DOCTORAL THESIS

NON-GOVERNMENT ORGANIZATIONS AS POLICY ACTORS:
THE CASE OF IMMIGRATION POLICIES IN SPAIN

Author: John Casey
Departament de Ciència Política i Dret Públic (Political Science and Public Law)
Universitat Autònoma de Barcelona, Spain
(Until 1999 only. Current position: School of Public Affairs, Baruch College, City University of New York. E-mail: john.casey@baruch.cuny.edu)

ABSTRACT

This thesis seeks to explore the role that non-government organizations (NGOs) play in the public policy process. The aim is to review the most significant theoretical approaches that shed light on the possible outcomes of NGO participation and to apply their conclusions to creating an inter-disciplinary analytical framework which can contribute both to an understanding of the part NGOs play in the dynamics of policy-making and to an analysis of the conditions which determine their participation and the strategic choices they face to further their policy objectives.

An analysis of the theoretical literature from diverse social science disciplines reveals that NGO participation is likely to be conditioned by: the political opportunities offered by the polity in which they operate; the nature of the policies they are addressing; the characteristics of the organizations seeking to participate and the resources they command; and, the network of actors involved. These four factors are used to construct the framework for evaluating the outcome of NGO participation in the development of public policies.

This framework is applied to an analysis of the role that NGOs have played in the development of public polices on immigration in Spain. This case study is presented in two parts which cover both a general overview of NGO development and immigration policy in Spain, as well as two case narratives which analyze the role of Spanish NGOs in more depth. The research concludes that Spanish NGOs have not yet been able to establish themselves as strong independent actors in the immigration policy process.
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For more information, contact the author:
John Casey, john.casey@baruch.cuny.edu
DOCTORAL THESIS

Non-Government Organizations as Policy Actors: The Case of Immigration Policies in Spain

John Casey
Departament de Ciència Política i de Dret Públic
Universitat Autònoma de Barcelona

Director: Dr. Ricard Gomà Carmona
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ABSTRACT

This thesis seeks to explore the role that non-government organizations (NGOs) play in the public policy process and to evaluate the impact of such NGO political participation.

An analysis of the theoretical literature from diverse social science disciplines reveals that NGO participation is likely to be conditioned by: the political opportunities offered by the polity in which they operate; the nature of the policies they are addressing; the characteristics of the organizations seeking to participate and the resources they command; and, the network of actors involved. These four factors are used to construct a framework for evaluating the outcome of NGO participation in the development of public policies.

This framework is applied to an analysis of the role that NGOs have played in the development of public polices on immigration in Spain. This case study indicates that Spanish NGOs have not yet been able to establish themselves as strong independent actors in the immigration policy process.
INTRODUCTION
"Politicians and other policy-makers rarely take action on their own account. They are subject to the wind of change -- the harder the wind blows, the more they change." (CMTS, 1984: 98)

This quotation, taken from a training manual for non government organizations (NGOs), expresses a basic article of faith: that NGOs can effectively channel citizens' preferences into meaningful participation in the policy process.

There appear to be, however, few confirmations of that claim. Social scientists describe various processes which serve to exclude NGOs from the policy process and NGO activists debate the relative effectiveness of strategies and tactics used for influencing policy decisions. It is relatively easy to document the important increase in NGO activity in the last decades, but determining their significance for politics, policy-making and the distribution of power is a somewhat more complicated matter (Marsh, 1994).

The aim of this thesis is to review the most significant theoretical approaches that shed light on the possible outcomes of NGO participation in the policy process and to apply their conclusions to creating an inter-disciplinary analytical framework which can contribute both to an understanding of the part NGOs play in the dynamics of policy-making and to an analysis of the conditions which determine their participation and the strategic choices they face to further their policy objectives.

If, as some authors suggest, NGOs are the new channels for mass-membership participation and political parties are declining as a necessary condition of democratic participation (Smith, 1995; Pross, 1992), then we must understand the process by which NGOs further the policy negotiation process. If NGOs are replacing political parties as the channel for collective participation, are NGOs also replacing, or complementing, them as centers of institutional legitimacy and political power?

1.1. NGOs as Policy Actors

The parameters and limits of NGO participation have been mostly ignored by writers on the policy process, who tend to concentrate instead on institutional actors, elites or, if they do look at extra-governmental actors, they consider only the few most prominent organized pressure groups. At the other end of the spectrum the practitioners -- the professionals and volunteers who work in NGOs -- have a tendency to attribute almost limitless powers of influence to their organizations.

Through this thesis I seek to explore the middle ground between these extremes and analyze the possible point of equilibrium.
The working premise is that NGOs have the potential to influence but that this potential will be strictly defined in terms of both the external political environment in which they operate and the internal characteristics and capacities of the organization.

The objective is to explore these external and internal variables that determine the parameters of the participation of NGOs in order to allow researchers and practitioners to better understand the limits and opportunities facing NGOs seeking to influence the policy process.

The task is somewhat onerous, given the current standing of research on the political power of groups and organizations:

"[M]aking assessments of group power is fraught with problems. There is no satisfactory way to measure it at either the individual group or system level ... Group power is the area of interest group studies most in need of research, but the complex variables involved, some of which have probably not been isolated, make such research a difficult challenge and perhaps an impossible one, given the current state of knowledge and investigative techniques." (Thomas, 1993: 223)

With this as the current "state of the art", it would be presumptuous to pretend to offer a definitive analysis. The objective and methodologies of this thesis are more modest and seek to lay the groundwork for determining the range of variables relevant to NGO participation in the policy process and to explore their operational parameters.

1.2. Content of the Thesis

This thesis is presented in four parts: 1) the theoretical considerations; 2) the synthesis of these theoretical considerations into unified analytical framework; 3) a case study of the application of the analytical framework; and 4) final reflections on the role of NGOs.

1.2.1. Part I: Theoretical Considerations

The theoretical background explores the various social science discourses which seek to explain the policy process and the actions of the diversity of actors that participate in that process, as well as exploring in more detail the current research on NGOs.

Chapter 2 analyzes the processes of policy development, in particular the distribution of power within it and the participation of diverse actors. This chapter presents a network approach as the substructure of the framework that allows us to bring together the discourses explored in this thesis.

Chapter 3 analyzes various social science approaches on the actions of actors participating in the policy process and collective mobilizations, including the main discourses from political science (interest groups) and sociology (social movements) as well as the discourses on rational choice and civil society. Given that there is a paucity of literature that directly address the issue of NGOs as policy actors, it is the approaches addressed in this chapter that form, by analogy, the skeleton of the analytical framework.
Chapter 4 focuses in on the research that directly considers the growth of NGOs in the last decades and analyzes the research that has emerged from the current conception of non-government organizations as a *Third Sector* which undertakes diverse functions and roles. This chapter explores these role and their relation to the more political, advocacy role of NGOs.

1.2.2. Part II: Towards a Unified Analysis

Part II (Chapter 5) seeks to create a unified analysis which synthesizes the various approaches outlined above. The aim of this synthesis is the development of analytical tools which allow practitioners and researchers to identify the limits imposed by the political arenas within which NGOs are intending to influence the policy process and to understand the internal limitations they face.

1.2.3. Part III: Case Study

The application of these theoretical considerations to current practice will be based on a case study of the role that NGOs play in the development of public policies on the intake and settlement of foreign immigrants in Spain. The case study is presented in two parts which cover both a general overview of NGOs and immigration policy in Spain, as well as two case narratives which analyze the role of Spanish NGOs in more depth.

Chapter 6 includes an overview analysis of the recent expansion of NGOs in Spain and of the role of NGOs in immigration policy. Chapter 7 contains two specific case narratives that examine the role of NGOs as actors in two contrasting ambit-arena contexts: a) the national-legislative context of negotiation over reform of the 1985 *Ley de Extranjería* which culminated in the approval of new Rules (*Reglamentos*) in February 1996; b) the regional-institutional context of the development of immigrant integration policies by the regional government of Catalonia, the *Generalitat de Catalunya* (as published in the integration action plan, *El Pla Integral d'Immigració*), in particular the process through which the Generalitat assumed the recommendations from the Girona Report (*l'Informe de Girona: cinquanta propostes sobre immigració*), a lobbying document produced by a coordinating body of NGOs, the Commission of Associations and Non-Government Organization of the County of Girona (*CAONGCG: Comissió d'Associacions i Organitzacions No Governamentales de les Comarques de Girona*).

Immigration is fertile ground for research on the political participation of NGOs. It is a new area of public policy in Spain which has coincided with the recent expansion of NGO activity. Furthermore, it is seen as a policy field in which NGOs are playing a particularly significant role. In a commentary on the subject of the second case narrative, Victoria Camps contends that:

"The Girona Report is a perfect example of how civil society\(^1\) takes initiatives and works with them to influence government." (Victoria Camps, *Introduction to Citizen"

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\(^1\) See Chapter 3 for the relationship between the concepts *civil society* and NGOs
Mohammed by Carles Navales, 1996)

This research will enable us to explore if there is substance behind this perception.

1.2.4. Part IV: Final Reflections

The final part offers a brief epilogue of reflections on NGOs and the policy process.

1.3. Definition of Non Government Organizations (NGOs)

NGOs are non-governmental, non-profit, collective action structures that provide interest articulation and the delivery of service and goods.\(^2\) *NGO* is one of the most common terms used to designate these organizations, whose activities have experienced a spectacular increase in Western democracies over the last 15 years. The changes generated by this growth have overwhelmed the definitional boundaries of other terms of earlier currency such as *interest group* and *social movement organization*, examined in Chapter 3, which do not encompass the contemporary realities of the structures and organizations through which people seek to participate, nor portray the range of the services provided. Moreover, the dynamics created by the myriad of liaison/consultative bodies, umbrella bodies, and other current collaborations between government institutions and NGOs are not easily explained through the processes invoked by the earlier terms.

The unit of analysis is an organizational actor and not individuals or more informal groupings such as *social movements*. By extension, this includes not only an individual organization representing a defined constituency of citizens, but also secondary-level organizations which represent a group of NGOs and also other looser coalitions of like-minded organizations.

1.4. Methodology

The thesis will use the typical methodologies associated with theoretical and case study research:

a) General literature review of the most important theoretical works related to the study of the policy process and NGOs.

b) Specific source documentation review of materials related to the activities related to the Spanish case studies.

c) Semi-structured, in-depth expert interviews with the most important relevant actors involved in the case study.

