

SUMMARY

WORKSHOP ON CIVIL SOCIETY ENGAGEMENT IN NATIONAL AND GLOBAL GOVERNANCE

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CIVIL SOCIETY AT THE GLOBAL LEVEL

A discussion of the role of civil society in global governance must situate CSOs in an international state system, a system that resists non-state actors such as CSOs. The discussion must locate CSOs' position within the UN system. Many authors found a symbiosis between civil society and international institutions. At the national level, a CSO must be situated within state-society relations, recognizing that CSO interactions with political society creates a fluid positioning of a CSO between state and society. The papers presented in this section of the conference addressed some aspect of these topics.

Vesselin Popovski in his paper, "The Role of Civil Society in Global Governance," situates CSOs within a UN system that embodies four "United Nations": 1. the UN of member states in the main UN organs; 2. the UN secretariat in New York and UN Headquarters in Geneva, Vienna, Nairobi; 3. the UN duty stations in the field; 4. Civil Society as represented in UN Associations, the work of academics and other non-governmental actors. Popovski places CSOs within the UN system itself rather than view CSOs as actors trying to influence the UN system from the outside. This positioning within the UN system creates openings for CSOs to gain access to the international state system.

CSOs are valued because they expand the capacity of the UN and extend the reach of the UN into society as information channels to society, as mobilizers of societal support for the UN, and as implementers of UN projects in the field. These CSO roles help the UN with a major dilemma of governance which is moving beyond the declaratory stage of development projects, assisting in their implementation. CSOs assist in managing global problems, problems of governance created by globalization that national governments lack the capacity to respond to.

Discussion followed on whether there was a closing political space for civil society action at the global level, whether the global public space was narrowing or widening. Some participants felt the War on Terror had narrowed that space as it scrutinized all CSOs and disabled some of them, while others felt the space was widening with new initiatives. The group agreed that there were mixed experiences of both closing and opening up, both squeezing of CSOs at the same time new initiatives were emerging. The argument was made that UN must create a "global public space" for CSOs to assist in managing global problems.

The possibility of a narrowing global public space is related to an ongoing problem for CSOs: the lack of empowerment, both legal and financial, within the UN system and within the international state system. One suggestion was that a forum for CSOs be created, a People's Assembly for civil society representation, that would be similar to the General Assembly and parallel to it. This would help formalize the role of CSOs in the UN system and in the international state system.

William Ascher in "International Norm-Setting by Civil Society Organizations," argues that CSOs create a role for themselves in global governance when they engage in norm-setting for the international state system, creating norms that are adopted by nation states. He examined the symbiotic nature of relations between civil society organizations, national government, multilateral organizations, and markets. Empirical examples were provided in three case studies: Transparency International which creates anti-corruption standards; International Standards Organization for Standardization (ISO) which establishes norms for international safety and environmental standards; and Volunteers in Technical Assistance which creates norms of appropriate technology. Each of the case studies illustrates a different form of symbiosis.

Norm-setting is a process involving several functions of CSOs: the Intelligence function: providing performance metrics, performance standards, and technical designs; the Prescription function: endorsement of standards/designs; and the the Invocation function: determining which metrics/designs are applicable in particular cases. The reasons governments and international organizations adopt these norms are several: they reduce transaction costs and conflict among nation states, adoption gives them political credit for endorsing technical norms, and these norms reflect societal values.

Norm-setting is a role of governance that CSOs take on because governance has expanded beyond the domain of governments.

David Brown in "International Advocacy NGOs & Networks (IANGOs), Accountability and Global Governance," finds that CSOs access to global governance rests on their credibility, legitimacy and accountability. The bases of legitimacy were legal, normative, pragmatic/technical, political, associational, and cognitive.

The influence strategies used by CSOs influence what kind of governance architectures they create: a collaborative strategy of research and persuasion leads to an architecture based on support and networks, a confederation; an adversarial strategy of public pressure, litigation, and contestation leads to either a confederation or a federation.

CSOs that are IANGOs gain access to the international state system by means of influencing global debates that lead to institution creation. This is accomplished through a cycle of: Action > Arguments > Discourses that produce International Institutions.

John Clark in "The Role of Trans-national Civil Society in Promoting Transparency and Accountability in Global Governance," argues that CSOs provide information and

structures that enable citizens to engage with global institutions. To counter the effects of globalization, CSOs have learned to work trans-nationally, focused on issues of global governance. CSOs engage in four sets of activities that promote transparency: demystifying institutions of global governance, extending the reach of these institutions to affected citizens, reforming the information practices of these institutions, and encouraging these institutions to advocate for transparency. A symbiosis is emerging between civil society and global institutions in promoting transparency. CSOs are beginning to define a new agenda for managing globalization as ethical globalization.

