



# Conference on International Trade Education and Research

*Managing Globalisation for Prosperity*

26 and 27 October  
Old Treasury Building  
Melbourne

Conference sponsor:  
Victorian Department of State and Regional Development

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INGOs, LINGOs, DINGOS and TRINGOs  
Trade, the WTO and the Interest of Civil Society

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Conference organised by  
Australian APEC Study Centre At Monash University  
The Asian Economics Centre at the University of Melbourne  
Department of Applied Economics at Victoria University

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Trade, the WTO and the Interest of Civil Society

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Paper presented to CITER 5  
The Fifth Annual Conference on International Trade Education and Research

Melbourne, October 2000

**ABSTRACT**

This paper examines the basis of the interest of Civil Society in deeper involvement in the WTO and trade policy-making. Free traders are resisting such involvement for fear of jeopardising the global trade liberalisation project, but many NGO's and many individuals want the WTO democratised. In the paper I argue for greater Civil Society involvement on the grounds of the need for representation of alternative world views.

## **INGOs, LINGOs, DINGOs and TRINGOs:**

### **Trade, the WTO and the Interest of Civil Society**

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#### **Introduction**

Recent publicised anti-globalisation demonstrations in Seattle, Melbourne and Prague by groups variously characterised as NGOs, civil society organizations, anarchists, Marxist throwbacks or just ratbags, depending on ones perspective, has given rise to a wide range of questions about the role and interest of ‘civil society’ (CS) in the trade liberalisation and globalisation process.

In this paper I wish to argue: 1. that protesters and other opponents of globalisation are not all Marxist radicals or advocates of anachronistic communist ideas, as APEC Centre Director Alan Oxley (2000) has characterised them, but represent a wide range of views; 2. that trade is too important to be left to traders and economists, so civil society organizations or ‘non-government organizations’ (NGOs) have a right to participate in the global negotiation process; 3. that this participation should not be premised on ‘stakeholder’ theory or other such principles, but on two key notions – the democratisation of global negotiations and representation of ‘alternative world views’; 4. that new architecture for the WTO, and eventually for all international institutions, will be required to accomplish this.

The core of my position is that to date the processes of globalisation and trade liberalisation have been very undemocratic. These processes have many costs which have been under-emphasised relative to alleged benefits that credible opposition to globalisation is rising, and that wider input is required to reflect alternative world views, even where these oppose globalisation (see Dunkley, 2000).

#### **Defining Civil Society**

The current understanding of the concept of civil society (CS) is an exceedingly narrow one, with no real reference to the historical evolution of the idea, let alone to medieval theology, where it actually began, although the problems of ‘reason’ and morality in ‘civility’ were also debated by the Greeks. For St Augustine CS was that realm of the ‘world’ or ‘nature’ as separate from Divine Grace, or ‘the other world’, which was populated by individuals who

relate to the Divine on the basis of moral laws and a search for salvation, to which Aquinas also added Reason.

This notion was critical to the emergence of individuality in Western philosophy. Locke then made CS the political realm relative to nature and the Scottish Enlightenment writers, including Adam Smith, narrowed it to commercial society and citizenry as against the state. Some usage in Smith's time bore connotation of 'civilised' or 'sophisticated' society in contrast with 'savage' societies in other parts of the world (Bryant in Hall, 1995:143). Hume, Hegel and Marx further narrowed the concept of CS to the political order based on Reason, shorn of morality, which, according to US philosopher Adam Seligman (1992), effectively killed the idea of CS until it was revived in post-communist Eastern Europe during the 1990's. Here the idea of CS was again narrowed to that of citizenry as against an oppressive totalitarian state. Today the term has reached its narrowest usage yet, meaning the 'international busybody' (Kellow, 1999:9), the 'paranoid NGO left' (Noland, 1999:88) or general ratbags who are neither respectable business nor bureaucrat, but who think they should be involved in trade decision-making and may eventually have to be accommodated, preferably minimally by sidelining 'without distracting Washington or the WTO' (Noland,1999:79).

This would all be academic were it not for the fact that, in my view, this narrowing of the idea of CS has grossly distorted the notion and has brought the polar opposite policies to those which I think should prevail. Seligman (1992:57) believes this narrowing has led to the liberal (Thatcherite?) view of people as purely autonomous individuals (and consumers?), shorn of morality and community, a view which appears to prevail in the market-oriented WTO.

There are three broad usages of the term CS at present: 1. a functional use designating non-governmental groups; 2. a more analytical use for social movements which are separate from, and often seeking alternatives to, mainstream society; and 3. a more normative, philosophical concept designating peoples or groups in search of ethical ideals (Seligman, 1992:201). The most common usages are the first two of these, which are often strongly influenced by the Marxist, Antonio Gramsci, who divided capitalist society into state, market

and civil society, with CS as an arena of endemic class struggle and business (capitalists) using the state for 'hegemonic' (control) purposes. (1)

Most definitions , such as no.1 in Box 1, reflect the functional view, while the WTO defines any non-governmental grouping, including business, as NGOs. However, broader definitions exist, reflecting deeper views of CS (nos. 2-6 in Box 1). In my opinion any definition of CS must reflect five elements – a separateness aspect; a community aspect; a moral aspect; a critique and alternatives aspect; and a democracy aspect. I would therefore define CS as :-

those components of a community which, separately from government, the military and business, adopt moral stances on many issues and present alternative world views which must be represented in public debate if that community is to be truly democratic.

