



SPECIAL ISSUE:

GLOBALIZATIONS FROM 'ABOVE' AND 'BELOW'
THE FUTURE OF WORLD SOCIETY

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ABSTRACT:

In recent times the concept of global civil society has made its appearance on national and international intellectual, as well as political agendas, in a major way. It is of some interest that two other concepts, both of which call for transcendence of national boundaries in precisely the same way as global civil society does, have also made their appearance on the scene of intellectual debates at roughly the same time: the concept of cosmopolitanism and that of transnational justice. All three concepts have dramatically expanded the notion of commitment to one's fellow beings beyond the nation state. And all three concepts have extended critiques of policies that violate the dignity of human beings from national governments to the practices of inter-

national institutions such as the World Bank, the International Monetary Fund, and the World Trade Forum. In sum the inter-related concepts of global civil society, cosmopolitanism, and transnational justice have greatly enlarged the traditional domain of political theory. And yet for any political theorist who is acutely conscious of the phenomenon of power, these concepts are not unproblematic. For the practices of global civil society may just reinforce the intellectual and the moral power of the West over the postcolonial world. This is particularly true of say global human rights organizations. This paper will attempt to raise some questions of the concept and the practices of global civil society from the perspective of the countries of the South.

HOW GLOBAL IS GLOBAL CIVIL SOCIETY?

Neera Chandhoke

INTRODUCTION

It is indisputable that world systems theory proved historically significant for several reasons. Firstly, theorists of this school launched a serious critique of modernization theories that had dominated academia and policymaking circles since the turn of the 1960s. In contrast to modernization theory which rested on largely ahistorical grounds, world systems theory not only told us that underdevelopment was historically produced; it also told us that underdevelopment of the postcolonial world was fated to be reproduced in and through a highly iniquitous and exploitative global system. Secondly, world systems theory suggested that individual countries were located in an international division of labor that served to appropriate and transfer labor and resources of the developing world to the developed world. To put it in stark terms: countries of Western Europe and the U.S. were developed because the rest of the world had been underdeveloped. Thirdly, world systems theory gave us a relational concept of the world. But relationships between countries were not based on mutual and deliberate transactions such as diplomatic, economic, and political exchanges; these were forged in and through processes that were outside the control of individual countries. In other words, the world system is larger than the sum of individual countries. Correspondingly, individual countries are defined by their unequal location in the world system.

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For these and other reasons, world systems theory, at least in its original avatar, gave a new lease of life to Marxism, which by that time had been frozen into dogma simply because it had become the statist ideology of the Soviet bloc. Not surprisingly world systems theory, along with its sibling the dependency school, came to be known as neo-Marxism. By zeroing onto the fact that the world system is inherently iniquitous, extremely unequal, and basically unjust, world systems theory lent a renewed edge to critiques of capitalism and a sharper edge to normative concerns such as justice.

As is the wont of historical breakthroughs, over time the insights of world systems theory were absorbed into generalized modes of understanding, theorization, and conceptualization. Scholars might have moved on to other more historically nuanced modes of understanding and theory, but they had learnt an important lesson; what used to be considered forces external to a country's economy and polity such as international trade and the international division of labor, were *constitutive* of domestic economies and polities. By the late 1980s the processes of globalization which swept the world reinforced the insights if not the vocabulary of world systems theory: the internal affairs of countries are governed, even constituted by the global system of states and more importantly by global markets which are dominated by the West.

GLOBAL CIVIL SOCIETY

By the 1990s, theories of the global system of states and markets began to hypothesize a third dimension, that of global civil society. The notion of global civil society sought to capture a distinct phenomenon: the activities of international non-governmental organizations (INGOs) that network across national borders and create a new space of solidarity within the world system. Given that the environment is an indivisible public good, the prevention of environmental decay needed concerted action. The power of international NGOs (INGOs) was first visible at the Earth Summit in Rio in 1992, when about 2,400 representatives of NGOs came to play a central role in deliberations.

