

TO WHAT EXTENT IS THERE A ROLE FOR CIVIL SOCIETY ORGANIZATIONS IN THE INTERNATIONAL HUMAN RIGHTS ORDER?

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ABSTRACT

Due to Civil Society Organizations' (CSOs) number and functions increasing during the last decades, it is worth wondering if their capacity of influence will also have been enlarged in the human rights area. Actually, CSOs are carrying out, directly or indirectly, different series of functions related to human rights. Their action is, in general terms, fruitful and very positive for internal and international societies. So much so, that some of their actions have already left a footprint in International Law. However, it is necessary to keep in mind that some of their functions can still be developed more. At the same time, it must be taken into account that their future impact will depend both on States and on themselves.

Keywords: CSOs; CSOs functions; human rights; advisory tasks; surveillance of entities; political pressure; humanitarian aid; development cooperation; conflict prevention; conflict mediation.

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through their functions; 2.1. Advisory, informational and educational tasks in relevant international issues; 2.2. The surveillance of the State, of other public entities as well as of the economic private sector; 2.2.1. The surveillance of the State and of other public organisms; 2.2.2. The surveillance of and the pressure on the private sector, especially on multinational companies; 2.3. The incidence or the political pressure on States, intergovernmental Organizations, rest of the civil society and citizens; 2.4. Humanitarian Aid, Development Cooperation, as well as Conflict Prevention and Mediation; 2.4.1. Humanitarian Aid and Development Cooperation; 2.4.2. Conflict Prevention and Mediation; 3. Conclusion.

1. INTRODUCTION: APPROACHING CONCEPTS OF CIVIL SOCIETY AND CIVIL SOCIETY ORGANIZATIONS (CSOs)

With regard to civil society, there are more definitions than agreements about them. It is not exaggerating to say that, currently, there are hundreds of definitions. Civil society's borders, contrary to the elements of the State, which are clear, are greatly blurred. Consequently, this comment only seeks to be centered on the CSOs' contributions to International Law through their functions. Therefore, we can adopt as a starting point the description proposed within the framework of the London School of Economics, because it is so large as to be remarkably unconstraining: "global civil society is the sphere of ideas, values, institutions, organizations, networks, and individuals located between the family, the State, and the market and operating beyond the confines of national societies, polities and economies"¹. Besides, although it is true that civil society used to be addressed to the State, it cannot be ignored that fundamentally from the end of 90's an important part of it has also gone in front of international Institutions, beginning with those of a financial character², and in addition the action in front of States

¹ "Records of Global Civil Society", *Yearbook on Global Civil Society* (2001), at 17; available at <http://www.lse.ac.uk/Depts/global/Yearbook/yearbook.htm>.

² Nevertheless, as Pianta and Marchetti specify, *Seattle* "was the culmination of a long process, not a sudden outburst of antiglobalization sentiment"; M. PIANITA and R. MARCHETTI, *The Global Justice Movement: A Cross-National and Transnational Perspective* (D. Della Porta (Ed.), Boulder, Co: Paradigm, 2007), pp. 29-51; at 30.

has begun to be stronger from outside the affected countries, resulting in a raising of civil society's transnational character³.

Anyway, it must be recognized that civil society has an ever-changing organizational framework and frequently new shapes are emerging⁴. It goes without saying that information technology and globalization have developed civil society's performance capacity. In this sense, the use of Youtube or of social networks such as Facebook or Twitter, capturing new sympathetic, volunteers, donors and voters for whatever aim (as was the case with Obama's electoral campaign or with the recent Egyptian and Tunisian revolution), is a good example of it, since it had been simply unthinkable only a few years before⁵.

In connection with Organizations that derive from the civil society, in particular with NGOs in which this text is centered, something similar also happens. There is no a peaceful definition of what an NGO is. This lack is a consequence of several reasons: the non existence of a *universal* specific treaty about them; a multiplication in the number of involved NGOs in recent years; the tremendous heterogeneity of types (some of which even have antagonistic characters to each other); and the erosion of some of their traditionally distinguishing features, as such their private funding, their capacity to take the initiative; their independence from public power or the prevailing of volunteer staff

³ In this sense, the "emerging *global civil society* can be defined as the sphere of cross border relationships and activities carried out by collective actors -social movements, networks, and civil society organizations- that are independent from governments and private firms and operate outside the international reach of states and markets"; PIANTA, M. y MARCHETTI, R., *supra* note 2, at 30.

⁴ Philippe Ryfman indicates that "two of the characteristics of humanitarian action - and two that are little known- are its fluidity and the fact that it is constantly evolving"; P. RYFMAN, "Non-Governmental Organizations: an indispensable player of humanitarian aid"; 865 *International Review of the Red Cross* 21, at 45 (2007).

⁵ Pianta and Marchetti assert that a *transnational network* can be defined as "a permanent coordination among different civil society organizations (and sometimes individual such as experts), located in several countries, based on a shared frame on at least one specific global issue, and developing joint campaigns and social mobilizations against common targets at the national or supranational level". In recent decades, transnational networks "have been major advocates in the promotion of normative change in society, though they have also carried out alternative practices". Their two major features are "flexibility and fluidity". And, in particular, there are a number of distinctions that set them apart from national networks: 1) "At the global level, the lack of common language, culture, and experience makes the rise of collective action more difficult". 2) "At the global level, the institutional system is less rigidly structured than it is within states, favoring the emergence within global civil society of forms of organization and coordination that are flexible and specific to the relevant issue". 3) "At the global level, a plurality of institutional actors coexists (including different states), and often no single or final authority can be identified for a given issue. This creates opportunities for 'vertical coalitions', where civil society networks can develop converging demands or tactical alliances with particular state actors". 4) "Membership in transnational networks is also different in that it often excludes the participation of individuals". 5) "the frequent lack, even more than at the national level, of single, charismatic leaders"; PIANTA, M. y MARCHETTI, R., *supra* note 2, at 44 and 45.

over the professional one. Keeping in mind all the above-mentioned, this text is devoted to the contributions that only certain kinds of CSOs (the ONGs) can carry out, leaving aside, therefore, those that can make other civil society's expressions, including those which are part of the private sector.

