

Franco-British Council

Non-Governmental Organisations in France and Britain

Report of a seminar held in Leeds Castle, Kent

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NGOS in Britain and France

Mary Braid

1. Introduction

The rise of NGOs across the globe – and particularly the recent expansion of the sector in France – helped precipitate this Franco-British exchange about the structure and nature of their respective NGO sectors, the challenges they face both individually and together, and their vision of the future.

Many issues were touched upon, but four strong themes emerged during the two-day seminar:

1. The accountability of NGOs, particularly in the light of their growing role and influence at home and abroad. There were concerns about to whom exactly NGOs were answerable.
2. Relations between NGOs and national governments and the fear that too close a relationship between the parties is creating a form of co-option which threatens NGO independence. As one French delegate put it, it is all too easy for an NGO to ‘lose its soul’.
3. Relations between the NGOs of the North and South, informed as they are by inequalities of power and resources.
4. The extent to which NGOs ought to engage with international corporations.

The discussion around these themes, among 35 British and French participants from government and a variety of NGOs, is dealt with in detail below. But first it is necessary to outline some of the differences discovered during the seminar between the French and British NGO sectors. Although many of the national and international issues confronting NGOs in France and Britain reveal shared challenges, the differences in the development and size of the two sectors help to explain some of the seminar’s undercurrents. For example, why the French government seems to regard the NGO sector with more suspicion or unease, than the British government regards its own sector.

2. Comparing the two sectors

i) The French NGO sector (in France the term NGO is usually applied to non-profit organisations working overseas) has expanded hugely in recent years. Between 1990 and 1995 the total budget of the NGO sector increased by 46 per cent, and the number of employees doubled (from 9,000 to 18,000). By 1999 the combined budgets of the largest 164 humanitarian NGOs came to 665 million Euros. Of this, 61 per cent came from private donations and 39 per cent from institutional sources. Of that 39 per cent, 70 per cent came from the EU and 30 per cent from the French Government. The expansion of the French NGO sector is almost entirely due to increased EC funds. It is not an expansion designed or created by the French government. Indeed, the amount

of French government development aid passing through French NGOs is among the lowest in Europe, just 0.6%.

Despite the increase in EU funds, the French NGO sector is still tiny compared to the British sector, in terms of the number of NGOs, number of employees and total budget. The French sector is also less well-established, less involved and, French participants insist, less welcome in government policy making. The low level of involvement in policy making was clearly a cause of frustration to some French participants. One said that the French government, despite the 1990s NGO expansion, retained an old-fashioned and limited view of an NGO's role. Many French participants were envious of the close co-operation and well-established consultation procedures between British NGOs and their government as well as the influence of British NGOs on government policy.

The relative 'maturity' of the British sector was remarked upon several times by French participants. Karl Blanchet (Handicap International), who has worked in both the French and British NGO sectors, said that when he moved to Britain he was amazed to find that NGOs had their own policy officers who were producing papers of just as high a quality as those being published by the government. He suggested French NGOs might consider moving towards employing policy staff in order to strengthen their case that they ought to be more involved in government policy making.

ii) The French government and NGOs are currently engaged in a vigorous debate about the future shape of the partnership between government and the NGO sector, and what legal, fiscal (including more advantageous tax arrangements) and contractual mechanisms should govern those relations. Up to now the French NGO sector has not enjoyed the tax benefits available to their British counterparts and there is not a French equivalent of the Charity Commission. Most NGOs are still incorporated according to the liberal 'law of 1901', although the larger NGOs have formed an organisation (the Comité de la Charte) which recommends best practice, sound accounting procedures and so on.

The French sector is undergoing a period of change and, therefore, seems less sure of itself than the British sector. Cécile Jolly (Commissariat général du Plan) told participants that though the professionalism of French NGOs had risen, they were still less professional than their British counterparts. Yet, she added, moves by the French government towards creating greater professionalism in the NGO sector through training, had raised concerns among NGOs about loss of independence and integrity, and fears of co-option.

In addition, there seems to be unease within the French government that the rise of NGOs is connected with public disillusion with elected politicians. Jean-Louis Sabatié (Ministère des Affaires étrangères) questioned the accountability of NGOs, given that they are unelected. He was suspicious of the NGO role as government 'watchdog', an NGO function now taken for granted in Britain. He suggested elected politicians were the proper watchdogs of government. Jolly said France was asking itself whether NGOs were replacing political parties as mediators between the public and central authorities.

iii) The major French NGOs tend to specialize in emergency assistance to a greater extent than do the major British NGOs, such as Oxfam, which are more heavily involved in development. However, the distinction between emergency assistance and development is beginning to blur in France.

iv) French participants consider their NGO sector more loosely regulated than the British. This may change after the current French internal debate on the shape of future relations between government and NGOs.

3. Main Themes

3.1. Accountability

The concerns of participants ranged from the question of what accountability NGOs have to national governments to what accountability NGOs of the North have to the NGOs of the South and the ordinary people they claim to be serving there. Most participants – French and British – wrestled with the accountability issue at some point. It seemed to be generally agreed that mass communication had played a big part in turning NGOs into global players. And the question that was posed again and again, with no entirely satisfactory answer, was the following. With all this new power, where was NGO accountability?

Professor Sally Morphet (University of Kent) argued that in some cases it no longer made any sense to talk of NGOs as national bodies. Amnesty International's offices were in London, she said, but that did not necessarily make the organisation particularly British. To which country is a global NGO accountable?

Greater regulation of the NGO sector was discussed, including the possibility of EU-wide and internationally agreed definitions of what constitutes an NGO, and what their responsibilities/rules ought to be. Agreement between countries on such fundamental but difficult questions seems a long way off. Jean-Louis Sabatié said government had a responsibility to ensure against phoney NGOs, serving narrow sectarian interests, being created to access donor funds. He said that the issue of how to protect against such manipulation at home and abroad was the subject of debate in France.

Andrew Puddephatt (Article XIX) also warned that in some parts of the world, political factions were reconstituting themselves as NGOs to access international funding. There were suggestions from some participants that the NGO sector could lose its good reputation if regulation remained loose.