Naresh Singh in "Legal Empowerment of the Poor: The Role of Civil Society," addressed the issue of how to manage the impact of globalization as it created enormous wealth while excluding the majority of the world's population from benefiting from that wealth. He postulated a process whereby we can move from global debates on poverty to creation of international institutions that legally empower the global poor. He delineated four pillars of legal empowerment: access to justice; access to assets; access to decent work; access to markets. Singh focused on relations within a nation, especially power relations, where power was concentrated or fragmented. Legal empowerment, access to justice and rule of law, emphasizing property rights, business rights, and labor rights, would change power relations within a nation.

Singh concluded that CSOs have a role in advancing the legal empowerment agenda. The creation of international institutions that legally empowered the poor would be felt at the national level. National CSOs needed to partner with international organizations. Transnational faith-based CSOs were well-suited for representing the poor.

Massimo Tommasoli in "Civil Society Engagement in Electoral and Parliamentary Process," focused on the role of international organizations and global civil society in democracy promotion at the national level. Tommasoli examined two different traditions that coexist in the field of democratic governance that have different interpretations of the role of civil society: one tradition rooted in development theory and the other tradition related to democracy advocacy. He found that recently there had been attempts at merging these two traditions.

Tommasoli found that financial support from international organizations for CSOs promoting democracy was too event-driven, too focused on elections, when there was a need for a continuous engagement with the electoral process. Foreign funding generated its own set of problems as foreign-funded CSOs were often viewed suspiciously as having constituents primarily outside the nation.

Summary of July 15

Deliberations during Day 2 highlighted that in spite of the struggle to exist in the diverse societies of the Asia-Pacific community Civil Society Organisations in the region have increased their presence and are growing in numbers in all countries in the region with over an estimated 3 million in China alone. Civil society was seen to be playing a vital and constructive role in laying foundations for greater democracy and inclusive governance in the Asia Pacific Community.

Discussions on the Rise of the Third Sector focused on the need to redefine and develop a related clearer conceptual structure and also debated the inclusion of political parties and public entities as part of this third group and the role of informal public spaces-bars, street corners, internet cafes, beauty parlours, carparks etc as alternate Third Places of democratic life.

Deliberations during country presentations drew attention to the need for transparency and accountability of the CSOs as a majority of CSOs (in some cases less than 1%) regularly submitted audited accounts or made public disclosures; establishing credibility among the public; capacity to produce reliable analysis; maintaining non-partisanship; and financial support and sustainability as critical issues for CSO engagement.

The direct impact of internal democratic norms of CSOs and their effectiveness was highlighted such as lawyers associations which held regular elections overcame their internal differences because of internal democratic practices. It was noted that high economic growth may not serve to foster democracy.

Accelerated governance reforms to strengthen CSOs position as key players in the governance process was highlighted especially their role in electoral and parliamentary process and in anti-corruption strategies.

Key Issues

Following key cross-cutting issues on civil society engagement in governance emerged during the day long discussions:

Role of CSOs

1. Civil Society Organisations are an integral part of the Governance Process.
2. Civil Society is a vibrant and key player in the democratic process in the countries in the region.
3. Civil Society is seen to mostly fill the gap where the State may not be able to provide such as education, health, etc.
4. Civil society is increasingly playing an influencing role and affecting public policy – ranging from an active to less active role.
5. CSOs are playing a watchdog role over the executive and are generally considered to be morally superior to the State.
6. Fate of Civil Society is linked to the fate of Democracy.

7. CSOs have a significant untapped potential for broadening and deepening democratic governance.

Focus of CSO Activities

8. Although Civil Society has a historical presence in most societies in the Asia Pacific countries of which many are former colonies, CSOs in the past have generally been active in welfare activities and in service delivery only more recently in the past decade or so have started playing a more proactive role in areas relating to governance issues. There is now a new breed of non-profits which identify their mission with the advocacy of good governance, sustainable development and local community development.

Legal Framework

9. Generally Civil Society is free to form associations in most countries in the Asia – Pacific community, in most countries there is a requirement to be legally registered though this may not be mandatory in many countries.

Relations with Government

10. Civil Society relations with the Government may not be easy and are sometimes confrontational. In some countries CSOs do partner with the Government and are supported by the State such as in China.
11. CSOs are mostly free of government monitor, although Government is suspicious and sometimes even hostile of advocacy functions of CSOs but not to CSO activities related to service delivery.