The term *case study* describes an intent to analyze the evolution of a specific area of public policy during a defined time period and involves the application of skills such as observation, description, reasoning and evaluation (Barzelay, 1991). As noted above, the case study presented in this thesis has its basis in the analysis of group power and so displays all the methodological problems inherent in such studies and assumes possible research dilemmas such as the discrepancy between real events and remembered events, and the subjective interpretations of the protagonists (Butcher et al., 1980).

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\(^2\) See Chapter 4 for a more detailed discussion of the definition of NGOs and for the justification of the choice of this term over other similar ones.
I should also note that I am a participant observer in the processes described in this thesis and I am "engaged and sympathetic" (Diani and Eyerman, 1992: 3) to the endeavors of NGOs seeking to influence immigration policy in Spain, given that I am a member of the Board and spokesperson for *SOS Racisme*, a prominent NGO working in this field. Perhaps I will be accused of lacking the professional distance of less engaged researchers, but I believe that researching and reflecting on issues in which I am an active participant both aids my practice and adds considerable depth to my analysis.
PART I

THEORETICAL CONSIDERATIONS

CHAPTER 2
THE PUBLIC POLICY PROCESS

2.1. Introduction

The expansion of public intervention in 20th century capitalist society has been accompanied by the development of analytical frameworks which seek to explain the public policy process as the result of a complex interaction of diverse political, social and economic dynamics.¹

A key element in these dynamics is the intervention of a diversity of "actors" -- participants in the various actions and negotiations which determine the content of public policies and later in the oversight and evaluation of their implementation. Researchers tend to concentrate on governmental or "institutional" actors -- legislators, political parties, administrations, etc. -- but also identify other extra- or non-institutional actors.

This chapter outlines the most important perspectives on the public policy process and identifies the role of NGOs as extra-governmental actors.

2.2. Policy Sciences

At the beginning of this century, early studies on the decision-making process in the public sector reflected two complementary tendencies: a) the desire, previously manifested in the private sector, to create "scientific" management;² and, b) the interest in separating public actions from the influence of political patronage (Davis, 1993; Subirats, 1990). A process was sought that could meet the Weberian instrumentalist necessities of an empirical and apolitical management: a rational approach which formulated public actions as the result of a closed system that synthesized the available information and generated comparable alternatives which could be used to make the "best" decisions, according to the original goals and values.

This rational approach was more normative than explicative, given that to sustain the viability of such a decision-making process there needed to exist a combination of factors that rarely reflected the reality of the dynamics of public action: there needed to be consensus on the definition of the problems, the goals to be attained and the values to be applied; there had to be access to the resources necessary to carry out the labor-intensive work of identifying and evaluating alternatives; and it was necessary to work within the context of the political consensus needed to implement the

¹ The political science approach is considered a more Anglo-Saxon/U.S. tendency; as opposed to the "continental" tendency to analyze the public policy process from a more legalistic or economic approach. The last decade, however, has seen the expansion of the political science approach among European scholars.

² Represented by the work of Taylor, Fayol and Ford (Davis, 1993; Subirats, 1990).
Despite being "discredited" rationality continues to be an important analytical model, a touchstone that allows us to identify the barriers to an "ideal" process. It also remains reflected in the "leitmotif" of many neoliberal politicians who preach the need to "take the politics out of government".

Rationality was of restricted utility as a policy-making model, and in the post-WWII expansion of policy sciences other less rational models were put forward, notably Lindbloom's (1959) "incrementalism", Etzioni's (1967) "mixed scanning" and the "garbage-can" model postulated by Cohen, March and Olsen (Subirats, 1990; Regonini, 1990; Davis, 1993), and by the 1960s a variety of approaches were developed both to describe existing processes as well as to provide techniques for analysis and/or models to improve the outcome of public actions.

Currently the field of policy sciences reflects these two focuses: on one hand, it is a theoretical approach which serves as "the point of connection between political science and administrative science" (Subirats, 1990: 15) and attempts to describe the public policy process; on the other hand it is an instrumental tool, a "collection of analytical instruments and research techniques which are used to define alternatives and to guide the actions of public administrations" (Boix, 1990: 167).

There have been various attempts to classify the plethora of current perspectives. The first classification is the one previously described -- the division between explicative and normative approaches. Regonini (1990) offers a second dimension for classification: that of inductive versus deductive methods, which gives rise to four tendencies within policy sciences (descriptive-inductive, descriptive-deductive, normative-inductive, and normative-deductive). Gomà (1992) identifies yet another level of analysis within the descriptive approaches -- "the relationship of the analysis with respect to external variables" -- to indicate that there is in fact a three dimensional classification of approaches.

While I do not wish to disregard the debates resulting from these classifications, I consider them to be peripheral to the aim of this thesis. I will, therefore, restrict myself to acknowledging the importance of distinguishing between these approaches and to locating this paper firmly within a descriptive analysis.

2.3. The Public Policy Cycle

One of the underlying concepts in the majority of the analytical models is the existence of phases, or stages, within the policy process. The rational models presented a lineal process which began with the identification of a problem and finished with its solution. In contrast, current perspectives refer to a more dynamic process which has neither a beginning nor an end, but instead functions as a perpetual cycle of phases of interactions between the participants and the determinative elements.

A classic example of these cycles is that offered by Charles Jones (1984). According to Jones, the process consists of the following phases: a) definition of the problem and its inclusion in the public agenda; b) formulation of the alternatives for action and the decision-making about them; c) legitimation of these decisions; d) budgeting; e) implementation of the alternative(s) chosen; and, f) evaluation of the outcomes. This final evaluation usually results in the reformulation of some

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3. Despite being "discredited" rationality continues to be an important analytical model, a touchstone that allows us to identify the barriers to an "ideal" process. It also remains reflected in the "leitmotif" of many neoliberal politicians who preach the need to "take the politics out of government".
Despite the self-criticism by cycle theorists recognizing the limits of their own approach, other authors continue to give them a literal reading and then criticize the cyclical approach for the very same limits. For example, Sabatier and Jenkins-Smith (1993) criticize Jones and others for not being "predictive".

Jones's approach is both a description of the process and a context for the application of analytical techniques. At the same time, Jones and other researchers who use such cyclical perspectives recognize their limitations. In particular, there is a danger of an overly literal application of the analysis of the relationship between the phases of the cycle. The complexity of the dynamics involved in the public policy process determines that it is unlikely that one phase neatly follows another or that one finishes before another begins. The linear sequencing of the phases is illusory and the reality of the policy process involves simultaneous activity in the differing phases. The differentiation between phases, however, continues to be a valid analytical tool, serving to highlight the distinct dynamics and differing roles of participants as the policy process evolves.

Jones offers a "macro-cycle" that involves the complete process of public action. At the same time, other cyclical perspectives, or "micro-cycles", exist that try to explain more restricted processes and dynamics. Downs, in his research on environmental policies, posits the existence of an "issue attention cycle" which comprises five phases: a) an issue is known only to a small group of specialists and professionals; b) this issue comes to the public's attention, usually as the result of a dramatic event, and a climate of confidence is created with respect to the possibility of a solution; c) a sense of frustration begins to emerge with the realization that the solution requires a significant cost to society; d) the level of interest begins to decline as other issues begin to have more priority for the public interest; and, e) the original issue is returned to the hands of the professionals, but with a new framework created by the changes resulting from the period of interest. Downs recognizes that this model cannot be applied to all policies, but he claims that the reality imposed by the issue attention cycle determines the manner in which the public policy participants will act, given that significant changes tend to occur only during high-interest phases (in Davis, 1993).

The existence of these different phases is tacit in the framework of this thesis. The focus is on the development of policies, the first stages of the cycle that involve the dynamics of problem identification, and decision making over action alternatives (see Kingdon, 1995). Not all societal needs become "problems" which entail public intervention, and not all identified problems become issues which receive government response. Private needs become public issues when a concerned sector is able to communicate and articulate the problems in a manner that demands public action. These needs can be communicated by the affected parties or by others who define needs on behalf of people who have not defined them for themselves (Jones, 1984) and they must pass the barrier between demand formulation or issue recognition and reach the political agenda. This process of agenda setting, or "filtering" (Subirats and Gomà, 1993), in the first stages of the cycle and the following phases of decision-making and the design of intervention are the principal arenas of conflict between the preferences of various actors. If NGOs seek to take part in the policy process, they must be able to intervene effectively in these phases.

At the same time, if we accept the cyclical nature of the process we must consider how the implication of actors in any one phase may influence their participation in another. For example,
the increasing participation of NGOs in the implementation phase, through service delivery contracts, may legitimate their intention to participate in the reformulation of the policies in question.

2.4. The Distribution of Power

Another fundamental concept is that of power and its distribution among the participants in the policy process. In order to participate effectively in the policy process, an actor must have the power to induce others to act in a manner coherent with that actor's interests.\(^5\) However, beyond such a generic definition, power remains an essentially contested concept and there is little consensus as to what constitutes its basis.

A functional definition of power regards it as the outcome of observable actions within conflict situations, which permits the documentation and measurement of the power that one person or group has over others. Radical critics of this view, however, argue that power is also exercised through tacit structural capacity resulting from dominant ideologies and cultural biases: e.g. the business sector influences not only because it employs lobbyists but because a dominant ideology deems that progress through capitalist economic expansion is necessary.\(^6\)

King (1986) argues that we must take into account both structure and action because, although the structural position of particular groups confers power within a political system, totally "voiceless" power is rarely achieved, and that overt behavior and influence by these groups is usually detectable.

In terms of the policy process, discussions about power tend to be expressed in terms of the degree of pluralism that exists in the polity. Pluralism is the expression of the potential permeability of the policy process to diverse actors and while some authors see this process as accessible to a wide range of influences, others reject the notion of an open pluralist process and instead see various degrees of closure, ranging from a marxist critique, which rejects pluralism outright, to neopluralist discourses which admit bias at the same time as they reaffirm the basic tenets of pluralism. However, the model of the policy process which is most often presented as the alternative to pluralism is the corporatist discourse which claims a structured hierarchy of participation.

2.4.1. Pluralism

The notion of pluralism presupposes that power is relatively dispersed and decentralized in society and that decisions about politics are the result of negotiations between groups that share effective or potential decision-making power.