## **BOX 1**

### **Some Definitions of Civil Society**

1. ... all the diverse organisational forms that exist outside of the state and the market but which provide a counterbalance towards both the state and the market (Clayton, 1996:7).
2. ... the space of uncoerced human association and also the set of relational networks – formed for the sake of family, faith, interest and ideology – that fill this space (Walzer, quoted in McLean and Shaw, 1997:197).
3. ... the opposite of despotism, a space in which social groups (can) exist and move ... (which ensures) softer, more tolerable conditions of existence (John Keane, paraphrased by Hall, 1995:1).
4. ... a broad collectivity of Non-governmental, non-commercial, more or less formal organizations. It encompasses all those groups that, from outside official circles and firms ... pursue objectives that relate explicitly to reinforcing or altering existent rules, norms and/or deeper social structures (Scholte et al, 1999:163)
5. ... an unprecedented worldwide phenomenon – men and women, groups and individuals, getting together to do things by themselves in order to change the societies they live in. In the last two decades, people of all classes, creeds, and ethnic backgrounds have organised themselves to defend democracy and human rights. To fight for more equitable development and a safer environment, or, more simply, just to help those in need or improve the quality of daily life in their neighbourhoods and communities (de Oliveira and Tandon, 1994:1).
6. Neither Prince nor Merchant: Citizen (Marc Nerfin, quoted in *ibid*).

The three-way functional view of CS now often called first, second and third sectors, is a convenient over-simplification and is not unrealistic. The three spheres, government, business and CS, ideally interact, supplement each other, rectify the others' deficiencies, represent respective interest to each other, generate intra and inter-sphere communications, seek a balance of conflict and consensus etc. (Hall in Hall, 1995:Ch.1; Jorgenson in Clayton, 1996). However, in reality each sphere has a multiplicity of functions, with CS particularly heterogeneous and multi-activity focused (see no.5, Box 1), so that vast differences in ideology and world views can, and do prevail, for CS usually emerges in relation to needs, crises, conflicts, democratic deficiencies etc. Any analysis of the 'interest' of CS must grasp this. In the final analysis CS is neither prince nor merchant, but citizen, broadly defined (no.6, Box 1), and will always represent a 'moral but questioning community' in a way that the prince and merchant do not.

### **From GINGOs to TRINGOs – The Range and Actions of CS**

Although CS is a long-term historical concept, it has only been in the post-war era that the number, range and action-scope of NGOs has exploded. Every country now boasts a vast number of these, including most of the Third World – over two million in India, for instance (Dunkley 1993), each conducting a vast range of activities. (2). The foci of such groups can be 'grassroots' (local), regional, national or mixed, (3) and a brief sketch can do no justice to the variety of their work.

In time many of these have expanded world-wide to become 'international NGOs' (INGOs) and by the 1980s, when analysis and advocacy of a 'global civil society' (GCS) intensified, there were some 20,000 of these registered with the Union of International Associations, classified into 21 activity categories (Boulding, 1988:Ch.7). Most of these, such as cultural, religious or sporting groups, Boy Scouts and Girl Guides etc are non-political, non-economic and non-trade, so could be called 'general-interest INGOs' (GINGOs).

In the terminology of NGO scholar, David Korten (1990), first and second generation NGOs were general in their aims and third generation NGOs sought changes to specific policies or institutions, while emerging fourth generation groups now aim to build a critical mass for new independent social visions. The increasingly activist nature of such groups has led to catchy new terms such as 'transnational social movement organizations' (TSMOs). Many

classifications for NGOs and INGOs have been proposed, often resulting in amusing puns and acronyms. I propose three broad groups of INGOs:

1. general-interest INGOs (GINGOs) – eg Girl Guides;
2. social-spiritual INGOs (SINGOs) – eg Churches; value groups;
3. political-economic INGOs (PENGOS).

Of these, PENGOS are the most likely to have views on trade matters, and they can be subdivided as follows:

1. government-organised NGOs (GONGOS);
2. business INGOs (BINGOs);
3. labour INGOs (LINGOs);
4. environmental INGOs (EINGOs);
5. development INGOs (DINGOs).

Other categories could easily be identified, but these will do for present purposes. Most such groups now claim some sort of relationship to trade. A future issue in this field will, thus, be deciding on the relative merits of such claims, a task, which the WTO has already begun, so that in the now customary WTO jargon, we can identify trade-related INGOs (TRINGOs).

The dimensions of CS today should not be under-estimated. DINGOs, for instance, now raise some \$US6billion worldwide in private aid funding, and in various countries up to 10 per cent of government aid is filtered through DINGOs. The total turnover of NGOs worldwide is estimated to be over \$US1trillion, for a total workforce of around 20 million people. By some estimates DINGOs provide more development aid than the World Bank. (4). Trying to identify TRINGOs may be a nightmare for a time, but it is a task that will not go away. NGOs are now far-reaching, multi-functional bodies with a range of activities which includes negotiation, advocacy, crisis management, research and even some direct administration on behalf of governments. So comprehensive has their role become that some theorise global governance to now be shared by nation states, global institutions, trans-national companies (TNCs) and CS. One research group calls this ‘complex multilateralism’ (O’Brien et al, 2000).

