

# Notes

## Chapter 1 Waiting on Democracy

- 1 To take just one recent example, the UN Convention on Genocide did not, despite much anticipation, lead to UN intervention in Darfur once genocide was publicly declared (see Bellamy and Williams 2006).

## Chapter 2 Context, Role, and Legitimacy

- 1 Portions of this chapter were first published in Pallas, Christopher L. 2010. Revolutionary, Advocate, Agent, or Authority: Context-based Assessment of Democratic Legitimacy in Transnational Civil Society. *Ethics and Global Politics*, 3(3): 217–238.
- 2 Because not all of the contexts discussed in this chapter are transnational, this chapter uses the more general terms ‘civil society’ and ‘civil society organization (CSO)’.
- 3 Granted, Habermasian depictions of deliberative democracy are non-majoritarian. However, deliberative democracy requires open access in order to function. Only when all ideas can be brought to the debate is it guaranteed that discussion will reveal the ultimate good. There is abundant evidence that international policy discussions are not universally accessible, and that TCS itself may be dominated by elites. Were this standard applied to TCS, it seems unlikely that any international network or campaign would pass muster.
- 4 See, for example, the cases in Fox and Brown (1998b) and Clark et al (2003).
- 5 Each of these three contexts includes substantial internal variation. For example, the context of democratic states includes states with varying forms (and, some would say, ‘quality’) of democracy. For the sake of parsimony, this book does not model the variation within these three contexts or detail methods for evaluating the contexts themselves (e.g. by specifying the threshold at which a state becomes democratic). I would argue that these are second order concerns compared to the question of how different contexts create different standards for CSOs’ democratic legitimacy, which much of the civil society literature to date has ignored.
- 6 To put the issue metaphorically, a midfielder does not become a goalkeeper simply because he grabs the ball with his hands. Were he or she to do such a thing, we would not refer to him as tending goal but rather as committing a handball.
- 7 Many CSOs combine the agent role with other activities. For instance, religious organizations in the US may receive government funds to run homeless shelters and yet also act as advocates on behalf of the homeless. It is likely that taking on the role of agent either diminishes or magnifies an organization’s capacity for advocacy or revolution, but in the interest of parsimony, the various roles are treated here discretely.

- 8 Tvedt (2002) makes a detailed discussion of these issues.
- 9 In those instances in which CSOs operate in multiple contexts without any pretense toward establishing a global norm, institution, or regulation, or toward benefiting a transnational population, their legitimacy must be judged by the political context of the intended beneficiaries of their actions. Reasons for this are discussed later in this chapter, under 'Intervention in Local Settings'.

### Chapter 3 Beating the Bank: Transnational Civil Society and the 10<sup>th</sup> IDA

- 1 Popular participation was initially intertwined with engagement with formal NGOs. The United Nations Development Programme, for instance, defined participation as dialogue with NGOs for much of the 1980s (Howell and Pearce 2002, pp. 97–98). However, the concept as used by the World Bank and the NGO Working Group referred to engagement with grassroots stakeholders, especially project-affected people, which could occur through civil society organizations (church groups, agricultural collectives, etc.) or ad hoc meetings. For the sake of clarity, I am here referring only to the evolution of this latter, more populist conception of participation. This is the usage most germane to the actors discussed in this chapter, and it has also been the more widely accepted definition since the mid-1990s (cf. Howell and Pearce 2002, p. 98).
- 2 Wade's account was also verified for this book by two environmental staffers active during this period.
- 3 Friends of the Earth has seventy-six member groups internationally. However, all references to Friends of the Earth or FoE in this book refer to Friends of the Earth US.
- 4 According to a source at NWF, the organization helped fund the involvement of Japanese environmental organizations.
- 5 One source for this data was from a major environmental group which eschewed the committee; another was from a development and justice NGO which joined the committee.
- 6 101<sup>st</sup> US Congress, PL 101-240, December 1989.
- 7 World Bank, 1991, OD 4.00: Environmental Assessment.
- 8 See, for example: Invitation issued by the Bank Information Center (BIC), CIEL, EDF, and others for a cocktail party launching 'The New International Alliance of the Indigenous-Tribal Peoples of the Tropical Forests', 19 March 1992; and fax from Jonathan Miller of BIC to Andy Storey of Trocaire, 25 June 1992. Documents provided to the author as scanned copies of the originals by the Bank Information Center (BIC), December 2007. See also Crossette (1992b).
- 9 Fax from Jonathan Miller of BIC to Andy Storey of Trocaire, 25 June 1992.
- 10 See, for example, 'Position Paper from Irish Non-Governmental Organizations (NGOs) Regarding the Tenth Capital Replenishment of the International Development Association', dated June–September, 1992.
- 11 US Treasury, 'Tenth Replenishment of the International Development Association (IDA 10)', 24 January 1992.