Pluralist approaches have a long history that can be traced from the work of Locke, Montesquieu and Madison in the 18th century, and Mill and Tocqueville in the 19th century

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\(^5\) See Lukes (1986) for a discussion of the definitions of power. We are interested here in the power that must exist so that a change suggested can be implemented or resisted (Lukes, 1986: 15), and includes both decisions and non-decisions (King, 1986).

\(^6\) Bachrach and Baratz (in Richardson, 1993: 6) also argue that "power is exercised when A devotes his energies to creating or reinforcing social and political values and institutional practices that limit the scope of the political process to those issues which are comparatively innocuous to A."

These groups traditionally comprise mass representation organizations such as political parties and unions, lobbies that represent the interests of specific sectors of society (e.g. employers, gun owners) and groups which represent a particular political cause (e.g. ecologists, feminists). The separation between these groups is not always clear: many individuals participate in more than one group and an individual or a group may always align itself with like-minded others (e.g. a union always identified with a particular political party). In conflict situations, however, each group acts to promote its own interests.

The participation of these groups is not always seen as positive or benign -- in the USA in the eighties "special interests" were regarded as a threat to open government -- but the overall result of the negotiation is the essence of democracy. According to pluralist thought, the will of a democratic society is expressed through the free negotiation of ideologies and political agendas between the wide range of groups who have the capability to accumulate the necessary power to influence public policies.

An essential part of this pluralism is the presence of free associations of citizens which participate in political negotiations, as observed by Tocqueville in his commentary on US society in his seminal 1835 work Democracy in America. Gundelach and Torpe (1995: 5) claim that the Tocquevillian notion of free associations has been confirmed by historical experience and state that "It is no exaggeration to say that the relation between associations and democracy has been one of the most undisputed theses within the studies of political culture." Parry, Moyser and Day (1992) observe that associations are so dominant in current pluralist discourse that they are viewed as the natural outcome of a free society and their absence is considered a mark of totalitarianism. Putnam (1993) argues that the number of associations is an indicator of civic community, and hence of the presence of pluralist democracy.

2.4.2. Marxism, Elites and Neopluralism

The most absolute criticism of pluralism contends that the supposed distribution of power

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8 See also the discussion on civil society in Chapter 3.
is an illusion that serves to perpetuate the power of the elites, who essentially maintain a capacity to impose their own interests.

These elites can be conceived in a purely Marxist sense of the "owners of the means of production", the bourgeoisie, who protect their economic interests through a diversity of social agents -- most notably the capitalist state itself -- which create a democratic facade. Alternatively, they can be seen as a more diffuse but consensual group of political, business, cultural and military elites which form the axis of power in society and work together to maintain their privilege. In either case, approaches claiming elite domination generally ignore other, non-elite, interest groups as irrelevant or relegate them to subordinate importance (Knoke, 1990).9

According to these approaches, when organizations that represent the interests of marginal groups emerge, they are easily overcome by the interests of the elites, and the few victories that marginal groups attain are usually symbolic. Roelofs (1987) claims that organizations and interest groups which represent marginalized groups are controlled by the "rules of the game" set by the elites through funding processes and consultative mechanisms and inevitably end up serving the interests of the elites because they avoid the danger that a more direct political action would represent to the elite interests.

A (neo)marxist analysis of welfare state and the activity of organizations and groups within it claims a combination of "false consciousness" and a facade of legitimation as the basis of associations which only serve to maintain capitalism and the falling profit margin of contemporary capitalism which requires the state to take on more of the cost of education, research and development. The marxist criticism of pluralism rests most fundamentally on its inability to incorporate the realities of structural power and its emphasis on observable power.

However, the majority of the critics of classical pluralism do not reject it completely, but accept that there are forces which bias the distribution of power towards certain nuclei of actors. These nuclei don't always serve the interests of identifiable elites, but they do monopolize decision-making power and exclude opposing criteria.

The concentration of power may be the result of the expressed intention to create processes which exclude other groups; or it can evolve by default as a result of the lack of resources of the groups excluded from the decision-making process. According to these neopluralist perspectives,10 the system is not open to express equally the interests and needs of all groups. Those who are excluded from the nuclei of decision making or those who have fewer economic, organizational or cultural resources have less possibility of having their voice heard, and the costs involved in organizing can frustrate their original purpose. Producers and majorities will always have more resources to organize themselves than consumers and minorities.

This prejudice of pluralism, or "mischief of factions" (Cohen and Rogers, 1992), which

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9 There is a point, however, in which the proliferation of elites becomes a pluralist elite democracy that resembles pluralism (see Newton, 1976).

10 Smith (1990) argues that the oft-quoted classical version of pluralism is a "caricature" that does not reflect the writings of pluralist theorists, who generally acknowledge the inequalities of access, resources and power. The division between pluralists and neopluralists is, therefore, somewhat tenuous.
biases a theoretically open process may result directly through government acting as agents for the elites, or can be introduced by powerful, extra-governmental actors. The concept of "capture" or "feudalization" (Lowi in Cohen and Rogers, 1992: 395) describes the situation in which pressure groups achieve domination over the institutions charged with controlling them. The work of Evans (1996), who documents how producer interest groups use their resources to influence, with little opposition, US House Committee members, and Browne (1990), who documents how well-resourced interest groups create issue "niches" in which there is little conflict due to production and transaction costs, are two examples of the diverse neopluralist discourses that recognize that not all groups have equal scope of action and that government is a powerful actor that promotes certain interests. At the same time, neopluralist writers ultimately still believe that a well-organized interest sector with a good case will be heard, and will have the potential to influence the policy process (Smith, 1990; Baggot, 1995; Jordana, 1996b).

Despite the recognition of the inequalities of pluralism, these authors generally do not look beyond the concept of competing groups and rarely incorporate state and structural power into their analysis, and most claim that there are both internal and external constraints, or countervailing powers (Smith, 1990), that create a degree of equality within pluralism by imposing limits on the power of any one interest (Parry, Moyser and Day, 1992).

A final criticism of pluralism, alluded to earlier, does not doubt the power that groups can accumulate but regards this power as dysfunctional to democracy, potentially negative and counterproductive because it can distort the political agenda by pushing issues that are of concern for a vocal, resourceful minority but not the "silent majority" (Smith, 1995) and because of the general ungovernability of administrations held prisoner by special interests. Gundelach and Torpe (1995) point to a long tradition, dating back to Rousseau, of claims that interest intervention leads not to democracy but to fragmentation and some commentators continue to speak of an "excess of democracy" that threatens the vitality of the democratic process (Dalton, 1993).

It is important to note that there is a certain convergence between neopluralist warnings about the imbalances of power as well as the ungovernability of a state overwhelmed by powerful, narrow interests and (neo)marxist interpretations of all-powerful economic interests and the current "legitimation crisis" of capitalism which requires new forms of false consciousness (G.K Wilson (1990). The neomarxists may continue to use economic interests as the focus for their analysis, but in advanced democracies this cleavage is increasingly inadequate as an explanation for political action. What remains is a common analysis that suggests that resource and ideological biases exclude actors from the policy process.

2.4.3. (Neo)Corporatism

An alternative conception of restricted pluralism in democratic society is the structured negotiation expressed through the discourse of corporatism.

In the most general sense, the term corporatism describes a society in which the state, as the central actor in a strict hierarchy of power relations, apportions power within the policy process to other major actors, including business groups, unions, and other "peak" associations. An early version of the corporatist discourse, state corporatism, describes the authoritarian state (such as that of Mussolini's Italy), but our references in this thesis are to the various liberal-democratic versions
of corporatism that have primarily been identified with the post-war welfare states of North-Western Europe.

Under this corporatist model, also referred to by some authors as "neocorporatist", certain groups receive formal sanction from the state, and thus are granted official status as legitimate participants in the governing and decision-making process. A system of interest intermediation is created among a reduced group of privileged centralized participants, which results in a relatively non-competitive -- or at least a politically stable -- process for the formulation and implementation of key economic and social policies. Essentially, in exchange for a monopoly of interest representation, and consequent favorable policies, the leaders of the key interest organizations agree to undertake the implementation of the policy through the cooperation of their members (Cawson, 1986; G.K. Wilson, 1990; Thomas, 1993).

Within this general interpretation of corporatism, commentators offer differing interpretations regarding the degree in which the cooperation between corporatist partners is "negotiated", "induced" or "bought" and the degree to which societies in their totality can be described as corporatist or whether the reference should be to a series of "meso-corporatisms" each of which encompasses a single or restricted policy area. Also, as Thomas (1993: 10) notes, it is a matter of dispute whether corporatism is an empirical system, an ideology, a variation on pluralism, or a distinctly new relationship of modern society.

A central feature of much of the writing on corporatism is that it is represented as a European reality, which contrasts with the more pluralist process of the US polity. In many European democracies, policy formulation is characterized as being shared with central interest representatives who work in concert with administrations. Generally European corporatism is seen as associated with strong labor movements and socialist organizations that have achieved the devolution of government authority to a set of intermediary and peak associations of employers and workers with which the state consults. Northern European states such as Sweden and Norway are seen as strong corporatist nations, while France and Italy are seen as weak corporatist (Jenkins and Klandermans, 1995). Other characterizations of European polities describe vertical integration dynamics, such as the Belgian and Dutch descriptions of "pillarisation", which similarly suggest that hierarchical, corporatist, decision making structures and dynamics exist between political parties and mass organization such as unions and associations.

In the US, on the other hand, there is seen to be a greater fragmentation and a more diverse cluster of interest organizations independently putting their case to the administrations. The interlacing of public and private sectors in the US has not developed to the same intensity as in Europe (Knoke, 1990a) although there may exist a pattern of meso-corporatism in some policy areas (MacFarlane, 1987).

As exemplified by this supposed US-European dichotomy, corporatism and pluralism are usually represented as competing models of state-group relations. Cawson (1986), however, presents them as a part of a continuum:

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Also referred to in general literature as "social partnership" (see "Austria: Down with the Establishment, The Economist, 19/10/1966)
"I want to argue that pluralism was once capable of understanding the diversity of political phenomenon within capitalist societies, that changes in those conditions force a reconsideration of pluralism as an explanatory and interpretative account, and that the weight of evidence and theoretical critique point to the need for a new paradigm, not necessarily to supplant pluralism but certainly to supplement it and force the recognition of the need to reduce the scope of its applicability." (Cawson, 1986: 4)

Cawson essentially sees a dualism in both US and European polities, with a practice of corporatism around issues of production and more competitive modes around more local issues, although they are not necessarily a haven of Dahlist pluralism. Nor does Cawson see corporatism as a zero-sum game: the positive use of power need not be seen a loss of power to or for other groups.