3.2. Relations between NGOs and government

Of all the issues discussed, this had most time devoted to it. On the French side, there were conflicting concerns. Many NGOs complained that they were not involved enough in the French government's policy making while, at the same time, expressing unease that closer co-operation carried the danger of co-optation and loss of independence, or indeed of the NGO's 'soul'. This latter concern was shared by many British NGOs. The risk was considered to be particularly strong when an NGO was relying on government for funding.

Meanwhile, Sabatié said that although the French government appreciated the importance of NGOs and the fact that they were participating in government mechanisms, it was also uneasy about the notion of unelected NGOs ‘dictating’ policy.

The well-developed links between NGOs and the British government were explained to participants by David Geer (Foreign and Commonwealth Office). He said the voice of civil society was growing louder across the globe, and the trend in Britain was no exception. Groups such as Amnesty International and Article XIX ‘could not be ignored’ by government and it was now ‘unthinkable’ that foreign policy could be developed with no regard to civil society.

Geer explained that the British NGO voice was heard through a variety of government panels set up to focus on specific issues such as torture and freedom of expression. NGOs’ views were also taken into account in specific geographical consultations such as the UK’s continuing human rights dialogue with China and the UK’s policy contributions to the UN and other multilateral bodies. There was even a partnership between NGOs and government for staff training. Geer pointed out that NGOs often had access to communities that his department could not reach. It was able to tap into NGO contacts. The British NGO participants all appeared to agree with the general point that co-operation between government and NGOs was close and formalised.

Geer laid out four NGO roles: as policy shapers, co-implementers of policy objectives, communicators of policy positions and watchdogs to government manifesto commitments. He said there was considerable overlap in the objectives of government and NGOs. His department did provide project funding to NGOs but this need not affect the NGOs ‘watchdog’ role. He said that government and NGOs ‘parted company’ when the time came for the NGO to play watchdog but that this parting was essential. He argued it was the role of NGOs to tell government things it did not necessarily want to hear. A healthy government/NGO relationship would be troubled, but robust enough for dialogue to continue.

Ben Green (DFID) added that his department had a well-established partnership programme with the larger British NGOs currently worth £53 million. This funding was not earmarked. There was continual policy dialogue with NGOs, and there had, in recent years, been a change of emphasis away from funding service delivery by NGOs and towards work on capacity building, empowerment, human rights, and strengthening civil society in the South. DFID saw the role of NGOs as that of using their international networks to address poverty and provide a voice for their Southern partners.

It was also pointed out that relations between British NGOs and DFID did not always run smoothly and were subject to certain tensions, particularly at the moment.

There was, however, a range of views on the effect of close co-operation on independence. Pierre-Jean Roca (IFAID) agreed there were advantages to government in both co-operating with and working through NGOs. He said that ‘when politicians cannot do any more, NGOs spring up’. When a government was prevented by political considerations from intervening in a situation, NGOs were also often the way

of delivering aid and help. Patrick Hénault (Ambassadeur chargé des droits de l'Homme) said close co-operation was possible without compromising the very different roles of NGOs and government.

Andrew Puddephatt pointed out that NGOs such as Amnesty and Friends of the Earth had more members than political parties and that the growth of NGOs in the UK since the 1970s reflected the failure of party politics to reflect a range of popular reforming interests. He saw many advantages in co-operating with government where interests converged. Just as Article XIX could provide the government with access to communities it would not otherwise reach, the government facilitated contacts for Article XIX. Article XIX had no problem switching to the watchdog role. 'We feel free to criticize the British government any time we like,' said Puddephatt. But he added that this might not be so simple for development NGOs who relied on government funding.

Will Day told participants that CARE, after extensive discussion, had agreed where its interests overlapped with government and defined that overlap in a strategy document. This helped ensure that CARE would never knowingly allow itself to be used as an instrument of any nation's foreign policy.

But a more insidious kind of co-option was warned against by David Waller (ACORD). What he feared most is not co-option on a specific policy but the development of 'group think'. As an example, Waller offered the shared NGO/government assumption, rooted in Europe's colonial past, that all the right answers to the South's development issues reside in the North. He asked what the presence of 100,000 foreign 'experts' working in Africa said about the North, and the attitudes that dominated there. It was time this assumption was challenged, and the North listened more to the South.

Several strategies against co-option were suggested by participants. Will Day (CARE International) suggested NGOs take a more international approach and try to develop strategies across national frontiers. George Gelber (CAFOD) echoed that sentiment, suggesting NGOs 'get out of their national boxes'. Gelber argued that NGOs in different countries needed to make the same statements to their national governments if any progress was to be made on issues such as reform of the Common Agricultural Policy. (Of course, the irony is that it is this very 'internationalisation' of NGOs which seems most to worry those concerned about their accountability.) The development of an alternative political vision, shared by NGOs, would be a safeguard against co-option, argued Michael Pugh (University of Plymouth).

Rama Mani (Justice Unlimited) identified another pitfall in NGO dealings with government, namely the development of an NGO hierarchy or pecking order. At every international meeting the same small group of western NGOs was invited. That same unfair pecking order was developing in the South, she said. Mani also warned that the call for greater NGO professionalism had created a tendency towards NGO corporatisation, with far too great a focus on logos, branding and advertising. And again the South was picking up on the trend.

3.3. Relations between NGOs of the North and South

Many concerns were expressed by participants about the relationship between northern and southern NGOs. While a few participants worried about the creation of phoney NGOs to access donor funds, others argued that most southern NGOs, far from being devious phonies, were not getting fair treatment from their northern NGO partners.

For example, their voice was missing from international conferences. George Gelber suggested the tone of conferences might be very different if southern NGOs spoke for themselves instead of relying on the advocacy of northern NGOs. He pointed out that while northern NGOs might have seen the results of the Jubilee 2000 campaign as positive, and 'a glass half-full', many in the South regarded the outcome as a glass half-empty. He felt that there were also important issues surrounding the continuing dependency of southern NGOs for funding from northern NGOs.

David Waller voiced similar concerns. He argued that help was being designed in the North that did not meet southern needs. Increasingly, his NGO, ACORD, was seeing its mission as social justice as defined by people on the fringes of African society, not by the NGO 'experts' in the North.

