needs to be accompanied not only by social safety nets but also by reforms aimed at improving the living conditions of the poor—such as policies that favor basic education, health care, and infrastructure, policies that strengthen incentives for entrepreneurship and job creation, and measures to combat corruption.

The debt burden

The IMF has been pointing out for a long time that the debt burdens of many poor countries have been unsustainable, and that debt alleviation is justified both on humanitarian grounds and to strengthen incentives for governments to improve their policies and for enterprises to invest. These incentives stem from the greater prospect that a meaningful share of the returns from better policies and new businesses would benefit the country rather than mainly accrue to foreign creditors. On this there is full agreement with the NGOs.

In contrast, there remain differences regarding the conditions attached to debt relief. Many NGOs call for immediate, unconditional debt

cancellation on humanitarian grounds. We share the concerns behind this call, but we argue that debt reduction is not an end in itself, but a means to an end; the true objectives being durable poverty reduction and sustainable economic growth in the poor countries. Debt reduction alone cannot deliver this, since the resources provided may be wasted. This is why the international community has linked debt reduction to poverty-reducing policies. Without appropriate conditions being attached to debt relief, the benefits for the poor might be trivial and short-lived, while the prospects for a return to credit-worthiness would remain dim. It is in the best interests of both creditors and debtors that the debt relief occurs as swiftly as possible in combination with meaningful progress in tackling the problems that contributed to the emergence of an excessive debt burden in the first place.

What is the IMF's role in debt reduction? For the heavily indebted poor countries (HIPC), of which there are 41, the enhanced HIPC initiative, introduced in 1999, in which the IMF and World Bank have major roles, is central to the efforts of the international community to establish a virtuous circle of debt relief and poverty reduction. The initiative aims to deliver faster, broader, and deeper debt relief, channeling the funds released towards poverty reduction. The IMF has set up the Poverty Reduction and Growth Facility (PRGF) as its vehicle basis for concessional assistance under the initiative. A key aspect of this facility, and of the assistance provided by the World Bank and other creditors and donors, is that it should be the countries themselves that decide how best poverty should be reduced in full consultation with civil society. So far, a total of 31 low-income countries are benefiting from the facility. Ten of these countries (as of early October) have also become eligible for debt relief under the enhanced HIPC initiative, and the IMF and World Bank are doing their utmost to increase this number to as many as 20 by the end of this year.

The adjustment controversy

A key objective in the new debt reduction and poverty alleviation initiative is to strengthen countries' "ownership" of their reform programs

through much closer involvement of civil society. We are hopeful that this will lead to better implementation and stronger results on a more sustained basis.

Unfortunately, many of the broader reforms needed to reap the benefits of debt reduction and strengthen growth are criticized by the NGO community. This criticism is not directed primarily at the macroeconomic stabilization policies that the IMF always promotes, which the NGOs generally accept as being necessary conditions for fostering sustained growth. Indeed, the proposition that large budget deficits and high inflation are likely to hurt the poor is today broadly accepted. Instead, the criticism is mainly directed at so-called *structural adjustment programs* (SAPs), which are widely considered to have contributed to poverty because they are viewed as responsible for cuts in social expenditures. Through privatization schemes, SAPs are also considered to deprive poor countries of their natural resources and wealth to the benefit of multinational enterprises.

At the same time, SAPs are being blamed for imposing large devaluations that raise prices of basic necessities and thereby further impoverish the poor. Also, SAPs are viewed as detrimental to smaller enterprises because of the higher interest rates that can result from credit market reforms. And finally, the SAPs are considered to lead to a self-defeating push to export more commodities thereby putting downward pressure on export prices and worsening the environment. In sum, for many NGOs, the key to alleviating the plight of the poor lies in avoiding the structural reforms that the SAPs seek to promote.

We in the IMF are fully conscious of the problems that can be associated with unduly rapid structural reform, and that some structural adjustment programs may have been too detailed, stretching some countries' capacity for implementation, and creating problems of inadequate country ownership of the reform process. It is for these reasons that these questions are now under close review and that NGOs are being involved locally in the assessment of the need for and impact of reforms—a key aspect or enhancing ownership. Of course, it is for the countries themselves to decide how best to involve civil society.

We remain convinced, however, that the Strengthening of economic incentives through greater reliance on market forces instead of administrative decisions (that are prone to rent seeking and corruption) is essential to improving the economic performance of the poorest countries. To this end, the effective implementation of well-sequenced structural reforms is indispensable. We agree that great care is needed to design programs in such a way that any adverse social or environmental consequences are minimized. In fact, our critics are patently wrong when they claim that IMF programs force countries to cut spending on social progress. The reality is that IMF advice to countries facing budgetary pressures routinely emphasizes the importance of *sustaining* or even *increasing* expenditures on health and education while concentrating savings in unproductive spending (including military spending, subsidies for the well-to-do, and bloated administrative systems). And the record is clear: in 60 countries with IMF programs between 1985 and 1998, *per capita* spending on health and education rose by more than 2 percent per year after inflation.

Moreover, in countries where structural adjustment programs are pursued steadfastly, there are strong indications that economic performance does in fact improve. In Sub-Saharan Africa, for example, in countries with reform programs, average annual output growth has increased from just 1 percent in 1992-94 to about 4-4 1/2 percent in 1998-99. Since 1987 (and up until very recently when natural disasters had a devastating effect on Mozambique), cumulative gains in real *per capita* incomes in Mozambique and Uganda—two relatively consistent reformers—have been very significant, at over 30 and 40 percent respectively. In India, there was rapid turnaround in growth from a balance of payments crisis in 1991, largely in response to structural reforms; *per capita* growth has averaged well over 4 percent since the mid-1990s, in sharp contrast to the three decades following independence in 1947 when, stifled by regulation, *per capita* growth averaged only 1.5 percent per year.

In some of these countries, however, it is often argued that poverty levels have been increasing along with the structural reform effort—held to be clear proof of the reforms' failure. In our

view, this means that growth needs to be faster still, and that the program design for achieving higher growth rates has to be specially oriented towards dispersing the benefits of growth to the poor. What the critics also forget is that poverty levels would have been even higher in the absence of structural reforms.

Many other issues frequently come up in our dialogue with NGOs, including the political legitimacy of the Fund—where the NGOs argue for a greater say for developing countries; and the issue of accountability—where the NGOs generally wish to reduce the influence of Finance Ministries that are often considered to have excessive influence over IMF policies. Such questions need to be discussed among and within our member countries. The NGOs also frequently ask the IMF to support a tax on speculative capital flows (a.k.a. the Tobin tax) where our answer is that it is impossible to distinguish speculative flows from those that are not, that such a tax would require universal agreement, which does not seem very likely, and that it would be unlikely to prevent speculative attacks. We therefore believe that it is better for countries to concentrate on strengthening their resilience to potential destabilizing swings in market sentiment through strong financial policies, consistent macroeconomic and exchange rate policies, and robust financial systems.

Our dialogue with the NGOs is helping us to better understand their points of view and it is clearly having an impact in policy formulation and presentation. This impact has been particularly visible in the huge quantity of information the IMF now releases—largely in response to NGO demands for greater transparency (see www.imf.org). It is our hope that the NGOs, in turn, also are in better position to understand the IMF's policies. It is clear that civil society and the IMF share the fundamental objectives of alleviating poverty and enhancing global financial stability. There is also a measure of agreement that globalization needs to be managed through strong multilateral institutions and well-designed rules to help all countries share in the potential benefits. We need to continue the dialogue to determine the best approaches to achieving our common goals.

*The author is a retired international civil servant doing private research.

1. Burbidge, J. ed., *Beyond Prince And Merchant: Citizen Participation And The Rise Of Civil Society*, New York: Pact Publications, 1997.
2. UNCTAD, World Investment Report, Geneva: United Nations, 1999, Article III, p.52. They are composed of networks of

vidual companies. Alliances thus form the basic structure and building-blocks of the global oligopoly. In terms of their organization,

the new oligopolies can form within or across industry segments and sometimes do both at the same time. They are moving and reshaping to include new actors when the assets these actors bring to the network are complementary and eliminating others whose resources are no longer critical. The electrical and information technology industries exemplify the differences between the traditional and the new knowledge-based networked oligopolies.

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United Nations reform, civil and sometimes uncivil society

by David Steele*

Introduction

If there was an attempt to give increased representation of major states in the Security Council and more power to the state representatives in the General Assembly, then the door is opened to further questions on just how representative are state delegates. If the ringing phrase of the Preamble of the 1945 Charter, 'we the peoples' is the point of reference, who better represents the peoples, the governments, delegates from national parliaments, civil society or some combination of the three? The questions are already posed by the growing presence of International Non Government Organisations (INGO's) at the heart of many of the UN system activities. As this article explores below, their presence is not without opposition, even from the North where many of them have their roots.

The international diplomatic and political circuit is so closed that of necessity one turns to the possibility of the relatively new power group, the third sector, the International Non Government Organisations (INGOs) to open up the UN restructuring impasse. Can they carry this burden?

Globalisation has diminished the power of states and increased the power of other actors. The Prince and the Merchant have been the two powers of the past, the Prince representing the state and government, and the Merchant the business class or groups; now there is a growing third force called Civil Society that is a new and most welcome player on the world scene.¹ The Transnational Corporations (TNC's) have a size and power that is often greater than the states in which they operate. There are global bands of organised criminals who disguise themselves in respectability to launder their proceeds and act like TNC's. Then there are the International Non-Government Organisations that exert pressure on the UN but also increasingly underpin it, bringing a new form of peoples representation to counterbalance the pressure of the other powerful actors on the global stage.

The role of the TNC's in the wider global democracy

The size and importance of the TNC's in world trade and the economy of many countries where they operate is unbalanced in relation to the centres of power in the country. Democracy is threatened by their lobbying power. The largest 100 TNC's in the world account for between four and seven per cent of total world GDP; their power is even underestimated by their size because of the current practise of creating legally hidden sub contracting and market sharing alliances.² The TNC's can first lobby the governments and then the national delegates to international organisations. Their weight carries partly because of direct corrupt influences, especially in developing and democratic transit countries.³ TNC's not only engage themselves in international money laundering, but also can manipulate the legal and regulatory regimes of national systems and, for example, undertake health risk production in, or exports to, countries with relaxed regulatory structures or shift profits around the world to evade tax. They also know the routines, have

the manpower to deploy efficiently and they sponsor activities that make it difficult to resist extensions in their favour.⁴

The Secretary-General of the UN has taken the initiative to work with certain TNC's to create a Global Compact between them and the wider community.⁵ The UN and the TNC's that adhere would cooperate in working towards accounting for social global goals. The extent to which even the adhering TNC's are bound by the Compact and the place of those who have not joined the discussions is not clear. The Secretary-General keeps his independence of action if nothing substantive materializes and in addition, the TNC's afterwards cannot reply that he did not even try to make an accommodation. There is a need to go further and monitor the TNC's adherence to the rules by social auditing and to provide them with an officially recognised United Nations global forum so that they can make an input into global governance.⁶ However it is clear that there is also an immediate need for the UN to acknowledge the interests of the other social actors in the results of globalisation in a way that keeps the balance.

Organised crime and the threat to democracy

3. For discussion and bibliography of some of the organised crime issues see, John Evans, 'Criminal Networks, Criminal Enterprises', International Centre for Criminal Law Reform and Criminal Justice Policy, Vancouver, Canada, 2000 <http://137.82.153.100/Reports/networks94.rtf>. See also, Cheryl Gray and Daniel Kaufmann, 'Corruption and Development', *Finance and Development* March 1998. For a French perspective see, ARTE television programme, 'Elf: line Afrigue Sous Influence', 5 and 12 April 2000, both at 20.45hrs, an enquiry by Fabrizio Calvi. Laurence Dequay, directed by Jean-Michel Maurice, (<http://www.arte-tv.com/societe/elf/flux/02.htm>). John Braithwaite, Transnational Regulation of the Pharmaceutical Industry, *Annals of the American Academy of Political and Social Science*, Volume 525, January, 1993.
4. See Jan Aart Scholte, The WTO And Civil Society *Journal of World Trade*, vol.33, No.1, Feb. 1999; UNDP, *Human Development Report, 1999* (New York: UNDP, 1999, Article 5, inset box 5.2, 'The Successes And Failures Of Global Governance Since 1945'. Also see, Natalie Avery, Codex Alimentarius: who is allowed in? Who is left out, *Ecologist*, Vol. 23(3), May/June 1993.
5. Häusermann, Julia, and Emma Morel, 'TNCs, Codes of Conduct, Self-imposed Codes and Human Rights', Background paper, UNDP - *Human Development Report 2000*.
6. UNDP - *Human Development Report 1999*, Ankle 5, p.101.
7. Joshua Karliner, Co-opting the UN, *Ecologist*, Vol.29(5), Aug./Sept. 1999

Organised crime puts even greater pressure on new democracies just finding their feet or with a strong hierarchical or tribal tradition. In these regimes, only the leadership needs to be corrupted to implicate the whole democratic system. The fall of strong communist authoritarian regimes has left a vacuum for organised crime to fill. The North well appreciates that it must be very careful not to just condemn governments for corruption and accuse their democracies of being pseudo-democracies or of low status, without providing real countervailing force assistance. Even in the North, the Italian experience has shown, once a government has been taken over by organised crime it is very difficult to rid the system, especially if it is linked to very lucrative financial sources, as from drug production and distribution.

Organised crime like free flowing finance seeking the highest interest rates crosses international boundaries with relative impunity. It finds refuge in any country with weak legal and financial infrastructure in relation to the gains of directly operating in that country or using it as a base like a tax haven is a base for finance dealings. Not all countries are prepared or financially able, or even after corruption have entered the police and judiciary, capable of mounting proportionate national programmes.⁸ The USA FBI and Italian justice are exceptional successful examples. Organised crime control moves away to other havens. A special kind of law and international police response is necessary which goes further than the powers of current loose international justice systems.

The United Nations has been one of the very first institutions to respond to the globalisation of organised crime although the resources and management given to the programmes has been very restricted in relation to the needs.⁷ The United States is playing a major supporting role but perhaps not working through the United Nations or attempting sufficiently to strengthen its role by persuading other governments to contribute also and work through it. The new draft treaty against Transnational Organized Crime could be a major step forward, if agreed, signed,

ratified and widely implemented.¹⁰ However it is very worrying on a general level that far from effort being made to construct from the International Court of Justice a new Supreme Global Higher Court, instead its finances and powers are intentionally being limited. Ad hoc Tribunals and courts are being allowed to develop which will allow experiment, but also will create confusion, competition and dispersal of

E F I O R T .

International democracy and the global NGO's

As a counter to both the power of the TNC's and organised crime (and one must be careful in juxtaposing these always together), the INGOs can pull more than their weight. The International Non Government Organisations are largely already in place within the UN System to act as a new power group. However it is uncertain whether they have sufficient unity and irreplaceable democratic structure to really alter the balance of power and cause major and necessary changes in the structure of international decision making. Who are the INGOs and on what constituency do they call for their strengths? Analysis and modelling of the structure of INGOs is not just academic, it acts as a point of focus for change for those who it can influence. Can the international INGOs see the need to resolve internal difficulties, and concentrate on crucial institutional objectives? New institutions must be the focus for INGOs lobbying and added influence. Without additional pressure progress on substantive problems will be too slow to match the growing and impatient alliance between the poor south and the insecure north.

The Union of International Associations (UIA) has developed for its yearbook a system of classification, which has been endorsed by the UN/Economic and Social Council. The class A-D covers the International Federations, Associations, Universal membership, intercontinental and regional organisations with wide national membership. There were 5472 class A-D UIA/INGOs in 1996/7 and they covered all subject specialities. The whole NGO sector has dramatically increased in the last ten years and is

8. Raymond Kendall, *Perspective on International Organised and Economic Crime from Interpol*, *Journal of Financial Crime*, Vol. 6 No.4, May 1999. Interpol's mission is to promote and improve international police cooperation. However the organization is restricted by differences among nations in languages, judicial systems, laws, procedures and techniques, budgets, and investigative priorities. In the matter of international economic crime, the investigators must have in-depth knowledge of information technology and the flexibility to be able to continue their investigations when away from their home countries. Nations must be willing to sacrifice some national sovereignty, to find international solutions to international problems.

9. The UN has a Crime and Justice network of cooperating organisations working through its Crime Prevention and Criminal Justice Division. UN Centre for International Crime Prevention (CICP) is the UN office responsible for crime prevention, criminal justice and criminal law reform. It pays special attention to combating transnational organized crime, corruption and illicit trafficking in human beings. The UN Interregional Crime and Justice Research Institute (UNICRI) promotes research and studies on new and emerging forms of crime. Specifically, it maintains the Internet-based United Nations Crime and Justice Information Network

(UNCJIN). UN Office for Drug Control & Crime Prevention (ODCCP) is established to enable the Organization to focus and enhance its capacity to address the interrelated issues of drug control, crime prevention and international terrorism in all its forms. See UN Office of Internal Oversight Services Reports

one of the fastest growing service sectors. One major study by Salamon et al has suggested that non-profit employment in the 8 countries they examined in depth grew four times faster than total employment between 1990 and 1995 (24% vs. 8%).¹² New federations and global associations have formed transforming small community associations into actors on the global scene.¹³

When examined closely, very few INGO's can really be considered to be transnational in essence. In reality, it would most often be preferable to speak of 'elements of transnationalism'.¹⁴ According to Fowler, 'Listening to supposedly knowledgeable people talking about civil society at conferences and other fora, it is easy to fall into the trap of thinking that civil society is a level playing field and the new salvation for development. Civil society is a messy arena of competing claims and interests between groups that do not necessarily like each other'.¹⁵ Except for those with a clearly defined membership base, such as labour organisations, advocacy INGO's can be questioned on how representative they are, how accountable, whether they are transparent, entirely legal, or are dominated by urban-based elite's.¹⁶ In addition some INGO's and NGOs are corrupt or have corrupt practices.¹⁷ Sometimes a weak funding base and the need to attract attention may interfere with the correct running of operations.¹⁸ Much of the activities of the NGO development organisations and aid INGO's are heavily donor-driven. Although donors have legitimate reasons for setting parameters for funding, in some cases certain activities are over-funded and others neglected.¹⁹ One can question sometimes which special interest lies behind certain INGO's.²⁰

Under the UN Charter, Article 71, International Government Organisations (IGOs) can accept INGO's as having Consultative Status that gives them no basis in international law but governs the relations between the INGO and the IGO. 1500 INGO's are now holding Consultative Status. These organisations meet in Conference annually (CONGO) which also works closely with INGO's not holding consultative status but which have an affiliation with a UN program or agency. Such INGO's may become associate

members but cannot vote. 2063 NGO's were accredited to the May 2000 Millennium Forum held in New York, but these came not just to discuss the Reform of the UN but also major problem substantive issues and they included many national NGOs.²¹ The apex of the INGO system comprises about 400 major advocacy INGO's working within the consultative procedures of the UN System who really count and are most frequently consulted.

It is surprising that the status of INGO's and even NGOs accredited to ECOSOC and the separate UN agencies or IGO's does not seem to depend much on the extent of their representation and accountability to their base constituency. Once through the accreditation process, it is the office size, public profile and technical nature of the IGO and the experience of the INGO representative that counts. However attendance at plenary meetings does not necessarily include attendance at informal meetings, direct participation or sometimes even voting rights. In the 1990s World Conferences and technical IGO's annual meetings, recent case law has been moving towards more direct participation of INGO's and the pressure is on to include INGO accreditation to the UN General Assembly.²²

To promote more southern representation, NGOs as well as INGO's are being encouraged to apply for accreditation. Most parallel or 'alternative' summits include as many national NGOs as INGO's. Although, this may appear relevant insofar as local NGOs' concerns are often more specific, more representative of, and more accountable to, their constituencies, they are less global. If only apex organisations were accredited, it would encourage a greater direction of policy advice and advocacy through them rather than around them and in recognition of the need for South balancing, the INGO's should aim for the maximum balanced north/south representation like the IGO's.

Increasingly and currently, INGO's have found a new counter weight in the Internet and the size of the INGO can be less important than its networking capability and access to relevant information. Not only states and IGO's are the immediate target but a much wider global public that in-turn feeds back through the media to decision

on the relevant services. For example see, 'In-depth evaluation of the United Nations Crime Prevention and Criminal Justice Programme', E/AC.51/1998/3, 17 March 1998, para 5. The CICP is small with an annual budget of only \$3.6 Million. The UNICIRI is relatively small and is funded entirely by voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, whose balance as at 31 December 1997 amounted to \$4.9 million,' para.6. The report concludes para.56 that, 'limited staff resources are overextended in an attempt to respond to the demands of the intergovernmental bodies and the needs of Governments for technical assistance'. However management has also been a major problem, especially in Drugs Programmes; there has been consistent under expenditure of budgets, that themselves, in the light of the needs are still small. See OIOS Report E/AC.51/1998 of 17 March 2000, paras. 58-59 and para 3 of the summary of OIOS Report, A/52/777, of 28 January 1998, 10. UN, Report of the Ad Hoc Committee on the

Elaboration of a Convention against Transnational Organized Crime, Tenth session, Vienna, 17-28 July 2000. GA. A/AC.254/L.230/Add.1,27 July 2000. 11. Jonathan I. Charney, The

makers. If the cause is immediately apparent, mobilisation can quickly cross formal adherence and membership bases and generate new and motivated campaigns.²³ The coalition of INGOs that worked successfully to ban landmines comprised by 1996 nearly 1000 in their number.²⁴ The Friends of the Earth Policy Statement was signed by 1500 INGO's by using the Internet and the group mobilisation, which grew from it led to the December 1999 Seattle demonstration.²⁵ The question, which may be relevant, is not who are the INGOs but the nature of relevant temporary and semi-permanent networks and especially the role of umbrella organisations? Umbrella organisations are created temporarily for particular campaigns, as for banning landmines. Here, after an initial campaign of information by a very powerful INGO (the ICRC), an umbrella organisation, the International Campaign for Banning Landmines (ICLB) assumed leadership under a closely knit Steering Committee, but representing a loosely composed network of interested INGOs; a single individual took personal responsibility for coordination. Important also was the relation between the umbrella organisation, the members and a core group of supportive states. However easy it was to influence these governments because they were either small or known for their progressive stance on international security issues, they nevertheless had access to diplomatic and official state channels of communication and influence.²⁶

INGOs: reformers or radical

The model given by Aart Schölte et al for influencing world trade policy suggests three broadly defined groups of INGO. First 'reformers', which work with, established frameworks and endorse the existing aims and activities of the WTO. A second group called 'reformers', accept the institution's role but seek to change reigning theories, policies and operating procedures. A third category, labelled 'radicals', seek to reduce the organisations competence or to abolish it altogether.²⁷ This model seems entirely reasonable and fits the questions posed here, although the originators did not attempt to analyse or sort INGOs into their categories.

It is debateable whether it would be better to formally divide the INGO's into categories so that radicals did not hinder the work of insider beavering that is carried out by the reformers.²⁸ Networks may be able to be manipulated by front groups for extremist wings, but one of the benefits of the new communications is the profound suspicion of just such manipulation. Networks are composed not just of organisations but individuals that are watching as well as contributing. The possibility of manipulation in directions where ordinary people do not want to go is now an extinct fear. If they plan their tactics, the actions of the radicals can reinforce the proposals of the reformers, whether in open collaboration or tacit. Evans believes that the interaction of local mobilisation (by which he means radical mobilisation) and the INGOs is mutual.²⁹ Some research has indicated that different ideological orientations have led to different forms of protests that worked synergistically to advance movement goals. This divergence was sustained by a shared goal (stopping roads)³⁰ within a notion of individual sovereignty, and a shared 'framework movement culture predicated on the language and activities of the participating INGOs 'ringing true'.³¹ Interaction can be mutually beneficial and the ability of groups to informally unite around single issues and concentrate energies would be disrupted by too much formalism.

The more the two groups overlap and are indistinguishable, the more the reformers group will suffer from government exclusion when the radicals appear to be going too far, as in the December 1999 Seattle WTO meeting. If the reformers group press too hard, their weak constituency base will be exposed and the support given by the big donors like the World Bank will be either halted or redirected.³² However Evans argues that the demands of both radicals and reformers for major global governance changes makes them the natural allies of the global organisations and not the market isolationists." The question is: will the IGOs see it that way or are the radical strategies to be deplored and reformers INGO rights and privileges to dialogue on global governance to be further reduced, which is the worry of the CONGO?

13. Kortien, David - *NGO Strategic Networks, from community projects to global transformation*. Pub. ANGOC, Philippines. 1990.

