

**draft – no language editing done**

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**Interrelations between NGOs and civil society  
and between civil society NGOs and state bodies**

presentation at the thematic group #3

*Open Sesame!*  
*Promoting transparency in co-operation between  
NGOs and authorities*

**III Baltic Sea NGO Forum**  
Northern Dimension – Human Dimensions?  
Strengthening Civil Society in the Baltic Sea Region  
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Dear Mr. Chairman, Dear audience,

the issue on which I was kindly asked by the organizers to share my thoughts with you is of a highly complex and multi-faceted nature. In a strict sense, i.e. taking into account the specifics of the broadly varying political cultures and legal frameworks in the countries around the Baltic Sea rim as well as the peculiarities of different fields of NGO and civil society activities, it is hardly possible to provide a single answer, THE answer, to the question under consideration. However, it seems to be possible to draw a certain baseline which may function as a set of criteria for evaluating a concrete case, the situation of a specific NGO in a specific environment. However, it is possible only on the expense of being more strait and undifferentiated as it would be necessary for matching the complex issue exactly.

My presentation aims primarily at bringing a bit more clarity and coherence into the terminology. To use terms correctly is of utmost importance for successful communications. This is even more true, when communication goes across borders and is therefore in any case already hampered by language problems. The "lingua franca" of Baltic Sea co-operation is English – a language nobody in the region has as

its mother tongue. That causes already enough difficulties. Thus, if not in language, let us at least be clear in terminology.

What I have to present to you may be condensed into three statements, amended by some conclusions. Here are the three statements, which I will afterwards comment upon:

1. To be an association under civil law is not enough to qualify for being a "non-governmental organisation".
2. To be really non-governmental still does not automatically qualify for being a part of civil society.
3. Civil society is constituted by more than only NGOs, although a lively NGO-scene is an indispensable pre-requisite for a functioning civil society.

#### **ad (1)**

**To be an association under civil law is not enough to qualify for being a "Non-governmental organisation".**

Have you ever thought about why the term NGO might have been invented? Isn't it quite unusual that something is labelled by saying it is not something other? Imaging what the reaction were if all NGOs were starting to speak about state authorities as "non-people organizations - NPOs"? You would earn harsh protest from the politicians, because a terminology of course carries also contents and connotations. A term is not an arbitrary name.

If NGOs are labelled as NGOs, then it means that on the one hand they indeed have to be seen in the context of governmental action. They aren't part of the power structures, but they operate their tasks with respect to them either by trying to influence and alter their policies or by trying to take over a part of their duties in line with the principle of subsidiarity. On the other hand, NGOs must be anything else but subordinated in which respect so ever to authorities. Otherwise the "non" would be senseless. A clear-cut dividing line must exist, no grey zones are allowed. The minimum requirement for an organization for being "non-governmental" is to be not only in legal terms but as well in substance independent from any power structures and to decide upon its activities and contents unrestricted from any influence executed by state institutions.

Thus far the terminology and its logics. But, what about reality?

Some three years ago I conducted jointly with a colleague a field study on the state of civil society development in a certain region located more on the Eastern banks of the

Baltic Sea – which region it was does not matter, because I am convinced that much of our findings are valid not only for this particular case, but for all countries under transition and to a large degree as well for the "old" democracies in the Baltic Sea region.

Each day we made interviews with representatives of a couple of NGOs. In the evenings my colleague and I set together for discussing what we had learned the day over. To ease our communications we developed a scheme as following:

We realized that in some cases we had met with organizations which were predominantly GONGOs. This term is well established in the respective literature and stands for "governmentally organized non-governmental organizations". In our specific case the abbreviation had to be read as "Governor organized NGO". However, as larger cities have as well a lot responsibilities and are mostly headed by politically ambitious people, we found out that in some other cases we had met with organizations better to be labelled as CHONGOs, "City Hall organized non-governmental organizations". Parliamentarians, of course, have as well their political aspirations and try to gain ground in the struggle for influence. Thus, it wasn't anymore astonishing that we also became acquainted with PONGOs, "Parliamentary organized non-governmental organizations". Finally, quite many organizations we had interviewed were best to be described as FINGOs, "Financially interested non-governmental organizations", actually small-scale business, mostly in the service sector, basically willing to do more or less any job for whomsoever, provided he pays for. Anyhow, we of course met, although not in the majority of the cases but still not in smallest number, with ONGOs, "Original non-governmental organizations".