There were several concerns about the distortion of politics in the South by northern NGO intervention. Professor Morphet argued that in some cases NGOs had taken over the responsibilities of governments in the South. There were usually good reasons for this but the political consequences – such as the withdrawal of governments from social provision – had to be properly thought out. Roca argued that because of the global success of NGOs, many southern development agencies/bodies were adopting the NGO form. Where unions might once have evolved, NGOs were being created. The implication was that this was not necessarily a helpful trend.

Professor Michael Taylor warned that NGOs must make genuine partners of NGOs in the south, 'or we are lost'. He also noted in passing that faith-based communities were an important part of civil society in some countries, and that church networks had been working on a transnational basis for many years, campaigning on issues like trade and debt.

3.4. NGOs and international corporations

This theme did not get as much attention as the first three. This was not because it was not considered important – as Andrew Puddephatt pointed out, 96 per cent of all capital transferred internationally is moved by companies – but because there were no representatives of business at the meeting and therefore less opportunity for dialogue. Participants on both sides felt the NGOs should (and in some cases did) engage with business. The Fair Trade movement was cited as a good example of this. Multinationals were beginning to think seriously about corporate social and environmental responsibility, and NGOs could and should act as both watchdogs and advisers. Will Day suggested that NGOs should be aiming to convince corporations that there was a good business case for changing their policies to benefit the poor and respect human rights. Amnesty International is already engaged on this front, according to Stephen Bowen. It was suggested that, contrary to what is sometimes

assumed, corporations were in favour of regulatory regimes, so long as they applied to everyone. Meanwhile NGOs tried to encourage them to adopt voluntary codes of practice.

4. Building on the Seminar

Participants made a variety of suggestions as to how the seminar, and the issues discussed, could be taken forward.

1. The creation of a Franco-British group that would focus on major issues in order to shape policy and public debate. Andrew Puddephatt said that while the Americans had a history of adopting this approach, it was lacking in Britain and France. Other participants supported his suggestion.
2. Efforts should be made to improve understanding of civil society in developing countries. It was suggested that understanding the complexities of civil societies in the South might prevent the North from developing strategies suited to northern not southern circumstances.
3. Future meetings would be useful with civil society and NGOs from the South.
4. There should be greater efforts by NGOs to develop joint advocacy policies across the EU.
5. There should be more discussion between NGOs and corporations. It was suggested that corporations, not governments, were now the main protagonists when dealing with development issues.
6. The inclusion of third parties at any follow-up seminar (e.g. business, political parties, EU representatives) was recommended.
7. More discussion of the political economy of NGOs, with an emphasis on how NGOs have flourished because of the free market policies many claim to oppose. (Michael Pugh).
8. Philippe Lévêque and other French participants said they intended to take the close relations between British NGOs and their government as 'inspiration' for what their own smaller, but expanding, NGO sector might become.

Scene setting – France

Edith Archambault

I should say first that this is a personal presentation of the Johns Hopkins 1 and 2 programme of international comparison of the not-for-profit sector.

I have been asked to give a short presentation on French NGOs, the term NGOs being defined as private not-for-profit organisations engaged in international action. In my allotted 15 minutes, I shall concentrate on two aspects. Firstly, the economic weight of NGOs and their development in the period 1990-1995 (a period corresponding to the two phases of the Johns Hopkins programme) and secondly, I will give a brief outline of the different types of French NGOs.

1. Characteristics of French NGOs

Most are of recent origin (French and Belgian decolonisation). They can be classified according to their objectives:

- **Emergency action** (French Doctors): Médecins sans Frontières, Médecins du Monde, Handicap international, Action internationale contre la faim and the French Red Cross. These are the organisations with a budget of over 50 million euros. They are the best known of the French NGOs.
- **Development**: These organisations are smaller than the ones previously mentioned, with the exception of the Comité catholique contre la faim et pour le développement (CCFD), and Volontaires au Progrès. One can also put in this category the Protestant organisation CIMADE, UNICEF France and the international branches of Secours Catholique and Secours Populaire (now much less closely connected to the Communist Party). Also included in this category are many professions operating across borders (vets, agronomists, architects, pharmacists etc.) and many twinning arrangements between a French town and a town in the Southern Hemisphere. Half of the development activity is focused on Africa and a quarter on Eastern Europe.
- **Defence of Human Rights**: These are the oldest organisations. They are either rooted in French history (e.g. Ligue Française pour les droits de l'homme, set up after the Dreyfus Affair, and Mouvement contre le racisme et pour l'Amitié des Peuples, which dates from the time of the rise of Nazism). Some organisations are branches of worldwide movements such as Amnesty International.
- **Antiglobalisation**: (Or rather, for a different form of globalisation). These are the most recent organisations, which started in the 1990s. They are against the liberal dogma which governs globalisation. The most representative is ATTAC, with 35,000 members in 5 years and branches in about thirty countries. It is

calling for the introduction of the Tobin tax on movements of capital. The Social Forum at Porto Alegre has become ATTAC's annual rallying place.

2. Economic weight and development over the period 1990-1995

Structure of French Associations, 1995

Sector	% total of organisations (SIRENE)	% total budget	% paid staff (full-time)	% voluntary staff
Culture and Leisure	41.6	15.5	12.1	46.7
Education and Research	15.7	24.8	20.7	8.9
Health	2.4	14.5	15.5	3.4
Social Services	20.7	32.8	39.7	15.7
Total of the first four sectors	80.4	87.6	88	74.7
Environment	3.2	1	1	8.7
Local Development and Housing	3.8	4.4	5.5	4
Legal and Human Rights Services	6.1	2.6	1.9	1.8
Charitable Intermediaries	0	0.3	0	1.1
International Activities (NGOs)	0.4	1.3	1.8	3
Professional and Trade Union Organisations	6.1	2.9	1.8	6.6
Total of the last 6 sectors	19.6	12.4	12	25.3
TOTAL	100	100	100	100

Whether one looks at criteria such as the number of organisations, their budget, paid staff or voluntary work, the economic weight of the NGOs within the sector of French associations is small. On the other hand, they have a much greater symbolic importance.