### **Context of the CS Debate**

PENGOs have been active on a range of global issues for several decades, but a key turning-point for rising interest in trade and the GATT/WTO, especially by EINGOs, was the famous (infamous?) tuna/dolphin case in GATT after which, I have suggested, GATT lost its innocence (Dunkley 2000). The end of the Uruguay Round and spreading knowledge of its far-reaching implications has seen an upsurge of concern about trade issues, with a more recent turning point being the Seattle fiasco when the December 1999 Ministerial Conference for a new Millennium Round dramatically collapsed.

The general context of the debate is the emergence of widespread perceptions, rightly or wrongly, about: problems of globalisation; declining national sovereignty; the rise of mutually opposed INGOs; global power of TNCs; worsening global environmental problems; global poverty; world-wide criticisms of the IMF/World Bank; an alleged global 'democratic deficit'; a desire to reform 'global governance' and so forth. Opposition to these trends represents, not rat-baggery or anarchism (a la Oxley, 2000), but a widespread concern among citizens, and will in my estimation, continue to grow, as with the anti-Vietnam War movement.

The WTO has come in for particular whinges as allegedly being elitist, secretive, and undemocratic, while lacking internal and external transparency. Many aspects of the Uruguay Round have been attacked, notably the TRIPs agreement, GATS, the neglect of labour and environmental issues, its alleged adverse effects on poorer countries and so forth (Dunkley 2000). As various analyses have put it, the shift from GATT to WTO has broken the 'historic compromise' between national and global forces in favour of the latter, particularly via the latter's policies of extended liberalisation, policy and standards harmonisation and so-called 'deep integration' goals (Williams, 1999:154; Dunkley, 2000).

More fundamentally, the WTO in particular and globalisation in general has, rightly or wrongly, become widely associated with business influence, pro-TNC bias and a general 'trade-and-business-first' attitude. This has also coincided with deepening worldwide suspicions towards business and corporate influence over a wide range of issues, including globalisation, privatisation, biotechnology and so forth. Even in the heartland of global business, the USA, a September 2000 public opinion poll in Business Week found that 72 per cent of Americans think business has too much power over too many aspects of life and 74 per cent felt that companies have too much political influence. (5) Furthermore, some

business groups are calling for greater and more direct involvement in the WTO for corporate representation (O'Brien et al, 2000:103).

Concern about these issues culminated in Seattle, but not in the way depicted by many mainstream commentators. The now standard view is that the debacle was due, not to the demonstrators, Vietnam-era vituperative rhetoric by the media notwithstanding, but to Third World rejection of First World attempts to have labour and environmental standards placed on the agenda. This is partly true but is a highly inadequate explanation. In fact Third World concerns go back much further and run much deeper.

In May 1998 the WTO hosted a celebration for the fiftieth anniversary of GATT, proclaiming proudly that none of its guest speakers, including Nelson Mandela and Fidel Castro, questioned the validity or worth of the WTO and its multilateral trading system. This was a most disingenuous claim, for in fact Castro said that the Third World was losing many of its development instruments (tariffs, subsidies, and local preference policies) through trade de-regulation, while investment de-regulation was also being 'smuggled in'. Large demonstrations also accompanied that meeting. (6).

At subsequent pre-Seattle meetings other Third World leaders voiced similar concerns, particularly regarding TRIPs and loss of policy autonomy. UNCTAD Secretary General, Rubens Ricupero went on record to say that the benefits of globalisation to the Third World have been exaggerated. At the ill-fated Seattle Ministerial itself, Third World Ministers objected, not only to labour and environmental standards proposals, but to almost all new agenda items such as investment, competition policy, further industrial tariff reductions, further services liberalisation and the like. They also objected to an alleged lack of 'internal transparency', alleged bullying tactics by the US, limited consultation in 'green room' meetings and so forth. Generally many of these countries resent being hustled along, and some say they did not know what they were signing at Marrakech when the Uruguay Round was completed. (7)

In short, to many people, groups and countries around the world, the WTO and the globalisation processes it champions are facing legitimacy crisis, and it is in this context that CS groups are now demanding a say in such global organizations and processes.

### **Civil Society, the WTO and APEC**

Actually, neither the WTO nor APEC have by any means totally ignored CS, but some world organizations have been considerably more accommodating and NGO expectations of participation in globalisation is thus increasing rapidly.

The ill-fated precursor to the GATT/WTO, the International Trade Organization (ITO), contained a clause (Article 87.2) which, in language similar to the WTO, provided that the organization 'may' consult NGOs on matters 'within the scope of this Charter' (UN, 1948). But GATT was silent on the matter and its old Secretariat established virtually no real links with NGOs, although there were some early proposals to do so (Williams, 1999:156).

The WTO formation agreement, using words almost identical to those of the ITO, provides that : 'The General Council may make appropriate arrangements for consultation and co-operation with non-governmental organizations concerned with matters related to those of the WTO' (Article V.2). However, no NGOs were invited to the formation meeting at Marrakech, although a few got admitted as 'press', some held their own meetings and one member country, Denmark, had NGO members on its delegation. Article 13(2) of the Understanding on Dispute Settlement permits panels to 'seek information, from any relevant source and may consult experts...', and this has been taken by commentators to include NGOs, but the reference must, in my view, be seen as an oblique one (Dunkley, 2000:Ch11).

