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THE IMPACT OF NGOS ON INTERNATIONAL ORGANIZATIONS: COMPLEXITIES AND CONSIDERATIONS

*Dr. Shamima Ahmed**

INTRODUCTION

Since the 1970s, there has been an explosion in the growth of non-governmental organizations (“NGOs”). Their prominence and significance has been conceptualized by some as the “third sector,” the “independent sector,” and by others as the “fifth estate.”¹ Several factors favor such growth. Most importantly, the retreat of the nation state, heterogeneous population, “contract failure,” “market failure,” and technological advancement are widely acknowledged factors attributed to this growth.²

The work and impact of NGOs, both at the domestic and international levels, has been widely noted, studied, and recognized. The contributions of NGOs are widely recognized, including in providing relief and emergency services, providing economic and social development, raising consciousness among groups about their rights, shaping agendas, monitoring national and transnational actors, and promoting environmental and many other issues. However, most of these acclamations are based on perceptions, on anecdotal evidence, and on mostly nonscientific assessments of their work and impact.³ The prominence of NGOs, and at the same time the increasing realization of the subjective assessments and perceptions of their work and impact, has recently raised issues, doubts, and skepticism about their performances, effectiveness, and ultimate impact. As Silova pointed out, “What a decade of intellectual debate and research has brought, however, is a realization that NGOs are obscure organizations, whose impact is often impossible to predict.”⁴ Measuring or assessing the impact of NGOs is anything but easy; nevertheless,

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1. See Stuart E. Eizenstat, *Nongovernmental Organizations as the Fifth Estate*, 5 SETON HALL J. DIPL. & INT’L REL. 15, 25–26 (2004).

2. See J. Steven Ott, *Economic & Political Theories of the Nonprofit Sector*, in THE NATURE OF THE NONPROFIT SECTOR, 179, 179–89 (J. Steven Ott ed., 2001).

3. See SHAMIMA AHMED & DAVID. M. POTTER, NGOS IN INTERNATIONAL POLITICS 250–52 (2006).

4. Iveta Silova, *International NGOs and Authoritarian Government in the Era of Globalization*, 10 CURRENT ISSUES COMP. EDUC. 26 (2008).

NGO effectiveness has become an inquisitive topic for discussion and research.

The work of NGOs engages different actors including individuals, groups, states, multinational corporations, and international organizations (“IOs”). NGOs engage with IOs at different levels and in different ways. IOs include international NGOs (“INGOs”) and intergovernmental organizations (“IGOs”). This Article focuses on assessing the impact of NGOs on IGOs, and selectively uses the United Nations (“UN”), the World Trade Organization (“WTO”), and the World Bank (“WB” or “the Bank”) to discuss the complexities of such inquiry. The discussion is structured in two parts. Part I explains the complexities of assessing the impact of NGOs and identifies several factors that any such assessment needs to consider. Part II describes the relationships between NGOs and the three IGOs, and uses selective examples of the impacts of NGOs on the UN, the WTO, and the WB. The concluding Section emphasizes the complexity of delineating the impact of NGOs on IGOs.

I. NGO IMPACT: COMPLEXITIES AND CONSIDERATIONS

The relationship between NGOs and IGOs is multifaceted—they work side by side as partners of development, as agenda-shapers, as policy-makers, as sources of information and expertise, and often times as “watch dogs.”⁵ On another front, NGOs observe and monitor the work and activities of IGOs in a critical way. Often, it is NGOs that press IGOs to be transparent and accountable, as can be seen in the example of environmental and development organizations since the 1970s.⁶ These organizations have come together across the world in diverse transnational advocacy coalitions to lobby and monitor IGOs. As Uvin explains, “NGOs have been faster and more active in lobbying international organizations than governments. These institutions are relatively easy to influence, and pose no danger: they have no power to imprison or torture NGO staff.”⁷

There is no doubt that NGOs are active, vibrant, and prominent in their interaction with IGOs. However, the question is: How do we assess their impact on IGOs? That question begs one to focus on the performance or impact of NGOs. Measuring their performance or impact is a delicate matter that involves issues of validity and reliability. In terms of the va-

5. See Shamima Ahmed, *Nongovernmental Organizations*, in 1 GLOBALIZATION AND SECURITY: AN ENCYCLOPEDIA: ECONOMIC AND POLITICAL ASPECTS 293, 299–306 (G. Honor Fagan & Ronaldo Munck eds., 2009).

6. AHMED & POTTER, *supra* note 3, at 51.

7. *Id.* at 51, 56 n.28.

lidity, researchers need to first define what they are measuring under “performance” or “impact.” The issue of reliability makes one careful about the reality that performance or impact is negotiated by a variety of factors, both internal and external. This is true for any type of assessment, whether assessing the impact of NGOs or of any other phenomenon. In regard to the impact of NGOs, the literature is quite mixed—some speaks vigorously about their significant, positive, and long lasting impact, and in some ways tries to overrate them, while other literature questions the significance of their impact, if any.⁸ One reason for this difference lies in the reality that the impact of NGOs will vary considerably across issues and across time due to a multitude of internal and external factors. As Michael Edwards concluded in 1998, there was only one possible answer to the question of whether or not NGOs were overrated: “It all depends on the NGOs concerned, the type of work that they do, and the contexts they work in.”⁹ Thus, there are several factors to consider when one attempts to assess the impact of NGOs. This Section identifies some of the important ones that scholars have identified in their attempt to assess the impact of NGOs on IOs.

He and Murphy used six criteria to examine NGO impact on the construction of global social contract.¹⁰ They use the following two NGO campaigns towards the WTO as case studies in their research: (1) the campaign to add an enforceable labor standard clause linked to WTO’s trade liberalization, and (2) the campaign to clarify the use of the safeguard measures contained in the WTO’s Trade-Related Intellectual Property Rights (“TRIPS”) agreement so as to increase access to medicines in developing countries by making them more widely affordable. Their findings are discussed at a later section of this Article.

He and Murphy define social contract as a “political and moral principle for international agreements and for governing the conduct of all actors in the international arena.”¹¹ As they explain, this is a global principle meaning that citizens in all countries (developed, undeveloped, and developing) ought to be regarded as important contracting parties.¹² They also include the value of social justice which embodies the principle of

8. See Sebastian Mallaby, *NGOs: Fighting Poverty, Hurting the Poor*, 144 *FOREIGN POL’Y* 50, 51–58 (2004) (questioning whether NGO involvement helps or hinders projects to further international development).

