

4-7-2001

The United Nations and Civil Society

Jayantha Dhanapala

Follow this and additional works at: <http://scholar.law.colorado.edu/cartography-of-governance-environmental-ngos>

 Part of the [Agency Commons](#), [Environmental Health and Protection Commons](#), [Environmental Law Commons](#), [Environmental Monitoring Commons](#), [Environmental Policy Commons](#), [Human Rights Law Commons](#), [International Law Commons](#), [Law and Society Commons](#), and the [Partnerships Commons](#)

Citation Information

Dhanapala, Jayantha, "The United Nations and Civil Society" (2001). *A Cartography of Governance: Exploring the Province of Environmental NGOs (April 7-8)*.

<http://scholar.law.colorado.edu/cartography-of-governance-environmental-ngos/3>



William A. Wise Law Library
COLORADO **LAW**
UNIVERSITY OF COLORADO **BOULDER**



Getches-Wilkinson Center Collection

Jayantha Dhanapala, *The United Nations and Civil Society, in THE CARTOGRAPHY OF GOVERNANCE: EXPLORING THE ROLE OF ENVIRONMENTAL NGOS* (Colo. J. Int'l Envtl. L. & Pol'y, Univ. of Colo. Sch. of Law 2001).

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.

The United Nations and Civil Society

By

Jayantha Dhanapala
Under-Secretary-General for Disarmament Affairs

United Nations
New York, New York 10017



Rotary International
Kandy, Sri Lanka
22 January 2000

Introduction

Speaking last month in Seattle, UN Secretary-General Kofi Annan expressed his admiration for the work of Rotary International as an organization of business and professional leaders united worldwide. He noted that you are represented in 192 countries -- more than the UN itself -- and that Rotary clubs had contributed more than \$400 million to the World Health Organization's efforts to eliminate polio. Clearly, Rotary International has left its mark and the world is a better place as a result. To a large extent, you offer a model of what civil society can accomplish for the collective good in the world today. In Sri Lanka, Rotary's record over a 70-year period as a community service organization has been unquestionably impressive in providing humanitarian service and encouraging ethical standards in all vocations.

The Growth of Civil Society

Yet it would nonetheless be somewhat unfair to single out only one organization for praise given the multitude of other groups and individuals that collectively comprise civil society. The 1999 issue of the *Yearbook of International Organizations*, published by the Union of International Associations, contains profiles on 24,326 international NGOs.

In his July 1998 report to the General Assembly on the role of non-governmental organizations in the UN system -- where he again singled out Rotary International for praise -- the Secretary-General also noted the exponential growth in relations between NGOs and the UN. In 1948, only 41 NGOs were granted consultative status by the Economic and Social Council, as

authorized under Article 71 of the Charter. Today, over 1,600 groups have this status. A similar number of such groups are associated with the UN's Department for Public Information, representing an 800 percent increase since 1968.

The same report, however, noted that only 251 of the groups associated with DPI in 1998 were based in developing countries -- a striking imbalance. As striking as the fact that the poorest 20 percent in this world share one percent of the global Gross Domestic Product (GDP) while the richest 20 percent have 86 percent of the global GDP. As striking as the statistic that the poorest 20 percent receive one percent of Foreign Direct Investment (FDI) while the richest 20 percent attract 68 percent of FDI. And according to the UN Development Programme's *Human Development Report* for 1998, "The assets of the top three billionaires are more than the combined GNP of all least developed countries and their 600 million people."

Such numbers, especially when considered in the light of growing international unrest over some of the social and economic effects of that modern phenomenon called "globalization," have led to some vocal criticisms about the very concept of "civil society" and its role in fostering international peace and development. Some critics see the term as an undesirable foreign import from western political theory or the politics and economic life of developed countries, especially since many civil society groups in the South are financed by their counterparts in the North and are perceived as promoting a Northern agenda. Some critics even within developed countries have attacked the civil society concept as a creation of ideologues who are more interested in reducing big government and cutting taxes in the name of self-reliance, than in genuinely promoting public participation in the democratic process of government.

Ironically, given that many observers have traced the very concept of civil society back to the United States, political scientists and sociologists in that country have been writing recently about a noticeable decline in associational tendencies in contemporary American culture and politics -- quite apart from the possible atomising of society through the cyber-revolution!