Some contemporary authors suggest that currently there is a convergence between US and European interest mediation, or even that "corporatism is dead" (Richardson, 1993). Streek and Schmitter (1991) and Thomas (1993) suggest that Europe has undergone changes in social structures, in the economy, and in domestic political systems that have undermined corporatist structural and cultural foundations. They see a process of intermediation at the European level moving towards a US-like pattern of disjointed pluralism or competitive federalism, because of increased differentiation of social structure and collective interests; market instability and volatility leading to changes in technologies and social organizations; and the changing roles and structure of interest groups.

As with pluralism, commentators ask whether corporatism advances democracy. Mansbridge (in Cohen and Rogers, 1992: 495) asserts that neocorporatism advances democracy when it requires the contest for power among interest groups to take place in conditions that redress the imbalance of the *laissez faire* war of all against all. The contrasting view is that corporatism reflects the attempts of administrations to buy the political loyalty of non-government groups who otherwise would be centers of opposition to government policies.

2.5. The Actors in the Policy Process

Following from the discussions above, we can establish two fundamental theoretical considerations which provide the framework for analyzing the role of extra-governmental actors. These are:

a) Public action is the result of negotiation between various actors. As Subirats (1990: 42) summarizes, "the decision-making process is the result of multiple inter-actions in which diverse actors participate."

b) These interactions are governed by "rules of the game" resulting from the number of actors involved and the relative power of each of them. The impact which the actors might have depends on the political power which they bring to, or accumulate in, the process.

Actors are those organizations and individuals whose potential capacity to affect the collective outcomes of policy decisions must be taken into account by other participants (Laumann
et al., 1991). According to Morisi, they are:

"determined protagonists...who intervene to draw attention to, define, redefine, transform, articulate, fragment, and aggregate the terms of the problem in question, through the thousand possible eventualities and unforeseen circumstances -- desired or undesired -- which mark the development of policies and mean that its later implementation is always open to possible reformulation." (Morisi, 1990; 232)

In all the models of the policy process presented earlier, the dominant actor is the collection of entities and individuals which make up the government administration: the formal institutions designated by the political system to develop and implement policies. Government has political legitimacy, control over decision-making mechanisms and the resources necessary to carry out or to contract public action, as well as control over the apparatus to respond to protest or opposition. In the long run, all other actors must accumulate the power to mobilize the legitimacy and the resources which are normally monopolized by government.

As a result, in the majority of contexts and commentaries on the political process, "actor" mostly refers to government-institutional participants, and there is a tendency -- at times surprising, given the policy being researched -- to ignore the role of extra-governmental actors. Notwithstanding this bias towards governmental actors, it is generally accepted that there has been a diversification and growth in the number of actors -- both institutional and extra-institutional -- in the last decades due to the growth of the public sector, the professionalization of government employees, the privatization of public services, and the growth of lobbies and other extra-governmental organizations.

2.5.1. Government Actors

The participation of government actors is beyond discussion, except perhaps by the neomarxists who see them as little more than the puppet of certain interests and the ultimate artifice of false consciousness. In the guise of the legislative and administrative functions of government, institutional actors are seen as the decision-makers that filter and arbitrate interest pressures and legitimate the outcome of policy negotiations.

But are they merely the sum of the parts -- in the pluralist sense that the decisions are the outcome of the final balance of power between the diverse social agents -- or is there a convergence of interests between elites and government, or perhaps some form of political and technical gestalt, which makes government an independent actor with its own interests?

More statist theorists tend to attribute to the state apparatus an independent interest at the service of a general ideological orientation, as well as the interests derived from a group of specialists versed in the technical-professional aspects of the question at hand. These writers

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12 See for example the article by Liberatore (1991) about environmental policies in the European Union. According to her analysis, these policies result almost exclusively from institutional negotiations, and the article dedicates less than a dozen lines to comment on the influence of extra-governmental actors such as environmental groups or the Green movement.

13 See the commentaries on the growth of interest groups, new social movements and NGOs in the following chapters.
Parliamentary political parties can be considered government actors to the extent in which they support the work of their elected representatives. However, some minority factions within the party may act like non-government actors. See Section 2.5.2. below and Chapter 4 for definitions of the separation between government and non-government.

Smith (1993) maintains that government has its own interests and the mechanisms for translating their interests into policy. G.K. Wilson (1990) maintains we should look not only at the way interest groups attempt to influence states but also the ways in which states influence interest groups and the way in which they exercise the power over access and influence of extra-governmental actors. Other writers claim that extra-governmental interests may cancel each other out and leave the way clear for government professionals to push their own interests (see for example work of J.Q. Wilson in McFarland, 1987: 135).

Whatever the degree of independence of action, there is little question that extra-governmental actors direct their influence efforts at government. Tarrow, quoting Tilly (1996: 5), indicates that at least since the rising "parliamentarization" of protest in the late 18th Century, states have been the central fulcrums of collective actions, even when claim-makers make demands against other social actors. As Knoke (1990a) and Richardson (1993) observe, lobbying is aimed at impressing public officials with the depth and intensity of a constituency's feelings. It is designed to convince politicians and bureaucracy that great risks are courted by daring to thwart the organization's interests.

In a democratic system, the government institutions include: legislators, parliamentary political parties, the judiciary, and government agencies which administer the negotiation process and the implementation of public actions as well as the relations with social agents. These actors use the resources conferred on them by the political system to meet their objectives, both those consistent with implementing policies according to their ideological stances and the functional objective of perpetuating their own power.

There is a tendency to consider these actors in a monolithic vision of government as a single actor captive to party discipline and the power of the ballot box. Once the citizens have given over the policies to the negotiation of political elites and once legitimated by the legislative process of parliamentary debates between government and opposition, the administration should act as a disciplined actor.

The existence of different levels of administration -- national, state and local -- often governed by different parties and with overlapping or complementary responsibilities, ensures that ideological debates that have been resolved in one legislature are reproduced in other arenas, and faction fighting within governing parties can ensure on-going debate even in governments with substantial majorities.

Equally importantly, government administration and its institutions are in themselves contested political arenas, separate from the legislative process, with a number of well-defined fracture points. There are often contradictions in the interests of the distinct parts of an administration. The interests of the industrial development arm of an administration, for example, can easily clash with those of the environmental protection ministry, and the interest of the internal security function may clash with human rights. In addition, many administrations establish

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14 Parliamentary political parties can be considered government actors to the extent in which they support the work of their elected representatives. However, some minority factions within the party may act like non-government actors.

15 See Section 2.5.2. below and Chapter 4 for definitions of the separation between government and non-government.
structures such as ombudspersons or advocates to act as institutionalized political-administrative oversight mechanisms which, at times, acts like an opposition.

The relation between the political dimension and the administrative dimension is another area of conflict. According to the traditional view, politicians decide and civil servants implement; but in reality, public servants can accumulate significant power through their professional knowledge and their time commitment spent on the issues within their responsibility. Cobb, Ross and Ross (in Regonini, 1990: 73; see also Rourke, 1986) speak of "bureaucratic government" to describe the key role that public sector managers can play, both in their contribution to the decision-making process and in their level of control over implementation. Lower-level workers can also exercise discretion in their manner of implementing the policies imposed on them, in effect "creating" policies, or creating a climate for reformulating them.\(^\text{16}\)

2.5.2. Extra-Governmental Actors

Extra-governmental actors are the entities and individuals not directly connected with the state and who function with independence in respect to government agencies.

The line between governmental and extra-governmental, between \textit{inside} and \textit{outside}, is difficult to draw, and a number of factors serve to blur the distinction between the two:

- The creation of government corporations, quasi-non-governmental organizations (QUANGOs), and private enterprises with a majority of government capital makes it increasingly difficult to define the legal and political frontiers.
- There is constant movement of people between the two worlds: many individuals traffic in and out of government, alternating periods as public sector employees with those as consultants, professional lobbyists or just "names about town".
- Strong corporatist relationships can confer privileged, quasi-governmental status of legitimation, credibility and participation. The organizations that enjoy this status vary according to the society and the policy areas in which they work, but typically include unions, employer organizations, the church in religious societies and non-government associations particularly important in their areas of influence.\(^\text{17}\)
- The relations created by contracting and consultation as well as the vertical integration between political parties and other organizations prejudice the possibility of independent action of even the most clearly legally separate organizations.

Despite these boundary difficulties, there remains the reality of diverse actors who act from outside government seeking to influence policy decisions. These actors include the following:

a) Lobbyists: Professional lobbyists who work on behalf of clients are the extra-governmental actors "par excellence". Many work as private business and seek to pursue the specific economic interests of their clients, while others use non-profit organizational


\(^{17}\) At times, these corporatist arrangements can become consecrated in law, even within constitutions. For example the Spanish constitution recognizes unions as official representatives of working people and ONCE (the spanish national blind association) has been conceded almost all responsibility for the welfare of the blind (See Garvia, 1992 and 1995).
frameworks either to pursue economic interests or to pressure for public goods (in this last case they are often indistinguishable from the NGOs, etc mentioned below). In recognition of the access that these organizations have to the political process, many countries attempt to regulate their activities and their employment of former government administrators.

b) NGOs: Non-government, non-profit organizations that articulate a wide range of interests, but primarily those related to public goods. They can be part of social movements or other interest groups, formed specifically to intervene in the policy process; but, at the same time, all NGOs can potentially participate in lobby activities even though they have not been constituted directly for this purpose. The decision to restrict their activities specifically to service delivery or, on the contrary, to play a more political role depends on the internal tendencies of the organization. In some countries there are attempts to limit the lobby activities of NGOs (Randon and 6, 1994), and this work is treated in the same way as that of professional lobby groups; but in general NGOs are free to participate in this type of activity.

c) Powerful individuals, experts and opinion makers: In many societies there are powerful individuals who have accumulated economic power or social status that they can parlay into influence over policy decisions, often working behind the scenes. At the same time other individuals influence not with economic clout but with expertise. In many policy areas there are individuals -- usually academics, researchers and consultants -- who have expert understanding of the issues, which they use to exercise influence in the policy process. Normally, they work in the framework of universities, the press, or research institutions, some of which are created specifically to give a false impression of independence, despite their recognizable political affiliation.

d) Potential Actors. In addition to actors identifiable as organizations or individuals, there also exist "conceptual actors" who exercise influence through their potential participation. These "unorganized interests" (Smith, 1990: 304) wield collective, direct influence because of their perceived potential to organize, their future vote and the symbolic value of their interests. "Public opinion" (Kingdon, 1995: 67) or the "silent majority" -- essentially invoked as expressions of the dominant ideology -- are the common popular designations of these actors, increasingly expressed in opinion polls and other survey research, which confer influence beyond that expressed by the occasional visit to the ballot box. "What will the voters say?" or "the polls indicate that ..." often have as much power over public actions as the outcome of organized lobbying efforts. Above all they have the legitimation of allegedly representing majority interests in the face of minority lobbying and they can direct governments to act, or constrain them from doing so.

e) The Media: According to some, the media functions merely to channel and communicate the interests of other actors, particularly that of the dominant ideologies reflected by the rich, powerful and increasingly few who control the media. However, others consider the media as having its own dynamic and role separate from the expressions of others. The scrutiny to which they subject public figures and their ability to select and influence what they consider to be news can significantly influence the agenda of public policies. The US-based
CNN, particularly since its coverage of the Iraqi war, is seen as the epitome of how the media can arbitrate which issues politicians are forced to deal with. At the same time, other commentators see the media as less influential than experts or lobby groups, because of the short-term attention they give to any one issue, which the policy community "rides above" (Kingdon 1995).