14. Pouligny, Bearrice, *NGOs as transitional forces? Beyond the myth, evolving interactions which question the political*, Centre for International Studies and Research (CERI), ACUNS 2000 Annual Meeting 16-18 June 2000, Oslo, Norway.

15. Fowler, Alan, *Striking a Balance, A Guide to Enhancing the Effectiveness of Non-Governmental Organisations in*

International Development, Earthscan books in association with INTRAC, London. 1997.

16. UNRISD, *Contribution of the United Nations Research Institute for Social Development to the Special General Assembly meeting on World Social Development*, Geneva, 22-26 June 2000.

17. Holloway, Richard, *NGOs: losing the moral high ground. Corruption and misrepresentation*, PACT: Eighth International Anti-Corruption Conference Lima, Peru September 7-11th 1997. 'While many NGO co-ordinating bodies have agreed voluntary standards and "Codes of Ethics", even the best have been seemingly unable to set up a system with teeth, which will actually sanction those who break the Code.'

18. United Nations Research Institute for Social Development, *Humanitarian Relief Workshop*, 1994.

19. UNRISD, *Contribution of the United Nations Research Institute for Social Development to the Special General Assembly meeting on World Social Development*.

20. Edwards, Michael, *Does the Door-mat Influence the Boot?*, critical thoughts on UK NGOs and international advocacy', *Development in Practice*, Vol 3 No. 3, 1993.

Recent attempts at INGO UN reform advocacy

In 1996, the UN University launched an initiative to convene a "World NGO Conference" involving NGO practitioners and scholars to build on the 1995 Commission on Global Governance. At an initial seminar at UN University headquarters in Tokyo in September 1996, an international Steering Committee of civil society leaders was established to organise the conference. A World Civil Society Conference was held from 8-11 December 1999 in Montreal.³⁴ A follow up closed academic conference was organised by the United Nations University from 19-21 January 2000 in Tokyo, 'On the Threshold: the United Nations and Global Governance in the New Millennium'.

A more radical 3rd Assembly of the UN of the Peoples was convened by a group of INGOs 23-25 September 1999 in Perugia, Italy - 'Another world is possible - Let's build it together'. Their radical credentials can be detected in the conclusion, the power of the organisations of global civil society does not lie in money or in weapons but in the will to 'do' and not only to 'talk' or 'demand'.³⁵ The CONGO has prepared commentaries on UN Reform in general and responses to the Secretary-General's report on relations with INGOs in particular.

In the preparation for the Autumn 2000 UN Millennium Summit and Assembly, the May 2000 INGO Millennium Forum has been unclear as to whether it wants to work within the existing structure or to go all out to advocate major reforms. Nor have they managed to construct a front, which gives an explicit role to radical, and reformers INGOs.

What have the INGOs achieved

There is not yet a global civil society for all sorts of reasons, the limitations of the reach of organisations, media of communication, the strictures of repressive governments, the ruptures of conflict, the polarising effects of globalisation as currently practised. Northern INGOs typically have greater influence than southern INGOs in the international arena because of their greater access to resources and to communications technology and the international media.³⁶

Although scholars have justified giving a greater role to civil society within the structure of international organisation decision and law-making, the growth of the role of INGOs has been mainly pragmatic. The systems of consultation within the UN have evolved through supply and demand pressures. INGOs have not only attended plenary meetings, but have participated in discussions in formal and informal working groups, negotiated on texts and even sometimes voted. So much has their influence grown that it has generated a backlash towards accepting that their influence should also be felt on the more political and less technical debates in the General Assembly and Security Council.³⁷

Year by year there has been a rapidly increasing number of INGOs falling into alliances in federations of INGOs who have developed an advocacy role on behalf of their member's interests. Within the intergovernmental councils there has been a two-fold demand-pull. The newly democratising countries, sometimes under pressure of adjustment conditions, were in need of broad-based organisations to fill the vacuums left by the collapse of the communist economic system. There was some coincidence of the liberal philosophy that TNT's and INGOs should have free movement within states, with the appreciation within the secretariats of IGOs that government delegates in the controlling councils are limited if not hamstrung in their capacity to make sound decisions, especially on issues of global public goods.

The World Conferences in the 1990s showed the capacity of the INGOs working within the enhanced structure created by the UN System and other IGOs and the pro NGO environment following the fall of East European communism. They permeated and affected the agendas of social organisations and societies, not only governments and officials.³⁸ During negotiations towards an International Criminal Court, INGOs participated informally but effectively, alongside governments, in a high-level negotiating process. They spoke, circulated documents, met frequently with delegations, and overall had a major impact on the outcome. The annual sessions of the Commission on Human Rights, held in Geneva, attracts a large number of NGO participants, who provide vital information and

21. Fifteen groups are used. The first four classifications (a-d) after excluding the Inter-governmental organisations (IGOs) could be said to cover the main international advocate INGO in which we are interested.

22. Willetts, P. From Consultative Arrangements to Partnerships: The changing Status of NGOs in Diplomacy at the UN', *Global Governance*, Vol. 6, no. 2, 2000, p.246.

23. Kobrin, Stephen J., 'The MAI and the Clash of Globalisation', *Foreign Policy*, Autumn, 1998.

24. Warkentin, C. and Mingst, K., 'International Institutions, the State, and Global Civil Society in the Age of the Web', *Global Governance*, Vol. 6, no. 2, 2000, p.246.

25. Williams, E., Suzman M, and de Jonghues G., 'Protestors Disrupt Trade Talks in Seattle', *Financial Times*, December 1 1999.

26. Warkentin and Mingst, p.246.

27. Schölte, Jan Aart. 'The WTO And Civil Society' *Journal of World Trade* vol.33, no 1, Feb. 1999.

28. This argument is also used in, Evans, R. 'Counter-Hegemonic Globalization: Transnational Networks as Political Tools for Fighting Marginalization', *Contemporary Sociology*, January 2000. Even when counter-hegemonic transnational networks are considered as an ensemble there is no overall claim that they constitute an irresistible force, only that they illustrate the existence of important opportunities for acting globally.

29. Evans, Building transnational networks gives local organising new prospects of success and local mobilisation is an essential element of counter-hegemonic globalisation.' p.22.

substantial input to its deliberations. The UN Secretariat started experimental consultations in a number of new areas, the Working Group of the General Assembly on Financing for Development was one such; also 30 informal dialogues with members of the Security Council were held in 1999. For several years, the Office for the Co-ordination of Humanitarian Affairs has held monthly meetings with humanitarian INGOs. The High Commissioner for Refugees has recently commenced dialogues with leaders of about thirty major human rights and relief INGOs.³⁹

INGOs have suffered some losses because the UN has sharply scaled back its global conference series. INGOs greatly profited from these conferences, which provided ease of accreditation, intense interaction with delegations in the preparatory process and networking opportunities. Some delegations in the ECOSOC Committee on INGOs have recently spoken of a need to place new restrictions on INGOs. INGOs have encountered serious access difficulties in these new settings. For Southern INGOs, in addition to domestic problems, they now find the UN more difficult to access on global policy issues. This has drained their interest and support for the UN at a very critical time in the organisation's history.⁴⁰

The radicalisation of some INGOs has caused problems within those accredited to the UN; it is sometimes difficult to separate incidents that could be called legitimate protest from those where incidents become insulting to delegates and officials within the precincts themselves. Some UN government delegates cite recent misconduct of INGOs in both Geneva and New York as a reason for new restrictions which UN INGO representatives claim are exaggerated and unwarranted. Various INGOs and delegations have attempted to obtain formal consultative status to General Assembly, plenary deliberations, its Main Committees and Special Sessions for ECOSOC-accredited INGOs. But progress towards this goal has been disappointing.⁴¹

Civil society advocates during the negotiations on the protocol on bio-diversity in Montreal pushed forward the precautionary principle and fought for the relative priority of environmental standards over trade priorities. There was con-

siderable if not total success. The positions of key governments moved. The priority of relatively open inter-governmental negotiations with civil society access under the authority of the UN was defended. A combination play: resistance, critical engagement on site with excellent research and action in the streets and with the media.⁴²

The actions of the radicals can reinforce the proposals of the reformers, whether open or tacit. The more the two groups overlap and are indistinguishable, the more the reformers group will suffer from exclusion when the radicals appear to be going too far, as in the December 1999 Seattle WTO meeting. If the reformers group press too hard, their weak constituency base will be exposed as in numerous reports, and the efforts made by the big donors like the World Bank to build up a national constituency will be either halted or redirected.⁴³

INGOs have successfully halted the Multilateral Treaty on Investment negotiations that they considered undemocratic in form as well as process. They were very much behind the movement for a treaty on banning landmines.⁴⁴ They have promoted successfully the acceptance of certain ideas, such as the responsibility of the UN and in particular the WTO for specific Global Public Goods (GPGs). Because of the inter-governmental, technocratic and exclusive nature of trade negotiations it took this issue a long time to fully enter the debate.⁴⁵

Future role for INGOs in UN restructuring: challenges and new paths

There are many roles for INGOs in delivery and advocacy. The question of the role of the state, private and NGO sectors in delivery lie outside this article. Only the responsibility assumed by the INGOs and their base members to advocate the resolution of substantive issues through changing the decision making process of the UN concerns us.

There is a long term issue as to whether INGOs should best represent civil society or whether direct elections in a Federal global system is less open to abuse and is more inherently democratic. The latter is at the moment purely

30. Eguarte, Cristina
Ideology and Culture among Core Activists In The British Anti-Roads Movement,
Department of Sociology
University of California,
Berkeley 1999.

31. Warkentin and Mingst,
p.244.
32. Turner, Scott, *Global Civil Society, Anarchy And Governance: Assessing An Emerging Paradigm*, *Journal of Peace Research*, Jan. 1998.
33. Evans, Global bureaucrats looking for strategies of long term political survival would be well advised to try to find ways of accommodating the interests of transnational advocacy networks. In principle, convergence between the interests of global institutions and those of counter-hegemonic transnational networks is much less implausible than it seems at present. In the end, institutions like the WTO are in the business of regulation. As long as labor, environmentalists and human rights advocates have some say in its content, they have a much

global regulation than transnational capitalists, who remain ambivalent about having their managerial prerogatives restricted even when they candidate regulatory content

34. World Civil Society Conference, 8-11 December 1999, Montreal, (www.woc-soc.org).

35. They advocated, reforming the Security Council; controlling the legitimacy of the acts of the Security Council by the International Court of Law; set up the Parliamentary Assembly of the United Nations as a subsidiary organism of the present General Assembly; extend the fields of co-decision-making which involve NGOs; institute at the UN headquarters a permanent forum of global civil society; make the national delegations tripartite - executive,

theoretical, whilst the INGOs exist and are growing stronger. If the INGOs can greatly improve their accountability as well as their strength, this will surely count in the coming debate.⁴⁶

INGOs disperse their effort in dividing attention between substantive issues. It has encouraged also dispersal of effort outside the bounds of the United Nations into arenas which are partial in their legitimacy and hence also capacity to resolve the problems. However having devoted the whole of the 1990s to diverse questions, they can now bring their findings to bear on justifying major reforms in the structure of UN decision making. Kofi Annan has recommended a study of innovative 'best practices' in how INGOs contribute to the work of the United Nations in all its aspects'. Such a study could be a means of providing focus as well as a certain consistency in the work of INGOs within the UN System.⁴⁷

Whether INGOs should work within the current Charter or concentrate their efforts on reforming the Charter is not just a question of what needs to be achieved to produce substantive reforms. Many necessary reforms could be produced within the current structure and in the last resort many state governments will give ground in order to preserve the current Charter that perpetuates their interests. The Bretton Woods organisations could adopt labour and human rights standards whilst remaining controlled by the rich countries. The rich country trade unions will probably be quite happy in this outcome. The existing permanent members of the Security Council could accept to widen the possibility of funded humanitarian interventions and to create a permanent standing force without giving up their veto prerogatives or widening membership but its legitimacy would still and perhaps even more be disputed. But many problems will founder on the rocks of permanent consent of sovereign states and in the lack of an international institution that is capable of making broad-based decisions and carrying them out.

INGOs should attempt to produce as united a front as possible on the issue of priority for Charter reform. None of the major problems of governance will be resolved without it.

These are: a decision process based on majority weighted voting, cross sector unity of view, legitimacy in decision making and funding, efficiency in secretariat programming and operations, bringing into the UN a wider and more democratic accountability. INGOs should not be deceived into thinking that agreements at the September 2000 Millennium Summits on one or two issues will resolve the need for a system which produces a flow over the long term future of continuing necessary global governance decisions.

Can both radicals and reformers be on the side of the angels?

Linking, coherently, different levels of activity at the local, national, regional and global levels is not only one way of increasing the strength of all the levels but it is a path to their legitimacy, their accountability and representation. The links obviate the need for specific state control. The UN accreditation process could encourage more national NGOs to find their appropriate apex organisation within which to focus their experience and advocacy. In this way the apex organisations gather strength and democratic accountability. However the UN and the INGO regional and global apex links should help by providing codes of conduct and evaluation procedures which eliminate corrupt, secret frone, and other suspect bodies.⁴⁸ Apex INGOs in some countries have been hesitant to build explicit self-regulatory standards into their codes of conduct for fear that governments might use the provisions against them or other civil society organisations. Although this may be true in certain political contexts, if the regional and international codes and evaluations are positive the national NGO's should have less to fear.

Links to regional and international INGOs can generate a source of funding for Southern or Third World groups and facilitate the contribution of southern INGOs to international forums. Additional sources of funding could be sought from the IGOs, notwithstanding the fact that the campaign is for their severe restriction - which may cause problems - if it is not already done so.

Codes of conduct could partially keep the radicals within legal bounds if they subscribed to them. But if they did not there is the vexed prob-

promote the reform and democratisation of international economic and financial institutions bringing them back under the political control and effective co-ordination of the United Nations.' 36. Fowler, Alan - Building Partnerships between Northern and Southern NGOs, issues for the nineties, *Development in Practice*, 1992.

37. Willetts, p.202.

38. W. Foster with Anita Anand (eds.) *Who's World Is It Anyway? Civil Society, The United Nations And The Multilateral Future*, (Canada: UNAC, Kumerian Press, 1999).

39. Paul, James A. *NGOs and the United Nations: Comments for the Report of the Secretary-General*, Global Policy Forum, New York, June 1999, www.globalpolicy.org.

40. Dutkiewicz, Piotr, 'Putting Humpty Dumpty Together Again - State And Civil Society', *Africana Bulletin*, 1998.

41. Paul, James A. *NGO Access at the UN Global Policy Forum*, July, 1999, www.globalpolicy.org

42. An argument also used by Foster.

43. World Bank resident missions have NGO specialists since 1995. Currently 63 resident missions have staff specifically assigned to work with NGO/civil society issues. NGO global learning forums have been held in Washington in May 1997 and Spring 1999.

44. Bond, Michael - *The Backlash Against NGOs*, *Prospect Magazine*,

April 2000, they have forced the World Bank to review its Ending strategy; helped to create the post of UN high commissioner for human rights; scuppered the Multilateral Agreement on Investment (which aimed to liberalise foreign investment and immunise it from the interests of national governments); helped to derail the

lem of just how far should the radicals be encouraged to go by their leaders and by their reformer colleagues. How far can they go in step with the reformers, without creating such a negative climate within the IGOs and UN and with government delegates that the results are counter-productive? Reformers should be encouraged to stand explicitly clear of the radicals and let the radicals determine their own position. Regional and international radical INGOs can and ought to represent radicals in authoritarian regimes because there total repression is inevitable.

Although the objectives are political, the search for a reform of the UN Charter based on a wider concept of democracy and human rights, global security and a global economy, run within a normative framework, and are as much a moral struggle as political; the moral basis of the objectives will be sullied by illegality and violence. For the radicals to choose the Ghandi rather than the guillotine model however escapes from the dilemma that still rests for the radicals even in old democracies. The problem for ossified old democracies is that the political and judicial system is unresponsive without strong media support. In turn, the media only becomes interested if there is real news, in other words massive demonstrations. Massive demonstrations only become possible when the people are mobilised and the people become mobilised when a few radicals take extreme steps.

Maybe, for the future, improved and lower cost electronic communications and improved access by reformers INGOs (so that such radical action becomes less necessary) can break this vicious chain. The recommendations that international institutions, and particularly those of the United Nations system, develop web sites to enable a more direct contact with the people and bypassing governments would also assist in directing civil society towards constructive rather than just proselytising paths.⁴⁹ Electronic communication in both directions could therefore enhance the degree of participation in the institutions of global governance.

Reformer INGOs especially may have to continue to strengthen their accountability to a larger and democratic base if they are to gain strength. Ground rules ought to be fixed by global civil society forums to include financial probity, repre-

sentation and accountability, shared international human rights, norms and values, most importantly the eradication of poverty and a recognition that civil society is a check on government abuse of power.⁵⁰ Beyond that neither the state, nor international codes of regulation should go. Once the degree of probity is assured, only then can INGOs argue without hypocrisy against the lack of accountability of both 'princes' and 'merchants'. In addition only then can they justify to the new funding sources of the IGOs that they still merit their aid, despite opposing lines of policy approach. As for the IGOs, they may be tempted to try to influence the policy advocacy of the INGOs that they originally assisted for direct development field projects. If they did it would be a major threat to democracy and new found principles of global governance.

Conclusion

The importance of the very special cases of the multinational corporations and the growing power of organised crime, are that they are capable of subverting the power of national democratic states. The means of dealing with the power of both is through international cooperation supported by new and binding international law and international institutional strengthening. The continuation of national democratic government requires the surrender of some sovereignty to a more accountable and democratic United Nations. It is not good enough to just strengthen the European Union or Council of Europe anti drug and crime capability as the headquarters direction will migrate and swamp some of the smaller and weaker UN member states, far from the USA or Europe, defeating these regional efforts. The new draft treaty against Transnational Organized Crime could be a major step forward, but the number of conditional processes that it has to pass means that it is unlikely to have universal coverage in the medium term to eliminate havens of corruption and crime. It is also very worrying on a general level that far from effort being made to construct from the International Court of Justice a new Supreme Global Higher Court, instead its finances and powers are intentionally being limited, by ad hoc treaties and tribunals.

World Trade Organisation (WTO) talks in Seattle last year, and, at the end of 1999, helped to win a pledge from Britain (with other lenders expected to follow) to write off the debts of the world's 41 poorer countries. In January, at the World Economic Forum in Davos, representatives from 15 NGOs were for the first time invited to take part in debates on globalisation.'

45. Kaul, Inge, *Governing Global Public Goods In A Multi-actor World: The Role Of The United Nations*, UN University-'World NGO Conference', paper given to initial seminar, September 1996.

46. Willetts, p.208. Willetts says, 'there are no prospects of NGOs ever gaining a governmental role in the UN'. Yet his main thesis is that the INGOs have moved from consultative role to 'extensive

participation rights'. Participation in writing texts and in working group debate is a partial participation in decision making.

47. UN, 'Millennium Report of the Secretary-General', para 333.

48. See a classification of such bodies in, Holloway, R., *NGOs: Losing The Moral High Ground, Corruption And Misrepresentation*.

Richard Holloway, PACT, Washington DC 20006, USA, 2000.

49. UN University, *On the Threshold: The United Nations and Global Governance in the New Millennium*, Tokyo, 19-21 January 2000, Report on the Parallel Closed Working Sessions, III. Governance, Conclusions Reported To Plenary.

50. Nachmias, Nitz, *From Realism to Human development Paradigm: Structural Constraints and Inherent Dilemmas*, ACUNS 2000 Annual Meeting 16-18 June 2000, Oslo, Norway

The International Non Government Organisations are largely already in place within the different UN agencies and to a lesser extent in the UN itself to act as a new force for democracy within the UN System. It is not certain that the INGOs have sufficient unity and irreproachable democratic structure to really alter the balance of power and cause major and necessary changes in the structure of international decision making. The greater the success that they have in swaying decision making, the more they are open to attack from their traducers for being themselves internally undemocratic. It is surprising that so far, the status of INGOs and even NGOs accredited to ECOSOC and the separate UN agencies or IGOs does not seem to depend much on the size, power, and the extent of their representation and accountability to their base constituency. Once through the accreditation process, it is the size, public profile and technical nature of the IGO and the experience of the INGO representative that counts.

To promote more southern representation, NGOs as well as INGOs are being encouraged to apply for accreditation. However only an apex organisation is global and carries the weight of its democratic base. If only apex INGO's were accredited, it would encourage a greater direction of policy advice and advocacy through them rather than around them. The INGOs should aim for the maximum balanced north/south representation like the IGOs.

Civil Society is not a level playing field; it includes some businesses masking as impartial

NGO's and some corrupt bodies. Any accepted definition has to meticulously extract those INGOs who are either profit seeking, or who are hidden lobbies for profit seeking, criminal, secret, sectarian or government groups.

Increasingly and currently, INGOs have found a new counter weight in the Internet. Networks are composed not just of organisations but individuals that are watching as well as contributing. The possibility of manipulation in directions where ordinary people do not want to go is now an extinct fear. If groups are joined, reformist or radical, the joiners are led where they want to go. The question, which may be relevant, is not who are the INGOs but the nature of relevant temporary and semi-permanent networks and especially the role of umbrella organisations. Umbrella organisations are created temporarily for particular campaigns and are a very flexible means to solicit opinion, mobilise and campaign.

The more the radical and the reformer INGO groupings overlap and are indistinguishable, the more the reformers group will suffer from government delegate exclusion when the radicals appear to be going too far, as in the December 1999 Seattle WTO meeting. If the reformers group press too hard, their weak constituency base may be exposed and the support given by big donors will be either halted or redirected. The reformers may plan with the radicals but must enslave their own reformist base and keep their distance in the precincts of the UN institutions.

"Globalization, the Global Compact and corporate social responsibility"

by John G. Ruggie*

The Global Compact has attracted considerable attention in the world's press, much of it supportive. An editorial in the *Christian Science Monitor* - no free-market apologist - described it as Secretary-General Kofi Annan's "most creative reinvention yet" of the United Nations.

At the same time, the initiative has generated sharp criticism in some parts of the NGO community - as at an anti-globalization forum held to coincide with the United Nations' own Millennium Summit.

This article has three objectives. First, to ensure that the Global Compact (GC) is fully understood, it briefly describes what it seeks to accomplish and how.

Second, it places the GC in perspective. What is it *about*, in the broader and deeper context of globalization?

And third, it addresses explicitly some of the criticisms voiced by NGOs.

The Global Compact

The GC is an initiative intended to promote corporate social responsibility and citizenship in the new global marketplace. It seeks to utilize the power of transparency and dialogue as its chief tools. And it is a collaborative effort involving not only the United Nations and corporations, but also international labor and NGOs as core participants.

The GC is not designed as a regulatory instrument. Nor should it be seen as a substitute for any regulatory arrangement that either countries or companies might wish to construct. It simply represents an altogether different type of organizational activity: an open-ended experiment intended to identify, disseminate and promote good practices based on universal principles.

The GC encompasses nine such principles, drawn from the Universal Declaration of Human Rights, the International Labour Organizations Fundamental Principles on Rights at Work and the Rio Principles on Environment and Development.¹ The ILO, Office of the High Commissioner for Human Rights and the United Nations Environment Programme are the core UN partners, along with the United Nations Development Programme to manage the operational dimensions.

The GC asks companies to act on these nine principles in their own corporate domains, moving towards "good practices" as understood by the broader international community, rather than relying on their often superior bargaining position vis-à-vis national authorities, especially in small and poor states, to get away with less.

Specifically, companies are asked to undertake three commitments:

1. To advocate the Compact and its 9 principles in mission statements, annual reports and similar public venues, on the premise that their doing so will raise the level of attention paid to, and the responsibility for, these concerns within firms;

2. To post on the GC website — www.unglobalcompact.org - at least once a year the concrete steps they are taking to act on the 9 principles, discussing both positive and negative lessons learned - and triggering, thereby, a structured dialogue among the various participants;

3. To join with us in partnership projects of benefit to developing countries - either policy dialogues (for example, on the role of corporations in zones of conflict) or operational activities (such as Ericsson's First on the Ground initiative, which will provide emergency telecommunications equipment in countries hit by natural disasters).

Following a high-level kickoff event at the UN on 26 July, our efforts have been focused on achieving practical results — and letting those results speak for themselves. And we have been devising a recruitment strategy to hit our target of 1,000 major companies within 3 years.

So, that's the Compact itself. What is it *about*, in the broader context of globalization?

The Global Compact and globalization

The GC is a voluntary instrument promoting corporate social responsibility. It isn't the only way to achieve that aim, but it is one way.

Do we believe that companies, all of a sudden, have become altruists? Certainly not - and I, for one, would be deeply suspicious if any made that claim. Companies are in business to make money. The issue is *how* they choose to make their money.

