

Why The Left Dominates NGO Advocacy Networks

Jeremy Rabkin

International NGOs tend overwhelmingly toward the left in their political aims and outlook. I am not aware of precise survey data that can prove this claim. No one who is familiar with NGO advocacy is likely to dispute it, however - except by resort to semantic quibbles about how to define 'the left'.

Of course, there are exceptions. There are some people involved in international advocacy who see themselves as conservative - or let us say, whose political outlook leads them to sympathize with conservative parties in their home states. Such people will be quick to tell you that they are vastly outnumbered in international forums by NGOs with the opposite leanings. Then again, the 'left' extends across a varied terrain, from slightly left of center pragmatists to the most radical visionaries, or the most crazed fanatics. I do not think it is true that extremist views are dominant amongst international NGOs. Nevertheless, if you rely on NGOs to categorize themselves, you are relying on interested parties, who will often have political incentives to cast themselves as swimming in the mainstream of political opinion.

I insist only that international NGOs swim in a stream that, one way or another, tends to carry people along to the left. At the least, that this is truer of currents that international NGOs navigate, compared with political waters in their home states. In what follows, I do not claim to demonstrate this claim. I merely want to explain why it has turned out this way and should be expected to remain this way. For those who doubt that the claim is factually correct, my arguments may at least show why it is plausible to think things would turn out this way: the setting of international NGO advocacy, is systematically tilted to the left.

Know Them By Their Names

My first point may sound demagogic, so let me back up a bit and invoke an appropriate precedent. In the early 1980s, Irving Kristol, one of our greatest public intellectuals and a mentor to many scholars at AEI, found himself on a panel assessing the prospects for American foreign policy. The issue, as I recall, was how the United States should explain its policy of strengthening deterrent capabilities in Western Europe. Another panellist at this forum cautioned that the Reagan administration must do more to emphasize its commitment to 'peace', because otherwise 'we will cede the peace issue to advocates from the left.' After a few minutes of such admonition, Kristol threw up his hands in exasperation. 'Peace', he protested 'is a Stalinist concept.'

No doubt, that was a bit of an overstatement. He did have a point, though. If you make peace your absolutely highest priority, you will never be willing to stand up to aggressors. Since peace movements would have no effect on the Soviet dictatorship, the Soviet Union had every reason to promote peace movements in the West - as it did for many decades - to weaken Western resolve. There was a good reason why the Soviet Union touted the 'Stalin Peace Prize' as the highest honor it could bestow on foreign sympathizers. In emulation of Mr. Kristol's example, then, I will start with this claim: 'non-governmental organization' is not just a slippery term. It is a Stalinist concept. I know that, too, sounds hyperbolic. In this case, however, it is literally true, at least as regards the origin of the term. The term appears in the original text of the UN Charter. The section setting out the responsibilities of the Economic and Social Council mentions that the Council may consult with non-governmental organizations (Article 71).

Where did the drafters of the Charter get that expression? The term entered the lexicon of international diplomacy a decade earlier - and the Soviet government, in its Stalinist heyday, planted it there. In the mid-1930s, Stalin had embarked - for the moment - on a diplomatic campaign to rally democratic states in the West into a common front against fascism. The Soviet Union joined the League of Nations and the League's most important specialized agency, the International Labour Organization. ILO rules required that each participating nation send a tripartite delegation, including representatives of business and labor, along with governmental delegates. This proved to be a problem for the Soviet Union.

Trade unionists from Western states challenged the Soviet labor delegation on the grounds that a Soviet labor union was an arm of the government, rather than a freely chosen representative of workers. Stalin's government responded with indignation: Soviet labor unions, the Kremlin insisted, were entirely non-governmental organizations. If you were prepared to believe that some entities in a totalitarian society could be removed from governmental control, you were required to believe that Soviet labor unions were non-governmental.¹

You may say the actual origins of this term are now of merely historical or antiquarian interest - like the exact origins of the expression GOP for the Republican Party or the exact reason why the donkey has come to be the political symbol for the Democratic Party. But non-governmental organization is not just a term whose origins now lie in the forgotten past. The term itself, at least in its current usage, remains quite strange. This term is almost never used in a domestic American context because in its literal meaning it is so unrevealing. In normal American usage, whatever is not part of the government is obviously non-governmental. Of course, Greenpeace could be called a non-governmental organization. But so, then, is the American Enterprise Institute. So is Cornell University. So is General Motors.

So are the overwhelming majority of organizations in America. We usually are content to call this whole range of non-governmental entities by a shorter word - private. This is not what the United Nations understands by a non-governmental organization. It is not what

¹ Goodrich, Simons, 1969. *Charter Of The United Nations*. New York: Columbia University Press, 443-46.

NGOs understand by the term. The 'NGO community', as it is called, insists that business firms should not be regarded as bona fide non-governmental organizations. Their preoccupation with profit disqualifies them, say NGO advocates, from being accredited as proper NGOs. Business firms are private - but not non-governmental in the meaningful sense of the term.

