

Governance and civil society

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ABSTRACT

As part of the ECPA's regular contribution to the Journal, Tom Spencer reviews the new fashionability of governance and examines its confused interface with civil society. He invites participation in the ECPA civil society project, reviews some recent relevant literature and appeals for a coherent current bibliography in this politically urgent field.

KEYWORDS: EPCA, civil society, governance

At a recent ECPA programme, The Public Affairs of Civil Society January 2001, the speaker from the European Commission's new 'Governance Unit' was clear about the roots of the word: 'Governance is first heard of in the fourteenth century in connection with the struggle of the towns for self-governance, and is then not much heard of again until 1992.' For a word with such a supposedly discontinuous history, it has certainly made up for lost time — not just corporate governance and global governance, but European governance and environment governance. The Commission is producing a White Paper in 2001 and Rio+10 will consider the

matter in 2002. As international governing structures try to adapt to changes in the way modern societies operate, governance, as defined by Konrad von Moltke, is a useful concept. 'Government' implies a formally constituted public authority, working in a framework of explicitly defined legal norms. 'Governance' recognises that all forms of society operate in a rule-based structure, but that these rules can be created by means quite different from those employed by government: private covenant, customary practice and even unwritten conventions of social behaviour all contribute to governance. Thus 'government' is a special instance of 'governance' (von Moltke 2001). However, there is a case for some rigorous thinking when 'governance' meets that other reborn phrase 'civil society'. We are unlikely to create lasting, effective and inclusive governing structures, unless we are much clearer about what we mean by civil society. For politicians civil society is a muddle and a mess. It is intellectually a mess because the phrase is used in a variety of ways in different contexts. UNEP (the United Nations Environment Programme), defines civil society broadly to include business, trades unions, NGOs, the faith communities, parliamentarians, journalists and academics. The European Community usually means business and the trades unions when it refers to the 'social partners', but the Economic and Social Committee is organised as a tripartite, with a third leg which includes the liberal professions etc. NGOs are keen to be known as 'civil society organisa-

tions', making a public relations claim for a broader mandate. Business often cannot decide whether it wishes to be part of civil society or to stand alone as a separate pillar of society facing both government and NGOs. Parliamentarians equally cannot decide whether their current status makes them special or irrelevant.

The Centre for European Non Profit Organisations (CENPO) in Brussels talks with experience of 'the public affairs of the third sector'. At first sight there is indeed a different quality to the conduct of public affairs by non profit organisations. However the preparatory work for an ECPA benchmarking study, comparing the conduct of public affairs by business and NGOs, leads me to believe that the differences are often more apparent than real. The third sector includes some of the best public affairs currently being practised and some of the worst. Large globally organised NGOs such as Greenpeace and WWF have the scale, budgets, personnel and expertise to match the public affairs efforts of the largest multinational corporation. They also face similar problems of coordination and control. The ECPA will be examining and comparing the conduct of public affairs by business and civil society. The ECPA Civil Society project is looking at decision making, resource constraints and coalition building in both camps, believing that much could be learned to mutual advantage and to the general benefit of the public good. It is open to participation by all interested parties (civil_society@public_affairs.ac).

The Battle of Seattle focused debate on this interface between governance and civil society as never before. Among its better consequences are a spate of new books and articles on globalisation and public affairs. Of these I commend in particular 'Fighting the Wrong Enemy: Antiglobal Activists and Multinational Enterprises', by Edward Graham of the Institute for International Economics. This is a good example of a specialist writer addressing himself to the public affairs

of civil society in an attempt to understand how his previously rational and separate world of trade policy could be so suddenly disrupted. He examines the failure of the Multilateral Agreement on Investment (MAI) in late 1998. The defeat of the MAI is regularly claimed by NGOs as the great victory that empowered them to mount the campaign against the WTO in Seattle. As always the truth is more complex. Edward Graham describes a negotiating process launched without clear political mandate and rapidly bedevilled by conflict between the USA and the EU. He describes a document so full of exemptions and exceptions that its full text would have amounted to no more than a codification of existing practice rather than a great leap forward in liberalisation. The OECD has a formal structure for consulting business and the trades unions, but no one seems to have been sufficiently interested to have used it. The process was not secret, as charged by the NGOs, it was merely inept. The negotiators seem to have been completely unprepared for the interpretation placed on their work by a small group of activists, who used the complexities of the text and of the process to present the negotiation as a focus for widely held suspicions. While I do not share all his judgments on detail, he presents a brilliant picture of two world views in conflict that has lessons for everyone interested in governance and public affairs.

There is a clear need for an updated bibliography of all the relevant material now being published in the different disciplines on this subject. Perhaps the academic readers of this journal could oblige in time and help assorted governments, corporations and NGOs to avoid producing yet more sub-standard governance debacles in the crucial next few years?

REFERENCE

von Moltke, K. (2001) *Whither MEAs? The Future of International Environmental Management*. International Institute for Sustainable Development.