If the idea that people across the world were united in and by certain common concerns formed the first plank of INGO agendas, the corresponding idea was that no one country, no one government, and no one group of citizens could tackle these concerns in abstraction or in isolation from others. These problems could be tackled only through common endeavors, common strategies, and a pooling of energies. This was more than evident when global NGOs launched a campaign to pressurize governments to draft a treaty to ban the production, the stockpiling, and the export of landmines. Almost 1,000 transnational NGOs coordinated the campaign through the Internet. The coordination of efforts proved so effective that not only was the treaty to ban landmines

signed in 1997; the International Campaign to Ban Landmines and its representative Jody Williams were awarded the Nobel Peace Prize. The citation at the award-giving ceremony spoke of the unique effort that made it "possible to express and mediate a broad wave of popular commitment in an unprecedented way." A similar coordination of efforts could be seen in the crusade that led to the 1998 Rome Statute on an International Criminal Court.

The second issue that global civil society actors have placed on the international agenda is the inequitable nature of globalization. By mobilizing against multilateral institutions in particular and globalization in general, INGOs served to foreground the imbalances of the world system. The most dramatic manifestation of global civil society was to appear in what came to be known as the "battle for Seattle." At the end of November 1999, massive protests involving some 700 organizations and about 40,000 students, workers, NGOs, religious groups, and representatives of business and finance brought the third ministerial meeting of the World Trade Organization (WTO) at Seattle to a shuddering halt. The WTO was to set in motion a new multilateral round of trade negotiations. But collective anger at the relocation of industries to the South, at the unsafe and abusive work conditions in the factories and sweatshops found there, at environmental degradation, and at widespread exploitation, which exploded in a series of angry demonstrations, brought this to a stop. These demonstrations were hailed by some scholars as "globalization from below" or as the herald of a new internationalism (Kaldor 2000).

There were two aspects of the "battle for Seattle" that proved significant for the consolidation of global civil society. Firstly, for the first time hitherto single-issue groups coalesced into a broad-based movement to challenge the way the world trade and financial system was being ordered by international institutions. Secondly, whereas in the late 1960s protest groups in the U.S. and in Western Europe had targeted the state, at Seattle they targeted global corporations and international economic institutions. The protests themselves bore the mark of collective ire and resentment at the way in which globalization that had been set in motion two decades earlier had intensified inequality and injustice.

And matters did not stop here. Mass protests have become a regular feature of annual meetings of the World Economic Forum, the IMF and the World Bank, and the WTO. For instance in July 2005 angry anti-globalization protestors fought a running battle with the police as the G8 or the leaders of the richest nations gathered in Geneagles for the purpose of tackling poverty in Africa. Several activists attacked shops and businesses that they saw as symbols of unbridled globalization and others accused the leaders of the developed world of exploiting the issue of poverty to improve their own images. Hundreds of protestors planned to lay siege to the venue of the summit even as Bob Geldof

the pop celebrity who spearheaded the campaign vowed to snatch victory for the cause. The meet was presaged by concerts to focus attention on the persistence of poverty in the countries of the South particularly Sub-Saharan Africa. A website, www.g8rally.com, allowed people to participate in an online protest. By the first day of the meet on 7 July 2005, more than 65,000 people had signed the protest circulated on the web site.¹ Novel methods and vocabularies of protest against globalization have captured the attention of the international media and generated considerable excitement at the idea of renewed political activism. And the phrase “global civil society” has become an integral part of political, corporate, and technical vocabularies.

The third issue that has been catapulted onto the global agenda is that of norm setting. True to the spirit of cosmopolitanism and transnational justice, INGOs have established norms on how governments should behave towards their citizens and what is due to human beings by virtue of being human. Notions of national sovereignty have been trumped by justice for all individuals irrespective of what citizenship they hold. For instance after the Indonesian military had massacred more than 150 participants in a funeral procession in Dili, East Timor in 1991, transnational human rights organizations mobilized massively against the political abuses of the Suharto regime. Under pressure from these organizations, Canada, Denmark, and the Netherlands froze economic aid to Indonesia, and the US, Japan, and the World Bank threatened similar measures. In 1996, even as the leaders of civil society in East Timor—Jose Ramos Horta and Bishop Ximenes Belo—were given the Nobel Peace Prize, the *Blitzkrieg* launched by global human rights organizations strengthened the general atmosphere of dissatisfaction, despite the intensified repression launched by the regime. In late 1997 the country was buffeted by an economic crisis and mass protests led to the resignation of Suharto. Transnational human rights organizations had managed to spectacularly dismiss a regime on the ground that it was not respecting the basic rights of its people. Other demonstrations against authoritarian regimes have shown that global civil society organizations have emerged as a powerful and influential force on the world stage in the realm of norm setting.