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1. The 9 principles are: support and respect for the protection of internationally proclaimed human rights; non-complicity in human rights abuses; freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced and compulsory labor; the effective abolition of child labor; the elimination of discrimination in respect of employment and occupation; a precautionary approach to environmental challenges; greater environmental responsibility; and encouragement of the development and diffusion of environmentally friendly technologies.

Although the motivations of company participants in the GC vary, I can imagine several reasons for their wanting to join up.

The most encompassing is the protection and promotion of the company brand — which accounts for an ever increasing, and in some cases overwhelming, share of companies' market valuation. In that context, it pays for them to do "good" things — and to be seen to do them.

Some companies have done "bad" things in the past, they have paid a price in public embarrassment and perhaps even diminished sales or stock values, and they now want to pursue a different path.

Others have come to view global corporate social responsibility as a natural extension of corporate social responsibility in their home countries, as one of the rules of the game in the new global marketplace.

Still others - particularly companies in cutting edge industries, where attracting absolutely the best personnel worldwide is the key to success - have found that they cannot sufficiently motivate the very best people only with monetary rewards. In these cases, more elevated social purposes are becoming part of corporate culture.

In each instance, the Global Compact exists to help those companies, and to disseminate the lessons learned from their experience.

Finally, there may be companies looking to the GC for a free ride - mere publicity, or "co-branding" with the UN, as it were - with little intention of doing what we ask of them. If so, they ought to be aware that they are operating in a fish bowl. None of the other Compact participants - not the UN, NGOs, labor *nor* other companies - will take lightly being exploited to promote "bluewash" instead of "good practices." Furthermore, the press and the NGO community at large have made their interest in the GC very clear, so that the level of ongoing scrutiny is likely to be high.

In short, as markets are going global, so, too, must corporate social responsibility and citizenship. The GC is one means towards that end.

The Global Compact seeks to weave universal values and principles into global corporate behavior. And it brings together all the relevant social actors in doing so: governments, who defined the principles on which the initiative is

based; companies, whose behavior we are seeking to shape; labor, in whose hands the concrete process of global production takes place; NGOs, representing the wider community of stakeholders; and the United Nations, the world's only truly global political entity.

That is what the Global Compact is about.

Some areas of disagreements

Why, then, are some NGOs and activist groups critical of the GC initiative?

Let me acknowledge at the outset that, without the awareness created by civil society organizations, the debate on corporate social responsibility would be less advanced, and less productive, than it is today. Indeed, there might not yet be a Global Compact.

Moreover, a number of NGOs are genuinely concerned about the risks involved to the image and reputation of the United Nations of reaching out to the private sector. In turn, we genuinely appreciate their concern. There will be gray areas in implementing the Global Compact, and from time to time a mistake will be made - it is inherent in the nature of the enterprise. But we will do our best to minimize risks, and we welcome suggestions and assistance on how to do so most effectively.

Some NGOs have criticized the Global Compact for not being a code of conduct, with explicit performance criteria and independent monitoring of company compliance. Theirs is a perfectly legitimate aim. But so, too, is ours: to engage the relevant social actors in a learning experience based on identifying and promoting good practices. Social change is never linear.

Others have complained about some of the corporate participants in the Compact - whose past actions, they assert, should disqualify them. But it makes no sense for the United Nations to engage only companies that are already perfect - what would be the point? What we ask of a company is a genuine commitment to work with us; and if we have doubts about the sincerity of that commitment, the company is not invited to join the initiative.

It is also necessary to correct certain misinformation that has been spread about the Compact, particularly the notion that partici-

paring companies are free to use the UN logo. The facts are these: the UN Office of Legal Affairs strictly controls the use of the UN logo on a case-by-case basis; no authorization is ever granted for commercial purposes; and GC participants enjoy no special privilege with regard to using the logo.

Some criticisms are unworthy of a response; they are the ones that question Kofi Annan's motivations. The Secretary-General is doing what he is doing because he believes it to be the tight thing. If the GC turns out not to work as intended we will adapt it, and if it is a flop it will be dropped.

Finally, there is an area of disagreement between us and some parts of the NGO community that is quite fundamental and, therefore, difficult to resolve. It concerns differing attitudes toward globalization.

When Secretary-General Annan first proposed the Global Compact in January 1999, he stated categorically that globalization, as we knew it, was not sustainable. Indeed, he predicted precisely the kind of backlash that hit ten months later at Seattle and in various venues since.

A backlash against globalization, the Secretary-General explained, would be fueled by three of its attributes. First, its benefits are distributed highly unequally, both within and among countries. Large parts of the developing world are left behind entirely; these are the countries where 1.2 billion people strive to survive on \$1 a day, or nearly 3 billion on \$2 a day.

Second, globalization is characterized by an imbalance in global rule making. Those rules that favor global market expansion have become more robust and enforceable in the last decade or two. Rules intended to promote equally valid social objectives, whether poverty reduction, labor standards, human rights, environmental quality or the control of transnational criminal activity, lag behind and in some instances actually have become weaker.

And third, there is emerging what we might call a global identity crisis. "Who is *us*?" is being asked with growing shrillness all over the world. "Who is in control of the unpredictable forces that can bring on economic instability and social dislocation, sometimes at lightning speed?" The answer, "no one," serves only to

feed fear and even paranoia - apart from the fact that it is not, strictly speaking, accurate.

The Secretary-General committed himself, and the United Nations, to help reverse these adverse attributes and consequences of globalization.

But we do not reject the phenomenon of globalization itself. Indeed, the world needs open markets. They are required to sustain prosperity in the industrialized world. And they provide the *only* hope of pulling billions of poor people in the developing countries out of abject poverty.

This view has nothing to do with the so-called Washington consensus and it is not an endorsement of laissez-faire economics. It implies acceptance neither of unfettered economic growth nor the commodification of everything under the sun. It is just a plain, irrefutable fact of life in our world of 6 billion people, half of them poor — soon to become 8 billion, with 9 out of every 10 newcomers born into extreme poverty.

Poverty has been exploding in Africa - but that is *hardly* because of *too much* globalization. According to the latest UNCTAD figures, the share of direct foreign investment allocated to Africa has now shrunk to 1.2% of the global total - 1.2% for a continent that accounts for more than ten times that fraction of the world's population. In contrast, poverty is declining in East Asia, and more modestly in South Asia, where much of the direct foreign investment destined for the developing countries has been heading.

Critics of the Global Compact have been honest with us about their concerns. Let me be equally frank and end with a grave concern of my own. I fear that the rejectionists of globalization in the North are on a collision course with the needs of the poor in the South - however inadvertent and unintended it may be. Nurtured and sustained by the greatest accumulation of wealth the world has ever known, northern rejectionists are driven by a cultural alienation from the institutions and practices that generate this wealth. That is their prerogative.

But the life-defining force haunting the world's poor is not Disneyfication: it is not McWorld. Nor is it a Nike or a Shell, whatever its other sins may have been. Nor, indeed, is it the GATT/WTO, the World Bank or the IMF, though each has committed serious policy errors over the years.

The stark reality facing the world's poor is the absence of economic opportunity, a deep-rooted inability to generate equitable and sustainable economic growth, and a scarcity of the political, economic and social institutions conducive to that outcome.

This root problem is compounded by an insufficient sense of global solidarity - in the form of faster and deeper debt relief, greater market access for the exports of developing countries, especially the least developed, and vastly expanded programs of outright grants to poor countries, targeted for poverty reduction programs.

Rejectionism will not solve a single one of those problems. Globalization can help do so - a globalization that is embedded in universal values and principles, and one that is better managed by "good governance" at national and international levels alike.

That is *our* agenda — expressed, most recently, in the United Nations Millennium Declaration, adopted by heads of state and government at the Millennium Summit in September, and reflecting the priorities laid out by the Secretary-General in his Millennium Report, "We the Peoples."²

We invite all to work with us in making this agenda a reality.

2. Kofi A. Annan, "We the Peoples: The Role of the United Nations in the 21st Century" (New York: United Nations, 2000).

The Global Compact with multinational corporations as the UN's "final solution" Globalization": the UN's "safe haven" for the world's marginalized

by Anthony Judge*

Introduction

The Secretary-General of the United Nations announced the launch of a Global Compact with a group of multinational corporations during the northern summer of 2000 - a period traditionally reserved for the release of controversial information which would otherwise attract unwelcome attention. Former senior diplomatic officials associated with the United Nations were taken by surprise. But, given the parties to the Compact, the surprise was perhaps greatest amongst international nongovernmental organizations.

This paper explores aspects of this arrangement in the light of the reactions it has aroused and what it implies as a strategic shift on the part of the United Nations.

It is important to stress that this paper does not focus on the many aspects of multinational corporations that are widely criticized. Modern society is now too complex to sustain simplistic arguments labeling them as "evil" and implying that most people are not in some way implicated in their continued existence (whether as customers, employees, shareholders or suppliers). Nor is the focus on the need for the UN to establish some kind of relationship with such corporations as actors on the world scene - a point made by the author decades ago (Judge, 1969). Nor is it on the possibility of fruitful partnership between the UN and multinationals on specific projects.

The focus here is on the totally non-transparent manner in which this Global Compact has emerged - a process that justifies every manner of suspicion as to its merits and future implications for the UN as a trustworthy institution. In particular it is concerned with the ways in which this initiative is experienced as a betrayal by the United Nations of its own long-promulgated values - whether in the eyes of individuals or of the many nongovernmental organizations that have actively or passively supported the UN over many decades. It is concerned with the surreptitious manner in which partnership arrangements with multinationals are being agreed or foreseen, possibly to the detriment of other possible partnership arrangements with the UN.

Launch of the Global Compact

The Secretary-General of the United Nations has over the past years been a frequent speaker at business gatherings, notably the annual World Economic Forum (<http://www.weforum.org/>), earlier known as the Davos Symposium. He spoke there of his hopes for a "creative partnership" between the UN and the "private sector". It was on the third such visit on 31 January 1999 that he purportedly challenged the CEOs of multinational corporations to join in a "global compact of shared values and principles, which will give a human face to the global market". However it was only in July 2000 that the Global Compact was formally launched in partnership with the International Chamber of Commerce (ICC).

It is far from clear what consultations, and with what parties, led up to the Davos challenge and what subsequent consultations preceded the formal launch. The regrettable non-transparency bodes ill for a supposedly transparent initiative. At Davos, the Secretary-General called upon business "to embrace, support and enact a set of core values in the areas of human rights, labour standards, and environmental practices". He continues: "Why those three... I chose those three areas because they are the ones where I fear that, if we do not act, there may be a threat to the open global market, and especially to the multilateral trade regime." (<http://www.un.org/partners/business/davos.htm>)

In exchange for the support of business leaders he stressed: "More important, perhaps, is what we can do for you in the political arena, to help make the case for, and maintain, an environment which favours trade and open markets".

It is however clear that the process involved considerable interaction with the ICC as the self-acclaimed representative of world business — it is now subtitled itself the "World Business Organization". However its critics point out that it only represents the larger corporations and in no way can claim to represent the interests of the myriad of smaller businesses around the world. But it is quite unclear in what way this initiative has received the approval of UN Member States - normally hypersensitive to their prerogatives in such circumstances. Or is this silence part of a secret deal negotiated with the government dele-

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gates so evidently present at Davos? From whom could reliable clarification be obtained?

Ironically the ICC has long been accredited as a nongovernmental organization (an NGO) to the UN ECOSOC - like many other NGOs. The World Economic Forum is also an accredited NGO to ECOSOC. But it is strange to find a partnership between the Secretary-General and an individual NGO, in this case ICC, used as a front for multinational corporations.

Status of the Global Compact

What is most curious is the apparent lack of information on the exact status of the Compact in reality rather than in public relations terms - or rather the ways in which what is said is open to a variety of interpretations. It has been made absolutely clear that it is in no way a binding agreement. Corporations of any size ("large or small") can adhere to it — although the target is 1,000 major companies within 3 years (Ruggie, 13 October 2000). Whether' this means that a mom-and-pop restaurant in a developing country can do so is unclear - nor are the effects of thousands of such businesses doing so, especially in the reaction of multinationals to the dilution in their newfound "international" status within the Compact.

Does the "partnership" involve a signature by both parties? Who signs for the UN? Or have such "formalities" been circumvented to avoid legal difficulties for the UN? Does the partnership effectively extend international legal recognition to corporations, whether multinational or otherwise?

To allay fears that it was yet another attempt at providing a "code of conduct for transnational corporations", the Secretary-General has stated that: "The Global Compact is not a code of conduct. Neither is it a disguised effort to raise minimum standards, nor a vehicle for special interest groups. It is a Compact to help markets deliver what they are best at - while at the same time contributing to a more humane world." (UN Press Release SG/SM/7004, 25 May 1999). It is unclear how contributing to a more humane world is to be achieved without raising minimum standards. This is a major departure for the UN.

Another UN report states: "The Global Compact is not a code of conduct; monitoring and verification of corporate practices do not fall within the mandate or the institutional capacity of the UN. But neither is the Compact to be used as a corporate shield from criticism. To the contrary, it highlights the global citizenship qualities of corporations, and opens up opportunities for focussed, mediated, directed and constructive dialogue." Unfortunately these qualifiers to the nature of the dialogue leave every interpretation as to the manner in which participants and comments will be "focussed" and "directed" (by whom?) in order to meet the criteria of being "constructive". How is this intention to be distinguished in practice from cynical "consultative" exercises purely for public relations purposes?

Most curious is that available information implies that it is an initiative of the Secretary-General's Office in direct collaboration with ICC. It is unclear what other organs of the UN system are involved and in what way it has required the approval of ECOSOC, as has hitherto been the case with respect to any UN interaction with non-UN bodies. He has declared that the "International Labour Organisation, the Office of the High Commissioner for Human Rights and the UN Environment Programme are currently joining forces under the guidance of my Office to create the capacity to encourage global corporate citizenship and to foster the translation of these principles into corporate practice." (UN Press Release SG/SM/7004, 25 May 1999) The Compact's website is a joint effort by these bodies and is its most tangible feature.

There is obviously a lot of "flexibility" envisaged in the relationship. Thus one tobacco company, that has caused considerable embarrassment for influencing WHO health committee appointments, has become a partner — despite assurances from the Secretary-General that such partnerships would not be permitted. It might well be asked whether the UN has any real say in the matter and is not being completely "taken for a ride".

The Secretary-General affirms that the UN and ICC are "good, close partners". Also the "United Nations is the global institution. ICC is

the global business association." Those adhering to the Global Compact should however be aware that UN officials have been mouthing analogous phrases of mutual appreciation in relation to "NGOs" for decades - with little consequence. The ICC would notably be aware of that.

A major difficulty in assessing the Global Compact is not what is visible on the various websites but what deals have been struck under the table and can readily be denied. The history of UNDP's GSDF provides an obvious example (<http://csf.colorado.edu/pen-1/mar99/0317.html>)

Rationale of the Global Compact: the "only hope"

A new economic elite of banks and corporations is emerging — composed of a network of bodies including especially the: World Economic Forum (composed primarily of chief executives and government leaders), International Chamber of Commerce, World Trade Organization, Business and Industry Advisory Committee (to the OECD), the banking community's proposed Private Sector Advisory Council (of the Institute for International Finance) and its Steering Committee on Emerging Markets Finance, the European Round Table, Transatlantic Business Dialogue and the United States Council for International Business. The UN is endeavouring to develop a partnership with these groups, which (other than the WTO) are, curiously, what the UN would normally define as "NGOs". For some, these new actors have partially usurped the role of an older "shadow government", composed of bodies such as the Trilateral Commission, the Bilderberg Group, the Club of Rome, and the Council on Foreign Relations - also "NGOs". Unfortunately the Global Compact provides every reinforcement for anti-UN conspiracy theorists.

In clarifying the nature of the Compact to the NGO community, John Ruggie states the view of the UN as articulated by the Secretary-General with respect to the process of globalization: "The world needs open markets. They are required to sustain prosperity in the industrial-

ized world. And they provide the only hope of pulling billions of poor people in the developing countries out of abject poverty." (13 October 2000) [emphasis in original].

Mainstream economics has sustained the UN and the Washington Consensus (IMF, World Bank, etc) through many decades of development whose achievements are questioned in their own studies, notably with respect to Africa. In the light of the above claim, "we the peoples" are owed a careful clarification on the distinction between the UN's current argument and that of the promoter of any *Ponzi Scheme*. There is the suspicion that western economic logic only "works" (for the west) when the pool of disadvantaged is constantly replenished. It is difficult for many to distinguish between this logic and *Pyramid Selling* or *Ponzi Schemes* (see <http://www.moneypages.com/syndicate/stocks/sec/ponzi.html>), except in terms of scale - and especially when rather similar selling techniques are employed, and the same kinds of people seem to benefit. Africa is the ideal sucker for such a process. As has been argued, the "projects" that it has had to receive have more often than not been as damaging to local cultures as "projectiles".

Assuming that such "globalization" is a good thing for the UN to promote, the case for the Global Compact has been summarized on behalf of the UN by Georg Kell and John Ruggie: "Globalization may be a fact of life, but it remains highly fragile. Embedding global market forces in shared values and institutionalized practices, and bridging the gaps in global governance structures are among the most important challenges faced by policymakers and corporate leaders alike. The future of globalization may hang in the balance. This challenge has to be met at the micro-level, where we believe the move toward articulating and acting upon universal values offers a viable approach. And it has to be solved at the level of global rule-making, where we believe strengthening the role of the United Nations has a productive role to play. The Global Compact is intended as a contribution to both though by its very nature and scope, it can only make a modest contribution." (Toronto, November 1999)

To the business community the Secretary-General asserted in 1999 that "whether in peace-

keeping, setting technical standards, protecting intellectual property or providing much-needed assistance to developing countries" the UN "helps to expand opportunities for business around the world".

In remarks to the NGO community, John Ruggie stated: "If you want to make globalization work for everyone, as we do, then it is worthwhile. But if you reject globalization, global corporations or even the system of capitalism itself, then you won't like what we're doing at all, any more than your predecessors liked social Keynesianism or social democracy because such pragmatic innovations inevitably reduce the social rationale and political support for more polarized rejectionist postures." (13 October 2000).

This extraordinary statement declares what it is necessary to believe in, if one is sensible. It denigrates all who do not as "rejectionists", and then ends by condemning postures of polarization — which many would see as characteristic of the structure of Ruggie's argument. Just because the Secretary-General and his advisers and their backers (whoever they may be) believe an argument to be correct, does not necessarily imply that everyone should believe that it is correct (seemingly a forgotten principle of the Universal Declaration of Human Rights, omitted from the Secretary-General's "core values"). Who exactly are the "acceptionists"?

As argued by the *Corporate Europe Observer* (October 1999, #5), the Secretary-General "has made it no secret that the Global Compact is a chance for corporations to improve their public image and counter the backlash against trade and investment liberalization. Disturbingly, it is certain that through the Global Compact the UN will contribute to the largely incorrect impression that corporations are on the way to becoming socially and environmentally responsible actors."

On the occasion of the formal launch of the Global Compact, the Secretary-General justified the UN's cooperation with multinationals in the following terms: "We are cooperating with them for the reasons I have said, for the influence they have, the reach they have, the impact their activities have on the lives of the people that you are talking about...some believe that we should not

engage the companies. The companies are part of our reality. They are going to be operating in your country, my country and all over the world. I think it is important that we engage them and work with them in improving worker conditions and getting them to respect the environment in which they create their fortunes, and also respect their workers. I don't see any contradiction there at all." (UN Press Release SG/SM/7496, 26 July 2000).

The logic of this statement is coherent but it is unclear why, as stated, it does not apply equally to international criminal organizations — whose impact is acknowledged to be as great as multinational corporations and, given the financial resources they control, must necessarily be major investors in such corporations. It would be interesting to discover in what ways their values could be said to be different from those of multinational corporations with respect to the Global Compact. Despite the optimism of the UN with respect to globalization, the US National Security Council released a report on 15 December 2000 arguing that globalization had created a new kind of threat to national security - and threatening the daily life of citizens everywhere.

In one of his first interviews the ICC president, Helmut Maucher warned: "We have to be careful that they [environment and human rights activists] do not get too much influence." (*Financial Times*, 6 December 1997). This was plaintively echoed more recently on the occasion of the UN Climate Conference (The Hague) by the ICC secretary-general Maria Livanos Cattani: "Business is on the sidelines in The Hague, along with a multitude of non-government organizations, many of which will deploy colorful and highly television happenings that will capture the attention of television cameras and make the nightly newscasts. The business organizations can hardly compete, and that is a pity." (*International Herald Tribune*, H November 2000).

Support for the Global Compact

The UN is apparently pleased with the response from corporations and some corporations are pleased with this opening as a means of

associating with the wider, non-economic challenges of society. Clearly some will also be very pleased at the new business opportunities that are being facilitated for them. As Kell and Ruggie put it, "Individual corporations have lent their support and have assisted in the construction of the [Global Compact] website, as have leading NGOs in the areas covered by the Compact" (Kell and Ruggie, 1999).

However in November 2000, on examining the official website of the United Nations Global Compact Network (<http://www.unglobalcompact.org/ge/unweb.nsf/>), it offered no information on which corporations had become involved in the Compact. The site was however organized to cluster "Business + Labour + Civil society" on its front page. But under "partners and initiatives" it indicated that "A variety of associations and social actors are working with business to develop programmes in the areas of human rights, labour and environment" (<http://www.unglobalcompact.org/ge/unweb.nsf/content/partnersandinitiatives.htm>).

These were split, in the following order, into:

- (a) Business associations:
 - Business for Social Responsibility (BSR) (<http://www.bsr.org/resourcecenter/UNGlobalCompact>)
 - Conference Board;
 - European Business Network for Social Cohesion (EBNSC) (<http://195.74.198.21/ebnsc/welcomeglobalcomp.htm>)
 - International Chamber of Commerce (ICC) (http://www.iccwbo.org/home/menu_global_compact.asp)
 - International Organisation of Employers (IOE);
 - Prince of Wales Business Leaders Forum (PWBLF) (<http://www.pwblf.org/index2.htm>)
 - World Business Council on Sustainable Development (WBCSD) (<http://www.wbcsd.ch/globalcompact/index.htm>)
 - International Federation of Consulting Engineers (FIDIC) (<http://www.fidic.org/globalcompact>)
 - International Fertilizer Industry Association (IFA) (<http://www.fertilizer.org/ifaun.htm>)
 - International Petroleum Industry Environmental Conservation Agency (IPIECA) (<http://www.ipieca.org/globalcompact/index.html>)

- International Road Transportation Union (IRU) (<http://www.iru.org/host/global/iruglobalcompact.htm>)
- (b) Workers' organizations:
 - International Confederation of Free Trade Unions (ICFTU) (<http://www.icftu.org/displaydocument.asp?Index=991209234&Llaneu&age=EN>)
- (c) NGOs:
 - Amnesty International (<http://www.amnesty.org/campaign/globalcompact>)
 - Human Rights Watch (<http://www.hrw.org/advocacy/corporations/index.htm>)
 - Lawyers Committee for Human Rights (<http://www.lchr.org/sweatshop/unbusiness.htm>)
 - The World Conservation Union (IUCN) (http://iucn.org/info_and_news/press/globalcompact.html)
 - World Resources Institute (<http://www.wri.org/wri/globalcompact.html>)
 - World Wide Fund for Nature (WWF) (<http://www.panda.org/resources/publications/sustainability/un-news/>)
- (d) Other initiatives and national governments

As discussed below, it is interesting how "business" associations and "labour" unions are not considered part of "civil society" — presumably taken to mean "NGOs". The UN is clearly demonstrating its skills in presenting statistical information in being able to avoid use of "some" when referring to support by "leading NGOs" — thus avoiding indication of what a very small percentage of all NGOs (even in association with the UN) the "some" would otherwise represent.

Variety of forms of globalization and global compact

This paper is not based on the assumption that globalization is "wrong" or that it should not be allowed to happen — or that it can be prevented. It questions the manner in which the Secretary-General is presenting a very particular form of globalization and a very particular Global Compact - excluding other possibilities - and then treating all that are opposed to it as opposed to globalization as may otherwise be envisaged.

In concluding his presentation of the Secretary-Generals particular insight into the

merits globalization, and the Global Compact's contribution to good governance, Ruggie states: "This is our agenda expressed, most recently in the United Nations Millennium Declaration, adopted by our heads of state and government at the Millennium Summit in September, and reflecting the priorities laid out by the Secretary-General in his Millennium Report: *We the Peoples*' (13 October 2000; emphasis in original). But, following a spate of failed development decades and an acknowledged democratic deficit in many countries, is there no slight recognition that "our" does not necessarily include major portions of the world population and may only include a rather small minority of people who have a good track record of ignoring those who disagree with them? The UN is clearly part of non-civil society and as such can scarcely claim to speak in the name of "we the peoples" — behind closed Millennium doors in secret debates. The UN can claim to speak for the world, but this is not necessarily the democratic reality on the ground.

