Laying the Groundwork: Considerations for a Charter for the Proposed Civil Society Forum[1]

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Introduction:

In order to make the leap from idea to reality, one of the first tasks confronting the architects of the proposed new Civil Society Forum (CSF) will be to draft a charter that outlines the purpose and functions of the assembly. Although the charter does not necessarily have to be a complicated document, it will have to be comprehensive enough to include the following features: a mandate; criteria for determining the size and make-up of the membership; guidelines for funding; and, last but not least, a clear statement outlining the forum's place and role within the existing international system. Focusing on the categories listed above, the purpose of this concept paper is to explore some of the possible directions that organizers might pursue when drafting a charter, as well as some of the thorny political questions that might arise when determining its content and scope.

Fortunately, architects will not have to reinvent the wheel, as there are existing models to which they can turn for guidance. Perhaps the most notable is the 6 June 2006 International Non-Governmental Organizations' (NGOs') Accountability Charter (see Appendix).[2] An agreement between eleven of the world's pre-eminent NGOs in the fields of international human rights, the environment, and social development, for the purpose of creating the "first global accountability charter for the non-profit sector," the immediate aim of the document is to strengthen public confidence in these organizations. The Accountability Charter is both timely and innovative in design. It consists of broad statements concerning ethical behaviour, codes of conduct, and best practices, as well as

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[2] The NGOs that agreed to the Charter are ActionAid International, Amnesty International, CIVICUS World Alliance for Citizen Participation, Consumers International, Greenpeace International, Oxfam International, the International Save the Children Alliance, Survival International, International Federation Terre des Hommes, Transparency International and World YWCA. These NGOs have endorsed the first international, cross-sectoral code of conduct for NGOs. See Amnesty International Press Release, "NGOs lead by example: World's international NGOs endorse accountability charter", London, England, 6 June 2006. http://www.amnesty.ca/resource_centre/news/view.php?load=arcview&article=3504&c=Resource+Centre+News. Accessed 20 June 2006.

fairly detailed provisions about ethical fundraising and financial responsibility and accountability. The Charter is, at least in part, a product of a global environment in which there is a seemingly growing mistrust and disillusionment with state and non-state actors – actors who many believe are failing the public good. Moreover, the charter is a reflection of the larger contention that poor governance and corruption represent serious impediments to the fulfillment of human development and sustainability, the equitable protection of rule of law and human rights for all, and the overall health and well-being of democratic institutions.[3] Of course, none of the NGOs that agreed to the Accountability Charter is likely committing to anything that it was not already doing in practice. Even so, the Charter is an important affirmation of the values and principles that civil society organizations seek to uphold in the international governing system. After all, as Michael Ignatieff has noted, NGOs and civil society organizations (CSOs) are in the business of "moral entrepreneurship," their principal aim being to raise "the barrier of the morally permissible."[4] They have no credibility if they themselves choose not to practice what

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[3] In December 2003, the United Nations General Assembly adopted the UN Convention Against Corruption, the purposes of which are: "a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively; b) To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; c) To promote integrity, accountability and proper management of public affairs and public property."
    The impetus for the treaty can be found in the preamble, which states that Member States are: "*Concerned* about the seriousness of the problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law; *Concerned also* about the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering; *Concerned further* about the cases of corruption that involve vast quantities of assets, which may constitute a substantial proportion of the resources of States, and that threaten the political stability and sustainable development of those states." See UN Convention Against Corruption, Adopted on 31 October 2003 at the fifty eighth session of the General Assembly by resolution, A/RES/58/4.
    In its 2004 Annual Report, Transparency International reported that more than two-thirds of the nearly 150 countries it examined were perceived by "business people and country analysts" to have high levels of corruption, sixty of which had "rampant" levels of corruption. See Transparency International, *Annual Report*, (Berlin: Transparency International, 2004), p. 8.
[4] Michael Ignatieff, *The Lesser Evil: Political Ethics in an Age of Terror* (Princeton: Princeton University Press, 2004), p. 23.

they preach and open themselves up to the same level of scrutiny and transparency that they expect of public institutions.

For this reason, the Accountability Charter offers a useful beginning point for a discussion of the CSF. But it is just that: a beginning point. While the Accountability Charter performs a particular function for the organizations that have signed on to it, its applicability to a new CSF may depend, at least in part, on how stringent the architects want to make the criteria for inclusion. Setting the parameters for this new venue is an inherently political act, one that will ultimately determine both the legitimacy of the forum, and whether it is equally beneficial to the needs of international civil society as it is to those of states and international governmental organizations.