Increase in the Income of French NGOs between 1990 and 1995

Income	1990	1995
Public Funding	22%	43%
Donations	66%	40%
Own Income	12%	17%
Total = 100%	2,467 MF	3,590 MF
Number of full-time paid staff	8,864	17,403

Between 1990 and 1995, The NGOs' budget increased by 46% and paid staff by 51%. This notable development is due to the increase in finance coming from the European Union (The ECHO programme, linked to emergency operations in the Balkans).

Scene setting – UK NGOs

Simon Gillespie

Definition

- organisations that are non-governmental but, crucially, also non-commercial
- in UK, NGOs often referred to as a *Third Sector*
- organisations that are for some altruistic public benefit
 - relief of poverty
 - advancement of education
 - promotion of religion
 - other public benefit purposes

Features

(Only England and Wales are referred to here)

- NGOs come in all shapes and sizes
- independent but accountable
- involve some element of voluntary action

The History of NGOs

- rooted in centuries-old cultural and religious practices of charity, alms, doing-good
- started as local initiatives
- oldest charity in UK dates back to 900 (pre-dating a previous invasion by our French neighbours)
- in Victorian era, strong trend of philanthropy – rich people doing good
- later, mass involvement
- then mass communications era – immediacy of input
- citizens' involvement not via state solely but, as a citizen of the world. Globalisation of social economy

Accountability

- public organisations for public benefit with public accountabilities, as well as accountabilities to donors and to beneficiaries
- But accountable to which public?
- Importance of transnational NGOs, Red Cross, Oxfam family but many others – influential on global area not just by (for example) relief efforts but also by advocacy and campaigning. Key aspects can also make them vulnerable e.g. trans-border flows of finance/people difficult things in dangerous places.

Transparency

- NGOs have considerable moral authority and a good name. Interests of beneficiaries ultimately best served by transparency.
- transparent to donors
- transparent to beneficiaries
- often can get access in situations where government agencies could not; trusted; held in high esteem
- potential for abuse if principles are not upheld

The role of NGOs in British Foreign Policy

David Geer

Definitions:

Foreign and Commonwealth Office

This government department is responsible for the sphere of international relations covering traditional diplomacy, international economic relations, international organisations, security and non-proliferation, environment, human rights/democracy and governance. It does not include international development co-operation, which is primarily the task of the Department of International Development).

Civil society organisations

The World Bank Definition is the 'space among family, market and the state'. Examples are: NGOs, special interest groups, community based organisations, trade unions and employer associations, consumer groups, grass-root associations, religious groups, the media.

They either represent an interest of some kind or are able to provide some kind of expertise which is unavailable to Government. Or they are a hybrid of the two.

It is a curious fact that 15 years ago, if I had been asked to make a similar presentation, on the role of NGOs in British Foreign Affairs I would have struggled to talk for long. Then it was limited to two key areas: research (policy think tanks) and the developing interface between international development co-operation and humanitarian assistance and NGOs.

There has been a dramatic change since then as a result of many factors:

- a global trend in which it is increasingly accepted that civil society has a legitimate voice in global governance issues
- similar trends at the UN (observer status of NGOs as ECOSOC), Council of Europe, OSCE and EU
- national factors – the strength of civil society in the UK
- a new government coming into power in 1997 with a strong political commitment to greater openness to the role of civil society organisations in policy-making (ethical dimension in foreign policy)
- habit; Labour in opposition had years of experience of working with NGOs and civil society organisations

How does the relationship work in practice?

There are different functions performed by NGOs:

1. Informing Policy
2. Informing who we are
3. Implementation of FCO objectives
4. Communication (the accountability deficit)
5. Watch Dog – Lobbying, Parliamentary Questions, Campaigns etc.

Human Rights Policy Department as a case study

1. Informing Policy

The mechanisms used and the content of work include:

- Thematic Panels (torture, freedom of expression, freedom of religion, abolition of the death penalty)
- Special Consultations (Commission on Human Rights, Dialogue with China, Dialogue with Russia etc.)
- One-to-one Consultations (desks and posts)

2. Informing who we are

There is increasing diversity of the organisations and openness to different partners – still not enough but the situation is improving.

Human Resource Development – NGOs are involved in training (two week Human Rights course)

Staffing itself is influenced as experts are engaged from civil society as advisers both at the FCO in London and in Posts around the world (currently Nepal, Venezuela, South, East and West Africa, Ukraine etc.).

A new department has been set up whose task it to ensure that the FCO does reach out to interest groups and communities to which it does not naturally do (e.g. Muslims in the UK).

3. Implementing FCO Objectives

The Human Rights Project Fund (approx. 11 million Euro) is a good example of this. The FCO and NGOs work in partnership e.g. co-operation between the Association for the Prevention of Torture and EU MS for the adoption of an Optional Protocol to the Convention against Torture (CHR and UNGA in 2002).

On the ground financial support is provided to projects implemented by international and local NGOs (Penal Reform International, Article XIX, or local organisations on the ground (over 300 projects in 90 countries since 1998).

4. Communication

Working with NGOs indirectly communicates to the wider NGO community, public, press, Parliament. Annual Human Rights Report (widely praised by NGOs) helps to get positive news across and to put the government's case in more controversial areas.

5. Watch Dogs

This is a very important role. The distinction between Government and civil society is crucial. NGOs have an important and legitimate role to play in ensuring the Government respects its international commitments and its commitments in its manifesto.

Although the area of Human Rights provides perhaps one of the best examples of Government/NGO co-operation, it is not exceptional. Similar co-operation exists in other areas: the environment, strategic thinking, security, and on a geographic basis as well.

There are limits to this kind of co-operation. At the end of the day Government and NGO interests are not conterminous. There are wider issues and wider considerations. But now it is unthinkable to imagine Government developing broad foreign policy without consulting with and being informed by the views and expertise of civil society organisations.

The role of NGOs in French foreign policy initiatives

Jean-Louis Sabatié

1. Relations between NGOs and the state

At a discussion held at the French Foreign Office (Ministère des Affaires étrangères) on relations between NGOs and the state, the question was asked, ‘What do NGOs expect from the state?’ I replied, perhaps rather provocatively: ‘recognition and money’.

