

The Role of Global Civil Society in Bringing Global Democratic Order

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DAN CHAN KOON-HONG, DEC 29 2014

A Review on Cosmopolitan Democracy: The Role of Global Civil Society in Bringing Global Democratic Order

Globalization and Interconnectedness: The Need for Global Democratic Order

Domestic policies are increasingly affected by international actions with the process of globalization that constrains the “regulatory” ability of nation-states. Today, democracy within national borders is inseparable from democracy at global level. On one hand, as Joseph Stiglitz made clear, “individuals can only meaningfully participate in the decisions that affect them if these international processes are democratic”[1]. On the other hand, the world becomes “paralyzed” as the current inter-state system fails to tackle pressing trans-border challenges, like climate change, extreme poverty, financial crisis, nuclear non-proliferation and food crisis. Global problems are also interconnected among themselves; for instance, the development of biofuel to reduce the reliance on fossil fuels and mitigate the impact of climate change is contradictory to the solutions on food crisis. Thus, the “ad hoc single-issue coordination structures”[2] are counter-productive and ineffective.

The interconnectedness among nation-states and individuals renders them sharing overlapping interests. The central notion of David Held’s cosmopolitan democracy is the extension of decision-making processes beyond nation-states with the ultimate goal of internationalization – a supranational political authority with executive and legislative power – which “aims to increase the accountability, transparency and legitimacy of global governance”[3]. Substantive democracy must be “linked to an expanding framework of democratic institutions and procedures”[4]. It is also important to open all levels of governance, from local to global, for public engagement.

With reference to two aspects of democracy suggested by Robert Dahl, popular control and fundamental rights[5], this paper discusses the limitations of Held’s version of cosmopolitan democracy (Section 2). I attempt to address these limitations and argue that global civil society has strong tendencies towards a global democratic order if it becomes an institutionalized channel of public opinions to international decision-making processes (Section 3).

Section 2: Limitations of Held’s Version of Cosmopolitan Democracy

Held’s proposal neither guarantees popular control nor fundamental rights. It also brings questions of feasibility. However, these limitations do not rule out the possibility and necessity of a global democratic order.

Popular Control: An Issue of Representation and Accountability

Held justifies democracy in terms of its promotion and enhancement of autonomy – the right for everyone to participate in public affairs and decide the conditions of their own lives in a free and equal manner[6]. It requires commitment from all the communities involved to form a cosmopolitan democratic community, as a “common structure of political action”[7], which ultimately supports self-determination. States would no longer be the only legitimate authority within national borders and some of their duties would be performed at and across different levels

The Role of Global Civil Society in Bringing Global Democratic Order

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of governance[8].

Held's idea matches with Dahl's interpretation of democracy as "popular control on government policies". But Dahl argues that democracy diminishes with size because a large global institution provides ordinary people with insignificant opportunities to meaningfully participate in the decision-making and "govern themselves democratically"[9]. Delegation of power cannot be made "beyond the democratic threshold" – territorial boundaries – of nation-states, and thus fails to ensure representativeness and accountability of global institutions. It is also difficult for ordinary people to exercise effective control over remote foreign affairs beyond their capacities[10]. He insists democracy within nation-states and concludes that "international decision-making will not be democratic"[11].

Although cosmopolitan democracy shares these limitations, efforts should be made to address them. Dahl's criticisms are *existing problems* that do not exclusively confine to global level but also applies within nation-states. Ordinary people also find it difficult for them to channel their demands onto the agenda of their governments, even in democracies, not to mention effective control on final decisions. If global institutions cannot be democratic because of their size and remoteness, then China, with 1.3 billion people, can never be democratized. I doubt if Dahl would support this claim. In fact, Dahl admitted that "the smaller the unit the more likely that some matters of importance to the citizen are beyond the capacity of the government to deal with effectively"[12], which is one of the justifications of cosmopolitan democracy. Thus, democratic development should focus on strengthening representativeness and accountability of the global order, including political authorities at all levels, rather than denying the possibility of cosmopolitan democracy.

Fundamental Rights: The Limitations of Cosmopolitan Democratic Law

Held also addresses the second aspect of democracy – "protection of fundamental rights" – as he argues that domestic democratic law is insufficient and must be internationalized to be effective. The implementation of cosmopolitan democratic law would acknowledge the coexistence of equal and legitimate rights of everyone in the interconnected world. Because of multiple overlapping networks of interactions[13], nation-states are by no means able to guarantee fundamental rights of their citizens and make decisions exclusively for themselves. For instance, agricultural subsidies in the United States and Europe directly affect people's livelihood and government policies in Africa. The failure or reluctance of states to protect their people, as reflected by significant amount of refugees and political prisoners in the world, also justifies the need of a legal binding cosmopolitan democratic law. The issue of Burmese refugees in Thailand remains unsolved for almost 30 years. The role of UNHCR (the UN Refugee Agency) is restraint[14] because Thailand refuses to sign the 1951 Refugee Convention and claims itself with no obligation. As Mary Kaldor puts it, "security of individuals should come before the security of the state"[15].