It is necessary to underline also that perhaps the key that should justify the penetration of International Law in this area would not be the non lucrative aim pursued by NGOs, but the internationally useful character of their function. In fact, the European Convention on the Recognition of the Legal Personality of International Non-Governmental Organizations requires that character, establishing that the Convention shall apply to NGOs which, among other conditions, satisfy the next one: "have a non-profit-making aim of international utility"⁶. Nevertheless, although it is certain that many of international NGOs carry out activities which have a clear aim of public utility, such as the protection of human rights, of the environment or the fight against poverty, others are only devoted to represent certain collective interests on an international basis. As it is obvious, here "collective" has a very different meaning to interest "of international utility", since the first term, unlike the second one, only is related with *members' interests*, but not with the *general* interest.

It would not be fair to measure CSOs' contributions only through their influence in the creation or the application processes of International Law. From my point of view, an equally valuable indicator to measure their valuable contribution is also observing what role they carry out (and could also fulfill) in international society. The fact that International Law has still not reflected most of that activity does not mean it is irrelevant. It is necessary to pay attention to this reality, since everything that happens in the international social base will have to interact, sooner or later, with its legal order.

2. CSOs' CONTRIBUTIONS TO SOCIETY AND INTERNATIONAL LAW THROUGH THEIR FUNCTIONS

⁶ Article 1.a), Council of Europe; ETS no. 124; available at <http://conventions.coe.int/Treaty/en/Treaties/Html/124.htm>.

CSOs have been fulfilling several useful functions in international Society, often interdependent between of each other. Such functions can be categorized, from my view, in the following way: In the first place, advisory, informational and educational tasks in internationally relevant issues; in second place, the surveillance of the State, of other public entities as well as of the economic private sector; in third place, the incidence or the political pressure on States, intergovernmental Organizations, the rest of the civil society and citizens; and, finally, in fourth place, humanitarian aid, development cooperation, as well as conflict prevention and mediation⁷.

2.1. Advisory, informational and educational tasks in relevant international issues

Regarding the informational and advisory role, it is worth pointing out that consultative status granted to certain CSOs in several international Organizations relies, in fact, on the consideration of their contribution can be really useful (a good example is the ECOSOC case, based on article 71 of the UN Charter)⁸. The potential ability of CSOs in the international normative creation has already been materialized on several occasions. Leaving aside now their consultative status in IO as well as their influential position to generate new values or to carry weight on the adoption or the content of

⁷ See other interesting categorizations in *NGOs in International Law: Efficiency in Flexibility?* (Edited by Pierre-Marie Dupuy and Luisa Vierucci, Cheltenham, UK; Northampton, MA: Edward Elgar, 2008); *NGO Involvement in International Governance and Policy: Sources of Legitimacy* (Edited by Anton Vedder. Leiden: Martinus Nijhoff, 2007); Anna-Karin LINDBLOM, *Non-governmental Organizations in International Law* (Cambridge, New York, Cambridge University Press, 2005); Kerstin MARTENS, *NGOs and the United Nations: Institutionalization, Professionalization and Adaptation* (New York, Palgrave Macmillan, 2005); Sergey RIPINSKY and Peter VAN DEN BOSSCHE, *NGO Involvement in International Organizations: A Legal Analysis* (British Institute of International and Comparative Law, London, 2007).

⁸ This consideration is reflected in the UNGA Resolution 1996/31, on the “Consultative relationship between the United Nations and non-governmental organizations”, when it refers to “Decisions on arrangements for consultation should be guided by the principle that consultative arrangements are to be made, on the one hand, for the purpose of enabling the Council or one of its bodies to secure expert information or advice from organizations having special competence in the subjects for which consultative arrangements are made, and, on the other hand, to enable international, regional, subregional and national organizations that represent important elements of public opinion to express their views. Therefore, the arrangements for consultation made with each organization should relate to the subjects for which that organization has a special competence or in which it has a special interest (...)”; Par. 20. Also, the same understanding is present in the “Guidelines for the Participation of Civil Society Organizations in OAS Activities” CP/RES. 759 (1217/99); Appendix, par. 4 b).

treaties⁹, it is possible to bring here some examples which show the versatile aptitude of CSOs in connection with International Law issues. So, only as examples, it is possible to quote the fact that the Coalition for an International Criminal Court (CICC) had been qualified as "the main information source in the world on ICC"¹⁰; or *Transparency International* activities, which "supports the international efforts to have the right of access to information recognized and respected. The exercise of this right enables citizens to keep their governments and public bodies accountable. This can hinder corrupt practices that benefit from opaque or obscure regimes. Access to information is essential for citizen empowerment"¹¹.

With respect to specific educational tasks, it is necessary to indicate that despite education for development already occupying an important place among the theoretical priorities proposed by CSOs particularly in Northern States, the real degree of importance decreases in practice. In fact, when resources are being allocated (from public powers, but also from CSOs themselves) and also when the concrete activities are being decided, it could be a bigger dedication. And, moreover, this supposes a contradiction that has provoked a certain erosion in NGOs legitimacy. Nevertheless, it is also certain that it is not necessary to blame NGOs because of that, or at least not only them, since the mass media are very reluctant to cover these types of subjects. Facing the future, however, one of the most important things in this regard is the political consequences in the long term. If international public opinion is not sensitive through complete information about the reality in the whole planet (and not only in connection with what happens in certain places), the citizens will not be able to demand a fair reaction from national and international powers¹².

⁹ For instance, for the participation of NGOs in drafting a Disability Rights Treaty, see the analysis made by Janet E. LORD, "Mirror, Mirror on the Wall: Voice Accountability and NGOs in Human Rights Standard Setting", 5 *Seton Hall Journal of Diplomacy and International Relations*, 93 (2004).

¹⁰ OEA/Ser.G; CP/RES. 759 (1217/99), Appendix, par. 4.b).

¹⁰ R. LEE, *The International Criminal Court. The Making of the Rome Statute: Issues, Negotiations, Results* (Kluwer Law International, The Hague/London/Boston, 1999).