In July 1996 the General Council of the WTO adopted some guidelines for NGO consultations and participation. It empowered the Secretariat to liaise with NGOs, agreed to expanded links with CS and endorsed four categories for release of documents – unrestricted, restricted for sixty days, de-restriction on request of a Member and fully restricted.

Under these guidelines and procedures the WTO has, vis-à-vis NGOs: provided briefings; received representations; conducted symposia (from mid-1994); convened special conferences on the environment and, with UNCTAD, on development; admitted NGOs to meetings of the Committee on Trade and the Environment (CTE). Further, the WTO has published CTE proceedings and bulletins; accredited a small number of non-government groups for Ministerials; provided conference and media facilities for NGOs at Ministerial Meetings; agreed to put labour standards on future agendas; and created an NGO section on its web site. (8)

On the other hand, the WTO has not really got a proper institutional structure for CS liaison. Its contacts with CS have not been systematic or profoundly interactive, there is still dissatisfaction with the document release system, and links have been skewed towards what one group of commentators call 'conformist' groups which are largely business-oriented as well as 'urban-based, university-educated, computer-literate, high-earning English speakers'. For instance, two thirds of non-government groups admitted to the Singapore Ministerial were business-based (Scholte et al, 1999:171-2). Critics assert that at present NGO accreditation provides only limited access to plenaries at Ministerials, and no special access to WTO administration or committees (Oxfam, 2000:5; O'Brien et al, 2000:Ch.3).

One detailed survey has concluded that neither the WTO nor Member governments adequately involve CS in WTO work, only three countries doing so effectively, with top priority for consultations going to business and professional associations. The authors of this survey also concluded that Member Parliaments were not adequately involved either and there was poor internal transparency at all levels, so that there is a clear 'democratic deficit' in the WTO (Bellman and Gerster, 1996). One commentator has linked the WTO's alleged unaccountability, arbitrary decision-making, unrepresentative structure and pro-business orientation to a 'banana republic' (McGrew, 1999:198)! More analytically, McGrew (1999:199) suggests that the WTO's 'embedded legalism' tends to outweigh its capacity for democratic practice. In my analysis, the WTO is currently akin to a political party with an ideology and fixed goals, so is unprepared to admit any group which does not share these.

Another part of the picture is that the WTO seems clearly to be under-resourced relative to other world bodies, especially with the extra tasks dumped upon it by the Uruguay Round, so that quite a lot of its work is done by personnel from individual Member country delegations. Also many Third World Members cannot afford permanent delegations, so are deprived of both regular representation and participation opportunities. This results in a curious twist to our present story, however, because some such countries therefore commission delegates from Europe or elsewhere in the First World, often these people being from NGOs, who may thus end up at the centre of WTO action (Dunkley, 2000:278ff).

In sum, demands for greater CS involvement in the WTO stem from its growing importance, from perceived inadequacies in its present degree of representations, from an alleged over-representation of business and from growing divergences of world views. Similar criticisms

have been made of APEC, one former insider reporting that the organization has proved very tentative in admitting ‘outsiders’ or involving the public, and where some country delegations have included non-government personnel, these have usually only been from business, trade unions or academia (Goodings, 2000)

### **Would You Know a TRINGO if You Met One? Or The Interest of Civil Society.**

The WTO faces one major problem in identifying trade-related INGOs (TRINGOs) – there aren’t any (to speak of). The cruel reality for trade enthusiasts is that trade is few people’s top priority, and wooden spoon winner on most people’s list. I know of no significant NGO seeking to promote trade per se, though chambers of commerce press their own national trade interests and a few DINGO-derived groups advocate and/or practice ‘fair trade’ (i.e. ‘fair’ price purchasing). What happens is that most NGOs are seeking some higher order goal, but now find trade relevant thereto and are deciding that they need to be part of the action. LINGOs did so long ago, EINGOs following more recently, with DINGOs and a few SINGOs also now having a say. World Vision Australia, for instance, has recently prepared a report on trade, with which I was involved, and Oxfam (in Australia, CAA) is following suit. (9) A few INGOs such as ICDA in Brussels and the International Centre for Trade and Sustainable Development (ICTSD) in Geneva extensively monitor trade issues and the WTO.

The ‘interest’ of CS in trade and WTO representation cannot be defined as directly as can a company, a trade association or a business umbrella grouping. However, the more indirect interests of non-commercial CS are worthy of representation if two key assumptions are valid, as I think they are. First, a wider range of issues are connected to trade than traditionally appear in international economics textbooks, including labour, environment, consumer issues and development. Second, trade is integral to globalisation, which is now, like it or not, a major public issue and political hot potato. It is now in the public domain and the WTO cannot bury its head in the sand. As I noted above, trade is too important to be left to traders and economists.

A major dilemma of course, is what happens with groups, which are critical of the WTO, of free trade or even, dare we say it?, of trade itself. Can dissenters be TRINGOs?

Various classifications of NGO interests have been proposed. Scholte et al (1999:166 ff) propose the following three:-

1. 'Conformers' – who accept present trade discourse, as well as aims and activities of the WTO;
2. 'Reformers' – who accept the need for a global trade regime, but seek changes to current theory, policy or procedures;
3. 'Radicals' – who seek to extensively change the WTO's scope, powers or even existence.

More fundamentally, McGrew (1999:203 ff) has proposed different three-part groupings whose broad philosophical and policy visions will be further discussed below.

