Interacting fruitfully with un-civil society
the dilemma for non-civil society organizations

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Preamble

This paper acknowledges the quantity of research and evaluative studies that has been done on non-governmental organizations, civil society and third sector questions over the past decades - and more recently in relation to Eastern Europe. However, in an effort to increase the policy relevance of future studies, it takes a critical stance with regard to the way these topics have been framed in the past - and their limited significance for development policy. Some apology is therefore in order for those who would expect a different style of paper.

Introduction

Having worked with and documented "non-governmental organizations" for several decades, it has been interesting to note how research under headings such as: NGOs, voluntary associations, community organizations, third sector organizations, humanitarian organizations, non-profit bodies, and the like has been continually reframed. Different academic disciplines or approaches to development seem to have associated themselves with particular takes on what has only recently acquired a neutral label as "civil society". This term was seldom used a decade ago by many who choose to use it now. The blossoming of studies is associated with the transformation of the U.S.S.R. with few dating prior to 1989-

The debate amongst those influenced by the methodology and political constraints of the intergovernmental system was severely constrained by the UN terminology of "non-governmental organization" as specified in Article 71 of the Charter of the United Nations. It could even be argued that "civil society" acquired currency as a concept only with the transformation of the U.S.S.R.

With the cessation of the Cold War, the pressures from environmental groups resulted in major procedural changes with respect to acceptance of a wide range of bodies at the Rio Earth Summit in 1992. These precedents have encouraged rethinking of the whole question of how non-governmental bodies relate to the UN sys-

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tem and have raised many questions about how they may be better associated with official development programmes. This has become especially acute as a consequence of negative assessments of the capacity of official programmes to deliver development at the field level.

The rethinking on all sides may perhaps be distinguished in terms of the following trends:
- erosion of the distinction between "international" NGOs and national or local bodies (which may be their members) in terms of operational contact with intergovernmental bodies
- challenges to the concept of "consultative status" and the lack of effective involvement of non-western bodies
- challenges to the representativity of traditional world-wide NGOs by those perceived as being newer grass-roots social and citizens movements unencumbered by any questionable secretariats or decision-making apparatus
- academic research emphasis on community organizations
- efforts to define an international legal status for non-profit bodies, notably within the European region (Council of Europe) or within the European Union
- dramatic media attention on (and by) "humanitarian organizations" in relation to crises in Somalia and Bosnia that undermined the credibility of intergovernmental initiatives
- efforts to take account of unenvisaged manifestations of collective organization characteristic of non-western cultures.

All of these have combined to promote discussion of NGO-related phenomena whilst at the same time handicapping effective discussion of "civil society", notably in the FSU. This has been exacerbated by what might be termed definitional games. Indeed it might be asked whether use of "civil society" is not part of just such a game.

Definitional games: UNDP

It is difficult to avoid the suspicion that further exploration of civil society is bedeviled

by definitional game-playing by parties wich special interests they are seeking to promote. Any classification of the actors in civil society has become a political act - whether in relation to inter-organization competition for resources, academic schools of thought, or in the political dynamics surrounding nongovernmental cooperation with intergovernmental bodies. This is best illustrated by the following paragraphs previously published elsewhere (but adapted for this paper).

In January 1995 the Management Development and Governance Division of the United Nations Development Programme (UNDP) published a discussion paper on *Public Sector Management, Governance, and Sustainable Development*. This was the result of several stages of internal and external consultation. It affirms that the "good management of human affairs by governments, through public sector organizations and in collaboration with organizations of civil society, is a *sine qua non* of sustainable human development." Its purpose is to define a position within governance for the development assistance efforts of UNDP as the major coordinating agency for development funding within the UN system.

This report can be seen as one UN response to other efforts to redefine the contemporary challenge of governance. The concern here is to highlight ways in which the report operates out of a framework which has been demonstrated as inadequate to the challenges of the past and is therefore likely to be inadequate to those of the future.

One way to formulate this inadequacy is as a marked ability to play what amounts to definitional games. In practice insightful analysis and laudable principles are elaborated at one point, only to be effectively reframed with a far more narrow and questionable interpretation at another. Whilst this may be good politics and good public relations, it does not invite confidence. Is it deliberate on the part of some, a manifestation of sloppy thinking, or a consequence of committee report writing? It is precisely this tendency which has alienated so many from political processes in general, and from UN processes in particular.