To phrase it differently, global civil society actors have inaugurated a normative turn in world politics, which has been traditionally marked by realism and by the politics of national interest and national sovereignty. In effect, INGOs have established a set of compelling principles which aim to build an international consensus on how states should or should not treat their own

¹ *Times of India*, July 7, 2005

citizens *across* national borders and territorially bound sovereignties. Arguably, human rights activism has significant implications for concepts of state sovereignty. Traditionally states, holding aloft the banner of sovereignty and state security, have resisted any intervention by outside agencies; indeed the banner of state sovereignty has been used or misused to hide state sponsored violence or lawlessness from the censorious public gaze. Today human rights INGOs, which emphasize solidarity with victims, have brought human rights issues into the global public sphere. Thereby they strongly challenge the notion that the state has sole monopoly over the lives of its people. In sum, international human rights organizations embody the conviction embedded in the Universal Declaration of Human Rights that national borders or sovereignty are simply irrelevant when it comes to human rights. In these and other ways, global human rights organizations have legislated and mandated an ethical and a morally authoritative structure for national and international communities. Correspondingly, the role of human rights INGOs in helping to create a corpus on transnational human rights law and in forging monitoring and enforcing mechanisms has been crucial.

In the main, human rights INGOs have been able to accomplish this because these organizations carry immense legitimacy. They possess moral authority which is absolutely indispensable for ethical political intervention. And they possess moral authority because they claim to represent the *public* or the *general* interest against the power-driven interests of the state and the profit driven interests of the economy. As the upholders of an *ethical* canon that applies across nations and cultures, international actors in civil society are in a position to set those moral norms, which should at least in principle govern national and the international order. This is incontrovertible. Yet there are two troublesome questions that stalk the very idea of global civil society. The first question concerns representativeness and accountability. The second question is equally troublesome: what are the norms that are privileged by global civil society actors? And whose norms are privileged by these agents? It is to an exploration of these two questions that I now turn.

REPRESENTATION AND ACCOUNTABILITY

“Civil society,” writes Cox (1999: 10–11), “is the realm in which those who are disadvantaged by globalization of the world economy can mount their protests and seek alternatives. This can happen through local community groups that reflect diversity of cultures and evolving social practices world wide.... More ambitious still is the vision of a ‘global civil society’ in which these social movements together constitute the basis for an alternative world order.” At first

glance this sounds an attractive proposition: a number of groups that struggle against the injustices of globalization at the level of the local find it possible to combine in a world wide campaign in order to set the parameters of a new global order. Yet the idea that all groups across the world who are struggling against the inequities of globalization, either have access to global civil society or equal voice in this space, is both unrealistic and misleading. For like national civil societies, global civil society is also dominated by a handful of agents, and like national civil societies not all actors find either access to or voice in this sphere. One hardly expects that a group of tribals who are fighting for land rights in the geographically remote mountainous terrains of Central India can access global civil society, or indeed national civil society, with as much facility as say a group of savvy urban based professionals committed to human rights. Not every group possesses the necessary vocabulary, the powerful rhetoric, the rich and evocative imaginaries, and the fine honed conceptual tools that are capable of drawing resonances in the public sphere of civil societies. Nor can every social movement or political group, for rather mundane reasons of logistics and funds, be present in global civil society or even in their own civil society to put forward its own perspective on the vital problems that affect human kind deeply. Like national civil societies global civil society can prove to be exclusive and exclusionary, empowering for some and disempowering for many, accessible to some and inaccessible to many.² In short, the prospect of direct democracy in which all groups participate to hammer out a new political order is at best a distant dream for national civil society. And the hope that global civil society will provide the space for direct democracy in which every group can represent its own interests is frankly a chimera.