2.6. NGOs as Actors in the Policy Process

In this chapter I have given an overview of the major political science approaches to the policy process and identified NGO among extra- or non-governmental actors. Their participation in the policy process constitutes their more openly political work; the point at which they begin to articulate their demands into specific actions designed to influence government decision and actions. These attempts to influence should be seen in the broadest sense and even NGOs who proclaim themselves to be non-political often seek influence through such means as modelling exemplary service delivery.  

The participation of NGOs in the policy process is not always well-received and attitudes towards it vary according to social and economic conditions. NGOs have been seen either as: peripheral to a strong governmental system; essential and desirable players in a pluralist distribution of power; a threat to democracy (the system captive to "special interests" or distorted by the "excess of democracy"); or the legitimate future of democracy.

However it is viewed, the intervention of NGOs as policy actors must be founded upon a solid base of political and cognitive legitimacy; i.e., they must have the capacity to demonstrate that they have a broad political base and that they are experts in the theory and practice of the policy in question. They must also have the ability to "play" the game of participation.

Participation is usually either through institutionalized channels of cooperation or through more confrontational tactics which create lobbying pressures. Cooperation is articulated through commissions, advisory boards and other formal channels of liaison, consultation and oversight as well as other mechanisms, such as public hearings, which allow actors to comment formally on legislative and administrative proposals. The increase in the number of NGO actors over the last decades has been accompanied by the growth of these types of liaison and consultation channels.

The alternative to cooperation is confrontation. The legal system and other institutionalized channels, such as ombudspersons, allow for some level of confrontation "within the system." At the same time, there are a whole range of non-institutionalized tactics for confrontation, both those aimed directly at legislatures or administrations and those which have the intention of creating a social climate in favor of one view or another.

Most importantly for the purposes of this thesis, the policy impact of NGOs is hotly debated: practitioners tend to ascribe almost endless powers to NGO lobbying efforts, while political

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21 See discussion in Chapter 5 on NGOs' decisions to participate in policy work.

22 These approaches are discussed in more depth in the next chapter.
scientists tend to generally ignore them except when a specific organization has exceptionally achieved a high level of political power. The goal of this research is to explore the equilibrium between these opposing views by investigating the factors that determine the possibilities for political participation by NGOs and the impact of the different strategies available to them.

2.7. Network Analysis

Despite the recognition since the 1950s of the plurality of actors, it was not until the end of the 1970s that research explicitly began to analyze the manner in which actors inter-related. As was noted in one of the first texts which attempted to focus on network analysis:

"[...] what these authors are suggesting is the need for and value of shifting the unit of analysis from the single organization or policy actor to the set of interrelationships that constitute the inter-organizational network as such." (Hanf and Scharf, 1978: 11)

Network analysis is seen as providing a common framework which can incorporate pluralist, elitist, or marxist approaches. These can be incorporated into the analysis through the evaluation of the degree of participation of the actors in the network and the asymmetry of the power relations between them. At the same time, the debates about networks are considered complementary to the discussions on the policy process: "To understand that networks exist and understand the process of interactions within them, still requires complementary theories about political processes" (Hanf 1994).23

Debates about network analysis are expressed through two primary and inter-related factors: a) the number and type of participants, and, b) the relationship of power between them. Regonini (1990) speaks of mono-centric processes, in which one actor dominates, and poly-centric processes, which involve negotiation between various actors. Jordan and Schubert (1992), in their review of the range of terms that have emerged to describe networks, identify the two opposing poles of such a dichotomy:

a) A closed process completely dominated by one actor.24 The most extreme manifestation being state corporatism (the authoritarian state).

b) An open network easily accessible to a broad number of actors fully capable of influencing the outcomes. This is the "classic" pluralism of Dahl.

Between these two extremes there are various combinations of centralizing or decentralizing forces which create conditions of more or less openness, and the policy process in the networks vary according to the resource distribution (symmetrical or asymmetrical), predominant type of relations (consensus or conflict) and type of approach to problems (pro-active or re-active) (Van Waarden in Subirats and Gomà, 1997).

Some authors distinguish between "policy communities" (a relatively small, largely consensual clique) and "issue networks" (a larger, looser, and more conflictive set of actors) and

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23 Network theory is identified more with implementation studies. However, it can also be applied when analyzing the relationship between actors who participate in needs identification and the formulation of alternatives.

24 In the literature it is usually an institutional actor, but it can also be a particularly powerful non-government actor.
various writers ascribe specific labels to specific network combinations: the "iron triangles" of US political science literature describe the situation in which a small group of actors from the legislature, administration and lobby groups create a cabal which effectively excludes other actors from the policy process; and in "pressure pluralism", two opposing societal groups battle to gain influence. Knoke (1990b) speaks of power within political networks as consisting of two dimensions: influence and domination. The presence or absence of power in these two dimensions will determine whether it is exercised through persuasion or through coercion.

Studies on networks have attempted to identify the characteristics of the policies or political systems which might result in one model or another. They have attempted to find: sectorial correlations (Do some policy areas lend themselves more to one model or another?); historical cultural correlations (Is one model used more in some cultures and specific historical periods?); and there have been attempts to classify countries according to the grade of corporatism (Van Waarden, 1992). However, the results of the correlations are not conclusive, and research shows that models that may exist at any one time within the life of a policy may vary according to the entry or exit of various actors or changes in the political and social situation with respect to the earlier contexts.25

I will use the network approach as the base on which I construct the theoretical content of this thesis as it meet two essential criteria for the research: it implies the analysis of the relationships between the diverse interested actors in a given policy and it permits as certain fluidity in the evaluation of the power equilibriums among them.

To construct a framework for analyzing the role of NGOs as extra-governmental actor, it is necessary, however, to explore additional approaches that more specifically address the issue of participation and collective mobilizations.

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25 See, for example, the various case studies in the European Journal of Political Research (vol. 21, no. 1-2, special edition: "Policy Networks", which attempt to support or contradict correlations between types of network and political systems, political cultures or types of policy.
CHAPTER 3
OTHER RELEVANT POLITICAL AND SOCIOLOGICAL RESEARCH

3.1. Introduction

The previous chapter reviewed the core political science approaches to the study of the public policy process and identified the possible roles of NGOs as extra-governmental actors in that process.

There is relatively little research, however, that directly uses NGOs as the unit of analysis for the study of the intervention of extra-governmental actors. Nevertheless, there are a number of analogous fields from within the disciplines of political science and sociology which address the issues raised in this thesis, and which can be used as the skeleton of the analytical framework in Chapter 5.

The aim of this chapter is to review these analogous fields of academic inquiry: the political science discourse is typified by the work on interest groups; the sociological discourse by the work on social movements; and I also include an overview of relevant concepts such as civil society, rational choice, and resource mobilization.

The chapter presents these areas in an introductory sense and attempts to identify the major issues they present for the study of NGO participation. A more in-depth analysis of the contribution of these approaches to the dynamics of participation is presented in Chapter 5. Note that in each section, I use the jargon of that particular discourse to refer to the organizations that correspond to NGOs, hence they are respectively interest groups, social movement organizations, collective action organizations and associations, and I draw the parallels that exist between the terms.

Finally, it is also important to note that the following review essentially takes the discussions out of their cultural-political contexts and treats them as though there were a common worldwide discourse on these issues. This approach, evidently, does not reflect the reality of the time-space specificity of NGO activity, so it is important to acknowledge, first, that the discussion almost exclusively refers to what are known as western industrialized democracies -- although there are brief references to other polities such as the emerging democracies of central-eastern Europe -- and that, as I argue in more depth later, the particular political conditions of each of these democracies will greatly determine the scope and reach of NGO activity.

3.2. Interest groups

The principal political science tradition that has directly addressed the issue of the influence of extra-governmental actors in the policy process has been articulated around the question of interest groups. The definitions of these interest groups found in the literature include:
"Any group which articulates a demand that the authorities in the political system or sub-systems should make an authoritative allocation." (Kimber and Richardson, 1974: 3)

"Organizations separate from government, though often in close partnership with government, which attempt to influence public policy." (Wilson G.K, 1990: 1)

"Organizations whose members act together to influence public policy in order to promote their common interest." (Pross, 1992: 3)

Most authors explicitly exclude political parties from these broad definitions, by specifying that interest groups do not seek to directly occupy positions of power or authority through the presentation of candidates for parliamentary elections in a serious attempt to win seats and form a government (Baggot, 1995). They seek to influence those who hold power rather than to exercise the responsibility of government and, unlike political parties, they represent sectorial and not general interests (Kimber and Richardson, 1974; Pross, 1992; Smith, 1995). However, this distinction is not always easy to delineate: some interest groups embark on ventures in party politics, most notably the German environmental groups in the guise of the Greens; and minority factions in political parties often undertake activities that may cause them to be considered interest groups.

