

CIVIL SOCIETY'S INFLUENCE ON THE INTERNATIONAL TRADE REGIME: IMPLICATIONS FOR AFRICAN COUNTRIES

Jude Kongyu Tah

Abstract

The last decades have witnessed an increasing participation of civil society organisations in different areas of global governance. The international trade regime under the WTO has over the years been criticised as being unfavourable to the developing countries and has thus witnessed a significant interest from the part of the NGOs. This article examines how NGOs attempt to influence policies formation within the international trade regime and what implications they have on Africa. The article identifies and discusses the different strategies employed by these NGOs and carves out how they have shaped and strengthened Africa's participation in international trade politics, as well as how they contributed to the introduction of the key issue of sustainable development within the discourse of international trade. The article concludes by pointing out that African states should view NGOs as important support partners and not as equally powerful or more powerful actors.

INTRODUCTION

In the last decades of the post Second World War, the international trade regime has been characterised by multilateral attempts of cooperation. An international trade regime can be largely non-cooperative, or it can be characterized by significant efforts of international cooperation (Staiger, R.W 2004). International trade agreements have been the out-put of trade cooperation. Institutionally, the GATT (The General Agreement on Trade and Tariffs) and then the WTO (The World Trade Organization) have constituted the institutional framework for the international trade regime. The birth of the WTO from the ashes of the GATT reflected and reinforced an important structural shift, in the face of large-scale globalization, from statist to post-sovereign governance (Scholte & al 1998).

The recent years have witnessed a transformation from state-centrism to a new form of global governance with multiple other actors besides states. Governance has become spread across different levels from sub-state – i.e. municipal and provincial - to state, and to supra-state ones such as regional and trans-world institutions, private organizations such as credit-rating agencies and foundations, as well as civil society organisations. (Scholte & al 1998). This type of governance has challenged significantly the traditional Westphalian conceptualisation of world politics. But it would be too much to say that it has broken or shattered state-centrism. Nonetheless, the unprecedented globalisation in

The Interdisciplinary Journal of International Studies No.1 (2010)

trade, environment, communications and other areas has challenged *sovereign* statehood. As such, regulators have devised numerous sub-state, supra-state and private-sector mechanisms to supplement or even, in some respects, to supersede the rule of states (Hart, M 1997). International constitutions of global governance are therefore faced with the challenge of this decentralized governance. It is at this juncture that the global governance of trade gains precedence.

The WTO's realm of influence has expanded considerably over the years to include not just the international trade of goods and products but also services, intellectual property, competition policies, foreign direct investments, environmental questions, etc. The WTO as a constitution for the international trade regime is an instance of super-state governance, yet over the years the civil society has become engaged more than ever before in the governance of global trade. Probably its expanded influence on diverse areas, as well as its expanded membership explains civil society's interests in the WTO. This paper is interested in examining the civil society's influence on the international trade regime and its implications on the third world countries, from an African perspective. This issue gains increased importance as the policy issues, policy agencies and policy formulation processes have been highly criticised, especially from a Third World perspective. This paper will examine the participation of civil society in the international trade regime, the influences it exerts and their implications for African countries.

CONCEPTUALISING CIVIL SOCIETY WITHIN THE TRADE REGIME

Civil society's participation in internal governance is embedded in areas such as the environment, human rights, democracy, health, and development. Many international organizations have included NGOs into their decision-making process, even allowing the NGOs to become "part of their international legal personality." (Charnovitz 1997) Civil society here is understood as a group of organisations, which are non-governmental, non-profit making and are more or less formalised. Civil society has over the years shown significant increase in the global trade law and policy formation processes in the WTO. The relationship between the civil society and the WTO can be somewhat traced by looking at how trade rules began to encroach upon non-trade areas (Gray, R 2008), as well as by examining the growth of civil society across the world. As an important influence on the distribution of resources worldwide, the WTO has come to occupy a prominent place on the agenda of numerous civil society organisations (Scholte & al 1998). But then what types of civil society do we find operating within the realm global trade governance? To examine civil society movements within international trade governance as a single entity with shared interest, will be very short-sighted and

inaccurate. The trade regime is of interest to several types of agencies spanning from the business or corporate world, to farmers, women organisations, labour unions, consumer groups, and think tanks. It is therefore important to categorise these different civil society movements in order to show how they pursue different interests and how they impact differently on the international trade regime.