9. Michael Edwards, *Are NGOs Overrated? Why and How to Say “No,”* 1998 *CURRENT ISSUES COMP. EDUC.* 55, 55 (1998).

10. He Baogang & Hannah Murphy, *Global Social Justice at the WTO? The Role of NGOs in Constructing the Global Social Contracts*, 83 *INT’L AFF.* 707, 712 tbl.2 (2007).

11. *Id.* at 711.

12. *Id.*

equality.¹³ Finally, the social contract, according to the authors, must be based on following a democratic process and thus be based on consent rather than imposed from above.¹⁴

He and Murphy first developed the following six questions or criteria to examine the impact of NGOs in these two cases, which they used as empirical evidence:¹⁵

1. Are NGOs significant parties to the global social contract? Are they outside challengers or inside policy-making participants?
2. Have NGOs successfully challenged the international business community to implement universal values?
3. In challenging the undemocratic process, are NGOs making the process more democratic, and if so, in what sense?
4. Are NGOs forcing the WTO to revise some economic contracts in order to meet social demands?
5. Do the poor benefit from the campaigns against the WTO agreements organized by NGOs?
6. Do NGOs make trade fairer? Do they make the WTO agreements fairer, and if so, in what sense?¹⁶

The above questions lead to some meaningful criteria to assess the impact of NGOs. We can categorize them into two different sets of criteria: process and outcome. The process criteria include NGO access in the policy-making process and whether the participation of NGOs made the decision-making process more democratic. Outcome criteria include their success in challenging the status quo, ensuring more fairness in the agreements, and the impacts of the campaigns in benefitting the poor.

Let us take another example with Corell and Betsill's research on two different case studies, both involving the "study of NGO influence in international environmental regulations."¹⁷ These two authors raise a very basic question, the issue of what we mean by "influence."¹⁸ As they point out, "[a] review of the literature demonstrates large discrepancies between approaches and reveals such discrepancy in the types of evidence used to indicate NGO influence that very few conclusions can be

13. *Id.*

14. *Id.*

15. *Id.* at 712 tbl.2.

16. *Id.* at 713–14.

17. Elisabeth Corell & Michele M. Betsill, *A Comparative Look at NGO Influence in International Environmental Negotiations: Desertification and Climate Change*, 1 GLOBAL ENVTL POL. 86, 86 (2001).

18. *Id.* at 86–88.

drawn about the overall level of NGO influence.”¹⁹ They emphasize, very appropriately, that one needs to pay careful consideration to what one means by NGO “influence” and how “influence” might be assessed.²⁰

Corell and Betsill develop and use a framework to analyze NGO impact on the following two cases: the negotiations of the Desertification Convention and the Kyoto Protocol to the Climate Change Convention. The framework operationalizes “influence” as the following: “influence can be said to have occurred when one actor intentionally transmits information to another that alters the latter’s actions from what would have occurred without that information.”²¹ This means that the transmission of information is intentional, and that it affected or altered the recipients’ action or behavior.²² To complete the scientific method of research, their framework also considers external factors that might affect the outcome.²³ As they point out, it is important to consider whether other factors with similar goals might be responsible for the outcome.²⁴

Emphasizing the importance of influence at both the process and the outcome levels, they develop a list of indicators to measure or assess NGO “influence” on the above two negotiations:

- (1) being present at the negotiations,
- (2) providing written information supporting particular position (e.g. research reports),
- (3) providing verbal information supporting a particular position (through statements),
- (4) providing specific advice to government delegations through direct interaction,
- (5) having the opportunity to define the environmental issue under negotiation,
- (6) opportunity to shape the negotiating agenda, and
- (7) ability to ensure that certain texts supporting a particular position are incorporated in the Convention.²⁵

19. *Id.* at 86.

20. *See id.* at 87.

21. *Id.*

22. *Id.*

23. *Id.* at 87–88.

24. *Id.* at 88.

25. *Id.* at 90.

As one can delineate from these indicators, the authors view “influence” as more of a process with different degrees of influence.²⁶ So, this indicates another dimension of influence or impact—that there is a continuum.

He, Murphy, Correl, and Betsill’s studies no doubt inform us of some important indicators of NGO impact. However, there are additional structural and contextual factors that one needs to consider in assessing the impact of NGOs. Factors like size, resources and scope of operations (local, national, and international), political opportunity structure, nature of the issue, and the ability of NGOs to speak in one voice, are important considerations. For example, in regard to nature of issues, there are some issues (e.g., abortion) that divide NGOs into different competing or rival groups, while others (e.g., environmental protection) usually bring most of them together under one umbrella. Even though there are differences between NGOs and NGO coalitions with respect to their understanding of strategies to protect the environment, in regard to the ultimate goals, they usually have one common aim which is protection of the environment. Such agreement gives them homogeneity and hence strength.

However, even if NGOs can speak in one voice, the scope of opportunity they have to participate at various levels in the process of policy or decision-making will limit their level of impact. For example, if NGOs do not have an opportunity to participate in debates that policy-makers are engaged in, no matter how homogeneous they are, their voice most likely will not be reflected in the ultimate policy, as compared to situations where they are participating equally with other policy-makers. This is how the political opportunity structure plays a part in effecting the impact of NGOs. Another contextual factor is the nature of the issue (technical versus nontechnical) that NGOs are advocating. Technical issues, like climate change, involve expert knowledge and speak of more intangible issues. Few NGOs have the technical expertise, nor possess the scientific knowledge, to assume an equal and valid stake in the deliberation process involving technical issues. In contrast, issues like genital mutilation are tangible and involve social, cultural, and development issues, so that grassroots and community-based NGOs can successfully portray themselves as part of the solution.

Similar to the contextual factors, there are several structural factors that affect the scope of NGO impact. The impact of a large NGO, in most cases, will be more significant in scope compared to a small NGO. Similarly, an NGO which is more resourceful in terms of its financial, human resources, and political connections, will have a broader scope of opera-

26. *Id.* at 90–91.

tion and hence a broader scope of impact compared to a smaller NGO. Scope of operation also includes the geography (local, national, or international). For example, the level of impact that an INGO will have, in most cases, will be significantly broader compared to a local NGO. The point here is that one cannot assess the impact of a local NGO the same way as the impact of an INGO, or the impact of a local NGO on a technical issue the same way as a social issue, and so forth. The broader argument is thus that NGO impact assessment needs to take into consideration a variety of structural and contextual factors.