What NGOs mean by the term is an organization that is not directly accountable to government but still functions in some representative capacity for some broader social constituency or concern. NGOs perform governmental or quasi-governmental services or provide political representation - but without direct accountability to the constitutional structure that holds actual governments accountable. The number of NGOs registered with the United Nations - and 'accredited' to participate in UN conferences - rose from 41 in 1948 to 700 in 1986. By the end of the century, there were more than 1,500, the overwhelming majority (over 1,100) claiming a special interest in the environment or human rights.² Not by coincidence, explosive growth in the number of NGOs corresponded to the period in which the UN was most active in sponsoring conferences in which NGOs took a prominent role. As Secretary General Boutros-Ghali remarked in the mid 1990s, 'I need the mobilizing power of NGOs ... It is NGOs that, in most cases, make it possible for these complex and often diffuse aspirations [of global governance] to take form, and to flourish ... NGOs also carry out an essential representative role, an essential part of the legitimacy without which no international activity can be meaningful.'³

It may seem strange to claim that NGOs 'carry out an essential representative role' when these organizations are self-appointed advocates, answering to no electoral constituency in particular. The idea is taking to the old notion of the 'vanguard party', by which advocates of revolutionary visions claimed to 'represent' the future - whether or not most people wanted that future. You can see the inherent connection between NGO advocacy and leftist visions if you think about another term which NGOs, themselves, championed in the 1990s - 'global governance'. The United Nations was so drawn to this term that it established a commission to make recommendations on global governance. The Commission on Global Governance then proceeded to enthuse about the special contributions of NGOs.⁴ NGOs have been eager to reciprocate this enthusiasm. They are the fundamental constituencies of global governance.

Linguists may object to calling them 'cognate' terms. A political scientist can still notice that 'NGO' is as closely linked with 'global governance' as 'polis' is to 'political' or 'nation' to 'national'. Governments are supposed to govern, NGOs participate in governance. The evasive term non-governmental organization is the precise counterpart

² Tesner, S. 2000. *The United Nations And Business, A Partnership Recovered*. New York: St Martins', 51-52.

³ 'Foreword' by Boutros Boutros-Ghali, in Weiss, T. and L. Gordenker, 1996. *NGOs, The UN and Global Governance*. Boulder, Col: Lynne Rienner, 10-11.

⁴ Commission on Global Governance, 1995. *Our Global Neighborhood*. Oxford University Press. 'More and more, NGOs are helping to set public policy agendas ... It is this movement beyond advocacy and the provision of services towards broader participation in the public policy realm that has such significance for governance.', 254-55.

to that evasive term 'governance'. Global governance, of course, is the special preserve of international NGOs. If you think about the implications of this term, it implies a systematic tilting of political activity in ways that favor the left or the general political outlook of the left.

Governance implies something that has a claim to control in some way but is not the sort of control exercised by government. In normal domestic usage, there is a very clear word for the sort of control exercised by government; it is called 'law'. The point of insisting on this hard-edged word is that, in a liberal state, the government may coerce private entities when such coercion is authorized by law - and not otherwise. People who want to make their own choices are extremely concerned about discerning the boundaries between what the law prohibits and what the law allows.

The whole thrust of the term 'governance, however, is to point beyond actual legal standards to something that is harder to determine. It is something akin to atmosphere - but political atmosphere. To speak of 'governance' in this context is to imply that business firms may have to mind goals and constraints which are not precisely required by law but should still retain some sort of authoritative guidance. Coercion may still depend on law and only formal institutions of government can enforce law. But 'governance' is compatible with attentive concern for 'stakeholders' and others - like advocacy groups - who expect to influence the conduct of business, even if they are not wielding legal claims that have the force of law. NGOs can share with government in the larger program of 'governance.'

Since 'governance' is not exactly law, it can be developed and expounded by entities that are not exactly governments and not exactly accountable and constrained the way governments are (and in ways that lawyers, as experts on actual law, know how to handle). Even among themselves, it is true, business firms often pursue informal understandings outside the law. Antitrust laws try to constrain such understandings. We generally insist that business must stand on its own. When business gets too cozy with government we rightly worry about 'capture' and 'corruption.' But 'governance' implies that it is all one big happy family.

The United Nations now talks about a 'Global Compact' with business, which will be policed by NGOs.⁵ No doubt, many firms think it is better to go along with this program. Otherwise, they may get a bad reputation. NGOs will denounce them for abusing workers, or abusing the environment or exploiting developing countries. To maintain a

⁵ UN Secretary General Kofi Annan originally outlined the 'Global Compact of shared values and principles' at the World Economic Forum at Davos in 1999, explaining that it would require business firms, among other things, to 'support a precautionary approach to environmental challenges' and to 'respect the promotion of internationally proclaimed human rights within their sphere of influence' - quite apart from applicable local law in the territory where they happen to be operating. Tesner, 2000. For example, holds that NGOs 'derive moral authority from the willingness of states and [business] corporations to accept that NGOs speak for the global community and accordingly characterizes profit-oriented business firms as the nemesis and Siamese twin [of advocacy or non-profit NGOs] in the private sector', 158. Tesner is an advocate of closer cooperation between what she calls 'a tripartite governance formula' in which business, states and NGOs will work in 'partnership' under UN guidance.

good reputation, firms must cooperate with standards - not exactly enacted by the UN and not exactly enforced by NGOs, but standards that correspond in some way with the ideals of global governance.

Apart from what any particular firm decides is most prudent under the circumstance, those who advocate free markets in principle will be wary of such shadowy forms of control. There are serious advocates for free market principles in almost every Western country. In almost all cases, advocates for markets advocate secure property rights and firm legal standards as the basic underpinning for markets. Advocates for markets - for 'liberalism' or 'neo-liberalism' in the European sense - will be wary of 'governance.' The vision of global governance almost necessarily cuts these political constituencies out of the game. We do not have global governance for them, but for those with the opposite vision. It is the vision of an economy responding to collective controls - to coaxing and prodding rather than actual law. It is the vision of an economy responding to a still more politicised (because much less lawfully ordered) form of collective control. Admirers of private markets will not find a happy home with enthusiasts of global governance.