Civil society understood as a more or less formal set of organizations encompasses all those groups that pursue objectives that relate explicitly to reinforcing or altering existent rules, norms and/or deeper social structures (Scholte & al 1998). Civil society represents a plurality of interests and constituencies' institutional structures that make up its cosmopolitanisms in reference to its participation in the WTO. (Charnovitz 2001) A classification of civil society groups within the trade regime could be done in terms of their diverse interests. Some have used a two scale categorisation of "insider"/ "outsider" groups (John Foster, 2008). The insider groups represent those civil society groups that are mainly connected to corporate instances that support the WTO and are engaged in fostering its agenda. The outsider groups are those that are particularly in opposition to the WTO's agenda. Yet, on particular issues some of them represent either the "north" or the "south". Scholte & al (1996) distinguish three types of civil society groups in terms of their approach to the WTO. One group, that can probably be called 'conformers', accepts the established discourses of trade theory and broadly endorses the existing aims and activities of the WTO. A second group, that might be called 'reformers', accepts the need for a global trade regime, but seek to change reigning theories, policies and/or operating procedures. A third category of civic associations, whom we might call 'radicals', seek to reduce the WTO's competences and powers or even to abolish the institution altogether (Scholte & al 1998).

These denominations of civil society organisations involved in the international trade regime underpin the specific power and interest relations. For example, the business and corporate world and western farmer's associations have adopted the conformist approach. This group has often supported WTO in its broader objective of trade liberalisation through lobbying, but has sometimes sought revision of current agreements to foster its commercial interests. Scholte & al (1998) argue that conformists "Speak the same language" as WTO staff and most national officials. According to them, arguments about trade regulation do not go beyond issues concerning the balance between free trade and protectionism and the degree and speed of liberalization. Conformists question the output of existing global trade regimes and not the foundations. As opposed to the first two groups which more or less show some favourable tendencies towards the WTO, the reformist group of civil society organisations, aim to change the thinking, rules and procedures of the WTO (Scholte & al 1998). The reformists are dissatisfied with the current international trade order, its foundations and structure as well as its

The Interdisciplinary Journal of International Studies No.1 (2010)

functioning. They express concern and anguish at the exiting trade regimes and its negative impact on development in the South, gender imbalances, environmental concerns, as well as other issues.

This threefold categorization of civil society organisations is particularly interesting to me, especially with a focus on "the reformers" who are mainly represented by the NGOs. These groups have been trying to change the face of international trade to a more human and environmental friendly one. If one considers that most of the negative effects of trade policies to date affect primarily the people in the South, then the impact of these civil society organisations will not just trickle down to the people of the South but also support and strengthen the governments of the South at negotiation rounds. With this in mind, it is important to first disentangle how and to what extent the civil society has managed to become involved in the international trade regime under the WTO.

CIVIL SOCIETY AND THE WTO: ORIGINS AND STATUS

Tracing down the origins of civil society organisation's participation in the global trade regime under the WTO goes back to the establishment of the WTO. As a matter of fact, the agreement establishing the World Trade Organisation states that "The General Council may make appropriate agreements for consultations and cooperation with non-governmental organisations concerned with matters related to the WTO." (Article V, paragraph 2) But this in itself offers a very restricted role to civil society organisations - they were to be contacted only if need be, with the rights to consultation remaining solely with the WTO. However, in July 1996 the WTO General Council adopted the Guidelines on Arrangements of Relations with Non-Governmental Organisations. This document intimates the enhancement of transparency within policy formation processes at the WTO and promotes a direct contact with NGOs as a *mean par excellence* to promote accuracy and richness of the public debate (WTO 1994). The 1996 Guidelines still left much to be desired, as it specified that it would not be possible for NGOs to directly participate in the work of the WTO and its meetings. (WTO 1994) This shows how the NGOs limited operations within the WTO were established, even though NGOs were allowed to participate at ministerial meetings which were held at least once every two years. (WTO 2009)

The above-mentioned institutionalisation of civil society organisations within the WTO might not be exhaustive, but it puts into perspective the early relationship between the CSOs and the WTO. Civil society organisations were taken into consideration during the establishment of the WTO, but they have enjoyed very little leverages due to the very limited and restricted role they were assigned. However, as

JUDE KONGOYU TAH – CIVIL SOCIETY INFLUENCE ON THE INTERNATIONAL TRADE REGIME

the saying goes - power is not given, it should be fought for - and that is exactly what civil society organisations struggled to achieve.