II. THE RELATIONSHIP BETWEEN NGOS AND IOS

A. The Relationship between NGOs and the UN

The UN was founded in 1945 after the Second World War by fifty-one countries that were committed to maintaining international peace and security, to developing friendly relations among nations, and to promoting social progress, better living standards, and human rights.²⁷ Due to its unique international character, and the powers vested in its founding Charter, the UN can take action on a wide range of issues. It also provides a forum for its member states to express their views through the General Assembly, the Security Council, the Economic and Social Council, and other bodies and committees.

The relationship between NGOs and the UN provides NGOs with the opportunity for agenda-setting at the international level, through participation at the deliberations that take place at the United Nations. Their relationship is formalized and structured through Article 71 of the UN Charter, issued in 1945, which empowers the Economic and Social Council (“ECOSOC”) to “make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence.”²⁸ “The UN has developed the longest relationship with NGOs. That relationship also serves as the model for other IGOs.”²⁹

In their relationship with the UN, NGOs may fall within three categories of status: general consultative status, special consultative status, and roster status.³⁰ General consultative status is reserved for large international NGOs whose area of work covers most of the issues on the agenda

27. *United Nations at a Glance*, UNITED NATIONS, <http://www.un.org/en/aboutun/index.shtml> (last visited Apr. 2, 2011).

28. U.N. Charter art. 71.

29. AHMED & POTTER, *supra* note 3, at 77.

30. *Id.* at 78.

of the ECOSOC and its subsidiary bodies.³¹ The majority of the NGOs in this category are large, long-standing, international organizations that are well established and geographically wide reaching. NGOs that are more narrowly focused, with specific expertise in an area covered by the ECOSOC, fall under the special consultative status.³² These NGOs are often smaller and newer to the scene. NGOs that fall outside of these two categories but seek consultative status are added to the roster.³³ NGOs with roster status usually have narrow and/or technical focuses or have been given formal status with another UN body or agency.³⁴ These NGOs are thought to be able to make “occasional and useful contributions to the work of the Council or its subsidiary bodies.”³⁵

Through their consultative status, NGOs can propose agenda items, send observers to all meetings, and submit brief written statements.³⁶ They have access to all UN documents once the documents are officially released.³⁷ In addition, they are able to attend different meetings and proceedings.³⁸ This means that they can gain high levels of information about the political process involved in deliberations at the UN. NGOs with consultative status have security passes which give them access to all of the buildings, including the lounges, bars, and restaurants used by the diplomats.³⁹ This also gives them access to the delegates, which in turn, provides them with the opportunity to obtain more information through informal discussion, including hearing about what happened at the private meetings. Finally, being awarded consultative status gives NGOs a legitimate place within the political system. This means that the NGO activist is seen as having a right to be involved in the process. As a result, in the informal contacts with delegates, it is possible to express views about issues on the agenda and to lobby for particular decisions to be made. This exposure to information gives NGOs the opportunity to influence the agenda-setting process at the UN. There are wide-ranging

31. *Id.*

32. *Consultative Status with ECOSOC*, U.N. DEPT. ECON. & SOC. AFF., 2008, <http://esa.un.org/coordination/ngo/new/index.asp?page=intro> (last visited Apr. 2, 2011).

33. *Id.*

34. These specialized agencies include, for example, the Food and Agriculture Organization; the International Labor Organization; the United Nations Conference on Trade and Development; the United Nations Educational, Scientific and Cultural Organization; the United Nations Industrial Development Organization; and the World Health Organization. *Id.*

35. *Id.*

36. AHMED & POTTER, *supra* note 3, at 78.

37. *Id.* at 53.

38. *Id.*

39. *Id.*

policy areas (e.g., protection of the environment, women's rights, and individual rights) where the main issues have been seriously considered because of the work of different groups of NGOs at different UN conferences.

Thousands of NGOs attend different conferences and present information to different UN agencies, commissions, and field offices. Furthermore, international agencies like the International Fund for Agricultural Development ("IFAD"), the United Nations Development Programme ("UNDP"), the World Health Organization ("WHO"), the United Nations Commission on Human Rights ("UNCHR"), and the WB all have regular NGO consultation meetings.⁴⁰ Often NGOs play a leading role in promoting the various dedications of "days," "years," and "decades" that the UN system regularly proclaims.⁴¹ NGOs are also partners with different UN development programs through a variety of the UN's development and relief agencies (e.g., WHO, UNHCR, UNICEF). They are actively involved in implementing a variety of programs related to family planning, sex education, HIV prevention, and vaccination.

As of February 20, 2011, there are 3,400 NGOs in consultative status with the UN.⁴² There are several noteworthy impacts resulting from the relationships of NGOs with the UN. As mentioned, NGOs have a long-standing institutionalized relationship with the UN through their consultative status with the Economic & Social Council. They made their mark in the Preamble of the UN Charter which states, "We the Peoples of the United Nations determined . . . to affirm in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women."⁴³ Earlier drafts of the Charter did not start out that way. In fact, it was on the initiative of women delegates and forty-two NGOs accredited to the founding conference that the provisions banning discrimination based on sex were added.⁴⁴ NGOs were instrumental in securing the establishment of the UN Human Rights Commission, which drew up the Universal Declaration of Human Rights with NGO input in

40. *Id.*

41. *Id.*

42. *Consultative Status with the ECOSOC and Other Accreditations*, U.N. DEPT OF ECON. & SOC. AFF., [http://esango.un.org/civilsociety/displayConsultativeStatusSearch.do?method=search&sessionCheck=falsehttp://esango.un.org/civilsociety/displayConsultativeStatusSearch.do?method=search&sessionCheck=falsehttp://esango.un.org/civilsociety/displayConsultativeStatusSearch.do?method=search&sessionCheck=false](http://esango.un.org/civilsociety/displayConsultativeStatusSearch.do?method=search&sessionCheck=falsehttp://esango.un.org/civilsociety/displayConsultativeStatusSearch.do?method=search&sessionCheck=falsehttp://esango.un.org/civilsociety/displayConsultativeStatusSearch.do?method=search&sessionCheck=falsehttp://esango.un.org/civilsociety/displayConsultativeStatusSearch.do?method=search&sessionCheck=false) (last visited Apr. 2, 2011).

43. U.N. Charter pmb1.

44. U.N. DEP'T OF PUB. INFO., *THE UNITED NATIONS AND THE ADVANCEMENT OF WOMEN 1945-1995*, VOL. VI., at 10, U.N. Sales No. E.95.I.29 (1995).