In national democracies, however, politics is not simply a contest between advocates of markets and advocates of greater collective controls. There are other currents of opinion that count. In many countries, distinct parties speak for these different currents. Yet global governance as a slogan - and still more as a practice - also tends to shut out other currents associated with the right side of the political spectrum. Another part of the political spectrum is excluded (or at least, discouraged) by the implication of the term 'global,' since a 'global perspective' makes little place for national perspectives or national concerns.

Most countries have a sizable political constituency that is particularly concerned about preserving national pride or national symbols or national traditions or national strength in relation to other nations. In some countries, 'national' parties have been organized under that very name. Even in two party systems, one of the parties generally appeals to nationalist sentiment while the other may; in contrast, present itself as the special protector of minorities. That has been the history of the Republican and Democratic Parties in the United States since they cohered as national parties in the 19th Century. Democrats claimed to champion regional minorities (southerners) and religious minorities (Catholics) and ethnic minorities (Irish, then southern and eastern Europe immigrants). Republicans appealed more to national unity and national authority (not only sponsoring a war to save the Union in the 1860s, but a higher tariff and a succession of federal programs to draw the nation together, such as a transcontinental railway). In many ways the pattern has continued, though with shifting constituencies, in the 20th Century. The history of the Tory and Liberal Parties and subsequently of Tories and Labour in Britain shows a similar pattern, as does the history of Conservative (now, Alliance) and Liberal parties in Canada.

A 'global' forum is bound to be less receptive to nationalist constituencies than to cosmopolitan or internationally minded constituencies. Those who claim to be special protectors of minorities often have embraced the notion - at least in recent decades - that

minorities should be able to appeal to foreign or international protection. Nationalist opinion resists this notion. Apart from differences regarding accommodations to minorities, there is another common difference. The most pervasive alternative to nationalist sentiment is class feeling. Class-based parties (at least those which try to mobilize the working class) tend to be internationalist in outlook, on the ground that workers of all countries have more in common than any of them do with bosses. Nationalists will see things quite differently, emphasizing national identities that override class differences. Globalists of all nations can unite under the banner of global governance. Nationalists of all nations do not want to unite under a common banner. If they did, they would not be nationalists. So global governance in this way, too, shuts out another important constituency of conservative parties.

The phrase 'global' also has connotations beyond the merely geographical, however. National governments worry about the power, prestige or material benefit of their own nation. Even the most fervid nationalist (at least in a democratic political system) cannot easily confuse the particular interests of his own nation with the more general claims of all humanity. Global governance appeals to people who think about the wellbeing of the planet. At least, it appeals to people who like to talk in these terms. Advocates of global governance do not just want to protect their own countries natural resources. They want to save endangered species in all parts of the world. Advocates of global governance want to save the ozone layer of the atmosphere and the earth's climatic balance, for which they favor an ambitious global regulatory scheme to ration energy consumption throughout the world. In a very literal sense, environmentalists aspire to save the earth.

Other NGOs want to save indigenous peoples in all parts of the world but also cultural and ethnic minorities and political dissidents in the name of universal human rights. Human rights NGOs speak for humanity. So do peace advocates and champions of an international criminal court to enforce humanitarian constraints on war - all war, everywhere. So, too, NGOs champion a convention on the rights of the child - designed to save all children, everywhere, from abuse or neglect, because children are humanity's future. Saving the children, saving humanity, saving the earth - all of this rhetoric of salvation begins to suggest a pattern. Global governance implicitly presents itself as a substitute for the salvation that many people still expect to attain only from religious faith. The point has been frequently noted.

Environmentalists bring spiritual enthusiasm to their advocacy or something, which is its direct equivalent. They reject and resent appeals to cost-benefit analysis because they do not regard environmental improvement as a mere amenity or benefit which can be priced or weighed against other goods. There is an overriding duty to save the earth and each of its insect species.⁶ So too with human rights advocacy. More than a decade ago, even scholars quite sympathetic to human rights advocacy warned that human rights conventions were confusing fundamental rights with more disputable policy preferences in the name of economic and social rights. Most human rights advocates insisted that

⁶ For one version of this analysis, equating environmental enthusiasm with a new religion, see Whelan R., Kirwan, J. and P. Haffner, 1996. *The Cross And The Rain Forest, A Critique Of Green Spirituality*. Grand Rapids, Mich: Acton Institute.

'human rights remain indivisible' so there could be no question of narrowing their advocacy to a few overriding priorities. Michael Ignatieff, who holds a chair in human rights at Harvard, recently warned that the rhetoric of human rights advocates had come to sound 'idolatrous' by making human rights advocacy into a religion of its own.⁷

The more that global governance becomes a substitute for traditional religion, the more it excludes advocates motivated by traditional religious faiths. It is not so much that NGOs discriminate against traditional believers. The atmosphere of global governance is not a particularly congenial one for people of more traditional faiths. The concern of traditional believers with sexual morality or the sanctity of human life is readily sidelined in international forums. NGOs instead identify human rights with freedom for alternative lifestyle, with feminist visions, with abortion rights or even a right to assisted suicide.