The NGOs raised concerns about the implications of local development promoted by international negotiations at the Uruguay round of the World Trade Organization, in an effort to establish themselves. (WTO - 1995) Later on in 1997, they aborted the Multilateral Agreement on Investment (MAI - 1997/8). (Malby 2006) and this led to the turning point of this issue and its manifestation during the WTO Ministerial Meeting in Seattle, December 1999. The protest of the NGOs caught the eyes of the media and the attention of the policy-makers. Malby (2006) intimates that Seattle now symbolises the revolt of developing countries and civil society organisations against the negative consequences of globalisation in general and of global governance in trade in particular. Seattle was thus the first major victory of civil society organisations against the WTO and set an unprecedented trend or interest into the redefinition of the global trade regime. It became obvious that the bi-polar power structure between large transnational corporations and powerful nation states within the WTO could not remain unchallenged. It is however not the aim of this paper to describe all the different instances in which civil society organisations have stood its ground against the global trend regime, but, instead, it attempts to show the different ways in which the NGOs have used to influence the world trade regime.

NGOs INFLUENCE ON THE WORLD TRADE REGIME: HOW AND WHAT?

The basic tenets of NGOs' participation in the WTO rely on the assumed importance of NGOs' attempts to influence the policy outcomes and processes and to offer an alternative way of thinking within the WTO. NGOs' participation in the WTO has influenced the international trade regime in many ways and to various extents. This section focuses on how this has been done and on the exact influences the NGOs have had on the WTO. In order to do this the problem is divided into several aspects ranging from understanding the type of participation the NGOs have had to the presentation of the different methods and strategies they have employed in achieving their ends. For this purpose, the paper also presents the aims of the NGOs' participation in the international trade regime and an evaluation of their current status of achievement. Some of the NGOs' influences are direct influences and some are indirect influences. Direct influences refer to those NGOs' attempts to influence policy outcome directly and indirect influence refer to NGOs' attempts to influence policies via influencing processes and via introduction of issues like environment and gender in trade negotiations.

The Interdisciplinary Journal of International Studies No.1 (2010)

The first part of this section examines the different ways and processes that the NGOs have employed in order to influence the international trade regime under the WTO. The NGOs employ various influencing strategies amongst which worth mentioning are lobbying, advocacy, promotion and mobilizing public pressure. (Arts & al 2003) These different strategies are sometimes problem-oriented and time-specific and they are therefore specifically chosen for concrete times and for specific problems. However, most of the strategies cut across different specificities and for this reason this section approaches them from a holistic perspective.

Lobbying and advocacy

This is a very common strategy used by NGOs in a bid to influence decision making and policy outcomes within the WTO. Lobbying here points to a more informal way of approaching policy-making. (Malby 2006) The NGOs meet with policy-makers and try to win support for their positions. Lobbying is more or less individual and requires a high level of social capital from the NGOs, as policy-makers are usually approached on the terms of already established personal relations. Lobbying is therefore an important tool for influencing policies, as it brings the NGOs closer to the policy-makers. Advocacy refers to a more formal process whereby NGOs advocate their views within a formal political setting, such as official meetings. But with the limited access to formal processes of decision-making within the WTO, NGOs have most often resorted to the use alternative formal settings to advocate on different issues. As a mean to promote positions and disseminate information, NGOs write and publish press releases, research findings, position papers, etc. In this way, they hope to reach a wider segment of the population and not only the policy-makers. These actions are hoped to steer the debate within public spheres, which, in turn, could summon public pressure.