1. 'Reformist' – which seeks minor reforms to the WTO for more openness, accountability and representation;
2. 'Stakeholder' – which seeks representation stakes for a wider range of view points or interests;
3. 'Cosmopolitan' – which seeks more direct democracy and participatory structures.

I have some concerns with these classifications in terms of the range and scope of views captured and the implications of terms like 'stakeholder', which, though fashionable, implies material vested interest. I suggest the following groupings to reflect both proposals and world views of the contestants.

1. 'Responsive globalist' – which accepts globalisation, trade liberalisation and the WTO, but also accepts the need for slightly wider input to and participation in WTO processes; this view is now widely held and was apparently espoused by former WTO Director General, Renato Ruggiero.
2. 'Participatory' – which accepts the above globalist premises but wants more participation for particular key changes; LINGOs typically take this view;
3. 'Reformist' – groups espousing this view vary in their degree of acceptance of globalisation and the currently-constituted WTO, so they propose a wide range of changes to the WTO's scope, subject matter, procedures, transparency, representativeness etc; most EINGOs and DINGOs fit this bill;
4. 'Radical critics' – this set of views fundamentally questions the legitimacy of current trade and globalisation mechanisms, thus proposing extensive changes to the present global order, without wanting abolition of all global trade or economic structures.

This classification covers most streams of opinion in between, on the one hand, WTO supporters who want no change, and, on the other, those nihilists who want to abolish all global structures. It allows for dissenters from the Geneva Consensus of trade liberalisation (group 4), because this is a growing world-wide opinion, as indicated by the range of critical

views expressed at the March 1995 UN World Summit for Social Development. The NGO statement following that important meeting was highly critical of the IMF, the World Bank, the narrowness of the Uruguay Round Agreement on the WTO, and the alleged over-reliance on market forces (NGLS, 1995:145 ff). My personal views would accord with group 3, Reformists, for the short-term and group 4, Radical Critics, in the longer-term.

Overall, I argue wider criteria can be found for accreditation of TRINGOs, a process that the WTO has already begun. I suggest that, at the broadest level, the following criteria be used –

1. the INGO's main activities should bear a reasonably close relationship to trade and /or connected economic issues;
2. the INGO should have a strong track record in research and analysis on trade and related economic issues;
3. the INGO should have a substantial record of participation in, and opinion-making about, trade and related economic affairs;
4. the INGO should represent a credible stream of alternative opinion and world views on trade, economics and wider value issues.

These criteria would cover major groups such as ICFTU, Greenpeace, Oxfam and perhaps some SINGOs, such as the World Council of Churches, which advocate alternative structures for poverty alleviation and spiritual values (10). But such criteria could also be used to exclude trivial operators, minor groups, fly-by night coalitions (such as S11) and obvious cranks.

The main dilemma would be groups the WTO would deem to have specific vested interests, such as farmers' groups advocating protection maintenance. In my view these should be admitted if they have a credible track record of opinion and research as envisaged by the above criteria. The WTO already credentials business groups and has some dealing with companies, the main difference being that credible alternative world views should be represented in fora such as the WTO, and this should include groups espousing some protectionist sentiment where these fulfil the criteria.

### **The Case Against CS Involvement**

Opponents of greater CS involvement tend to be trade administrators or practitioners, businessmen and academics heavily committed to a free trading world order. Status quo supporters want virtually no diversion from the goal of a pure 'liberal' regime (eg Krueger,

1998:Ch 15). Minimalist 'Responsive Globalisers' (see above) argue that there is a minor case for CS participation where there are 'democratic blockages' or the like, but caution is required because NGOs are not usually linked to the 'real' issues (eg Kellow, 1999). Moderate 'Responsive Globalisers' tend to argue that, whilst pure free trade may be unattainable, the core principal of non-discrimination in trade should be sought at all costs, so CS involvement could be encouraged, but preferably via fora other than the WTO (eg Kruger, 1998; Lloyd, 1999; Noland, 1999). Below I outline some of the core anti-CS arguments, together with some responses by others or myself:

- The WTO is exclusively an inter-governmental body.

Response – this is true but can be dogmatised, for most world bodies are inter-governmental, only the ILO formally involving non-government actors in decision-making. The claim also sits oddly with the decision by the US and WTO to seek corporate sponsorship of some \$US 9 million for the Seattle Ministerial, apparently in return for some access to delegates, bureaucrats and so forth. (11)

- Most key trade decisions are made in the home country, so the focus of CS activities should be at the national level.

Response – most INGOs operate at both levels and for major conferences the global level is now crucial; also, in many countries there is 'democratic blockage' against CS at the national level.

- Trade negotiations are sensitive and require secrecy.

Response – this claim can be over-stated; many issues before the WTO are matters of major public importance and should be debated openly.

- Most INGOs want to 'link' trade with something else – labour or human rights, the environment etc – but this could become an administrative 'nightmare' (WTO officials often say this) and may jeopardise the ultimate goal of a liberal, non-discriminatory world order.

Response – it is a matter of opinion whether a 'pure' non-discriminatory order is both desirable and possible; linkages are going to be made and INGOs need to be involved.

- Protectionist groups may disguise themselves as other-issue NGOs.

Response - that risk will have to be taken; normally blatant and extreme protectionist groups can be distinguished from other-issue NGOs; and in any case the view that a return to some degree of trade intervention may be desirable is widespread and deserves to be heard.

- NGOs are not well informed on key issues and are not strictly connected to trade.