Structure/Capacity of CSOs

12. Non partisanship is crucial for establishing credibility of CSOs and this remains a crucial challenge for non-State actors.
13. Internal democratic structures of CSOs directly relate to the effectiveness of the CSOs .
14. Transparency and accountability of CSOs is very important for improved relevance, efficiency, effectiveness and impact and leading to greater democratic governance
15. Capacity of CSOs needs to be strengthened especially improving the quality of human resources.
16. Sustainability of CSOs is a key concern for the CSOs and needs to be addressed urgently.

Donor Support

17. Although donor support to non-state actors has increased in recent years most donors largely support government programmes and are not supporting civil society initiatives on a large scale.

Role of Media

18. Role of media in supporting CSO activity is becoming crucial in CSO activities.

The Way Forward

Following action points were outlined for the way forward:

1. Framing a common definition of CSOs to cover the diversity of non-State actors in the Asia -Pacific
2. Setting credible norms for civil society engagement in the democratization process including parliamentary performance, good governance, good political conduct, monitoring Parliament, political parties and the Executive, etc.
3. Identify common beliefs, standards, values and aspirations indispensable to a democratic society.
4. Enhance the credibility of CSOs to become a credible voice for functioning democracy that works for people.
5. Establishment of Asia-Pacific CSO Democratic Governance Networks for setting anti-corruption and democratic governance standards
6. Kicking off inter-governmental meeting for promoting Democratic Governance with leadership roles by like-minded countries.
7. Specific policy recommendations for Civil Society Engagement at each country level.
8. Develop robust strategies for empowering CSOs and promoting inclusive governance: enhancing participation of CSOs in decision-making processes.
9. Technical and financial support to CSOs engaged in democracy/governance programmes including enhancing fundraising skills for CSOs.
10. Develop Legislative protection of CSOs especially those working on human rights issues.

Summary of July 16

Working Group Discussion

The role of civil society in fostering good governance is changing and must be responsive to emerging challenges. This shift entails a change in agenda, and the challenges are difficult to address at the national level. Parallel to this, the papers for this workshop presented many hurdles in building up to a sense of global governance. To address these hurdles, as well as a being a worthwhile endeavor in its own right, there is a need to draw out the success stories as well as highlight the gaps and areas that need critical attention.

Upon reflection by the group, one particular challenge was highlighted. Global civil society promotes standards for which developing countries many times do not have the capacity. Global civil society is necessarily more concerned with global agenda and service delivery than more local concerns in developing countries.

Cooperative action between the sectors of the state, market, and civil society is an area of focus within global governance. This becomes one of the main exploratory tasks of the papers moving forward. Accordingly, does cooperative action become institutionalized action? Should a global people's assembly be constituted of regional people's assemblies?

It was noted that civil society should be viewed as it interrelates to global forces and global and local cultural forces, and not simply as a product of such forces. This is important because it is the interplay of global and local discourses that can ultimately impact policy debates. Building off of this need for a better understanding of some of the underlying dynamics was the suggestion that there needs to be a more nuanced conception of civil society in countries emerging from authoritarianism. This also relates to the larger debate over whether state penetration of civil society groups precludes them from being "authentic" civil society.

The group emphasized that parallel to the exploration and emphasis on cooperative action should be an emphasis on norm-setting. This raised the question, what are the dynamics of "global civil society" in that it appears to impact global norm-setting more than policy at the national level? Furthermore, what are the criteria for effective CSO action at the global and national scale? Given that democracy is a process of competing narratives and positions, does it call into the question the effectiveness of CSOs in asserting or supporting an agenda? Oxfam was proffered as an example of an organization that vastly underestimated the strength of other lobbying groups such that there was a need to restructure both the means and the time-frame with which they sought to impact policy. The campaigns to combat deforestation were offered as another example of the power dynamics and need for understanding policy leverage points. It was noted that the global campaign was more effective by having local actors focusing on impacting local government policy in their own regional context as opposed to simply targeting certain developing countries for norm-setting. These examples suggested the need to work in parallel at the global and the national level. However, a question was raised moving

forward, does the relative ease of norm-setting at the global level obscure the national challenges “on the ground”?

The link between the national and the global level is crucial for the realization of CSO's global action, as lessons from the establishment of global CSOs which have underestimated the challenges and national implications of global action have shown (ex. of Oxfam). In between the national and global level, the regional dimension could be a useful way to address the ‘nuanced’ approach to the context-related differences between CS in post-authoritarian settings and in other situations.