The biggest challenge to cosmopolitan democratic law rests with the non-existence of *universal* human rights. Because of cultural differences, like localities and traditions, the word "rights" has different meanings among people from different origins. The notion of "gender equality" diverges in Western values and Islamic traditions. Even the word "democracy" is contestable, as reflected in 2008 when Bhutanese reluctantly embraced the first multi-party elections because of the King's insistence.

In *The Social contract*, Jean Jacques Rousseau argued that legitimacy of the authority originates from the *consent*, and acts in accordance to the "general will" – common interest – of the ruled[16]. In return, citizens would subordinate to the sovereignty of the law. It requires strong national identity – solidarity and trust – to lay the foundation of democracy, as proven in the current unrest and instability in Ukraine where the Russians in Ukraine threaten democracy and hold back Europeanization. Ethnic tensions also brought Myanmar (Burma) to one of the longest civil wars in the modern world for over 50 years. In a global setting, common identity and solidarity necessary to establish and sustain cosmopolitan democracy would be weak or non-existent[17]. It is also difficult to define the "general will", democratic rights and obligations, provide legitimation to the authority and the law, and form the social contract. As Jürgen Habermas questioned, "how can we envision the democratic legitimation of decisions beyond the schema of nation-state?"[18] A cosmopolitan democratic law cannot be drafted without the universal consent among the subjects, and thus is not an effective protection of fundamental rights. However, it does not preclude all the proposals towards cosmopolitan democracy, which would be further elaborated in Section 3.

The Role of Global Civil Society in Bringing Global Democratic Order

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The Feasibility of Held's Proposal: Creating a Supreme Political Authority

While I do not reject the necessity of cosmopolitan democracy, Held's envision of creating a supreme political authority leads to three pressing questions. The first question is the representation of the transnational executive and legislative. If cosmopolitan democracy is to promote autonomy of *everyone*, individuals (population) should be reflected in the representation. This distribution of seats would give the seven most populated countries (China, India, the United States, Indonesia, Brazil, Pakistan and Nigeria), with over 50% of the world's population, a stable majority. It may lead to another form of "tyranny of majority" and abuse of power. Alternatively, if each nation is entitled for one vote, 5% of the world's population can override the interest of the remaining 95%, resulting in "tyranny of minority".

The second question is that states have no incentives to submit themselves to a supreme authority with compulsory jurisdiction. For instance, China always stresses the South China Sea disputes as its internal affairs, insists on bilateral negotiation, and refuses to submit it to international arbitration. Immanuel Kant's analysis in the 18th century remains intact, "states are not likely to agree a complete surrender of their sovereignty"[19].

The third question arises when states refuse to embrace democracy. The process of democratization of global institutions would prove unsuccessful without the demand for greater accountability to individuals from member states[20]. Held suggested introducing an UN second chamber that only consists of democratic communities with the aim of replacing the UN General Assembly in the long run[21]. But this would simply drive undemocratic, dominant power like China further away from the cosmopolitan democratic community. Forceful imposition of democracy by military means is also problematic, as reflected by the intense debates over the Afghanistan and Iraq wars that were justified in terms of human rights[22]. Ends do not necessarily justify means. The collapse of the current sovereign state system could even bring the world back to Hobbesian "state of nature".

Section 3: Global Civil Society and Global Democratic Order

Global civil society is "the sphere of ideas, values, institutions, organisations, networks, and individuals located between the family, the state, and the market", which operate across borders and beyond the confines of national politics and economies[23]. From the Seattle WTO protests in 1999 to Toronto G20 protests in 2010, the growing influence of global civil society is questioning the accountability of nation-states from below. It provides opportunities for the quest of international actions directly accountable to the subjects and global governance in the "absence of global government"[24].

Enhancing Accountability: A Global Platform of Public Opinions

Global civil society serves to channel global public opinions and put policy ideas onto the international agenda. It indirectly strengthens the capacity of the subjects to influence global actions and enhances the accountability of international decision-making processes. For instance, Oxfam's Rights in Crisis Campaign in Afghanistan succeeded in putting forward the Women's Participation in the Peace and Reconciliation Process onto the international and Afghan national and local governments' agenda[25]. This campaign provides access of governance at local, national and global levels to ordinary people (Afghan women), and gives them a voice on global decisions that affect them.

Moreover, it serves to address Dahl's challenge on the remoteness of global affairs through bottom-up empowerment and education that arouse public awareness. The "creative confrontation" campaigns of Greenpeace in climate change attract public and media attention over the years, from laser projection of the faces of government officials as "climate prisoners" on the walls of important buildings, to its recent parachute protest landing on the ocean tanker with first shipment of Arctic oil[26]. Such campaigns reinforce public recognition and trust in non-governmental organizations (NGOs) over than that of international governmental organizations like the United Nations[27].