Response - as discussed above, NGOs are increasingly informing themselves, undertaking relevant research and represent appropriate interests, broadly defined.

- NGOs are not responsible to relevant constituencies, are not usually affected by the results of their actions, and so there should be no 'representation without taxation' (i.e. economic contribution) as Kellow (1999) cleverly argued at last year's CITER 4.

Response – this is an extreme argument; if the view is taken, for which I argue in this paper, that 'relevant constituency' is determined by the existence of credible alternative opinions and world views, then some representation of these is democratically requisite.

- CS includes groups with highly undesirable views (right wing, racist etc) and can change for the worst over time.

Response – as I argued above, clear criteria can be established for dinkum TRINGOs and undesirables could surely be weeded out or group activities monitored over time.

- A different sort of argument comes from some Radical Critics who assert that too much involvement of CS groups with world bodies can result in co-option and dilution of their values.

Response – this is a risk that has to be taken; the track record of CS involvement with the UN and, recently, the World Bank seems to argue well for such a role (see below). CS people are not perfect and social notions of civility change over time, (see Van Rooy, 1998:14), but the key issue is participation and representing alternative views.

Overall, I suggest here that the arguments against CS involvement in the global trade regime are inadequate. It has been argued in partial favour of CS involvement that this should occur only where there is 'democratic blockage' against proper democratic decision-making (Kellow 1999). This is a worthy point, but it is also often made with regard to current WTO decision-making nationally and globally. So, where Responsive Globalists may think blockage rare, Reformers and others see it as frequent or even pervasive, especially in Third World countries. There is a diversity of opinion on trade matters which needs to be reflected at the global level. And, WTO supporters may have to think about the currently unthinkable – that a liberal free trading order might not be best for the human race, because the majority of it is certainly questioning that view. There is also growing evidence for the costs of trade liberalisation and globalisation (Dunkley, 2000).

### **The Case for CS Involvement**

As variously indicated above, the case for CS participation in the global trade regime centres around accusations of 'democratic deficit' in the WTO, great power dominance, disillusionment with globalisation and claims regarding the need for wider accountability, greater internal and external transparency etc. Many Participation and Reformist arguments

hold that CS involvement will help to legitimate the WTO and win support for trade liberalisation, most Responsive Globalists taking this as its main justification, or at least a consolation prize. However, many Radical Critics do not accept this as a good pro-CS argument because the current trading order allegedly requires questioning rather than legitimating (my interpolation). As my case is for representation of a variety of world views, my position likewise, does not require this argument.

Other points in the pro-CS case include the possibility of: more balanced input; a wider range of opinions, arguments and information; more critical analysis in policy-making and dispute hearings; a greater voice for unrepresented Third World interests (even though Third World governments worry about NGO pressure for labour and environmental standards, not all Third World governments, trade unions or NGOs oppose these – see O'Brien et al, 2000:100); democratisation of currently undemocratic global leviathans; wider assessments of the costs and benefits of trade liberalisation or globalisation than the narrow trade/economic focus which prevails at present; alleviation of the WTO's present culture of secrecy; the opening up of WTO processes to public scrutiny; flow-on effects to participation by other groups, such as national parliaments; counter-balance to excessive corporate access and so forth. (12)

Another major element in the pro-CS case is the fact that there is greater NGO involvement in other international organizations than in the WTO, particularly UN agencies. The UN has for decades had a non-government liaison service (NGLS) which actively shares information, participates in decision-making and so forth (see Box 2). The World Bank has also greatly increased NGO involvement, mainly at the levels of policy dialogue, advice and project implementation, not at decision-making level. Today about half the Bank's projects have NGO participation, at both the planning and implementation phases, being as high as three quarters in South Asia, especially in agricultural and social projects. (13) In fact NGOs are now active in establishing, maintaining and monitoring all sorts of international bodies, actively participating in functions such as surveillance, social auditing, certification, research and so forth, examples including the World Forestry Council and the Marine Stewardship Council. There is now a widespread view that, due to this multiplicity of roles, NGOs can serve as unofficial communications channels, be agents for trust, bridge political gaps and so forth (COGG, 1995:254-5).