What's the Point? Setting the Mandate

At first glance, crafting a mandate for the CSF should not be a terribly big hurdle to surmount, again, depending on how specific the organizers want it to be. As mentioned above, the architects of this new forum will not have to start from scratch, but can instead look at the mission statements of existing NGO networks, such as the International Council on Voluntary Agencies (ICVA), InterAction and the World Alliance for Citizen Participation (CIVICUS), all of which could serve as a rough blueprint for the CSF.[5]

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[5] The ICVA's mission statement is: "The International Council of Voluntary Agencies (ICVA) is a non-profit global association of non-governmental organisations that works as a collective body, to promote, and advocate for, human rights and a humanitarian perspective in global debates and responses. The heart of the ICVA mission is to support NGOs to protect and assist people in need, to address the causes of their plight, and to act as a channel for translating patterns and trends into advocacy." See http://www.icva.ch/cgi-bin/browse.pl?doc=doc00000923. Accessed 4 August 2006.

Similarly, InterAction's mission states: "InterAction exists to enhance the effectiveness and professional capacities of its members engaged in international humanitarian efforts. InterAction seeks to foster partnership, collaboration and leadership among its members as they strive to achieve a world of self-reliance, justice and peace. To realize this mission, InterAction works to: Enhance the identity, autonomy, credibility and diverse perspectives of each member agency; provide a broadly based participatory forum for professional consultation, coordination and concerted action; foster the effectiveness and recognition of

On this question of crafting a mandate, the Accountability Charter may be particularly useful. One of the strengths of the document is that it captures the essence of the concept of a "non-governmental organization". The concept of what makes an NGO is captured both in the opening lines of the document under the heading "Who we are," and in the middle of text under the heading "Respect for Universal Principles." The international NGOs that have signed on to the Charter have defined themselves as a group of "independent non-profit organisations that work globally to advance human rights, sustainable development, environmental protection, humanitarian response and other public goods" whose activities have a global reach. Their legitimacy is based, in part, on both long-standing and politically neutral democratic norms – "universally-recognised freedoms of speech, assembly and association," as prescribed in the Universal Declaration of Human Rights, "on our contribution to democratic processes, and on the values we seek to promote," which include – as well as functional capabilities such as "the quality" of their work, and the importance upon which they place accountability to both their stakeholders and the public at large.[6] The attraction of this definition is its simplicity. Appealing only to the broadest of principles, it explains in a few clear, short sentences, what NGOs do, why they do what they do, and how they do what they do. Moreover, it is broad enough to accommodate organizations from a variety of different

the PVO community, both professionally and publicly; set a standard of the highest ethics in carrying out its mission." See http://www.interaction.org/about/mission.html. Accessed 4 August 2006.

Finally, CIVICUS's mission is: "CIVICUS is an international alliance dedicated to strengthening citizen action and civil society throughout the world." See http://www.civicus.org/new/default.asp. Accessed 4 August 2006.

[6] The stakeholders listed include: "Peoples, including future generations, whose rights we seek to protect and advance; Ecosystems, which cannot speak for or defend themselves; Our members and supporters; Our staff and volunteers; Organisations and individuals that contribute finance, goods or services; Partner organisations, both governmental and non-governmental, with whom we work; Regulatory bodies whose agreement is required for our establishment and operations; Those whose policies, programmes or behaviour we wish to influence; The media; and The general public."

sectors, which may help buffer the CSF from criticisms that it is engaging in "interest group politics."[7]

Still, it is not entirely clear whether a mandate of this nature would be appropriate for a larger NGO forum whose membership would consist of more than eleven of the largest international organizations. Any mandate or mission for the CSF will undoubtedly provide a degree of self-selection for the membership. Although the Accountability Charter spans a wide range of related but independent sectors, what unites the organizations that have signed onto it is an ideological like-mindedness. At a base level, all can be found on either the centre or left-of-centre of the political spectrum, the thread that links them being a common emphasis on social justice, human security and substantial state regulation aimed at engineering a progressive international system that favours morality over power. Indeed, their aims are quite explicit: "We seek to advance international and national laws that promote human rights, ecosystem protection, sustainable development and other public goods. Where such laws do not exist, are not fully implemented, or abused, we will highlight these issues for public debate and advocate appropriate remedial action."