The report leads off with some fast conceptual foot-work. "Governance is the exercise of political power to manage a nation's affairs. Public management... is synonymous with governance." (p. xii) - implying that "management of the public" is also synonymous with governance? "Whatever the nature of society, only governments can set the rules according to which the system works and take corrective action when it fails" (p. 19).

This reflects profound ignorance of the "rules" established by religious movements (notably with respect to population non-control), by professional bodies (with respect to codes of conduct and peer pressure), by multinational corporations, and by those who engage so effectively in the illegal arms and drugs trade. The action of NGOs in Somalia, of Amnesty with respect to human rights abuses, and Greenpeace with respect to government-sanctioned environmental abuses, can be seen as a non-government "corrective action" when the system fails. It also reflects ignorance of the widely acknowledged consequences of globalization of information and decision-making outside governmental frameworks - if only with respect to movements of funds.

Later however we read that "Sound governance also calls for cooperation between governments and civil society organisations. Sound governance is not simply something that governments do by themselves" (p. 25). This is a typical example of a later statement reframing the scope of an earlier one (above). The major emphasis in the report on collaboration with "civil society" is indeed a striking and welcome breakthrough following decades of governmental arrogance. It parallels concerns expressed in other reports on governance. It also arouses the suspicion that, having recognised its limitations, and the progressive erosion of its credibility and resources, the intergovernmental system is anxious to associate itself with a system that is in a healthier state and which is seen to offer more genuine involvement of the people.

After several development decades "It is now widely accepted that many organisations in civil society are strongly committed to forms of development that give prominence to the social and economic needs of people and environmental protection." (p. 25). Consider the

definitional games associated with this realisation. "Such organisations are referred to collectively...as community organisations. Two broad types ate identified: people's organisations and NGOs...People's organisations represent their members interests, are accountable to their members, and tend to have participatory organisational structures." (p. 25). This strongly suggests that NGOs have none of these characteristics in the eyes of those who favour this definition.

Elsewhere we read however that "Civil society organisations are multifarious. They differ according to their membership, their missions, forms of organisation, and levels of operation. They include religious-based organisations, cooperatives, trade unions, academic institutions, and community and youth groups" (p. 110). Elsewhere a distinction is made between "NGOs, community-based organisations, and other civil society organisations" (p. 99).

What does this imply as to UNDP understanding of NGOs? Only much later do we read that they can be very broadly defined as "non-government organisations involved in development, staffed by professionals and para-professionals, which provide services or products that cater to the needs of people at the grassroots" (p. 86). But: we also read that "NGOs constitute a critical element of the civil society, but have probably received a greater share of the limelight than other deserving organisations, such as professional organisations and women's groups" (p. 86).

The definitional game being played here arises from a long-established tendency of UNDP to ignore the scope of the UN-imposed definition of nongovernmental organisation (under Article 71 of the Chatter concerning consultative status arrangements) in favour of a definition of NGOs as organisations providing direct development aid, however this happens to be narrowly conceived by UNDP strategists at a given time. The UN definition (itself currently under review) allows for a much broader understand ing of organisations relevant to "economic and social development" and includes "professional organisations and women's groups" and many other categories.

The implicit UNDP definition, reinforced by many national NGOs (until very recently excluded from any relationship to the UN or to UNDP Resident Representatives, and resentful of the exclusiveness of the UN definition), is an effort to coopt national or local groups whilst undermining the international NGOs through which many of them have long been linked.

Definitional games: UNESCO

"Foundations and similar institutions" are not included within the UNESCO definition of "non-governmental organisations" and relationships with them are governed by separate directives. However responsibility for relationships with both NGOs and foundations is held by the same department within UNESCO.

According to UNDP figures however, the donations received by UNESCO from "NGOs" during 1993 (DP/1994/40/Add.l, 28 September 1994) amounted to $3-20 million dollars (an increase from $2.87 million in 1992), namely a total of $5.87 million for the 1992-93 biennium. For UNDP, the "NGOs" ate the "foundations", since none of the UNESCO "NGOs" actually donate funds to UNESCO.