**BOX 2. COMPARATIVE TABLES OF NGO PARTICIPATION IN A SELECTION OF INTERNATIONAL BODIES**

	<b>WTO</b>	<b>ITO</b>	<b>ECOSOC (UN)</b>	<b>UNCTAD (UN)</b>	<b>CBD Convention on Bio-Diversity</b>	<b>UNCED (UN)</b>	<b>NGO-World Bank Committee</b>	<b>OECD</b>	<b>JPAC (NAFTA)</b>
<b>Who selects the NGOs?</b>	Secretariat + Member States consent	Member States on rec. of the Secretariat	Member States on rec. of a Cite on NGOs composed of Member States	Member States on rec. of the Secretariat	Member States on rec. of the Secretariat	Member States on rec. of the Secretariat	The NGOs themselves	Member States on rec. of the Secretariat	Member States individually
<b>Main criteria for selection</b>	NGOs "concerned with matters related to those of the WTO".	Expertise ECOSOC accreditation	Expertise Representivity NGO supports UN's work and principles Democratic structure Accountability	Expertise Representivity NGO supports UNCTAD's work and principles International structure	Expertise May be admitted unless 1/3 of the Parties present object	Expertise Representivity NGO supports UN's work and principles Organic structure ECOSOC accreditation	NGOs elected by regional assemblies of NGOWB Expertise Geographical representivity International/National structure	Expertise Representivity International structure	Criteria set by Member States individually
<b>Form of participation</b>	<i>Ad hoc</i> consultation	<i>Ad hoc</i> consultation + Advisory Committee	Consultative Status (General, Special, Roster)	Consultative Status (General, Special, Register)	Consultative Status	Consultative Status	NGO Advisory Committee at global and regional levels	NGO advisory Committee _ obs status at some meetings	NGO Advisory Committee
<b>Who administers NGO participation</b>	Secretariat	Director General	Secretariat (NGLS, UN Department of Public Info.,etc.)	Secretariat (NGLS, UN Department of Public Info.,etc.)	Secretariat (NGLS, UN Department of Public Info.,etc.)	Secretariat (NGLS, UN Department of Public Info.,etc.)	NGOs and Bank staff	Secretary-General + Liaison Committee with NGOs	JPAC Member + Council
<b>Access to meetings of the org.</b>	None except Ministerial Conferences	None except Annual Conferences	Yes	Yes	Yes	Yes	No	No	No
<b>Can propose agenda items</b>	No	Only for the Annual Conference	Yes	Yes	No	No	No	No	No
<b>Can speak at some meetings</b>	No	No	Yes	Yes	Yes	Yes	No	Yes	No
<b>Circ. Written statements</b>	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes
<b>Access to information</b>	NGOs only have access to derestricted documents	Receive copies of all unrestricted documents	The Secretariat is authorised to distribute docs as appropriate in its judgement	The Secretariat is authorised to distribute docs as appropriate in its judgement	NGOs have access to official documents	NGOs have access to official documents	The Bank may distribute docs as appropriate in its judgement	The Secretariat is authorised to distribute docs as appropriate in its judgement	Members may receive information including confidential doc from the Secretariat, the Council and the Parties

Source: ICTSD, Accreditation Schemes and Other Arrangements for Public Participation in International Fora, International Centre for Trade and Sustainable Development, Geneva, November 1999.

In short, CS is now remarkably active in world affairs, taking initiatives, articulating interests, crystallising alternative views and critiques, providing a counter-balance to business, taking on a social opposition role as trade unions and labour parties become increasingly establishment-oriented and even adopting some administrative tasks for governments. In the light of such developments, it is unrealistic that the NGO sector be largely excluded from key bodies like the WTO.

### **A New Architecture for the WTO and Beyond?**

There is no shortage of proposals for new WTO architecture, particularly with a view to broadening that body's scope and involving CS to a greater extent. Needless to say Free Traders and Responsive Globalisers do not want major changes, especially not ones which would stem trade liberalisation, jeopardise the principle of non-discrimination, link trade with other issues or unduly burden the WTO's resources. The typical Responsive Globalist view accepts a small amount of additional CS involvement, but proposing that new issues, labour, environment and possibly even investment, be handled through separate bodies, perhaps co-ordinated by a World Economic Organization (see Lloyd, 1999:16 ff). Other proposals vary according to degree of radicalness and time span likely to be required for implementation. I will designate these as 'adjustments', 'reforms' and 'fundamental restructuring'.

Adjustments:- mainly involving change to current procedures and practices, which can mostly be implemented in the short-term. The most common proposals, especially by INGOs, include: more transparent and automatic information release; more formal and systematic involvement of CS, especially via regular co-ordination, liaison, dialogue and information-sharing with INGOs; the appointment of WTO liaison officers for CS involvement; regular CS input into and observer status at WTO Ministerials, committees trade policy reviews, disputes panels and so forth; encouragement for (obligation upon?) Member governments to allow more CS participation in trade/WTO policy-making; the WTO to be linked to the UN's NGLS which could save a good deal of administrative work in NGO liaison.

In my view these proposals are sensible, practicable and could be implemented without jeopardy to the WTO's underlying principles, though whether or not these principles should, in any case, be sacrosanct is an additional question, which I will touch upon below. Without a good number of the above innovations, the WTO will come under continuing CS pressure, and most of these

proposals would do no more than bring the WTO into line with other world bodies as regards relationships with CS (as per Box 2).

Reforms: entailing more extensive changes to the WTO structures or rules, most of which would have to be implemented over the medium term. The most frequent reform proposals involve new fora of some sort for wider advisory input in WTO decision-making, especially incorporating CS. US President Clinton has proposed general advisory forums representing business, labour, environmental and consumer INGOs (Scholte, 1999:170). A CS forum has also been proposed for APEC (Goodings, 2000). Various NGOs advocate expert bodies for CS advice to committees, input to disputes panels, appeals to the Appellate Body and general petitions to relevant parts of the WTO system. Other offerings include:

- a WTO assembly or Supervisory Board, preferably with CS membership, to oversee WTO work;
- an Executive Board of the General Council (GC) to streamline WTO decision-making, perhaps with rotational membership and preferably with CS input;
- possible use of a UN-style ‘equitable geographic distribution’ (EGD) system for representation on the GC, (proposed) Executive Board etc; some INGOs believe that such a system could be weighted slightly in favour of the Third World and may strengthen the voice of smaller Member Countries (Oxfam, 2000);
- new rules to require more regular voting at all WTO levels, the rationale being that Third World Members, though in the majority, are cowed by present consensus decision-making practices (Oxfam, 2000);
- an ‘Eminent Persons Group’ to assist and advise the Director General (EU proposal);
- national in-country commissions to liaise with the WTO and even make decisions on policies to be put to the WTO; these could (many say ‘should’) have representation from NGOs and national parliaments (Bellman and Gerster, 1996);
- a WTO ‘parliament’, a new body with delegates from Member country parliaments;
- a Social Clause in GATT to establish labour and environmental standards, along with a new body (or the ILO) for labour advice, and a new system, sometimes labelled on Inter-governmental Panel of Trade and Sustainable Development, for environmental advice or input (eg Le Quesne, 1996:Ch3) Some advocate an associated clause stating that trade is not an ends in itself, so should not be the exclusive focus of the WTO (Oxfam, 2000).