¹¹ See www.transparency.org (visited 23 October 2010). Despite *Transparency International* "does not undertake investigations of alleged corruption or expose individual cases, but at times will work in coalition with organizations that do that (...). Transparency International is a global network including more than 90 locally established national chapters and chapters-in-formation. These bodies fight corruption in the national arena in a number of ways. They bring together relevant players from government, civil society, business and the media to promote transparency in elections, in public administration, in procurement and in business. TI's global network of chapters and contacts also use advocacy campaigns to lobby governments to implement anti-corruption reforms"; *id.*

¹² As D. Rieff argued, "in reality, most of the world's horrors never get any airtime at all. For every Ruanda that is covered, a dozen other unspeakable catastrophes never find their journalistic chroniclers,

2.2. THE SURVEILLANCE OF THE STATE, OF OTHER PUBLIC ENTITIES AS WELL AS OF THE ECONOMIC PRIVATE SECTOR

2.2.1. The surveillance of the state and of other public entities

The surveillance constitutes, in fact, a shared task, because CSOs do not take it alone, but in company with other entities, such as other civil society' groups, opposition political parties (particularly national ones) or the media (even not being its primary objective). This mission's shared character does not prevent CSOs from becoming protagonists sometimes, especially in the initial stage, being the first players in denouncing some misconducts or even undue abstentions of public powers. Here, we could show many examples. It is possible to recall, for instance, the researching role carried out by some human rights CSOs with respect to Guantanamo's existence and the prison conditions inside; to the secret CIA flights and their stopovers in different countries; as well as the Secret Detention Centers¹³. Also some humanitarian organizations denounced the firing by Israel of projectiles containing white phosphorous in populated areas during their devastating December 2008-January 2009 offensive in the Gaza Strip. Immediately after hostilities, Human Rights NGOs' researchers presented ballistics evidence, photographs and satellite imagers)¹⁴. Another example is close to this. Human Rights Watch was the first Human Rights NGO that documented the use of cluster munitions by Russia and Georgia in their conflict over the separatist enclave of South Ossetia, in August 2008, in spite of the fact that the Russian authorities denied

or, if they do, they get covered perhaps once or twice in the course of a year. From a political standpoint, this means that there will be no public pressure in the West for something to be done"; D. RIEFF, *A bed for one night: Humanitarianism in Crisis* (Simon & Schuster, New York, 2002), at. 50.

Authors like Edwards, Hulme and Wallace, underline the long-term scope of appropriate education. Only reviewing its current conception would it be possible to promote suitably development cooperation and cooperation in general; M. EDWARDS, D. HULME y T. WALLACE, "NGOs in a global future: marrying local delivery to worldwide leverage", 19 *Public Administration and Development* 117, at 125 (1999).

¹³ See the British organization *Reprieve's* website, available at <http://www.reprieve.org.uk/>.

¹⁴ See, also, the following Report: *The Gaza Strip: A Humanitarian Implosion*, made in those dates by the next organizations, among others: International Amnesty, Oxfam, Care, Save the Children UK, CAFOD, Christian Aid and TROCAIRE; available at http://www.oxfam.org.uk/resources/policy/conflict_disasters/gaza_implosion.html.

using them. HRW found evidence of cluster munitions from both sides in populated areas¹⁵. Starting from then, HRW has published some reports based on multiple follow-up missions; interviews with witnesses, deminers, and government officials; and analysis of physical evidence¹⁶.

Besides that, it is necessary to take into account that NGOs' surveillance functions do not only go toward States' activity or towards their lack of action. Although States are the main aim for NGOs, many times their surveillance mission is also focused towards other State powers, as well as in connection with opposition political parties and even towards armed groups (something that has special importance regarding Human Rights NGOs, such as Amnesty International or Human Rights Watch). These kinds of surveillance functions can be also materialized through NGOs participation in international bodies for protection of Human Rights¹⁷. And, moreover, NGOs also keep an eye on other international players, like the IO, particularly, financial Institutions.

The truth is that the simple exercise of this surveillance function by CSOs seems suitable, at least in global terms, to force or to incite those International Law players to fulfill their legal obligations. Sometimes, when NGOs keep watch on certain international actors, they can obtain a change of attitude from them, regardless of whether there is or not a legal obligation for doing so¹⁸. Very often, in these kinds of cases, it is not enough

¹⁵ HRW found that Russia violated International Humanitarian Law with indiscriminate and disproportionate cluster munitions attacks on populated areas in Georgia. "It blanketed the town of Variani, for example, with cluster munitions on two days, causing 19 civilian casualties". HRW identified also "Russian cluster munitions remnants in or near seven towns and villages". At the same time, HRW also documented "casualties from Georgian cluster munitions in or near nine populated areas of Georgia south of the South Ossetian administrative border. The Georgian government acknowledged using cluster munitions, but it claimed that it was aiming at invading Russian military forces an equipment in South Ossetia, in an otherwise populated area. The cluster munitions left an unusually high number of unexploded submunitions and fell short of minimum range. This evidence suggests that a massive failure of the weapon may have caused Georgian submunitions not to reach their intended targets in South Ossetia. Regardless of whether the weapons functioned or failed, their use illustrates that cluster munitions are always highly dangerous"; <http://www.hrw.org> (last visited 22 October 2010).

¹⁶ See *id.*

¹⁷ See C. BREEN, "Rationalising the Work of UN Human Rights Bodies or Reducing the Input of NGOs? The Changing Role of Human Rights NGOs at the United Nations", 5 *Non-State Actors and International Law*, 101 (2005), especially from 104.

¹⁸ VAN BOVEN gave an illustrative example going back to the 80's, relating to the first negotiations between France, FRG, Holland, Belgium and Luxembourg, negotiating the first Schengen Agreement in 1985. According to him, "officials of the five countries were preparing a supplementary agreement in a climate of secrecy, which *inter alia* risked to jeopardize some fundamental principles of refugee law as laid down in the U.N. Convention on the Status of Refugees of 1951. No involvement on the part of parliaments, public opinion or the UN High Commissioner for Refugees was allowed in this legislative process. It was feared that what finally would emerge would be a 'fait accompli' by bureaucrats who tend to have the 'raison d'état' in their minds. Thanks to the vigilance and protests on the part of the non-governmental sector (...), the five Schengen countries decided in December 1989 to postpone the conclusion

to be only watching them. This surveillance must be supplemented with other kinds of pressure including giving publicity to it. In this sense, due the increased political space for NGOs in UN World Summit Processes (mainly starting from the United Nations Conference on Environment and Development (UNCED), the Rio Summit (1992)) there exist an excellent platform to foster the NGOs surveillance function's exercise. Media coverage of these summits supposes a decisive factor to understand the impact that some of their topics have had on public opinion. They have doubtless contributed in some cases to generate a boost to the States' action, even a boost which finally ends in having a certain normative effect. For this reason, it must be highlighted here that NGOs have had much to do in obtaining such successes, particularly when they attend Parallel Summits¹⁹. It is already usual that NGOs appear expressly mentioned in Final Declarations, adopted for culminating Conferences' celebration, besides an Action Plan, as entities whose effective collaboration is essential, together with Governments, International organisms, the private sector and other civil society's sectors, for the achievement of priority goals acknowledged by all of them²⁰.

