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Ethics in Action

THE ETHICAL CHALLENGES OF
INTERNATIONAL HUMAN RIGHTS
NONGOVERNMENTAL ORGANIZATIONS

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INTRODUCTION

Reflections on Dialogues between Practitioners and Theorists of Human Rights¹

Daniel A. Bell

International human rights and humanitarian nongovernmental organizations² (INGOs) are major players on the world stage. They fund human rights projects, actively participate in human rights and humanitarian work, and criticize human rights violations in foreign lands. They work in cooperative networks with each other, with local NGOs, and with international organizations. They consult and lobby governments and international organizations, sometimes participating in high-level negotiations and diplomacy for global policy development. They cooperate and negotiate with economic and political organizations in the field for the implementation of their projects, whether this be monitoring or assistance. In short, they are generating a new type of political power, the purpose of which is to secure the vital interests of human beings on an international scale, regardless of state boundaries.

¹ I thank Joe Carens, Jean-Marc Coicaud, Avner de-Shalit, Jibecke Jönsson, and Thomas Pogge for helpful comments.

² An INGO is defined here as an organization with substantial autonomy to decide on and carry out human rights and/or humanitarian projects in various regions around the world. According to this definition, the Danish Institute for Human Rights, for example, is an INGO because it has substantial autonomy to decide on and carry out projects in Asia, Africa, and elsewhere (although its funds come largely from the Danish Ministry of Foreign Affairs and most its staff is Danish). The core mission of a human rights INGO is to criticize human rights violations and/or promote human rights in various ways (in contrast, say, to religious organizations that may promote human rights as a by-product of missionary work). Humanitarian organizations may employ the normative language of human rights, but they are distinguished by what they do, that is, provide immediate assistance to those whose rights (especially the rights to food and decent health care) are being violated. These missions often overlap in practice and some organizations such as OXFAM do both. This book focuses largely on human rights INGOs that criticize human rights violations and/or engage in long-term development work. For a brief account of the ethical dilemmas of humanitarian INGOs, see Daniel A. Bell and Joseph H. Carens, "The Ethical Dilemmas of International Human Rights and Humanitarian NGOs: Reflections on a Dialogue between Practitioners and Theorists," *Human Rights Quarterly* 26, no. 2 (May 2004): 317-20.

If Pogge had paid more attention to the actual workings of INGOs, he would not have assumed that contributors to INGOs do not have enough information to make any judgments about what the priorities of the INGOs ought to be. In the real world, there are many kinds of INGOs with different missions and priorities, and when they seek contributions, the INGOs describe their particular histories and commitments. Most contributors to INGOs would be able to learn enough from conventional fund-raising materials to distinguish among the basic orientations of the various INGOs, and they are likely to contribute only if they share the organization's basic moral views and established priorities.

It could be, of course, that both contributors and the organizations are wrong, that they should be using the moral standard put forward by Pogge for assessing INGO work. Carens, however, argues for an approach that incorporates a recognition of the plurality of moral views without succumbing to relativism. He notes that INGOs generally refrain from open criticism of each other and that this mutual forbearance lies (at least partly) in the recognition "that there are many ways of doing good in the world, and all of them deserve respect." Not all ways need to be viewed as equally morally valuable, but many pass a morally permissible standard "in the sense that it sets a minimum threshold for the justification of the activities of INGOs." Carens says that he personally agrees with Pogge's view that the most urgent moral task is to reduce harm caused by severe poverty along with the implication that INGOs focusing on severe poverty are doing the most morally valuable work, "this does not mean, however, that I see the work of human rights INGOs that do not focus on severe poverty as unimportant or, worse still, as morally unacceptable."

Even if we need to respect the basic organizational mission of INGOs that pass a morally permissible standard, Carens argues that Pogge's principle could still provide guidance to INGOs on how to set priorities in spending their money on specific projects. If an INGO must choose between two projects, it should choose the one that does more good. This might well lead INGOs to place less emphasis on geographic diversity of projects, but Carens notes that few, if any, INGO participants at the workshops really confronted the challenge that they should restrict the geographic scope of their projects to places where they can do the most good. In this sense, INGOs might benefit with deeper engagement with the views of a moral theorist.