UNESCO maintains relations with some 581 NGOs. The total contractual and subvention cost of funds distributed by UNESCO to NGOs was $3,265,300 for the 1992-93 biennium.

It would appear that in terms of funds alone, the NGOs (according to the broader UNDP definition) are far from being a cost to UNESCO, as Member States are wont to assume. Rather UNESCO effectively redistributes to "NGOs" about half of what it receives from "NGOs". In this sense NGOs as a category may be said to be a net financial contributor to UNESCO.

In the light of the new USA aid policies, favouring distribution of funds through NGOs rather than through intergovernmental bodies, it might be asked whether such foundations might come to the view that their funds could

be more effectively used by transferring them directly to other NGOs rather than via the general funds of intergovernmental organizations.

Definitional games: the United Nations NGO Review Process

The otherwise excellent *General Review of Arrangements for Consultations with Non-Governmental Organizations* by the UN Secretary-General (E/AC.70/1994/5, 26 May 1994) falls victim to confusion by making the unfortunate claim that "NGOs fall roughly into two categories. The first one is a category of organisations which by their objectives and methodology are concerned with supporting social movements and/or initiatives. The second category includes NGOs which have emerged from social movements and represent their institutionalised reality. The former category of NGO emphasises participation and empowerment and sees its role needing to be focused on capacity-building for greater self—reliance at the community level. The latter focuses on advocacy and networking as tools to promote changes in policies and governance." (para. 12}

This simplistic categorisation by the United Nations effectively excludes many scientific, educational and cultural NGOs in official relations with UNESCO, to say nothing of bodies having official relations with Specialized Agencies such as ILO, WHO or FAO - all of which may, in consequence, be recognised by ECOSOC at the present time. It is therefore not clear what role these bodies may be recognised as performing, if any, once the UN review process is completed under the influence of the NGOs privileged by the biased definitions of the review process.

The report fails to clarify what is effectively excluded from ics focus and especially the basis for doing so. In stressing bodies which have an obvious relation to development, it fails to recognize the function of others that have a less obvious relation to development (which might typically include many of the cultural NGOs in relation with UNESCO).

"Civil society"?

In an earlier paper (Judge, 1995) the focus was on exploring methods of moving beyond the limitations of the many particular ways of discussing "civil society". It endeavoured to identify broader issues of relevance to public policy formulation in response to the challenge of "civil society" to governance as indicated by Yehezkel Dror (1995).

As implied above, one of the difficulties is that "civil society" itself is discussed through a variety of terms whose partial equivalence has not been effectively explored. These include: nongovernmental organisations (NGOs), voluntary associations, nonprofit sector, not-for-profit sector, charitable organisations, benevolent societies and third sector. Depending on who uses these terms, they may, or may not, include bodies such as labour unions, trade associations, professional societies, or legally unrecognised (and even illegal) bodies such as cartels and crime rings. In many cases it is not what a particular approach includes that is as significant as what is effectively excluded and why (Judge, 1994, as shown in Table 1).

Many modern protagonists in such debates fail to recognize that the debate about the nature of "nongovernmental organisations" (NGOs) and civil society has been in progress since the beginning of the century - as can be seen in the publications of the Union of International Associations in the period 1910-20. Many of the points concerning the relationship between governmental and nongovernmental organisations have been made many times over - some of them over a period of decades.

There is therefore merit in reflecting on the collective ability to process these questions in new and fruitful ways. There is a sense in which it is in the interests of many to avoid clarity and conclusion and simply to perpetuate the discussion. And there is the continuing interest of others to arrive at simplistic solutions if possible. The debate is complicated by a degree of unwillingness to recognize some weaknesses in the present arrangements.

Conceptual omissions

It would appear that fruitful discussion is severely handicapped by a tendency to selective conceptual omission. A particular concern with regard to "civil society" is whether those mobilized behind this term are not misled by an apparent opportunity to impose a definition of the "good society" from which dubious forms of organisation are excluded. Emphasis would then be placed on "voluntary associations", "charitable bodies", "citizens movements" and the like, especially when their activities are in no way controversial. By some, it would be considered inappropriate to include bodies such as professional organisations, trade associations, employers organisations, or labour unions.