There was considerable simplistic hype surrounding the process of globalization prior to the Asian financial crisis. The United Nations and its Washington associates were very much part of that hype. The irresponsible advocates of unfettered globalization were found to be quite inadequate in their thinking, and in their provisions for dealing with the situation that they had facilitated. Without actually having done anything to remedy the structural situations that created that crisis, they are now naively hoping that these annoyances have gone away and that they can move on with their original agenda. The only rectification is an appreciation by the Secretary-General that globalization, as originally conceived is "unsustainable". This is not necessarily the belief of his new multinational partners, whatever they may declare for the purposes of entering into such partnership.

Missing from any arguments put forward by the Secretary-General, or his conceptual minders, is a simulation of how his view of globalization and the Global Compact will address the instabilities that became evident in the Asian crisis. Such alternative arguments are clearly summarized by Hazel Henderson (1999) in work commissioned by the New Economics

Foundation in association with Focus on the Global South.

Both the UN (through programs at UNITAR) and the World Bank have a considerable background in global modelling by computer. And this is most certainly true of most of the university economics departments in the northern hemisphere on which they rely for their expertise with regard to globalization processes. It would appear that none of these models was capable of predicting the Asian financial debacle. However simpler catastrophic problems in relation to globalization are very susceptible to simulation. These have to do with removal of buffers in any dynamic system - flooding is a readily understandable consequence. It might be helpful to think of developing countries as inhabiting vulnerable flood plains to which the instabilities of the world financial system expose them.

Core "universal values" — excluding honesty?

The Global Compact is built on a set of nine "universal values" selected by the Secretary-General from a large array of multilateral declarations and agreements as being "core values". It is unclear how this selection was made and on what basis other values were excluded. This is quite remarkable, given the difficulty that inter-faith dialogue has in achieving any lasting consensus on a global ethical framework - to mitigate against the many regional religious wars in which the UN is frequently called upon to take a peacekeeping role. In one fell swoop the Secretary-General has come up with a definitive set of values and principles to be woven into global corporate behaviour.

As Special Adviser to the Secretary-General, John Ruggie stated: "Governments have defined universal principles and the Secretary-General has convened the relevant partners...necessary to translate those principles into everyday practice." (UN Press Briefing, 20 July 2000).

The ICC states that "The Global Compact is a joint commitment to shared values, not a qualification to be met. It must not become a vehicle for governments to burden business with prescriptive regulations" (ICC, 25 July 2000). It is not clear how profit-focused corporations

could share any "values" articulated by the UN in the Compact that are incompatible with profit-making — other than as exercises in public relations and image building.

The *Corporate Europe Observer* (October 1999, #5) questions the nature of the values held in common. "A look at the social and environmental records of the companies that have been most actively involved in the Global Compact is cause for concern....The reality of corporate behaviour leaves no doubt that, rather than 'human security in the broadest sense', the corporations with which Arman has engaged in the Global Compact are primarily interested in the pursuit of profit and returns for shareholders. Indeed the discourse of 'global corporate citizenship' is deeply flawed as it implies that the social and ecological problems caused by corporate-led globalization can be solved by appealing to the moral consciousness of these corporations." (<http://www.xs4all.nl/~ceo/ceobserver/5/globcom.html>)

The Secretary-General has stressed the importance of enhancing the "social responsibility" of multinational corporations. It is to be wondered how he reconciles this with nonpayment of corporate taxes in the US by a significant number of them (as reported in 2000), notably through use of share options as tax loopholes. As argued by William Pfaff: "Globalization's values are entirely materialistic. Its sponsors define progress wholly in terms of wealth accumulation... It has been self-serving ideology, elevated to the status of economic principle." (IHT, 29 September 2000).

From UN bodies there are also contrasting statements such as:

- The Executive Director of UNICEF has argued that "It is dangerous to assume that the goals of the private sector are somehow synonymous with those of the United Nations because they most emphatically are not."
- The UN Sub-Commission on Human Rights argues that the UN should not support institutions or corporations whose activities "create benefits for a small privileged minority at the expense of an increasingly disenfranchised majority."
- According to research by the United Nations Commission on Human Rights (UNHCR), multinational expansion in developing countries is unlikely to address the problem of

poverty and unemployment. On the contrary, the recent shift of emphasis from manufacturing industry to the service sector, and the introduction of new technologies, have resulted in what has been described as "jobless growth" in both industrialized and developing countries. The concentration in capital- and technology-intensive production by transnational is among the factors that limit direct employment effects. Many transnationals have been reducing their aggregate totals of employees as they become increasingly capital intensive and fire workers to minimize costs

• In the 1999 *Human Development Report*, the UNDP came to conclusions that contradict the voluntary approach underlying the Global Compact: "the new rules of globalization - and the players writing them - focus on integrating global markets, neglecting the needs of people that markets cannot meet. The process is concentrating power and marginalising the poor, both countries and people"

It is probable that, as a consequence of the Global Compact, multinationals will call upon the Secretary-General (through their newfound privileged access) to ensure that such views are in future suppressed — in fulfillment of his commitment to improve the business environment. He has already established a track record on this through his early emasculation of the UN Centre on Transnational Corporations. "It seems highly unlikely, despite the Secretary-General's assurances, that the transnationals would change their modus operandi because the UN is now in dire need of their cash. Indeed, if there are any changes to be made, it seems more likely that it is the world body that will find its lofty principles annexed by the corporate agenda." Efforts are currently being made to undermine the effectiveness of the UN's Commission on Human Rights for related reasons.

It is intriguing that the Global Compact's nine core values, as selected personally by the Secretary-General, do not include anything related to truthfulness or honesty. In the case of multinationals, the UN is not dealing with bodies or people who have any reason to be honest in principle. For them, honesty and trustworthiness are what it is necessary to project as an image to customers and peers, but competitive advantage is

not achieved through treating these as core values. It might be said that multinationals are in fact specialists in deniability and cover-up, for understandable reasons of competitive advantage. The Secretary-General will of course be aware of that since diplomacy has been defined as the ability to lie for one's country. The UN is not renowned for its truthfulness or transparency — nor are its Member States in their reporting to the UN. That is one reason why the contribution of NGOs has been valued. But if truthfulness is not a core value, what value is there in multinationals reporting compliance with the other values - other than as a cynical exercise in public relations? And how to evaluate any statements made by the UN on the matter?

Public relations, image management and spin

It is useful to engage in the following thought experiment. How would the elites of multinational corporations, with unlimited media skills and resources, seek to design a media campaign to reposition the multinational corporation - starting in 1990?

It is easy to understand the public relations logic for multinational corporations of endeavouring to wrap themselves in the values of the United Nations — a process that is now being referred to as "bluewashing".

"Transnational corporations have a long history of what many have referred to as 'greenwashing', whereby they wrap their destructive activities in the rhetoric of helping the environment, in order to gain public relations victories with consumers, government officials and others." (TRAC, 1999).

The UNDP has explicitly recognized that when a company uses a UN logo, "a mutual transfer inevitably takes place". NGOs have expressed dismay at the prospect of image transfer occurring between some exploitative multinationals and the UN. The UN's own Guidelines do not take into account the modern advertising practice of branding, by which a corporation sells its image as much as its manufactured products. One of the early adherents to the Global Compact is a pioneer of the branding technique.

It will be intriguing to see what legal recourse the UN has against business entities using its logo within the framework of the Compact partnership arrangement, when its logo is used in ways of which it disapproves. One can think of some intriguing objects on which advertisers might choose to place the UN logo, including toiletries.

The UN can be usefully understood as a façade onto which the naïve and gullible are encouraged to project their hopeful illusions. Constant reference to "we the peoples" permits much to be achieved whilst this projection holds. But, in public relations terms, an image can be tarnished rapidly and the UN has some challenging associations to overcome: a former Nazi as a 2-term Secretary-General, major massacres under UN supervision, widespread programme failure, funding scandals, undignified public squabbling over key positions, in addition to the many performance-related details unearthed by the Heritage Foundation.

There is an extreme irony in the unusual use (at least in UN parlance) of the term "compact" to describe the partnership arrangement with business. It carries various associations of pressing, or fitting, closely together - a new departure for the UN in relation to the nongovernmental world. But more intriguing is its common use to denote a small case containing face-powder, typically carried in a handbag. Is the UN effectively recognizing, if only subconsciously, its need for a cosmetic foundation to disguise the "blackheads" and "cracks" in its portrayal of globalization as the "only way" forward? Or is it an unconscious need to render itself into an attractive partner in its flirtation with multinational business? Or, more curiously, is the traditional flat circular form of a compact an unconscious acknowledgement of the UN's "flat earth" approach to any richer understanding of "global" — an antiquated approach with edges off which the marginalized can fall and with an underside populated by undesirables (and "rejectionists")?

Secrecy, betrayal and loss of integrity: the "silent revolution"

NGOs have argued that the UN should act with "full transparency at the conceptual, plan-

ning and implementation stages" of the Compact. But the surreptitious manner in which the Global Compact has been negotiated and introduced, and the many joint ventures already underway or planned are all symptomatic of a culture of secrecy which will seemingly mark and mar the image of the United Nations from now on. For example, the UN Secretary-General provided the opening message to a secret gathering that established the Business Humanitarian Forum in 1999, and involved the UNHCR.

This secrecy is implicitly recognized by the United Nations Association of the USA (UNA-USA) which is an NGO partner in the Global Compact. In a report on an OECD Conference on Partnerships in the New Economy (June 2000), it notes the "silent revolution" being carried out at the UN and articulated in a joint report by the UN, OECD, IMF and the World Bank (*A Better World for All*).

Secrecy is consistent with the defensive attitude of multinationals to even the semblance of public scrutiny, as pointed out by a former staff member of the UN Centre on Transnational Corporations: "They shun any serious discussion of critical issues: their global market dominance, price fixing practices in small countries, wage cuts and job losses in Third World countries, huge commercial debt repayments, and other 'negative' matters. A peak of absurdity was reached at the final preparations for the Earth Summit when there was heavy lobbying to remove the term 'transnational corporations' from the draft text of Agenda 21" (<http://www.oneworld.org/ni/issue246/green.htm>)

There is a curious irony to the fact that the UN system has for so long been reluctant to focus on issues other than the economic. It has only recently been forced to recognize certain social dimensions in practice — and seek to provide a "human face" to many of the programmes it has often disastrously supported. In this new phase it would appear that it is now finding ways to hold to its economic priorities through being "economical" with the truth - at a time when many might expect both transparency and an effort to be what might be termed "ecological with the truth". The "mad cow" disaster should have reinforced this need.

The perception that through the Global Compact the UN will "sell its soul to the devil" has been widely carried by the specialized media as a cautionary message to the UN. But it might well be asked whether it has any soul left to sell. Multinationals will be rather sensitive to this. Many have become cautious of associating their programmes with UN sponsorship precisely because to some circles this appears as a guarantee of weakness and ineffectiveness. It may also become a sign of lack of integrity. The UN would then find itself quickly abandoned by its new-found friends.

Where would one look to find evidence of the integrity of the United Nations? How would one hope to recognize it? How would one distinguish what appears to be evidence for integrity from skillful media spin by its Office of Public Information — or by those who have access to other media channels?

Despite the controversial nature of the initiative, at a time when even presidents of countries that are permanent members of the Security Council and G8 have been under investigation in their home countries, John Ruggie states that "Certain criticisms by activist groups, I won't dignify with a response: they're the one's that question Kofi Annan's motivations" (13 October 2000). Others may feel some obligation to do so. After all, in a world of business ethics, is it not absolutely standard business practice to pay commissions to those who facilitate lucrative business deals?

Following years of promises by UN agencies for: "food for all", "education for all", "jobs for all", "literacy for all", "health for all", "water for all", "justice for all", "peace for all", etc — how should one rate the Secretary-Generals claim that globalization is the "only way" through which the condition of the world's poor can be improved? In the light of its track record - notably on "safe havens" — whom would you be wise to believe or trust at the UN, especially if your life or livelihood depended on it, or those of your children?

Definitional game-playing and dubious inferences

In January 1995 the Management Development and Governance Division of the

Unired Nations Development Programme (UNDP) published a discussion paper on Public Sector Management, Governance, and Sustainable Development. It affirms that the "good management of human affairs by governments, through public sector organizations and in collaboration with organizations of civil society, is a sine qua non of sustainable human development." A derailed critique of this document (<http://www.uia.org/strategy/65undp.htm>) stressed the degree to which UNDP engaged in definitional game-playing with respect to civil society and NGOs: "In practice insightful analysis and laudable principles are elaborated at one point, only to be effectively reframed with a far more narrow and questionable interpretation at another. Whilst this may be good politics and good public relations, it does not invite confidence. Is it deliberate on the part of some, a manifestation of sloppy thinking, or a consequence of committee report writing? It is precisely this tendency which has alienated so many from political processes in general, and from UN processes in particular." That document may have contributed to the articulation of the new strategy. This practice continues with respect to the Global Compact, as illustrated by the following:

Private sector: Since this term is commonly used by business to refer to corporate profit-making, in contrast with government activity, the UN has been encouraged to employ this terminology, in discussion of the Global Compact. But it is then used interchangeably with "business community" notably in its recent: *Guidelines for Cooperation between the United Nations and the Business Community*. This however raises the issue as to whether NGOs are understood to be part of the private sector or not, and whether they are to be usefully distinguished in any way, other than in their unbusiness-like, unwillingness to make a profit. This confusion has led some academics to speak of bodies like NGOs as being part of a "third sector" — which some might still choose to see as "private".

Global business associations: This term used by Kell and Ruggie (1999), writing on behalf of the UN, presumably refers to bodies such as ICC and international trade associations, as well as opinion forming bodies. In UN terminology these are NGOs. However it is not clear what

kinds of business organizations are included or excluded from this term.

"isms": According to the Secretary-General "in the global market, people do not yet have that confidence [that certain minimum standards will prevail]. Until they do have it, the global economy will be fragile and vulnerable - vulnerable to backlash from all the "isms" of our post-cold-war world: protectionism, populism, nationalism, ethnic chauvinism, fanaticism and terrorism. What all those "isms" have in common is that they exploit the insecurity and misery of people who feel threatened or victimized by the global market. The more wretched and insecure they are, the more those "isms" will continue to gam ground. What we have to do is find a way of embedding the global market in a network of shared values." (<http://www.uia.org/partners/business/davos.htm>). Some will no doubt interpret the subtext to mean that it is "NGOs" who are most associated with "isms" in the Secretary-General's newfound perspective within a reformed UN.

Every time something of value is detected by the UN in "civil society", it is removed from the category of "NGO". The above definitions tend to be deliberately manipulated in key texts to confuse understanding of the issues. For example:

"Civil society actors are increasingly targeting TNCs and the trading system as leverage by means of which to pursue broader social and environment concerns" (Kell and Ruggie, 1999). A very small percentage of civil society actors are acting in this way. The number of those sharing those concerns may however be targeting TNCs increasingly.

"Individual corporations have lent their support and have assisted in the construction of the [Global Compact] website, as have leading NGO's in the areas covered by the Compact (Kell and Ruggie, 1999). Few NGOs hold the view that they are being led by other NGOs. To believe this is the case is to completely misunderstand, or misrepresent, the nature of civil society. The authors should have used the construction "some major NGOs in the areas covered by the Compact."

"The role of international NGOs in the international arena has only recently attracted serious attention and is not yet well understood." (Kell

and Ruggie, 1999) The question here is whose attention is to be considered serious (as opposed to the reverse) and who is having difficulty doing the understanding. Blithely the authors continue: "NGOs have long been active in international affairs, including at the United Nations". Is this an implication that the UN has never accorded serious attention to them? This would be a very interesting admission on the part of UN authors, given the many supposedly serious statements by the Secretary-General concerning NGOs over many decades. And is it the UN that has been having difficulty understanding them - despite the fact that their existence and relationship to the UN is enshrined in Article 71 and was recognized by its predecessor? Or maybe it is scholars of international relations? It is amazing that the authors then go on to imply that "widespread acknowledgement of their growing political influence" only arose with the award of the Nobel Peace Prize to the International Campaign to Ban Landmines. However this is consistent with the narrow interests of international relations scholars from which the UN derives most of its policy insights. It is true however that every school of thought has the right to "discover America" as it expands its horizons — but it may have long been inhabited by "Indians"...

"At the other end, a growing number of NGOs including the most transnational, such as Amnesty International ...have entered strategic partnerships with TNCs..." (Kell and Ruggie, 1999) It is unclear that any studies exist to determine the criteria for "transnational" and which organizations correspond to that entente. The UN has certainly never been able to determine this in any unambiguous manner. What data establishes the proportion entering into strategic partnerships with TNCs? Unfortunately the authors are structuring their argument to create the impression that partnerships with TNCs is (or should be) acceptable to NGOs in general. Will it be made a requirement by the UN?

"Indeed, most transnational NGOs take positions against TNCs and trade not because they inherently oppose their legitimacy or functional efficacy. They do so primarily because it promises to leverage their own specific interests and concerns" (Kell and Ruggie, 1999) This is a very

clever construction. It implies that NGOs oppose TNCs to advance their "selfish" interests, rather than because the NGOs have legitimate and specific reasons to consider that TNCs act, or tend to act, totally contrary to the interests of many ordinary citizens. In two sentences it endeavours both to exonerate TNCs of any abusive practices and to label NGOs as self-interested.

"The smaller and/or more radical single issue ngo's [sic] believe the United Nations has entered into a Faustian bargain at best. But the larger and more transnationalized NGOs [sic] have concluded that a strategy of "constructive engagement" will yield better results than confrontation, and they are cooperating with the United Nations" (Kell and Ruggie, 1999). Again the implication that amongst the vast universe of NGOs, all those which are small and/or radical, or focused on a single issue, have some interest in the UN and have reached Faustian conclusions, and all those which are more transnationalized (whatever that means) are cooperating (whatever that means) with the UN. Namely the most important groups (NGO's) agree with the UN, even if the least important (ngo's) do not. Would this view apply to small business perspectives also? Could improving the international business environment for multinational corporations be understood as a single-issue preoccupation?

"The international community should have a keen interest in promoting representative business associations" (Kell and Ruggie, 1999). NGOs have many decades of experience of the "promotion of representativeness" at the UN and the political exceptions that were conveniently made — and are made to an even higher degree now. Here it must be assumed that this is code for "promoting the ICC" as part of the Global Compact deal with the UN. The question is what exactly ICC is supposed to be representative of, especially at the "micro-level" cited by the authors, when it is primarily a vehicle for multinational business?

Legal problem for the UN: are multinational corporations "NGOs"?

In order to further clarify the status of multinationals in relation to NGOs in their respective

relationship with the UN, it would be interesting to know exactly how the UN Legal Department understands the legality of the Compact and of the adhering multinationals (or national business entities). This is especially intriguing when the adherence of such entities may be refused by a process, and with criteria, as yet to be determined — especially in the light of the exceptions already permitted in the initial accessions. The UN has long experience of the challenges posed by this process in relation to traditional NGOs — and has proven to be extremely "flexible" with its own principles in responding to political and other pressures.

Specifically, since multinationals have no international legal status and are effectively jumbles of national holding companies, exactly with what bodies is the UN establishing this relationship — when they "adhere" to the Compact — and how is their legal status, or that of the "partnership agreement" perceived in international law? Legally is this tantamount to a form of international recognition?

Secondly, since the relationship of the UN with NGOs is so carefully specified by the much debated Article 71 of the UN Charter, and no other article exists governing relationship with other "nongovernmental" bodies, is it to be understood that multinationals are being related to by the UN under Article 71 and the resolutions based upon it? Are they effectively defined as "NGOs"? Does this mean, after decades of discussion and proposals, that traditional NGOs will be accorded some form of legal recognition "by the back door" through the extension of recognition accorded to multinational corporations? Should traditional NGOs convert themselves into off-shore, profit-making multinationals to benefit from this new opportunity for creative partnership with the UN?

Again from a legal perspective, given the many past UN resolutions on transnational corporations, is it to be assumed that these are now considered "inoperative" and that there is no inconsistency in the current arrangement with any unrescinded resolutions? It is however unclear how the UN "terminates" the legal standing of earlier resolutions when it revises a historical position. There are many ancient multilateral treaties still on the statute books.

Most intriguing is how the UN is going to handle the adherence of thousands of smaller business entities when it has long been overwhelmed by the administrative challenge of minimum correspondence with NGOs. Should NGO members encourage their local grocer to adhere to the Global Compact? Ironically, stepping back from the possible adherence of smaller corporations, John Ruggie indicated that the target was 1,000 major companies with 3 years (13 October 2000).

When challenged on such points, the UN will of course be obliged to back off and reinterpret the current initiative and its future intentions. But it would be a grave mistake to believe that such rectification about "misunderstandings" would be more than skin deep. The UN is in a new chameleon mode and has to fight for its survival with its new-found friends. But, if the Global Compact initiative turns sour, will it be possible for all involved to dismiss it as a short-term public relations ploy?

Treatment of NGOs during the emergence of the Global Compact

An extremely dubious aspect of the emergence of the Global Compact was the lack of information provided to the UN's traditional "partners" the NGOs. The *Corporate Europe Observer* (October 1999, #5) raises important questions. Firstly why the Secretary-General has "not at any stage of developing this covenant consulted with the many public interest groups involved in campaigns against corporate power abuse around the world?" But secondly, "why business should not simply be forced to follow mandatory international standards for corporate behaviour?" Has the UN been bought off in some unstated way? Is that a secret clause of the Compact? Who would be able to provide a trustworthy answer?

It would also be helpful to know whether any briefing document has been addressed to NGOs in consultative relationship clarifying the questions raised. Specifically, how are the notions and rules of "access" by NGOs within the UN explained in relation to the notion of "access by multinationals — specifically within the Global Compact. Many NGOs are extremely con-

cerned by the erosion of their "right of access". The ICC has already had to deny assertions by other NGOs that corporations will have privileged access to the UN, despite a promise in those terms by the Secretary-General.

Now that the UN has - at least superficially — developed a more open attitude to the category of bodies that it created by Article 71 of its Charter, namely the "nongovernmental organizations", it is curious that a new class of pejoratively prefixed nongovernmental bodies should be defined by the UN, namely the rejectionists and unbelievers. Ruggie will undoubtedly be aware that the association of "unbeliever" with "kafir" (in the Koran) and "infidel" had many historical consequences. It is unfortunate that he did not extend his allusions to the bodies of "uncivil society" (Judge, 1996) — the mafias and similar networks — with which he might wish to group the "rejectionists".

It is intriguing that in seeking to defend and justify the Global Compact, the Secretary-General has had to rely on the fact that (some) NGOs expressed approval of it (although their reservations are not so evident). Whether or not these NGOs are representative as "leaders of civil society" - an issue on which the UN has previously been very attentive - it is far from clear whether their complicity is approved by other NGOs. Indeed many might ask what undeclared deals they struck with the UN to indicate their approval of the Compact.

It is curious that pro-globalization enthusiasts argue that NGOs in general are now "totally discredited" following such incidents as Brent Spar (Shell / Greenpeace) during which no one was killed. It might be asked how credible is a UN that had a direct role in supervising two major massacres, and maintained a monitoring facility in the immediate proximity of a prison in which torture was systematically practiced for a decade and many people died (El-Khiyam).

Attitude of NGOs to the Global Compact

An international coalition of development, environment and human rights nongovernmental groups was formed to denounce both the Global Compact and the UN Guidelines for

cooperation between the UN and the corporations. A letter to that effect was sent on 20th July 2000 with a follow-up on 28th July (<http://www.twinside.org.sg/title/compact.htm>) in the light of the text of those Guidelines published on 17th July.

The letter draws attention to the abusive practices that have characterized, or continue to characterize the initiatives of a number of business entities already adhering to the Compact, despite the explicit statement in the Guidelines that "business entities that are complicit in human rights abuses...are not eligible for partnership".

The letter expresses further dismay at the right accorded to such business entities by the Guidelines to use the name and emblem of the UN. Especially since no provisions are made for monitoring the Guidelines' modalities, this is viewed as quite susceptible to abuse.

The letter concludes that the Compact and the Guidelines "do not ensure the integrity and independence" of the United Nations. They allow business entities with poor records to 'bluewash' their image by wrapping themselves in the flag of the United Nations. They favour corporate-driven globalization rather than the environment, human health, local communities, workers, farmers, women and the poor".