- 12 US Treasury, 'IDA X: Quality of Project Lending', 21 April 1992.
- 13 See statements by MPs Michael Meacher and John Denham, during UK Parliamentary debate on a motion by the Under-Secretary of State for Foreign and Commonwealth Affairs that funding for IDA-10 be approved. UK Parliamentary record, 12 July 1993, 11:10pm. Meacher criticizes the 'anti-social and anti-development policies of the World Bank' while Denham notes that he was forced to obtain Bank documents via US NGOs.
- 14 Author's interview with Maureen Smyth, Senior Vice President for Programs and Communications, Charles Stewart Mott Foundation, interview by phone, 21 March 2008. Hereafter: 'Interview: Smyth'.
- 15 A letter from John Kerin, Australia Minister for Trade and Overseas Development to Gregg Barrett, Third World Forum, 7 September 1992 addresses the NGO's concerns regarding Narmada and welcomes the 'vital role which NGOs and their widespread networks play' in monitoring the Bank. The letter notes that Kerrin has asked Robin Casson, Australian's lead IDA deputy, to 'arrange a meeting with interested NGOs' prior to the September IDA meeting and 'where appropriate, incorporate [their concerns] into the Australian position'.
- 16 Fax from Andy Storey of Trocaire to Jonathan Miller of BIC, 1 July 1992.
- 17 'Position Paper from Irish Non-Governmental Organizations (NGOs) Regarding the Tenth Capital Replenishment of the International Development Association', dated 'June-September, 1992 [sic]'.
- 18 US Treasury, 'IDA Deputies Meeting, Dublin, July 1-2, 1992, "The Environment"', 30 July 1992.
- 19 World Bank, 'Meeting Between IDA Deputies, Executive Directors, and NGOs', 16 September 1992.
- 20 Document is unattributed; obtained from BIC. See also Bruce Rich, Lori Udall, and Deborah Moore, all of EDF, 'Letter to the Editor: Before We Let the World Bank Squander More', *The New York Times*, 6 January 1993.
- 21 Advertisement, 'Your Tax Money – Funding Yet Another World Bank Disaster: Why thousands of people will drown before accepting the Sardar Sarovar Dam', *The New York Times*, 21 September 1992.
- 22 Fax from David Reed, Director, International Institutions Policy Program, WWF to George A. Folsom, Deputy Assistant Secretary, International Development, Debt and Environment Policy, US Treasury, 3 September 1992.
- 23 Letter from Mazide N'diaye, Co-Chair, NGO/World Bank Working Group, to Lewis Preston, President, World Bank, 30 October 1992.
- 24 Ibid.
- 25 Fax from Lori Udall to US NGOs, 23 November 1992.
- 26 Ibid.; fax from Randy Hayes of Rainforest Action Network to Lori Udall of EDF 24 November 1992; and fax from BIC to US Representative Barney Frank, 2 March 1993.
- 27 Bruce Rich, Lori Udall, and Deborah Moore, Director, staff lawyer, and staff scientist of EDF's international program (respectively), 6 January 1993.
- 28 Willi Wapenhans, 'Letter to the Editor: World Bank Keeps Improving Its Approach', *The New York Times*, 23 January 1993.
- 29 World Bank, 'Additions to IDA Resources: 10<sup>th</sup> Replenishment', December 1992, pp. 4-5.