2.2.2. The surveillance of and the pressure on the private sector, especially multinational companies

CSOs' task on surveillance can be especially fruitful in compensating (at least partially) the gaps in International law regarding multinational companies, due to the fact the immense majority of legal international norms are imposed directly on States but not on business organizations. CSOs have a very modest position (many times, completely impotent), but even so they are really aware of the lack of an appropriate international

of the supplementary agreement and to review their positions"; T. VAN BOVEN, "The Role of Non-Governmental Organizations in International Human Rights Standard-Setting: A Prerequisite of Democracy", 20 *Cal. W. Int'l L.J.* 207 (1989-1990). See also *Human rights from exclusion to inclusion: principles and practice: an anthology from the work of Theo Van Boven* (Kluwer Academic Pub. Group, 2000), at 360.

¹⁹ Logically, the so-called *parallel summits* have been well examined. After a careful analysis, M. Pianta asserted that the summits that have more possibilities to really open up to the dialogue with civil global society are those that only seek to frame main questions, while, on the contrary, the summits that have other aspirations, as establishment of norms, are not open for interaction with civil society; M. PIANITA, "Parallel Civil Society Summits", *Global Civil Society 2001* (H. Anheier, M. Glasius and M. Kaldor, Editors, Oxford University Press, 2001), pp. 169-194; especially, from p. 191.

²⁰ The incrementation of NGO's participation in international Conferences was one of the main causes that led to the adoption of last Resolution 1996/31, which regulates NGOs in consultative status with ECOSOC.

regulation reaching multinational corporations. Therefore, CSOs are not satisfied anymore with the elaboration of Voluntary Codes of Conduct for Multinational Corporations, but demand specific norms addressed at these economic operators. Thus, several NGOs have emphasized the double pitfall that Codes of Conduct suffer: on the one hand, their merely voluntary character; and, on the other hand, the absence of sanctions for violating them. As an example, of the dissatisfaction with regard to the Codes of Conduct and also in relation to other mechanisms it is possible to quote the case of the Coalition, which embraces more than three hundred NGOs, to demand of oil, gas and mining companies, as well as to the international organisms and the entities which fund them, to have transparency and accountability from all of them on their investments in Developing countries²¹. At the same time, *Publish what you pay* (PWYP) is a global civil society coalition, which was born in 2002, which helps citizens of resource-rich developing countries to hold their governments accountable for the management of revenues from oil, gas and mining industries. *Global Witness*, *Open Society Institute*, *Oxfam GB*, *Save the Children UK*, *CAFOD* and *Transparency International UK* are some of its members²².

Anyway the simple existence of Codes of Conduct and of equivalent mechanisms (NGO Certification Mechanisms...), even not having juridical or compulsory character, have already changed in certain measure a large number of multinationals' activities. This change has taken place, also largely, thanks to CSOs' action, due to NGOs have watched multinationals' activities, their employees' situation, their relationship with developing countries, with their natural resources (when Multinational branches are settled in their territory). And NGOs work also to get Multinationals respect of local and International Law in force, and to give information to public opinion about Multinationals' abuses²³. At

²¹ This initiative, specifically, reaches seventy countries. See <http://www.publishwhatyoupay.org>.

²² This coalition Works with civil society in nearly 60 countries, campaigning for the mandatory disclosure of company payments and government revenues from the oil, gas, and mining sector. PWYP also calls for the disclosure of licensing arrangements and extractive industry contracts; *id.*

²³ Very often, indeed, only giving publicity to certain facts it is possible to obtain some kind of successful result. For instance, a case study made by several NGOs (Catholic Relief Services, Oxfam GB, Save the Children and World Vision) on the three hundred companies that obtained the most profits in one of the poorest regions in Brazil had a great impact. Such a simple initiative supposed that two thirds of these companies responded with some type of social activity; M.B. OLIVIERO y A. SIMMONS, "Who's Minding the Store? Global Civil Society and Corporate Responsibility", *Global Civil Society 2002* (M. Glasius, M. Kaldor and H. Anheier, Editors, Oxford University Press, 2002), pp. 77-107; at 81 ("Box 4.1: CSR in Brazil: The case of the Ethos Institute").

the same time, NGOs put pressure on consumers to punish Multinationals when their behavior is unfair or immoral (and, of course, illicit)²⁴.

CSOs have a role to explore ways to establish new Codes of Conduct for Multinationals and to strengthen the already existent ones. NGOs are also working to ensure new juridical elements are present in Multinationals' actions, even urging to bring elements coming from International Law on responsibility. NGOs have pushed and contributed to get the World Trade Organization opened up to the environmental protection and development. They are currently trying to achieve same results relating to human rights protection. NGOs are very aware that economic private entities might and should play a crucial role in such a sense. In fact, their economic private activities interfere with human rights. Therefore, there are already numerous NGOs that are in touch with Multinationals trying to get commitments from those companies, although of different degrees of intensity²⁵. Anyway, the NGOs have proposed different standards on human rights for Companies as a result, sometimes, of previous dialogues between each other. Among other many examples of this type, we can mention recommendations developed by NGOs such as *Amnesty International*²⁶, *Human Rights Watch*²⁷ or *Global Witness*²⁸ for specific Companies (and even for certain countries), for example, for Oil Companies which work in Nigeria and Angola²⁹.

CSOs do not act alone when they are watching over Multinationals and denouncing their abuses. They have partners for doing so, or perhaps it is better to say that other international players have started to trust them like partners. It is necessary to

²⁴ Concerns have also been aroused among economic corporations in recent years. Most of them are now aware that there are limits that their practices should not pass over. In any case, it is necessary to take into account that these kinds of concerns usually fall outside the legal sphere, and, moreover, Multinationals are opposed to introducing whatever compulsory elements. In fact, economic players do not want to go beyond Declarations of intentions that are connected with certain basic values. Also, it seems important that very often these Declarations of intentions are not motivated to fulfill international norms on human rights or environment protection, but only to keep their brand image. In fact, in many cases Multinationals prefer to pretend that they are very worried about human rights or environment protection because they are fully aware that, if there were not at least a theoretical commitment, consumers might punish them. Thus, McDonald's carried out a change in the packing of its hamburgers seeking a waste' reduction several years ago. It did it in association with *Environmental Defense*, after receiving thousands of boys' E-mails referring to the environmental damage provoked by these wrappings; McDonald's, "McDonald's Issues First Worldwide Social Responsibility Report - Press Release", 15 April (2002).