Architects of the CSF will have to decide whether this will be a forum that can accommodate ideological diversity and still function effectively. Put more bluntly, they will have to determine whether the forum will be a "tent" that houses both the left and the right. The odds of this happening are unlikely. To be effective, the organization may have to take ideological stands on specific issues. This could prove divisive for a nascent organization, depending on the subject being debated. Examples of potential conflict are easy to imagine. If discussing global poverty and the current state of the international

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[7] See P.J. Simmons, "Learning to Live with NGOs," *Foreign Policy*, vol. 112 (Fall 1998), p. 83.

economic order, could such a forum accommodate the interests of development groups that are social democratic in orientation, favouring protectionist measures, greater labour and environmental standards, and more foreign aid with neo-liberal organizations that believe that the solution lies in more open trade, greater private investment and the wisdom of the marketplace? On the issue of the proliferation of small arms and light weapons and their effect on conflict situations, could such a venue accommodate both the views of civil libertarian organizations that see guns as a symbol of individual liberty, with those of groups that favour increased regulation of the international system through arms control and Disarmament, Demobilization and Reintegration (DDR) programs? In confronting the problem of HIV/AIDS, could the forum accommodate the views of groups that favour greater family planning programs versus those that preach abstinence? Potentially more problematic are the fissures that exist along North-South and East-West lines. For much of the latter half of the 20th century, human rights groups in the North and South disagreed on the question of whether poverty was a human rights issue, the former tending to see human rights through a political and civil rights lens while the latter viewed them in terms of economic and social rights.[8] Similarly, NGOs and CSOs in the West tend to be exporters of liberal norms whereas in the Islamic world many organizations exist in order to buffer against the incursion of these same values.[9]

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[8] For instance, only in August 2001 did Amnesty International expand its mandate to include a greater focus on economic and social rights; prior to this shift, the organization had focused its efforts almost exclusively on political and civil rights.
See also Henry J. Steiner, *Diverse Partners: Non-Governmental Organizations in the Human Rights Movement* (Cambridge, MA: Harvard Law School Human Rights Program; Ottawa, Ont.: Human Rights Internet, c1991), pp. 28-9.

[9] Quintan Wiktorowicz and Suha Taji Farouki have argued that Islamists use NGOs in order to "combat the intrusion of Western values and cultural codes." Quintan Wiktorowicz and Suha Taji Farouki, "Islamic NGOs and Muslim Politics: a case for Jordan," *Third World Quarterly*, vol. 21, no. 4 (2000), p. 685.
Similarly, Alan Fowler has noted that NGOs fulfill different functions in different societies, some of which are less than honourable. For example, in Russia, NGOs are often "seen as a cover for organized crime," whereas in places such as Pakistan and Bangladesh NGOs are often the principal drivers behind "fundamentalist causes." Similarly, for much of the latter half of the 20th century, many development NGOs

The point is that the list of potential philosophical conflicts within the CSF could be tremendous, so much so that, depending on the agenda and the organizations involved, any meeting could potentially be hindered by division, hijacking and even paralysis. As such, the mandate will likely have to be broad enough that it draws a wide range of civil society groups, yet specific enough that there is some common denominator between members so as to permit at least a degree of focus and even consensus.

Who's in and who's out? Determining the Size and Nature of the Membership

The CSF's legitimacy will depend, in part, on both the size and nature of the organizations seeking membership. There may be a temptation to favour the former over the latter, particularly if the purpose of this organization is to represent international civil society at various international fora. This may be a short-sighted approach. Networks with large memberships can claim representative legitimacy, but with expanded ranks come added organizational challenges, potential strains on efficiency and the possibility of relaxed standards. Unfortunately, the appropriate number of member organizations for the CSF is by no means obvious. Surely ten is far too small, yet one thousand is probably unwieldy. Somewhere in between lies a balance between representativeness and efficiency; finding that balance may prove challenging, depending on the level of support within international civil society for the CSF. For this reason, a case can be made that, at least initially, bigger is not better, that organizers should not sacrifice quality for quantity.

This is the approach taken with the Accountability Charter, a document that places a high value on best practices of good governance. The eleven organizations that have signed on to the Accountability Charter have all committed themselves to

in West were allies in the struggle to "win the Cold War." See Alan Fowler, "NGO Futures: Beyond Aid: NGDO Values and the Fourth Position," *Third World Quarterly*, vol. 21, no. 4 (2000), p. 592.

democratic forms of governance that include, among other things, elected decision-making bodies that have the authority to oversee executives and ensure that financial resources are used responsibly; clear procedures for selecting members to these bodies that include conflict of interest guidelines; and a periodic general meeting in which stakeholders select these officials.