Global governance has little place for advocates of free markets, for advocates of national or nationalist causes, for constituencies particularly devoted to traditional religious faiths. Add it all up and it amounts to a political landscape in which most of the constituencies of the political right have no place. You have a politics in which the right half of the political spectrum, as we see it in most democratic nations, is almost entirely displaced. The political landscape where international NGOs operate is inherently tilted to the left. Naturally, the political constituencies of the right do not find much room to participate in networks committed to global governance.

The Eurogovernance Model

Perhaps this analysis sounds too abstract. That is an inherent risk in global thinking - it is always too prone to abstraction. Let me try to make the case in a somewhat more confined or concrete setting. The European Union is already a kind of microcosm for global forums. In a number of respects, it is more defined than global governance - and not merely in the geographic sense. If one sees this same tilt to the left in Euro-politics, one should expect to see it even more so in the full blown global version, next to which 'European' politics looks almost national.

To start with, then, the EU is multinational. Many Europeans know foreign languages but there is no one European language, so there are no European media. Every country has its own media, corresponding to its own language. The European Union also has this in common with global governance, that it does not have access to the full range of governmental powers. With its own Court of Justice and its own rule-making Commission, the EU does have more direct governmental powers than any global organization. Still, the EU does not have troops of its own, so its capacity to act on the international stage is severely limited in some ways - as Europeans were reminded during the debate over war with Iraq. The EU does not even have police of its own. It does not have any sort of administrative field force. Like the United Nations, the EU largely depends on national governments to implement its mandates. The EU does not even have direct taxing powers, beyond what it takes in from the common European tariff. The EU

⁷ Ignatieff, M. 2001. *Human Rights As Politics And Idolatry*. Princeton: Princeton University Press, 53-100.

does not fund pensions or social welfare programs. It cannot pursue a 'stimulative' fiscal policy to address economic downturns. In fiscal terms, it operates much in the background. Here too the EU is more like various global programs than like an actual national government.

Finally, the EU has very weak democratic controls in the usual sense - just as forums of global governance do. Unlike the United Nations or any other international entity, the EU does actually have a parliament that is directly elected by citizens. Unlike any actual parliamentary state, the EU does not vest much power in the Parliament. The European Parliament cannot initiate legislation. Nor does it choose the ministers who formulate the directives and regulations that are the EU equivalent of legislation. Genuine legislative authority remains with the Council of Ministers, chosen by national governments and, with the European Commission, whose commissioners are again chosen by national governments. The Parliament is less a locus of power than a forum for debate - rather like the General Assembly in the United Nations.

What follows from these patterns is that quite a lot of power has flowed to the European level of 'governance' but without a comparable degree of political accountability or of mass political engagement. Citizens of the member states were proclaimed citizens of the EU in the Maastricht Treaty that launched the EU (that is, promoted the earlier 'European Community' into the new 'European Union') in 1991. Most EU citizens find it hard to follow the policies, much less the politics of the EU. Turnout at elections for the European Parliament are invariably much lower than for national parliamentary elections. Surveys show that EU citizens are scarcely aware of the EU's structure.⁸

If mass electorates are detached from European policy debates, however, that is not because European policy does not affect ordinary citizens. It is very hard to quantify these things but a recent survey found that officials of national governments attribute more than half of the law they actually enforce to policies set down by the EU.⁹ The EU has tremendous sway over public policy in every European state. Somehow, it does not feel that way or look that way to voters because the biggest issues - war and peace, raising or lowering taxes - are left to national governments. There is a visible prime minister in each national government who personifies the government: voters can decide whether they trust Prime Minister Blair or Prime Minister Berlusconi. Few people know the commissioners of the EU or have any idea what authority they wield. When voters are anxious or dissatisfied, they blame national governments. Sometimes they stage protests in national capitals. They do not stage mass protests in Brussels, where it is not even clear who they would be protesting against.¹⁰

⁸ Scully, R. 2000. 'Democracy, Legitimacy and the European Parliament' in M. Cowles and M. Smith, *The State of the European Union*. Oxford: Oxford University Press, Vol. 5, 240-41, documenting pervasive ignorance and lack of interest in the European Parliament among European voters.

⁹ 'Snoring While an EU Superstate Emerges?' *The Economist*, May 10, 2003.

¹⁰ Imig, D. and S. Tarrow, 2000. 'Political Contention in a Europeanising Polity,' *West European Politics*. Spring, concluding from empirical data on protest episodes that the pattern 'allows Commission bureaucrats to live inside the Ring that surrounds Brussels in a charmed world in which protests are held at a great distance.'

The consequence is that EU policy is less subject to political challenge. Voters at least sense that something changes when political power in the national capital changes from parties of the right to parties of the left or vice versa. They do not expect this to happen at the EU level and can hardly tell whether it does happen. It appears, in fact, that it does not happen very much. At the European level, policy maintains much more continuity, regardless of what coalition of parties holds the edge in the European Parliament or even among national governments represented in the Council of Ministers. The pattern is always toward concentrating more and more power in the hands of bureaucracies in Brussels. Conservative governments privatized national industries in the 1980s and dismantled many regulatory controls or spending programs initiated by governments of the left. The EU never seems to retreat from programs it has already established. So ordinary citizens do not pay much attention to something that operates like a force of nature.