²⁵ See *Corpwatch's* Web Site: <http://www.corpwatch.org>.

²⁶ See <http://www.amnesty.it/ailib/aipub/1998/ACT/A7000198.htm>.

²⁷ See <http://www.hrw.org>.

²⁸ Available at <http://www.oneworld.org/globalwitness>.

²⁹ See Office of the High Commissioner for Human Rights, *Business and Human Rights: A Progress Report 2000*, "Stakeholder Guidelines", "Part I: Human Rights: on the Business Agenda".

underline the role of certain International Organizations and Governments. Here, it is necessary to mention the *Global Compact*³⁰, launched from the United Nations system. Likewise, it is necessary to mention certain Codes of Conduct for human rights protection, in which framework have participated several outstanding multinationals, NGOs and even certain States³¹.

In spite of everything, several NGOs warn about a sort of *code-mania* or *fatigue code*³². The main challenge on the horizon seems to be how to supplement Codes of Conduct's current content with compulsory elements. However, these kind of concerns do not only come from NGOs.

2.3. The incidence or the political pressure on states, intergovernmental organizations, the rest of the civil society and citizens

With regard to States, it must be kept in mind that political incidence from CSOs for getting an important reaction against authoritarian governments is very relevant. NGOs play, therefore, an important role in the political democratization processes³³. CSOs had an outstanding role, for example, in the democratization processes that took place in Eastern Europe. Anyway, civil society also contributes in achieving many other concrete aims, always keeping a narrow relationship with Democracy, that is to say, with

³⁰ The Global Compact has been criticized by NGOs, because the optional instruments behind this initiative are mainly supported by the industrialized States, The Organisation for Economic Co-operation and Development (OECD), the World Bank and the IMF.

³¹ This is, for example, the case of the *Voluntary Principles on Security and Human rights* (VPSHR, commonly referred to as the VPs) are a set of non-binding principles developed in 2000 to address the issue of balancing safety needs and respecting at the same time human rights and fundamental freedoms. The signatory participants are Governments (Canada, Colombia, Netherlands, Norway, United Kingdom, United States, Switzerland), NGOs, Organizations with Observer Status and Companies. Among the private actors who have signed these Principles, Chevron, Texaco, Freeport-McMoran, Conoco, Shell, BP, Río Tinto, Council on Economic Priorities, Business Social for Responsibility, the Prince of Wales Business Leaders Forum and International Federation of Chemical, Energy, Mine General and Workers' Unions. Principles's can be mentioned; see <http://www.voluntaryprinciples.org/>.

³² See B. FREEMAN, M.B. PICA y C. N. CAMPONOVO, "A New Approach to Corporate Responsibility: The Voluntary Principles on Security and Human Rights", 24 *Hastings Int'l & Comparative Law Review* 423, at 425 (2001).

³³ It is necessary to underline that the Organization for Security and Co-operation in Europe developed cooperative and collaborative relationships with NGOs, and this trust was very fruitful in helping to reduce authoritarianism in Eastern countries; See P. MAYER, "Civil Society Participation in International Security Organizations: the cases of NATO and the OSCE", *Civil Society Participation in European and Global Governance. A Cure for the Democratic Deficit?* (Edited by J. Steffek, C. Kissling, P. Nanz, Palgrave Macmillan, Great Britain, 2008), pp. 116-139.

its achievement, consolidation or strengthening. Civil society was one of the key actors (besides the Army) in the Tunisian and Egyptian revolution, and inspired similar action throughout the Arab world, using the cyberspace as an important tool³⁴. NGOs have had influence demanding more transparency and accountability not only from States, but also from Intergovernmental Organizations; even without any kind of responsibility³⁵. NGOs also help in the adoption of practical anti-corruption measures for Governments and in the fight against the individuals' impunity when they are responsible for the most serious human rights violations.

Handling the sad example of the situation lived by the detainees in Guantanamo, the action carried out by different NGOs, specially *IRCC*, *Human Rights Watch* and *Amnesty International*, is very illustrative. Some NGOs have even taken actions which overlap with State or Governments' activities, for instance, in relation to diplomatic protection to address the obligation to bring the violation to an end or to obtain reparation or both.

Actually, it might be indicated that civil global society has questioned some fundamental aspects of the interstate system and of the global economy³⁶. Pianta and Marchetti have induced that, concretely, civil society has made three political demands: "1) demands to the state system for global democracy, human rights, and peace; 2) demands to the economic system for global economic justice; and 3) demands to both systems for social global justice and environmental sustainability"³⁷. These experts have highlighted, at the same time, that among the key developments, which have taken place in this matter from the turn of the century, the *World Social Forum* and *Global Action Days* are outstanding. Certainly, millions of citizens unite around the world organized supporting an aim in many cities at the same time; for instance, the first Global Day of

³⁴ Relating to Tunisia, for example, *Reporters without Borders* included this State in the list of countries "Enemies of the Internet". North Korea, Saudi Arabia and Turkmenistan were in the same list. See <http://es.rsf.org>. After the spontaneous people's revolution (*Jasmine Revolution*), in January 2011, NGOs such as *Transparency International* or *Sherpa* worked to get Ben Ali's assets in France frozen. See <http://www.transparency.org> and <http://www.sherpatimes.com>.

³⁵ Conceptions on the scope of the NGOs' role oscillate between pessimism and a moderate optimism. See, from a general perspective, G. MOODY-STUART, *The Good Business Guide to Bribery: Grand Corruption in Third World Development* (Transparency International, Berlin, 1994).

³⁶ M. PIANTA y R. MARCHETTI, *supra* note 2, at 31.

³⁷ *Id.* at 31.

Action, to avoid invasion and Iraq's war (2003)³⁸, Global Day of Action on climate change (2007), or Global Day of Action for human rights in Iran (2009).

Regarding the CSOs' *political* incidence on the rest of civil society and citizenship, it must be pointed out that this kind of NGO action is crucial, and it is possible due to their heterogeneous action areas. Civil Society Organizations can offer different ways to encourage citizens' participation. It is a participation possibility in social and political matters. Nevertheless, this way of participation is different to the one that takes place through political parties, and is propitiated through the loosening of political power space and the society politicization³⁹. In consequence, it is necessary to keep in mind that a fertile space exists, where CSOs carry out a socially very useful work, serving as tools for expression and political participation⁴⁰.