Human rights work relies not just on the principles formulated by moral theorists. To an important extent, it also relies on the principles and mechanisms agreed on at the United Nations (UN). The final chapter, by Jean-Marc Coicaud of the United Nations University (UNU), focuses on INGO human rights work at the United Nations. Coicaud's conclusion draws on two themes that emerged at the third workshop in New York in August 2005 involving INGO representatives and academics that were asked to reflect on the book's findings and draw implications for INGO human rights work at the UN.

The first important theme is the need to specify what accounts for the growing importance of INGOs in human rights work. Coicaud argues that INGO growth has to be understood in connection with the evolution of governance at the national and international levels. Traditionally, state institutions had a near-monopoly of voice and action on how society ought to be run, but forces below and above the state have called into question the state's authority and capacity to set the agenda on issues of public concern. Over the last three decades or so, the INGOs have stepped into the gap, and they have assumed a visible role in criticizing human rights violations, dealing with humanitarian crises, and helping to alleviate the conditions that lead to those crises. Moreover, Coicaud expects the growth of INGO activity to continue, particularly as they have come to replace trade unions as the main force for non-state collective mobilization. One might add that the proliferation of public causes and human rights issues – few progressive forces still endorse the traditional Marxist view that dealing with the condition of the working class is the "magic bullet" for curing mankind's ills – leaves room for the diverse contributions of various kinds of human rights INGOs.

The second important theme is the need to specify the challenges that INGOs experience during the course of their human rights work at the UN. The UN is a sizeable and somewhat unwieldy bureaucracy, and it is composed of states with different and occasionally conflicting agendas. The UN setting leads to distinctive dilemmas for human rights INGOs working within the system. Coicaud discusses dilemmas of ends – the need occasionally to sacrifice short-term goals in the pursuit of long-term ones, and occasionally to prioritize human rights concerns that may not be viewed as priorities by the victims of human rights – and suggests possible ways of dealing with them. He also discusses dilemmas of means, such as whether to form coalitions with other INGOs to increase the likelihood of success, although coalition-building may entail compromising the INGO's ability to put forth its own agenda and speak out on sensitive issues. Notwithstanding the challenges of human rights work at the UN, most INGOs find it worthwhile to persist because the UN can perhaps most effectively highlight human rights on a global scale.

Coicaud's chapter ends by noting David Cingranelli's recommendation for annual report cards that would be more comprehensive than the traditional focus on civil and political rights. If such report cards are to be effective, however, they must be seen to have some sort of international legitimacy: report cards issued by, say, the U.S. State Department or even U.S.-based universities are likely to be viewed with some skepticism in the non-Western world. As things stand, the UN may be the only agency with the moral authority to confer international legitimacy. But the UN itself needs to distance itself from the political agendas of states with dubious human rights records. Such speculation points to the need for a truly independent, international agency sponsored by the UN to formulate and issue human rights report cards.

One common theme that emerged from all three workshops is that human rights INGOs always have to compromise to some extent. As William Pace of the World Federalist Movement put it at the UNU workshop, NGOs make constant priority calculations to be most effective in their actions. But normative values, as Pogge has shown, need to guide such priority calculations. It might not always be easy to compare such seemingly incommensurable goods as the freedom of religion and the right to food, but human rights theorists need to consider such questions and avoid utopian theorizing that is useless if not counterproductive in practice.

The benefits of engagement between theorists and practitioners still need to be explored, but to a certain extent, they are apparent in this book. The philosophers of human rights were compelled to think more explicitly about how their ideals might operate in the real world, and the practitioners were compelled to articulate the moral principles underpinning their work. At the very least, it can be said that the contributors, with one or two exceptions, clearly benefited from mutual dialogue in the sense that their essays were modified and improved following critical input by workshop participants who do not ordinarily engage in prolonged exchanges with each other. The reader can engage with these arguments to allow for further progress. By shedding light on the ethical challenges typically encountered by those trying to do good in the international arena and putting forward suggestions for better ways of dealing with those challenges, it is hoped that mistakes can be avoided, moral outlooks improved, and human rights more effectively implemented.