In 1996, Harvard political scientist Robert Putnam wrote a provocative article entitled, "Bowling Alone," where he demonstrated statistically the extent to which American citizens have in fact been abandoning a wide variety of community associations -- like parent/teacher organizations, bowling leagues, choirs, trade unions, women's groups, and volunteer community service groups. At the same time, he noted a decline in interest in participating in the political process, as registered in attendance at political meetings, service on local committees, or work for a political party, declining trends in voter turnouts, and in data indicating a decline in trust in government. Only 49 percent of US citizens of voting age, for example, voted in the presidential election in 1996 -- far below the 75 percent voter turnout in last year's presidential elections in Sri Lanka.

Such patterns are not, of course, unique to the United States, and it is worthwhile noting that to whatever extent trust in government may be falling, there does not appear to be any commensurate rise in calls for society to be governed by NGOs or any other alternative to nationally-elected governments. In this sense, NGOs in civil society are best viewed not as threats to the legitimacy of governments but as actual and potential partners in assisting governments and international organizations to achieve public goals. Civil society can function as a repository of a nation's values and conscience, and help in the often difficult process of reconciling the concrete benefits of modernization with the soul of traditional community values, symbolized by the "Lexus and Olive Tree" of Thomas Friedman's recent book. When groups in civil society pursue goals that benefit the long-term interests of the community at large, rather than only their own particular interests, this partnership has enormous potential both to improve the stability and effectiveness of democracies and

to serve the aims of international organizations like the UN.

Thus when the UN Secretary-General speaks of such concepts as “global people-power” and describes civil society as having become “the new superpower” he is only reminding us all that the people remain the ultimate sovereign in all public life. Critics and proponents alike of civil society can agree on one point, which is that civil society is a concept that is here to stay.

The Concept of Civil Society

In its broadest sense, “civil society” represents a domain of human activity set apart from the official affairs of the state. Its members seek neither personal power nor profit, but effective participation in shaping the communal and associational life of humanity at national or international levels. The term therefore encompasses activities of both individuals and a multitude of NGOs and other civic groups -- including clubs, professional associations, interest groups, ethnic and cultural associations, religious organizations, and many others.

The term did not in fact originate in the United States and the broader concept is probably as old as political life itself. Some early sense of the term can be found in the writings of the master theorist of *realpolitik* in ancient India, Kautilya, who understood well the need of rulers for popular support. It is also implicit in the work of the 14th century Islamic historian, Ibn Khaldun, whose famous *Muqaddimah* explored the dynamics of group relationships and the various social and environmental forces shaping the rise and fall of human civilizations. The world order of traditional societies was predicated on a popular mandate as much as a mandate from heaven. This was as true for Confucian China as for Elizabethan England. Cultural anthropologists who have studied kinship networks and community-based organizations around the world easily recognize that the term is not an ethnocentric export from one geographic region but a concept of global scope and potential appeal. In the teachings of the Buddha, the “Ten Duties of the King” (*Dasa-rajadhamma*) include *Avirodha* requiring the King to rule in harmony with his people.

It should come as no surprise that a term like “civil society” should be used as a slogan for a variety of political purposes. The term was used after the French Revolution as part of the efforts of Hegel and other political theorists of his time to come to grips with the relationship between society and the state. After World War II the term once again grew in popularity, as social scientists and national leaders sought to identify the preconditions for the growth of democracy -- civil society became, in a sense, the antidote for autocracy. The term has also undergone somewhat of a renaissance after the end of the Cold War, as political leaders have increasingly used the term to promote democracy and human rights internationally.

Mahatma Gandhi’s civil disobedience (*Satyagraha*) against the British Raj in India and the people’s power that toppled the Marcos regime in the Phillipines were examples of civil society acting collectively for a political cause. They were efforts to change unjust laws and bad governance without actually rejecting the rule of law. A quintessential aspect of such civil society action was their non-violent character.

Not all groups in society, of course, are focused on serving the broader public good. There is, first of all, a collection of individuals and organized groups in society that perversely engage in drug trafficking, the exploitation of children, the conduct of ethnic cleansing, and the proliferation of deadly arms. Secretary-General Kofi Annan has called them elements of “uncivil society” and has cited them as part of the negative aspects of the broader process of globalization with which every

country must cope. Other groups seek less to advance the common good than to promote their own special economic or ideological interests, being accountable to no one except their own members and perhaps not at all representative of society at large. Leaders everywhere know that the long-term public interest of a people is more -- much more -- than simply the sum of the particular interests of organized groups.