1948.⁴⁵ In recent years, there are several areas of accomplishments that NGOs secured at the UN level. Among those, some have significant impact. One example is in the area of promoting women's rights. The advocacy of NGOs at the UN eventually led to the integration of women's rights as human rights, the establishment of a permanent UN Commission on the Status of Women ("CSW"), and adoption of the Declaration on the Elimination of Violence Against Women. Gender rights are now part of international law.⁴⁶

NGOs are gradually encroaching on other UN organs too, including the General Assembly and the Security Council. NGOs involved in conflict regions have been allowed to present their views before the General Assembly. They have addressed special sessions on disarmament and development. In fact, some committees, such as the UN Special Committee against Apartheid and the UN Special Committee on Palestinian Rights, even have broad, ongoing relationships with NGOs.⁴⁷ A few NGOs, for example, the International Committee of the Red Cross, are granted recognition to become observers in the General Assembly.⁴⁸ CARE,⁴⁹ for example, has briefed the different committees of the Security Council.

B. The Relationship between NGOs and the World Trade Organization

The World Trade Organization ("WTO") is a global international organization "dealing with the rules of trade between nations."⁵⁰ The WTO framework consists of several agreements that have been signed and ratified by the majority of the world's trading nations.⁵¹ The basic legal rules for international commerce are located in these agreements, guaranteeing that every member is afforded certain important trade rights. In addition, nations are obligated under the agreement to abide by certain agreed upon limits, which benefit all trading nations. Ultimately, the goal of the WTO is to facilitate business among producers of goods and services, exporters, and importers as well as to enhance the welfare of all.⁵²

45. *See id.* at 10–16.

46. AHMED & POTTER, *supra* note 3, at 53.

47. *Id.* at 83.

48. *See* G.A. Res. 45/6, ¶ 1, U.N. Doc. A/RES/45/6 (Oct. 16, 1990).

49. AHMED & POTTER, *supra* note 3, at 83.

50. *What is the WTO?*, WORLD TRADE ORG., http://www.wto.org/english/thewto_e/whatis_e/whatis_e.htm (last visited Apr. 2, 2011) [hereinafter *What is the WTO?*].

51. *Id.*

52. *Id.*

One of the youngest of the international organizations, the WTO came into being in 1995, as the successor to the General Agreement on Tariffs and Trade (“GATT”) established in the wake of the Second World War.⁵³ The WTO’s top level decision-making body is the ministerial conference which meets at least once every two years.⁵⁴ As of July 2008, the WTO has 153 members.⁵⁵ The WTO’s procedure for resolving trade quarrels falls under its Dispute Settlement provisions. When a member believes its rights have been infringed, it brings a dispute to the WTO, where specially-appointed experts make judgments based on their interpretations of the agreements and the member state’s individual commitments.⁵⁶

The WTO has established a formal relationship with NGOs since 1996.⁵⁷ Its relationship with NGOs is structured similar to the UN model. Article V. 2 of the Marrakesh Agreement, which established the WTO, states the following: “The General Council may make appropriate arrangements for consultation and cooperation with non-governmental organizations concerned with matters related to those of the WTO.”⁵⁸ Thus, NGOs can register with the IGO provided they can prove that they are concerned with matters related to those of the WTO. On July 18, 1996, the General Council further clarified the framework for relations with NGOs by adopting a set of guidelines which “recognizes the role NGOs can play to increase the awareness of the public in respect of WTO activities.”⁵⁹ The interaction between the WTO and NGOs often consists of “sharing information, requesting information from NGOs, organizing symposia on specific WTO-related issues, and making informal arrangements to receive information.”⁶⁰ Further, registered NGOs are enti-

53. See AHMED & POTTER, *supra* note 3, at 81.

54. See *Understanding the WTO: What We Do*, WORLD TRADE ORG., http://www.wto.org/english/thewto_e/whatis_e/what_we_do_e.htm (last visited Apr. 2, 2011) [hereinafter *WTO: What We Do*].

55. *What is the WTO?*, *supra* note 51.

56. *WTO: What We Do*, *supra* note 54.

57. *Relations with Non-Governmental Organizations/Civil Society*, WORLD TRADE ORG., http://www.wto.org/english/forums_e/ngo_e/intro_e.htm (last visited Apr. 2, 2011).

58. Marrakesh Agreement Establishing the World Trade Organization, art. V:2, Apr. 15, 1994, 1867 U.N.T.S. 154, available at http://www.wto.org/english/forums_e/ngo_e/estwto_e.htm.

59. See Guidelines for Arrangements on Relations with Non-Governmental Organizations para. 2, adopted by the General Council on 18 July 1996, WT/L/162 (July 23, 1996) [hereinafter *NGO Guidelines*].

60. AHMED & POTTER, *supra* note 3, at 81.

tled to observe plenary sessions and ministerial conferences.⁶¹ NGOs may wish to be available for consultation by interested delegations. NGOs may also continue with the past practice of responding to WTO requests for general information and briefings. However, since WTO agreements are legally binding intergovernmental treaties of rights and obligations among its members, NGOs are not permitted to be directly involved in the work of the WTO or its meetings.⁶²

Tensions between NGOs and the WTO are not hidden—the 1991 Seattle Protest clearly publicized the tensions worldwide. From the NGO standpoint, the legitimacy of WTO agreements are compromised and are not democratic due to the lack of mechanisms for the citizens of member states to participate in WTO deliberations. As He and Murphy explain, “The focus of economic liberalization at the WTO, combined with the lack of citizen input through its member states, has meant that the impact of WTO agreements on social equality is not adequately accounted for, even though international trade rules often bear significantly upon social justice.”⁶³ The WTO’s mandate is strictly limited to the administration of a rules-based system for governing international trade liberalization—in contrast to most other international organizations, the WTO does not allow NGOs to participate in its decision-making process.

As mentioned before, He and Murphy examined the roles of NGOs in constructing global social contracts using two specific cases involving the WTO: (1) international NGO campaign for an enforceable labor standards clause linked to trade liberalization, and (2) the campaign to clarify the use of the safeguard measures contained in the WTO’s Trade-Related Intellectual Property Rights (“TRIPS”) agreement to increase access to medicines in developing countries by making them more widely affordable.⁶⁴

1. The International NGO Campaign for an Enforceable Labor Standards Clause

The international NGO campaign for an enforceable labor standards clause was led by the International Confederation of Free Trade Unions (“ICFTU”).⁶⁵ The ICFTU focused on the connection between trade liberalization and labor exploitation, arguing that the WTO dispute settlement body should be responsible for addressing violations of labor rights in

61. *Id.*

62. NGO Guidelines, *supra* note 59, para. 6.

63. Baogang & Murphy, *supra* note 10, at 710.

64. *Id.* at 708.

