

UN: towards a confederacy of confederations?

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If the UN remains just a confederation of states, it may become irrelevant - if it becomes a confederacy of confederations involving global civil society it might meet the challenges through greater legitimacy.

A confederacy is 'a league or compact for mutual support or common action' according to the dictionary¹. Confederation refers to being united by such a league. Although often applied to States, the notion applies just as well to autonomous associations, like labour unions². The essence lies in actor autonomy and a structured alliance for a common interest. Labour unions are autonomous bodies in civil society - states are assumed to be autonomous in international relations. Both can build confederations at the global level.

The question can be raised: could autonomous civil society organisations associate themselves with states 'for mutual support or common action'? Or, one step further: could confederations of such civil society organisations associate with a confederation of states? This sounds theoretical, but I hope to show that these questions directly affect the United Nations and its legitimacy³.

Confederacies: what's in a word?

Words incorporate meanings within historical contexts. For an American 'confederate' is likely to be associated with the Southern states in that drama of North American history, the Civil War. To a Dutchman it might be associated with the Golden Age of the Dutch Republic when the United Provinces fought their way to independence. Let us try to go beyond such meanings, like [...] has done in a remarkable book on confederacy.⁴

[...] argues that a confederation allows its members to gradually transfer specific responsibilities to a common body. State sovereignty is maintained, since the confederation is based on the very principle of autonomy. The UN follows this model, in that States do not relinquish power or sovereignty: they pool it. The International Court of Justice in The Hague is an example: it can only give a verdict in cases which both parties to a conflict are willing to submit to it.

Not just States build confederacies, civil society organisations do as well. Sports, for example, are done in leagues, which can be considered as 'compacts for common action'. Global public interests are increasingly served by global confederations. Specific public interests are served through advocacy, lobbying or public information.

Globalising civil society

Civil society, or the network of public interest associations, is globalising just like markets are. Markets are the structured exchanges of private interests; they have always operated under values grounded in civil society and sanctioned by States. The founding fathers of the UN recognised this role in the articulation of public interest. They gave some space to non-state representation in the form of NGO's which have been associated with the UN ever since its establishment.

The UN now faces a plethora of NGO's. It does not know how to deal with them. Which should be the criteria for admission? Should pro-abortion groups be admitted? 'No' - says the US Congress. Should the US National Rifle Association be allowed to plead its case? 'No' - say other parliamentarians. Representation of non-state public interest groups is therefore a hot issue.

How can it be solved? There is no simple solution, but may-be an indication can be given. The first question to be answered is: *can groups of States deal with non-state actors, like public interest groups?* The answer is yes, because they have been doing so for quite some time. Take the International Labour Organisation, which celebrates this year its 80th anniversary. It involves States, Labour Unions and Employers' Organisations.

The second question is: *what changes need to be made in the broader UN system to institutionalize such interaction?* I would argue: remarkably few, albeit some radical ones. Let me just mention four, following the ILO model which proved its value:

- * reduce the tasks of the sectoral organisations to specific areas of global public interest (in health, education, food, labour, etc).
- * reduce the functions of these organisations to primarily expertise, norm setting and arbitration (skip the many executive or developmental tasks which they have assumed making them vulnerable to interests of their own)
- * reduce the number of non-state actors to be dealt with by requesting them to form global confederacies which are legitimated by autonomous national memberships (skip the one-man or one-nation NGO's dealing with a single interest).
- * improve information exchange through global networks involving the actors (as happens through the [OneWorld.Net](#) portal which accesses already one million documents on international cooperation and global justice).

The third question could be: *who will fund this?* I do not think the States will. The most powerful ones have a rather dismal record on a per capita basis; small European states top the list. The US case is best known through its UN critics in Congress, but other countries like China or Russia are not doing much better. The

mighty stick to their power.

It is therefore time to come up with alternative funding arrangements. If representation involves obligation, civil society can be requested to chip in. Other arrangements would be preferable, like a minimal tax on speculative capital transfers. As long as these are opposed by particular groups, we might as well forget the option for the time being. Why not start by bringing those groups into an open dialogue with others who may legitimately claim to represent a global public interest? If it has worked in the ILO, I see no reason why it could not in other sectors.

My hunch is that the UN would become a better forum for it: leaner and cleaner. Leaner, as the rich states seem to want it. Cleaner, as public interest groups wish to see it. A confederacy of confederations could help.

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1. *Webster's Ninth New Collegiate Dictionary* Springfield, Mass. USA (Merriam-Webster Inc.)

2. H.P.Fairchild c.s. *Dictionary of sociology and related sciences* Totowa, NJ USA (Littlefield, Adams & Co) 1977: 57

3. See Theo C van Boven c.s. *The legitimacy of the United Nations: towards an enhanced legal status of non-state actors*, Utrecht (SIM, Netherlands Institute of Human Rights) 1997: 1-6

4. CHECK