Finally, there were two questions offered to the group that may guide further research. The first was are there tensions given that CSOs may simultaneously implement national norm-setting while in turn impacting and shaping norm-setting? The second was why are certain global civil society groups effective at the global level while nationally focused groups may struggle with more local issues? The lessons gleaned therein may be very useful at both the practical level and the level of discourse.

The second discussion topic for the group centered on civil society and empowerment of the poor. This was a much more focused discussion as Naresh Singh took the opportunity as moderator to outline what he had drawn on the subject matter from the preceding two days.

He emphasized that the “business” of democracy (equity, justice, etc) is failing when compared to the governance thrust of wealth creation, as there is gross inequality. He then offered several questions to the group which he proceeded to briefly explore. How have CSOs addressed poverty alleviation? What have been the roles of civil society in relation to the poor (service delivery, human rights, rent flows, aid/debt reduction). How have CSOs addressed legal empowerment? What are the new modes of addressing legal empowerment? What are the pull factors or incentives to keep the poor in the formal economy?

He emphasized the need for a redistribution of policy space such that there are openings for the policy agenda of the poor. He also offered capacity building as a way to foster the work of civil society actors.

It was noted that the discussions of the day all hinged on power relations. Are they relatively easy to shift? What are the conditions such that power sharing becomes a “win-win”? Does the old adage hold that power does not change hands without violence? Due to the fact that these factors are so difficult to address, and in fact raise other issues, is that why poverty reduction has focused on less structural challenges?

One conceptual issue raised was the (inaccurate) treatment of civil society/social capital as value-neutral. Should/will the more negative undercurrents be explored in subsequent book chapters? The discussion then turned back to civil society and leverage points with which to affect positive change. It was offered that CS is too concerned with power

relations with the state when informal forms/sources of power may impact poverty reduction equally. Why then does CS tend to turn a blind eye to the more informal actors?

Is our understanding limited by focusing too much on the perspective of the poor as it relates to the means to affect change? The previously mentioned adage was turned on its head in that it was suggested that power can change hands without bloodshed. The creation of wealth may indirectly impact these power relations in a way that supersedes the need for violence. The case of Indonesia was offered and the promotion/education of the populace about human rights such that there was an awareness that there are alternatives to violence to achieve social change.

Finally, Mr. Singh closed the discussion by suggesting that ultimately, poverty reduction is about the identification of tools such that the poor can empower themselves.

David Brown took a different approach when moderating the discussion on the capacity and accountability of civil society. He tasked the group with addressing three main questions; what are important roles CSOs can play in governance? What capacities do CSOs need to carry out these roles? What are the accountability implications of these roles. He then guided group discussion by proffering examples in each instance. One agreed upon guideline was that participants would refrain from making small changes in the language of the suggestions of other participants such that the proceedings flowed more smoothly. Another guideline was that the group generated list would err on the side of inclusion even if suggestions did overlap. With this guidelines in mind the group generated lists are included in their entirety.

1. What are important roles CSOs can play in governance (local, national, global)? Please illustrate with an example.
 - Identify and publicize critical issues. Ex: Amnesty International identifies and mobilizes support for stopping human rights violations. This can include highlighting areas where there should be policy formation.
 - Challenge abuses of power. Ex: Pakistan Bar Association challenges President's dismissal of judges.
 - Build coalitions to formulate new policies. Ex: International Campaign to Ban Landmines assesses impacts of landmines and campaigns for ban and help for victims.
 - Monitor performance of governance commitments. Ex: Social Watch monitors government performance on social development policies.
 - Assist the government in terms of various functions (organizations such as PILDAT). Functions can include advice and service delivery.
 - Norm-setting

- As a communicatory intermediary between various bodies

2. What capacities do CSOs need to carry out these roles?

- Capacity for compelling analysis of complex issues and to educate the public/other bodies
- Ability to gain wide public visibility for analysis
- Willingness and ability to “speak truth to power”
- Build coalitions that can make powerful actors listen and act.
- Communication/mediator between bodies
- Information gathering/research
- Capacity to network and operationalize such networks
- Identify/Upscale best-practices. Documentation and analysis of practice (especially at the local level)
- The ability to “open” institutions or make them more inclusive
- Fundraising and other forms of self-management for sustainability

3. What are the accountability implications of these roles?

- Accountable to research and analysis standards of excellence
- Meet credibility expectations of media
- Provide realistic assessment of risks to members and allies
- Mutual accountability to coalition partners to meet performance promises
- Internal accountability especially with respect to accountability of the organization to the staff and to the “mission”
- Accountability certain “watchdog” organizations demand of other CSOs
- Accountability across scale such that national/global organizations are accountable to less powerful constituents or impacted populations
- Transparency as a means of increasing accountability to the public