Mobilisation of public pressure

The NGOs have used unconventional means to influence policy outcomes and to set agenda regarding trade governance. Such strategies involved the mobilisation of the public to protest against "bad" policies or to set agendas for consideration to policy-makers. The public mobilisation is done through public education, communication and campaigns. The NGOs hold meetings, rallies and produce material for general public consumption. They are formulated in a very simple language and they usually show with limited but clear figures the negative effects of policies and the need for an alternative approach. This strategy is being employed by NGOs in all global trade meetings. One could for example find groups of protesters with banners against existing trade policies. A glaring example of the use of this strategy and its effectiveness is the Seattle ministerial meeting in 1994, but there are

JUDE KONGOYU TAH – CIVIL SOCIETY INFLUENCE ON THE INTERNATIONAL TRADE REGIME

many other successful examples of public protests and mobilization. However, it is difficult to evaluate or to show the extent to which this strategy has had an impact on policy outcomes, but this strategy works nonetheless, as it captures the attention of the media. It is via media that it penetrates the wider population and it increases political awareness.

Research

Knowledge is one important tool that the NGOs use in their attempt to influence international trade policy. NGOs sponsor research and then their findings are later disseminated as means to garner support. However, the quality of the research conditions the ability to influence policy outcomes. Malby (2009) intimates that research must provide policymakers with facts, figures and technical analysis, as well as present viable solutions to real policy problems. He suggests the criteria of a good research that could influence policy should be 1) timely in its analysis, 2) nonpartisan in tone, 3) inclusive of all points of view, especially Southern perspectives, 4) constructive, 5) accurate and based on evidence of the effect policies will have on people and communities, and 6) focused on current topics of negotiation. According to him, a good research must take into account the political context and the external influences that impact the issue and the players involved.

Capacity building

The NGOs have had over the years an increased participation in the WTO in Geneva. A good example is the WTO initiation of the Symposia - a broad-based forum where the NGOs are consulted on specific issues that are of interest to the NGOs, such as the environment and sustainable development. The "Day-to-day Contact" is another example of such initiative and it plays the role of an information bridge between the NGOs and the WTO, at the WTO Secretariat. Along the same lines of initiatives, one should also mention the "New Initiative" from 1998 which permits the WTO Secretariat to provide regular briefings to the NGOs and to establish a special NGO Section on the WTO's web site. This section is to provide specific information for civil society, such as announcements of registration deadlines for ministerial meetings and symposia. In addition, a monthly list of NGOs' position papers received by the Secretariat is to be compiled and circulated among the Members (WTO 2009).

All these initiatives are meant to provide information and initiate discussions between the WTO and the NGOs. However, capacity building reflects not just the informative dialogue between the WTO and the NGOs, but also the NGOs initiative in passing on vital information to delegates and policy-makers of the South. Through its research findings, the NGOs often meet with the policy-makers from the South in order to provide sufficient, consistent and applicable technical knowledge and support to them on

The Interdisciplinary Journal of International Studies No.1 (2010)

specific policy issues during negotiations. (Alavi 2007) The main argument of capacity building as an ingredient in influencing policy lies in the idea that the more access to information the NGOs have, the better they can influence policies. This extends to the capacity building of negotiators from the South through knowledge nourishment from the NGOs. But what are the end products of all these strategies? In other words, what have the NGOs achieved in concrete terms within the framework of the international trade regime?

Democratisation of the WTO

Some authors claim that the civil society's participation in international governance has been the key to democratic governance. (Bichsel 1996, Esty 2002) This has been the case with the governance of international trade under the WTO. One of the most important results of NGOs' participation in the WTO has been the achievement of some form of democratisation of the WTO. The democratisation of the international trade governance is located at the level of processes, for example, in bringing global governance to public scrutiny. This has been done by introducing and channelling political debates from the local level to the global spheres, as well as by putting on scrutiny political choices to the global audience. This is an important aspect of democratisation of policy formation processes, as a form of *de facto* deliberative democracy is introduced. As an outcome, all stakeholders have the possibility to participate even though the extent their participation influences policy outcome remains unclear.

The NGOs often provide counter arguments and alternative thinking during policy-making. This enriches the public debate as the NGOs disseminate their arguments and perspectives to the grassroots. What is important to note here about democratisation of the international trade regime is the issue of increased participation – the citizens are provided with the opportunity to be involved and share opinions on issues through NGOs within the global decision making set-up. Furthermore, it could be said that some form of global public sphere has been developed due to the NGOs participation (Steffek, J & Ulrike, 2005). Another important aspect of democratisation of the trade regime is that of legitimacy - a global public sphere enables the expression of a myriad of opinions and arguments on trade issues, thereby allocating more legitimacy to the trade regime. One could therefore conclude the democratising role of the NGOs has to do with the introduction of some form of public deliberation. This is rendered possible by the NGOs ability to access and disseminate information, to encourage transparency in policy formation processes and finally to attempt a more inclusive debate that allows all stake holders from local to global to have a say.