All of these proposals have some merit and interest, but there clearly is a danger that the WTO will be over-loaded, especially if more resources are not forthcoming. Of the above, I suggest the following be considered as medium-term measures:-

- national in-country commissions with NGO and parliamentary input;
- a WTO supervisory board with CS representation and advisory and petitioning powers;
- CS observer status and input capacity to all WTO bodies and disputes panels;
- a wider range of personnel on panels;
- social clauses by way of an extended Article XX, with advice from the ILO and the UN Environment Programme (Dunkley, 1999).

Fundamental Restructuring: involving more radical changes for the WTO and its relationship to global governance, mostly requiring longer-term restructuring. These proposals include the following:-

- in-country referenda on major trade agreements; as far as I know there has been no vote anywhere in the world on trade/WTO issues, although attempts to call referenda in Switzerland failed; this contributes to the ‘undemocratic’ image of the WTO;
- CS representation on national delegations to the WTO, as only Denmark has done to date, whereas the representation of business and trade unions on national delegations has been common (O’Brien et al, 2000:39); I have proposed a quadripartite system – government, unions, business and NGOs, a model (tripartite) currently used by the ILO (Dunkley, 2000:Ch12);
- the WTO to be more answerable to the UN, with regular reports to the General Assembly required and closer liaison with UNCTAD;
- abolition of the WTO and re-formation as a more integral part of the UN under the Economic and Social Council (ECOSOC) or other division; one major report proposes to restructure the UN itself with a view to more democratic and CS participation, proposed new bodies including peoples assemblies, a Forum for Civil Society, a Council of Petitions and an Economic Security Council (ESC) in place of ECOSOC, working in parallel with the present Security Council (COGG, 1995:257 ff); some suggest that the IMF, World Bank and WTO should all be under the general umbrella of an ESC-type body, thus being subject to more democratic policy-making and supervision.

In my view a preferable long-term model would be one in which there is CS representation on national delegations to the WTO, and that the WTO or a successor be linked more closely to the UN and its policy-making, as was originally envisaged for the ITO (see Dunkley, 2000:Ch 12)

### **Conclusion**

As argued at the start of this paper, CS was originally, as far back as the Middle Ages, seen as a ‘moral community’ concept and has always been typically envisaged as a counter-balance to

government and business. In this light the ultimate interest of CS in the WTO or like bodies is as democratic representation of alternative world views. Whether Free Traders like it or not, there is less than world unanimity about the merits of free trade, and there is now resistance to ‘top down’ globalisation, which I believe will eventually take on a nature and scale similar to the anti-Vietnam War era. If so, demands for representation of alternative world views will grow and the WTO will not escape pressure for democratisation and openness which I believe it has rejected to date.

### **Notes**

1. For historical analyses see Seligman (1992) Hall (1995) and, in brief, Van Rooy (1998), as well as sources cited there, especially books by John Keane.
2. For some analyses of in-country NGO or ‘Third’ sectors see de Oliveira and Tandon (1994); Clayton (1996); Van Rooy (1998); McLean and Shaw (1997) – on Africa; Dunkley (1993) – on India.
3. For a tabulation, see Jorgensen in Clayton (1996):47.
4. Korten (1990); J Bendell (2000)
5. Quoted in The Ecologist, October 2000:11
6. For a detailed analysis – M.Khor, Third World Network Features, 1753, 1998.
7. Ibid, various issues; I commented upon this extensively earlier on (Dunkley, 2000 – originally 1997).
8. Scholte et al (1999): 169ff; Williams (1999):155ff; Dunkley (2000):278-9; O’Brien et al (2000):Ch.3.
9. A general Oxfam report has already been published (Le Quesne, 1996) and a more comprehensive project is under way, with which I expect to be associated. The World

Vision study was – B.Pariss, Trade for Development: Making the WTO Work for the Poor, World Vision, Melbourne, November 1999.

10. See NGLS (1995) for statements by such groups.
11. R.Mokhiber and R.Weissman, 'Corporate Hospitality at the WTO', Focus on the Corporation, 18 November 1999. (<http://lists.essentials.org/corp-focus>). On various anti-CS arguments, see O'Brien et al (2000):150ff.
12. Scholte et al (1999): 164-5; Williams (1999):158ff; McGrew (1999):203ff; Oxfam (2000).
13. Co-operation between the World Bank and NGOs:Progress Report, NGO Group, World Bank, Washington DC (annual).
14. See Bellman and Gerster (1996); Oxfam (2000); Bednall (2000).
15. Bellman and Gerster (1996); Le Quesne (1996); Scholte et al (1999); McGrew (1999); Williams (1999); Oxfam (2000).

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