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Q: Do International NGOs Have Too Much Power?

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NGOs can claim excessive power depending on *what kind of* power they exercise, or hope to exercise, *where* that power is supposed to come from and in what *capacity* they seek to use their power.

The Nobel Peace Prize Committee, in awarding the 1997 prize to Jody Williams and the International Committee to Ban Landmines, put forth the proposition that NGOs are full fledged members of international society, alongside states and public international organizations:

[P]ublic opinion must be formed and directed by the active involvement of individual members . . . in society's manifold organizations or associations. These are the fundamental institutional elements of what we have learned to know as a civil society. . . . [I]n the extensive cooperation . . . between . . . non-governmental organizations, . . . national governments, and the international political system . . . we may be seeing the outline of . . . a global civil society.¹

When international NGOs claim power and authority to join with international organizations such as the UN on the grounds that they represent what the UN Charter calls the “peoples of the world” and claim authority to act on their behalf, then indeed they have too much power – or, at least, they claim power on the basis of a false premise.

If, on the other hand, they simply seek successfully to lobby international organizations and governments speaking for themselves and not claiming to speak for anyone else, and if they make their advocacy claims based on accurate and demonstrated evidence of expertise and competence at what they do, then they merit close attention by actual decision-makers in governments and international organizations. It depends on what NGOs claim as the reason why anyone should listen to them, and on whether they claim that their point of view should prevail simply because they are NGOs and somehow “represent” the peoples of the world – whether the peoples of the world know it or not. NGOs that are competent, expert, and knowledgeable in the way that good advocates should be merit the not-insubstantial power that goes along with powerful advocacy – not as a matter of right, but as a matter of persuasiveness.

***From ‘International NGOs’ to ‘Global Civil Society’ via
the International Campaign to Ban Landmines***

With the end of the Cold War and the fall of the Soviet empire in 1989, the weight of bi-polar superpower struggle ended. A broad but loose American hegemony guaranteed the security of the world's industrialized democracies. NATO and the fall of the Soviet Union and the Warsaw Pact meant that the United States had no external state enemies to speak of. Saddam's 1990 invasion and annexation of Kuwait, leading to the First Gulf War, raised hopes among many "liberal internationalists" that a new era could be ushered in – an era in which international law and institutions such as the UN could create "global governance" that would overcome the anarchy of states and their power struggles with some form, however loose, of binding law over states.

What do these geopolitical shifts among nation-states have to do with international NGOs? The end of the Cold War persuaded many NGOs, particularly in areas of human rights, the environment and the women's movement, that the moment had come for NGOs to claim their rightful part in globalization – and go global. This meant either or both of two things: first, expanding activities, membership, organizational structures across borders, so as to be genuinely cross-border organizations. Second, Western and Northern-based NGOs that, during the Cold War, had not seen much point in engaging with the UN during the frozen decades of bi-polar superpower struggle came to see the UN as a fruitful, indeed *rightful* place to lobby, advocate, and organize.

Throughout the 1990s, international NGOs were taking part in, or else learning lessons from, the transformative experience of NGOs of the early 1990s. The most transformative of these was the international campaign to ban anti-personnel landmines, which got underway initially as a grave concern of the ICRC in the 1980s as it saw firsthand the humanitarian damage of landmines, mostly in civil wars. The campaign took shape in the early 1990s as a loose coalition of leading international NGOs that crossed disciplinary lines – human rights, humanitarianism, medical relief, development, and others – and which came together as the network of the International Campaign to Ban Landmines (ICBL) and which, along with its director, Jody Williams, won the 1997 Nobel Peace Prize for the achievement of a comprehensive ban treaty, the Ottawa Convention, which has attained wide ratification by states worldwide

The landmines ban campaign contains many lessons for international NGOs, but the one that concerns us here is perhaps the most abstract and politically most ambitious. It is the idea that international NGOs can be understood as more than simply skillful lobbyists and advocates for causes which concern their organizations and memberships. Instead, they can be understood as advocating on behalf of the citizens of the world. Moreover, that international NGOs should be understood in the international community as a force for 'democratizing' international politics by breaking down the state-centric nature of the international system and its core assumption that states only deal with one another and the international organizations that states themselves create, such as the UN, and not with individual people or NGOs or citizens groups.