Introduction of new related topics related to trade

Another important contribution by NGOs and the civil society into the agenda and considerations of policy-makers during deliberations on policies is the implication of trade on other related areas of human concern like the environment, gender, and public health. The initial trade regimes were not particularly friendly to these issues and the Third world countries, which had very limited and weak institutional support, often felt the negative implications of trade regimes on these areas. But with the NGOs keeping an open eye on these issues some improvements have been registered. A good example is the formation in 1999 of a coalition that includes MSF, Oxfam International, Consumers International, ActionAid International, Third World Network, Health Action International, and many others. This coalition came into being because WTO's rules regarding intellectual property rights (patents) were perceived by developing countries and by the NGOs as major impediments to developing country access to medicines, and to deal with grave health crises. The members of the Coalition produced research and advocacy materials, and mobilized a global campaign. The pressure from developing countries and NGOs was so strong during the Doha meeting of the WTO ministers in November 2001 that the meeting was obliged to issue a statement affirming that "the TRIPS Agreement does not and should not prevent members from taking measures to protect public health". This happened after a global campaign of the NGOs had forced 39 pharmaceutical companies to withdraw a suit against South Africa for passing a law allowing the importation of cheaper drugs from other countries in order to address its HIV/AIDS crisis. This also led the US to withdraw a complaint at the WTO against Brazil for similar legislation. (Malby 2009) As concerning the environment, the NGOs insist on environmental assessment of trade regimes. As Gray, K (2008) says environmental NGOs (ENGOs) serve as examples of civil society actors that have been at the forefront of non-trade movements challenging the international trading system. Some authors claimed that the WTO has usurped the necessary policy areas from national legislature, particularly those related to the environment. (Schaffer 2000) Others go even further and say that the liberal nature of international trade promotes production for export rather than home consumption. This in turn promotes unsustainable levels of natural resources exploitation. (See Scholte & al 1998)

Some NGOs argue that trade regimes should take into consideration their possible effects on the environment. This issue has led to a good number of conflicts between environmental NGOs and trade regimes. A good example of such conflict is the Tuna-Dolphin dispute which summoned the international environmental community into reacting. There have also been attempts to bring awareness

The Interdisciplinary Journal of International Studies No.1 (2010)

of gender issues within the WTO. Some NGOs expressed concerns that the global trade regime, like the modern economy in general, contains structural biases against women. (Joeke, S and Weston, A1996) Some feminist movements called *inter alia* for gender assessments of the WTO rules aim to raise awareness of gender issues in the WTO's trade policy reviews. (Women Working World 1997)

These are briefly some of the ways the NGOs have influenced the trade regime. Some of the influences have been more direct, such as the introduction of an alternative thinking around trade policy formation processes to take into consideration other important issues related to trade like, the environment and gender. Some have been more indirect, such as capacity building. Nonetheless, all these influences have had certain implications for the weaker nations within the trade regimes, even though it is difficult to assess the actual extent of success.

WHAT ARE THE IMPLICATIONS FOR AFRICA?

We have seen in a nutshell how the NGOs impact on the trade regime under the WTO, but what does this mean for Third World countries, especially for African countries? This section briefly examines the implications for Africa of the NGOs' influence on the international trade regime. One should note that there is no single African front at the WTO and that African countries follow different agendas. However, there are different groups within which African countries participate and they are clustered around different interests. In spite of this, it is possible to consider Africa as a whole because the implications of the NGOs participation in world trade are located in the broader perspective of sustainable development, which is a matter of concern for each and every African country.

It is no secret that African countries are generally dissatisfied with the current international trade regime. (Draper, P and Khumalo, N 2006) Mshomba (2008) intimates that some elements of the WTO make African countries guarded or even resentful towards its policies. Pressure, political manoeuvring, and, at times, paternalism from the part of the developed countries towards African countries seem to be salient features of the WTO, yet the NGOs' influence is a source of rebalancing the system. (Draper, P and Khumalo, N) 41 African countries have currently full membership status in the WTO, while 9 have observers' status. It is only Somalia and Eritrea that do not participate in any way. (Mshomba R. 2008) One could wonder why Africa feels marginalised taken into consideration this massive participation and the voting principles within the WTO. Why isn't this sufficient to secure key policy changes? Whatever the answer may be, African countries have found a new partnership with NGOs to strengthen their positions as well as to summon potential bargaining power when needed.