SECTION I. NORTHERN INGOs AND SOUTHERN AID RECIPIENTS: THE CHALLENGE OF UNEQUAL POWER

1 The Pornography of Poverty: A Cautionary Fundraising Tale

Betty Plewes and Rieky Stuart

Image: A Filipino child scavenges in a heap of garbage.

Image: A Sudanese mother stares at the camera while holding her emaciated and dying child.

Image: A Zimbabwean schoolchild sitting at a desk, pencil in hand smiles shyly; "Education Now" is emblazoned across the top of the picture.

These nongovernmental organization (NGO) ads implore you to help save these children. You can save them, the ads say, by sending money to the NGO for emergency food relief, to sponsor a child through monthly payments, or to help launch an education campaign.

PORNOGRAPHY OF POVERTY. This is a term used by development practitioners in the North and in the South to describe the worst of the images that exploit the poor for little more than voyeuristic ends and where people are portrayed as helpless, passive objects. It is a derogatory term, and it stimulated the ethicists involved in this project to request that we write to describe what we mean by the term, why it generates ethical debate, and what has been or can be done about it.

Most readers will know what it means – images of emaciated children with distended bellies or flies in their eyes, used to elicit a response from people who have never encountered this kind of suffering in their everyday lives.

These powerful images touch our hearts. They are used by NGOs in the North to raise money for their programs in the South. And they work. In 2004 in Canada the five largest NGOs (mainly child sponsorship organizations) raised about \$300 million from private donations.

The fund-raising dimension, however, is only one part of the picture. For many years development practitioners in the South and the North have been concerned that these kinds of images convey other, more destructive messages.

Rather, it should be regarded as reflecting our all-too-insufficient efforts to direct some of our unjustly large share of resources toward mitigating, pursuant to a far weightier intermediate duty, the great harms we are also continually contributing to. On this basis, I reject then the common thought of citizens in the affluent countries that "this is my hard-earned money, and I am morally free to spend it on any good cause I like, or none"; and similarly the thought by INGO staff that "this is our INGO, and we are morally free to raise money for any cause we like and spend it as we deem fit."

INGOs control but a minuscule fraction of the global social product – about one-fortieth of 1 percent.²⁰ Vastly more – perhaps one full percent²¹ – would be needed to eradicate most severe deprivations (unfulfilled human rights) worldwide. Still, these INGO resources are of great importance because they are explicitly intended to be spent according to moral criteria. It is very good that the question of how to specify such criteria has been a main focus of our discussions. I have tried to contribute to this discussion by arguing, as forcefully as I could, for one particular answer. I am not convinced that this answer is entirely correct. Indeed, I am sure that it will prove inadequate in various ways and will need to be modified accordingly. Still, I believe it is useful to put forward one clear and coherent answer that can serve as a first approximation and focal point for critical discussion; and the thoughtful responses from Carens and many other participants confirm this belief. It is good that we have initiated and sustained this discussion – mainly because it may, in due course, bear fruit for the world's poor and oppressed.

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²⁰ Or 0.03 percent of the aggregate gross national incomes of the Organization of Economic Cooperation and Development countries (United Nations Development Programme 2003, 290).

²¹ Cf. Pogge 2005b, 744 with n. 65.

CONCLUSION

INGOs as Collective Mobilization of Transnational Solidarity: Implications for Human Rights Work at the United Nations¹

Jean-Marc Coicaud

We have seen throughout this book that while international nongovernmental organizations (INGOs) have gained importance, they have come to be confronted with a number of ethical challenges.² This has been reinforced by the fact that INGOs work in areas which are often contentious and in countries which do not necessarily welcome their initiatives. Against this background, the book has concentrated on the ethical challenges encountered by INGOs in the course of their human rights work on the ground. These challenges have been discussed within the framework of three sets of issues.