Therefore we have to, like all committed democrats, settle for the second best option—that of representation of people's interests in the space of global civil society. But then the hope that every issue affecting human kind, or at least every important issue that bodes ill or well for the future of human kind, can be represented in the space we call global civil society may be misplaced. The space of global civil society would overflow if this was ever to be attempted. Therefore we have to lower our ambitions a little more and suggest that issues that affect people in common such as the environment, or issues that affect a majority of the people such as poverty, should be represented by those actors who are in a position to access global civil society. But this formulation, which inserts several layers between the represented and those who do the representing, raises the troublesome question—*who does the representing?*

² On the exclusionary aspect of civil society see Chandhoke (2003).

This troublesome question is not a new one for democrats. Nor is the equally troublesome question of how adequately actors represent the interests of others, a new one for democratic theory. These questions constitute the puzzle of democracy which was originally premised on popular sovereignty and popular will but which had to settle for representation. However, the moment we replace the notion of direct democracy by that of representative democracy, problems arise to bedevil the entire domain of democratic thought. For one, it is by now well accepted that practices of representation in general and representatives in particular possess a great deal of autonomy from those who are represented, or rather from the interests of those who are represented.³ We may not find a direct one-to-one relationship between the interests and problems of those who are being represented, and the practices of representation at all. This is because the representative has both power and the discretion to sort out competing interests, articulate these interests, and in and through the process of articulation prioritize only *some* of these interests and problems. In effect representation serves to prioritize and give preference to some forms of interests and problems over others, which are by that reason marginalized. That the needs of many of those who should be represented are left out in the cold can be said to constitute the deficit of representative democracy.

Given the complexities of representation, it is not surprising that those who do the representing are seen as participating in the construction of political interests, needs, and problems rather than registering the views or the opinions of others. Laclau (1996: 85) for instance suggests that “no pure relation of representation is obtainable because it is of the essence of the process of representation that the representative has to contribute to the identity of what is represented.” That is representatives do not only register those interests and the problems they or the political group they belong to consider worthy of representation, they are engaged in the shaping of these interests and problems. The expressive in short *constructs* the experiential.

The issue of representation is particularly relevant for our discussion because a majority of the INGOs that are visible and influential in global civil society, and that represent the interests and the needs of the South, are based in the West. I do not mean to engage in cultural determinism or suggest that the politics of actors is completely shaped by their locations. But democrats *are* entitled to ask the most well-meaning of these groups: *who* was consulted in the

³ Representatives do not represent people; they represent interests, needs, and problems.

forging of agendas? *When?* And *how* were the people consulted, through what procedures and through what modalities? Were they consulted at all? To put the point starkly: are citizens of countries of the South and their needs *represented* in global civil society, or are citizens as well as their needs *constructed* by practices of representation?

And when we realize that INGOs hardly ever come face to face with the people whose interests and problems they represent, or that they are not accountable to the people they represent, matters become even more troublesome. For this really means that while INGOs are in the business of representing, they are not in the business of being accountable to the people. And considering that most people who are being represented are excluded from access to global civil society organizations, and that a great many of the organizations who are active in global civil society are beyond the reach of genuine democratic activity, the issue of accountability gains some salience here. "From the viewpoint of many groups in non-Western society...", suggests Shaw (1999: 223), "being involved in global civil society is in fact a way of connecting to Western civil society and hence of securing some leverage with the Western state which is at the core of global power....The question that arises is whose voices are heard and how? If Western civil society is the core of global civil society, just as the Western state is the core of the global state, how do non-Western voices become heard?" And further, "How far can non-Western voices make themselves heard directly? In what ways are they filtered by Western civil society, and how is their representation affected by the specific characteristics of Western civil institutions."

Arguably, democratic politics is at a discount when INGOs constitute human beings as subjects of political thinking thought elsewhere. And when we consider the somewhat formidable range of activities that have been taken up by INGOs our doubts intensify. For they dictate what kind of development should be given to particularly the people of the South, what kind of education they should receive, what kind of democracy should be institutionalized, what rights they should demand and possess, and what they should do to be empowered. All this without even a nod to representation and accountability? The issue is a contentious one and needs fuller treatment; here I merely wish to problematize the suggestion that global civil society provides a forum for the airing of all problems, articulation of all interests, and resolution of these problems/interests.

