

Introduction: Civil Society from the inception of its concept until struggles of today, incl. historical critical review of debates on Civil society and NGOization of political activism, as started already in the 1990th

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Debates on how to integrate Civil Society Actors formally into policy making on the international Level in the UN System, and in our case in the WHO, which is traditionally the multilateral field of memberstates, have not only been an important part of the WHO reform agenda discussions since 2010 , but are probably as old as the Institution itself (as Karolin Seitz will show later). These debates have increased since the new “Partnership-Initiatives” between the public and the private (corporate) sector were introduced in global politics in the late 1980ths, prominently with Gro Harlem Brundtlandt’s work at the World Commission on Environment and Development (resulting in the famous Brundtland Report). She brought this concept to the WHO in 1998 when she became Director General, at the same time when then UN General Secretary Kofi Anan launched the “Global Compact initiative” on the wider UN level.

A thorough critique on the assumptions of these “public-private partnerships” that became very prominent in the early 2000 with bold Global Health Initiatives like GAVI, the Global Alliance for Improved Nutrition, Stop TB, New Medicines for Malaria Venture etc. has been voiced ever since (see among others Judith Richters and Kent Buse contributions from the early 2000s and ever since) but with evidently little wider effect on the mainstream discourse. The famous “FENSA should not be a fence” quote of Dr. Tedros is showing exactly the same unwavering belief that “world problems” can only be solved in an inclusive, “like minded” coalition of actors. This thinking ignores conveniently all conflicting interest and imbalances of powers of the “interested parties” in such partnerships nor acknowledging the conflicting concepts of public responsibility and private profit making.

I will briefly reflect on the notion and history of “civil society” that I think can give us a clearer picture of the different actors “outside the state” while also understanding, how this talk of civil society makes it easier for defending the “partnership approach”.

Going back to where the term “civil society” comes from, it was seen (be it by Alexis de Tocqueville describing the young US society in the early 19th or Antonio Gramsci analyzing politics in Italy in the interwar years in the 20th century) rather as a space that is closely linked with the “political space” of state institutions like government, civil administration, parliament and the legal system. In this “civil society space” political opinions are shaped, and the “struggle for cultural hegemony” takes place. So in this way, the term “non state actors” that has come to be used often interchangeably with “civil society” is indeed a much blunter but also more precise name of the different actors that we have in mind in our debates about undue influence of corporate sector on public policies and how to defend the notion of public interest against private profit interests.

As the authors of the Global Health Watch 4 chapter on “a new business model for NGOs put it: both the World Social Forum and the World Economic Forum in Davos are part of the civil society. So we need to take up the struggle right under our nose, if we see ourselves as an important part of the civil society.

To make things even more complex, the term “civil society” has been also not only used in this “descriptive way” but holds strong “normative notions” and was ideologically instrumentalized in two important political dynamics:

One was and is the trend in western, capitalist but also in some societies in the global south from the late 70ths on (with the advent of the so called “neoliberal economy model) to regard public services increasingly as ineffective, costly and bureaucratic. So that they should be replaced by, or better outsourced to “civil society organizations” under the concept of “New Public Management”. This was

often pushed also by the World Bank, IMF and other international donor organizations under the neoliberal concept of a “lean state” with only regulatory functions.

E.g., the staggering number of 3.3 Mio local and national NGOs were counted in India already 10 years ago, more than local schools and primary health centers. Interestingly, some of these local organizations in the global south have grown into big national entities, and sometimes have started even an “international development branch” to mimic and compete with the traditional western/northern based international development NGOs. Examples are BRAC in Bangladesh or HANDS in Pakistan.

Another trend was the active support through western donor agencies (promently the Open Society Foundation) of critical public voices in former state socialist countries with their once tightly state and party controlled civic sphere, where funding of public interest and advocacy groups involved in human rights work, independent media, environment etc. This became increasingly seen as a way to “re-educate” these societies after the breaking up of the former aligned socialist block, the “alternative society model”, in the early 90ths. We see today a serious backlash on this part of civil society actors, under the blame of acting as “foreign agents” in autocratic countries around the world. (see below)

A third dynamic (sometimes linked to the aforementioned two) is the increasing professionalization of social movements / liberation movements actors into these kind of “third (non profit) sector” organizations (working on e.g. research, civil rights, advocacy). This is linked to “real life economics”, when voluntary activism is replaced by the need to earn your living outside the limited job market of public institutions like schools, universities, public health institutions, administration or political parties. The third sector might offer a career path for these activists, while their departure from “the struggle” is often weaken the capacities of social movements to be seen as competent players in the field of civil society.

What problems arise from these dynamics?

1. On the level of the CSO engaged on the level of public service provision:

This function brings NGOs into a potentially conflicting position towards the state: NGOs can be drivers of change when they identify problems, take part in “agenda setting”, they can amplify the voice of ordinary people with little bargaining power for their needs. Nevertheless, at the same time, the state is using NGOs to “outsource” not only the services but also his responsibility towards the people: and the problem of this is, NGOs cannot held accountable by the people. If the NGO decides to close operation of this hospital or that health center because of financial problems or else, there is no one to turn to voice the anger, the concept of duty bearer and rights holder from the Human Rights concepts does not apply to them, so in the end, charity prevails.