An important issue here is the extent to which civil society bodies are to be understood as associated with economic activity and specifically with wealth generation, especially profit-making. Civil society can be readily, and conveniently, understood as encompassing all organized activity not associated with the major institutional systems: government and administration, education and health delivery, business and industry, security- and organized religion. But this creates many difficulties- It is therefore useful to distinguish three clusters:

Group A: what is included in over-simplistic understandings of "civil society" and which will continue to attract supporters of uncritical and uncontroversial understandings of the "good society".

Group B: what can usefully be understood as "non-civil society", by opposition to simplistic understandings of "civil society", namely government and other establishment institutions.

Group C: what then remains to be considered as part of the social fabric, having taken account of Group A and Group B. This might usefully be understood as the "un-civil society".

Un-civil society

With apologies to Mahatma Gandhi, it is appropriate to reframe his classic response to the journalist who enquired, on the occasion of Gandhi's visit to the UK, what he thought of Western Civilization. Gandhi's response that "It would be a very good idea" might equally be applied to the concept of "civil society".

There are numerous features of society, to be understood as clustered into Group C, which challenge some of the polyanna-ish aspects of Group A - for they are distinctly "un-civil" and questionable from one or other perspective. And yet they are indeed characteristic of a fuller understanding of "civil society". Depending on the position taken by the Group A advocate, they will include a greater or lesser portion of the following (Group C.1):

- labour unions, professional bodies, employers organisations
- not-for-profit research institutes
- religious bodies, including ashrams, churches, religious orders
- **political parties**
- cooperatives and mutual societies
- foundations and waif
- intentional communities
- heraldic and ceremonial groups

More challenging however are bodies such as the following (Group C.2):

- gangs
- paramilitary organisations
- criminal organisations (Mafia, Yakuza, Triads, etc), drug rings
- cartels
- secret societies (including the freemasons), cults
- intelligence networks
- subversive and revolutionary political groups
- terrorist groups.

The first group above are tainted by financial or ideological considerations, whilst the second tend to be characterised by the illegality of their actions or their ability to act "above" or "beyond" the law. The situation is t further complicated by Group C.3, namely "front organisations" (whether for government, ideological, religious, business or criminal groups). Further complications in understanding "civil society" are introduced when groups have only a temporary or "electronic" existence - as with the 15,000 newsgroups on the Inter-

net (Group C.4).

And of course there are the complications associated with groups more characteristic of non-western societies - and often unknown, or of little significance, to those active in defining "civil society". These include (Group C.5):
- tribal and kinship groups
- name groups (as with the Chinese)
- guru-oriented groups
- traditional secret societies

But these have their equivalent in heraldic and ceremonial groups, often of great presage (such as the Knights of the Garter in the UK).

Policy implications in relation to the FSU

Following the dismemberment of the U.S.S.R. and the transformation of Eastern Europe, many policy assumptions were made with regard to the economic transformation and development of those societies. Considerable numbers suffered in consequence - especially the vulnerable. There has been much criticism on both sides of misguided efforts to "export" Western economic models and political institutions to those countries. This has led, to the surprise of many, to the re-emergence of former leaders of communist society, together with political parties reflecting approaches distinctly unsympathetic to any western understanding of civil society.

In the process of establishing more creative relationships with Western Europe, efforts have been made to involve the FSU in the Council of Europe. To that end the participation of Russia in the pattern of European treaties has been a critical issue. Given the distinctly non-western approach to legislation and implementation characteristic of Russian society, the appropriateness of this can be usefully questioned (Judge, 1995), as is done by Russian's themselves.

Accompanying these changes, many western bodies have endeavoured to establish relationships with people and groups in the FSU and Eastern Europe. Numerous exchanges and contacts have been fruitfully organised.

Many religious groups have successfully proselytised and established viable movements, for example. At the same time there has been a flowering of a wide variety of groups and movements - strange to western eyes - often inspired by charismatic personalities characteristic of FSU cultures.

Un-civil society and organised crime

But most striking, with respect to any understanding of efforts to enhance any form of "civil society" in the FSU and Eastern Europe, has been the overwhelming increase in the number of criminal gangs, to the degree that it has been estimated that at least 50 percent of economic actions there are influenced by organized crime. Only extreme naivety could justify exclusion of this dimension from any discussion of civil society, in the FSU.