2.4. Humanitarian aid, development cooperation, as well as conflict prevention and mediation

2.4.1. Humanitarian aid, development cooperation

Humanitarian aid and Development Cooperation are different realities, with origins and different action areas, but even so it is possible to observe multiple convergence action areas between each other. In fact, there are many NGOs that work in both scenarios at the same time. In relation to humanitarian aid (and regardless of analysis as to what extent humanitarian aid can be in many occasions a substitute for political action⁴¹), since the end of the Cold War, the humanitarian tasks made by NGOs are more and wider. It has been said that there is already a 'fourth generation' humanitarian NGO in international society. Indeed, the first humanitarian NGOs' generation was based on faith and Christian tradition of charity. The second, began in the second half of XIX

³⁸ *Id.* at 40 and 41.

³⁹ BECK, Ulrich, *World Risk Society* (Polity Press, Cambridge, 1998), at 248.

⁴⁰ A platform created in February 2003, by *Amnesty International*, *Greenpeace*, *Intermon Oxfam* and *Medecins sans Frontières* against the armed intervention in Iraq, favored, among other many actions, the canalization of citizens' e-mail to government authorities through their websites.

⁴¹ See D. CHANDLER, "The Road to Military Humanitarianism: How the Human Rights NGOs Chaped a New Humanitarian Agenda", 23 *Human Rights Quarterly* 678 (2001), especially at 698 and 699.

century, when International Red Cross and the Red Crescent Movement was initiated. The third, arrived thanks to medical organizations' action, which usually claim for a *droit d'ingérence humanitaire*⁴². They originated the 'without borders' movement. And, the fourth generation, just recently arrived, materialized through *ad hoc* organizations⁴³.

In the same order of ideas, it must be pointed out that NGOs have been involved in mass refugee protection and in their repatriation hundreds of times in the last two decades. Also, they have participated in rebuilding areas desolated by natural disasters or armed conflicts. Anyway, it should be underlined how important is a good coordination, which exists among all the players implied. Hence, it is necessary to indicate that the UN undertook a revision in 2005 (through the clusters approach, prioritization, reporting, and strategic plan), but was not very successful, at least from a general point of view⁴⁴. Nevertheless there is more and more concern about this question from the Consolidated Appeals Process⁴⁵. In any event, another very controversial issue has been the relationship between humanitarian NGOs and the *Norm of neutrality*. Is Neutrality necessary and irreplaceable, or is it, on the contrary, replaceable and even counterproductive on many occasions?⁴⁶. It must be pointed out in that respect that is necessary that both types of organizations exist. The first kind (as IRCC) respect a principle of neutrality, meanwhile the second type do not, because they even exercise a certain *political* activism, to denounce violations or to avoid impunity⁴⁷. In my opinion, work of both classes of organizations is indispensable and complementary.

Outside the strict environment of emergency humanitarian aid, it must be highlighted the fact that Development NGOs have taken charge of certain basic services

⁴² Y. BEIBEDER, *Le rôle international des organisations non gouvernementales* (Bruylant / LGDJ, Bruxelles / Paris, 1992), at 59.

⁴³ K. WEST, *Agents of Altruism. The expansion of humanitarian NGOs in Rwanda and Afganistan, Non-state Actors in International Law* (Politics and Governance Series, England / USA, 2001), at 220.

⁴⁴ See the Report of the Panel of Eminent Persons on United Nations - Civil Society Relations, 2004; A/58/817 and Correction [A/58/817/Corr.1].

⁴⁵ See *Iraq Humanitarian Action Plan (2010)*; <http://www.ochaonline.un.org/HUMANITARIANAPPEAL>. Likewise, see the *TI Handbook on Preventing Corruption in Humanitarian Operations*, launched by *Transparency International* in 2010; <http://www.transparency.org>.

⁴⁶ See the debate between Nicolas deTorrente, *Medecins sans Frontières'* member, and Paul O'Brien, CARE's member: in N. DE TORRENTE, "Humanitarian Action Under Attack: Reflections on the Iraq War", 17 *Harvard Human Rights Journal* 1 (2004); and P. O'BRIEN, "Politicized Humanitarianism: A Response to Nicolas de Torre", 17 *Harvard Human Rights Journal*, 31 (2004).

⁴⁷ Anyway, Rieffer-Flanagan has recently analyzed the Red Cross Neutrality and concluded that "ICRC needs to carefully craft its policy decisions to remain and appear as neutral as possible"; Barbara Ann RIEFFER-FLANAGAN, "Is Neutral Humanitarianism Dead? Red Cross Neutrality Walking the Tightrope of Neutral Humanitarianism", 31 *Human Rights Quarterly*, 888, at 915 (2009).

connected in great measure with human rights, such as the access to drinking water, access to health or education. This happens in poor and developing countries, and raises a series of theoretical concerns from different subjects: International Law, Political Science, International Relations, Constitutional Law. International law impose certain obligations on States, and nevertheless, NGOs fulfill those duties in several⁴⁸.

NGOs possess the skills to reach the poorest and marginal populations and the most remote areas. They also have capacities to promote local participation and to execute projects in direct collaboration with benefiting communities. Likewise, NGOs carry out low-cost volunteer work. And, in the same way, civil society organizations also have a big adaptation capacity⁴⁹. However, it is also true that some of these merits are being questioned currently, due partly to the conditions imposed by donors and due also to the advance of certain trends which also affect NGOs, like their tendency toward professionalization. In the same way, other specific traditional attributes, such as their capacity to be innovative, experimental or flexible, are starting to be denied.

Besides, despite of fact that NGOs' work is extremely valuable in emergency situations (because they are able to operate even in the absence of state infrastructures), their strength sometimes becomes their main weakness, due to their behavior in many cases like private independent players, who come and go without assuming responsibilities towards benefiting communities (although, of course, they assume obligations regarding donors)⁵⁰. And, what is more, the fact that the local civil society have been eroded sometimes because of Northern NGOs' action, leads us to wonder, in abstract terms, where the "limits of privatization" are located⁵¹.

