

**“Regulation for the Rest of Us”
Global Civil Society and Global Social Regulation**

Proposal to the
Nonprofit Sector Research Fund
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I. Project summary

The objective of this project is to document the involvement of non-profit organizations—especially, nongovernmental organizations, social movements, activist networks, etc.--in the development and promulgation of public and private social regulation at the international level. I argue that a gradual decline of public sector involvement in addressing various social problems, and growing difficulties in devising interstate conventions that address social, welfare and environmental problems have led to growing involvement by non-profit organizations to foster semi-public and private international regulatory systems meant to supplement or substitute for public interstate regimes. Such projects are the work of what I call “global civil society” and could serve as the basis for a global system of democratized regulation "for the rest of us."

In this project, I examine three sectors in which non-profit, civil society groups have been deeply involved in such regulatory efforts: the fostering of sustainable forestry practices by timber companies; the monitoring of labor conditions in shops and factories subcontracted with by the U.S. apparel industry; and efforts to control international trade in small arms. I seek to integrate theory with practice in this project, and much of the research will be based on secondary sources as well as published materials and information available on the Internet, although I plan to conduct interviews in Washington, DC, New York, San Francisco, and London. I request \$50,323 in funding for a two-year project (2000-2002). This includes one quarter of course relief for the PI, one month equivalent of administrative assistance, two years of graduate student support, and two trips to the East Coast to conduct interviews with staff at relevant organizations and disseminate my findings.

II. Problem statement

A critical set of problems arising from contemporary globalization are social, economic and environmental externalities that are not being addressed within the existing international system of regulatory conventions and regimes (Falk, 1995). In the interests of economic competitiveness and growth, nation-states have begun to yield a substantial amount of their domestic regulatory authority to transnational regulatory regimes and organizations, such as the International Monetary Fund and the World Trade Organization, and to private corporate initiatives such as ISO 14000 (Strange, 1996). Proposals to extend international regulation to include social, environmental, and similar problems are, however, strongly opposed by government authorities and corporate officials, who generally find international law to be acceptable if it involves trade or monetary matters, but inappropriate if it addresses “non-economic” matters (Bhagwati, 1993). The problem of representation (and democracy) at the global level is not, however, one that will disappear with economic growth, and it is only likely to become more pressing in the future. How might we deal with such matters?

Interstate regulation has not always been as public as it is today (and James Scott argues that, even today, much regulation is customary rather than public; see Scott, 1998: ch. 1; also Murphy, 1994). Indeed, the expansion of international law after 1945 was, in many ways, an exceptional one (Cutler, Haufler, & Porter, 1999). During that time there were few, if any, other channels for the development of international law and many efforts were constrained by Cold War conflicts. In recent years, regulatory patterns have become much more complicated. As Steven Vogel (1996) has noted, there has been some decrease in certain forms of national regulation, but these have been replaced, in many cases, by international rules. For example, in the financial sector, international regulation of various types of transactions has been put in place

in order to ensure the overall stability of the global economy (e.g., Graham, 1996). But, these regulatory trends are limited in scope; there is no global welfare state to play the international role corresponding to that of national governments (Falk, 1995).

The past 15 years or so have begun to see a change in this pattern. Although participation in international public affairs by social non-state actors is not new (Murphy, 1994), it appears that the scope of current non-profit, non-governmental activity far exceeds that found in the historical record (Princen & Finger, 1994; Lipschutz, 1996a; 1996b; Wapner, 1996; Mathews, 1997; Smith, Chatfield, & Pagnucco, 1997; Keck & Sikkink, 1998). Not only have social actors become increasingly prominent in international meetings and institutions, and in transnational networks and alliances of various types, they have also become instrumental in the establishment of a growing number of semi-public and private "international regimes" designed to fulfill regulatory objectives not addressed through public international conventions and laws (Lipschutz, 1996b). Social groups have come to fulfill a variety of normative and functional roles, ranging from observers to advisors to UN projects around the world to writers and implementers of rules and regulations in various global forums (Smith, Chatfield, & Pagnucco, 1997). Many of these non-profit organizations are taking upon themselves functional responsibility for seeing that regulations--both national and international--are adhered to by both public and private actors. As one observer of these efforts has noted

It is increasingly common for environmental and community groups to negotiate environmental agreements directly with business organizations. These developments suggest the possibility of a fundamental reconfiguration in environmental policy making wherein government no longer provides the preemptive policy forum, but instead cooperates and competes to define and implement norms in a fluid "regulatory space." Industry and environmental groups no longer simply lobby government for their desired policies. Nor does industry merely "self-regulate" or "voluntarily" undertake controls. Rather, the actors are operating in a larger societal forum, seeking implicit and explicit delegations of social authority to set norms for managing the environment (Meidinger, forthcoming, p. 2).