- 30 Kapur notes that the US was 'almost unique' among Bank donors in having 'two genuinely independent decision-making branches that always [were] at least in semi-conflict and both of which [needed] wooing' (Kapur et al 1997, p. 1145).
- 31 Hearings before the US House of Representatives Subcommittee on Foreign Operations, Export Financing, and Related Programs on the Foreign Operations, Export Financing, and Related Programs Appropriations for 1994, 1 March 1993 (Hereafter: Hearings, US House, 1 March 1993); hearings before the US House of Representatives Subcommittee on International Development, Finance, Trade, and Monetary Policy on Authorizing contributions to IDA, GEF, and ADF, 5 May 1993 (Hereafter: Hearings, US House, 5 May 1993); hearings before a US Senate subcommittee of the Committee on Appropriations, on Foreign Operations, Export Financing, and Related Programs Appropriations for Fiscal Year 1994, 15 June 1993 (Hereafter: Hearings, US Senate, 15 June 1993).
- 32 Hearings, US House, 1 March 1993 and Hearings, US House, 5 May 1993.
- 33 Hearings, US House, 1 March 1993.
- 34 Hearings, US House, 5 May 1993.
- 35 This account comes from a former Oxfam staff member, present at the time.
- 36 Congressional Record, 103<sup>rd</sup> Congress, 1st session, June 17, 1993.
- 37 Ibid.
- 38 US Congress, PL 103-87, 30 September 1993.
- 39 US Congress, PL 103-306, 23 August 1994.

## Chapter 4 Principles and Paychecks: Positions and Participation in the IDA-10

- 1 See testimony by Glenn Prickett, Senior Associate, International Programs, Natural Resources Defense Council, during Hearings, US House, 5 May 1993.
- 2 Fax from David Reed, Director, International Institutions Policy Program, WWF to George A. Folsom, Deputy Assistant Secretary, International Development, Debt and Environment Policy, US Treasury, 3 September 1992.
- 3 Hearings, US House, 5 May 1993.
- 4 Letter from Mazide N'diaye, Co-Chair, NGO/World Bank Working Group, to Lewis Preston, President, World Bank, 30 October 1992.
- 5 Hearings, US House, 5 May 1993.
- 6 Hearings, US House, 1 March 1993.
- 7 Hearings, US House, 5 May 1993.
- 8 World Bank, 'Meeting Between IDA Deputies, Executive Directors, and NGOs', 16 September 1992.
- 9 Hearings, US House, 1 March 1993; and Hearings, US House, 5 May 1993.
- 10 Scholars frequently fold funding needs into the broader category of 'organizational imperatives'. However, respondents for this research used the much balder language of money and financing. To reflect faithfully the data provided, this section therefore focuses narrowly on the issue of funding.

- 11 Ashish Mandloi, Sanjay Sangvai, Devrambhai Kanera, Manglya Vasave, Kamala Yadav, and Medha Patkar, 'NBA Responds to Inquiries on Foreign Funding', *The South Asian* (thesouthasian.org), 9 July 2006.
- 12 Interview: Smyth.
- 13 Charles Stewart Mott Foundation, 'Mott Grants, Program Area: Reform of International Finance and Trade, 1990–1994'. Database print out, prepared 22 May 2008. Provided to the author by the foundation. (Hereafter: Mott Grants 1990–1994)
- 14 *Ibid.*
- 15 Hearings, US Senate, 15 June 1993.
- 16 Hearings, US House, 1 March 1993.
- 17 Mott Grants 1990–1994.