Because ordinary citizens are so disengaged, advocacy groups play a more prominent role. It is certainly not true that NGOs dominate EU policymaking. By most accounts, business interests are far more influential. But NGOs certainly do play a prominent role. In fact, a survey of lobbying activity in the mid-1990s found that NGOs - using the term to exclude business - had larger permanent staffs in Brussels than business groups.¹¹ The European Parliament and the European Commission rely on NGOs to provide a vicarious sense of engagement. NGOs are shadow citizens in what is, after all, a sort of shadow political system rather than a normal state. The EU accordingly funds and promotes NGO activities. The European Environmental Bureau, for example, representing a network of environmental advocacy groups, receives over half of its funding from direct EU grants.¹²

Overwhelmingly the NGOs that predominate are NGOs of the left. Why? The European Commission is not eager to fund challenges to its own project. Potential challengers also find it difficult to mobilize common efforts across borders. Nationalist constituencies may have particular difficulty doing so. Regional subunits have organized advocacy networks to claim greater subsidies or greater autonomy from national governments and the EU is a direct patron of sub-national regions as well as of cultural minorities. This is the low level politics of networking and lobbying. Nationalist leaders in each country have found it harder to make common cause within the EU setting. They seem like opponents of the EU when they insist on safeguarding their national autonomy. It is not an easy pitch to sell to a nationalist constituency: 'We will safeguard Britain - by working hand in hand with Italians.'

Free-market advocates do have a limited advocacy presence in Brussels. Still, it is not easy for them to build trans-national networks of support to challenge EU bureaucrats. After all, the most obvious objection to EU regulations is that they constrain 'our country' in the name of some abstract program of economic integration. It is hard to mobilize enthusiasm by urging resistance to one abstract program in the name of another abstraction - and the free market is, for many Europeans, an abstraction.

¹¹ Greenwood, J. 1997. *Representing Interests In The European Union*. London: Macmillan, 21

¹² Greenwood, 1997, 186.

Finally, religious conservatives do not seem to be very successful in mobilizing support across national lines in Europe. Some European nations are predominantly (or rather, historically Catholic), some predominantly (or historically) Protestant but actual involvement with churches is now confined to small segments of the population. There are also sizable Muslim minorities in most European countries. Why can't these groups, all now reduced to minority status, learn to cooperate? Comparable coalitions have learned to cooperate in American 'religious right.'

European churches, with their traditions of state establishment, seem not to foster wider political engagement by their adherents. Meanwhile, progressive causes receive sympathetic hearing and encouragement from EU regulators but religious advocacy seems to be regarded as more awkward. Many fewer people would respond to the call to mobilize on behalf of conservative religious causes.¹³ Religious coalitions could not expect to prevail based on their own numbers at elections. They might be an advocacy group with some influence and weight at the margin, if they were organized on a European-wide basis. There is little organized advocacy of this kind.

A big obstacle appears to be that in a system which has so little to do with electoral outcomes, an advocacy group cannot motivate potential sympathizers to become engaged - in what would amount to a quest for a somewhat larger place for themselves in EU advocacy networks. 'We need voice in policy networks.' It is not quite the same as, 'Hier stand ich! Ich kann nicht anders!' Coalitions crossing sectarian lines would require particular religious constituencies to subordinate their own faith (in the context of the coalition) to common political goals. That is hard to do when the common goals must be pursued through indirect lobbying efforts. A range of issues that mobilize intense political activity in America - such as opposition to gay marriage or abortion or euthanasia - have little echo in Europe. American advocates, though certainly more numerous, may have a greater advantage in their ability to influence electoral outcomes, by publicizing their concerns to the electorate and pinning down candidates for office as 'for' or 'against' their agenda. European counterparts, who may sometimes matter in national politics, find it hard to get to the starting gate in European forums.

What difference does this make? Even within national political systems in Europe, political opinion is weighted more to the left than it is in the United States. Every European state has a socialist party or party of the left. Many have alternate parties of the left, such as the Greens. Still, it is evident that the EU, on a range of issues, is further to the left than national governments or than national governments would be on their own.

Start with the historic rallying cry of the left - that 'Stalinist concept' of 'peace.' Back in the 1980s, a trans-national European peace movement rallied opposition to deployments of intermediate range missiles. It was the granddaddy of modern social movements, supposed to be distinct from the old left, even if in this case quite a lot of funding and

¹³ See, Father Robert Araujo, 2001. 'Sovereignty, Human Rights and Self-Determination: The Meaning of International Law.' *Fordham International Law Journal*, 24(June): 1477, protesting endorsements of 'reproductive rights' and 'sexual health' as human rights claims, pressed by Western NGOs at Cairo +5 population and development conferences.

coaching from communist governments on the far side of the Iron Curtain still seems to have been operating. Quite a lot of the energy and mobilization of that 'peace movement' did quickly run into new channels, so that, for example, the 'ecological' enthusiasm of the Green parties drew on earlier peace efforts - a fusion neatly summarized in the name of the advocacy group Greenpeace, which draws the bulk of its support from northwest Europe.

What happened in the 1980s was that, one by one, governments resisted the demands of the peace movement and embraced the American-led NATO plan for bolstering European defences. Much the same happened in the debate over the American-led war against Iraq. One by one, most governments sided with the American and British governments, though EU officials continued to harrumph about international law and the need for UN authorization, echoing the favorite nostrums of the peace camp. No government, which subsequently sided with the Anglo-American war, has actually punished by voters in subsequent elections.

The noise of NGO advocacy - or the pitching of the issue at a high level of abstraction - made it appear as if all Europe was opposed and so opposed that it preferred rupturing relations with the United States than acquiescing in a controversial American initiative. The EU was in a different place from most national governments because the echo chamber of NGO advocacy made it seem plausible to EU officials that the public policy decisions of national governments would be determined by the abstract ideals or rhetoric of 'global governance.' These appeal to EU commissioners as to NGOs by suggesting that higher causes must trump the interests of individual states.