1.1. Recognition

NGOs wish to be recognised for the following.

- Their role as pioneers in such fields as protection of the environment, AIDS awareness and treatment, antipersonnel mines, debt, and the social responsibility of businesses.
- Their role in mobilising public opinion on major issues concerning the future of humanity and of the planet.
- Their role as effective operators in development projects, in which they benefit from proximity to direct beneficiaries and greater reactivity.

As a consequence, NGOs wish to enter into partnership with government bodies in the implementation of government policies, and even in defining them. Therefore they expect help from the government for the training of their managers and the capitalisation of their involvement in the field, as well as financial resources to put their projects into practice.

Likewise, to promote voluntary work in international development assistance, NGOs are asking for a status for the voluntary sector which would be separate from the salaried sector and would be part of the promotion of the social economy. In order to increase private giving, a reform of taxation and of the legislation relating to foundations is also expected.

1.2. Money

In France only 0.6% of government development aid (Aide Publique au Développement) is channelled through NGOs, as against 9.8% in the Netherlands and 3% in the UK.

For France this represents 78 million euros for 120 associations, or 10% of the resources mobilised by these NGOs, which also obtain 140 million euros from the European Commission.

In the last two years co-financing given by the French Foreign Office (MAE) to the NGOs has increased by 20%.

Also a handbook drafted by the Commission Coopération-Développement has improved co-financing procedures.

The state keeps a watchful eye on the use of public funds by NGOs, and is particularly vigilant on the matter of transparency in their organisation and management.

The NGOs emphasise the importance of bilateral aid and also are asking for an improvement in their relationship with the European Commission. The majority of NGOs do not want an Agence de Coopération Internationale to be created and prefer to keep their privileged link with the MAE.

NGOs are not asking for less state involvement but for a more effective state.

2. What does the state want for its relationship with NGOs?

For a long time the state has been aware of the importance of this partnership and of the social dimension of associations' activities.

French diplomacy has involved private organisations in the implementation of its international cultural policy from the 19th Century onwards.

A boost was given to this after the creation in 1984 of the Commission Coopération-Développement, which has 10 representatives of government bodies and 10 representatives from associations. The aim of this commission is to provide mutual information and to organise working parties on themes of common interest (education, debt, voluntary work etc.).

In 1997 the conference of the Assises de la coopération internationale held on the initiative of the MAE at the Sorbonne brought together representatives of civil society, local authorities and the state. The creation of the Haut conseil de la coopération internationale (HCCI), a consultative body reporting to the Prime Minister, in 1999 is one of the most important results of the conference. The work of the HCCI is to offer opinions and recommendations about development aid and to make public opinion more aware of this subject.

In 2001, on the occasion of the centenary of the law on associations, the Prime Minister asked the Commissariat Général au Plan for a report on relations between the state and NGOs. This report entitled L'Etat et les ONG: pour un partenariat efficace is available from Documentation française.

In December 2002, the Conseil interministériel de la coopération internationale et du développement (CICID) emphasised the voluntary sector co-development and decentralised co-operation thus stressing the importance it attached to the mobilisation of civil society.

Also, when preparing for large international meetings (Monterrey, Johannesburg, Kyoto, G8 at Evian) the President of the Republic and the government have consulted NGOs, being aware of the role that they can play with national and

international public opinion to prompt discussions on such subjects as sustainable development, the fight against AIDS and cultural diversity.

The MAE gives 2 Million euros per annum to NGOs for campaigns for development education.

The section of the MAE dealing with development assistance (La Direction générale de la coopération internationale et du développement) has focused on solidarity and influence, and its relations with NGOs show that the two sectors often share a common perspective. The 2001 report on the activities of this government body contains the following paragraphs:

‘The consequences of badly controlled globalisation are well known.

- Globalisation causes inequalities and exclusion. 80% of the world’s population live in the poorest countries, which only produce 20% of world income. Africa is the region that suffers the worst effects of this.
- Globalisation weakens states. Financial flows, the massive exchange of goods and services, the increase in commercial competition, migration of population whether desired, imposed or restrained, the development of new techniques of communication: all of these factors blur frontiers and make territorial borders less visible.
- Globalisation can also make the citizen feel dispossessed and powerless. As a reaction there can be a withdrawal into the identity of the group, or divisions within societies, which can be dangerous developments if they drift towards xenophobia and fanaticism. The more goods and capital circulate, the more marked ethnic and religious identities and separatism become. This is the phenomenon of *globalisation-fragmentation* of a planet where man is torn between the aspiration to be a citizen-nomad of the world and a headlong quest for roots and identity.

Foreign policy initiatives must take advantage of two major developments:

- the emergence of world public opinion
- the setting-up of regional entities

Thus relations between the NGOs and the MAE have intensified both in involvement in urgent humanitarian operations and development projects and also in making public opinion more aware.

3. The MAE attaches particular importance to the strengthening of civil society in the South and the East

This programme is carried out together with French NGOs, but can sometimes give rise to complaints from NGOs in the countries on the receiving end (challenging the involvement of NGOs from the North) and the governments of these countries (who see signs of mistrust or interference). The strengthening of

civil societies of the South has come about because of specific tools such as le Fonds social de développement (FSD), le Fonds de solidarité prioritaire (FSP) and debt reduction and development contracts (C2D). The same strengthening is also evident when NGOs and local authorities participate in the preparation of joint commissions.

The MAE has also supported the preparation of the African Social Forum (in 2002 in Bamako and in 2003 in Addis Ababa) and the participation of foreign delegates at the World Social Forum at Porto Alegre in 2002 and 2003.

The French government helps associations for international assistance whose staff have immigrated and are living in France, Organisations de Solidarité Internationale Issues de l'Immigration (OSIM) to involve themselves in international development aid. The state financed the setting-up of the Forum des Organisations de Solidarité Internationale Issues de l'Immigration (FORIM) which combines associations. Co-development is also a programme that should interest these associations (OSIM).