Partnership for change

The first implication of the NGOs' participation in the international trade regime is that Africa has a partner for change. Over the last few years, African countries have formed a strong partnership with the NGOs in order to influence policies formation or to change existing structures, which were highly unfavourable to its sustainable development. There is a number of examples that attest this partnership and its effectiveness. For example, the WWF's pivotal role in getting the fisheries subsidies issue on the negotiating agenda, recruiting numerous countries representing a variety of levels of economic development. Similarly, the efforts of Oxfam International could be seen as providing the necessary stimulus for West African countries to call for a sector specific solution to the problems of agricultural subsidies that their cotton farmers face in the international marketplace. Finally, the successful campaigns of securing greater access to medicines under the compulsory licensing provisions of the *TRIPs Agreement* is a product primarily of a partnership between northern NGOs and the developing countries. (Gray K 2008) A glaring example of NGOs' intervention in global trade is the case of the cotton subsidy dispute around the "cotton 4" states - Burkina Faso, Benin, Mali and Chad. In this case, four main NGOs - the Oxfam, ENDA Tiers Monde, ICTSD, and IDEAS - joined forces in negotiating with the US to erase the massive cotton subsidies for farmers. (Ibid) Another example is the partnership between the G-33; a coalition of 33 African countries and the International Center for Trade and Sustainable Development (ICTSD) currently pushing the WTO to accept the concepts of Special Products (SPs) and a Special Safeguard Mechanism (SSM) that seek to protect food and livelihood securities which are trampled upon under the existing agricultural regime. (Malby 2009)

These examples illustrate that the partnership between NGOs and African states has an impact on global trade negotiations. Herrick (2006) coins the intervention of NGOs in world trade as "relative power" unlike the "structural power" of the larger states. The "relative power" of NGOs is defined as the ability to constrain or affect the actions of other actors. Herrick explains further that the effects of the relative power of well funded, "powerful" NGOs could be seen in their partnerships that do not always require consent and in their objectives that are not achieved in a democratic way. Such power can also be demonstrated by these actors through "speaking for a community" – actions that sometimes exclude important social groups. (Ibid) In this light, African countries could use the relative power of NGOs to strengthen their political bargaining power during trade negotiations. Considering the immense "structural power" of the larger nations in the WTO, the relative power of the NGOs in combination with the African states can be a balancing force at the WTO. However, the question remains - Is this an equal balance of power? This is an issue to be examined in further research, but for the time being we aim to delve deeper into the nature of this partnership.

Capacity building and public support

Another way in which African countries are impacted upon by NGOs is through dissemination of information and the participation of the wider public. As explained above, the NGOs are knowledge brokers when it comes to attempting to influence trade policies. Through research publications, NGOs disseminate important information regarding different policies and the consequences they might have. This creates a knowledge base from which African countries can tap from to support their positions during trade negotiations. As knowledge brokers, the NGOs share technical knowledge, expertise and resources with States in specific domains. This is a very important capacity building for African countries, as they often do not have the resources to carry-out this very specific research in order to discredit others positions or to strengthened their own stances. The dissemination of knowledge by NGOs has unequivocally led to the creation of a strong public sphere and of an opinion base vis-à-vis trade issues. Herrick (2006) calls this group of NGOs "public opinion shapers" and she defines it as an organization or actor that uses information campaigns, strategic positioning, media communications and indirect or direct lobbying to attempt to sway public opinion and State opinions in a specific subject area. These NGOs transmit the information to the wider society and thereby they create a strong public opinion which tends to influence States positions. In African countries, it is important to mobilise the public opinion which more often than not is not even aware of the issues at stake. By so doing and by creating a favourable public opinion, the African states will in time feel the backing of the population in its fight and the desire to strongly defend its position as it has a massive grassroots support base. It could therefore be said that, NGOs dissemination of information works as a resource base for African countries to draw from and to support their positions. By shaping public opinion, the NGOs provide good grassroots support base for the African countries, especially when the public opinion is in line with the position of the State. This results to African countries going into trade negotiations with more adequate knowledge and a stronger support at home. This, in turn, builds confidence in presenting and defending their positions.