NORM SETTING

Issues of representation and accountability have still not been tackled by global civil society actors despite the fact that several theorists (e.g., Chandler 2003) have raised these questions repeatedly. Therefore, even if we accept the

legitimacy of human rights INGOs to speak for the disempowered of the world; even if we accept their legitimacy when it comes to laying down norms for the global community, we have a right to know what vantage point they speak from. What is their perspective on vital issues such as human rights? Who sets these norms, what norms are set, where do these norms come from? I am not recycling the age-old issue of universalism versus cultural relativism here, though this *has* formed the main plank of some major critiques against INGOs.⁴ What I am interested in is the following: what norms are privileged over others and why?

Risse (2000: 186) writes that "today Amnesty International, Human Rights Watch and the Lawyers Committee for Human Rights define what constitutes a human rights violation." And that these definitions are both definitive and authoritative is indisputable. Certainly, when global human rights organizations speak, the rest of us, particularly those of us who live in the South, listen. When these organizations suggest (through non-targeting) that human rights are alive and kicking in our part of the world, we are reassured. And when human rights INGOs certify that violations of rights have taken place in a particular country at a particular time, the government of that country has reason to quake. And it should quake. This is not the issue at hand. The issue at hand is simply this: which human rights do global human rights NGOs consider worthy of defense, and which human rights do they consider it is possible to defend? Or do they defend only those rights which these organizations find it possible to defend? This question is important for given the great power of global human rights

⁴ Nothing illustrates this more than the debate on Asian values. If societies subscribe to the idea that the relationship between human beings is grounded in obligation rather than that of rights, then individual-centred notions of human rights may conceivably be seen as the imposition of highly Eurocentric notions of persons and what persons are entitled to. Given these deep-rooted disagreements on the virtue or on the relevance of rights, it is not surprising that critics aver that human rights concerns clothe a deeply political agenda that imposes the values of liberal morality, which is peculiar to the West, on the grounds that this is a universal morality. The problem is as critics point out, that rights in order to be genuinely universal should be embedded in a universal ethical community, but since we cannot find, howsoever much we try, a universal ethical community, the idea of universal human rights is ethnocentric, a sleight of hand to translate the particular into the universal. The fact that the most influential of human rights INGOs are based in Western Europe and North America, that these organizations command both resources and media attention, and the fact that the least represented regions among international human rights organizations are Africa, the Middle East, and Eastern Europe does not help matters.

NGOs over the setting of the human rights agenda and therefore over our collective lives, we have the right to know why they prioritize certain rights, and why they relegate other rights to a secondary status.

We do not need to engage in any kind of elaborate conceptual inquiry to answer the question. It is well known that the agendas of most human rights organizations were forged during the cold war. Whereas the West privileged civil and political rights; the countries belonging to the Soviet bloc privileged social and economic rights. Consequently, a sharp boundary came to be drawn between these two sets of rights, despite the fact that human rights theories have insisted for long that rights are indivisible. But due to political reasons, different rights were slotted into different conceptual compartments and grounded in different worldviews.

The Helsinki Accord of 1985 exemplified the tensions of the cold war. The agreement was designed to guarantee security and cooperation in Europe, but the provisions of human rights in the Accord provided a fertile ground from which Western based NGOs could launch scathing critiques of authoritarian regimes in the East. It is also of some interest to note that the Accord led to the emergence of a new generation of human rights INGOs: for instance the Helsinki Watch which later became the Human Rights Watch. On the other hand, Eastern countries continuously accused human rights organizations of pursuing a partisan political agenda and of propagating the values of Western capitalism.

The end of the cold war proclaimed for the time being a closure on the idea of social and economic rights and validated political and civil rights. But the report of the U.N. Committee on Economic, Social, and Cultural Rights, to the Vienna World Conference of 1993 radically shook matters up. The report stated that:

The shocking reality...is that states and the international community as a whole continue to tolerate all too often breaches of economic, social, and cultural rights, which, if they occurred in relation to civil and political rights, would provoke expressions of horror and outrage and would lead to concerted calls for immediate remedial action. In effect, despite the rhetoric, violations of civil and political rights continue to be treated as though they were far more serious, and more patently intolerable than massive and direct denials of economic, social, and cultural rights.⁵

⁵ UN Doc E/C.12/1992/2, p. 83.