## Chapter 5 Mechanisms of Influence and the Distribution of Authority

- 1 See statement by John Denham, during UK Parliamentary debate on a motion by the Under-Secretary of State for Foreign and Commonwealth Affairs that funding for IDA-10 be approved. UK Parliamentary record, 12 July 1993, 11:10pm.
- 2 Human Rights Watch and the National Resources Defense Council, *Defending the Earth: Abuses of Human Rights and the Environment* (New York: Human Rights Watch and NRDC, 1992), pp. 49–70.
- 3 In 1990 the Bank formed the Learning Group on Participatory Development, which involved NGO input. The Learning Group issued its report in 1994. Manuals on participatory consultations were produced in 1995 and updated in later years.
- 4 US Treasury, 'IDA 10 Deputies' Report, Revised Draft', 1993. See also Kapur et al 1997, pp. 1149–1150.
- 5 Republicans controlled the executive under George H.W. Bush from 1989–1992, including the period when the replenishment agreement was negotiated. Democrats controlled Congress through 1994, when most of the funding for the agreement was to be authorized.
- 6 The sole exception being Bread for the World, represented by Nancy Alexander. According to a source at Bread, Alexander had close relationships with the environmental community.
- 7 Fax from Chad Dobson, Secretary of the Bank Information Center, to Congressman Barney Frank, 11 December 1992.
- 8 Fax from Chad Dobson to meeting invitees, 14 January 1993. Affiliations of the invitees were listed as EDF, NRDC, FoE, Global Legislators for a Balanced Environment, Environment and Energy Study Institute, World Resources Institute, Audubon, CIEL, Bread, Sierra Club, Committee on Agricultural Sustainability in Developing Countries, Conservation International, International Union for the Conservation of Nature, WWF, Interaction, Church World Service, Greenpeace, and the Nature Conservancy.
- 9 These were Bread for the World and Church World Service.
- 10 Fax from Chad Dobson to Congressman Barney Frank, 27 January 1993.

- 11 Fax from Chad Dobson to invited NGOs, 29 January 1993. See also fax from Glenn Prickett, NRDC to Congressman Barney Frank, 2 April 1993.
- 12 Fax from the Bank Information Center to Representative Barney Frank, 3 February 1993.
- 13 Fax from Chad Dobson to Sydney Key, staff for the House Subcommittee on International Development, Finance, Trade, and Monetary Policy, 14 April 1993.
- 14 Fax from Chad Dobson to Sydney Key, staff for the House Subcommittee on International Development, Finance, Trade, and Monetary Policy, 15 March 1993; Fax from Chad Dobson to Sydney Key, and Tim Reiser, Senate Committee on Appropriations, 4 April 1993.
- 15 Letter from Kathryn S. Fuller, President WWF, to Congressman David Obey, Chair US House Subcommittee on Foreign Operations, Export Financing, and Related Operations, 25 March 1993.
- 16 Both pro- and anti-IDA TCSOs submitted additional written testimony.
- 17 Hearings, US House, 1 March 1993.
- 18 Hearings, US House, 5 May 1993.
- 19 Hearings, US House, 1 March 1993.
- 20 US Congress, 5 May 1993.
- 21 US House of Representatives Record Ref. Vol. 139, No. 86, 17 June 1993.
- 22 States also, of course, retain control over bilateral and multilateral policy-making, which may not involve any international institutions. However, such state-to-state negotiations have different dynamics than institutional policymaking and are thus beyond the scope of this book.
- 23 To be clear, the creation of a mechanism of input is itself an output, just as the creation of a constitution specifying regular elections would be considered a democratic output. It is the elections themselves, if implemented in a free and fair way, that would constitute a democratic input.

## Chapter 6 Transnational Civil Society and Local Representation

- 1 In addition to share votes, each country also receives a number of basic votes. The system of share and vote allocation in place in the era of the IDA-10 is detailed in William Gianaris, 'Weighted Voting in the International Monetary Fund and the World Bank', *Fordham International Law Journal* 14(1990): 927–928. The current process for vote allocation is described at World Bank, 'Voting Powers', <http://go.worldbank.org/VKVDQDUC10>, accessed 19 April 2013.
- 2 World Bank Annual Report 1996.
- 3 The EDs for FY1996 came from the US, Japan, Germany, France, UK, Austria, Canada, Netherlands, Mexico, India, Italy, Pakistan, Sweden, Brazil, Switzerland, New Zealand, China, Saudi Arabia, Russia, Kuwait, Malawi, Thailand, Argentina, and Comoros. Of these, India, Pakistan, China, Malawi, and Comoros were eligible for IDA funds.
- 4 Borrowers were granted observer status in the mid-1990s.
- 5 World Bank, 'International Development Association', <http://go.worldbank.org/83SUQPXD20>, accessed 14 July 2009.