The key policy issue here is how to understand and relate to this particular manifestation of "un-civil society" - given its central function in FSU societies at this time. Several approaches may be envisaged:

• Ignore: the proliferation of gangs, and organised crime, as a particular form of "voluntary association" may be ignored as a temporary aberration, namely "civil society" may be defined to exclude such forms of social organisation. This then raises the question of the relationship ¡n practice between "civil society", narrowly defined, and its rejected shadow the "un-civil society". By implication, some forms of voluntary association are then understood to be naturally good, and others are to be understood as naturally inappropriate. This leaves unresolved the many dubious initiatives of "good" bodies, as evidenced by the territorial disputes between major religious groups. It also ignores the challenge raised by the levels of abuse and fraud amongst officially registered civil society organisations in the West. But above all it loses sight of the role played by "un-civil society" in socially abnormal situations. This is equivalent to the economists error in long ignoring the

"informal" or "black" economies essential to the economic success and development processes of some countries.

• Exterminate: emphasis may be placed on exterminating any manifestations of "un-civil society". This loses sight of the fact that often decision-makers at the highest levels are involved, whether voluntarily or because they have been "volunteered", in un-civil activity. Even in the West, weekly scandals over the past years have revealed how ministers of government are implicated in the actions of groups acting in a distinctly un-civil manner - if only to reinforce the finances of their political parties. It is unclear what lessons are to be drawn from the Italian "clean hands" campaign in this regard, especially now that there are pressures to scale down any furcher investigations. Eliminating the shadow of "civil society" has never proved to be as easy as many have wished.

• Come to terms: ways may be sought to "come to terms" with un-civil society. Totally unacceptable at first sight, this has proved to be the only way forward for many in the FSU. Whilst politicians may promise to "root out" organized crime, they have proved to be distinctly inept in doing so. It is salutary to reflect on the level of gang activity in major western cities such as Los Angeles, and the level of organised crime in many western countries, including the USA. Unfortunately it is primarily through anecdotal evidence that information on how western governments have "come to terms" with organized crime in particular situations has become available. Such information is not normally part of any course on the nature of "civil society".

• Reframe: the nature of "un-civil society" may be completely reframed. The above approaches neglect the possibility that alternative understandings of the relationship between "civil" and "un-civil" society may exist in cultures other than the western. It is around this point that there have been misunderstandings concerning cultures where decision-makers naturally expect some percentage of any transaction over which they have any influence (especially when they are underpaid). The whole issue of bribery and "commissions" concerning transactions in developing countries has only recently come to the fore, as with equivalent phenomena in many industrialised countries. The legitimacy of "influence peddling" ¡s a question in all societies. At what point do the actions of lobby groups, as manifestations of civil society in the corridors of national parliaments, acquire un-civil characteristics? When do the actions of Freemasons or Opus Dei, for example, take on "un-civil" rather than "civil" character?

Creative challenge

Just as in the case of western attempts to export economic models and institutions, there have been efforts to export western civil society institutions. This continues a trend associated with the colonialization process in developing countries - even including the export of parliamentary models. The appropriateness of such exports was seldom questioned - as with the early priority of western missionaries to supply indigenous women with brassieres.

Almost no effort has been made to detect traditional patterns of collective organisation natural to FSU and associated cultures and to seek ways of enhancing them. More challenging still would be the exploration of ways to engender new forms of collective organisation in harmony with the cultural patterns and values of those societies and of greater relevance to contemporary challenges in the FSU. What forms of organisational innovation are appropriate to the FSU? How is their encouragement to be dissociated from naively enthusiastic attempts to export (or import) inappropriate western forms?

A striking example of how such a challenge has been taken up in a developing country is offered by the Swadhaya Movement, notably active along the western coast of India. As described by Shri R K Srivastva of the Centre for the Study of Developing Societies (New Delhi): "Swadhyaya is neither a cult nor a sect; it is neither a party nor an association; it is nei-

ther messianic nor limited to a particular section of society; it is neither directed against centralising state power nor to overcoming flaws in Indian society, though such consequences may follow. Swadhyaya is both a metaphor and a movement. It ¡s a metaphor in the sense of a vision, and a movement in terms of its orientation in social and economic spheres."