The Vienna Conference marked a significant turning point in global thinking on rights, not only because it emphasized the indivisibility and the interdependence of human rights; but also because it put economic, social and cultural rights onto the agenda. The *recovery* of social and economic rights has had some impact on international human rights organizations. For much of the 1980s and 1990s the somewhat disproportionate focus on civil and political rights ignored serious threats to security and human suffering arising from neglect of social and economic rights. By the late 1990s most human rights organizations expanded their mandates to cover social and economic rights and began to speak of the indivisibility of rights. A number of Northern NGOs stated that they had changed their mission, their statements, the terms of their vocabularies, and their organizational structures with the end of the cold war.

Take for instance the influential U.S.-based human rights organization Human Rights Watch (HRW). Though HRW had accepted the fact that rights are indivisible since its inception; it had exhibited considerable wariness when it came to social and economic rights. For the organization though survival, subsistence, and poverty can be considered to be subsets of civil and political rights, they were best thought of as assertions of a good (Human Rights Watch 1992). In 1996 HRW abdicated its opposition to social and economic rights and adopted a specific policy concerning these rights. The organization decided that henceforth it would investigate, document, and promote compliance with the International Convention on Economic, Social, and Cultural Rights. Today HRW regards economic, social, and cultural rights as an integral part of the body of international human rights law, with the same character and standing as civil and political rights. Research and advocacy on economic, social, and cultural rights would, stated the organization, be conducted on same lines that are used with respect to civil and political rights and subjected to the same criteria, namely the ability to identify a rights violation, a violator, and a remedy to address the violation.

Therefore the work of HRW in the area of social and economic rights, the policy document stated, would be limited to the following situations:

- where the protection of an ICESCR right “is necessary to remedy a substantial violation of an ICPPR right”;
- where “the violation of an ICESCR right is the direct and immediate product of a substantial violation of an ICPPR right”;
- where the violation was “a direct product of state action, whether by commission or omission”;
- where “the principle applied in articulating an ICESCR right is one of general applicability”;

- and where “there is a clear, reasonable, and practical remedy that HRW can advocate to address the ICESCR violation.”⁶

In other words, HRW will intervene in cases of violation of social and economic rights *only if certain conditions are met*. If HRW can show that the government (or another relevant actor) is contributing to the shortfall in economic and social rights *through arbitrary or discriminatory conduct*, the organization is in a relatively powerful position to intervene. That is if the human rights organization can identify a violation (the rights shortfall), the violator (the government or the other actor through its arbitrary conduct), as well as suggest the remedy (reversing that conduct), it is in a position to intervene.

Note that social and economic rights for HRW are defined, conceptualized, and upheld on the terrain of civil rights, they *supervene* in other words on civil rights. Therefore, they lack an independent standing of their own. Unless a civil right has been violated, the inability of substantial sections of the poor to access, say, subsidized food or a subsistence income is not considered to be a violation of an economic or social right. HRW will not consider itself under any moral obligation to intervene on behalf of the victims.⁷

The problem is that though the identification of the violation, the violator, and the remedy is clear in cases of civil rights, it is not so clear in cases of violation of economic and social rights. Take for instance the obligation of x government to provide subsidized food grains to the poor. If x government provides subsidized food grains only to some groups of the poor, perhaps because these groups belong to the same community as the leaders of the regime, and if the government deliberately denies food at subsidized rates to another group of the poor just because it happens to belong to the minority community, it is clear that the civil rights of the latter group have been violated. These rights have been violated because the government has discriminated against this particular group. Or that the *social* right of the aforesaid group to subsidized food has been violated because its *civil* right not to be discriminated against has been violated. HRW will intervene in this case because the case falls within the purview of its methodology. The issue is clear till this point. But can this methodology be employed in other cases of denial of social and economic rights?

⁶ Human Rights Watch's Proposed Interim Policy on Economic, Social, and Cultural Rights Internal Document, September 30, 1996 (cited in Mutua 2001: 155–156).

⁷ It is of course evident that only the poor need to be provided with subsidized food, for the better off sections of society are able to participate in market transactions for food.