65. *Id.* at 714.

the export arena.⁶⁶ During the 1996 conference in Singapore, the ICFTU lobbied WTO members to push for the incorporation of a clause that would commit member states to respect seven basic International Labour Organization (“ILO”) conventions relating to the freedom of association, the right to collective bargaining, the abolition of forced labor, the prevention of discrimination in employment, and the minimum age of employment.⁶⁷ They also argued that the WTO had become a weak enforcement body to implement the values and goals of the international labor movement.⁶⁸

Even though developed WTO member states led by the U.S. and the EU pushed strongly for the WTO to formally recognize labor issues in the context of trade liberalization, the majority of the developing countries opposed the incorporation of labor standards into WTO framework.⁶⁹ This opposition was based on the notion that this measure could harm the growth potential of developing nations that depend on labor-intensive industries, thus making the WTO the wrong locus of such a cause.⁷⁰

In addition to the disagreement among the member states, there was a similar disagreement among different NGOs. Most importantly, a coalition of NGOs organized by the Third World Network (“TWN”) issued a public statement that opposed the WTO taking in new issues, including labor standards.⁷¹ The TWN claimed that developed country protectionists would misuse the labor standards clause as a means to prevent imports of products from less developed countries.⁷² All of these disagreements eventually resulted in the failure to adopt the proposed core labor standards clause, even though the discussion dominated the conference in Singapore.⁷³ However, a number of NGOs reoriented their resources towards targeting prominent multinational corporations (“MNCs”) to encourage/pressure them to promote labor rights.⁷⁴ Nevertheless, the trade unions and NGOs involved in these campaigns have played an important role in drawing attention to the issue of universal labor standards, a controversial agenda which likely will remain a prominent factor in international trade governance and in relationships among nation states, civil

66. *Id.*

67. *Id.* at 714–15.

68. *Id.* at 714.

69. *Id.* at 715.

70. *Id.*

71. *Id.*

72. *Id.*

73. *Id.*

74. *See id.*

society organizations, and the international business sector. He and Murphy arrived at the following assessment of NGO impact on WTO: While NGOs clearly influenced the WTO agenda, and forced some MNCs to adopt code of conducts to uphold workers' rights, they were not successful in forcing the WTO to incorporate that particular clause on labor standards.⁷⁵ Nevertheless, the coalition played an important role in drawing attention to the issue of universal labor standards.

2. TRIPS and the Access to Medicines Campaign

The TRIPS agreement, part of the framework of the WTO that came into force on January 1, 1995, sets out mandatory minimum standards for the protection of intellectual property, covering various types of products such as pharmaceuticals.⁷⁶ TRIPS recognizes the detrimental impact patent protection can have on public health and as a result includes certain safeguards to ensure access to medicines. However, it is not clear how these safeguards can be employed by developing countries who seek to provide its citizens with access to affordable medicines.⁷⁷

Médecins Sans Frontières, Oxfam, and Health Action International ("HAI"), in conjunction with local NGOs from developing countries, spearheaded a campaign to shed light on the ways in which TRIPS is detrimental to developing countries.⁷⁸ The main argument focused on the disastrous impact on public health in developing countries of limiting production of essential generic medicines, particularly for sufferers of HIV/AIDS, tuberculosis, and malaria.⁷⁹ The campaign was born in 1998 after the Pharmaceutical Manufacturers' Association of South Africa and forty pharmaceutical manufacturers brought a suit against the government of South Africa in response to its 1997 Medicines and Related Substances Control Amendment.⁸⁰ The suit alleged violation of the TRIPS agreement as well as South Africa's constitution, which included specific provisions on dealing with generic and name brand pharmaceuticals.⁸¹ In addition to the pharmaceutical companies, the European Union and the U.S. government both lent their support and had also pressured the South African government themselves in connection to the production of generic drugs.⁸²

75. *Id.* at 716–17.

76. *Id.* at 717–18.

77. *Id.* at 718.

78. *Id.*

79. *Id.*

80. *Id.*

81. *Id.*

82. *Id.*

South Africa was not alone in its stance on issuing compulsory licenses to manufacture generic medicines, receiving support from the international NGO campaign network and other member states such as Brazil and India.⁸³ The issue finally came to a head in November 1999, when the “Amsterdam Statement” was issued.⁸⁴ Promulgated by 350 individuals on behalf of NGOs from fifty countries, the statement contemplates the “establishment of a working group within the WTO regarding TRIPS and access to medicines in order to consider the impact of trade policies on developing countries’ citizens and to provide a public health framework for the interpretation of key features of the TRIPS agreement and other WTO accords.”⁸⁵ International organizations such as the World Health Organization, the World Bank, and the United Nations Development Programme also got involved, arguing the importance of the right to issue compulsory licenses and to form strategic partnerships with generic pharmaceutical manufacturers, especially with regard to life saving medicines such as those used to treat HIV/AIDS.⁸⁶ The enormous profits earned by pharmaceutical companies on the sale of HIV/AIDS medications were in fact the key to discrediting these companies’ arguments against South Africa. As a result, the U.S. and EU withdrew from the suit.⁸⁷

In 2001, NGOs realized a partial victory at the ministerial conference (Doha conference), with the passage of the Declaration on TRIPS and Public Health.⁸⁸ The Declaration states the following:

We agree that the TRIPS Agreement does not and should not prevent Members from taking measures to protect public health. Accordingly while reiterating our commitments to the TRIPS Agreement, we affirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO Members’ right to protect public health and, in particular, promote access to medicines to all.⁸⁹

However, as pointed out by He and Murphy, despite the importance of the Doha Declaration for public health, it fails to address the issue of nations that do not have the infrastructure to manufacture the medicines and must rely instead on the import of generic medicines produced under compulsory licenses.⁹⁰ This issue was addressed in 2003 with the passage

83. *Id.*

84. *Id.*

85. *Id.* at 719.