The landmines ban campaign, among many other things, challenged that state-centric model and asserted that the international system would henceforth have to deal, if not

precisely with individuals, then with organizations that would advocate their interests before international bodies. International NGOs were to be understood as advocating on behalf of individuals and populations directly, rather than states advocating on behalf of their citizens. Hence, in virtue of this representation directly to international bodies, international NGOs must therefore have a seat at the same table as states and international organizations in making decisions, creating treaties and setting standards in things ranging from human rights to international development to the content of international law. The ban campaign had secured a place for NGOs alongside of states in negotiating the Ottawa Convention – since the ICBL had been responsible for bringing it about, it would have been unseemly, churlish even, for the negotiating meetings of states to keep out the main promoter – and this was taken to establish a new precedent of international NGO participation to speak on behalf of the world's peoples. No longer a claim merely to advise or advocate or lobby on the basis of an organization's expertise and competence in a particular area, the new claim was a breathtakingly sweeping one. It was no less than a claim for a seat at the table of global governance for international NGOs on the basis of *speaking for* the 'peoples of the world' – representation, in a word: international NGOs, rather than governments, would speak for 'people'.

The final version of the idea that emerged during the 80s and 90s was that civil society was the space of social and political activity that was neither part of the state, nor part of the market. It was the space of social life, sometimes political and sometimes not, where human beings lived social lives that were ordered – and ordered about – by neither the state nor the market. These social spaces made possible organized, civilized politics in a liberal sense because they allowed a space for organizing, for discussion, for mediation of social and political claims, outside of the impositions of state authority but also outside of the economic inequalities and hierarchies imposed by the market.

However, critical concerns about the role of civil society in domestic societies were raised. The proposition that international NGOs should be conceived as global civil society was, therefore, a double assertion. First, it was the claim that global civil society, analogous to domestic civil society, served as the organized response of citizens across the globe, as intermediaries on behalf of the world's peoples, and as representatives for their sakes. But then, naturally – the organized response to whom, as intermediaries before whom, and representatives to whom?

Second global civil society was claimed to act in those roles both 'in front of' and 'in partnership with' international organizations like the UN. Regarding states, on the other hand, the relationship was always one of equality, as equal pretenders in addressing issues, on the one hand, and in addressing international organizations of global governance, on the other. Global civil society might work with states in "partnership," as representatives of the people of the world, or it might work against them, insofar as global civil society believed that states, or particular states, were not representing the interests of the world's peoples.

Theorists of global civil society took various positions on the exact relationships among global civil society, states, international organizations, and the 'international community'

generally. But the core point was that global civil society saw itself as at least as legitimate, if not more so, in proclaiming, advocating, and insisting that it was right in its representation and intermediation on behalf of the peoples of the world, as the states that otherwise purported to represent them. And if international organizations – like the UN – wanted to have the legitimacy of a genuinely global constituency, they too would have to accept partnership with global civil society.

What's Wrong with the Conventional Account of Global Civil Society?

Given the undeniable attractions of greater transparency and visibility in the making of global policy, whether by states together or through the UN, what could possibly be wrong with this intellectual and ideological ratcheting up, in effect, of international NGOs from mere observers, advocates, and advisors to the status of representatives? What's not to like?