Along with interest group, other terms, such as pressure group, lobby group, cause group (Kimber and Richardson, 1974) and countervailing groups (Wilson G.K., 1990) are also used in the literature to designate these actors. Some authors use them interchangeably (e.g. see Kimber and Richardson, 1974; Mathews, 1993; Smith, 1995), while others seek to ascribe more specific meanings; in general, interest is used to describe specifically sectorial entities engaged in less political activities; while pressure and lobby are used to describe organizations that more stridently seek to influence (Pross, 1992; Baggot, 1994). Also significant is the different use of the terms group and organization in the definitions given above. They are primarily used to differentiate the level of formality of the entities that represent the interests, but they are also used to distinguish between groups that promote interests and organizations that demand interest-based outcomes or allocations.

There have been a number of attempts to classify interest groups according to three main dimensions (see discussions in Kingdon, 1995; Baggot, 1995; Smith, 1995):

a) Interest Areas: Groups can be distinguished by whether they represent sectorial interests, such as that of manufacturers' and professional groups, or public cause interests such as the

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1 This definition is of pressure groups. Kimber and Richardson prefer the label pressure, but acknowledge they could also be termed, interchangeably, interest groups (1974: 1-3).

2 Pross also prefers the term pressure as he considers interest as conveying a sense of general, non-political activities (1992: 5).

3 Most writers assume that interest groups, by definition, are extra-governmental, but writers such as Thomas (1993) specifically include government agencies in recognition that they often must defend their interest both within administration or simply as a reflection of their major presence in policy making. This thesis also assumes that interest groups are extra-governmental and addresses government agency interest activity under the label of "statismo" (see Chapter 2).

4 These are the terms most often used in political science literature. In other disciplines, similar terms exist: Butcher et al. (1980), writing in the social services field, refer to "community groups" as "collectives of people who voluntarily join together for the main purpose of promoting change."
environment, welfare reform etc. (Newton, 1976). Along similar lines, writers classify groups according to whether they represent producer-corporate groups, welfare state provider groups, welfare state client groups or other professional groups (see Marsh, 1994; Baggot, 1995).

b) Type of Membership: Groups have been classified according to whether they have closed membership (usually to members of a profession, specific educational qualifications, religion, etc.) or open; to the density of coverage (i.e. level of support) within their theoretical target groups, and to the degree of unity or fragmentation among groups vying for the same membership (Wilson G.K., 1990).

c) Status: Groups are classified according to their operative status in the policy process. According to the seminal work on status by Grant, groups have either "insider" status and so are regarded as legitimate and are consulted by administrations, or "outsider" status which means they do not or cannot get access (see Baggot, 1995; and the discussion on insider status in Chapter 5).

Whatever the classification system used, the tendency among commentators is to define interest groups in terms of the larger, more powerful entities (e.g. the US National Rifle Association) or to aggregate powerful sectors as a collective interest actor (e.g. "the business lobby").

Recent literature on interest groups notes the increase in their activity and projection in diverse countries over the last decades -- described by some authors as an "explosion" (Knoke, 1990; Richardson, 1995; Minkoff, 1994; Thomas, 1993) or "flowering" (Dalton, 1993) -- which has affected every Western democracy. The reasons given are diverse: McFarland (1987) sees an increased mobilization of interests as people become more educated, articulate and wealthy and as knowledge and information become more widespread; Richardson (1993) indicates that more people are recognizing their own interests in issues which previously they were happy to let others take on; Knoke (1990) sees the increase as due to a vacuum of interest representation created by the two party system in the USA, the increase in information available to citizens, and greater ideological polarization; Smith (1995) attributes the rise to disillusionment with traditional politics and more people joining diverse groups that are concerned not only with occupational and economic interests but with questions of rights and specific causes; Grant (1995) sees them as providing a more rewarding type of political participation for many people than membership of a political party; Parry, Moyser and Day, (1992) claim that single interest issue groups attract the youth more readily than the aggregative, greyer world of party politics; Richardson (1995) sees interest groups as being able to compete better than political parties or unions for individuals' support and loyalty in the marketplace of political activism; and Minkoff (1994) sees the opening of the political arena as responding to a new "ecology" of protest and service organizations.

According to Thomas (1993), the current increase in interest group activity is in fact the fourth phase of their evolution: the period 1830 - 1870 saw the rise pre-industrial craft groups; in the period 1860 - early 1900 there was a consolidation of industrial group membership across class lines with the rise of economic and producers groups and of peak associations such as unions; the period 1920-1950s saw the addition of professional groups and emergence of some cause promotion

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5 At the same time, other writers decry the decline of social capital and civil society. See reference to Robert Putnam in section 3.4 below.
groups; and in the last decades there has been a *post-industrial* and *post-material* rise in promotional groups that have accompanied the development of a service economy in developed societies with its new value systems and increased emphasis on quality of life issues.

This "explosion" of interest group activity and its relationship with more established interest representation in western democracies is a common theme in contemporary political analysis. The basic thesis is that the structures, concepts and practices of traditional parliamentary politics and interest representation are ailing and that they are giving way to new participation structures. Political parties, trade unions and churches -- the institutions that represent the historical cleavages of economic power, social class, and religion -- no longer appear to have the support they once enjoyed. Writers from numerous countries have documented the declining membership of political parties and unions and decreases in church attendance, which they see as an indication that these institutions are no longer perceived as representing the diversity of citizens' interests, can no longer offer the same patronage (of jobs and influence over decision-makers), and are apparently considered to offer fewer of the answers to the questions posed by life in modern society.

So who represents and articulates the will of the people? Are we just passive, watching TV, consuming in the malls (or here in Spain, enjoying the "best football league in the world") and content to allow political participation to be reduced to those who turn up to vote on election day (a minority, in some cases)? Are there new representation structures?

Interest groups are seen as good candidates for filling the void left by the decline in the old cleavage structures. Interest groups, and related concepts such as social movements (see section 3.3 below) and associations (see section 3.4 below) are seen as key components of a new post-modern politics, characterized by the breakdown of class consciousness, diversification of interests, access to more information and new technologies, and by marketplace competition for participation. These dynamics are essentially the same as those mentioned earlier as the reasons for the rise in interest group activity.

Thomas (1993: 219) directly correlates the advocacy explosion in western democracies since the 1960s to the decline in the role and importance of political parties and sees interest groups as probably the major political beneficiaries of the economic, social and political changes of the last three decades. Wilson G.K. (1990) notes that in the current political dynamic, a far higher proportion of the population is incorporated into the political system through interest groups than through membership in political parties. According to Smith (1995: 1), "we are entering an era of anti-politics in which pressure groups are the dominant mode of political representation." Dalton (1993: 17) argues that citizen groups are "transforming the nature of contemporary democratic politics: arguably these groups have increased the opportunities for and involvement in participatory democracy."

What power and influence do interest groups have? Three classic approaches mirror the

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6 For example, Smith (1995), writing about British political parties, indicates that membership of the Labour Party has fallen from 1 million in 1950s to 200,000 in 1990s, and the Conservative from 2.8 million in 1960 to 750,000 in 1989. Pross (1992) indicates that Canadian writers are worried about the decline of political parties and the diminished role of Parliament.

7 Other candidates include direct democracy, the participation possibilities of the Internet, etc. These will not be explored in this thesis.
ideological discussion from the previous chapter: a Marxist analysis sees interest groups as having little power in a society dominated by specific economic interests, and their importance lies mainly in their role of obscuring interests and maintaining power inequalities; to pluralists, interest groups are central to a democratic system with the state as the balance between competing interests; under a corporatist analysis, the State exercises strict control and incorporates major interest groups in the policy process to maintain economic and social peace (Smith, 1990).

In general, most writing on interest groups would be defined in terms of neo-pluralist and corporatist analyses, which maintain that in democratic societies, potentially open policy processes are biased through diverse dynamics in favor of certain more powerful interests. Whether this bias is positive or negative has been a source of contention, and we can trace arguments for and against interest groups to 18th Century political writers: Madison (The Federalist Papers) and Rousseau (The Social Contract) regard them as warping and interfering with democracy, whereas Tocqueville (Democracy in America) sees them as a positive element tempering the majoritarian failings of democracy (Wilson G.K., 1990).8

The analyses of the degree of bias range from the almost neo-Marxist:

"Interest groups are powerless against dominant ideologies and many lobbyists become unpaid staff assistants for friendly legislators instead of the nemesis of unfriendly ones. ... Interest groups remain unimpressive organizations deserving and receiving little respect from politicians." (Wilson G.K., 1990: 14-15)

through to more pluralist analyses:

"In Britain interest groups are provided with access to elite policy circles in return for accepting rules determined by government ... [but ultimately] the relationships between state actors and groups are relationships of dependence and groups and state actors are continually trading resources. The state has advantages but ultimately it exists in an intricate relationship with civil society and so state actors cannot ignore group pressure." (Smith, 1993: 10)

How much can we generalize about interest groups? Smith (1993: 15) indicates that "Perhaps the most important point to emerge ... is the complexity of the policy process. Notions of the state, pressure groups, state autonomy and policy networks are highly problematic and consequently it is difficult to make general claims." At the same time, Richardson 1993, quoting Bently, asserts that "much of the stuff of governing is managing the interface between government and groups."

3.2.1. NGOs as Interest Groups

There are significant boundary problems, both in trying to define interest groups and in separating them from other similar concepts such as NGOs, and the considerable overlap between definitions of interest groups and NGOs often leads to confusion (Mathews, 1993).

The term interest group is usually considered to cover a broad grouping of entities which

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8 See also the discussion on associations and pluralism in Chapter 2.
use a wide range of formal (profit and non-profit) and informal organizational models to promote the interests of their constituents; while NGOs are specific non-profit legal entities that provide a wider range of services than interest articulation. Any attempt to describe the specific relationship between the two concepts would do best to draw on the "fluid nature" (Wilson G.K., 1990: 9) of both of them and affirm that many NGOs become interest groups when they begin to articulate and communicate the demands of their constituent population, at the same time that many interest groups take on a non-profit organizational framework (i.e., they become NGOs) because "persuasion depends on, and needs, organization" (Pross, 1992: 2) and because NGO status usually provides fiscal advantages and social-political legitimacy.

3.3. (New) Social Movements

While political science frames its discourse through the concept of interest groups, the sociological perspective on mobilization is articulated through the analysis of social movements.

These social movements can be defined by their proposed outcomes -- e.g. "collective mobilizing agents that pursue the object of provoking, impeding or revoking fundamental social change using various forms of action" (Raschke, 1985 in Riechmann and Fernández, 1994: 48) -- or by their promotion of cognitive frames of unified ideologies, identities and meanings -- e.g. "collective actors constituted by individuals who understand themselves to have common interests and identity" Scott (1990: 6). A consensual definition, however, has escaped theorists and, as Eyerman and Jamison note, "in conceiving social movements ... sociology has made it all but impossible to understand them" (in Maloney, 1996).