Consider the case of my own country, India. After the food grain shortages of the 1960s the Government of India instituted a Targeted Public Distribution System, which provides below-poverty-line families with food grains at subsidized rates through a network of Fair Price Shops. The PDS is the main safety net which protects the poor against the rising prices of food grains. According to the Ministry of Food and Civil Supplies, against a total ceiling of 6.52 crore BPL families in the country as per poverty estimates of the Planning Commission for 1993–94, State governments have issued more than eight crore ration cards to BPL families. The food subsidy has jumped from Rs 2,450 crore in 1990–91 to Rs 25,160 crore in 2003–04.⁸ The problem is that even then the poor cannot afford to buy food at subsidized rates. Even as food grain production in India went up to 195 million tones in 2000–01 to decline slightly to 174.19 million tones in 2003–04, the growth rate in the availability of food grains per capita increasingly dwindled. Matters are more serious because since the turn of the twenty-first century starvation deaths have occurred in the country. The absurdity of the Indian political system is that in the same period the country's stocks of food grains amounting to 58 million tones in 2001, 48.2 million tones in 2002–03, and 24.4 million tones in 2004–05 are far in excess of the normal buffer norms of 17 million tones of food security.

The Indian government has built up formidable food stocks and yet the poor suffer from pervasive, stubborn, and invisible hunger, which stalks every village and every urban shantytown. About a half of India's children are malnourished, a quarter of them are severely malnourished, and fifty percent of Indian women suffer from anemia caused by lack of nourishment. The government does not know what to do with its food surplus; it would rather let rodents nibble at the stock of food grains, than distribute it to the hungry. Food grains rot in granaries, but women and women-headed households, the elderly, the differentially abled, and the destitutes suffer hunger and malnutrition, and finally death from the same causes. Ironically, even as the Government of India spends vast sums of money in constructing storage bins for surplus food stocks, people starve in the midst of plenty.

Note the problem that tracks this example. The Government of India has practiced *no* discrimination, it possesses surplus food grains and it has tried to provide for the poorer sections of society through the provision of subsidized food and through the institutionalization of a public distribution system. That the public distribution system works badly or not at all need not concern us here; what we are concerned with is the fact that the Government has

⁸ *The Hindu*, September 18, 2004, p. 1.

made arrangements to provide reasonably priced food to the people. And yet hunger, starvation and malnutrition stalk the lives of hundreds of people. But this cannot be directly traced to the fact that the government has practiced discrimination, because the food is there, for all, for the asking. The problem essentially is that poor people simply do not have the purchasing power to buy even subsidized food.

If the Government of India had practiced discrimination in the provision of subsidized food, HRW would find it fit to intervene. But in this case, much as we may try, we can discern no discrimination or violation of the civil right not to be discriminated against. So HRW will not intervene. But people continue to be hungry and are thereby denied the basic right to life because starvation means death for many. But why are people not able to access food? Because they are poor? At this point of the argument we discern another kind of discrimination; perhaps a deeper and a structural discrimination, that is at work here. This discrimination has to do with income imbalances inasmuch as some people can afford to buy expensive food stuffs from overflowing department stores in the metro cities, and some cannot even access subsidized coarse grains.

This inability to buy food is not a mere twist of fate, nor can we hold individuals responsible for their poverty. For the reason why people do not have access to basic goods like coarse food grains has to do with factors *outside their control* such as unemployment, and more importantly with structural factors such as skewed distribution of resources.⁹ The right of poor people to food has been in effect neutralized not through deliberate intentional acts of the government, but through governmental indifference and inaction, through its refusal to correct income imbalances so that people can secure an income in order to access services and goods that the government has placed at their disposal. In sum, discrimination results not from the *intentional violation* of a right, but from a *failure* to fulfill an economic and social right, the right to ensure an income that would in turn allow access to food.

The question that we can now ask organizations like HRW is: why is the violation of a human right considered worthy of intervention while the non-fulfillment of a right is not considered a violation. If we conceptualize human rights as necessary preconditions of life itself, then both the civil right not to be

⁹ I assume that society is only responsible for people who suffer deprivation for reasons that are outside their control—an unjust distribution of resources for instance. For these reasons are not individual-regarding they are society-regarding. Society is on the other hand not responsible for human beings who have frittered away their resources.

tortured or killed, and social and economic rights which enable people to access an income so that they do not die for want of food are equally important. Both these sets of rights place equally compelling obligations on the government. It is true that without civil rights, the right of human beings to life is neutralized. But without social and economic rights the right of human beings to life is equally neutralized.