There is, first, the question of Northern INGOs and Southern aid recipients, namely, the impact that inequality of power has on the agenda setting, ownership of policies, implementation, and financing of Southern NGOs. Second, there is the issue of the relations between INGOs and governments, with the challenges that the former face when they work in countries and with states that restrict their activities. A third question is the role of INGOs in the defense of economic rights and whether the challenge of dealing with global poverty should take priority over other human rights concerns.

¹ This chapter is based partly on research done by Joanna Godrecka, for which I am thankful. I also thank Jibecke Jönsson and my coeditor Daniel Bell for their comments.

² At the most basic level NGOs can be defined as autonomous legal entities that are not (in principle) instruments of governments and are nonprofit, that is, not distributing revenue as income to owners. INGOs are structured internationally and at heart work transnationally. Both NGOs and INGOs are expected to serve a public or community purpose. As such, they embody a double commitment: first, a commitment to freedom and personal initiative; to the idea that people have the right to act on their own initiative to improve the quality of their own lives or the lives of people they care about; and second is an emphasis on solidarity, on the idea that people have responsibility not only to themselves but also to their fellow humans. On this refer to Lester M. Salamon, S. Wojciech Sokolowski, and Regina List, *Global Civil Society: An Overview* (Baltimore, MD: Johns Hopkins University, Institute for Policy Studies and Center for Civil Society Studies, 2003), 1. In this conclusion the term INGO signifies those organizations defined and exemplified throughout the chapters of this book, whereas NGOs is used in its more generic sense. For a more detailed definition, see the Introduction of this book, in particular footnote 2.

The goal is for INGOs to address challenges in a successful manner. If the ethical dilemmas encountered by INGOs during the course of their human rights work on the ground are challenging, the dilemmas they face in the diplomatic and political settings, in the United Nations (UN) context in particular, are equally trying. To reflect and find out more about the latter, the UN University organized a brainstorming session in August 2005 that brought together INGOs representatives at the UN, as well as a small number of academics.³ The INGOs attending were identified based on two criteria: those who are contributors to the book and those who on an everyday basis deal with themes tackled in the book. Two important themes emerged at this brainstorming session: (1) the need to specify what accounts for the growing importance of INGOs in human rights work and (2) the need to specify the distinctive challenges experienced by INGOs during the course of the human rights work at the UN and to suggest possible ways of dealing with those challenges. The aim of this chapter is to shed light on both of those themes.

This chapter proceeds in four steps. First, it indicates the strong connection between the progressive aspects of international life and INGOs, their emergence, development and agenda. Second, it examines the reasons accounting for the fact that this connection is likely to grow in the coming years and, with it, the role of INGOs. Third, it identifies the dilemmas and challenges that INGOs encounter during the course of their human rights work at the UN. Fourth, and finally, the chapter makes a number of recommendations as a way to improve the impact of INGOs and their relations with the UN and its member states.

I. INGOs AND THE PROGRESSIVE ASPECTS OF NATIONAL AND INTERNATIONAL POLITICS

Although often referred to as a phenomenon of our time, INGOs have been around for a long time, dating back to the nineteenth century. It is generally

considered that the earliest INGO is the antislavery mobilization, formed as the British and Foreign Anti-Slavery Society in 1839, although there was a transitional social movement against slavery much earlier. The International Committee of the Red Cross (ICRC) was founded by Henri Dunant in 1864. By 1874, there were thirty two registered INGOs, and this number had increased to 1,083 by 1914. INGOs grew steadily after World War II.⁴

In the past thirty years, INGOs have come to be granted a special importance, with a significant acceleration since the early 1990s. In terms of numbers, notice for example that around one quarter of the 13,000 INGOs existing by 2001 were created after 1990. Moreover, membership by individuals or national bodies of INGOs has increased even faster: well over a third of the membership of INGOs joined after 1990.⁵ The ability that INGOs have acquired to shape the international agenda since the early 1990s, through advocacy and raising awareness and calling for state actors to change their ways, has been equally impressive. In this regard, their power was first visible at the Earth Summit in Rio in 1992, where about 2,400 representatives of the nongovernmental sector, by highlighting issues of global concern and stirring up proceedings in general, practically hijacked the event. Another major impact was the INGO-launched campaign to pressure governments to draft a treaty to ban the production, stockpiling, and export of landmines. The campaign proved so effective that the treaty to ban landmines was signed in 1997.