Historically, social movements are associated with mobilizations that respond to the promotion of economic, social or religious interests, and the theorizing over the last century has been profoundly influenced by Marxist analysis of economic structural loyalties. In the 1960s, however, a new set of issues and dynamics came to the forefront of social mobilization and in Western democracies. These new movements were consolidated in the 1970s, primarily in the peace, feminist and environmental movements, and later, in the 1980s, through in a wider range of other post-materialist issues (Wilson F.L, 1990). The current list of these issue-based social movements embraces a core group recognized by the majority of authors -- the peace/anti-nuclear movement, environmentalists/ecologists, consumer rights, as well as the movements that promote social identities through advocating the rights of women, homosexuals, ethnic-racial-national minorities and the disabled -- and a secondary group that can arguably be added to the list, including animal liberation, the neo-conservative movement known as the New Right, and urban and rural alternative lifestyles.

The dynamics of mobilization around these issues vary considerably along dimensions such as progressive versus regressive doctrines, defensive versus offensive strategies, and violent versus non-violent tactics, but these post-1960s movements share the common features of stressing non-traditional social concerns and seeking to influence from outside the established political channels. They have been termed in the literature as new social movements (NSM) to differentiate them from previous, primarily class-based movements.

NSM represent qualitatively new dimensions of contemporary democratic politics that are not just chronologically newer manifestations of earlier movements. They differ in substance from
the old movements, in the following aspects:
- Their bases of support give primary place to motivations and identities that do not follow traditional cleavages of class, social-group or religion, and instead of economic distributive issues, they focus more on public goods.
- Their organizational structure has shifted from traditional methods of interest representation through a political class to more participatory modes that work within an open framework not constrained by representative-bureaucratic political institutions. NSM stress a high degree of group activity rather than elite leadership (Scott, 1990; Dalton and Keuchler, 1990; Marsh, 1994).
- Their political style has developed new forms of socially disruptive actions that transgress norms of participation in established electoral and pressure groups and they use purposive tactics and strategies, rather than emotional and expressive outbursts.

Riechmann and Fernández (1994), Dalton (in Knoke 1990b), Melucci (1992) and McAdam et al. (1996) identify the various theoretical perspectives that have sought to explain the formation of social movements in general:
a) Early theories tended to concentrate on collective behavioral approaches which considered social movements as outbursts in response to the relative deprivation of the marginalized, or as a result of the rebellious nature of the movement leaders or of other personal traits, attitudes and psycho-social orientations of the actors involved. These theories were based on suppositions of psycho-social imbalances in the social order and were dependent on the coincidence of individual behaviors. These theories, however, tended to concentrate on actions from marginalized populations and could not explain why there is also action from the center and seemingly privileged individuals and collectives.
b) In contrast to the atomized approach of the behavioral school, there is the structural class analysis of Marxist tradition, that sees mobilization as the outcome of economic interest contradictions. At the same time, given the inherent problems of mobilizing the potential class actors due to a combination of state repression and false consciousness, the analysis is often accompanied by proposed solutions, such as Lenin's construction of a revolutionary vanguard.
c) In the late 1960s and early 1970s, particularly in the US, a new approach based on resource mobilization (see section 3.6. below) emphasized the role of mobilizing structures and entrepreneurial elites. This approach broke with earlier theories by emphasizing rationality instead of pathology or structural interests, and introduced the analysis of the micro-dynamics of mobilization.
d) An offshoot of resource mobilization, commonly referred to as the process approach, attempted to contextualize the social and political environment of movements through the concepts such as political opportunity structure. People join social movements in response to political opportunities and then through collective action create new ones (Tarrow, 1994). Olzak and West (1991) point out that the issue is not only that groups cause social action, but also that social activity affects the life chances of groups. Like resource mobilization theorists, the process theorists were more concerned with "how" movements mobilize and not "why".
e) Identity theorists have stressed the need for a common frame or culture to be created as the base for mobilizing. As a minimum, people need to identify themselves as part of an aggrieved collective and they must be optimistic about the possible outcomes of their actions.
f) Contemporary analyses, primarily through the writings on NSM by European sociologists such as Touraine and Melucci have again sought to locate social movements in the context of macro social dynamics and theorize about their rise in response to new structural conflicts posed by late capitalist or post-industrial society. According to these theorists, NSM are the result of long-term historical transformations in capitalist society and of a general crisis of the system. Three inter-related structural tendencies are identified (see Wallace and Jenkins, 1995):

i) New class: New cleavages due to the heterogenization of social situation and the breakdown of class identification, particularly along the professional and managerial classes who often support liberal, progressive issues.

ii) Postindustrialism: In industrialized countries, significant sectors of the population have had their material needs met and so now turn their attention to social issues. Similarly, postmaterial and culturalist interpretations define social movements in terms of lifestyle changes due to increasing wealth and leisure time offered by postindustrial society, combined with the breakdown of traditional social ties, and the availability of new technologies.

iii) Representation crisis: The vitality of new social movements is seen as a direct response to the dysfunctions of the traditional institutions of interest mediation and representation, in particular political parties and economic interest groups, which have failed to respond to popular demands and to feed those demands into the political system. NSMs are a form of "residual pluralism" (Wilson F.L., 1990: 71), vehicles for excluded people to gain access and influence within an established political system, and to disrupt corporatist arrangements that seek to promote stability.

This sociological structural analysis has evident parallels with the political science analysis presented in the previous section.

3.3.1. NGOs and (New) Social Movements

In general, the literature on social movements pays relatively little attention to organizational forms, mostly speaking about movements in a general collective sense. At the same time, it is recognized that social movements include a mixture of institutional and non-institutional attributes which include formal, organizations as well as other looser forms of collective action and also individual activists (Baggot, 1995). This mixture has its evident analogy to the policy networks identified by political scientists and there has been an increase in recent years in network-based analyses of social movements (Diani, 1992).

Primarily from the resource mobilization tradition come references to the need for organization in order to achieve the movements' goals and the most commonly used term for the mobilizing structures is social movement organizations (SMO). It is these SMOs that are most closely analogous to NGOs: they are non-government by definition and as they formalize their structures they tend to adopt the legal frameworks used by non-profit associations. As Tarrow (1994: 21) notes, these SMOs are "hosts of social movements that take advantage of opportunity structures provided in the modern state." These organizations translate the public's changing values and issue interests into a potential political force, they channel the energies of the movement, and they decide on the political goals and strategies of the movement (Dalton and Keuchler, 1990).
In recent years, the field of the NSM issues, there has been an increase in research on the micro issues of organizing and the influence of professionalization and bureaucratization of social movements in movement outcomes (see also section 3.6 below on Resource Mobilization).

There has been seen to be a convergence of strategies and tactics between new social movements, representing issues in non-traditional ways, and economic interest groups which engage in more traditional policy lobbying. This new professionalization of SMOs is what Maloney (1996) calls the "protest business" which has transformed SMOs into professional, bureaucratic, mainstream interest groups led by managers, staffed by paid economists and lawyers, and supported by sophisticated public relations and fund raising departments. The major environmental organizations, for example, now command resources and use a range of tactics similar to those deployed by traditional economic interests on which most theories of interest group politics are based.

But do these resources and tactics lead to an increase in the capacity of SMOs to influence? On one hand the presence of professional staff is seen by numerous researchers as an indicator of an ability, or at least a potential, to influence; on the other, the professionalization is seen as distancing movements from their earlier base and possibly compromising them through a dependence on resources which often come from government institutions. The protest business is derided by some commentators -- Cigler and Loomis (1983) claim that it is "not grassroots but astroturf" -- and Meyer and Imig (1993) warn that SMOs generally survive at the expense of the movements that create them by compromising on the original objectives. Others, however, continue to maintain that even "checkbook organizations" contribute to pluralist democracy (Newton, 1997).

3.4. Civil Society

The concept of civil society in its contemporary context can be traced to the work of Gabriel Almond and Sidney Verba who in 1963 researched citizens' attitudes towards the political system and towards themselves as part of that system, and introduced the term civic culture to designate the core social orientation to democratic values. The writing on this approach in the 1990s emphasizes the role of civil society -- the realm of private, voluntary association, from neighborhood committees to interest groups to philanthropic enterprises of all sorts (Foley and Edwards, 1996) -- in creating civic culture and in promoting pro-democratic attitudes, citizen participation and developing a pluralist political base.

The term civil society has been particularly back in vogue since the political changes of 1989 and the analysis of the role of citizens' organizations in the transitions of the former Eastern Bloc countries and their continued role in consolidating western-style democracies. The concept of civil society has reemerged from the dissidence and transition of Eastern Europe (Parry, Moyser and Day, 1992), and is now primarily used in the context of emerging democracies and developing nations. At the same time, writers such as Putnam (1993, 1995) also locate it in the context of the industrialized democracies, even though, as Walzer notes, "in the West we have lived in civil society for many years without knowing it (1992: 90). In his article "Bowling Alone", Putnam (1995) draws on the graphic social metaphor of the decline in bowling leagues in the US to warn of the dangers of what he see as a waning civil society in that country.

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9 These issues are analyzed in more depth in Chapter 5.

10 See Kumar (1993) for a historical review of use of the term civil society, starting with Aristotle and Cicero.
There are two lines of reasoning on the importance of civil society and its relationship to democratic political practice. The first considers that civil society creates social capital through the secondary effects of civil organizations, which teach democratic culture and practice to their members and create the base network for democratic political structures. The second line of reasoning considers civil society as politics in itself, a sphere of action independent of state that directly participates in creating pluralism and in resisting authoritarianism.

3.4.1. Civil Society as Social Capital

Social capital consists of both the assumed consequences of participating in social organizations, such as trust, knowledge of operating norms, and a sense of obligations and expectations, and of the information channels and networks that can facilitate coordinated actions (Putman, 1993). Recent works claim to demonstrate that high levels of social capital are important for sustaining and promoting economic and political efficiency as well as effective policy making (Whitely and Seyd, 1966; Putnam, 1993).

Social capital is seen to directly create political capital: the trust in, respect for, and willingness to participate in the institutions and process of a democratic political system. Civil society organizations are claimed to socialize their members and they compete and cooperate with each other to create legitimate political spaces and to promote non-authoritarian integration into social and political life (Knoke 1990).