And last of all, we must also consider the multitude of people who do not belong to political or economic groups at all. Though "globalization" has now become a popular slogan, let us not forget that about half of the world's population of six billion has neither made nor received a telephone call -- and that half of the world continues to exist on less than two US dollars per day.

Civil society is, therefore, perhaps best seen as an evolving concept rather than a concrete phenomenon. At its best, it can offer increased prospects for political stability, balanced growth, the defense of human rights, the protection of the environment, and hopes for domestic and international peace and security. At its worst, civil society risks degenerating into little more than a multitude of special interests competing in a never-ending battle for society's increasingly scarce resources, with little consideration of the common good. Elements of civil society can rally against nuclear weapons, for example, yet we have also seen here in South Asia how the mass public can also rally on behalf of them. Civil society is not a panacea for all the world's ills, but when it works in combination with the efforts of governments in the collective interest, it can then achieve its full potential as an instrument of both peace and prosperity. In a democracy it can serve as a custodian of the public interest in-between electoral processes.

For this reason, the state continues to play a crucial -- indeed irreplaceable -- role in charting the future of people everywhere. The state remains the legal sovereign -- it maintains armies, coins money, legislates and enforces the law, conducts foreign policy, and is ultimately responsible for maintaining public welfare. What is needed most is a harmonious balance between civil society and the state with each making its own contributions to the good of all. Civil society contributes ideas, vision, energy, and a capacity to mobilize human sentiments -- sometimes it springs from virtually nowhere thanks to the efforts of civic leaders, other times it is carefully nurtured by enlightened state policies. And the state writes and enforces rules to ensure the preservation of peace, order, and justice. All are vital to a stable and prosperous democracy. Speaking in Sao Paulo, Brazil, in July 1998, Secretary-General Annan stated that "A strong civil society promotes responsible citizenship and makes democratic forms of government work. A weak civil society supports authoritarian rule, which keeps society weak."

The question then becomes, where can we best work to ensure this balance globally? My answer is clear (and perhaps predictable!) -- at the United Nations, where else?

The UN and Civil Society

I cannot think of a single Charter objective that does not require close cooperation between the UN and civil society. This cooperation covers development, peace and security, the environment, health, education, energy, food, human rights, humanitarian affairs, labour standards, population, refugees, women, youth, even outer space issues, to name just a few. The roles played by the UN and civil society in achieving progress in these areas are complementary, but not exactly identical. As former Secretary-General Boutros Boutros-Ghali once put it, "The UN cannot and should not act as an NGO, and vice versa."

The UN is keenly aware of the importance of this relationship to the success of UN activities

and has undertaken major initiatives to strengthen this relationship. We have inaugurated a web site - called "Partners in Civil Society" -- designed to provide information to NGOs and others in civil society on issues of global concern. Groups interested in obtaining consultative status at the UN can visit this site for the appropriate procedural details. Once they obtain such status, such groups can attend key UN meetings, offer written proposals, distribute literature, meet with representatives of member states, and engage in other such productive activities at the UN. Each department in the Secretariat also now has an NGO liaison officer to ensure closer cooperation with outside groups.

My own Department for Disarmament Affairs, for example, regularly interacts with civil society. We depend upon outside support for virtually all our key activities -- including public education, advocacy of disarmament initiatives, organizing symposia and international conferences, and distributing and obtaining information. We work closely with many outside groups, including the NGO Committee on Disarmament, an independent, tax-exempt group that provides services to hundreds of citizen groups interested in disarmament issues.

Groups in civil society play a substantial role in disarmament matters, although I have long felt that they are not given the same rights and privileges in UN disarmament fora as they enjoy in human rights, environment, and other fields. They played vitally important roles in mobilizing opposition to atmospheric nuclear tests in the 1950s and 1960s and in promoting the negotiation of the Comprehensive Nuclear-Test-Ban Treaty, the Chemical Weapon Convention, and the indefinite extension of the Nuclear Non-Proliferation Treaty. They played a key role in obtaining an Advisory Opinion from the International Court of Justice indicating unanimously that the threat or use of nuclear weapons was contrary to the humanitarian principles of war and that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament. Three NGO's have received Nobel Peace Prizes for their work on disarmament, and last year, Médecins Sans Frontières (Doctors Without Borders) won this Prize for its humanitarian work.