To counter-balance the potential for abuse, a coalition has been formed to promote a Citizens Compact on the United Nations and Corporations. This was announced on the occasion of the Davos Forum in January 2000, one year after the Secretary-General's preliminary launch and is supported by at least 50 organizations on 6 continents. The coalition argues that "The UN is our best hope to monitor and hold accountable the giant corporations that control so much of our economies and our lives" (<http://www.xs4all.nl/~ceo/untnc/citcom.html>)

This alternative Compact favours rules and monitoring excluded from the Global Compact. In that it is consistent with views articulated, curiously, by UNDP: "Tougher rules on global governance, including principles of performance for multinationals on labour standards, fair trade and environmental protection, are needed to counter the negative effects of globalization on the poorest nations" - a view immediately challenged by ICC (*Financial Times*, 21 July 1999).

In the lead up to the WTO Seattle event, the *Corporate Europe Observer* (October 1999, #5) sees the Secretary-General (having "embraced the corporate trade and investment agenda") as having "clearly taken sides in one of the most heated issues in the current debate about the global economy. He not only alienates himself from a very large part of the 'civil society' he otherwise speaks so positively of, but also from the large number of Southern governments which oppose the idea of a comprehensive round of liberalization negotiations..."

Detailed critiques of the Global Compact can be found in the correspondence of one NGO, TRAC, with the Secretary-General and in its report *Tangled Up in Blue: Corporate Partnerships at the United Nations*. This chronicles a set of policy decisions that are steering the UN away from its potential role as an independent regulator of transnational corporations and toward a model where the UN is just as entangled in corporate interests as all other international finance agencies. TRAC has been leading an international campaign to document and expose the growing number of, often secretive, partnerships between various UN agencies and corporations with poor records in the light of the values of the Compact.

According to the TRAC UN Project Coordinator, "The Secretary-General seems to think the UN can help 'fix' the problems of globalization by getting serial violators of human rights, labour rights and the environment to declare that they won't be bad anymore".

Globalization: the UN's "safe haven" for the world's poor?

What is so appalling is the amazing arrogance of John Ruggie, speaking on behalf of the Secretary-General, concerning what some people have decided with great secrecy in the SG's Office is the "only" way forward for the world's poor - or was this done with the connivance of some Member States?. They have done this despite views to the contrary by many, who are pejoratively labeled "rejectionists" — namely "non-believers". They have completely ignored many coherently argued studies in support of

alternative ways forward. Examples include Hazel Henderson (1999) in work commissioned by the New Economics Foundation to launch their ambitious programme Reshaping the Global Economy — work researched in association with Focus on the Global South.

The UNDP has responded vigorously to criticism of its Global Sustainable Development Facility (GSDF) by claiming the lives of the world's two billion poor people can "only" be improved with the help of multinationals.

If the UN's version of globalization is the only way for the world's marginalized, to what extent does it carry the connotation of being, in the understanding of some, the Final Solution. Such tasteless allusions merit being explored further because, like it or not, it is the high resource strategies of multinationals and those that support them which are effectively turning the planet as a whole into a "gas chamber". The climatic challenges of global warming are merely precursors.

The UN has partnered with bodies who have never exhibited the slightest sensitivity to the world's poor — other than a market for many dubious products. And, incredibly naively, they believe they can encourage such corporations to behave in ways that are contrary to their bottom-line needs for survival. And they have done all this without taking account of the policy shambles thrust upon developing countries and transition economies over the years by the schools of thought from which they got this bright idea. And they have ignored the recent failures in judgement and policy of the UN in relation to several massacres approaching in magnitude that of the Holocaust.

The core of the "Big Lie", seemingly promoted by the Secretary-General, lies in defining globalization in a way that satisfies the agendas of multinational corporations and then stigmatizing all those who have alternative views of the process as rejectionist. Contrary to this deliberately polarized perspective, it is quite possible that there are several (if not many) views or globalization that may be much healthier for the world's poor than that embodied in the Global Compact - as supplied by thinkers who have a dubious track record of achievements over several "development decades". It is also possible

that the way forward lies in a complementarity of two or more such perspectives that the UN has made no effort whatsoever to explore or to report on. It is intellectually dishonest in the extreme to construct an argument to imply that unless people believe in the UN's view of globalization then they do not believe in any form of globalization. History is replete with examples of the consequences of this ploy as a basis for wats of religion.

Corporatizing the United Nations

There have been many stages in the process of privatizing international governance", some of them less than obvious and largely unreported.

An interesting early example, notable at the height of anti-transnational rhetoric, was the absence of any question about one multinational that had a privileged position in the UN Secretariat and in every Specialized Agency, namely a well-known travel agency. The travel budget of UN personnel has always been high — and notable for an aversion to "economy" tickets — but it was never clear how that multinational agency acquired and maintained that position. This will prove an interesting precedent for multinationals with access under the Global Compact. For example, in future, will anyone in the UN's Inter-Agency Procurement Services Office (IAPSO) get fired for giving preference to suppliers that have adhered to the Global Compact?

With the rise in computer technology, it was interesting to observe which computer systems and software, supplied by multinationals, got installed where and under what circumstances. One consequence was the early incompatibility between systems in different departments and agencies. This would clearly have been a sensible move by colluding suppliers concerned by the effectiveness of the UN in curtailing the activities of multinationals in the pre-Compact period. It successfully delayed computer efficacy within the UN by a decade.

Following the Cold War, there has been a major funding crisis for intergovernmental organizations whose programmes had probably been one of the major beneficiaries of that conflict. There was no "peace dividend" as far as they were

concerned. On the contrary they had effectively been part of the war zone and once the conflict was over funds were withdrawn or withheld. Ironically, given its peacekeeping mandate, the glory days of UN system budgets were a result of a "war dividend".

The message to them gradually has now become "seek your value and legitimacy in some other way". UN officials are embracing partnerships with multinationals in part out of frustration with the considerable failure of development efforts over the past several decades and in part because they think they have no choice. Partnership with corporations was framed as a prime opportunity: marry wealth to survive — a lesson learnt by the inheritors of impoverished kingdoms throughout history. The rationalization followed. Betraying previous partnerships and loyalties would be seen as a small price to pay in the fight for survival — as history has always demonstrated.

The secretary-general of the ICC was able to state that: "The way the United Nations regards international business has changed fundamentally. This shift towards a stance more favourable to business is being nurtured from the very top." (*International Herald Tribune*, 6 February 1998). Following a meeting between UN and ICC executives on 9 February 1998 a joint declaration was issued whereby the two parties committed to "forge a close global partnership to secure greater business input into the worlds economic decision-making and boost the private sector in the least developed countries."

Preserving the United Nations

The United Nations has long been extremely short of funds, to the point of threatening to be unable to pay monthly salaries to civil servants. The reluctance of US Republicans to authorize payment of arrears, and the probably perpetuation of these challenges under the Bush Presidency, means that creative ways must be sought to maintain a semblance of UN operations and credibility.

The Secretary-General will undoubtedly seek further guidance from his North American colleagues in their effort to control the UN through the backdoor. A major step would be the full

recognition that UNDP has long been effectively the United Nations Developers' Programme and should no longer be concerned at the possibility of being "outed" by critics holding it to outdated standards.

It is worth recalling Margaret Thatcher's response to Harold Macmillan's objection that her privatization proposals were tantamount to "selling the family silver." She declared that she was indeed selling the family silver, but that she was "selling it back to the family". The multinationals are finally being recognized as the UN's true family to whom the UN's values are being sold.

In the spirit of the new strategy, of which the Global Compact initiative is an example, the following might be envisaged:

Sponsorship of executive offices: Following the tradition, long-established for chairs in American universities, sponsorship could be sought for individual posts within the UN system. Thus the Director of Peacekeeping Operations could become the *John P Wilson Directorship of Peacekeeping Operations*. With over 30,000 staff, many with titles, this leaves much scope for sponsorship at different budgetary levels. There is no reason not to envisage sponsorship for a limited period (say a year), so that the new sponsorship could be sought for later periods.

Sponsorship of centers and buildings: The same principle could be applied to the many units within the UN Secretariat and its many Specialized Agencies. So there could be a *Nestle Centre on Infant Care at WHO* — notably with the involvement of the multinational corporations of the Global Compact. If any UN centre or office merits a separate building, the well-established trend — ensuring payment for an academic building by a sponsor in exchange for naming it after the sponsor — could be pursued. This could be extended to the offices in any secretariat, as well as to meeting rooms, restaurants and cafeteria.

Sponsorship of commissions: Again the same principle could be applied to the multiplicity of UN political commissions, or even working groups.

Sponsorship of resolutions: This principle could be extended to individual Resolutions of the UN and its associated bodies. Rather than

simply having a resolution referenced by its number, it could also be referenced by the name of a person or corporation who paid for that privilege. Many national laws and amendments are already known by those presenting them, so there is no reason to resist financially rewarding strategies that ensure payment for that privilege. Clearly, as with TV advertising, rates should be determined by the importance of the resolution. This could be extended to major global strategies of the UN.

Sponsorship of publications: Given the number and cost of UN publications, there is no reason not to seek sponsorship for individual documents that would then bear the name of the sponsor (duly to be reflected in international indexing systems).

Auctioning naming rights: As with any scarce resource, such as broadcasting frequencies, the price of sponsorship (and naming) could be auctioned to the highest bidder, possibly after its significance had become apparent.

Rental of mailing lists: The UN system has a multiplicity of select mailing lists which are a highly valuable commodity that could be made available for a suitable fee. UNDP has already experimented with the sale of its contact list to multinational corporations seeking to do business in developing countries.

Speaking fees: Now that officials of the UN are in high demand in contexts in which high speaking fees are normally requested and paid (such as the Davos symposium), the UN system could envisage significant income whenever its representation is requested at an international event.

Endorsements and Placement advertising: There is an extensive range of possibilities for the UN to sell its image through endorsements of products, notably those of its Global Compact partners, according to well-established practices that the UN is now espousing. The UN's activities and public information program offer numerous opportunities for placing advertising hoardings, or other public relations gimmicks (such as in the folders of conference delegates), that could be a major source of income. The UN shops and information centres could focus on products of Global Compact partners.

Payment for resolutions: More radical approaches to the generation of financial resources

by the UN could be envisaged by following the practices of certain national parliaments in which lobbyists pay for themes to be introduced into debates ("cash for questions"). This could be creatively extended to ensure that resolutions are voted along the lines selected by a sponsor. Even more radical would be to allow visitors to the UN's various websites to pay online for the presentation of a "draft resolution", and more for having it "voted" - a form of international e-democracy. (Muslims have long taken the lead in this by allowing individuals to formulate *fatwas* on the web in support of their religious principles)

Purchase of commissions: Even in the 19th century, it was possible for positions in the army or other establishment institutions to be purchased. There is anecdotal evidence that this practice still holds with respect to certain academic posts. It effectively operates with respect to the attribution of ambassadorial posts, notably in the case of the USA. A variant of this is in operation within, the UN system when a country effectively lobbies for a post, as in the case of the director-generalship of a major specialized agency. There is therefore no reason not to envisage the sale of commissions within the international civil service and notably within the UN system. Individuals, groups, corporations or countries could bid for given positions within the secretariats or other bodies. The position might then be held by the purchaser for a specified period, as with any contract, before it was once again opened to tender. Occupants would benefit from the many perks associated with employment in intergovernmental agencies, possibly extending to pension benefits. Corporations would benefit by being able to position employees for a period within a secretariat in order to be sensitized to the relevant issues and procedures before returning to their corporation to take advantage of that knowledge. This "revolving door" approach has been well-developed in the USA, between corporate and government offices. Such people have been distinguished as having "two-hatted" expertise (not to be confused with "conflict of interest").

Rental of conference facilities: Many of the UN's main meeting rooms stand empty for significant periods. Such spaces could be rented (as is already done by UNESCO), notably to multi-

national corporations seeking to promote their adherence to the UN's "core values". They could also be rented to student bodies to demonstrate fruitful alternatives to UN conference dynamics and resolution generation.

Outsourcing: There is a strong case for placing many UN programmes and projects out to tender to Global Compact partners, eliminating all but a core of civil servants to manage the process for oversight committees and evaluators. Presumably even the peacekeeping operations could be outsourced to multinationals such as Executive Services, which employs and trains military personnel in the same manner as the British Army employs Gurkhas. UNESCO is already exploring the possibility of "externalizing" its operations. The UN Office of Public Information might be outsourced to CNN - which is already running ads for individual Specialized Agencies.

Theme parks: As a longer term project to place the UN on a sounder basis, there is a case for exploring the feasibility of integrating the thematic preoccupations of its secretariats into theme parks thus reframing secretariat activities as "edutainment". With the experience of Disney Worlds, the major media companies could certainly offer some interesting designs for public experience of the UN in operation.

Conclusion

Whilst the nature of the Global Compact may continue to be reframed and redefined in response to criticism and the need for deniability, the ongoing strategy from which it derives signals the beginning of the end for the United Nations. The UN has been "white-anted" — an Australian term for the destruction of any structure from within whilst maintaining an appearance of its solid normalcy to those who continue to dedicate their efforts to its values and projects. As a truly silent revolution, this is being achieved by the faceless conceptual henchman of a variety of forces essentially antagonistic to the UN — who hold the Secretary-General hostage, or who have successfully duped him into support of a *Ponzi* scheme.

Just as the League of Nations ceased to exist and was reborn in the UN, presumably the UN will in its turn cease to exist and be reborn in some more

appropriate form. But rather than commemorate the League as is done in traditional museum style in the Palais des Nations in Geneva, there is a case for the transformation of the UN into a living memorial to past hopes, complete with conferences and a functioning secretariat. This approach has been partially explored in various living "historical villages" in different countries (eg Williamsburg in the USA). The Secretariat could then be declared a World Heritage Site.

As a historical theme park of the future, lessons could be learnt from the current status of

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the English aristocracy and their stately homes. Civil servants and diplomats from various countries could take up honorary roles to enliven the experience for visitors.

Within such a context the Global Compact should be preserved and developed as a living memorial to shiftiness within the international community - namely how people and institutions seek to repaint and reposition themselves in the light of values of which they exhibit only limited understanding.

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The new ACP-EU Agreement - An assessment and recommendations for implementation¹

Introduction

The ACP and the EU's achievement in renewing the framework agreement that governs co-operation between the two parties is best appreciated when set against the present economic landscape of globalisation and liberalisation and the ongoing reorientation of the EU's external relations interests. In the pessimistic climate that clouded early discussions on the follow up of the last edition of the Lomé Convention, doubts were expressed about the future of ACP-EU relations. Questions were raised as to whether an ACP group, described as neither a political group nor an economic entity, would remain a relevant partner for the EU in the future² or whether an ACP-EU agreement combining trade preferences and aid was appropriate at a time when trade liberalisation and foreign direct investment were seen as the keys to both economic growth and development. Despite these misgivings the ACP and the EU have emerged from the negotiations with a comprehensive 20-year agreement comprising of both trade and aid provisions, and the solidarity of the ACP group intact. The Agreement³ nevertheless shows the influence of the interpretations of the changed economic landscape and the flux in the EU's external relations policy.

The new Framework Agreement also reflects the relative strength of the two parties. The EU with its greater capacity and resources succeeded in incorporating much of the changes to the provisions of the Agreement that it had sought. The texts of the Agreement include specific undertakings for the two parties as well as less defined obligations, which will need further clarification. But the inequitable balance of power between the two parties has meant that in the past where precise provisions of the framework agreement have been absent, EU interpretations and definitions have tended to prevail.

While the new Agreement establishes the broad guidelines by which ACP-EU cooperation will be conducted over, at least, the next five years, it leaves room for the development of additional texts that further define issues relating to more specific policies, strategies and implementation of the Agreement. The new Agreement states that particular sectoral policies and strategies will be

incorporated in a Compendium of Reference Texts providing objectives, policy orientations and operational guidelines in specific areas of co-operation. The Joint Council of Ministers may revise the Compendium of Texts annually if required. The aim here is to allow for the incorporation of new ideas into the partnership stemming from external sources such as the UN Conferences as well as from internal processes such as the European Community's review of aid policy and the reform of the European Commission. The first edition of the Compendium of Reference Texts should be produced by the time of the signing of the new Agreement in June 2000. Annexes relating to financial and trade co-operation may also be reviewed on an annual basis if required.

⇒ This flexible approach provides a valuable opportunity for both parties to address the ambiguities and imbalances in the Agreement. It also allows the parties the possibility to define and review the mechanisms and strategies that are required to translate the Agreement into an effective tool for development centred on people and investment in social development. However it also opens up the possibility for the terms of the agreement to be reinterpreted by the dominant party. ⇒ Given the importance and significance of the complementary text to the Agreement it is essential that all such documents produced are made available to all actors of the partnership (including civil society), preferably through the Internet.

This paper focuses on selective conclusions of the new ACP-EU Agreement and their potential impact on the implementation of the Agreement. It puts forward proposals for both parties to take forward in the Compendium of Reference Texts attached to the Agreement, and in their wider co-operation in other fora. These proposals are aimed at improving the ability of ACP economies to respond to the needs of their populations.

Principles and objectives of the Agreement

Objectives

The new Agreement states that the ACP-EU Partnership will be "centred on the objective of

1. This document has been established by EUROSTEP. The parties of the Agreement are officially identified as the African, Caribbean and Pacific (ACP) States on the one hand and the European Community (EC) and its Member States on the other. In this paper the abbreviation EU will refer to the EC and its Member States.

2. "Green Paper on Relations between the European Union and the ACP Countries on the eve of the 21 st Century Challenges and options for a new partnership"

3. The Agreement in this paper refers to the "Partnership Agreement between the African Caribbean and Pacific States and the European Community and its Member States" (08/02/2000)

Transnational Associations
6/2000, 314-326

reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy".

This focus of the central objective of the Partnership on poverty is welcome. Heads of States and Governments attending the 1995 UN World Summit for Social Development in Copenhagen and the Fourth World Conference on Women in Beijing in 1995, including those from the EU and ACP member states, agreed that poverty eradication should be the end goal of development co-operation. While the new Agreement refers to both the reduction and eradication of poverty, it is important that both parties focus on the end goal of co-operation as decided in Copenhagen and Beijing - poverty eradication.

In order to ensure that this end goal is achievable:

- => The Compendium of Reference text should identify a strategy that demonstrates how the Agreements' policies and programmes, including those directed at integration into the world economy, target poverty at both the national and international level.
- => The ACP and the EU need to agree to hold regular assessments of the new Agreement's contribution to poverty eradication at the national and the international level.
- => Both parties need to ensure that the environment in which the Country Support Strategies and National Indicative Programmes of the Agreement are implemented is conducive to poverty eradication. The reviews of the Copenhagen and Beijing Summits in June 2000 provide an opportune occasion for work towards creating such an enabling environment.

Principles

It was also agreed at the Copenhagen Summit that the process and strategies for achieving poverty eradication should be defined by developing countries. The ACP-EU Agreement with its principle of partnership and ownership remains an ideal co-operation agreement between developed and developing countries with the potential to support the Copenhagen initiative.

Apart from the principle of the equality of partners and ownership, the new Agreement identifies the fundamental principles of the Partnership as:

- The principle of the participation of non-state actors (referred to as actors other than the central government)
- The pivotal role of dialogue and the fulfilment of mutual obligations
- The principle of differentiation and regionalisation

The principle of partnership and ownership states that ACP States will determine the development strategies for their economies and societies with due regard to the essential elements of the Agreement. The partnership is supposed to encourage ownership of the development strategies by the countries and populations concerned. Given its relevance to the achievement of poverty eradication, it is essential that this principle is effectively operationalised.

However, in practise the principle of partnership and ownership has remained a buzzword rather than a true expression of ACP-EU co-operation. The inevitable imbalance within the ACP-EU relationship will always be hard to overcome. However, *Eurostep* believes that balanced mechanisms for dialogue, consultation, capacity building of the ACP institutions that dialogue with EU institutions, and a recognition of the different roles, responsibilities and limitations of the parties involved, could contribute to a more effective fulfilment of the principle of partnership and ownership. Yet, several mechanisms and measures provided in the Agreement do not reflect such balance.⁴ In principle ACP States have the principal responsibility of defining their strategies and programmes, but in practice the task of drafting strategy and programme documents has been assumed by the EU. This situation contrasts that related to EU structural funds, where recipient EU Member States effectively design their own strategies and programmes when applying for funds from the EU.

As a means of operationalising the principle of partnership and ownership:

- => Both parties should ensure that ACP States have the principal responsibility for defining their Country Support Strategies and National Indicative Programmes. Support and capacity building for this should be identified.

4. A point in case is the consultation mechanism for the essential and fundamental elements of the Agreement, where consultations take place between a single ACP State on one side and all the Member States of the EU on the other.

Political and institutional framework

Political Dialogue

While the Agreement has sought to embrace a wider range of issues outside traditional development co-operation, it has failed to provide the institutional mechanisms to deal with this broadened agenda. The focus of political dialogue is supposed to be on specific political issues of mutual concern, i.e. the arms trade, excessive military expenditure, drugs and organised crime, ethnic, racial and religious discrimination, the respect of human rights, democracy, the rule of law and good governance. The objective of political dialogue is to foster mutual understanding, and to facilitate the establishment of agreed priorities.

Political dialogue is set to involve many subjects on which decisions and discussions are best carried out at the highest political level, i.e. that of heads of states. During the negotiations on migration issues, the reported influence of EU interior ministers, not involved in the negotiations, over their colleagues responsible for development-cooperation, demonstrated the need for the inclusion of ministers/officials, with the competence and authority on issues such as migration, in ACP-EU discussions.

The agreement also states that, "representatives of civil society shall be associated with this dialogue", but the role of civil society here remains unclear and vague.

=> In the absence of the opportunity for all regions of the ACP to separately have an institutionalised dialogue at head of state level with the EU, ACP-EU co-operation should provide the means to involve ACP and EU heads of state and other relevant ministers in political dialogue.

=> The capacity building of ACP institutions to engage in political dialogue should be supported.

=> Specific mechanisms should be developed which provide civil society with the opportunity to participate in political dialogue (see section on institutional framework and civil society participation).

Coherence

The new Agreement includes provisions aimed at ensuring coherence of European Community (EC) policies. These provisions call on the European Commission to inform the ACP of any of its proposals that might affect the interests of the ACP in relation to the objectives of the agreement. The ACP may also initiate a request for information on the impact of Community policies. Consultations may be held at the ACP's request. Though the EC does not have to accept the ACP's related demands, it is obliged to explain its reasons for not doing so to the ACP as soon as possible.

Despite documented evidence of the detrimental effects of incoherent EC policies on poverty eradication in ACP countries that has been accumulated over the years, the provisions on coherence under previous Lomé Conventions were never fully implemented.

Eurostep believes that in order to ensure that the article on coherence is implemented the EC should consider the following recommendations:

=> The establishment of a special EC Coherence Office within the Commission, as proposed by the European Parliament, with the responsibility for monitoring the coherence of policies and their application with the development co-operation objectives and policies of the EC. The Coherence Office should have the responsibility for:

- Ensuring that required notification is given to ACP states about any potential impact to their interests of policies and actions that have been adopted.
- Responding to ACP requests on the impact of EC policies in a manner that is transparent and accessible to civil society.
- Co-managing, with the ACP Secretariat, a complaints' mechanism that is open to civil society and governments.
- Carrying out assessments on the impact of all Commission policies on developing countries including the ACP. Where there is a likelihood of EC policies being incoherent with the development policies and practices of the EC, these should be explicitly noted.

*The Joint Council of Ministers*⁵

The main innovation as regards the Council of Ministers, which is the decision making body of the ACP-EU Agreement is the broadening of its mandate to conduct an ongoing dialogue with social and economic partners and other actors of civil society. To this end consultations may be held alongside its meetings.

The opportunity provided by the Agreement for civil society to dialogue with decision makers of the partnership is welcome. However it raises questions as to how representation of civil society will be chosen and how consultations held 'alongside' Council meetings will relate to the actual Council of Ministers' meetings.

=> The institutional arrangement agreed necessitates the EU and the ACP to work towards the fostering and the capacity building of representative civil society networks such as the ACP-Civil Society Forum in order to facilitate dialogue between the Joint Council and civil society. In addition, dialogue at the level of the Joint Council of Ministers should reflect and build on dialogue conducted by both parties with civil society at the national level.

=> The Joint Council should clearly define in its rules of procedure, the role consultations with civil society will play in its work. Consultations with civil society should be made an integral part of the Councils work. It should contribute to the output of the Council's work rather than serve as an exercise that merely fulfils a perceived obligation to consult with civil society.