For enthusiasts of global governance, there is no more powerful symbol than the International Criminal Court, which seems to float over every national government, determining justice for humanity at large. The court is empowered to prosecute military commanders for such 'war crimes' as the targeting of bombers in ways that do excessive damage to civilian property (quite apart from whether human beings are killed or injured). NGOs played a decisive role in the design of the ICC, so that, contrary to American hopes, it almost entirely excludes the Security Council from any direct control and empowers an independent prosecutor to act without accountability to any government. The EU Parliament is a great champion of the ICC.

The national governments have signed on now, too. National governments have been more cautious in their approach to the ICC. Both Britain and France expressed considerable hesitations, when the project was being negotiated in the late 1990s. In contrast to other European states, both have somewhat serious military capabilities of their own and both have permanent seats on the Security Council. For both these nations, the ICC was more of a threat to national interests than it might have seemed to governments in other European states. Both Britain and France were finally pulled along by NGO enthusiasm, amplified by the enthusiasm of EU officials. The EU itself (like the NGOs) has neither troops nor any direct representation on the Security Council. Still, France insisted that the ICC Statute should provide a seven-year grace period during

which a ratifying state could exempt itself from prosecution for war crimes and France was the first country to claim this exemption.

A complement to the international court, as human rights activists see it, is for individual nations to prosecute war criminals under a claimed universal jurisdiction. The European Parliament enthusiastically endorsed Spain's attempted prosecution of Chilean President Augusto Pinochet on this basis in 1998. But the British government finally decided to let Pinochet return to Chile (over the protests of NGO activists). Only Belgium took the idea of 'universal jurisdiction' for crimes against humanity to its logical extreme. Belgian law gave NGOs powers of initiative to set the agenda for official state prosecutions under this jurisdiction. At NGO prompting, Belgian prosecutors launched an investigation into war crimes, supposed to have been committed by Israeli Prime Minister Ariel Sharon. Prosecutors were then pressed to scrutinize the decisions of US officials who planned bombing operations against Iraq in 2003. The trend reached a culmination, of sorts, when Belgian courts announced their intention to investigate war crimes committed by President George H.W. Bush in 1991. Faced with American threats to move NATO headquarters from Brussels, the Belgian government finally decided to close down its NGO forum instead. The universal jurisdiction law was repealed. Of course, the Belgian government was influenced by outside pressure. That is the point. Belgium, as a distinct country with distinct interests, finds it hard to resist a hard-headed weighing of hard realities when they are put on the table. NGO activism thrives in a world in which there is no distinct nation and no distinct authority responsible for that interest.

The definition of war crimes contained in the ICC Statute and embraced by advocates of universal jurisdiction derives, in the main, from a 'Protocol,' proposed by a 1977 conference as an addition to the 1949 Geneva Conventions on the law of armed conflict. The Protocol reflects the distinct interests of Third World states, who formed the majority of delegates at that conference. Third World delegations sought to provide enhanced protection for irregular guerrilla movements, on the one hand, and constraints on air power and other military assets of western states, on the other. Of course, the United States did not endorse this code of war and has not done so to the present day. European states, which did not have sizable military capacities, signed on during the 1980s. Britain and France were among the very last to do so. By the end of the 1990s, NGO enthusiasm for the legal claims of the ICC made it impossible for British and French governments to resist.

So with the composition of national forces. The European Human Rights Court told Germany that it must make more room for women. Britain was told that it must admit homosexuals into its armed forces.¹⁴ Opinions of military professionals, which had weighed more heavily with national governments, actually responsible for national armed forces, were overridden by the pleas of social activists appealing to European institutions. Perhaps NGO advocates for feminist and homosexual visions would have prevailed in unaided campaigns against their own governments. They appealed to European institutions because they knew they would receive a more sympathetic hearing at that

¹⁴ *Tanja Kreil v. Federal Republic of Germany*, decided January 2000; *Smith and Grady v. United Kingdom*; *Lustig-Prean & Beckett v. United Kingdom* decided September 1999.

level - at institutions freed from the responsibility of maintaining and deploying military forces. What is true for peace and human rights claims is perhaps even truer for environmental enthusiasm. Green opinion has a strong base in German public opinion, which has always responded to appeals for 'purity' and 'purification' and 'cleansing' - though in different versions in different eras. Much of southern Europe has quite different priorities or different sensibilities and environmental advocacy are much less effective at the national level.¹⁵

Nonetheless, environmental advocacy groups have coaxed the EU into promulgating the world's most draconian recycling laws. Environmental advocacy has generated strong European resistance to bio-engineering. All modern states outside the EU that have agricultural export industries - the US and Canada, Australia and New Zealand, Argentina and Chile, for example - have opposed the extreme restrictions favored by the EU. The British government has tried at times to resist such extreme stances. However, the EU is in the vanguard of opposition to 'Frankenfoods.' The Kyoto Protocol provides a more vivid example. Even if all the states assigned such reduction targets in the treaty were actually to achieve them, overall emissions would continue to increase because of increases in fuel consumption among developing states - including such giants as China and India - which have refused to commit to any limitations on their own emissions.

Meanwhile, it is most unlikely that all the states actually pledged to action in Kyoto will actually achieve their goals. Compliance is an act of faith. The United States and Japan have openly acknowledged that they will not commit themselves to Kyoto Protocol targets, though both originally signed the treaty. Nonetheless, EU commissioners continue to publish reports about how Europe will attain its Kyoto goals. The faith of environmental activists cannot be abandoned. What is true in the setting of the EU is even truer in global forums, because global forums are Euro-governance writ large.