Development NGOs are in charge of covering the most basic necessities in many communities. That is particularly valuable. Besides, their acting can limit State's possibility of action in the near future. Therefore, it is necessary to increase governmental action in development cooperation. But even so, perhaps we can admit, given as the

⁴⁸ See C. CANNON LORGEN, "Dancing with the State: The Role of NGOs in Health Care and Health Policy", 10 *Journal of International Development* 323, at 329 and 330 (1998); and also T. TVEDT, "NGOs role at 'the end of history': Norwegian policy and the new paradigm", *Forum for Development Studies*, N. 1-2, 1994.

⁴⁹ See, e.g., M. RIDDELL y M. ROBINSON, "The impact of NGO poverty alleviation projects: results of the case study evaluations", *O.D.I. Working Paper*; N. 68, London, 1992; U.N.D.P., *Human Development Report* (Oxford University Press, Oxford, 1993).

⁵⁰ C. STAHN, "NGOs and International Peacekeeping: Issues, Prospects and Lessons learned", 61 *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht* 379, at 401 (2001).

⁵¹ *Id.*

things are, NGOs' action is currently, in many situations, the least bad solution in the short term⁵². Besides that, we can not deny heartbreaking circumstances which many States suffer. Most of these circumstances are not interim or related to the moment, but structural. Some States where NGO's perform their activities are Failed States. Too often, there is no other option than to act. It does not seem opportune to consider these cases as a short term crisis, because the things are not in this way⁵³.

2.4.2. CONFLICT PREVENTION AND MEDIATION

CSOs are putting into practice tasks reserved, so far, for State or governmental entities⁵⁴. Among these new CSO missions we can mention, for instance, the negotiation of a cease-fire among combatans⁵⁵. CSOs are really carrying out public functions relating to peacekeeping, peacemaking and peacebuilding. This new reality embraces arduous difficulties, but also valuable opportunities.

CSOs can help with conflict prevention, directly or indirectly. At the end of 90's, Edwards, Hulme and Wallace proposed a few tasks to be done: to have influence on national governments for adopting foreign policies based on ethical considerations beyond purely realistic ones; to examine ways to recover United Nations' credibility; to explore strategies in emergency situations, in order to get governments to be mobilized into reacting early (contrary to what usually happens: too little, too late); and to inspect private aspects to detect who wins in war economies, since mercantile interests could be eliminated or reduced (sometimes visible, but sometimes hidden)⁵⁶. It seems also opportune to mention the private economic interests that always exist behind any weapons manufacture or natural resources exploitation in countries in conflict. For

⁵² In Cannon Lorgen's words: "Northern NGOs have been involved in service sectors since they began to work in Sub-Saharan Africa. The gaps or holes are simply growing wider, and it has become more difficult for NGOs to say no"; C. CANNON LORGEN, *supra* note 48, at 335.

⁵³ Even so, we need to remember that NGO's expansion carrying out tasks of this type not only takes place in poor countries, but also in developed States, due to, among other causes, to the crisis of the State of well-being and the setback of the Social State.

⁵⁴ Using an expression from M. EDWARDS, D. HULME y T. WALLACE, *supra* note 12, at 128.

⁵⁵ See BARUCH BUSH, R.A; FOLGER J. P. *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition* (San Francisco: Jossey-Bass Publishers, 1994) at 58.

⁵⁶ See, these and other possible ways of action, in M. EDWARDS, D. HULME y T. WALLACE, *supra* note 12, at 128 and 129.

example: diamonds in Sierra Leona, Cote d'Ivoire; wood in Liberia; coltan or germanium, abundant in Democratic Republic of the Congo...⁵⁷.

CSOs' action on conflict prevention has begun to proliferate and, consequently, has also started to attract attention, from Academia, States, IO and other public entities. Among non-governmental organizations which develop these kinds of activities we can mention *Centre for Conflict Resolution*, *European Conference for Peacemaking and Conflict Resolution*, *International Alert*, *International Crisis Group*, or *Search for Common Ground*. If one takes a look at available information in each of these organizations' websites, we will be able to have a good idea about the main implied questions. In spite of the fact that each one of them manifests a more intense concern for certain aspects, there are some specific priorities that seem common to all of them. From a general perspective, the following topics are considered primordial: conflicts and violence's causes; measures to foment tolerance and dialogue; potential and inherent strategies for mediation; the importance of having the consent of all the implied parties in a controversy when any intent to solve it takes place from a third party; necessity that meditational, advisory and coercion functions are separated from each other; importance of an appropriate way of treating positively immigrants and refugees' situations; possible contribution of the private economic sector; the failures of international mediation in non-international armed conflicts; possible functions that the mass media can carry out; relationships between environmental protection and armed conflicts, etc.

Cooperation underlines all these kinds of CSOs' aims. *Search for Common Ground*'s main function, as it is stated in its website, is to work "to transform the way the world deals with conflict - away from adversarial approaches and towards collaborative problem solving". This organization works "with local partners to find culturally appropriate means to strengthen societies' capacity to deal with conflicts constructively: to understand the differences and act on the commonalities". SFCG, founded in 1982, established an "Institutional Learning and Research Division" in 2003 for measuring and strengthening its efficacy and maximizing its impact⁵⁸. At the same time, *International Alert*'s approach to peacebuilding is unique, "combining high level advocacy with grass-

⁵⁷ A coalition of non-governmental organizations called for a temporary embargo on the importation of coltan from the Democratic Republic of Congo in 2001, contending coltan revenue was helping to finance guerrilla warfare; see <http://www.reliefweb.int> (last visited 3 November 2010).

⁵⁸ See <http://www.sfcg.org>.

roots engagement”⁵⁹. Its work is guided by a “Programming Framework” which defines “what we mean by peace and how we help people achieve it”. This organization assumes that the needed dialogue will require “expert facilitation and take place at many different social levels”⁶⁰.

Daily life shows us more and more frequent examples of NGOs’ action in these kinds of international scenes⁶¹. Thus, using certain retrospective perspective, we can mention, for instance, the fact that NGOs have intervened several times in Ethiopia, in negotiating cease-fire commitments among combatants from the 90’s⁶². Also in the 90s, some CSOs have also been in charge of driving non-official dialogues between the two sides leaders in relation to the Nagorno-Karabakh enclave, disputed by Armenia and Azerbaijan⁶³. Besides, CSOs also had a significant intervention in the democratization process initiated in Bosnia-Herzegovina after finishing the war (regardless of their activities during the armed conflicts that razed that region)⁶⁴. Community of Sant’ Egidio has negotiated peace among Maoist and Monarchists in Nepal in 2008⁶⁵. It is possible to find more evidences of this kind of NGOs’ activity by consulting any of their websites. SFCG shows, for example, nineteen local Programs. Such Programs have different purposes: to contribute to stability and to reduce the potential for violent conflicts; to promote peaceful electoral processes; to support peace processes (including consolidation

⁵⁹ *International Alert* works in over 20 countries and territories around the world, both directly with people affected by violent conflict as well as government. See <http://www.international-alert.org> (last visited 3 November 2010).