For a variety of reasons, many NGOs and CSOs do not engage in these practices. Unfortunately, this has the undesired effect of feeding into the perception that civil society is largely unaccountable to the publics they purport to be serving. Canadian Ian Smillie, who has worked with Canadian University Students Overseas (CUSO) and Partnership Africa Canada (PAC), has rebuffed this criticism, suggesting that NGOs are in fact accountable to boards and members, the media, and beneficiaries, but concedes that NGOs' operations need to be more transparent.[10] Along this same vein, Jan Aart Scholte has argued that that many NGOs could do more to practice the democratic values that they claim to be promoting, that they "need to look inside, at their own operations, as well as outside".[11] And as Gordenker and Weiss have noted, being democratic is not a prerequisite to obtaining consultative status at the United Nations, a "standard" that has likely contributed considerably to not only the proliferation of NGOs and CSOs at the UN, but has also bolstered arguments against civil society inclusion in international fora.[12] Of course, operational mechanisms are not cheap; many NGOs simply cannot afford elaborate governance structures. The pitfall associated with insisting on high standards of accountability for members is that the CSF risks being an exclusive club of

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[10] Ian Smillie, "NGOs and Development Assistance: A Change in Mind-Set?" *Third World Quarterly*, vol. 18, no. 3 (1997), p. 575.
[11] Jan Aart Scholte, *Democratizing the Global Economy*, (Warwick: Centre for the Study of Globalisation and Regionalisation, University of Warwick, June 2004), p. 64.
[12] Thomas G. Weiss and Leon Gordenker, "Devolving Responsibilities: a framework for analysing NGOs and services", *Third World Quarterly*, vol. 18, no. 3 (1997), p. 451.

the richest NGOs, a prospect that will undoubtedly foster a legitimacy deficit. Again,

organizers will have to decide whether including criteria for members' governance

structures is ultimately in the best interests of the forum.

Who will Pay for the CSF? Sources of Funding

The issue of who will pay for the CSF is a potentially tricky one, as the source of funding

(as well as the amount the forum receives or is able to generate) will undoubtedly have a

considerable impact on its effectiveness and autonomy. The vast majority of NGOs and

CSOs receive at least a portion of their funding from governments in order to survive;

indeed, many are so completely dependent on state funding that they would cease to

operate without it.[13] The architects of the CSF will need to give a great deal of

consideration to potential sources of revenue that are available to this venue. Their

challenge will be to adopt policies that allow the CSF to raise sufficient resources that

permit it to conduct its advocacy in a timely manner, while simultaneously ensuring that

the venue's independence is not compromised by any money that it receives.

True independence can only occur if the CSF has complete control of its finances.

Another common bond between the groups that have signed on to the Accountability

Charter is that all have agreed to raise funds without assistance from states. But this

commitment to independence is not the norm; rather, it is a luxury that is generally

reserved for only the largest, most well-established international NGOs with extensive

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[13] For example, in the case of civil society organizations in Canada, Les Pal has revealed that, in the 1980s and 1990s, many of the "equality-seeking groups" – again, women's, ethnic and language groups – received the bulk of their funding from the Canadian government through the Department of Secretary of State of Canada, a department that was established in order to fund groups whose mandates were consistent with the federal government's ambitions to foster within the Canadian psyche support for federalism and national unity based on a sense of common citizenship. Many of these groups, most of which were on the left of the political spectrum and were highly critical of Canadian state practices, could not have survived without the federal funds. Leslie A. Pal, *Interests of State: The Politics of Language, Multiculturalism, and Feminism in Canada* (Montreal & Kingston: McGill-Queen's University Press, 1993).

and elaborate fund-raising departments and strategies. A common charge against NGOs and CSOs that receive public sector funding is that their ability to criticize state policy is tempered by their dependence on the state. Stated another way, these groups must be careful not to bite the hand that feeds them. The same would hold true for the CSF. If the CSF's funding comes from states, then the possibility exists that the forum's executive might choose to exercise restraint when given the opportunity to criticize state practices for fear that future funding will be withheld. Similarly, if the CSF is overly critical of state practices, governments may question why they are supporting such a venue in the first place.