The role of global civil society should be institutionalized to further utilize its potential in bridging the gap between international actions and public opinions. One of the approaches is empowering NGOs that are already recognized by and involved in the UN system[28]. Andrew Strauss suggested global civil society create the "Global

The Role of Global Civil Society in Bringing Global Democratic Order

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Parliamentary Assembly” outside the UN system with its own initiative[29]. Although such an international organ lacks direct control on global problems, it could at least serve as a platform of global public opinions, and put policy ideas onto the international agenda, especially the most pressing challenges such as climate change and income inequality. More importantly, it gives voice to the voiceless – representation of minorities within states, stateless groups and refugees, and people who are not protected by nation-states – and “counter-weight on traditional power politics”[30]. It demonstrates an effort of the global civil society to protect and acknowledge the coexistence of equal, legitimate and diverse rights among everyone on the planet.

“Democratic Deficits” Within Global Civil Society

Dahl challenged international organizations as “bureaucratic bargaining systems”[31], rather than democratic institutions, which lack mechanisms of popular control and accountability. Admittedly, global civil society has its own “democratic deficits”, most notably the problem of accountability and representation *within* the organizations due to the absence of direct elections. Global civil society, with a clear North domination, is also challenged of being unable to represent the people it aims to help. The international agenda is shaped by decision-makers who share no personal experience of the global challenges, say extreme poverty, as the target groups. Quoting a comment of a former Burmese refugee in Thailand, “they (international organizations) only do *what they think is good* for themselves and the refugees which does not match with the need of the local people”[32]. In addition, the International Federation of Red Cross and Red Crescent Societies described the global humanitarian activities as “the world’s largest unregulated industry”[33] because of the misuse of aids among NGOs in the 2004 Indian Ocean tsunami.

The current limitations justify the necessity of developing accountability mechanisms *within* global civil society. In the short term, global civil society should introduce representatives of the communities of its operations into the executive boards at all levels of governance. In the long term, it should allow the communities to elect these representatives. Apart from procedural democratic control mechanisms, it is important to provide ordinary people a meaningful say in the decision-making processes of global civil society. The Humanitarian Accountability Partnership (HAP) International is an example of the effort of global civil society in creating “a trusted and widely accepted accountability framework”, linking “common respect for the rights and dignity of crisis-affected communities” and operating “based on community interest and needs” with consultation before an intervention, through the HAP Standard as the guidelines for its 92 member organizations[34].

The proposed “Global Parliamentary Assembly” could further expand the accountability framework. It serves as an institutionalized global platform that opens global civil society for professional, media and public scrutiny with formal regulations (especially on the use of humanitarian aids), as well as a level-playing field for the South that balances global public opinions. It also provides an institutionalized channel to conduct public consultation, opinion surveys, deliberation exercises, and more at global level.

Opportunities for Global Civil Society in Global Governance

Although global civil society does have its limitations, it provides a feasible proposal of “good” global governance, as Ramesh Thakur and Thomas Weiss defined, “an optimal partnership between states, regional and global levels of actors, and between state, intergovernmental and non-governmental categories of actors”[35].

Exclusive policy jurisdiction is not the precondition. For instance, Pacific Economic Cooperation Council’s tripartite partnership between government, business and academic sector has proven to be a success in policy discussion and coordination at regional level. The expansion and institutionalization of global civil society brings this partnership to global level. With the development of accountability mechanisms within global civil society, it has the potential to promote democracy internationally as a political force from below. Mary Kaldor takes it further by describing global civil society as “the medium through which social contracts or bargains are negotiated between the individual and the centres of political and economic authority”[36].

Conclusion: Global Civil Society: Promoting Global Democratic Processes

The Role of Global Civil Society in Bringing Global Democratic Order

Written by Dan Chan Koon-hong

Dahl argued in 1999 that

“supporters of democracy should resist the argument that a great decline in the capacity of national and subnational units to govern themselves is inevitable because globalization is inevitable”[37].

In the past 15 years, however, global market forces and capitalism have proven to be increasingly beyond the full control of nation-states in financial crisis. There are more examples in other fields. Domestic politics cannot be separated from international affairs. A global democratic order serves to enhance the accountability of international actions.

In the absence of universal human rights and common identity, Held’s proposal – the creation of a common political structure and implementation of cosmopolitan democratic law – fails to promote accountability and protect fundamental rights. Because of the infeasibility and undesirability of a world government, global civil society provides a realistic account in addressing these “democratic deficits”. Although it has limitations in procedural representation, global civil society bridges the gap between ordinary people and international actions. A strong global non-governmental sector thus enhances the accountability of international decision-making and promotes global democratic processes. The envision of the Campaign for a United Nations Parliamentary Assembly might be too far as it aims at “(giving) citizen representatives...a direct and influential role in global policy”[38], but efforts towards a more democratic global order should be sustained.

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The Role of Global Civil Society in Bringing Global Democratic Order

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