Trade and sustainable development

Another important implication of the NGOs' participation in the international trade regime has been the introduction of issues central to sustainable development. Scholte & all (1998) write that WTO's rules severely restrict the autonomy in trade policy of weak states in the South. Therefore, the civic groups were worried that the Uruguay Round and subsequent accords might well compromise further

possibilities for equitable human development. The NGOs try to push forward a trade regime that with a human face that takes into consideration the long-term welfare of mankind and the environment.

According to Williams (1996) some of the most persistent efforts of civil society to reform the WTO have come from environmental NGOs. These ENGOs have been active in pushing forward environmental considerations during the formation of trade policies. This is particularly important for African countries as they rely mostly on natural resources as a source of economic development and livelihood. By encouraging production for exports rather than for local consumption, the trade regime is more environmentally damaging and poses an important challenge of sustainability in the long run. Another important aspect that the ENGOs have taken up is the fight against the trade of toxic wastes. These wastes usually end up in the back yard of some Third world countries.

A handful of NGOs are seeking to bring gender awareness to the WTO. They argue from a feminist political economy perspective that the current trade regime contains structural biases against women. (Scholte & al 1998) They are calling for an assessment of trade rules so that gender equality could be maintain. This is significant to Africa countries as women form the poorer segments of the population are likely to be those most highly affected by unfavourable trade policies. It is therefore crucial for the fight against poverty that trade policies are gender friendly especially to the Third world women.

It could be said here the NGOs have given more strength towards introducing concepts of sustainable development in international trade. This has a broad impact on African countries which are struggling to achieve sustainable development and that do not need trade policies that negatively affect human development and the environment.

CONCLUSION

It is important to say that this paper is not exhaustive on civil society's participation in international trade governance, but selective to the particular context of Africa and the issue of sustainable development. It therefore does not claim to have exhausted the explanations of how NGOs influence the international trade regime. This paper has tried to show how the civil society represented by the NGOs has emerged and insured their participation in the international trade governance under the WTO and to highlight the effects of this participation to African countries in particular and the Third World at large. The African countries stand out to benefit largely from the participation of NGOs in the international trade governance, since most of these NGOs seek to introduce alternative thinking in the formulation of trade policies based on sustainable development. Through partnership with NGOs, African countries have the opportunity to garner more political strength within the structures of policy

The Interdisciplinary Journal of International Studies No.1 (2010)

making in the trade regime. African countries understand they have a partner that is watching and is ready to raise an outcry to the global community in case of foul play. African countries through research publications by these NGOs develop their capacity to sustain powerful arguments during negotiations to support their positions and to discard unfavourable policies. Knowledge is the key to powerful arguments and African countries have access to this knowledge through NGOs that function as "knowledge brokers". This would certainly not have been the case if African countries had to finance the research themselves. Thus, the NGOs participation in the international trade governance is a positive asset for African countries. Nonetheless, it is crucial that African countries take responsibility and work together with these NGOs while being careful not to surrender their power and prerogatives of influence to the NGOs. NGOs should be seen mainly as support structures and not as central pieces. Upon fulfilling and fostering this condition, Africa's participation in the WTO could be strengthened, its issues would be brought to the limelight for discussion, and trade could at last become an important tool for real sustainable development.