The two sets of rights are admittedly interdependent, but they are also relatively autonomous of each other. Recollect that erstwhile socialist societies gave to their citizen's social and economic rights but not civil rights of freedom. And liberal capitalist societies give their citizens civil rights even as they roll back social and economic rights. In both societies human beings suffer because they are/were granted incomplete rights. But both sets of rights are equally important for human beings, and the denial of even one of them harms the ability of human beings to survive let alone make their lives of some worth.

Therefore, neither can social and economic rights be supervened onto civil and political rights, nor are they always reducible to civil and political rights; they stand on their own conceptual ground as *enabling* rights. That is if rights are rights to the conditions that allow human beings to not only to live but to live worthwhile lives, social and economic rights are as essential for human beings as civil rights. This argument carries the implication that human rights organizations like HRW, which are committed to basic rights, would need to expand their mandate and consider the non-fulfillment of a right as tantamount to a violation of a civil right. But this it can only do when social and economic rights are considered to stand on their own conceptual basis as *necessary pre-conditions* for individuals to live lives. If officials of the state are required to *forbear* from any action that may cause harm to individuals, torture for instance; they are also required to see that no one dies because of hunger. If the state fails to honor its first commitment, that if it carries out any act that harms the life or liberty of its citizens, the rights of these citizens we can say have been violated. In this case rights have been violated *intentionally* through an act of *commission*. The second obligation of the state is positive; it has to protect citizens against any contingency such as denial of food which may cause harm. That is the right to life can also be violated if the state *fails to ensure an adequate livelihood to its citizens*. If the state does not intervene, it fails to *fulfill its obligations*, which flow from the citizen's right to life. Failure to fulfill an obligation in effect can be seen as a *violation* of a right, for any given obligation flows from an assertion of a specific right. The only difference is that in this case the government has violated a human right not through an act of commission but that of *omission*. The consequences of both deliberate violation and non-fulfillment of a right is however the same—loss of human life. *Non-fulfillment of the obligation to protect indi-*

viduals against actions that may cause them harm is arguably tantamount to a violation of a right not to be harmed

WRAPPING UP THE ARGUMENT

I have sought to make two kinds of arguments in this essay. Firstly global civil society is dominated by INGOs which represent the needs, the interests, and the immediate problems of people over the world. The problem is that the issue of representation itself is deeply troublesome. For the practices of representation may well constitute needs, interests, and the problems of people rather than represent them. Considering that most influential INGOs are based in the West, it is time to ask how adequately or how competently the problems of the people are being represented and in which way. It is essential to ask this question because global civil society is dominated by actors that exercise an inordinate degree of influence over the space. Even if we defend and acclaim the activities of these agents as indeed I do, even as we support the endeavours of global civil society actors to secure more voice in decision making bodies as I do, we need to ask questions relating to representation and accountability in the interests of making global civil society more global, more representative, and more accountable. Then alone will the adjective of 'global' be justified.

Secondly, considering that several INGOs are in the business of setting norms, one would like to know why certain norms are privileged over others, those others which may be more meaningful for the societies and the inhabitants of the South. And the fact of the matter is that a majority of people in this part of the world suffer from unimaginable hardship because they are mired in poverty and wracked by deprivation. Defense of civil rights is important for safeguarding life itself, but defense of social and economic rights is equally important for safeguarding the sanctity of life. Admittedly, the agendas of human rights INGOs have been widened in recent times, but social and economic rights have to be seen not as supervening onto civil rights but as standing on their own conceptual grounds, as necessary preconditions of individuals to live lives that are genuinely human.

World systems theory had told us that the countries of the South are fated to be underdeveloped because they are placed in an unequal division of labor which favors the more developed nations. And that this favoring is not happenstance; it is the result of historical processes which developed one part of the world at the expense of the other part of the world. Theorists of global civil society have added a third sphere to the two spheres theorized by world systems theorists—states and markets. I only hope that global civil society does not replicate the hegemony of the West in yet another sphere of the world system. For this we need to focus on the shortfalls of global civil society even as we acclaim

the achievements of actors in this sphere. This essay does not mean to belittle these achievements; all that I wish to do is to strengthen the capacity of global civil society actors to be genuinely responsive to the needs of the people of the South and genuinely responsible to the people whose needs and interests they represent in global civil society.

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