The International Campaign to Ban Landmines (ICBL), which together with Jody Williams shared the Nobel Peace Prize in 1997, depended on widespread public participation, often aided by modern communication technology. Secretary-General Annan has said the following about this campaign -- "One thousand NGOs in 60 countries were linked together by one unbending conviction and a weapon that would ultimately prove more powerful than the landmine: Email." Yet the NGOs were not content simply to contribute to a process leading to the negotiation of a treaty banning such mines. The ICBL is now contributing to its implementation by such activities as the publication of an enormous annual *Monitor* that contributes significantly to the transparency of all disarmament activities in this area.

The activism of civil society is rooted in a number of factors. Today we have more intra-state wars than inter-state conflict and Sri Lanka is a tragic example of this. As a consequence, while World War I had an estimated 20 per cent civilians killed, today the proportion of civilian casualties is in the region of 75 per cent. The number of internally displaced persons is estimated to be 20 million today whereas refugees, strictly defined under the 1951 Convention Relating to the Status of Refugees as those fleeing their country out of a well based fear of persecution, number 11.5 million.

Secretary-General Kofi Annan has recently discussed the UN's moral duty to protect the sovereignty of the people, weighing this against respect for national sovereignty and the principle of non-interference in the internal affairs of countries. Examples of existing protections include the Optional Protocols to the International Convention on Civil and Political Rights that have already empowered individuals to bring allegations of human rights violations to international fora. And in

an important evolution of international law, criminal tribunals were established in The Hague and in Arusha to try those accused of war crimes even though the conflicts were internal. These are both illustrations of humanitarian intervention -- although in the popular mind such intervention is more commonly associated with military intervention, whether mandated by the Security Council or not. Other forms of non-military humanitarian intervention are being undertaken by the UN, especially in areas relating to health, labour, the environment, and development.

We do need to weigh carefully the issues raised by the Secretary-General in his address to the UN General Assembly last year, lest we find ourselves consigned to the role of Pontius Pilate -- washing our hands of the genocide and misery of our fellow human beings in different parts of the world.

In recognition of the vital role played by civil society in all the UN's activities, the UN will host the Millennium Forum from 22-26 May this year, a gathering of civil society representatives from all over the world to consult about our future -- the future of the peoples of the world in the 21st Century. The outcome of this Forum will be presented to the UN Millennium Assembly and Millennium Summit of world leaders later this fall.

In short, the role of civil society in shaping the future is virtually limitless. It can help in resolving or limiting the scope of conflicts. It can help to teach about the requisites of our planet and the global family of humankind. It brings both expertise and information to leaders in governments and international organizations. It helps to mobilize support for UN programs in the fulfillment of the goals of the Charter. It serves as a voice for the communication of sentiments of all the peoples of the United Nations, a term appearing in the Preamble of the Charter and the focal point of the work of the UN organization.

Concluding Remarks

No concept, even civil society, should be accepted without question. It is always wise to consider the possible abuses of the term for ends that are contrary to the collective good. Yet each country -- each grouping of "we the Peoples of the United Nations" -- must determine for itself how best to combine what is modern and what is traditional, and how best to fuse the domestic and the global in the daily lives of the state and the families within the state.

This suggests two of the foremost political challenges of our time -- the first is to reconcile the new with the old, and the second is build upon the fundamental will of the people for a more peaceful world.

With respect to our collective survival, we clearly need to work harder to address both the causes which drive human beings to slay one another and to redouble our efforts to eliminate all weapons of mass destruction. Perhaps the most formidable enemies I face as Under-Secretary-General for Disarmament Affairs are apathy, defeatism, and lack of political will. There is no possible way I can work to combat these other than by working closely with civil society. I am sure the same applies to the work of the other leaders in the UN organization who work on behalf of satisfying the needs and aspirations of the people of the world.

Many countries face acute crises that are essentially societal in nature. It is right that democratically-elected governments should be in the vanguard of rectifying those crises. But no civil society can totally abdicate the interpretation and implementation of its national interest and the vigilance that must be exercised at all times to ensure that the public interest and individual

sovereignty are protected. As global citizens we have a collective responsibility to ensure that our common human security is not only protected but also actively promoted. Let us all make our contributions to this task.