Elsewhere, I have argued that this "global civil society" could represent a structure of actors and networks within which new regulatory authorities and arrangements emerge (Lipschutz, 1996a; 1996b; 2000:ch. 8). As conventionally understood, civil society includes those political, cultural and social organizations of modern societies that have not been established or mandated by the state or created as part of the institutionalized political system of the state (e.g., political parties), but are nevertheless engaged in a variety of political activities that are imbricated with institutionalized politics (Cohen & Arato, 1992; Walzer, 1995).

The "fluidization" of regulatory space reflected by this efflorescence of regulatory projects has its roots in what is often called globalization (Castells, 1996, 1997, 1998), the declining authority of the state (Lipschutz, 2000: ch. 2), and the growing tendency of individuals and organizations to act outside of traditional rules and frameworks (Rosenau, 1997). While space does not permit details of this process, it appears that changing and declining state authority is being supplemented or replaced by, or sublimated in, a developing system of global governance that includes the growing engagement of non-profit non-state actors in efforts that represent, in part, an attempt to extend various principles of the 20th century welfare state into the global realm for both social and economic purposes (Lipschutz, 1996b).

III. Project objectives

My objective in this project is to develop an empirical basis on which to explore both the theoretical and applied aspects of the involvement of global civil society in the expansion of international public and private regulatory systems. I focus on three sectors—out of many—in which non-profit organizations are engaged in national and transnational efforts to develop and deploy global regulation: (1) the fostering of sustainable forestry practices; (2) the monitoring of

labor conditions in the apparel industry; and (3) efforts to control international trade in small arms (these are described in greater detail, below). Activities within these three sectors are quite different in goals and scope.

The project is organized around the following research questions:

1. What theoretical insights and principles can help to explain the emergence of semi-private and private international regulation in lieu of interstate agreements? What is the history of non-profit involvement in international regulation?
2. What is the history and nature of the particular problems being addressed, and how have they come within the purview of non-profit actors within global civil society? What counter-forces have prevented these issues from being brought to the international public agenda?
3. Which groups and organizations have taken on the specific issues addressed in this project? What is the history and logic of their involvement? What approach and methods have they adopted? What is the division of labor between for-profit and non-profit actors?
4. To what extent are efforts within one issue area (e.g., land mines) replicated in another (e.g., small arms trade)? What is the extent of communication of practices? How much exchange of personnel is there? How much shared background and experience is there among personnel?
5. What is the content of the resulting regulatory systems? How extensive are they? Is there a way to measure penetration or success? Is there a substantive difference in the results of systems developed by non-profit and for-profit actors? How are these regarded by national governments and international organizations?

This project builds on my earlier and ongoing work on global civil society and its role in global governance (Lipschutz, 1996a, 1996b). During this past year, I have been asked to write and present several papers on global civil society and the privatization of regulation (at Brown University, Rutgers-Newark, UC-Irvine, and the conference of the Western section of the International Studies Association; see Lipschutz, 1999a, 1999b, 1999c). I have, to date, focused on efforts by states, intergovernmental organizations, non-profit organizations and for-profit associations and companies to develop international regulatory systems for fostering sustainable forestry but plan to expand this research as described in this proposal. Many of these new

regulatory projects are market-based and rely on certification of timber products and consumer choice to foster environmentally-responsible behavior by producers. What is less clear is whether market-based approaches are effective

Sustainable forestry regulation: Projects under this category have emerged largely since 1992 in response to the failure of national governments to come to an agreement on a statement of forestry principles at the Earth Summit in Brazil. As a result, there are more than half-a-dozen semi-public and private initiatives aimed at regulation through the market (Lipschutz, 1999a). In terms of regulatory *method*, the recent trend in sustainable forestry regulation moves away from command-and-control, per se, toward certification of both national and private practices through what is called “eco-labeling” (Caldwell, 1998) advantageous elements. Such a label is intended to make the product more attractive to the environmentally-conscious consumer (Markandya, 1997).

Labor conditions in the apparel industry: For the moment, there are no international conventions that address explicitly labor conditions in the apparel industry, a good portion of which is characterized by “sweatshop” conditions. The growth in substandard workplaces is thought to be driven by free trade and wage competition, which has led many American apparel companies to contract with overseas manufacturers. Existing trade agreements do not address labor issues and countries that are signatories to the GATT and WTO are not permitted to restrict imports on the basis of their manufacture. Over the past ten years, a number of grassroots organizations have emerged to lobby, educate and challenge U.S. apparel manufacturers to improve working conditions and wages in domestic and foreign shops. These groups have achieved a small number of successes, but they have, more recently, been outflanked by the “Fair

Labor Association,” a coalition of corporations and NGOs organized by the White House to formulate voluntary standards for apparel production.