REFERENCES

- Alavi, A. (2007), "African Countries and the WTO's Dispute Settlement Mechanism" in *Development Policy Review*, Vol. 25, No. 1, 25-42.
- Arts, B. and Mack, S. (2003), "Environmental NGOs and the Biosafety Protocol: A Case Study on Political Influence" in *European Environment*, URL: <http://www.unpop.nl/inhoud/artikelen/Environmental%20ngos.pdf> Accessed December 1st 2009.
- Bischel, A. (2006), "NGOs as Agents of Public Accountability and Democratization in Intergovernmental Forums" in *Democracy and the Environment. Problems and Prospects*, Lafferty, W. and Meadowcraft, J. (Eds.), Cheltenham: Edward Elgar.
- Charnovitz, S. (1997), "Two Centuries of Participation: NGOs and International Governance" in *University of Michigan Journal of International Law*, Vol. 18, No. 2, 183-286.
- Charnovitz, S. (2001), "WTO Cosmopolitics" in *NYU Journal of International Law and Politics*, Vol. 34, 299-354.
- Draper, P. and Khumalo N. (2005), *Towards a Fairer WTO for Africa*. URL: <http://www.iss.co.za/SEMINARS/2005/junfrance/fairerwto.pdf> Accessed November 20st 2009.
- Esty, D. C. (2002), "The World Trade Organisation's Legitimacy Crisis" in *World Trade Review*, Vol. 1, 7-22.
- Forster, J. W. (2008), "In tension: Enfranchising initiatives in the face of aggressive marginalisation" in *The Politics of Participation in Sustainable Development Governance*, Green, J.F and Chambers, W.B. (Eds.), Tokyo: United Nations University Press.
- Gray, K.R. (2008), "Civil Society and the World Trade Organization" in *The Politics of Participation in Sustainable Development Governance*, Green, J.F and Chambers, W.B. (Eds.), Tokyo: United Nations University Press.
- Hart, M. (1997), "The WTO and the Political Economy of Globalization" in *Journal of World Trade*, Vol. 31, No. 5, 75-93.
- Herrick, A. (2006), *NGOs as intervening variables in WTO trade governance. A case study on the Cotton Initiative. Coalitions and strategies of NGOs: a dynamic and successful policy shift from inside trade negotiations*. URL: <http://www.institut-gouvernance.org/fr/analyse/fiche-analyse-80.html> Accessed November 20st 2009.
- Joekes, S. and Weston, A. (1995), *Women and the New Trade Regime*, New York: UNIFEM.
- Malby, P. (2006), "Evidence Based Advocacy: NGO Research Capacities and Policy. Influence in the Field of International Trade" in *IDRC Working Papers on Globalisation, Growth and Poverty*, No. 4/2006.
- Malby, P. (2009), "The Impact of Research on Trade. NGOs Provoke Trade Policy Change." *Capacity.Org*, No. 38, URL:

The Interdisciplinary Journal of International Studies No.1 (2010)

http://www.capacity.org/en/journal/practice_reports/ngos_provoke_trade_policy_change. Accessed November 19th 2009.

Mehta, A.K and Otto, C. (1996), *Global Trading Practices and Poverty Alleviation in South Asia: A Gender Perspective*, New York: UNIFEM.

Mshomba, R. (2008), *Africa and the World Trade Organization*, London: Cambridge University Press.

Perlas, N. (2000), "Civil Society: The Third Global Power. The collapse of the WTO agenda in Seattle" *Cf. WTO doc. WT/L/196*, 23 July 1996.

Scholte, A. & al. (1998), "The WTO and Civil Society." *CSGR Working Paper No. 14/98*.

Shaffer, G.C. (2001), "The World Trade Organization under Challenge: Democracy and the Law and Politics of the WTO's Treatment of Trade and Environment Matters" in *Harvard Environmental Law Review* Vol. 25, 1-93.

Steffek, J. and Ehling, U. (2005), "Civil Society Participation at the WTO- a Cure for its Democratic Deficit?" in *Proc. of the 3rd ECPR General Conference*, Budapest.

Staiger, R.W. (2004). *Report on the International Trade Regime for the International Task Force on Global Public Goods*. URL: <http://www.gpgtaskforce.org/uploads/files/41.pdf>. Accessed November 9th 2009.

Williams M. (2000), "The World Bank, the World Trade Organisation and the Environmental Social Movement", in *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements*, Goetz, A.M. et al., Cambridge: Cambridge University Press.

Women Working Group (1997), "World Trade and the Rights of Women" in *Women Working World Wide Bulletin* No. 2/1997.

WTO (2009), URL: http://www.wto.org/english/forums_e/ngo_e/intro_e.htm. Accessed November 17th 2009.

JUDE KONGOYU TAH – CIVIL SOCIETY INFLUENCE ON THE INTERNATIONAL TRADE REGIME

ABBREVIATIONS

GATT	General Agreement on Trade and Tariffs
WTO	World Trade Organisation
NGO	Non-Governmental organisation
CSO	Civil Society Organisations
MSF	Médecins Sans Frontières
ENGO	Environmental Non-Governmental Organisation
ICTSD	International Centre for Trade and Sustainable Development