Building on qualities long articulated within the Hindu spiritual tradition, emphasis is placed on the quality of relationship between people, especially within the context of the most impoverished villages. This has led to a remarkable, and growing, capacity to regenerate village life. Refusing any economic assistance from either Indian government or foreign sources, unusual achievements have been made in thousands of villages, even in such physical terms as replenishing wells and managing farms. (Ironically, although present by invitation at a 1995 FAO conference on poverty alleviation, the movement found itself isolated - it was neither in search of funds (as an "aid recipient"), nor was it offering them (as a "donor"), but its experience without funding was considered irrelevant).

Metaphors of civil society

There is an increasing body of literature recognising the value of metaphor in reframing issues relating . to organisational and policy innovation. The point made is the need to avoid the metaphorical traps and poverty of imagination associated with seemingly obvious options.
In this light, understandings of civil society might perhaps be compared through the following set of agricultural metaphors:
• Monoculture: As with unending fields of wheat, civil society bodies might be seen as stalks of wheat, virtually indistinguishable. This image might reflect views that favour the principle of citizens organisations - providing they conform to a particular approved pattern. The creation of each body can then only take place with the approval of appropriate authorities. Differences between such bodies, from the point of view of any central authority, are considered to be negligible - only their numbers are of interest. In its most severe manifestation, all such bodies would be required to conform to central policies.
• Multi-crop farming: This metaphor would allow for a limited range of different types of voluntary and other organisations as making up civil society. Each type would however be well-defined: wheat, oats, turnips, cabbage, apples, etc. Within each type, variations would not be easily tolerated. This would correspond to the European Commission's approach - were it to be extended from vegetables and fruits to civil society organizations.
• Integrated farming: In this metaphor, the emphasis switches to the complementarily between the different types of organisation in order to optimize the growth patterns of each in the interests of the whole. The farm is treated as a system, with a water and fertiliser infrastructure, in which each crop has a distinct function.
• Inter-cropping: In this metaphor attention shifts from crops as a whole. The importance of juxtaposing particular plants to provide shade, protection from insects, or soil enhancement is then emphasised. The checks and balances required within civil society are rendered explicit at the level of the individual organisation rather than between classes of organisation.
« Permaculture: In this metaphor much greater effort is made to intimately relate a wide variety of plant and animal species to enrich the pattern of checks and balances in relation to water, sunlight, and nutrient flows. It is with such methodologies that the skills required for sustainable communities within the civil society emerge. Permaculture is noteworthy for integrating space for uncultivated, unplanned growth as a source of particular positive influences on the cultivated species.
• Natural parks: In this metaphor the concern is to protect natural patterns of growth and the wild species associated with it. In the case of civil society, this would correspond to efforts to provide for traditional

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forms of organisation (including folk culture) - and to protect them from contemporary forms. The question of cultural identity is strongly associated with this dimension of civil society. The challenge is to minimize forms of intervention which will make such "natural" - organisation appear artificial. Excessive intervention, as with artificial landscaping, can make such supposedly natural forms of civil society both artificial and soulless.

* Wilderness areas: In this metaphor a much greater variety of plant and animal species grow freely without outside intervention or justification - constituting a rich genetic pool. In the case of civil society, the question for any authority is to what degree a veritable jungle of organisations of every imaginable kind can be allowed to exist without requiring constant supervision and management. Such authorities may not then have the ability to control civil society, even if they wished to. This then reflects the most extreme forms of "un-civil society".

It is interesting to reflect on the policy challenges relating to civil society in the FSU and Central/Eastern Europe in terms of these metaphors. Essentially it is a question of what forms of organisation should be cultivated and how, and how does society benefit by allowing space for certain forms to grow freely.

Past errors of agriculturists and land resource managers carry many lessons for those hoping to cultivate civil society and develop sustainable communities. More specifically there is the issue of what should be considered "weeds", how they are to be reduced, and what should be appreciated as "wildflowers".

The above agricultural and land management metaphors also highlight the fundamental challenge of building sustainable communities, namely ensuring appropriate interacción amongst a diversity of organisations, It is civil society as a complex ecological system of organisations which needs to be explored. Simplistic approaches to this ecology may be tantamount to the destruction of cultural rainforests.

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