Controlling international trade in small arms: The International Action Network on Small Arms (IANSA) is a global network of organizations seeking to reduce both demand and supply of light weapons, through a variety of tactics and strategies, including education, information-sharing, development of culturally-appropriate “message strategies” and international regulation. IANSA was established in 1998 and has been consciously modeled on the coalition that was instrumental in the promulgation of the International land mines convention. IANSA is a very new project, and it is likely to be strongly resisted because of the vast and growing global market in small arms and light weapons.

IV. **Project methods & timeline**

The theoretical portion of this project will rely on my earlier research and the published literature. Empirical data for this project will be collected primarily from organizational publications, World Wide Web sites, and newspaper and journal articles. I also intend to conduct an intensive review of the rapidly-growing literature on global civil society, transnational social movements and networks, non-governmental organizations, and other “private” actors involved in international regulatory activities. I will conduct interviews with the staff of non-profit organizations and international organizations involved in each of the three sectors of interest; specific groups and organizations will be chosen based on the preliminary research. These interviews are intended to (1) develop a chronology of organizational involvement in the issue area; (2) compile a list of collaborating organizations and their involvement (which will also provide additional interviewees); and (3) determine to what extent

the organization's regulatory efforts have borne fruit and are deemed successful (this will also require development of some standard against which to measure "success").

The time-line for the project is as follows:

July-December 2000: Conduct literature review, WWW search; compile list of organizations & contacts; collate data on three sectors (all with GSR assistance)

January-June 2001: Write theoretical chapters; conduct interviews in Washington, DC; San Francisco; London; collate data from interviews (last with GSR assistance).

July-December 2001: Write & refine case study chapters, based on interviews; utilize draft chapters to prepare working papers, journal articles (with GSR assistance)

January-June 2002: Complete book manuscript & submit to publishers.

V. Project relevance, impact, dissemination

This project addresses three of the Nonprofit Sector Research Funds's concerns: (1) the distinct contributions made to society by non-profits; (2) the blurring of lines between public and non-profit sectors; and (3) comparison of public, private and collaborative functions. It also examines the role of nonprofits in building social capital, increasing civic engagement and strengthening democratic values. Beyond the project's specific research objectives, the knowledge acquired in the local and global venues provides important information about ways in which to (1) increase nonprofit influence in global governance and (2) enhance the quality of their programs and activities.

The findings of this particular project will be communicated to practitioners, scholars, policymakers, and the general public in several ways. First, I am already presenting conference and workshop papers based on my past work and preliminary research on regulation in the sustainable forestry sector; several of these papers will be published as chapters in edited books.

Second, periodic reports and working papers will be posted on Web Site of the Center for Global, International and Regional Studies, the institutional home for this project (see www2.ucsc.edu/cgirs) and distributed in hard copy. Third, I will prepare several articles for submission to scholarly as well as public journals. Fourth, during my trips to the East Coast, I will arrange for briefings and presentations in a variety of public venues, at non-profits, universities, and government agencies. Finally, this research will form the core of a book that will develop theoretical insights as well as function as a handbook for those who are interested in and concerned about social regulation at the global level.

VI. Budget narrative (a detailed budget is attached)

I am requesting two years of support for this project, from July 1, 2000 to June 30, 2002, totalling \$50,323. This includes

1. One quarter of course relief for the Principal Investigator during the first year of the project to conduct interviews in New York and Washington, DC.
2. Two academic years of support for a graduate student researcher, who will be selected from students admitted to the Politics Department's new Ph.D. program, to help in collection and analysis of research materials, conduct and transcribe interviews, help to organize dissemination activities.
3. One month equivalent of administrative assistance from the Center for Global, International & Regional Studies, to help in project organization, publication of reports on the World Wide Web site, etc.
4. Two trips to Washington, DC and New York to conduct interviews with staff of non-profits and international organizations.

5. Partial funding to support dissemination activities in Washington and New York (copying, phone, mail, working space; I will also seek funds for this purpose from other sources).

VII. Institutional Setting

The project described here is linked to a larger effort at UC-Santa Cruz, “Transnational Activism, Global Civil Society & Social Movements,” which involves faculty and graduate students from universities in California and elsewhere. That project has received funding from the UC-systemwide Institute on Global Conflict and Cooperation to hold a conference in Spring, 2000., which will be held under the auspices of the UCSC Center for Global, International and Regional Studies (CGIRS). CGIRS was established in 1996 to support and advance international studies and research at UCSC. The framing of the Center as encompassing “global, international and regional, studies is rooted in the recognition that human activities, while anchored in specific regions and locales, are also linked to other regions and locales via complex political, economic, social and cultural networks of communication and action. Information about the center can be found at its web site, <http://www2.ucsc.edu/cgirs>.

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