4. Although the organisers have not directly asked me to do so, I will conclude with some thoughts on development education and the role of local authorities.

In fact better co-operation between the local authorities (through their elected representatives) and the NGOs seem to be evidence of success for development education and for raising awareness of international solidarity.

What is the point of development education? Is it only a question of taking an interest in the poorest people in other countries who are supposed to expect help from developed countries, or to engage in a discussion on international solidarity and its necessity for guaranteeing peace and sustainable development everywhere?

The choice of objectives and indicators of results depends on the answer to this question. As an indication, but by no means as a complete list, the following objectives are shared by the NGOs:

- recognition of economic, social and cultural rights
- controlling the ill-effects of increased economic neo-liberalism and the introduction of commercialism
- sustainable development on the basis of international co-responsibility (Kyoto protocol, renewable energies etc.)
- preparation for large international meetings
- the place and role of foreigners living on our territory
- the increase of North-South financial transfers aimed at satisfying essential needs of the poorest, and job and wealth creation (APD, private aid, taxation, private investment etc.)

- support for a strategy of influence (cultural diversity, prevention of conflicts and the seeking of peaceful solutions)

The crucible of democracy, security and peace is where life takes place, in the city. This is the origin of the idea of programmes for a municipal revolution to enable democracy to be strengthened and rebuilt from the bottom to the top, from the local district to the nation-state,¹ which would guarantee the general interest of those who have decided to live together sharing the same values.

In the developing world the redistribution of wealth would no longer be carried out, as it still is sometimes, according to membership of the political, economic, ethnic or religious group in power, and for the benefit of its clients and allies. The existence of a participatory democracy at a local level allows easier control of redistribution to satisfy individual need in an equitable way.

In the developed world, security will come through the strengthening of social links, the sense of belonging to a community with broad interests, rather than one in which each group is locked into its own identity,² where foreigners living alongside us have rights and duties to respect. Security will also come through social inclusion, and, for example, councils at district level and participatory budgets, in addition to being open to the international scene.

The initiatives of NGOs, international voluntary work, and programmes focusing on youth, the urban environment and international solidarity should be brought closer together by a pooling of information and experiences, and sharing the choice of priorities for both geographical location and themes. If the decentralised development aid body endeavoured to achieve this, it would be more effective and influential both at home and abroad.

State action would be:

- making clear the state's priorities in international aid and assistance
- providing technical and financial support for programmes and projects with an international dimension carried out by civil society (studies, advocacy, major conferences)
- proposing priority programmes (post-crisis reconstruction, Compagnie du développement durable (C2D), international voluntary work, co-development etc.)
- giving support when requested to national and regional associations and groups such as associations of elected representatives, Co-ordination SUD, FORIM, Réseau d'appui à la coopération (Resacoop) Liaisons, Informations et Appui à la Coopération Nord, Est, Sud (Lianes)

¹ This idea of the nation-state does not exclude the promotion of unions between states, as the prevention and solution of national and international conflicts often have a regional-international dimension.

² Withdrawal into oneself, fear of others who are different and so force one to think about oneself and one's own certainties, constitutes a form of envelopment, which is the opposite of development: the chrysalis becoming a butterfly.

- entrusting the execution of projects to Organisations de Solidarité Internationale (OSIS) and other bodies in civil society whilst respecting rules of transparency and competition and seeking efficiency

Action by the local authorities would be:

- Developing relations with NGOs, OSIM, the international voluntary sector and young people taking part in international activities. Priorities for action would be set after dialogue including all those involved. This already happens in some regions, administrative areas and towns.
- Bringing co-financing to those carrying out joint projects, with the aim of achieving coherence (with the funds assigned entered into an appropriation bill?).
- Presenting the advantages of international development assistance not only for the direct beneficiaries abroad but also for local citizens.
- Continuing to proceed with their policy of decentralised development assistance within the legislative framework and working directly with Ambassadors and Prefects.

Alongside the few large French NGOs with an international dimension which maintain a dialogue with the state, the other NGOs must be heard and supported by local and decentralised authorities.

NGOs and Global Governance

Cécile Jolly

NGOs are vectors of influence and competitive players in the field of development, and for this reason the state sector needs to work with them in its activities

Vectors of influence on public opinion

NGOs have become an organised force in society in their own right, on the same basis as trade unions representing employees and employers. This is a result of the influence they exert on public opinion, and their importance as organisations, both in financial and human terms. Cf. the declaration of the Council of Ministers on 5 March 2003:

The involvement of all citizens in actions of common interest is more necessary than ever before in order to strengthen social bonds and solidarity and to encourage creativity and generosity on the part of our fellow-citizens.

This focus on NGOs is the result of a slow process of change involving many factors.

- Public demand for intervention and involvement of ‘civil society’.
- Mistrust of ‘politics’ and the different role attached to business cf. the fourth Edelman study polling 850 people in the United States and Europe which shows that opinion formers have as much confidence in NGOs as in companies and governments. The lack of trust in business prompted by financial scandals and the crisis in the stock exchange has now tilted the balance in favour of the NGOs. The same can be said with regard to the difficulty experienced by states in regulating the increasingly complex problems that often require intergovernmental co-operation.
- There are an increasing number of issues which go beyond national borders (developmental and environmental issues). The need to preserve global public goods is judged to be better defended by organisations which by their very nature operate without frontiers and aim to redress the balance of iniquities in the world.

The growing importance of multilateral regulatory bodies brings with it two problems:

- The lack of transparency of international regulatory bodies, and the power of national interests in the operation of these bodies to the detriment of the general interest and of the weakest states, are points in favour of the intervention of NGOs. Some NGOs, like ATTAC in France, have specialised in representing those who have no voice.
- There is a similar situation with regard to the increasing weight of decisions made by multilateral regulatory bodies. These decisions affect daily life, but citizens, being so far removed from the centres of decision-making, have no possibility of discussing them.

NGOs as competitive players in development

1. NGOs have a number of advantages compared with the state.

- They are resourceful in emergency situations, but also in more long- term projects. For this reason they are in demand by states and worldwide bodies to carry out humanitarian projects.
- They have the advantage of proximity to populations receiving help.
- They have lower operating costs.