In addition, the nongovernmental sector has become an economic force to reckon with. According to a study by the Johns Hopkins Comparative Nonprofit Sector Project, by the late 1990s it had become, in the thirty-five countries on which the study is based, a considerable economic force, accounting for a significant share of national expenditures and employment. It had aggregate expenditures of US \$1.3 trillion.⁶ Moreover, the share of INGOs in development aid flows has increased significantly in the past fifteen years or so. While in the 1990s official aid flows declined overall, both directly (bilateral and multilateral) and indirectly via INGOs, INGOs aid flows augmented. In particular, through private donations, including individual, foundation, and corporate contributions at the international level, echoing the rapid growth in wealth creation in the 1990s, it more than doubled, from US \$4.5 billion to \$10.7 billion. This underscores the significant expansion of INGOs in the changing development field of the 1990s and the major private mobilization effort they represent.⁷ Finally, in the

⁴ Lester M. Salamon, S. Wojciech Sokolowski, and Regina List, *Global Civil Society*, op cit., 4.
⁵ Helmut Anheier, Marlies Glasius, and Mary Kaldor (eds.), *Global Civil Society 2001* (Oxford, New York: Oxford University Press, 2001), 4.

⁶ Lester M. Salamon, S. Wojciech Sokolowski, and Regina List, *Global Civil Society*, op cit., 13.
⁷ Mary Kaldor, Helmut Anheier, and Marlies Glasius, "Global Civil Society in an Era of Regressive Globalization," in *Global Civil Society Yearbook 2003*, eds. Mary Kaldor, Helmut Anheier, and Marlies Glasius (Oxford, New York: Oxford University Press, 2003), 11–12.

³ Participants included John Ambler, senior vice president of programs, Oxfam America; Robert Arsenault, president, International League for Human Rights; Widney Brown, (then) deputy director of programs, Human Rights Watch; David Cingranelli, professor of political science, Binghamton University; SUNY; Allison Cohen, international human rights officer; Jacob Blaustein, Institute for the Advancement of Human Rights; Sakiko Fukuda-Parr, research fellow, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University; Niel Hicks, director, international programmes, Human Rights First; John L. Hirsch, senior fellow/interim director of Africa program, International Peace Academy; Sharon Hom, executive director, Human Rights in China; Richard Jordan, chief executive officer, World Harmony Foundation; Shulamith Koenig, director, People's Movement for Human Rights Education; William R. Pace, executive director, World Federalist Movement; and Kevin Sullivan, director of advocacy, Habitat for Humanity. The United Nations University thanks the participants for their contributions. Convening the discussions were Jean-Marc Coicaud, United Nations University, New York, and Daniel Bell, Tsinghua University, Beijing.

1990s, INGOs became much more interconnected both to each other and to international institutions such as the UN and World Bank. Thus, not only did the global range of INGO presence grow during the 1990s, the networks linking these organizations became thicker as well.⁸

* * *

The importance that INGOs have come to acquire in recent years is a phenomenon that has to be understood in connection with the evolution of governance, at the national and international level. To a large extent, this evolution is in itself linked to a number of democratization trends that have taken place worldwide, within and among borders. This connection between INGOs, the evolution of governance and democratization, has been at work in four major ways with interdependent relations.