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

90. *Id.* at 719–20.

of the temporary waiver known as the August 30 decision.⁹¹ This solution allowed developing countries that lacked the ability to manufacture its own generic drugs to import cheaper generic medicines made pursuant to a compulsory license.⁹² This waiver was eventually made permanent on December 6, 2005, as an amendment to the TRIPS agreement.⁹³ While this amendment has been heralded as a major accomplishment, many NGOs criticize the provisions for being overly complex.⁹⁴ Based on their research, He and Murphy found that the first campaign was in part a failure while the other campaign was for the most part successful.⁹⁵

C. The Relationship between NGOs and the World Bank

The WB, established in 1944, provides financial and technical assistance to developing countries through “low-interest loans, interest-free credits, and grants to developing countries for a wide array of purposes.”⁹⁶ These purposes include “investments in education, health, public administration, infrastructure, financial and private sector development, agriculture, and environmental and natural resource management.”⁹⁷ The WB is like a cooperative, in which its 187 member countries are shareholders.⁹⁸ The shareholders are represented by a Board of Governors who is the ultimate policy-makers at the World Bank. Generally, the governors are member countries’ finance or development ministers.⁹⁹

The first interaction the WB had with NGOs came in the 1970s concerning environmental issues.¹⁰⁰ “Today, the Bank consults and collaborates with thousands of members of civil society organizations throughout the world, such as community-based organizations, NGOs, social movements, labor unions, faith-based groups, and foundations.”¹⁰¹ In

91. *Id.* at 720.

92. *Id.*

93. *Id.*

94. *See id.*

95. *See id.* at 723–25.

96. *See About Us, WORLD BANK*, <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/0,,pagePK:50004410~piPK:36602~theSitePK:29708,00.html> (last visited Apr. 2, 2011).

97. *Id.*

98. *See id.*

99. *See About Us: Board of Governors, WORLD BANK*, <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/0,,contentMDK:20873632~menuPK:1696997~pagePK:51123644~piPK:329829~theSitePK:29708,00.html> (last visited Apr. 2, 2011).

100. *The World Bank and Civil Society, WORLD BANK*, <http://go.worldbank.org/PWRRFJ2QH0> (last visited Apr. 2, 2011).

101. *Id.*

1981 the Bank developed its first operational policy note on relations with NGOs, which emphasizes its collaboration with NGOs and encourages borrowers and staff members to consult with NGOs and to involve them, as appropriate, in Bank-supported activities, including economic and social sector work and all stages of a project's processing—identification, design, implementation, and monitoring and evaluation.¹⁰² Along with this operational policy, the Bank instituted a World Bank NGO Committee with sixteen top international NGOs as the founding members.¹⁰³ In response to criticisms that the deliberation process in the Committee was not sufficiently transparent and that the NGOs involved were not acting independently, in 1984 the NGO members of the Committee constituted themselves as an autonomous NGO Working Group on the World Bank.¹⁰⁴ They now meet separately to decide on NGO priorities before the annual meetings with World Bank staff in the Committee.¹⁰⁵ They also hold meetings in developing countries and organize their own programs of research and information exchange in order to strengthen their inputs to policy dialogue with the Bank. The WB has an extensive network of engagements with NGOs, and relies on over 120 civil society focal points, which includes over eighty civil society country staff working in seventy Bank country offices, more than forty staff at the regional level (Civil Society Group), and the Civil Society team at the global level.¹⁰⁶

The world's wealthiest countries are the primary funders of the Bank and, hence, their governments exercise much control.¹⁰⁷ Civil society groups in these countries have therefore introduced strategies to work in solidarity with Southern NGOs to hold their government representatives

102. *Civil Society: Background*, WORLD BANK (Mar. 24, 2010), <http://go.worldbank.org/Y55YH23K50>.

103. Peter Willetts, *NGO Working Group on the World Bank* (Oct. 24, 2001), www.staff.city.ac.uk/p.willetts/PIE-DOCS/INDEX.HTM.

104. See Jane G. Covey, *Critical Cooperation? Influencing the World Bank*, in *THE STRUGGLE FOR ACCOUNTABILITY: THE WORLD BANK, NGOS AND GRASSROOTS MOVEMENTS* 81, 96–97 (Jonathan A. Fox & L. David Brown eds., 1998) [hereinafter *THE STRUGGLE FOR ACCOUNTABILITY*].

105. See *id.* at 97.

106. *World Bank Staff Working with Civil Society*, WORLD BANK, <http://go.worldbank.org/WZAC4X2A70> (last visited Apr. 2, 2011).

107. ALEX WILKS, EUR. NETWORK ON DEBT & DEV. [EURODAD], 11.11.11, *PUBLIC CONTROL FOR THE PUBLIC INTEREST: ASSESSING WORLD BANK ACCOUNTABILITY IN RICHER COUNTRIES 2* (Mar. 18, 2010) [hereinafter *EURODAD REPORT*], available at, http://www.eurodad.org/uploadedFiles/Whats_New/Reports/World%20Bank%20accountability%20study.pdf.

accountable for the policies they pursue via the Bank.¹⁰⁸ To that end, when key international meetings are on the horizon, or new funds are about to be allocated to the Bank, NGOs insert themselves and their agendas.¹⁰⁹ Different country governments have responded in different ways to the activism of NGOs with respect to WB projects,¹¹⁰ some are receptive to reform while others forsake the NGOs proposals in support of their own national agendas.¹¹¹

For more than two decades, the Bank has been a lightning rod for transnational civil society action. Coalitions of civil society organizations—NGOs, churches, indigenous peoples movements, and international environmental and human rights networks—have repeatedly challenged the Bank's high profile promotion of socially and environmentally costly development strategies.¹¹² For instance, during the mid-1980s, a coalition of NGOs waged a series of campaigns against WB projects using the strategy of showing that the projects, far from promoting development, were causing or would cause harm to the environment and people living in the area. They used evidence from different projects to argue that the Bank must institute tighter environmental and social directives across the board.¹¹³ NGOs also vehemently argued against the Bank's structural adjustment program, which tends to focus on macroeconomic policy reform, thereby overlooking the side effects of this program. "Some NGOs have gone so far as to argue that structural adjustment does not simply hurt the poor by raising poverty and unemployment levels; rather, these policies are inherently anti-poor, offering economic and political elites the opportunity to cut welfare and other social benefits in the name of reform."¹¹⁴ The Bank policy engagement with NGOs was initially a reaction to these criticisms.