Amplifications

In the United States, domestic political debate - or, more precisely, the balance point in domestic debate - is shifted to the right, compared with most countries in Europe, indeed compared with most countries in the western world. Compared with most other western democracies, American opinion is more committed to free markets, less drawn to social welfare projects. The United States is more nationalist or patriotic, more open to the use of military force and to unilateral assertions of national power abroad, if need be. Compared with Europeans, Americans are more religious, more given to public displays of piety, more given to church-going, more devoted to traditional faiths. For NGOs within the United States, appeals to international NGO networks are a way of appealing from a political system in which they are at a disadvantage to a system in which they

¹⁵ A world survey of political attitudes in the early 1990s, testing support for environmental protection, even when stipulated to impose substantial economic burdens found that, Italy, France, Belgium - along with less affluent Spain, Portugal and Ireland - ranked near the bottom in this 43 nation survey, while the Netherlands and Scandinavian countries were at the top, closely followed by Germany. As a proportion of the national respondents, high levels of support for environmental protection were twice as prevalent in latter countries (at 60 per cent) as in the six Catholic countries. Inglehart, R. 1995. 'Public Support for Environmental Protection.' *PS: Political Science & Politics*. March, 61.

have many congenial allies. Naturally, giving more credence to international NGO advocacy would shift American policy to the left.

There are also ways in which global forums work to the advantage of all NGOs precisely because global forums are so removed from the balance of forces in any national state. Leftist advocacy groups have three advantages compared with national politicians. These advantages derive from the fact that the great project of 'global governance' affords more scope to political advocacy of a kind, which, in a domestic setting, would seem somehow unserious. Such advocacy thrives in global forums because they are, in themselves, seen as somehow not entirely serious - not quite 'for real'. They give an edge to 'idealists' over 'realists' in many senses of these terms. That edge tends to favor causes of the left in systematic ways.

To start with, NGOs gain attention by taking extreme stances or staging eye-catching protests. NGOs can talk about saving the earth and are admired for their idealism and conviction. Politicians who want to be taken seriously have to indicate to voters that they have some sense of balance or proportion that they are not going to wreak havoc in pursuit of their higher ideals. When he was courting environmentalist enthusiasm, Al Gore published an impassioned polemic - *Earth in the Balance* - but when actually running for president in 2000, he avoided talking much at all about global environmental dangers for fear that he would sound, well, unbalanced. Greenpeace can stage telegenic stunts, taking over oil rigs or sailing ships into nuclear test zones. It does generate attention. It opens eyes - or anyway, holds viewers and readers. The media know that. Mere speeches by politicians are usually rather dull to report but politicians are wary of being associated with activist stunts. NGOs, because they do not have to appeal directly to the ultimate judgments of voters, can take stands that are more confrontational, more alarmist, more impassioned. In a national electoral setting, they are balanced not only by other constituencies but by the political incentives of national politicians, looking to preserve their own image as reasonable and trustworthy, among a mass electorate which takes cues from tone as much as substance.

There is no inherent reason why this advantage of 'activists' should not extend to activists on the right as well as the left. It is easy to think of examples of advocates on the right who capitalize on the same sort of license given to 'activists' as compared to actual politicians, held accountable by voters. To the extent that global forums provide amplification and reinforcement for activist appeals, however, this resource is far more available to activists of the left. It is not merely that global forums tend to be dominated by anti-market, anti-nationalist, anti-religious causes. Global forums are not responsible for actual policies in the way that governments are. Even conferences among government officials, like 'summits' of top leaders, are events designed to set a mood more than bargaining sessions at which governments commit themselves to policies, in the way that a legislative enactment or a budget resolution entails a hard commitment. It was the great insight of UN conference organizers in the 1990s to see that providing a stage for advocacy groups at international forums would actually enhance rather than diminish or distract from the real work of these meetings. If the aim is to set a mood or mobilize support, NGOs are very good at that.

What NGOs are particularly good at doing is ‘networking’ - establishing loose connections in place of firm agreements. NGOs cooperate with each other, without having to submit to precise terms of agreement. One can say that is the nature of political coalition building. In domestic politics, however, the coalition must hold together even when it comes to precise commitments to precise statutory formulas or precise budget allocations. Most of the time, extended coalitions in support of a general proposal do not hold together, which is why most proposals in American legislatures actually fail to gain enactment. In the world of governance, nothing is a firm commitment; everything is a promise, a hope, a slogan. Here the potential for coalition building is almost limitless.

If you glance at the pronouncements of major UN conferences during the 1990s, you can see the result. In this political setting, where only non-binding, aspirational formulas are in question, there is tension between the priorities of environmentalists from affluent states and the concerns of poor people in developing nations. Nevertheless, they all agree on ‘sustainable development. Of course, there should be ‘development,’ as less developed nations insist, but it must be ‘sustainable,’ as western environmentalists say. The concerns of developing nations will be addressed by proclaiming a ‘right to development’ as a human right - along with many other social and economic rights. Indeed, saving the environment is also a human right. We can have global controls along with respect for the sovereignty of every state because international order will guarantee peace, which is also a human right.

Every claim can be added into the mix, because it does not have to add up. It does not have to add up because it is not really the program of a government, which must defend its actual record in something so definite as an election. A mood is pleasing and might encourage higher ideals. Perhaps there are versions of this game, which advocates of the right might also play. But the capacity for open-ended networking makes it harder to split off potential coalition partners from the network of the left: there is so little incentive, compared with real legislative debates, for a coalition partner or networking partner to split off - because it is all so unreal.