⁶⁰ *Id.*

⁶¹ See *Insider mediators: exploring their key role in informal peace process* (Berghof Foundation for Peace Support; Swiss Peace, CSS, 2009).

⁶² See J. WHITMAN and D. POCOCK (eds.), *After Rwanda. The Coordination of United Nations Humanitarian Assistance* (Macmillan, Basingstoke / London, 1996), at 197.

⁶³ Through, for instance, *Foundation for Global Community*. FGC is the current manifestation of a series of prior organizations, “all of which have made their contribution, both financially and in terms of a legacy of experience and collected wisdom”. All these organizations, *Sequoia Seminar*, *Women to Women*, *Building the Earth*, *Creative Initiative*, *Beyond War*, and the *Foundation for Global Community*, “have been iterations of a fundamental philosophy”; see <http://www.globalcommunity.org/> (last visited 3 November 2010).

⁶⁴ NGOs as the *Center for Non Violent Action* (CAN) or *National Democratic Institute of International Affairs* (NDI) made training programs on non-violent action, address inhabitants in territory of the new State. CAN’s mission “has been to work in the building of lasting peace in the region of the former Yugoslavia through the promotion of the cultures of nonviolence and dialogue, and through the trust building among individuals and groups, as well as constructive dealing with the pas as one of the key elements of the peacebuilding”; http://www.nenasilje.org/cna_e.html (last visited 3 October 2010).

⁶⁵ See <http://www.santegidio.org/ie/index.html>.

of peace and national reconciliation), particularly relating to populations affected by conflicts⁶⁶.

Likewise, it is necessary to highlight the fact that this kind of action is starting to be perceived and even encouraged by institutions, internal and international⁶⁷. Nevertheless, this incentive needs to be stronger. From an international perspective, it should be pointed out that UNSC has assumed some interesting initiatives in connection with CSOs' role as regards conflicts prevention⁶⁸. Although it is evident that these actions are insufficient and that, also, are politicized (there is a blatant double-standard being applied too often), it seems necessary to admit that they are appropriate when they are adopted⁶⁹.

3. CONCLUSION

In the last decades a spectacular proliferation of Civil Society Organizations has taken place, relating both to the number and to the activities that they undertake in the international scene. Their contributions are rich and heterogeneous. Hence, it is possible to structure them taking into account: a) the CSO's functions; and b) the CSO contribution to the formation and application of International Law. Trying to make an objective analysis, it is possible also to find benefits and drawbacks in CSOs activities. There are a lot of advantages because they exercise very valuable missions in International Society. But it is also feasible to see pitfalls (putting aside certain mistakes that all players make), due to the growth of CSOs revealing a political legitimacy crisis

⁶⁶ They are being applied, among other countries and territories, in Angola, Burundi, Cote d'Ivoire, Guinea, Indonesia, Jerusalem, Lebanon, Liberia, Macedonia, Morocco, Nepal, Nigeria, The Republic Democratic of the Congo, Ruanda, Sierra Leona, Ukraine; the USA and the USA-Iran.

⁶⁷ In this sense, CSOs' contribution to international agreements supervision or in early-warning mechanisms activation are integrated in the conceptual approach to them which UN Department of Public Information (DPI); see its website: www.un.org/dpi/ngosection (last visited 3 November 2010).

⁶⁸ UNSC has insisted more and more in this concern since Secretary General submitted a Report on such a question; see *Report of the Secretary General*, General Assembly, Official Documents, Doc. A/56/2; especially at 592.

⁶⁹ It should be indicated, nevertheless that NGO's action have also raised problems in this field. Their lack of aptitude has been criticized to adapt to new realities and to make progress their action through analysis and evaluation. It has been added that the inherent changing nature of international system transforms their 'organizational learning' into crucial; see A. BAIRD, "Learning partnerships and knowledge-sharing among NGOs in international conflict resolution", 6 *Transnational Associations* 282 (2001).

and a wide range of functions that the State and IO do not longer satisfy, in spite of the fact that they should do it.

The main functions that CSO carry out are, according to my view, those that belong to the four following categories: 1) advisory, informational and educational tasks; 2) the surveillance of the State and of other entities and of national and international organisms, as well as of the economic private sector, especially of multinational companies; 3) the political pressure on States, IO, civil society and citizens; 4) humanitarian aid, cooperation for development, as well as prevention and mediation in conflicts. In my opinion, the CSO role can be enlarged especially in connection with the first and third functions.

Although it is very difficult to measure the impact or the real influence that CSOs can have, it is obvious that they contribute to the formation of International Law and to its application. In fact, they have been doing it for years. There are several possible examples of that. Apart from this, CSOs will be able to intensify their influence in the normative plan in the next years, in the areas in which they are already playing; and they will expand their action to other areas, like, among others, international justice, disarmament, environment protection or action against certain global diseases. Relating to these aspects, CSOs have already shown a vitality that it is opposed to sclerosis of political power and to the indifference of economic power.

It must be taken into account that most of the substantial progress in international order so far has never come from the establishment, at least not only from it. Because of this, the potential of civil society is crucial and irreplaceable. Even with all the existent problems, and putting aside the adoption of an internationally specific statute for CSOs (it does not seem realistic currently), there are important missions which CSOs have to accomplish in International Society (and, of course, also in internal ones), because they foster pluralism, tolerance, respect for minority rights, and contribute to prevent and soften the failures which, in the long term, weaken International Law. In any event, new CSOs and new shapes and kinds of civil society relations (like transnational nets, international campaigns or coalitions or the Global Justice Movements) are tremendously dynamic and flowing, and they can have impressive new effects (which are simply impossible for traditional Institutions, like Parliaments). Therefore, an important part of the next CSOs' evolution and of their social, political and legal future impact will depend

on their ways of articulating themselves, as well as their capacity to invent other new forms of relationship between each other.