The most obvious problems are with the claims, made with greater and greater extravagance throughout the later 1990s, of the special status of global civil society to serve as representatives and intermediaries. David Rieff put the blunt question in a sharp intellectual challenge in 1999. “So who elected the NGOs?” he asked.ⁱⁱ It was a question that increasing numbers of previously sympathetic observers began to ask following the anti-globalization riots in Seattle in December 1999, when violent protests succeeded in shutting down meetings of the World Trade Organization. The Seattle 1999 riots were largely forgotten as the terrorist attacks of September 11th, 2001 and the Iraq and Afghanistan wars took over the central attention of global elites, but they inaugurated a wave of skepticism about the inflation of ideological claims by international NGOs that still echoes today. The riots, and the fact that so many supposedly “respectable” NGOs that were considered to be desirable interlocutors of institutions such as the World Bank and the UN stood aside from criticizing the violence in the streets, caused what might be called the “responsible global business community” to question their support and to wonder aloud who indeed, and how many people, these organizations actually represented. Influential global establishment voices such as the Economist magazine or the Financial Times had been favorable throughout the 90s to the landmines ban campaign. Indeed, they had been favorable generally to the role played by NGOs and had, in effect, endorsed the idea that a maturing global capital system would have global civil society – which is to say, they had accepted uncritically the idea that global civil society really was the analogue of civil society in a domestic democratic society. Following Seattle, they began sharply to question the issue of representativeness.

Fareed Zakaria, then managing editor of Foreign Affairs (to take a representative sample of the skepticism), contacted ten NGOs after the Seattle riots and found that “most consisted of ‘three people and a fax’.” He expressed the concern, widely echoed among global elites outside of the NGOs and anti-globalization community, that the “rich world will listen too much to the loud minority” of First World activists and “neglect the fears of the silent majority” in the developing world who would benefit from activities not considered virtuous by the elites of the developed world.ⁱⁱⁱ The Economist ran a series of stories with titles such as “NGOs: Sins of the Secular Missionaries” and

“Citizens Groups: The non-governmental order: Will NGOs democratize, or merely disrupt, global governance?”^{iv} These were not observers opposed ideologically to the idea of either international NGOs or global governance, but the claims of representativeness suddenly, after Seattle, appeared to be as dangerous as they were unfounded. Journalist Sebastian Mallaby, in a famous – or infamous – article in *Foreign Policy* and later a section of his book on the World Bank, recounted going to an NGO in Uganda that had been widely touted by an American NGO based in Berkeley, the International Rivers Network, as representing local opposition to a dam that would otherwise bring electricity to a vast number of people: he went to the Uganda offices and discovered, looking at the inscription record, that the NGO had a total of twenty five members.^v

Do NGOs wield too much power when they inflate themselves into global civil society, representing supposedly vast populations with which, in fact, they have no real contact at all? Yes. The claim of representation really amounts to a claim of being the legitimate intermediaries for all these people, which in turn really amounts to a claim of knowing what they want and what is best for them. One is entitled to be skeptical of the power that NGOs claim. Can one really set aside their governments so easily, and set off the complex tradeoffs that governments – even ones that are not especially transparent or democratic – have to make in governing? It is one thing to criticize these governments for not representing their peoples democratically - and fair enough. But the gap between saying that international NGOs and their judgments should substitute for those governments and *their* judgments is immense, even if you accept the limited or minimal democratic legitimacy of those governments. Whatever one might correctly think about those governments, thinking about NGOs and legitimacy is another matter entirely.

The claims to representativeness and intermediation are thus gravely suspect, and to the extent that international NGOs rely upon them – rely upon them and so characterize themselves as global civil society – they exercise, or seek to exercise, too much power. Or, more precisely, they seek to exercise power from a source to which international NGOs are not legitimately entitled. And the path of NGOs today has been one of carefully hedged retreat, at least in public, from these claims of representativeness. Thus, for example, the head of Greenpeace UK, Peter Melchett, stated in an interview not long after the Seattle riots what might seem to be the obvious view:

“Democratic governments are elected and have democratic legitimacy. Other organizations, such as Greenpeace, The Spectator and the Guardian, do not. We have the legitimacy of our market of who buys us or supports us. I don’t claim any greater legitimacy than that, nor do I want it.”^{vi}