- 6 Hearings, US House, 5 May 1993.
- 7 During the 1980s, Bank funding was used for security-oriented resettlement by the governments of both Brazil and Indonesia, and had come under heavy attack by transnational activists.
- 8 Hearings, US House, 5 May 1993. See also Nelson (1997a, p. 427).
- 9 Hearings, US House, 5 May 1993.
- 10 Hearings, US House, 1 March 1993.
- 11 Ibid.
- 12 Hearings, US House, 5 May 1993.
- 13 Ibid.
- 14 Ibid. See testimony of David Reed of WWF for a similar statement.
- 15 Hearings, US House, 1 March 1993; emphasis added.
- 16 Ibid.
- 17 See also Mbogori and Chigudu (1999), and Wiesen et al (1999).
- 18 US Treasury, 'IDA Deputies Meeting, Dublin, July 1–2, 1992, "The Environment"', 30 July 1992. Deputy interest in meeting with CSOs from borrower countries culminated in the meeting held 16 September 1992 between deputies and six NGOs, hosted by the World Bank.
- 19 Author's interview with Bruce Rich, 19 February 2008, Washington, DC.
- 20 See, for instance, advertisement, 'Your Tax Money – Funding Yet Another World Bank Disaster: Why thousands of people will drown before accepting the Sardar Sarovar Dam', *The New York Times*, 21 September 1992; Udall (1995) also exemplifies this.
- 21 Hearings, US House, 5 May 1993.
- 22 Author's interview with John Clark, formerly of Oxfam-UK, 7 December 2007, Washington, DC.
- 23 Ibid; Patel and Mehta (1995).

## Chapter 7 Beyond the 10<sup>th</sup> IDA

- 1 Information on the GCS Team comes from the author's interviews with Bank staff with direct knowledge of the team's activities, including a former team member. See also the team's website, <http://go.worldbank.org/8DJ82AMKB0>, viewed 16 February 2008.
- 2 Also, World Bank, *Accountability at the World Bank: The Inspection Panel Ten Years On*, pp. 51–57.
- 3 The World Bank Inspection Panel Report, 'The Inspection Panel Report on Request for Inspection Nepal: Proposed Arun III Hydroelectric Project and Restructuring of the Arun III Access Road Project (Credit 2029-NEP)', 16 December 1994.
- 4 Gopal Siwakoti, quoted by Lori Udall, Washington Director, International Rivers Network, in 'Arun III Hydroelectric Project in Nepal: Another World Bank Debacle?' 1 March 1995. See also Statement by Bikash Pandey (Alliance for Energy, Nepal) to the World Bank Board of Executive Directors, 'Experience with the Arun (Nepal) Claim', 3 February 1998.
- 5 Cf. Report by Environmental Defense Fund, Friends of the Earth, International Rivers Network. 'Gambling with People's Lives: What the