Finally, if you think of the program of NGOs as a substitute for religion, you can see another great advantage which global governance supplies to NGOs. Participating in international forums requires a vast amount of stamina. Debates are endless and it is never clear what, if anything, is settled in the end. Business firms and local citizens groups, concerned about immediate benefits or immediate threats, may have the patience to engage in extended lobbying on particular issues of immediate concern. It is much harder to sustain long term engagement with conferences that produce nothing more than declarations - that is, appeals to the next conference, presumably reinforced by the echo chamber effect of successive mobilizations, but with ultimate consequences quite distant.

There are certainly organizations of the right, which draw on a kind of devotion that is akin to religion - or is literally inspired by religion. The right-to-life movement is a prominent and impressive example in the United States. In international forums, the left has all the advantages. In a domestic setting, business interests may be wary of allying

with conservative religious advocates because one set of alliances may jeopardize another and it may seem safer to focus only on immediate business concerns. In international advocacy, it may seem to business interests that little is risked by endorsing abstract causes like saving the earth - from which nothing concrete may follow.

Political Postscript: Government as the Answer to Governance

If I am right about all this, what follows? I do not think there is much that political activists on the conservative side can do to compete with the left in international forums. What they can do, however, is to monitor and lobby the activities of their own government. I think this can make an important difference to the whole game. NGOs may dominate much of the news at international conferences. Still, reports of these conferences filter into domestic political forums through national media. Part of the story for national media is how the national government - the actual government - responds.

Opponents have more opportunity to combat bad ideas in national forums than in international forums. At least, in their own countries they can generate counter arguments and cautions for their own domestic debates - and they are not so much at a disadvantage in thinking about what arguments may appeal to their own fellow citizens. Meanwhile, opponents can, within their own countries, mobilize against the notion that international forums can, by themselves, generate law - or even international law. It is not a difficult idea to explain: we have a national constitution to ensure that our own government makes our own law. International forums do not make law for us. Enthusiasts of global governance often speak of 'soft law' - something that is not quite so binding as a treaty but is an evolving norm in the process of becoming an accepted principle. No one hears of this in domestic practice. There is law that can be enforced. On the other hand, there are proposals and recommendations that cannot be enforced because not yet the law. It is easy to challenge the notion that our government can be bound by something it has never ratified in a treaty and never enacted in a statute through our own legislative process. Every time the United States government refuses to cooperate with some amorphous governance scheme that the Senate has not ratified, it chips away at the pretensions of global governance. Citizens who want issues to be decided by their own government have an interest in promoting such resistance by their own government. They have an interest in demanding it - and protesting loudly when the government gives credence to norms or standards not actually ratified by the Senate or enacted by statute.

The answer to the vicarious politics of global governance is the actual politics of actual national democracies. The answer to the amorphous claims of global governance is the precise procedures, powers and limits of constitutional government. Only nations have constitutions, however. It is much easier to insist on this in the United States, which has had the same Constitution for over two hundred years. It is hard to insist on this in Europe, where no country now has a constitution of its own, because European treaties are now understood to have the power to override national constitutions. Still, arguments that retain force in America may still have some force in other countries.

Holding governments accountable can even have international applications. The United States cannot tell Belgians what to think, much less change the thinking of NGO enthusiasts. The United States did not have to compete with NGOs, however, when it warned the Belgian government to rethink its procedures for hosting trials of leaders from around the world. The Belgian government, accountable to Belgian voters, had to think seriously about whether adhering to amorphous notions of global governance was worth losing NATO headquarters. The Belgian government had to make this call - not advocates and theorists and networks with wider ambitions and higher callings. Was it worth it to Belgium? That focused question finally stimulated decisive action by the Belgian government to shut down the universal criminal jurisdiction law, which allowed NGOs to set themselves up as prosecutors for humanity.

In a similar way, The United States has focused actual governments on the question of whether they want to bear the consequences of arresting an American and forwarding him to the International Criminal Court. The actual government of an actual country has to think about that - if it is put like that to an actual government. More than 40 countries, including a number of European countries, which had otherwise expressed much sympathy for the ICC, have now agreed to bilateral treaties, promising the United States that they would not extradite an American to the ICC. Actual governments were forced to make actual decisions.

Even at international forums, a government that is focused on its own priorities may think much more clearly and act more effectively. At the Johannesburg Summit in 2002, instead of mumbling vague qualifications to the agenda of NGOs, the United States delegation appealed to other governments directly: did they really want to endorse the pet scheme of NGOs, affirming that all states should reduce their consumption of energy? Venezuela and Iran helped lead successful resistance to this idea. They are not exactly American allies on most issues. But focusing on how actual policies might affect actual countries can cut through a great deal of wishful thinking and sentimental delusion - that is, cut through many of the childish premises of global governance such as that all people really agree and all would benefit from having their political priorities set for them by Europhile NGOs.

There was talk after the Johannesburg Summit that it had proved so unproductive for global governance agendas that the UN would not be likely to venture another such 'summit' any time soon. Governments can live with that loss. It is not necessary for governments to provide special forums for NGOs to preach or preen. If NGOs want governments to offer them more sympathy and support, let them persuade their own governments to do so at home. If they find that they have far more opposition at home than they do in international forums, they may just have to live with that situation. Everyone else does.