2. French NGOs have to some extent caught up with their European counterparts by becoming much more professionalised. This was necessary due to the combined pressures of the increase in their funds and the geographical widening of their field of activity. They have become more resourceful in their reactions to changes on the ground, both in emergency situations (by improving logistic capability) and in development work. They have strengthened their administrative capabilities, under the combined pressure of public and private donors (individuals and businesses) who demand to be given an account of how their money is spent. Spurred on by competition between national and international NGOs for funding, they have developed their capacity to win market share – to use business jargon – by improving fundraising. Finally, they have continued to benefit from attracting young, qualified people motivated by ethical considerations, who are prepared to receive only modest pay at the start of their careers. NGOs have become dependable operators on whom the state can rely, because of this increase in their technical and financial competence.

3. They have now become powerful organisations whose financial capacity gives them the role of levers in public development aid.

In France NGOs have grown very strongly in recent years, and they attract a large share of private funds, essentially by appealing to charity. In fact 60 per cent of their resources comes from private funding, mostly from individual donations. Resources are concentrated on a few NGOs, the largest of them accounting for 78 per cent of humanitarian aid funds (public and private). Since the financial base of NGOs has increased, their private resources are now the equivalent of 12 per cent of French government development aid (APD). Therefore, alongside the state, they are very important players in international solidarity.

Private resources of French NGOs = 12 per cent of state development aid.

Concentration of resources in a few large NGOs: the 18 largest NGOs account for 76 per cent of humanitarian aid funding.

A growing role in institutional mechanisms worldwide and in Europe

In a context where aid policies and the means to carry them out are mainly implemented and mobilised by multilateral and European institutions, NGOs have been called upon to act as advocates. They seek to modify certain policies, put back on the agenda issues which they regard as having been dealt with badly or insufficiently (cf. antipersonnel mines) and challenge concepts behind the implementation of multilateral development policies (cf. Porto Alegre conference). They therefore play an important role in multilateral regulations:

- by being able to introduce changes in concepts (Porto Alegre conference)
- through their impact on the political agenda (antipersonnel mines)

This new function of NGOs is not without its difficulties and contradictions. They are actually accused of hindering international regulation which is now needed to benefit the poorest countries. Another criticism of NGOs is that they are a rallying point for all kinds of protests without the staying power to propose political alternatives. The Porto Alegre conference is the first attempt to answer this criticism by trying to reconcile the approaches to anti-globalisation of the North and the South.

How should relations between the state and NGOs be governed?

The states cannot ignore NGOs in their role as intermediaries for state influence. The NGOs, who do not seek to replace politicians but to influence them, also have much to gain from closer collaboration. Whilst this is acknowledged more than it used to be in France, both sides still have many questions to answer about this interaction between the state sector and the associations. In particular there is the issue of how to preserve the autonomy of both sides. State action must not be dictated by the NGOs, who have their own interests, and NGOs must not become the instruments of the state. How far can one and should one go in collaboration, dialogue and the facilitation of the NGOs' activities?

This legitimate questioning occurs within a specifically French context. Relations between NGOs and government bodies in France have come about more recently than in other European countries and are often more prone to conflict. This is caused by two main factors:

- Because of a tradition of centralisation (which also exists in Britain) bodies that are not government-run and lack the blessing of the elector's votes are considered to be less legitimate. In addition, for a long time, the French administration was directly responsible for a certain number of policies, particularly with regard to development aid (but also most social policy). This is not the case in Britain, where some of the implementation of action plans for aid at the national and international level has always been delegated to associations and to society.
- French NGOs have developed relatively recently, and had their origins in periods of militancy (e.g. the *sans frontières* movements of the 1970s). They are less professionalised than their British and American counterparts. These characteristics encourage a greater separation between the sphere of the state and that of the NGOs than in other countries.

However, the two features mentioned above as specific to the situation in France are eroding considerably as French NGOs become more professional and more international. The experience of confrontation and collaboration, especially within European bodies, is a major contributory factor to this. Also, change has been brought about because of the transformation in the role of the French state which, as in the rest of Europe, is moving towards the role of regulating rather than tackling issues itself, and is delegating some of its activities more easily. The reform of French government institutions concerned with development assistance (*la coopération*) should be seen in this light.

The state as facilitator

In order to ensure the reliability of operating organisations, and also to boost the influence of associations working internationally, government bodies play the role of encouraging the charitable activities of the NGOs and monitoring the use of public and private funds. Thus the state is both a facilitator (in its regulatory role) and a contributor through the funding it provides. It acts as facilitator in three different ways: first, as guarantor of the legal security of the NGOs and the donors; secondly, through granting tax incentives it encourages the mobilisation of private funding; thirdly, it facilitates the organisational structures of the NGOs.

The state as guarantor of the legal security of NGOs

To what extent is it possible to facilitate the legal basis of NGOs? In France NGOs are essentially set up as associations. Foundations recognised by the Conseil d'Etat as being in the public interest must make an irrevocable allocation of assets, usually of more than 700,000 euros, which is scarcely accessible to most NGOs. So associations, whether they are just declared or are recognised by the Conseil d'Etat as acting in the public interest, are the most common and accessible form for NGOs to take. (Declaration is straightforward and does not require any approval.) In contrast to Britain, the form which an association takes in France does not offer any room for manoeuvre comparable with that of business. An association is a legal entity that can be a party to legal action, receive gifts and in some cases legacies, but it is not authorised to manage securities or properties. At present there does not seem to be any possibility of anything comparable to the status of a Company Limited by Guarantee coming into existence in France. In fact, the principle in fiscal matters is that of lack of competition between the associations sector and the business sector. Thus an association can have profitable activities, but they must be completely separate and do not benefit from commercial tax exemptions. The aim of this separation is to prevent associations being used as a cover for purely commercial activities. On the other hand, it is possible to improve the regime relating to recognition of public interest, which offers more legal capacity, which is what the government is committed to do for the foundations. The procedure for recognition (which is similar to the status of British charities) is indeed very long, and could usefully be simplified. Similarly, the field of *petite reconnaissance*, or charitable status, (which provides the possibility of receiving bequests for five years) would benefit from being extended. As in most European countries, this regime places NGOs in the same category as other associations working in France in such a variety of fields as sport, health and education. Taking note of this confusion, some countries have followed the example of Belgium in creating a new legal status especially for NGOs. This solution has not been accepted, since special humanitarian status would in fact impair the flexibility of an association. Moreover the granting of such a status would imply a sort of state approval, which might have a damaging effect on the diversity of NGOs and their capacity to challenge and protest.