First, there is the role of INGOs is-à-vis the state in terms of governance. Traditionally, state institutions have had a relative monopoly of voice and action on how society is and ought to be run. Sure, in democratic societies, elections helped to express the opinion of the people and took it into account. But in between the public (state) and economic (private) sectors in their various forms, there was not much room for organizations with the aim to pursue some type of public good. In contrast, in the past three decades or so, the nongovernmental sector has come to question the dominance of the state. In doing so, INGOs have come to be active participants and even one of the defining elements of a democratic society. The contemporary challenge of the state by INGOs was particularly significant in the 1970s in the context of authoritarian politics in Central Europe and Latin America. Elsewhere, in Western developed countries, in Northern America and Europe, nongovernmental organizations developed as full-fledged collective social actors, able not only to counterbalance the state agenda on issues of public concern but also to fill the policy gaps left by mainstream institutions as the welfare state retreated because of the pressure of globalization. In the aftermath of the Cold War, the nongovernmental sector, continuing to expand in its role vis-à-vis governments, became an increasingly familiar feature of the political landscape. This is illustrated by the growing activities of civil society in Central Asia and the Balkans, where INGOs in particular contribute to the relative democratization of societies and make up for the shortcomings of national and international bureaucracies.

Human rights is another element that connects INGOs with governance and democratization (or democracy). Historically, the nongovernmental sector has indeed given much attention to human rights issues. To guarantee that norms of

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human rights are taken seriously and implemented as much as possible has been of central concern of the nongovernmental agenda. As such, INGOs have worked hard to advance human rights throughout the UN system. An important milestone was the role played by INGOs in the context of the World Conference on Human Rights, held in Vienna, Austria, in June 1993. Working with like-minded delegations from member states, INGOs contributed to achieve a number of significant results, including the creation of a UN high commissioner for human rights with a rather sizable office to support the role. As we have seen in this book, the tendency has been for INGOs working in the field of human rights to concentrate on the defense of civil and political rights. Among the historically most prominent INGOs are those that have made such defense their mission. Amnesty International, formed in London 1961, and Human Rights Watch, established in 1978 as Helsinki Watch to monitor the compliance of Soviet bloc countries with the human rights provisions of the landmark Helsinki Accords, top the list.⁹ Yet today, INGOs are increasingly moving into the field of economic, social, and cultural rights.¹⁰ This orientation calls for them to go beyond a crisis situation and tackle the long-term and more "intangible" violations associated with lack of, and unequal, development. Oxfam, for example, gradually came to believe that it was not enough to relieve the immediate suffering of those caught up in a famine situation and that it was equally or more important to address the underlying social and economic conditions that rise to situations in which people found themselves in desperate need for food. It is not an easy task, but there is nevertheless no turning back. In addition to the fact that nongovernmental organizations are now opening their work to economic, social, and cultural rights,¹¹ new international nongovernmental actors tend to make development issues (including public health) their focus of choice, as illustrated by the international contribution of the Bill and Melinda Gates Foundation to prevent illness caused by malnutrition and to improve maternal and child health.

A third element connecting INGOs, governance, and democratization is the development of a greater sense of international responsibility and solidarity in the context of humanitarian crises. Embedded in and expressed and conveyed by international human rights and humanitarian norms, this sense of international solidarity and responsibility was given much impetus in the 1970s and 1980s by the INGOs' response to humanitarian emergencies including famines and wars. In this regard, Médecins sans Frontières, founded by Bernard Kouchner in 1971, involved in the alleviation of numerous disasters in the 1970s and

⁹ On Amnesty International and Human Rights Watch, see, for example, chapters 1-4 in Claude E. Welch, Jr. (ed.), *NGOs and Human Rights: Promise and Performance* (Philadelphia: University of Pennsylvania Press, 2001).

¹⁰ To this we should add that environmental rights are also given growing attention by NGOs.

¹¹ That is the case of Amnesty International and Human Rights Watch. See Chapters 9 and 11 of this book for an account of their evolving mandates.

⁸ David Held, Anthony McGrew, David Goldblatt, and Jonathan Perraton (eds.), *Global Transformations: Politics, Economics and Culture* (Stanford, CA: Stanford University Press, 1999), 21-27. See also the tables 22 a-e on transborder NGOs networks in Marlies Glasius, Mary Kaldor, and Helmut Anheier, *Global Civil Society Yearbook 2002* (Oxford, New York: Oxford University Press, 2002), 342-51.