=> The Joint Council should provide civil society access to all relevant documents discussed and produced by the Council in order to ensure that discussions with civil society are balanced.

*The Joint Parliamentary Assembly*⁶

The new Agreement renames the Joint Assembly - the Joint Parliamentary Assembly in an attempt to emphasise the intended parliamentary nature of this body. Included in the tasks of the Joint Parliamentary Assembly is the organisation of regular contacts, not only with economic and social actors (as in the previous

Lomé Convention), but also with the actors of civil society.

However the new Agreement fails to strengthen the Assembly's function as a body that monitors decision making, it is still described as a consultative body. The ACP-EU decision-making bodies remain unaccountable to the Joint Assembly in contrast to the expected and legitimate role of parliaments vis-à-vis the executive bodies to which they relate.

=> In order to strengthen its ability to monitor decision-making, Joint Parliamentary Assembly sessions should include in their agendas, discussions with the Joint Council and European Commission on how Joint Parliamentary Assembly proposals are being taken forward.

=> To ensure that the Assembly is able to closely monitor decisions and implementation at the national level, the Joint Parliamentary Assembly should develop a strategy for collaboration with national parliaments. National parliaments themselves should be given a role in the review of National Indicative Programmes.

=> In response to its broadened mandate, the Joint Parliamentary Assembly, in its rules of procedure, should define a clear strategy for working with civil society representatives. This should specify means of making Joint Parliamentary Assembly documents, including draft resolutions, and procedures publicly available.

Civil society participation

One of most potentially significant innovations of the new ACP-EU Agreement is the inclusion of a chapter on the actors of the ACP-EU Partnership. This chapter defines the role of non-state actors within the partnership. The Agreement states that where appropriate non-state actors:

- Will be informed and consulted on Co-operation policies and strategies, especially in areas that directly affect or concern them, and on political dialogue;

- Will be provided with financial resources under conditions laid down in the agreement;
- Will be involved in the implementation in

5. The Joint Council of Ministers consists of the EU development co-operation ministers on one hand and ACP ministers charged with implementing and managing the ACP-EU Agreements on the other.
6. The Joint Parliamentary Assembly is composed of equal numbers of EU and ACP representatives, i.e. on the one hand, members of the European Parliament and, on the other, members of parliament or, failing this, representatives designated by the parliament of each ACP state.

projects and programmes that concern them or where they have a comparative advantage;

- Will be provided with capacity building in order to reinforce their capabilities, (this includes establishing arrangements to involve non-state actors in the design, implementation and evaluation of development strategies and programmes);

The Agreement's definition of non-state actors includes the private sector, economic and social partners and trade union organisations. It states that the recognition of non-governmental actors in particular will depend on the extent to which they address the needs of the populations, their specific competencies and their transparent and democratic management.

The principle of involving non-state actors in the partnership has been one of the most trumpeted aspects of the new Agreement, yet the fulfilment of this principle remains uncertain because of the lack of mechanisms and safeguards to ensure its implementation. Furthermore with the use of words such as "where appropriate" as regards the role of civil society, the text on civil society is crafted in a manner that guarantees that the degree of participation of civil society in the partnership is left in the hands of the governments.

To ensure effective civil society co-operation, *Eurostep* calls for:

=> The Compendium of Reference Texts of the Agreement to include a clear definition of civil society's role in each phase of the programming process. Civil society's role in the pursuance of the objectives of National Indicative Programmes should also be outlined. These Programmes should specify whether their preparation involved consultation with civil society.

=> The establishment and effective implementation of a policy for disclosure to the public by the ACP and EU decision-makers on all proposals made in all phases of programming.

=> The establishment of mechanisms at national and regional and global levels for enabling civil society involvement at all phases of the agreement's implementation. Resources for these processes should be identified and programmed.

=> The ACP and the EU to improve the quantity and quality of staff specialised in co-oper-

ation with civil society. All Commission delegations in ACP countries should include staff assigned to increase co-operation with civil society.

Trade and investment

Future trade arrangements

The main principle of trade cooperation is that co-operation in this area will build on regional integration initiatives of ACP States. The Agreement states that regional integration is a key instrument for the integration of ACP States into the world economy. This means the dismantlement of non-reciprocal preferential trade arrangements in favour of free trade based regional agreements with the EC. However, *Eurostep* believes that the provisions for future trade arrangements do not provide the time and options for ACP countries to choose the trade arrangements that allow them to best advance poverty eradication.

According to the new Agreement, the parties agree to a preparatory period of 8 years before moving to new WTO compatible trade arrangements based on free trade Economic Partnership Agreements (EPAs). Formal negotiations for these agreements will start in September 2002 and enter into force by January 2008 unless both parties agree earlier dates. The 8-year period is supposed to be used to prepare the ACP States for these trade arrangements, including, where appropriate, assistance to budgetary adjustment, fiscal reform and investment promotion. In 2004 the EC will assess the situation of non-LDC ACP countries in relation to these agreements. If after consultations these countries decide they are not in a position to enter economic partnership agreements, the EC will examine alternatives in order to provide these countries new trade arrangements equivalent to their existing situation but in conformity with WTO rules. The ACP and the EC will then carry out a formal review in 2006 of the future arrangements planned for all countries to ensure that no further time is needed for preparations or negotiations.

The EC states its aim to improve current market access for the ACP through, among other things, a review of the rules of origin. The EC

also states its intention to start at the earliest by 2000 and latest 2005 a process of allowing duty free access for essentially all products from all LDCs building on the level of trading provisions between the ACP and the EC.

In order to better manage the new trade arrangements, a new institution - a joint ACP-EC Ministerial Trade Committee - will be set up. In examining ACP-EC trade and current multilateral trade negotiations, it will make recommendations on preserving the benefits of the ACP-EC trading system.

The weaknesses of the Agreements' provisions for future trade arrangements are in the unsuitability of these provisions for the ACP, their infeasibility, and their uneven-handedness when coupled with the EC's Common Agricultural Policy. This is made clear in the studies that the European Commission itself commissioned on future trade arrangements.

According to most observers levels of regional integration and institutional capacities that exist at present in most ACP-sub-regions do not suggest that these regions are on course to be able to embark on free trade EPAs with the EC by 2008. The Southern African Development Community (SADC), one of the more advanced African regional organisations involved in integration, is only likely to complete its regional integration programme between 2010 and 2012."

Furthermore the period in which ACP-EC regional free trade arrangements will be negotiated is likely to coincide with WTO negotiations for a new trade round, if the EU's proposal to begin a new WTO trade negotiations, as soon as possible is accepted. Most ACP countries do not have the capacity to engage simultaneously in the two sets of negotiations.

Even though ACP least developed countries (LDCs) are still entitled to current ACP-EC trade preferences beyond 2008, evidence from studies commissioned by the EC show that it would be extremely difficult for the LDCs, within a region, which is engaged in EPAs, to control the movement of 'free' imports from the EU. Furthermore two sets of trade arrangements within one region, i.e. LDCs maintaining trade preferences, while non LDCs engage in EPAs, could set regional integration in the ACP back rather than advance it.

If the Common Agricultural Policy is maintained as it is, EPAs will not amount to reciprocal free trade, as EU farmers will be competing with ACP farmers who do not benefit from support provided to EU farmers. Even without free trade the effects of subsidised EU agricultural exports in the ACP have been shown to be detrimental towards poverty eradication in ACP countries.

Eurostep puts forward the following recommendations in order to ensure that the proposed future trade arrangements advance poverty eradication:

=> The assessment set to take place in 2004 and the review foreseen in 2006 should be based on rigorous sustainability and social impact assessments. The details of this should be provided in the Compendium of Reference Texts of the Agreement. As the results of these reviews cannot be predetermined, the parties should foresee the possibility of an extension of the preparatory period or for any ACP country to opt out of EPAs.

=> It is essential that ministers involved in the new Ministerial Trade Committee are the ministers responsible for defining trade policies in their countries. This would ensure that decisions taken by Trade Committee are not subject to approval from other ministers who may lack the experience and knowledge of ACP-EC co-operation on trade.

=> The EU should actively support the establishment of autonomous political and economic integration within the ACP regions, with financial resources allocated to capacity building and institutional support. Most importantly promotion of integration should include support for fiscal reform in order to ensure the availability of adequate financial resources for sustainable development.

=> The EU and ACP should support the consequent application of the principle of Special and Differential Treatment of developing countries in all agreements on Trade and Investment. A reform of the GATT article XXIV is needed to enable regional non-reciprocal trade agreements between structurally and economically unequal groups of countries.

=> The objectives of social development should be included as legally binding obligations in all the EPAs to be negotiated.

7. Keet Dot, Presentation on "The Implications of a Reciprocal Free Trade Agreement with the EU in Relation to Regional Integration and Development in Southern Africa", 1999

- => Subsidies of exports to Least Developed Countries should be abolished.
- => Full access to EU markets should be granted to developing countries, in particular LDCs, without exceptions on sensitive products. This is the basic prerequisite for a European North-South Policy creating a more viable environment for increased trade co-operation that potentially could also benefit the South in terms of static trade effects.
- => The EU should provide the necessary assistance to support the capacity of ACP countries to engage in negotiations with the WTO and EU on future trade arrangements. This support should be without conditions on the outcome of the negotiations.

Trade related areas

For the first time the ACP-EU Agreement contains a chapter on trade related areas relating to non-tariff barriers. This includes sections on intellectual property rights and biodiversity, competition policy, standards, sanitary and phytosanitary measures, trade and the environment and trade and labour standards.

The EU and the ACP agree to adhere to the international agreements on Trade Related Intellectual Property Rights (TRIPs), thus requiring all parties to implement the measures for protecting patented products, including those owned by companies in the EU that effectively patent plant and animal extracts found in developing countries. In contrast to the provisions on TRIPs, the references to protecting biodiversity are general in nature with less clarity on how they will be implemented. In these circumstances the formal TRIPs agreements that are incorporated with the new Agreement will take precedent over the other clauses.

=> The EU and the ACP should therefore ensure that a clear agreement is reached on how biodiversity is protected, including the commitment to give this priority over commercial interests.

- => The Compendium of reference text should include measures that support ACP countries' rights to licence the production of medicines. This is particularly important in the treatment and the fight against HIV/AIDS.

Investment

The new Agreement identifies the support for investment and private sector development as one of the development strategies of the Agreement. Provisions for the support of investment are far more extensive than those in the previous Lomé Convention.

The Agreement states that Cooperation on investment will involve:

- Investment promotion through inter alia: Taking measures to help create and maintain predictable investment climate, encouraging the EU private sector to invest in the ACP, and promoting ACP-EU private sector dialogue through in particular an ACP-EU private sector business forum.
- Investment finance and support through long-term financial resources, including risk capital, grants and loans from the European Investment Bank.
- Investment guarantees through inter alia, reinsurance schemes to cover foreign direct investment, guarantee programmes to cover risk and national and regional guarantee funds.
- Investment protection through investment promotion and protection agreements in order to promote either party's investments on their respective territories.

These provisions of the Agreement do not include any mechanisms to ensure investors' responsibilities to their workforce, surrounding communities and national development.

In addition, the Agreement does not sufficiently point out the relation between the quality of investment and poverty eradication. Rather the assumption is made that it is simply the quantity of investment that is essential. However evidence of the detrimental effects on investment in the fisheries sector in some ACP countries, inter alia, shows that investment regulations needs to ensure that the investment contributes to poverty eradication and sustainable development.

The Agreement also does not advance mechanisms that allow ACP States to control the flow of portfolio capital. The absence of such mechanisms contributed to the recent financial crisis in South East Asia. An international tax on speculative capital transfers would allow the ACP to

avoid such instability that results from capital attraction.

Eurostep believes that in order to ensure an equitable agreement of investment that advances sustainable development and poverty eradication:

=> The EU and the ACP should agree on binding standards for transnational enterprises to which the provisions on investment of the Agreement are applied. These could be similar to those proposed by the European Parliament in January 1999 for European enterprises active in developing countries. A binding regulation for transnational enterprises should encompass:

- " Unified standards for environment and social protection at a high level;
- The establishment of an international centre for monitoring investment, including a complaints procedure for those who believe that their rights have been violated by transnational enterprises.
- The establishment of an effective system of incentives and sanctions that will help guarantee that transnational enterprises will respect human rights and adhere to regulations that have been agreed.

=> The EU and the ACP should support regulatory measures that help developing countries retain control over capital inflows, including a taxation of international capital transfers.

Gender equality

The section in the Agreement on the objectives and principles of the ACP-EU Partnership states that "systematic account shall be taken of the situation of women and gender issues in all areas - political, economic and social". Yet there is very little evidence of this in text on other areas of the Agreement.

In a section on gender issues, the Agreement states that ACP-EU co-operation will "help improve the access of women to all resources required for the full exercise of their fundamental rights". More specifically, co-operation shall create the appropriate framework to inter alia:

- Integrate a gender sensitive approach and concerns at every level of Development Co-operation including macroeconomic policies, strategies and operations.

- Encourage the adoption of specific positive measures in favour of women such as inter alia:
- Access to basic social services, especially to education and training, health care and family planning;
- Access to productive resources especially to land and credit, and to the labour market; and
- Taking specific account of women in emergency aid and rehabilitation operations.

The section on gender issues does not provide for necessary practical plans for action, which can be monitored, in future to verify if gender equality in the ACP is being achieved.

In order to ensure that gender equality concerns are mainstreamed in all aspects of ACP-EU co-operation *Eurostep* believes that:

=> The Compendium of Reference Texts of the Agreement should identify gender equality concerns in all areas and phases of co-operation. Practical plans for action should be identified along with targets and goals by which co-operation can be assessed.

=> The ACP and the EU should develop gender-disaggregated data for use in policy formulation and in monitoring the impact of policies on women.

=> The ACP and the EU should improve the quantity and quality of staff with expertise on gender issues. All Commission delegations in ACP countries should include gender experts.

=> EU delegates and ACP offices responsible for reviewing programmes should be required to include a section on the gender impact of these programmes in their reports.

Social development

The nature of the ACP-EU co-operation has great potential for achieving social development with its emphasis of the concepts of partnership and policy dialogue. This should enable donors and recipient governments to work harmoniously in achieving universal access to basic social services.

According to the Agreement, co-operation in social development aims at improving the coverage, quality and access to basic social infrastructure, while reducing the inequalities of access to these services. Specific sectors identified for

improvement are education and training, health systems, populations issues, the fight against HIV/AIDS, security of household water, the availability of affordable and adequate shelter and the participatory methods of social dialogue as well as respect for basic social rights. However the Agreement does not identify how these aims will be achieved.

The Agreement also fails to specify how it intends to contribute towards the realisation of the international development targets and commitments agreed to by the EU and the ACP governments at the international level.

To effectively realise the potential of ACP-EU co-operation in the area of social development, the ACP and EU Joint Council of Ministers should ensure that:

=> The Compendium of Reference Text of the Agreement specifies how the Agreement aims to contribute to achieving the international development goals and commitments.

=> Strategies to enhance social development are explicitly identified in the Compendium.

These strategies should include the objectives and targets to achieve universal access to social services in the next generation of development co-operation agreements between the EU, the ACP countries, and other developing nations. Explicit contributions to achieving this must be identified in National Indicative Programmes.

=> The EU invests at least 50% of its official development assistance to the ACP in social sectors. The current level of allocations to basic health and education should be doubled.

=> Adequate reports and data are provided during implementation of the Agreement, which identify the efforts, made to contribute towards achieving universal access to basic social services.

=> Emphasis is given to the need for investment in relevant basic education of adequate quality, and in which participation of stakeholders in the design is guaranteed.

=> The improvement of quantity and quality of the staff of both parties with expertise on social development issues. This should involve adequate representation of expertise in Social Development in Commission delegations in the ACP

Financial co-operation and instruments

The overall amount of EU financial assistance for the first five years of the Agreement is set in an annex of the Agreement as 15.2 billion euro. This will comprise of 13.5 billion euro of provided in the 9th European Development Fund (EDF) and 1.7 billion from the European Investment Bank in the form of loans made from its own resources for the purpose of economic and industrial development of the ACP States on a national and regional basis.

Out of the EDF 10 Billion in the form of grants is reserved for support for long-term development. This will be used to finance the National Indicative Programmes among other things. 2.2 billion of the EDF will be allocated to finance the Investment Facility according to specific terms and conditions, with the remaining 1.3 billion going in the form of grants to regional co-operation.

Eurostep called for a level of resources provided under the new Agreement to be adequate for the implementation of the international commitments made by ACP and EU governments and at least equivalent in real terms to the levels provided under the 8th EDF.

While the EU did make some efforts to make adjustments for inflation in deciding on the figure for 9th EDF, it does not seem that account was taken of the fall in value of the euro against other currencies like the dollar, or the prospect of more countries (East Timor, Cuba) joining the ACP. Considering inflation alone it has been calculated that the aid volume will be 3% less in real terms than under the 8th EDF.

Furthermore evidence shows that if the international development targets were to be met, most donors would have to increase real levels of aid.

The EU's argument in not increasing the level of the EDF is that by doubling the current rate of disbursement of aid, through reforms, it would be able to meet the needs of the ACP countries". This is yet to be proven. While EDF disbursement rates have increased over the last year, it is foreseeable that the unfamiliarity of ACP and EC staff to new systems of operation under the new Agreement may, at least in the first instance, actually slow down the rates of dis-

8. Wolf, Susanna and Dominik Spoden: *Allocation of EU Aid towards ACP-Countries*, ZEF-Discussion Papers on Development Policy No. 22, March 2000
9. EU-ACP Negotiation Information Memo No 10, http://europa.eu.int/comm/development/event/negotiation10_en.htm

bursement. Furthermore the demands in implementing the new Agreement may require increases in the staffing levels at the Commission. At present this is not foreseen.

The Agreement also leaves the EDF outside the EC's overall budget, thus denying the European Parliament, the only elected body of the EC, to have control over its use and application.

=> In order to demonstrate its ability to increase levels of disbursement the EU needs to draw up a strategy specific to meeting requirements of the new Agreement. This should include plans to increase staffing levels in the Commission.

=> The ACP and the EU should agree to a time-schedule for implementing the disbursement of the 9th EDF within the period 2000-2008.

=> The EDF should be incorporated into the overall EC budget in order to bring it under the control of the European Parliament. Both the European Commission and the European Parliament are supportive of such a proposal.

Resource allocation and programming

The new Agreement introduces significant changes to programming procedures and resource allocation.

One positive change with regard to the previous Lomé Convention is that ACP States, in drafting Indicative Programmes, are now supposed to identify eligible non-state actors and the resources allocated for non-state actors.

However provisions on resource allocation under the new Agreement appear even less clear than under previous Lomé Conventions. The new system also provides the EU with more discretionary power in allocating resources.

Resource allocation to ACP countries is now based on both needs and performance. An annex to the Agreement states that needs are assessed according to criteria relating to per capita income, population size, social indicators and level of indebtedness, export earning losses and dependence on export earnings, in particular from the sectors of agriculture and mining with more favourable treatment for least developed, land-locked and island countries. It is not clear how these different criteria will be weighted and calculated.

Performance criteria provided in the Agreement also seem vague and open to interpretation. According to the Agreement performance will be assessed on the basis of progress in implementing institutional reforms, performance in the use of resources, effective implementation of current operations, poverty alleviation/reduction, sustainable development measures and macroeconomic and sectoral policy performance.

ACP and EC authorities will jointly carry out an annual review in addition to mid-term and end of term reviews of National Indicative Programmes. An aim of the annual review is to determine any causes of delay in implementation and propose measures to remedy the situation. On the basis of needs and performance ACP States will be provided with an indicative allocation of resources for their programmes.

Allocated resources will have two elements. An allocation to cover macroeconomic support, sectoral policies, programmes and projects; and an allocation to cover unforeseen needs such as emergency assistance (where support cannot be taken from the EC budget), contributions to internationally agreed debt relief initiatives and support to stabilise export earnings. Following mid-term and end of term reviews the EC may revise resource allocation to ACP States according to their needs and performance.

While the value of carrying out reviews of programmes is recognised, the increase in the number of reviews to be carried out in the programming process could prove to be an additional burden for both ACP and EC staff.

In order to address these ambiguities and complexities regarding resource allocation and programming:

=> The EU should explain the detailed formula used for calculating resource allocations for the National Indicative Programmes in the Compendium of Reference Texts. Criteria for resource allocation should be transparent and related to the objective of poverty eradication. The ACP-EU Joint Parliamentary Assembly and the European Parliament should be informed and consulted on the criteria on which allocations are based.

=> The ACP and EU should jointly agree to more precise and objective performance criteria.

ria. Performance criteria should be country specific and tailored to the different conditions prevailing in ACP countries. Performance criteria should include assessments of public finance that go beyond a simple analysis of the budget and include: (i) legislation on the budget preparation, expenditure and reporting; (ii) the quality of the procedures on the same aspects; (iii) the quality of the budgetary control at governmental level and at the level of national parliaments, and (iv) audits and analyses of realised expenditures (Public Expenditure Review). The ACP-EU Joint Parliamentary Assembly and the European Parliament should be informed and consulted on the development and use of performance criteria.

- => It should be agreed in the Compendium that the money pledged by the Member States should be transferred to an interest bearing account locked for the use of ACP countries.
- => In order to streamline administration efficiency and accelerate procedures a more decentralised management approach should be established through the delegation of operational and financial responsibilities to the delegations. In the Compendium it should be agreed that a gradual transfer of decision-making to the level of delegations be realised. The delegations should be strengthened in their decision-making powers and responsibilities.
- => As part of this process - and even without decentralisation - the role of the EDF Committee¹⁰ in programme and project approval becomes highly questionable. The role of the EDF-Committee - if it still has a function - should be thoroughly re-assessed.
- => The level of resources to be allocated at national level to the social sectors, basic health and basic education, should be clearly identified.
- => The level of resources to be allocated to support civil society's participation at the national level, for its support in the design of Programmes and their review should be identified and programmed.
- => Support and capacity building of ACP offices involved in carrying out reviews of Programmes should be identified.
- => The specific role that the different actors of the partnership will play in Indicative

Programmes should be specified in these Programmes.

Export revenue stabilisation

The new Agreement replaces STABEX and SYSMIN¹¹, the export revenue stabilising instruments, with a system for support for short-term fluctuations in export revenue. Resources for this will be drawn from the National Indicative Programmes. Support is provided if a worsening in public deficit coincides with a loss of overall export earnings or a loss of export earnings from all agricultural and mineral products. Least developed countries enjoy a more favourable threshold on export losses required for triggering support. An aim of this support system is to adopt a more comprehensive approach that makes the link between public deficits and export revenue.

However, criteria for allocation for support under the new system appear to be more complex and opaque than under the previous systems of STABEX and SYSMIN. This can be partly attributed to the fact that measuring public deficit in many ACP countries is problematic due to lack of data and differences in calculation methods.

Meeting the criteria of losses in export revenue and worsening public deficit simultaneously may prove more difficult for many ACP countries than STABEX and SYSMIN criteria, resulting in ACP countries receiving less support for export stabilisation than previously.

Inexplicably the new system excludes landlocked and island states from the more favourable treatment that is accorded to least developed countries as is done in other parts of the Agreement.

A consequence of the use of complex criteria in the new support system is that overall disbursement rates may be slowed down considerably, contrary to the aims of both parties.

In order to ensure that support for fluctuations in export revenue is effective, *Eurostep* proposes that:

- => The Compendium of Reference Text of the Agreement should include details on how worsening public deficits will be calculated.
- => Measures for addressing potential slow disbursement rates should also be identified.

10. The EDF Committee is a body made up of civil servants from EU Member States and the European Commission that administers EDF resources. It, de facto, takes the final decision on how EDF resources are utilised.

11. STABEX was an instrument that aimed to stabilise export earnings from a specific list of agreed agricultural products. SYSMIN was aimed at stabilising earnings from mineral products.

Debt and structural adjustment

The debt burden for many ACP economies remains the greatest obstacle to achieving the international development targets. The enhanced HIPC (Highly Indebted Poor Countries) initiative agreed by the international community, even when combined with existing aid, does not provide sufficient resources for most countries to address the international development targets.

Outside the negotiations for a new framework agreement, the ACP agreed to an EU proposal to use up to 1 billion Euro from uncommitted EDF funds to support the HIPC initiative for ACP Highly Indebted Poor Countries. The EU proposal followed the G7's decision to deepen and speed up the implementation of the HIPC initiative.

The new Agreement makes room for the EU's initiative stating that on a case-by-case basis, uncommitted resources from past indicative programmes will be used for debt relief. In addition resources provided in the 9th EDF will be used to contribute towards debt relief initiatives in the ACP that have been approved at the international level. Provision is also made for technical assistance for the ACP on debt management and the use of available foreign currency provided for by the Agreement for servicing of European Investment Bank debts on a case-by-case basis. Both parties agree to continue discussions on debt relief in other relevant fora.