- World Bank's New 'High-Risk/High-Reward' Strategy Means for the Poor and the Environment', September 2003.
- 6 Mott Grants 1990–1994.
  - 7 World Bank press release, 'World Bank and Nepal to Develop Alternatives to Arun Project', 3 August 1995. Release notes that the Bank has cancelled the project in spite of 'support for the Arun III, both among all of Nepal's political parties and from most of the residents in the valley.' Bissell (2003) confirms general support in the valley.
  - 8 See also World Bank, 'Memorandum of the President of the International Development Association to the Executive Directors on a Country Assistance Strategy Progress Report of the World Bank Group for the Kingdom of Nepal', 18 November 2002. The report indicates that cancellation of the project 'generated wide negative publicity for the Bank' in Nepal and that 'even in 2002 there is frequent mention of the Bank and this particular project in the Nepali press'.
  - 9 See press release by Lori Udall, Washington Director, International Rivers Network, 'Arun III Hydroelectric Project In Nepal: Another World Bank Debacle?', 1 March 1995.
  - 10 See also World Bank press release, 'World Bank and Nepal to Develop Alternatives to Arun Project', 3 August 1995.
  - 11 World Bank, *Accountability at the World Bank: The Inspection Panel Ten Years On*, pp. 56–57. See also World Bank press release, 'World Bank and Nepal to Develop Alternatives to Arun Project', 3 August 1995.
  - 12 Report by Environmental Defense Fund, Friends of the Earth, and International Rivers Network, 'Gambling with People's Lives: What the World Bank's New 'High-Risk/High-Reward' Strategy Means for the Poor and the Environment', September 2003.
  - 13 World Bank press release, 'World Bank and Nepal to Develop Alternatives to Arun Project', 3 August 1995.
  - 14 Ibid.
  - 15 World Bank, 'Memorandum of the President of the International Development Association to the Executive Directors on a Country Assistance Strategy Progress Report of the World Bank Group for the Kingdom of Nepal', 18 November 2002.
  - 16 Statement by Bikash Pandey (Alliance for Energy, Nepal) to the World Bank Board of Executive Directors, 'Experience with the Arun (Nepal) Claim', 3 February 1998.
  - 17 Business interests were represented primarily by associations, such as the Federation of German Industries (BDI) and the US Council for International Business. Development Finance International (DFI), a DC-based consultancy serving corporations seeking to engage with the Bank, also played a prominent role. Some individual corporations participated directly; for instance, General Electric sent a representative to 10 December 2007 consultation in Washington, DC. Sources indicate alliances between TCS and business occurred through industry proxies, rather than with the representatives of individual corporations.
  - 18 United Nations Department of Economic and Social Affairs, 'Monterrey Consensus of the International Conference on Financing for Development', 2004.



- 19 Operations Policy and Country Services, 'Use of Country Systems in Bank-Supported Operations – Status Report (Incorporating R2007-0079 and R2007-0079/3)', 9 October 2007, pp. 1–3.
- 20 The ILO is a tripartite organization representing the interests of labor, business, and government. Representatives, however, attended the Washington consultation with civil society, where they focused particularly on the potential impact of UCS on labor standards.
- 21 For more detailed notes on business participation, see meeting reports available at <http://go.worldbank.org/B9QAG7P2X0>. Viewed 19 July 2010.
- 22 Author's coverage of the public consultation, New York, NY, 14 December 2007.
- 23 Author's coverage of the public consultations in Washington, DC, 10 December and 13 December 2007, and the public consultation in New York, NY, 14 December 2007, plus conversations with others present at additional consultations.
- 24 DFI played a particularly prominent role in this process. See DFI PowerPoint attached to Bank report of 10 December 2010 consultation at <http://go.worldbank.org/B9QAG7P2X0>. Viewed 19 July 2010.
- 25 Key participants shared with the author internal correspondence demonstrating this effort. See also World Bank: Country Systems Consultations: Summary of Feedback. Available at <http://go.worldbank.org/B9QAG7P2X0>. Viewed 19 July 2010.
- 26 One such criticism, authored by DFI, can be seen online at: <http://sitere-sources.worldbank.org/INTPROCUREMENT/Resources/ConsultationTranscript-Presentation-HQ.pps>. Viewed 19 July 2010. Evidence of discussions with government staff comes from author's correspondence with key participants.
- 27 These included the 10 December 2007 meeting in Washington, DC at which DFI presented its detailed critique of the proposal.

## **Chapter 8 Transnational Civil Society and the Democratization of Global Governance**

- 1 Clifford Bob (2005) has also elaborated on these dynamics in the selection of local partners by Northern NGOs.
- 2 Scholte (2012), writing regarding the IMF, notes that such engagement may also need to reflect diversity in other ways, e.g. by deliberately including rural or female-led CSOs. See also McKeon (2010).

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