Finally, the state must oversee the appropriate use of the NGOs' funds, to the extent that these funds come from public donations. With this in mind, the *cour des comptes* (revenue court) has been granted the right to audit the accounts of associations.

The state facilitates the mobilising of private funds by granting tax incentives

Encouraging gifts from individuals

The government has taken up some of our suggestions: each taxpayer will be able to take advantage of a tax reduction of 60 per cent of the total of his gifts to charities (compared with 50 per cent at present, except for particular charities) up to an upper limit of 20 per cent of taxable income (now 10 per cent of taxable income). The government has accepted another of our suggestions based on the German model. In the case of large gifts it will be possible to carry over the surplus of the tax reduction over five years. This measure is designed to give an incentive to those who are paying the highest level of tax to give more. (An analysis of giving shows that it is lower income households that give the most.)

Encouraging company sponsorship

In its draft bill the government also committed itself to increasing the tax allowance on company gifts. The tax cut for companies will be the equivalent of 60 per cent of the value of the gift, with an upper limit of five for a thousand of turnover, which constitutes almost double the advantage allowed by the present system. This measure alone will not be sufficient to dent the mistrust that prevails between companies and NGOs in France. In fact, apart from NGOs concerned with

environmental issues, French NGOs are reluctant to work with business, and the companies themselves are not without their reservations.

A tax regime on legacies improved for foundations but not for associations

The draft bill has at last improved the tax regimes for bequests to foundations. It allows legatees, donees and beneficiaries to deduct from death duties the total of their gifts to foundations recognised as acting in the public interest. On the other hand, there is nothing of this nature intended for associations authorised to receive bequests.

Likewise, the tax regime for foundations has been improved without any reference to associations. The draft bill provides for a doubling of allowance on company tax which foundations recognised as being in the public interest benefit from, which goes up from 15,000 to 30,000 euros. However, it would be desirable for associations to exempt totally or partially commercial revenues coming from philanthropic activities.

The state fosters the organisational structures of the NGOs

The state and society have an interest in maintaining the diversity of associations, whilst also encouraging them to share their specialist skills or even amalgamate. Unlike the British situation, and despite the concentration of funding in a few large NGOs, French international aid associations remain very dispersed which guarantees their diversity and allows innovation. However, this also means that the associations are not well resourced and cannot always attend international conferences or participate fully in development programmes (no capacity for fund raising etc.). Taking account of this, the French government has prioritised financial support for large federations and groups which provide a platform for associations. The government also enables NGOs to participate in some international negotiations (Johannesburg) by including them in delegations and paying their travelling expenses. Nevertheless, it is difficult to do more in this direction, apart from a few improvements in isolated cases. The internal organisation of the international aid association sector is far from reaching the stage of self-regulation achieved by British NGOs through the Disaster Emergency Committee in particular.

The state as a sponsor and strategist of international aid policy

The indirect action of the authorities in organising legal guarantees and tax incentives must not distract our attention from the fact that the state works directly with the NGOs in two ways. The NGOs act as providers of the state's international aid policy in many countries and in community and international bodies. Because of their role in society they are also consulted by the state about matters of strategy, which as we shall see is not always so simple.

- In spite of the increase in government programmes for development, emergencies and the environment carried out on behalf of the state by NGOs, France stands out from other countries because of the small amount of public funding channelled through international aid organisations. It is now possible to increase this amount. There is much room for manoeuvre in this respect. From 1 per cent to 3 per cent of French state development aid is channelled through NGOs at present, much lower than the European averages (19 per cent in Germany and 10 per cent in the Netherlands).

Present methods of funding are at fault because of the slowness of payments. Today procedures for financial control and competition are now an integral part of public procurement law and the contracting out of public service in order to guarantee a legal framework for the correct use of public funds. However, these procedures are not suited to emergency situations, which are, by their very nature, unforeseeable, and they impair the capacity to react that is necessary on the ground, in long-term development operations as well as in other operations. The use of other instruments can now be envisaged without dispensing with an audit of the accounts, and of the

activities before and after they have been carried out. Procurement procedures in urgent cases, prior agreements extending over several years with NGOs experienced in working with government bodies and with proven ability for rapid reaction, and systems of advance payment can combine the requirements for control and for making funds available quickly.

At an earlier stage, the administration of the financing of NGOs might be improved by following the German model. Germany has actually subcontracted this administration to a private body financed by the state. In France this could be a collective of NGOs or a large association.

- The relationship between the NGOs and the state goes beyond that of supply (the associations) faced with demand (the government). The associations are increasingly demanding a say in the defining of strategies. The outlook is now more pragmatic, so the increasing importance of NGOs in development requires that the fields of activities of the state and the associations be optimised to achieve better leverage.
- For several years the government has organised a gathering with the NGOs to discuss policies and concepts. There are two types of body promoting dialogue with NGOs in France. In one type the NGOs are present on the same basis as other social partners, such as the CES (Conseil Economique et Social), HCI, the Consultative Commission on Human Rights, and Conseil Nationale de la Vie Associative (a national council of associations). In the other type the bodies are specifically for NGOs and organise the collaboration between NGOs and the government, such as HCCI (Haute Conseil de la Coopération Internationale), Cocodev (Commission de la Coopération et du Développement), and the Club ONG in the AFD (Agence Française du Développement).

Nevertheless, French strategic decision-making on development aid remains outside the field of action of these organisations. (This is less true of environmental issues.) The real decision-making happens in interministerial development committees. It may now be possible to envisage a big annual consultation meeting on the British model. This would not imply the state imposing its vision on NGOs or vice versa. But it would allow common objectives for concerted action to be determined whilst preserving freedom of action for both sides.

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Annexe VII

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