One of the features of structural adjustment support in the new Agreement is its acknowledgement of the inclination towards regional integration adopted in other parts of the Agreement. Adjustment support is supposed to take account of the net transitional costs of regional integration on budget revenue and balance of payments, either through general import programmes or budgetary support. Support is supposed to be mobilised in a flexible manner and in the form of sectoral and general import programmes or budgetary support.

The EU's decision to contribute a substantial amount of money to the ACP debt incurred outside the ACP-EU framework is a welcome shift in its approach to ACP debt. It acknowledges the fact that neither the goals of the ACP-

EU partnership nor the international development targets will be achieved without ACP-EU co-operation on debt reduction in other fora. However the funds used for this initiative are taken from funds that had already been allocated for development co-operation. To a certain extent this amounts to a trade off between co-operation in other areas and debt relief.

In order to ensure effective debt relief and the realisation of the development targets in the ACP:

=> The EU should work with other donors to ensure that the HIPC debt relief package is fully funded. Future EU debt relief packages should be funded from additional resources identified outside existing EDFs.

=> The EU should ensure that debt relief is given to ACP countries committed to spend debt saving on anti-poverty programmes.

=> As complementary to the HIPC initiative, the EU should push for all creditors to move towards the cancellation of all unpayable debts incurred by ACP countries.

=> Given the EU's position as the worlds leading donor and its stance on ownership of development policies, the EU should play a critical role in the development of the Bretton Wood's institutions' Poverty Reduction Strategy Paper (PRSP) process to ensure that the poverty reduction strategies remain in the hands of ACP and other developing countries.

=> The EU and ACP should support the use of SAPRI (the Structural Adjustment Participatory Review Initiative (SAPRI) established by the World Bank after the Copenhagen Summit) as a model for a participatory examination and review of structural adjustment policies. The experiences and recommendations evolving from SAPRI should form the basis for the PRSP process.

=> The programming process under the new Agreement should be linked with the national implementation process of the UN Social Summit Declaration and Plan of Action to ensure that ACP countries are not faced with more uncoordinated and incoherent demands from the donor community. The national strategies for poverty eradication should be implemented by governments, with the help of UN specialised agencies, International

Financial Institutions and the full involvement of civil society organisations-

Conclusion

At present most of the contributions that the new ACP-EU Framework Agreement could make to poverty eradication and sustainable development remain potential rather than real. This is because the mechanisms, strategies and plans of actions - the hands and feet of the Agreement that are required to implement many of its key provisions are not provided for. Yet the true test of any framework agreement is not on the intent of its wording but in its ability to deliver on its objectives.

Thus it is crucial that the additional texts being produced to accompany the Agreement provide concrete mechanisms, strategies and plans of action that transform the Agreement from a statement of intent into an effective instrument that addresses the structural causes of poverty.

Much also hinges on the reform of the Commission and EU Member States' working methods. In the Commission's own words, "Taking up this challenge (doubling current levels of disbursement) presupposes a major overhaul of the old Convention's instruments and procedures, internal reform with the Commission and a redefinition of the respective roles of the Commission and the Member States in the decision-making process."¹²

Finally it is essential that the EU and the ACP collaborate in other fora including the UN organisations, the WTO and the Bretton Woods Institutions in order to ensure an enabling environment conducive to the achievement of the overall objective of the partnership - poverty eradication in the ACP.

Eurostep believes that the extent of the achievement of these measures, strategies and reforms referred to above will be the major determinant of the new ACP-EU Agreements success.

May 2000

Eurostep is a coalition of 22 European NGOs which is working to ensure that the policies and practices of the European Union and national European governments promote people centred sustainable development in all parts of the World.

This paper is an analysis of the outcome of the negotiations between the European Union and the ACP countries establishing the new ACP/EU Agreement based on the positions that *Eurostep* has taken during the course of those negotiations. Its aim is to provide some perspectives on how the new agreement can be implemented and identify areas in which *Eurostep* will seek to continue its focus.

The membership of *Eurostep* includes:

ActionAid, UK; CONCERN Worldwide, Ireland; Deutsche Welthungerhilfe, Germany; Forum Syd, Sweden; Frères des hommes, France; Heïinas, Greece; Hivos, Netherlands; Ibis, Denmark; Intermable development in all parts of the World, the overall objective of the parark; Movimondo, Italy; NCOS, Belgium; Norwegian People's Aid, Norway; Novib, Netherlands; Oikos, Portugal; Oxfam GB; Oxfam Ireland; Swiss Coalition of Development Organisations, Switzerland; Terre des hommes, France; terre des hommes, Germany.

Charte des droits fondamentaux de l'UE : naissance d'une société civile européenne ?

Les chefs d'Etat et de gouvernement des Quinze ont entériné, samedi 14 octobre à Biarritz, la Charte des droits fondamentaux européens avant de la proclamer officiellement en décembre lors du conseil de Nice. *"En établissant entre eux une union sans cesse plus étroite, les peuples d'Europe ont décidé de partager un avenir pacifique fondé sur des valeurs communes"* déclare le préambule de cette charte, qui, dans un effort de synthèse des traditions politiques et juridiques des Etats membres, exprime pour la première fois la volonté de l'Union de se fonder sur un corps de droits reconnus par tous.

Ces droits ont été répartis en six grands chapitres : Dignité, Libertés, Egalité, Solidarité, Citoyenneté, Justice. Le chapitre le plus controversé a concerné la solidarité, qui regroupe les droits sociaux. La Grande-Bretagne était très réticente à l'idée de voir associés droits civiques et sociaux. Les organisations syndicales et une partie de la gauche européenne trouvaient au contraire que la convention était trop timide, en faisant la part trop belle au modèle libéral.

Ce travail de synthèse avait été confié à une instance originale, une Convention composée de soixante-deux représentants des gouvernements de l'Union et de la Commission, de membres des Parlements nationaux et du Parlement européen. Sa présidence

avait été confiée à l'ancien président de la République fédérale allemande. Roman Herzog, un chrétien-démocrate qui avait joué un rôle important à la tête de la Cour constitutionnelle allemande lors de la ratification du traité de Maastricht. Cette Convention, où se sont trouvés associés des experts délégués par les Etats et des hommes politiques représentant les principales tendances de l'Union, s'est révélée très utile pour dégager un consensus sur les valeurs et sur le moyen de les rendre compatibles avec le maquis des références politiques et juridiques européennes.

Embryon de société civile européenne

Elle a suscité un très large débat qui, s'il n'a pas passionné les médias, a mobilisé les spécialistes au sein des Parlements nationaux, les organisations syndicales et patronales européennes, ainsi que beaucoup de militants d'organisations non gouvernementales actives dans le domaine des droits civiques et sociaux. Tous ont pu exprimer leurs opinions ou leurs suggestions au fur et à mesure de l'avancement des travaux en utilisant les sites Internet des institutions européennes. Pour la première fois, on a vu ainsi se profiler, dans un grand désordre encore, un embryon de société civile européenne. Avec un temps de retard, de nombreuses

organisations ont commencé à entrevoir les possibilités qui s'ouvriraient à elles. En France, un collectif pour la Charte des droits fondamentaux de l'Union européenne (CCDF), rassemblant une soixantaine d'organisations associatives et syndicales, a été créé à l'initiative de la Ligue française des droits de l'homme. Il vient d'appeler ses membres à se joindre à la grande manifestation syndicale prévu pour le 6 décembre à Nice, à la veille du conseil européen qui proclamera la Charte, pour en dénoncer les insuffisances (voir à ce sujet l'article du Carrefour pour une Europe civique et sociale (CAFECS) publié sous a signature d'Anne David dans

Associations transnationales, 3/2000).

Le débat est sans doute loin d'être clos, et va notamment rebondir sur la question de savoir quel statut donner à cette charte par rapport aux traités : s'agit-il d'un texte purement politique ou doit-on lui reconnaître une dimension juridique contraignante ? La proposition a été faite d'introduire à Nice, à l'occasion de la réforme des institutions, une référence à la charte dans l'article 6 des traités, qui concerne les valeurs démocratiques de l'Union. Sur le fond, cependant, les gouvernements préfèrent que cette question, liée aux discussions sur une éventuelle Constitution européenne, soit traitée après Nice. (D'après *Le Monde*, 15 octobre 2000)

Pascal Lamy sets out proposals for trade and social development

During a meeting today with the Executive Committee of the Confederation of European Trade Unions, Pascal Lamy, EU Trade Commissioner, set out two proposals aimed at sharing more equitably the costs and benefits of globalisation. Mr Lamy argued for the setting up of a joint platform to enable several international organisations to discuss the question of trade and core labour standards. He wished for a rapid launching of this dialogue, if possible before the next WTO Ministerial. He then advo-

cated an effective application of the OECD Guiding Principles on multinational companies, adopted on 27 June 2000 by the member states of the OECD and by the governments of Argentina, Brazil, Chile and Slovakia. "I consider these Principles to be a step towards the greater recognition by international investors of their responsibilities, towards what one can call 'entreprise citoyenne' (in other words companies which would act responsibly and responsively towards society)", Mr Lamy concluded.

(Communication from the Trade Directorate-General of the European Commission)

For more details, go to:
http://europa.eu.int/comm/trade/whats_new/index_en.htm
(available as of 27 October 2000, 11:00 hours CET)
European Commission, Trade DG, Information Unit
Email: eis@cec.eu.int
WWW: <http://europa.eu.int/comm/trade>
Fax: +32-2-296-9854

UNA-USA: UNESCO Reentry

UNA-USA has appealed to President Clinton to take the United States back into UNESCO, the United Nations Educational, Scientific and Cultural Organization, by the end of this year—and the subject is by all accounts being earnestly debated within the Administration right now. The intellectual sectors - such as subscribers to the ACUNS forum - should take a particular interest in this issue, about which more may be found on the United Nations Association of the United States of America (UNA)'s web site. UNA-USA is joining other non-

governmental organizations in calling on President Clinton to announce American reentry into the United Nations Educational, Scientific and Cultural Organization this autumn. UNA president William Luers sent letters on October 2 to President Clinton, Secretary of State Madeleine Albright, and Secretary of Education Richard Riley urging reentry this fall into UNESCO," the flagship of the U.N. specialized agencies, responsible for the coordination and implementation of international *policy* in the intellectual sectors." UNA-USA calls on the professional

and intellectual communities, and on students and other citizens, to make similar appeals to the President. UNA-USA has done considerable work on UNESCO issues, including reports of high-level panels chaired by former U.S. Senator Robert Stafford (R-Vermont) in 1989, *In the minds of men and a forum in restoration*, and the 1993 report *Schooling for democracy*, prepared when the incoming Clinton administration undertook its reassessment or U.S. policy toward UNESCO inherited from the Reagan and Bush administrations.

Jeff Laurenti, (10/02/00)

A proposal for a universal declaration of the rights of all living beings

In 1948, the General Assembly of the United Nations adopted and proclaimed the "Universal

Declaration of Human Rights," an historical document that firmly anchored human rights in interna-

tional law and provided a powerful legal and ethical basis for the worldwide struggle to maintain

these rights. Since then, this struggle has led to the downfall of most of the world's totalitarian regimes and currently serves as 3 threat to those few that still remain.

Today, at the beginning of the new century, it is clear that the increasing destruction of the biosphere poses a threat no less grave to

human existence. Environmental action groups have emerged all over the world, but they do not have an international legal foundation similar to that provided by the Declaration of Human Rights.

The attached draft is a proposal for such a declaration. As with any declaration of this nature, many

compromises have been made that are not necessarily to the liking of more extreme groups, such as vegetarians or those who object to animal experimentation. Such compromises, however, are essential for a declaration that seeks broad international support.

Universal Declaration of the rights of ALL living beings

Draft Proposal to the General Assembly of the United Nations *preamble*

Whereas human beings have been endowed with the ability to study and understand their surroundings, to predict the consequences of their actions and to discriminate between right and wrong;

Whereas human beings have developed capabilities unmatched by any other living creatures on Earth, have learned to control the forces of nature and have changed the environment beyond recognition;

Whereas human beings have reduced the impact of natural selection on humanity and have replaced this selection with religious, legal and ethical value systems that grant rights to the weak, the sick, the disabled, the deformed and the elderly; and are committed to intervene in the lives of human beings from birth to old age, to protect them from all natural disasters, to prevent suffering, to cure diseases and to prolong life;

Whereas the above intervention has enabled the human species to break the confines of nature, to multiply more than any other living species and to spread out across

the globe, consuming increasing amounts of living space, food and resources, without any end in sight;

Whereas the citizens of the developed nations are becoming addicted to immediate forms of gratification, to comfortable lives and to competition between themselves in all aspects of life, thus exerting growing pressure on the already strained ability of Earth to support and sustain the human species together with its fellow species;

Whereas these human actions over the last several generations have led to a destructive and unprecedented vicious circle that has eradicated entire species, genera and families of living creatures, destroyed habitats, depleted resources and polluted the soils, the oceans and the atmosphere to the point of posing an imminent danger to the existence of many species, including humanity itself;

Whereas human beings have begun to realize that they constitute only a minor part of the huge fabric of mutual relations among myriad living species that are immeasurably dependent upon one another in diverse and complex ways not yet fully understood and investigated and that together

constitute the Earth's biosphere; that life on Earth has been made possible by virtue of the diversity of heredity laws, developmental processes, behavioral patterns, communication modes, and family and social relations that characterize each species and that have been shaped over the course of countless generations, thus providing ancient and amazingly ingenious solutions to the challenges of existence;

Whereas human beings now acknowledge their exclusive responsibility for the accelerating destruction of the planet Earth, realize that this destruction contributes to today's growing number of wars, epidemics, droughts and other climatic catastrophes, and resolve, based on their exceptional status among all other living species, to attempt to rectify the consequences of their actions and to save themselves and other species from destruction;

Now, Therefore,
The General Assembly
proclaims
THIS UNIVERSAL DECLARATION OF THE RIGHTS OF ALL LIVING BEINGS as a common standard to which all peoples

and nations should strive in their relations with all other living creatures so that the human species can continue to exist and develop with dignity and in comfort along with all other living species.

Article 1

1. Every species of living creatures, including all its subspecies, varieties and populations, constitutes an integral part of the biosphere and is essential to the existence of all other species.

2. The Earth's atmosphere, rivers, lakes and oceans, rain forests and all other sites with unique flora, fauna and ecological conditions belong to the entire biosphere and are the responsibility of the entire human species, without distinction of nationality or political affiliation, before this and all future generations.

3. Any pollution anywhere in the world, be it of the air, the soil, the ground water or the rivers and streams, and any harm done to these resources shall be regarded as an injury to the natural resources of the entire world and an outrage against the common assets of the biosphere and the entire human species.

Article 2

1. All living creatures in nature have an equal right to live and to control their lives as dictated by the natural conditions that have prevailed since time immemorial in their natural habitat and in accordance with their instinctive or rational inclinations.

2. All species and families of creatures existing in nature have an equal right to existence and to ontogenetic and phylogenetic development according to their natural environmental conditions. Every species constitutes a scientific, aesthetic and cultural trea-

sure that all peoples and all nations throughout all generations have the right to enjoy and study while preserving the rights of the species set out in this Declaration.

3. Human beings have the right based on their ethical principles to assume responsibility for everything regarding the rights of their individuals. In any case where a human individual's rights to life, liberty and personal security as granted in the Universal Declaration of Human Rights are threatened, the authority of these rights will take precedence over the laws of natural selection.

4. As a result of humanity's unilateral violation of the laws of natural selection, the human species takes upon itself, unilaterally and deliberately, to create ecological balances to counteract the dangers to the biosphere posed by overriding the laws of natural selection in the process of human development. Human beings shall thus become an integral part of the ecological balance, conforming to the laws of nature as a species, while its individuals are not liable to the laws of natural selection.

Article 3

1. No one shall do anything against the well-being, freedom, welfare or dignity of any living creature, whether said creature lives in a natural or a domestic setting, unless so obligated in accordance with Article 2.3 above.

2. No one shall inflict suffering on any creature living in nature or in captivity and capable of feeling physical or emotional pain for purposes of commerce, entertainment, military activities, sport, religious ritual or any other purpose not related to vital needs.

3. No one shall inflict suffering on any creature living in nature or

in captivity and capable of feeling physical or emotional pain for purposes of scientific or medical experiments that could be carried out on other systems or on creatures whose ability to feel pain is less developed.

4. any animal that was born or raised in captivity or that was harmed as a result of human actions and that therefore cannot take care of itself.

Article 4

No one shall harm the ability of any creature living in nature to develop and reproduce according to the laws of nature.

No one shall do anything to endanger the existence of any natural species except in cases where a particular parasite poses a serious and substantial threat to the human species.

No one shall harm the natural habitat of any species in order to exploit resources, increase tourism, build or expand residential areas or dispose of waste.

No one shall disrupt the natural genetic variety of any living species, nor reduce the population of creatures living in nature and/or disturb the relationship between different population groups.

No one shall disturb the social structure of creatures living in societies.

Article 5

No one shall do anything to harm the biodiversity of a natural habitat.

1. No one shall violate the existing ecological balance in a natural habitat by introducing foreign species to that habitat.

2. No one shall interfere with the relationships among creatures living together in nature.

Article 6

No one shall create, through artificial selection, hybridization, genetic engineering or any other

cultivation method, a species of animals with anatomical, physiological, chemical or behavioral attributes that will cause pain and suffering for that particular animal.

No one shall create a species with inborn aggressive tendencies.

No one, under any circumstances, shall release into nature a living species or variety that was created artificially.

Article 7

No nation or tribe has rights of possession over any species, whether living or fossilized, endemic or pandemic, common or rare, that exists within its area of jurisdiction. Such a nation or tribe should be considered as the trustee of said species, having the right to income from tourism resulting from the species, as well as the obligation to preserve the rights of said species in accordance with this Declaration. All such species are the property of the entire human species, in this and all subsequent generations, in accordance with all the articles of this Declaration.

Article 8

All societies, religions and legal systems in all nations should strive to apply the laws of ethics, accepted today among human beings and subject to the restrictions outlined in Article 2 above, to all other living creatures.

All peoples and nations should undertake immediate and vigorous measures to decrease the reproduction rate of the human species in order to arrest the damage to the biosphere as a result of the human population explosion. The developing nations should be helped in reducing and checking their birth rate. Religious groups

should recognize that competition to reproduce among human communities, primarily fanned until now by the major religions, is leading the human species toward the danger of world destruction even in this generation.

All peoples and nations should do their utmost to rehabilitate habitats that have been destroyed, to take vigorous measures in protecting all species in danger of extinction, and to reintroduce to the wild species and varieties that have been uprooted or have become extinct, to whatever extent possible and according to the principle of last out first in.

International law should establish a new category of crimes equivalent to "crimes against humanity," to be known as "crimes against Earth," that will include specicide and destruction of habitats as malicious crimes aforethought against all peoples and nations. crimes that even today are claiming a heavy toll in human life and the lives of other species. The claim of ignorance should no longer provide immunity from punishment, and the perpetrators of such crimes should be prosecuted in international courts. International teams must begin inspecting all parties, including governments, business, and large corporations, whose short-term interests motivate them to commit such crimes, either secretly or openly.

The international economy should concede that today's prevailing objective of "economic growth" seriously conflicts with the well being of the biosphere and its human inhabitants. The time has come to acknowledge the

danger of competition within the species and of the tendency toward unlimited escalation, to recognize the dangers in untamed consumerism and in enslaving people to artificial needs that do not reflect the good of the individual but rather are dictated and nourished by industry and power-seeking groups. Human competition should be channeled away from its current routes, motivated by possessive and power-seeking needs, toward intellectual, spiritual, scientific, and recreational channels in order to reduce the dangers posed by increased competition for territory, natural resources, control, wealth and status.

Educational systems should furnish all the children of the world with the scientific knowledge that the well-being, health and prosperity of the human species is closely and critically tied to the well-being, health and prosperity of all the species living on the planet Earth. The citizens of all the world's nations should be encouraged to become intimately familiar with the natural environment of their homes, their countries and of the world as a whole, to understand it and to value its beauty, its ingenuity and its infinite diversity, for it is the shared legacy of all humanity and the entire family of Earth.

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Le Groupe d'éthique européen rejette le clonage thérapeutique

Le 14 novembre, le Groupe d'éthique européen (GEE), réuni au grand complet, a rendu public, à Paris, son dernier avis sur « Les aspects éthiques de la recherche sur les cellules souches humaines et leur utilisation ». Ces cellules souches ont un tel intérêt potentiel dans la thérapeutique régénérative qu'elles portent en elles une grande part des espoirs de la médecine de demain.

Le problème éthique vient de ce que ces cellules souches sont les cellules des embryons. Et la plupart des pays ont banni la recherche sur l'embryon. La situation se complique par les attentes encore plus fortes concernant les cellules issues d'embryons clones, c'est-à-dire d'embryons créés par transfert de noyau d'une cellule d'un individu à un ovocyte énucléé. Le clonage humain a été banni dès l'annonce du succès du clonage de la brebis Dolly. En revanche, utiliser les cellules souches adultes qui résident dans la plupart des organes humains et qui servent à les régénérer ne soulève aucun problème éthique.

Le GEE a « tenu compte du pluralisme de sa composition et de la diversité culturelle européenne, aux sensibilités nationales très contrastées », selon Noëlle Lenoir, sa présidente. L'avis présenté a été adopté à l'unanimité et le groupe a été guidé par la considération du caractère extrêmement prometteur

des cellules souches pour la thérapeutique, « plus encore que la thérapie génique », insiste Ann McLaren, embryologiste britannique et membre du GEE.

« Éthiquement inacceptable »

« Le groupe juge éthiquement inacceptable la création d'embryons à partir de dons de gamètes afin de se procurer des cellules souches, étant donné que les embryons surnuméraires représentent une source alternative disponible », précise l'avis. Quant au clonage thérapeutique, le GEE estime que « la création d'embryons par transfert de noyau de cellules somatiques pour les besoins de la recherche sur la thérapie par les cellules souches serait prématurée ».

En effet, le GEE insiste sur l'importance de mener des recherches et de les financer sur les autres cellules souches humaines, « à partir d'embryons surnuméraires, de tissu fœtal et de cellules souches adultes ».

L'Europe devrait édicter des règles imposant un contrôle et une transparence des recherches menées sur l'embryon et sur les cellules souches. L'évaluation scientifique de leur utilisation « devrait être conduite en liaison avec l'Agence européenne pour l'évaluation des médicaments », lit-on dans l'avis. Les éléments biologiques humains ne devraient

pas pouvoir être vendus. Sont ainsi bannis le commerce des embryons, des tissus de fœtus morts, des ovocytes. Cette interdiction devrait permettre d'éviter que les femmes soient soumises à des pressions. Concernant les essais thérapeutiques, le caractère encore lacunaire du savoir scientifique impose d'afficher la sécurité et le respect de la santé du patient comme les deux préalables : tout mettre en oeuvre pour éviter les contaminations bactériennes ou virales, d'une part, « mesurer les risques que les cellules souches transplantées causent des anomalies ou entraînent la formation de tumeurs ou de cancers », d'autre part.

Le GEE, présidé par Noëlle Lenoir, est placé auprès de la Commission européenne et rend des avis consultatifs. Ces avis ne sont pas destinés à passer au-dessus des avis nationaux, et le GEE ne prétend pas édicter ses choix. Ses avis sont cependant précieux, notamment pour les pays européens qui ne se sont pas encore dotés de lois de bioéthique ou qui envisagent de les compléter. « Le groupe a trouvé un point d'équilibre entre la liberté de la recherche et le respect de la dignité humaine », a conclu Goran Hermerén, philosophe suédois et membre du groupe.

Elisabeth Bursaux
(Le Monde, 15 novembre 2000)

Les réseaux citoyens tentent de se rassembler

A Barcelone, les acteurs du Web non marchand se sont rencontrés pour s'organiser

L'objectif affiché de ces rencontres était de fédérer les acteurs de l'« Internet citoyen » : associations, organisations non gouvernementales, villes, quartiers qui, sans forcément se connaître, utilisent chacun de leur côté les technologies de l'information dans la même perspective d'un progrès social et pas uniquement commercial. Et de faire entendre une voix haute et intelligible sur la scène internationale. « *Les Etats ne font pas de place aux réseaux citoyens, qui véhiculent d'autres valeurs que celles du secteur marchand* », se plaint Valérie Peugeot, coorganisatrice du congrès et membre de Vecam (Veille européenne et citoyenne sur les autoroutes de l'information et le multimédia), association présente en force à Barcelone.