In conclusion – NGOs can be part of the solution and are part of the problem of the weak states that the neoliberal agenda has left in many regions of the world.

2. On the second dynamic: CSO become successful as they grow, but also more vulnerable to funding needs and strategies. Even if they don't want to make profits, they are linked to the dynamics of professional fundraising, presenting and “selling” their work to potential donors, be it public administrations, private corporate donors, or the public as donor individuals. The mantras of cost effectiveness, of project planning cycles and impact measurements that dominate the corporate world has slowly but steadily seeped into the non profit sector, too. The need to have public support for their work, CSOs tend to work more on media hyped disasters than forgotten crises. Big donor agencies can influence substantially the priorities of local CSOs through their funding guidelines. CSOs react cynically to this dynamic and become professional in using the right buzzwords to get work plans approved.

On the other hand, Authoritarian states use NGO laws to control the funding of CSOs from abroad or restrict critical publications. This dynamic can also alienate CSOs from their audience at home: with most human rights organizations both in the south but increasingly also in the global North relying on funding from institutions like the Open Society Foundation, it is easy for states and state media to portray these organizations as “alien” to their own national culture and interests. Rarely can HR Organisations build an own funding base by membership in their own country that would make them independent and also claiming rightfully a constituency that holds them responsible.

3. CSOs are also increasingly instrumentalized directly by state policies: the securitization of aid in conflict situations is a worrying trend – infamously, 2003 the then US Foreign Minister Colin Powell called humanitarian CSOs in Iraq as “force multipliers and an important part of the troops”. But even if they are not directly “embedded” in the fighting forces, states tend to see “their” national CSOs as a posterchild of their humanitarian efforts. The German Foreign Ministry want to implement humanitarian aid primarily through “German” NGOs, to increase visibility of the German governments efforts on the global arena. Not all NGOs reject this deadly embrace but even if they do, funding from public sources might come with strings attached that let NGOs work on a tight rope: The European Union and memberstates are increasingly putting pressure on NGOs to assure that no money from EU sources is used for “terrorist activities” and must not fall into the hands of “terrorists”. This forces international NGOs to scrutinize the staff of local partner NGOs for their potential links (even if only through extended family links) to members of organizations that the EU has put on the EU terror list.

Simply claiming to be a “neutral actor” cannot avoid such an instrumentalization. In a time, when security policy and economic cooperation, development and human rights have been increasingly combined into a “Common Foreign and

Security Policy” NGOs must actively reject their integration in a policy, that is organizing a “crisis management” to stabilize existing global privileges and to control social gaps instead of pursuing the concept of “social justice”

4. NGOs can also unknowingly contribute to commercial interest without realizing it: Parts of the “Medicines Access Movement” that was so instrumental to bring HIV treatment to millions of people and turned a dead sentence into a manageable chronic disease has been coopted in the new NCD alliance. This alliance sees the solution of chronic, noncommunicable diseases mostly in individual life changes (stop smoking, reduce drinking, eat healthy, be physically active) and access to more medicines. While it is absolutely necessary, that insulin is available for diabetics who need it and cancer patients have access to advanced treatments not only in the global north, the medicalization of all life ages is a well known strategy of “big pharma” (not only originator, but also generic companies) to increase their share of profits from the health budgets of states and patients alike.

A critical distance from those companies and their proxies who will use every trick in the PR book to sell the newest cancer drug with minimal improvements to desperate patients and their health insurance at almost any price possible should be a norm and not an exception in these coalitions.

5. How to deal with this situation: I suggest five ways forward
 - Develop a critical understanding of your own nature: NGOs have the potential to democratize participation in societies, making the voice of the unheard heard, but they are not formally representing the poor, nor the excluded, they are not accountable to them, So be aware that they are more often than not come from the same privileged backgrounds they claim to struggle against

- NGOs need to understand that there is no “neutral ground” in key policy fields, they are acting in relation of the political and economic powers. NGOs need to take a political stand against being instrumentalized. Human Rights (for Health and others) are not a “sacred right” that comes from an imaginary “world community or court” , but are reflecting the struggle of people for their rights, the society must assure that rights are realized, states are to be held accountable
- NGOs need to seek a maximum of independence from the dominating discourses, and going beyond the “pragmatic approach”, the realism that has led the world almost to the brink: demanding change beyond pragmatism needs a public voice that has a “desire for change”, forming a countervailing power that seeks (and hopefully gain) cultural hegemony.
- This countervailing power is important if the participation of NGOs in Global Health Governance should be more than a fig leaf: only when governments are pushed and questioned by a critical public at home and globally, there will be “diplomatic space” for NGOs to make social change possible.
- NGOs should also keep their roots in social movements and struggles from where they are (often) originate. Not the professionalism of NGOs makes them heard at the table, but the voice of the public that is backing them. Only if NGOs continue to be aware of being rooted in movements that oppose the prevailing powers, they can make a real difference.
- Joint strategies and actions are needed; NGOs need to actively seek networking and combining power, even if they have less visibility. Being political effective is not measured by the times your logo is appearing. This “currency” is a clear sign of the traps of a market system that integrates NGOs easily into its world.