The self-abnegation and self-effacement are admirable – if only one could quite believe it. Because the general experience of negotiations, discussions, drafting sessions, etc., at international organizations such as the UN, the World Bank, the IMF, the WTO, and so on, is that global civil society does indeed expect to be invited in and have a seat at the table. It really does believe that it is in partnership, or at least ought to be. This is what it learned from the landmines campaign, after all. The UN Charter recognizes a certain

advisory and expert role for NGOs, but what is sought and claimed here goes far beyond that. To claim a role not merely as an advocate representing one's own organizational point of view, buttressed by expertise respected by others but perhaps not, is really only possible if NGOs believe, and expect others to believe, that they cannot be kept out of these processes because they really *are*, even after all the skepticism, still 'representative' of the peoples of the world in a way that no one and nothing else is: not international organizations, and certainly not states, not even democratic ones.

Moreover – and this is a point not sufficiently acknowledged in the debate – to the extent that an NGO is granted access and status and legitimacy in virtue of being 'representative' of someone or something, its actual expertise, competence, and accomplishment become correspondingly less relevant. The right of access is on account of the claim of representation, not on the claim of relevant expertise. It dangerously undercuts the idea that NGOs ought to know whereof they speak – and, because it empowers the incompetent equally as the competent, makes it more difficult for the objectively and genuinely competent NGOs to make their voices heard.

Yes, Too Powerful If ...

Expertise and competence are not everything. In democratic societies, we elect people who might indeed lack expertise and competence; consent of the governed, including in those who rule them, wisely or unwisely, belongs to those same governed. Nor, for that matter, would most of us want to be governed by technical experts alone; too many of the questions that make up a politics cannot be settled on technical grounds alone, but involve inevitably questions of values.

The problem is that even if governments lack all the legitimacy one might want, even if they lack democratic legitimacy that is very, very far from a justified argument that therefore global civil society can take over for them. Likewise with international organizations that lack any real basis in democratic legitimacy. Expertise and competence is not enough to get international NGOs the kind of authority within the international system that they plainly believe – still believe – they merit.

In that sense – the sense of what international NGOs want in their self-proclaimed role as global civil society – if given the opportunity NGOs will wield too much power, because that is the power they believe they merit. Eventually the role of faux-representativeness undermines such competence and expertise as the NGOs have, because over the long term their incentives are changed. Yet this cannot be good for them or for those whom, without claiming to represent them in the world, at their best they can and should serve. The unpleasant burden upon states and international organizations, therefore, is to tell the international NGOs 'no' when they overreach from claims of expertise to claims – however covert, however much concealed, however much at odds with public proclamations of NGO modesty – of representation of the peoples of the world. They do not represent them; they represent themselves, and their power ought to be tied strictly to that condition.

END

ⁱ Francis Sejersted, Nobel Prize Chairman, Presentation Speech for Nobel Laureates ICBL and Jody Williams (Dec. 10, 1997); this borrows Roger Alford's useful interpolation in his "The Nobel Effect: Nobel Peace Prize Laureates as International Norm Entrepreneurs," *Virginia Journal of International Law*, vol. 49, at 61, 147.

ⁱⁱ David Rieff, "The False Dawn of Civil Society," *The Nation*, [] 1999.

ⁱⁱⁱ Justin Marozzi, "Whose world is it, anyway?" *The Spectator* (London), August 5, 2000.

^{iv} *The Economist*, January 29, 2000; and December 11, 1999, respectively.

^v See Sebastian Mallaby, *The World's Banker: A Story of Failed States, Financial Crises, and the Wealth and Poverty of Nations* (NY: Penguin 2004), at 7-8. This incident has generated practically a whole industry in NGO responses, none of which I myself find very convincing. However, perhaps the best and most representative is that of the former director of *International Rivers*, [cite to her chapter at the end of that book I'm reviewing].

^{vi} Justin Marozzi, "Whose world is it, anyway?" *The Spectator* (London), August 5, 2000.