Ideally, it would be the CSF's member organizations that would pay for the infrastructure and overhead costs involved in running such a venue. But is this feasible? The costs involved in operating such an organization could be upwards of several millions of dollars per year. As non-profit entities, finding extra funds might be difficult for some NGOs and CSOs (particularly those in the South), and may even have the undesired effect of limiting both the number of organizations that are able to participate and the CSF's ability to perform its duties. Consequently, some sort of state funding may be necessary, despite the potential drawbacks.

Will it have a Seat at the Table? Determining the CSF's Relationship to Existing Institutions

The standing that the CSF will have with international organizations will go a long way toward determining whether the forum is ultimately successful. The intent is that the CSF will relieve some of the strains within the international system while still allowing international civil society to do what it does best, namely shape agendas, influence

normative discourse, modify the behaviour of states, act as catalysts for accountability and transparency, give voice to the voiceless, and confer legitimacy on policy directives which in turn civil society helps to implement.[14] However, determining its place in relation to other entities will not be easy.

Most of all, NGOs and CSOs cannot be co-opted through this forum. In the context of the United Nations, Tom Weiss and Leon Gordenker have argued that NGOs that work with the UN often wind up being associated with decisions that are highly politicized.[15] To work, CSF participation at an international gathering cannot be seen as an endorsement – implicit or explicit – of state or IGO policies and practices. Rather, the CSF must be permitted to retain the space and flexibility to divorce itself from any outcomes with which it disagrees. Again, one solution might be to adopt the language found in the Accountability Charter, which indicates that these groups seek to "complement", not "replace" states and international organizations by raising "problems and issues that governments and others are unable or unwilling to address on their own," using "constructive challenge" to "promote good governance and foster progress towards [their] goals." The key phrases here are "complement" and "constructive challenge." If NGOs and CSOs believe the CSF provides them the opportunity to enhance governance in a positive and productive manner while allowing them to retain their independence, then the forum will likely stand a good chance of being accepted.

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[14] See Margaret Keck and Kathryn Sikkink, *Activists Without Borders* (Ithaca and London: Cornell University Press, 1998), p. 25; Peter Willetts, "From 'Consultative Arrangements' to 'Partnerships': The Changing Status of NGOs in Diplomacy at the United Nations," *Global Governance*, vol. 6 (2000), pp. 191-212. See also, Kofi Annan, "The Quiet Revolution", *Global Governance*, vol. 4 (1998), pp. 123-138; and Vikram K. Chand, "Democratization from the outside in: NGO and international efforts to promote open elections", *Third World Quarterly*, vol. 18, no. 3 (1997), pp. 543-561; and Tim Draimin and Betty Plewes, "Civil Society and the Democratization of Foreign Policy," *Democracy and Foreign Policy: Canada Among Nations 1995*, Maxwell A. Cameron & Maureen Appel Molot (eds.), (Ottawa, Carleton University Press, 1995), pp. 63-82.
[15] Leon Gordenker and Thomas G. Weiss, "Devolving Responsibilities: a framework for analyzing NGOs and services," *Third World Quarterly*, vol. 18, no. 3 (1997), p. 447.

Conclusion: For Whose Benefit?

Above all, for the CSF to get off the ground, NGOs and CSOs must buy in to the idea. For this to happen, it must be a true partnership amongst actors. The principal beneficiaries cannot be states and international organizations alone. While NGOs and CSOs have complicated the international system, issues of capacity are insufficient grounds for creating a forum whose purpose is to channel NGO and civil society voices. Governing is by its very nature difficult, particularly when done through democratic structures. Complexity should be seen not as a detriment, but rather as a sign of vibrancy within the international system. While efforts should be made to make the system more efficient, it is worth noting that it is not the responsibility of NGOs and CSOs to make the jobs of states and IGOs any easier.

Unless there is a tangible value-added for the groups involved, the forum will be a bust. To be effective, it must augment the work existing groups are already doing. It cannot be a forum for paralysis caused by exploiting divisions within civil society. Nor can it be a forum for co-opting civil society in which their presence is needed to bestow legitimacy on a particular meeting or gathering. Last, the forum cannot be a tool for censoring civil society voices. While the idea of a CSF that would house and facilitate a great number of NGOs and CSOs while simultaneously relieving IGOs of the added encumbrances that have come with being more inclusive is appealing – and possibly quite innovative – it will only work well if it seen as a constructive and complementary entity.