Organisations acting in support of and in dependency from institutions of the political system can hardly be called non-governmental. However, they exist. The role of such GONGOs, CHONGOs and PONGOs varies considerably. Some are close to money laundering by attracting private funds that by-pass public budget-control although they are spent under governmental control for governmentally defined policy aims; some are more openly for public relations purposes or act as support teams for election campaigns (substituting or amending political party support); others are meant for influencing the ONGOs in the respective field; and so forth. In principle there is nothing wrong about most of them as far as they don't hide their relation with the power structures. They may simply be taken as a part of a pluralistic society as long as they act in a transparent manner. Unfortunately, this is not always the case. Neither in well established democracies such as Germany, for instance, nor in the societies still in the process of transformation. To this it adds, that in practise the dividing line between such quasi-NGOs and the real NGOs, of course, is hard to draw.

The most crucial issue in this context is financing. Any NGO needs money to pursue its tasks. Often NGOs receive their funding from the authorities – but seldom unconditionally. Whether an NGO shall accept money from the state or not, is a controversial debate among the NGOs since they exist, whether in the East or in the West or the North of our continent. The problem, however, aggravates all the more the less voluntary engagement is common and the more state money is virtually the only source of financing because neither membership fees are collected nor donations from private persons and business are in reach due the socio-economic conditions or simply because neither a culture of donating and of voluntary work nor the legislative incentives for donating have so far been developed sufficiently (tax-deductability of donations, exemption from tax for certain recipients). In such situation, as given in the former socialist countries, it should be top priority for joint action of all actors concerned to overcome this deficiency which strongly hampers real NGOs to develop.\*)

## ad (2)

### **To be really non-governmental still does not automatically qualify for being a part of civil society.**

Again, the statement calls for a definition, in this case for some criteria what "civil society" is about and who belongs to it. Especially in the countries with a less developed democratic culture "civil society" is often simply understood as the sum out of all NGOs existing which in consequence would mean that any NGO were a part of the civil society. That's definitely wrong, although I have to admit, that the terms are indeed blurred and different connotations exist.

However, some *common ground* exists among the various concepts of civil society. In particular, this concerns the basic normative considerations on what civil society should be and could be.

Most scholars will agree when civil society is described as a mediating interface between those who struggle for gaining political power or for remaining in political office

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#### **\*) Postscript from after the conference:**

In the course of the discussions at the conference it was additionally pointed to the fact, that any relying on a single source of financing, e.g. Western foundations which often are themselves GONGOs, produces dependencies and make the NGOs affected vulnerable for external influence. Further, it was stressed that the danger inherent to NGO financing by power structures (or single source financing) varies to a certain extent depending from the respective fields of activities: whilst NGOs doing charitable work may not become – directly or indirectly – subject of attempts to influence their work, the probability is much higher as regards NGOs engaged in advocacy work and issues directly connected with administrative policies (such as protection of civil liberties, human rights, rule of law, transparency of administration etc.)

and those who struggle for realising their needs and values. When one describes the social setting in which we live as a triangle of politics, society and business, then civil society is basically the interface between the political system and society. Scholars concur in stating that civil society actors by definition strive neither for economic profit nor for power in the state system. Instead, they take social responsibility by pursuing one or several of the roles following:

1. *Control of state power*: civil society actors monitor whether the political sphere conforms to the rule of law and civic as well as human rights.
2. *Bringing forward political education*: civil society actors encourage citizens to learn about the rules of a democratic political culture and to participate accordingly.
3. *Promoting values and moral standards*: civil society actors call routines and stereotypes into question, propose alternatives to mainstream lifestyles and pave the way for new perceptions in political thought.
4. *Strengthening social cohesion*: civil society actors give a voice to underprivileged citizens whose needs otherwise might not count because their votes are small in number or because they lack economically any bargaining power.
5. *Pushing for reform in politics and society*: civil society actors make the public aware of where problems lie, consult governmental and parliamentary decision-makers and feed them with special knowledge and new experiences; this role includes a sort of societal early warning and counselling.

To these five roles, which constitute civil society, another criteria adds, which is crucial for distinguishing *civil society actors* from mere *societal actors*. This criteria is *dialogue*. Dialogue is the basic means by which the respective aims are tracked. Civil society actors may behave provocative and may make use of means of civil disobedience. But they do so for the purpose of awareness raising and for motivating their counterparts to enter into dialogue with them, not for by-passing existing channels of decision-making and for overthrowing political structures. Insurrection and the grip to means of violence are alien to civil society.

To draw the conclusions as concerns this point:

A FINGO, a financially interested NGO, is surely not a part of the civil society. It is an element of the business edge within the triangle mentioned above. Nor can, for instance, a nationalistic organization which supports xenophobia and discriminates non-citizens be qualified as being a part of the civil society, although it surely is "society".

Whilst such cases are quite clear to categorize, there are also borderline cases. Trade unions typically belong to them.