In the U.S., NGOs pushed for the Bank Information Center ("BIC"), the primary institution responsible for policing the accountability of the Bank to both the NGO community and the U.S. Congress.¹¹⁵ Since its inception in 1987, the BIC, with funding largely from U.S. foundations,

108. *Id.*; see also Robert H. Wade, *Accountability Gone Wrong: The World Bank, Non-Governmental Organisations and the US Government in a Fight over China*, 14 NEW POL. ECON. 25, 26 (2009); PAUL J. NELSON, THE WORLD BANK AND NONGOVERNMENTAL ORGANIZATIONS 183–84 (1995).

109. EURODAD REPORT, *supra* note 107, at 2–3.

110. *See id.* at 3.

111. *Id.* at 3.

112. *See e.g.*, Lori Udall, *The World Bank and Public Accountability: Has Anything Changed?*, in THE STRUGGLE FOR ACCOUNTABILITY, *supra* note 104, at 393–403.

113. *See* AHMED & POTTER, *supra* note 3, at 88–93.

114. *Id.* at 79.

115. Wade, *supra* note 108, at 29.

has been reporting on the Bank's activities to the broader NGO community.¹¹⁶ Another structural change at the Bank came in 1993 with the Inspection Panel ("IP"), a type of grievance committee which was the brainchild of U.S. NGOs such as the Center for International Environmental Law.¹¹⁷ The IP is an avenue of redress for people in borrowing countries who have been affected by Bank projects.¹¹⁸ Allowing them to bypass their own governments, complaints can be lodged "against the Bank in the event they perceive that the Bank has not fully complied with its operational directives and that their welfare has been harmed as a result."¹¹⁹ The IP is therefore a mechanism for project-affected people, and for NGOs to act on their behalf, to lodge a campaign against the WB and generate pressure on governments that are borrowing money from the Bank for these projects.¹²⁰ Congress made its creation a condition of U.S. funds for the Bank's International Development Association in the early 1990s. "For the first decade of its existence, the IP was one of the most divisive issues among the Board of Directors."¹²¹ A few developed countries supported it enthusiastically, the U.S. above all; most developed countries supported it tepidly; virtually all the developing countries opposed it strongly. The disagreement was mostly due to the reality that the IP challenged conventional notions of state sovereignty, which was a large part of why the borrowing states were opposed to it.

Over time, as NGOs became more powerful in terms of their dealings with the Bank, the Bank finally responded by reformulating its operational policies and procedural instructions so as to make a sharper distinction between what was required and what was advisory. Beginning in 1997, the Bank issued a total of ten "safeguard policies," or policies in connection to environmental and social issues, "covering environmental assessment, natural habitats, forestry, pest management, resettlement, and indigenous peoples," as well as dam safety policies, international waterways, and projects regarding disputed areas.¹²² The terminology, "safeguard policies," clarified the Bank's responsibility "not just to comply with discrete bits of policy, but to comply with a whole family of things whose common denominator was the risk of serious political trou-

116. *Id.*

117. *Id.*

118. *Id.*

119. *Id.*

120. *See id.*

121. *Id.*

122. *Id.*

ble in the event of non-compliance, especially in light of NGOs' watchful gaze."¹²³

The Bank does have a policy note on engagement with civil society, entitled "Good Practice 14.70." It encourages, but does not require, its staff to engage with civil society, and identifies information sharing, policy dialogue, and operational collaboration as the three broad areas for contact.¹²⁴ However, the document discourages over-involvement of the third sector in its core economic business, cautioning that many NGOs have "limited expertise in macro or specific economic issues."¹²⁵

In 2003, the Bank further developed and clarified its relationship with civil society, and emphasized the facilitation role of the Bank in its consultative relationship with NGOs. Facilitation, defined as "encouraging" governments to work through civil society, replaced the "information-sharing" recommended in "Good Practice 14.70." The shift toward an increasingly proactive and interventionist comportment in developing countries, in conjunction with civil society, is explained as a reflection of "new models of public-private cooperation, transparency and oversight that give a greater role to [civil society organizations] in public life."¹²⁶

In terms of practice, the Bank values NGOs mostly for their role in implementation of WB projects. The 1989 Operational Directive that established basic policy towards NGOs emphasizes that aspect. Because the WB in principle lends only to governments, its willingness to provide grants to NGOs remains limited. According to Nelson, the most common form of WB-NGO collaboration involves NGOs carrying out a project, or a part of it.¹²⁷ He also found that the Bank staff resisted NGO attempts to redefine development agendas or cooperate in designing programs beyond specific projects.¹²⁸

There are diverse points of view about how much civil society groups have managed to influence the World Bank. No doubt, the Bank has opened up many processes and much information for NGOs, but consultation and transparency do not necessarily mean meaningful influence.

123. *Id.*

124. *Involving Non-Governmental Organizations in Bank Supported Activities*, G.P. 14.70, WORLD BANK (Mar. 23, 2010), <http://go.worldbank.org/0WT7SICZY0>.

125. *Id.* para 6(g).

126. *Issues and Options for Improving Engagement Between the World Bank and Civil Society Organizations*, para. 38 (Oct. 24, 2003) (World Bank discussion paper), available at <http://siteresources.worldbank.org/CSO/Resources/CSPaper.pdf>.

127. See NELSON, *supra* note 108, at 67.

128. See *id.* at 72-79, 190-92.

Some believe that the Bank's intention is mostly to inform these NGO groups, and not to involve them in decision-making.¹²⁹

The Narmada Protest is considered one of the most powerful NGO campaigns against the WB,¹³⁰ which to a great extent eventually damaged the Bank's international credibility. The WB approved the project in 1985 with a loan of U.S. \$450 million to build a dam on the Narmada River in India.¹³¹ The project was fraught with environmental and resettlement problems from the outset. Most of the people who would be resettled to a different place did not even know about this, and even those who knew did not have access to basic information about their impending resettlement—basic entitlements, time tables, or locations where they would be resettled. Concerned with the WB and the Indian government's neglect of these issues, NGOs and activists formed a very powerful coalition with the affected population and demanded from the WB access to information about resettlement plans and timetables, results of environmental studies, etc. Along with finding out that there would be severe environmental and social devastation, the activists also discovered that the resettlement rehabilitation plan, which according to the Bank's policy was supposed to be completed before project appraisal, was not completed even five years after project approval.¹³² The movement received its momentum when the Bank's involvement in the project became the subject of a special U. S. Congressional oversight hearing.¹³³ The Bank found itself in a difficult public relations situation and formed a commission to conduct an independent review of the project. Based on the findings of the commission, and amidst the chaos and opposition, the Bank finally decided to withdraw from the project.¹³⁴

However, there is another issue of NGO impact on the WB, the issue of NGO representation or legitimacy as an advocate of the affected population. Mallaby's account of the ill-fated WB's project of promoting a dam in Bujagali, Uganda speaks of an emerging problem in transnational networking of NGOs—NGO activists joining hands with each other and forming formidable blocks against projects which are otherwise supported by local residents.¹³⁵ These activists engage in strategies of opposition without gathering adequate and valid information and with little or no consultation with the affected parties. As Mallaby narrates, western

129. *See id.* at 176–78.