Alors que faire ? « *Rassembler nos forces et nous organiser pour faire pression sur le pouvoir politique et défendre notre vision d'Internet citoyen et solidaire* », poursuit-elle. C'est ce que les cinquante à six cents participants au congrès ont tenté de réaliser dans un brainstorming géant : ateliers matin et après-midi pour aborder les thèmes clés du Web citoyen.

Il n'en demeure pas moins qu'il n'est pas forcément aisé de se réunir autour d'un projet commun quand le développement d'Internet, et a fortiori des réseaux citoyens, est à ce point disparaté selon les continents et les pays. En effet, quoi de commun entre l'Amérique du Nord, qui compte près de 50 % d'internautes, et le continent africain, encore largement dépourvu d'infrastructures de

télécommunications. Résultats : pour les uns (« occidentaux »), la question est de savoir comment relier leurs expériences citoyennes en matière de Réseau ; pour les autres (pays en voie de développement), comment tout simplement se relier au Net.

« *Les réseaux citoyens existent chez nous, mais ne sont pas encore numériques* », résume Ken Lohento, président d'Oridev, une organisation non gouvernementale béninoise qui tente de promouvoir l'usage d'Internet pour le développement local dans un pays où moins de 0,1 % de la population a accès au Réseau. « *Pour l'instant internet est seulement une potentialité ; son développement se heurte à des problèmes d'analphabétisme, de relations Nord-Sud et est finalement conditionné à la question de l'annulation de la dette* », explique Ken Lohento, qui attend beaucoup du congrès.

Pas facile, donc, dans ce contexte, de dépasser le stade du simple échange d'expériences et de la prise de contacts. Pour certains pays où Internet est à peine balbutiant, faire ces premiers pas est déjà fondamental. Ainsi, la toute nouvelle secrétaire d'Etat aux nouvelles technologies de Mauritanie se réjouit d'avoir pu « *rencontrer des spécialistes habitués à mettre en place des stratégies d'accès à Internet dans des pays aux conjonctures économiques identiques au [sien]* ».

Mais le principal succès du congrès est ailleurs. Porté à l'origine par l'Association européenne des réseaux citoyens (e@cn), le premier grand rassemblement mondial des défenseurs d'un Internet à visage humain a réussi

son pari : engendrer une dynamique qui dépasse les salons cosus du Fira Hôtel Palace. Un prochain rendez-vous est d'ores et déjà fixé à Dakar, en octobre 2001. Des groupes de travail ont été constitués par thèmes (illettrisme et nouvelles technologies) et par projets (développement d'un centre de ressources en ligne pour les réseaux citoyens). Et deux petites structures ont été créées pour suivre ces projets et prolonger le mouvement né dans la capitale catalane.

Ceux qui, à l'instar de Vecam, étaient arrivés à Barcelone avec l'ambition de poser les sous-basements d'un « consortium » - alliant réseaux citoyens, sociétés privées et collectivités locales -, pour contrebalancer le pouvoir économique qui règne sur le Réseau, auront toutefois dû mettre de l'eau dans leur vin.

Mais l'essentiel aura été sauvé-gardé. « *Je crois que nous avons réussi à impulser une dynamique et à conserver l'idée de partenariat que nous souhaitons mettre en place, entre les réseaux citoyens, les universités, et les pouvoirs publics et privés, pour faire émerger notre philosophie de l'Internet* », conclut, satisfaite, Valérie Peugeot. Et d'expliquer : « *Nous avons privilégié le mode informel et consensuel par rapport au mode électif pour ne pas créer un nouveau bidule administratif du type de l'Isoc (1) ou de l'Iccam (2).* » Une intention louable mais qui devra peut-être demander plus de formalisation sous peine que la voix des citoyens ne se perde dans les méandres du Réseau.

Stéphane Mandard
Le Monde (extrait),
13 novembre 2000

1. Internet Society.
2. Internet Corporation for Assigned Names and Numbers.

Un forum à l'initiative d'ONG euroméditerranéennes

La conférence ministérielle Euroméditerranéenne de Marseille a été précédée par un forum civil réunissant les organisations non gouvernementales, les syndicats et, pour la première fois dans ce cadre, les collectivités locales des vingt-sept pays concernés. Les tensions qui régnaient dans cette région du monde y ont pu être pleinement mesurées. Leila Shahid, la déléguée générale de Palestine en France, a été ovationnée par les centaines de militants présents à cette réunion, un drapeau palestinien flottant à son arrivée dans l'amphithéâtre, malgré la présence de quelques élus locaux israéliens.

Durant les trois jours de réunions, qui se sont terminées dimanche 12 novembre, la question du conflit entre Israël et les Palestiniens est constamment revenue sur le tapis, y compris dans les débats les plus tech-

niques. Sur le banc des accusés : l'Union européenne en tant qu'institution et la quasi-totalité de ses Etats membres.

Dans une déclaration commune qui devait être remise à l'ensemble des participants à la conférence ministérielle qui s'est ouverte mercredi soir, les représentants de la société civile affirment que *"la paix doit être la priorité absolue du partenariat"* et exigent que *"l'Union européenne intervienne plus activement pour que soient respectées les résolutions de l'ONU"*.

Transfers budgétaires

Au affirmations de principe sont venues se greffer un certain nombre de critiques quant au "processus de Barcelone", en particulier sur la question de la constitution à l'horizon 2010 d'une vaste zone de libre-échange, condition, dans l'esprit de ses

auteurs, de la construction d'une *"zone de faix et de prospérité partagée"*. Le député européen Sami Nair a mis l'accent avec passion sur le fait que le déficit des pays tiers envers l'UE avait doublé depuis 1992, pour s'élever aujourd'hui à 34 milliards d'euros. Parallèlement, les transferts budgétaires de l'UE vers les pays de la rive sud se limitent à un petit milliard d'euros par an.

Autre élément dominant du débat : la libre circulation des marchandises, dont sont exclues les productions agricoles, est loin d'être soutenue en Europe par une *"libre circulation des personnes"*, ont rappelé les auteurs de la déclaration du forum civil. Ces constats seront-ils retenus par les ministres des affaires étrangères présents à Marseille ?

(D'après *Le Monde* du 17 novembre 2000)

From climate change to corporate change

In a momentous policy shift, many American corporations say they are now persuaded by the perils of greenhouse gases and have emerged as strong advocates of market based solutions to cleanse the atmosphere of pollutants that trap heat and raise the earth's temperature. Long regarded as skeptics in the global warming debate, many American business executives have undergone a conversion since more than 150 governments reached an agreement in Kyoto, Japan, three years ago to reduce greenhouse gas emissions below 1990 levels.

Those countries are engaged in talks here, due to end Friday, on how they should fulfill their treaty obligations. Conscious of their image, some companies that were once branded as polluters have turned into staunch green-power advocates. These include such household names as Du Pont, Ford, Sunoco and Texaco. Instead of trying to block implementation of the Kyoto treaty, many companies have showed up here to lobby for a visionary new regime that would enlist them as mercenaries in the global crusade to curtail emissions of carbon dioxide,

methane and other greenhouse gases. Scientists say that unless current trends are reversed, the earth's average temperature will rise between 3.4 and 6.7 degrees centigrade in this century, provoking extreme storms, melting polar ice caps and elevating sea levels enough to inundate islands and coastal areas in many parts of the world. "American companies are coming around to embrace scientific findings and now want to be part of the solution instead of the problem", said Eileen Clausen, president of the Pew Center on Global Climate Change, which

has enrolled 28 corporations in its lobbying effort within the past two years. "We need to have the private sector involved and to give these companies a good seat at the table because only they can develop innovative technologies we need to solve the problem". To some extent, businesses were motivated by the realization that governments seemed so determined to regulate emissions of carbon dioxide and other pollutants that they figured they may as well climb aboard the bandwagon and start reducing emissions before being compelled by law to do so. But now, some companies are finding they can reap handsome profits, as well as corporate goodwill, by going green. Amoco, the British-American petroleum company, now ranks as the largest single producer of solar power equipment in the world. Along with a few other multinational corporations, it has vowed to cut its share of greenhouse gases much further than goals being discussed at The Hague. The company logo now features a green circle emblazoned by the sun, with the letters "BP" denoting Beyond Petroleum. Du Pont, the Delaware-based chemical company, has also undergone a remarkable metamorphosis. A decade ago, Du Pont was castigated as the largest producer of chlorofluorocarbons, which was considered the prime culprit in the depletion of the ozone layer, often cited as a major cause in the rise of skin cancer. At the same time, Du Pont was placed at the top of the U.S. government's watchlist for toxic chemicals. But now, Du Pont is considered one of the premier success stories in the fight against greenhouse gases. It has

managed to cut its release of carbon dioxide equivalent emissions by 50 percent since 1990 after launching one of the most far reaching corporate programs to fight global warming. "The remarkable thing is that we found we could cut back on releasing tens of millions of tons of carbon into the atmosphere without too much additional cost," said Thomas Jacob, Du Pont's manager for international and industry affairs. "In the past, companies were often scared of taking environmental initiatives, but we have found it pays to be ahead of the game because it places you in a better competitive situation if and when the Kyoto treaty is put into effect." U.S. companies have started to notice that the global warming debate affects almost every business sector. With the ferocity of storms likely to increase, insurance companies realize their risk calculations - and thus their profits - lie at the cutting edge of climate change. Since transportation accounts for one third of all greenhouse gas emissions, automobile and airplane manufacturers, such as Ford and Boeing, have launched major environmental programs. Much of the discussions here on how to achieve the Kyoto goals has pitted the United States against the European Union. The United States wants to encourage corporate involvement by using mechanisms such as the buying and selling of rights to exceed pollution quotas, assigning credits for "carbon sinks"; such as farmland and forests that absorb carbon dioxide, and offering incentives for companies to transfer clean-air technologies to developing countries. The EU, however, insists that the

United States must not be allowed to escape through loopholes and wants a substantial reduction in its domestic output of greenhouse gases, which account for 24 percent of the world's total. But European companies are breaking ranks and pushing for a more flexible interpretation because they sympathize with the U.S. view that corporations should be encouraged to make a profit in the campaign against global warming. Aidan Murphy, vice president at Shell International, says the Kyoto treaty has prompted the British-Dutch oil company to shift some of its focus away from petroleum toward alternative fuel sources. While the move has helped the company make early strides toward its goal of surpassing treaty requirements and reducing emissions to 10 percent less than 1990 levels, he says Shell is being driven largely by the lure of profits. "We are now involved in major energy projects involving wind and biomass, but I can assure you this has nothing to do with altruism," Mr. Murphy said. "We see this as a whole new field in which to develop a thriving business for many years to come. Capital is not the problem, it's the lack of ideas and imagination." Frank Loy, the U.S. undersecretary of state for global affairs who is serving as head of the American delegation, says backing from the private sector may be the crucial factor in determining whether The Hague negotiations succeed. "The change in attitude of the business community is really striking," Mr. Loy said. "These companies now realize that dealing with climate change is in their own interests, and they can turn it to their own advantage to

improve the bottom line."; Mr. Loy and others say the dramatic turnaround in the corporate perspective is perhaps the biggest difference between the Kyoto and Hague negotiations. In Kyoto, many companies were aligned with the Global Climate

Coalition, a U.S. industrial lobby that spent \$13 million on an advertising campaign claiming the threat of global warming was wildly exaggerated and the price of gasoline would skyrocket if mandatory cutbacks in greenhouse gas emissions were

approved. Since then, the coalition has been weakened by defections from prominent companies, Ford, BP Amoco, DaimlerChrysler, General Motors and Texaco.

(From: *The International Herald Tribune*, 24 November 2000)

Le Congrès mondial sur l'amiante

Le Congrès mondial sur l'amiante est un événement unique, multinational et pluridisciplinaire qui se tiendra en septembre 2000 au Brésil. L'objectif des organisateurs est de rassembler les personnes dont la vie a été affectée par l'amiante et d'encourager la participation active de tous les intéressés : les victimes, les personnes qui les soignent et les représentants, les politiciens, les activistes sociaux, les médecins, les responsables gouvernementaux, les environnementalistes, les fonctionnaires, les praticiens de la santé et de la sécurité, les universitaires, les travailleurs sociaux, les artisans, les ouvriers du bâtiment, etc. L'entrée au Congrès est gratuite pour les victimes de l'amiante.

Au cours de ce forum, nous tenterons d'analyser les expériences nationales, d'identifier les problèmes communs, de discuter des réactions et de dégager des solutions efficaces. Les délégués des pays du Nord et du Sud pourront en profiter pour partager leurs expériences personnelles et professionnelles. De nombreux thèmes seront couverts :

- les diagnostics et les traitements médicaux;
- les compensations;
- les demandes d'indemnisation multinationale, la gestion et le

déflagrage de l'amiante, les terres et bâtiments contaminés, la transition "équitable" d'une technologie de l'amiante vers une technologie sans amiante, la recherche épidémiologique et les antécédents nationaux d'utilisation "propre" et "impropre" de l'amiante.

L'ABREA, le Groupe brésilien des victimes de l'amiante, le Réseau d'interdiction de l'amiante (Ban Asbestos Network) et IIBAS (le Secrétariat international d'interdiction de l'amiante) travaillent ensemble à la préparation de la conférence avec le soutien de groupes internationaux, d'institutions syndicales et universitaires dont la Société pour la santé au travail et l'environnement (Society of Occupational and Environmental Health), du maire et du secrétaire à la Santé d'Osasco, du ministère de la Santé brésilien et de syndicats du Canada, des États-Unis, de Grande-Bretagne et du Brésil.

La conférence a lieu à Osasco, une ville à 15 miles de Sao Paulo au Brésil. Osasco n'a pas été choisie par hasard : la ville fut pendant des générations le centre de l'industrie de l'amiante-ciment au Brésil.

Pendant 54 ans, des produits en amiante-ciment ont été fabriqués dans les usines d'Eternit à Osasco;

pendant 50 ans, des systèmes de frein contenant de l'amiante y ont été produits. Peu de familles de la ville ont été épargnées par les maladies liées à l'amiante.

Les sessions plnières, les ateliers, les tables rondes, les expositions de photos et les présentations de vidéos et d'affiches se tiendront entre le 18 et le 20 septembre 2000. Le dimanche 17 septembre seront organisés une marche de protestation et un concert à la mémoire des milliers de victimes de l'amiante au Brésil.

L'année dernière, avec la révision de la directive 76/769/CEE sur les substances et préparations dangereuses, l'Union européenne a annoncé l'arrêt définitif de l'utilisation de l'amiante dans tous les États membres. A partir du 1er janvier 2005, l'introduction de nouvelles applications de matériaux en amiantement, de matériaux de friction, de rubans et de joints d'étanchéité sera interdite. Si l'utilisation de l'amiante n'est pas sans danger en Europe, comment pourrait-elle être sans risque en Amérique du Sud, en Asie ou en Extrême-Orient ?

Suite à l'interdiction de l'UE, les producteurs d'amiante sont plus que jamais déterminés à rassurer leurs clients sur leur politique d'"utilisation contrôlée" qui

est censée protéger les travailleurs. Des études scientifiques et des données épidémiologiques, qui annihilent les propos rassurants

des industriels, seront présentées à Osasco.

Pour obtenir plus d'informations sur le Congrès, consulter le site

*internet de l'IBAS :
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Electronic discussion on developing a common ACP-EU civil society advocacy & monitoring programme on the Cotonou agreement

Background

Eurostep, in collaboration with Dutch NGO INZET and the Liaison Committee of EU NGOs, organised a workshop on Enhancing Civil Society's Involvement in the Implementation of the new Cotonou Partnership Agreement between the ACP and the EU on 28-29 June in Geneva. The workshop was among the many events organised within the context of the Geneva 2000 Forum on the occasion of review of the implementation of the 1995 UN World Summit for Social Development. The aims of the workshop were:

- To explore/propose explicit ways in which the ACP-EU co-operation could contribute to achieving the social development goals set at the Summit.
- " To develop strategies for strengthening the involvement of civil society actors in the implementation of the new ACP-EU Agreement, at both the national and global level.

Amongst the proposals that were put forward during the workshop was for a strategy to be developed that allows for proactive monitoring of the implementation of the Cotonou Agreement. This would not only involve sur-

veillance of the implementation of the Agreement as it stands, but also entail surveillance of the implementation of the goals that civil society advocates on the remaining malleable aspects of the Agreement.

Following the Geneva Workshop, some participants proposed that ACP and EU civil society actors develop a common programme incorporating such a strategy for advocacy and monitoring of the implementation of the Cotonou Agreement at, primarily, country level in the ACP.

As one way of moving forward, we would like to organise an electronic discussion (via email/web) amongst an identified group of civil society actors to allow further debate on the development of a common civil society programme for advocacy and monitoring.

Aims and end product

The aim of this discussion would be to explore possibilities of developing a common ACP-EU civil society programme for further *advocacy* and monitoring of the implementation of the new Agreement amongst an identified group of actors.

The intended end product of

this discussion would be a concrete proposal on how a number of like-minded ACP and EU civil society actors should best cooperate in monitoring and advocacy work regarding the Cotonou Agreement; and identify the main items of a common advocacy agenda in the different areas covered by the Agreement.

A valuable by-product of this discussion would be the sharing of information on news on ACP-EU co-operation both at the Brussels level and the ACP national and regional level.

Timing

The discussion will begin on 16 October. A week prior to this, the main ideas of the discussion will be presented at the NGO meeting on the Cotonou Agreement organised by the Liaison Committee of EU NGOs in collaboration with Eurostep and other Brussels based NGOs on 6-7 October in Brussels - the eve of the next ACP-EU Joint Parliamentary Assembly (9-11 October). This meeting will be attended by a number of key EU and ACP civil society representatives and the aim is to have a brief discussion and a demonstration of how the electronic discussion would work.

Timing

The electronic discussion takes place over a period of 6 months, with a meeting amongst ACP and EU civil society on the margins of the 2nd Joint Parliamentary Assembly Session in March/April 2001 as a probable time for its closure. This final meeting could finalise the proposals put forward by the electronic discussion.

Within the proposed period for discussion a number of events and processes such as the ACP -EU Joint Assembly, ACP-EU regional seminars on programming (September-November 2000), the ACP Civil Society Forum meeting (November) and the Civil Society Meeting organised by the ACP Secretariat (December/January) could inform the electronic discussions. Other non-virtual meetings amongst ACP-EU civil society representatives could be organised to further stimulate and concretise discussions.

The proposed time and period of the entire discussion takes account of the fact that the EU and ACP governmental actors hope to conclude the aid programming process for the new Agreement by Spring 2001 (latest June 2001), after which the implementation of the programmes will begin.

Topics and timetable

As the discussion takes place over a period of approximately six months we propose the following issues/topics and timetable for the discussions.

First month of discussion

October-November 2000
Exploring how best ACP and EU civil society representatives could

devise a system that allows them to work together on a common programme for advocacy and monitoring. This would involve looking at mechanisms, past experiences and the different roles of ACP and EU civil society

Second month of discussion

November-December 2000
Identifying a common agenda for work for ACP-EU civil society representatives

Proposals already put forward are:

- 1) Trade, Economic Partnership Agreements and Agriculture
- 2) Civil Society Participation, transparency and accountability of the actors of the ACP-EU Partnership
- 3) Implementation of the Agreement within the health and education sectors

Third month of discussion

December-January 2000-2001
Discussing strategies that ACP-EU civil society actors could best employ to carry out advocacy and monitoring work on civil society participation, accountability and transparency provisions under the new Agreement

Fourth month of discussion

January-February 2001
Discussing strategies that ACP-EU civil society actors could best employ to carry out advocacy and monitoring work on Trade, EPAs and agriculture provisions under the new Agreement

Fifth month of discussion

February - March 2001
Discussing strategies that ACP-EU civil society actors could best

employ to carry out advocacy and monitoring work on health and education provisions under the new Agreement

Sixth month of discussion

March-April 2001
Finalising the proposal on a system that allows a number of ACP and EU civil society representatives to work together on a common programme for advocacy and monitoring; conclusions

The issue of gender equality should be seen as a crosscutting issue that is mainstreamed in all the discussion topics.

After the first two months we will review the process to see whether different topics need to be discussed and whether different timeframes should be assigned to different topics.

Language

The language of the discussion is English. Francophone participants may however send messages in French.

Participants

The participants of this electronic discussion are key ACP and EU civil society actors including the civil society actors who participated in the Geneva workshop. For reasons of efficiency and effectiveness we would like to confine the discussion to civil society actors that we believe have an interest in the issues at hand.

Moderation/Management

Identified ACP-EU civil society actors participating in the discussion could act as moderators of

the discussion, within a rotating system of moderators. Each month two different moderator-civil society. (See www.euforic.org)

How to Participate

In order to subscribe to this discussion please send a message with your name and organisation you represent to [Guggi Laryea glaryea@eurostep.org](mailto:Guggi.Laryea@eurostep.org) Please also indicate whether you are interested in moderating any of the above mentioned discussions to be held over the coming months.

Upon sending the message you will receive a message on how to participate in the discussion from info@euforic.org

Interesting links and Information

Please find the website address where you can find the following information:

- The Cotonou Agreement (in French and English);
- The Compendium of Guidelines proposed for its implementation by the Commission:

- *Eurostep's* Assessment of the Cotonou Agreement
- The European Commission's new website on Civil Society, Good Governance, NGOs and Decentralised Co-operation
http://europa.eu.int/comm/development/cotonou/index_en.htm
http://europa.eu.int/eur-lex/en/com/pdf/2000/com2000_0424en01.pdf
<http://www.oneworld.org/eurostep/newacpeu.htm>
http://europa.eu.int/comm/development/sector/ngo/index_en.htm
Eurostep, September 2000

Nouvelle publication de l'OCDE

Le temps où les ONG étaient confinées dans un monde d'"amateurs" est révolu : bon nombre d'entre elles ont désormais des activités éminemment professionnelles. L'analyse statistique contenue dans une nouvelle publication de l'OCDE intitulée "Les ONG européennes actives dans le domaine du développement" montre qu'il existe, dans les pays européens, des milliers d'ONG œuvrant pour le dévelop-

pement et disposant d'un budget à concurrence de 7-3 milliards de dollars. En s'appuyant sur un grand nombre de tableaux et de graphiques ainsi que sur des analyses détaillées par pays, l'auteur présente la toute première étude de ce qui est devenu un véritable phénomène de la fin du XXe et du début du XXIe siècle. Rapportés à l'ensemble des membres du Comité d'aide au développement de l'OCDE, les

résultats de cette étude laissent entendre que le revenu des ONG s'élèverait au total à près de 16 milliards de dollars, soit trois fois le montant estimé par des organisations telles que la Banque mondiale. Selon les pays, les fonds publics peuvent représenter jusqu'à la moitié de ce revenu, ce qui signifie que les ONG sont devenues des partenaires incontournables des pouvoirs publics dans le domaine du développement.

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

The International Forum on Globalization (IFG) is an alliance of sixty leading activists, scholars, economists, researchers and writers formed to stimulate new thinking, joint activity, and public education in response to economic globalization.

Representing over 60 organizations in 25 countries, the International Forum on Globalization associates come together out of a shared concern that the world's corporate and political leadership is undertaking a restructuring of global politics and economics that may prove as historically significant as any event since the Industrial Revolution. This restructuring is happening at tremendous speed, with little public disclosure of the profound consequences affecting democracy, human welfare, local economies, and the natural world.

*New address, phone and fax:
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1062 Fort Cronkhite
Sausalito, CA 94965
tel: (415) 229-9350
Fax: 415229-93-40
Email: ifg@ifg.org*

On Thursday, 26 October 2000, the Conference of Presidents, has charged a group of Members of the European Parliament, including MEP Erika Mann, to develop proposals for a parliamentary dimension within the WTO. Other members of the group include Renzo Imbeni, Konrad Karl Schwaiger, Carlos Westendorp y Cabeza and Jan-Kees Wiebenga.

At the Ministerial Conference of the WTO in Seattle in December of last year the delega-

tion of the European Parliament (EP) took the initiative to create a parliamentary standing body. This proposal was adopted unanimously by the parliamentarians of the WTO Members present in Seattle, and in a resolution of 14 December 1999, the EP reiterated its delegations proposal. The initiatives objective is to ensure greater democratic accountability and transparency in the WTO.

The EP envisages to hold a preparatory meeting of parliamentarians in Brussels to exchange views on the matter. Eventually, according to the EP's ideas, the parliamentary assembly would be based in Geneva, where the seat of the World Trade Organisation is located.

(Press release, 2710.00)

Further information concerning this issue is available in Erika Mann's office in Brussels.

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