Here very much depends from their own traditions and actual practise. A trade union which strives for all members of a society, not only of the union itself, to be subject of certain minimum standards of welfare and social security, is doubtlessly an element of civil society as it matches at least three of the before mentioned roles of civil society actors. A trade union however, that restricts itself to claim from the employers pay increases and improved working conditions solely for its members is nothing more, but also not less, than an important self-interested lobby for a clearly delimited group of clients. Such representation of ones own interests is of course highly legitimate, however, has little to nothing to do with civil society.

An even more complex case are the political parties and Parliaments. However, that brings me to my third statement:

### ad (3)

**Civil society is constituted by more than only NGOs, although a lively NGO-scene is an indispensable pre-requisite for a functioning civil society.**

It is a widespread misunderstanding that a civil society is only made up by NGOs. In fact, civil society is a much border based concept. For instance, a self-reflecting public discourse by the intelligentsia, backed by the media and academic institutions, is as well a crucial element of civil society. A NGO has not necessarily to be involved.

That is to say: Civil society NGOs can develop their full impact only in co-operation with other institutions:

- The most important are *independent media* allowing for serious investigative journalism to develop.
- Further, *universities and other academic institutions*, willing to involve themselves in public debate on issues of societal concern provide civil society the competencies it needs in various policy fields.
- Finally, I may mention the important role of publicly well-known and well recommended *individuals from the intelligentsia*, such as artists, essayists, musicians, elder statesmen and so forth. Their public voice provides motivation and legitimacy to the claims of the engaged NGOs and their constituency. Just as media, they are multipliers for the civil society.

And here it is where the *political parties and the parliamentarians* join in.

To my understanding – and our honourable chairman may excuse or protest – parties and parliaments are NOT part of the civil society. Only because civil society actors do not themselves strive for power, they can function as the interface between society and politics. Political parties, however, are institutions which organize the struggle for coming into power or to remain in power. Parliaments and election campaigns for parliament provide them the top fora for this attempt. Thus, they follow a completely different logic than the civil society.

However, doubtlessly elected parliamentarians and parliaments have a higher democratic legitimacy than any NGO and its representatives. Further, parliament in principle is meant as controlling government. And sometimes parliamentarians indeed live up to such standards. Parliament, if it works well, provides legitimacy to governmental acting or withholds it. It thus takes a role which is of utmost importance to civil society and which it can not substitute for.

Against this background I regard it most appropriate for civil society actors to seek for close co-operation with parliamentary structures and to address them as such.

Parliamentarians, in turn, should accept that civil society is a resource of inspiration and competency for their own work, provided that they take their roles as controllers of government and the makers of laws serious, instead of restricting themselves to blindly applauding (majority factions) or blindly criticising (oppositional factions) what governments present them.

To a certain extent, civil society and parliaments are natural allies, or should become – without hiding and ignoring their differing social roles and responsibilities as well as their different working methods.

## **Recommendations**

Against the backdrop of what I said before, please allow me to suggest to you for further consideration four recommendations:

1. When searching for partners of co-operation, have a close look on them and where their loyalty is based upon in practise: on the side of civil society or on the side of power structures or on just earning ones living – regardless of who pays for what. This implies that when searching for potential partners, better don't rely on authorities for mediating such contacts. You will quite certainly end up with getting GONGOs presented. Instead, search for yourselves on-site for independent partners. If that is not possible, then it is still the better choice to address parliamentarians for mediating contacts.

2. Also cross-border NGO co-operation should take as much as possible a multilateral form, at least trilaterally. Bi-lateral co-operation is much more in danger of having nationally biased perspectives unintentionally sneaking in on both sides and to reproduce asymmetries among the partners instead of overcoming them.
3. When addressing Baltic Sea regional institutions to get active and to support your task, keep in mind that apart from the CBSS and its inter-governmental co-operation also the BSPC, the Baltic Sea Parliamentary Conference, is existing. Its 2001 annual meeting was dedicated to Baltic Sea civil society co-operation and expressed the willingness of the parliamentarians to take co-operation with NGOs serious. Remind them of it.
4. Maybe the chairman's conclusions of this conference could include a pledge to the CBSS and the BSPC to jointly call into life an experts meeting or a study group which reviews the CBSS member states' existing legislation on tax deductibility of donations and other legal provisions of relevance for strengthening the independent financial basis for NGOs as well as the voluntary engagement in NGOs. The outcome should be a report with recommendations for improvement of respective legal provisions. The CBSS and the BSPC should place the issue of how to strengthen the incentives for citizens to donate financially and to contribute personally to civil society NGOs on their agenda.