130. AHMED & POTTER, *supra* note 3, at 89.

131. *See id.* at 89.

132. Udall, *supra* note 112, at 394–95.

133. *See id.* at 396–97.

134. *See id.* at 398–421.

135. Mallaby, *supra* note 8, at 51–52.

NGOs were in revolt once the World Bank made the proposal public.¹³⁶ NGOs argued that the Ugandan environmental movement was outraged at the likely damage to waterfalls at the site, and that the poor who lived there would be uprooted from their land for the sake of electricity they could not afford.¹³⁷ When Mallaby traced the activists of the Ugandan environmental movement, he eventually met the director of Uganda's National Association of Professional Environmentalists—a small group of twenty-five members—which was spearheading this opposition.¹³⁸ His interviews with villagers gave a different picture—the latter actually supported the project because they were offered generous financial terms to relocate.¹³⁹

This story is a tragedy for Uganda. Clinics and factories are deprived of electricity by Californians whose idea of an electricity crisis is a handful of summer blackouts. But it is also a tragedy for the fight against poverty worldwide, because projects in dozens of countries are similarly held up for fear of activist resistance.¹⁴⁰

NGO information sharing and dissemination are two other concerns for stakeholders. The One World Trust, an NGO, studied the accountability mechanisms of NGOs, international businesses, and intergovernmental organizations.¹⁴¹ The study found that intergovernmental organizations such as the WB and the WTO scored highly with respect to online information sharing, while NGOs like the World Wild Fund for Nature and CARE received much lower marks.¹⁴² The study also revealed that many NGOs fail to furnish relevant information that is useful to stakeholders.¹⁴³

CONCLUSION

The above discussion points out the complexities of any attempt to assess the impact of NGOs on international organizations. This stands true whether one attempts to delineate their impact on multinational corporations, on development, on the environment, or on other areas in which NGOs operate.

136. *Id.* at 51.

137. *Id.*

138. *Id.* at 52.

139. *Id.*

140. *Id.*

141. HETTY KOVACH, CAROLINE NELIGAN & SIMON BURALL, *Power Without Accountability?*, THE GLOBAL ACCOUNTABILITY REPORT VOL. IV, at 1 (2003), available at http://www.wto.org/english/news_e/news03_e/gar2003_e.pdf.

142. *See id.* at 28, 24.

143. *See id.* at 33–34.

There is a close connection between impact and power; the higher the impact, the higher the political power, and vice versa. Any political process, to put it in layman's terms, generally consists of an agenda-setting phase, a negotiation or decision-making phase, and an implementation phase. An actor that has access and opportunity to participate in each of these phases will undoubtedly have more power than an actor that does not. The policy-making scholarship emphasizes the importance of access to the agenda-setting process, which is similar to the gatekeeper's function.

Let us try to understand the differences in the impact of NGOs on different IOs. NGOs, so far, have more impact on the UN than the WTO or the WB. This difference, as discussed in this Article, could be attributed to several factors. Political opportunity structure is definitely a major factor. The working relationship of NGOs with the UN is more institutionalized than the relationship of NGOs with the WTO and the WB. As explained earlier, the consultative status of NGOs within the UN gives them access and opportunity to influence agenda at the international level. Along with access to the UN building, the offices, and the delegates, they have access not only to all information once it is officially released, but they can also propose agenda items, send observers to all meetings, and submit brief statements. In regard to the relationship of NGOs with the WTO and WB, it mostly boils down to their observant role in the case of the former and information exchange and project implementation in the case of the latter. The UN also has a more positive attitude toward non-state actors which is quite different for the WTO and the WB.

The issues that NGOs deal with in their engagement with the WTO and the WB are also more technical compared to the ones at the UN. Along with that, some issues are easy to advocate as a common voice (e.g., human rights), compared to other issues (e.g., climate change). The experience from the relationships of NGOs with these three IOs is that even though the deliberation processes are open in the early stages of discussion and preparations, NGOs are shut out at later stages when states bargain over the final decision. As He and Murphy point out, during the Kyoto Protocol, NGOs were denied access to the floor during plenary debates and most negotiation took place in closed door meetings.¹⁴⁴

The other factor to consider is the population affected—who defines what is beneficial to them? In all fairness, it is the affected populations who have the right to define that. However, the ill-fated dam in Bujagali shows the dilemma here—one may say that NGOs were successful in stopping the building of that dam and thus that they had a significant

144. See Corell & Betsill, *supra* note 17, at 93–97.

positive impact on the affected population; however, others will take a different view. Coalition, in a way, increases legitimacy. Nevertheless, it is also essential that NGOs have connections to the grassroots and ground-level experience. One major source of NGO legitimacy comes from transporting the voices and concerns of the poor. As Yanacopulos explains, "This bridging function between the grassroots and the global level gives them legitimacy at a time when NGO credibility is being questioned."¹⁴⁵ So, any impact assessment also needs to take this in-depth analysis into consideration. A related issue is a lack of accountability. David Chandler, for example, states that civil society actors fail to engage in collective politics and that the international connections formed by NGOs exaggerate their level of support, masking the reality that civil society groups tend to represent views held by an elite minority.¹⁴⁶

With all these complexities in assessing the impact of NGOs, there is no doubt that in the process of contributing to international policy debates, NGOs exercise an important function in challenging other actors to clarify, defend, and account for their actions. As Steve Charnovitz explains, the value of NGO participation in international politics lies in their role as policy entrepreneurs rather than as formal representatives.¹⁴⁷

145. Helen Yanacopulos, *The Strategies That Bind: NGO Coalitions And Their Influence*, 5 GLOBAL NETWORKS 93, 101 (2005).

146. David Chandler, *Building Global Civil Society 'From Below'?*, 22 MILLENNIUM: J. INT'L STUD. 313, 333-38 (2004).

147. See Steve Charnovitz, *Opening the WTO to Non-Governmental Interests*, 24 FORDHAM INT'L L.J. 173, 209-10 (2000).