But neither are the internal outcomes of participation in associations without controversy, nor is there consensus about the relationship between internal and external outcomes.

In terms of the internal dynamics of organizations, it is necessary to reconcile the assertion that associations teach democracy with the evidence that to be "effective" they may have to be less democratic, more bureaucratic and more removed from their base (Maloney, 1996).

In terms of the external outcomes, a number of writers (Whitely and Seyd, 1996; Gundelach and Torpe, 1996) question whether social capital is a precondition or a result of political capital. Dekker et al (1996) see trust as both a precondition and a result of participation and indicate that an open, inclusive political culture should be seen as a precondition for a flourishing associational sector. The relationship between social and political capital could be causal (and in which direction?), but also it could be substitutory (associative replaces political participation), or even independent (you can be participative in associations but cynical and non-participative about traditional political institutions). According to the empirical research of Gundelach and Torpe (1996), belonging to a voluntary association does not correlate with the integrative democratic element and there appears to be no relation between belonging to an association and political interest or participation. According to Van Deth (1996), however, the link between political capital and organizations exists and he asserts that the quality of the democratic politics depends, at least partly, on the performance of these kinds of associations and organizations.

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3.4.2. Civil Society as Politics

The second approach to civil society sees associations as directly creating democracy through their role as political entities. This analysis is based largely on the Eastern-bloc transitions and the key role that civil organizations played as underground opposition to the former regimes. At the same time, there is an increasing Western discourse on the direct democratic role of associations, which is usually presented under the label of *communitarianism*.

Communitarianist theory is directed more towards the debate on the future of the already consolidated democracies, as opposed to the stabilizing of new democracies. Communitarianism -- and related terms such as Barber's (1984) "strong democracy" -- is a "buzzword" of US politics of the 1990s and a discourse which has been adopted by sectors of the both left and right of the political spectrum. As Parry, Moyser and Day (1992) note, "communitarianism carries socialist as well as conservative credentials."

Building on an analysis which combines the civil society emphasis on associations as a pre-condition for democracy, with the post-industrialist analysis of the emerging role of alternative representation structures, communitarianism constructs a discourse which sees associations as the platform for a much stronger participatory democracy. For the communitarianists, associations will be the guarantors of future democracy, if they can forge a positive orientation towards shared civic values.

Communitarianist theory can be distinguished from earlier pluralism by its more instrumentalist view of the relationship between associations, the state and democratic outcomes. Whereas pluralism sees democracy as a by-product created through the equilibrium established between competing interests, communitarianism sees civil associations as the creators of democracy (Parry, Moyser, and Day, 1992).

Cohen and Rogers (1992) offer a variation on communitarianism which they call "associative democracy" (see also Hirst, 1994). They acknowledge that the threat of faction is real within pluralism, but claim that associations can make a substantial contribution to democratic order, even though the "right" sorts of associations do not arise naturally. We must, therefore, "supplement nature with artifice", through policies which secure an associative environment more conducive to democratic aims. These policies must be aimed at ensuring that associations are accountable to society, use democratic group decision-making process, have a comprehensiveness of membership relative to affected population, and through their relationship to the State and mode of interaction with other groups ensure an equality in the distribution of powers across groups.

Criticism of communitarianism comes from those that question the possibility of creating a redistributive and equitable society from within current associative frameworks. As Levine (1992: 490) states in his review of Cohen and Rogers article: "I suspect that capitalism cannot accommodate an associative democracy capable of anything like what Cohen and Rogers intend ... I am dubious of their proposals and uneasy with the new social partnership they imagine."

Another line of criticism questions the concept of the construction of democracy on which communitarian theory is based, by asking whether democracy is best served by organizations that play within the rules of the system or by organizations and movements that question it. Szasz
The second area, the macro-level economic analyses of decision-making, is best represented by the research on public choice which studies how interested actors play off their preferences against the preferences of other actors in order to maximize the outcome of a decision-making process. This economic approach is a useful abstract and formal analytical tool which allows us to conceptualize the maximization of interests. However, I concur with Howlett and Remesh (1995) that the logical elegance of the theory masks serious deficits and that it tends to ignore most of the political and social realities that determine the dynamics of the policy process and the interests of the actors in it. This thesis, therefore, does not address economic analyses of the decision-making process at the macro level.

Civil society debates evidence of the same tension between the possible positive and negative consequences of organization activity as have already been noted in regard to pluralism and interest groups. As Berman (1997: 561) notes: "many authors fail to recognize that under certain circumstance a robust civil society may not produce beneficial effects, but rather may signal, and hasten, a democratic regime's degeneration."

Keane (1987) also questions the primacy of associations by claiming that without the protective, redistributive and conflict-mediating functions of the state, struggles to transform society will become ghettoized, divided and stagnant, or will spawn their own new forms of inequality. At the same time, he sees civil society as part of the "road to democratization and socialism", but this would mean attempting to redefine the boundaries between civil society and the state. Walzer (1992) similarly questions whether associations are a prior condition of democracy or a consequence of it, when postulating his "paradox of civil society": a strong civil society seems to require a strong and responsive state.

3.4.3. Civil Society, Associations and NGOs

It is important to note that the definition of civil society given at the beginning of this section has a considerable overlap with definitions of NGOs and the Third Sector given in the following chapters. Civil society is the conceptual realm made up of "associations", the term favored by communitarianist authors, which in general coincide with the NGOs presented in this thesis.

3.5. Rational Choice

Rational choice refers to the economic analysis of the decision-making processes that determine political outcomes. This analysis is based on the assumption that actors, both individual and collective, will act rationally to maximize their benefits. There are two main areas of decision-making covered by rational choice: 1) the decision of individuals to participate (in terms of contributing time, money or other resources) in organizations such as NGOs; 2) collective decisions over the allocation of public or private goods, according to alternatives favored by competing actors. It is the first of these areas that is directly relevant to this thesis.

The undisputed father of the rational choice discourse in relation to the decisions of individuals regarding their participation in organizations that pressure for "public goods" is Mancur Olson, in particular through his seminal article "Collective Action" (1965).

Although his treatment of why persons with a theoretical interest in an issue will not

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12 The second area, the macro-level economic analyses of decision-making, is best represented by the research on public choice which studies how interested actors play off their preferences against the preferences of other actors in order to maximize the outcome of any decision-making process. The analyses are often represented in terms of "game theories". This economic approach is a useful abstract and formal analytical tool which allows us to conceptualize the maximization of interests. However, I concur with Howlett and Remesh (1995) that the logical elegance of the theory masks serious deficits and that it tends to ignore most of the political and social realities that determine the dynamics of the policy process and the interests of the actors in it. This thesis, therefore, does not address economic analyses of the decision-making process at the macro level.
participate in collective action involved some detailed mathematical relationships, his basic conclusion is simply stated. People will not cooperate to create public goods because there is a structural counter-dynamic that makes it irrational to do so. Since, by definition, any public good gained through collective action will be freely available to all, any one individual has no incentive to commit their personal resources to that action. Those who do not participate in the collective action can become "free-riders" and enjoy the benefits, so the rational choice for any individual is to maximize their net benefits by withholding contributions, or at least hedge their bets by miminizing them.

According to this Olsonian rationality, if an organization relies solely on the value of public goods to induce member contributions, there would be no collective action. To overcome the free-rider problem, Olson maintains that organizations must use coercion or also provide selective incentives available only to those who participate. Or, a group formed for some non-political purpose can use excess resources to carry out collective action.

It is important to note that Olson was writing about problems facing large formal organizations like unions, political parties and commercial organizations who wish to secure coordinated efforts, and his line of argument is less convincing when applied to voluntary organizations. In fact, Olson wrote only half a dozen pages on non-economic organizations and seemed doubtful whether his model truly applied to such organizations. He appeared to recognize that motivations other than rational cost-benefit may lead persons to contribute to collective action organizations (Rich, 1988; Knoke, 1990). Despite Olson's disclaimer, a generation of researchers have maintained that rationality proves that collective action should not exist.

But as experience shows us, despite the problem of free-riders, collective action does indeed take place and it is thriving (Riechmann and Fernández, 1994; Dalton and Keuchler, 1990; Dalton, 1993; Tarrow, 1995).

As Rich (1988: 8) states, "there are many possible solutions to free-rider problems that may be viable in given situations and any organization is likely to utilize several of them in making joint effort possible." On one hand, there are the Olsonian solutions outlined above; on the other, various writers have provided other possible solutions:

- Individuals don't make a single decision about participation, so collective action is not a single rational decision, but a multiple series of "games" which increase cost of defection and advantage of participation. Nor is the choice a straight win-lose or participate-defect situation. Individuals only need to calculate whether or not enough others will cooperate to ensure provision of services at an acceptable level (Rich, 1988).
- Potential members also respond to a number of extra-rational incentives such as efficacy, civic duty, morality, solidarity and the social dimension of participation. Olson saw participation in collective action only as a cost, but to many it is a benefit in itself (Rich, 1988; Nownes and Neeley, 1996; Tarrow, 1995).
- Individuals are not necessarily rational and at best work within a "bounded rationality" in which choice (even that of non-participation) is not unlimited. Participation can depend on the perception by a relatively few potential participants that some advantages will be gained by cooperation with others (Knoke, 1990a).

Taken together these factors challenge rational decision processes as a comprehensive
There is a complex relationship between public and private goods inducements offered by organizations and heterogeneous motivations among members responding to collective action. The purely subjective, utility-maximizing, egocentric actor does not fare well in the real world.

As Knoke (1990: 223) states, "Olson is not wrong, just incomplete." Knoke proposes instead a synthesized motivational model: "individual members of collective action organizations are motivated by three general decision-making processes; a) rational choice; b) affective bonding; and c) normative conformity."

3.5.1. NGOs and Rational Choice

NGOs as collective action organizations potentially face rational choice type issues. Although we have seen that rational non-participation can be overcome, it must be acknowledged that group formation cannot simply be assumed (as was done by pluralists earlier): individuals join and participate -- or free-ride -- for individual reasons (Mitchell and Munger, 1991) and NGOs must be able to mobilize the individuals that will form the basis of their potential power.

Also, it is important to note that collective action is a term held somewhat prisoner by Olson, and to the economic concept of collective goods. But we should remember that it is also used in a non-Olsonian sense and it is not necessarily related to rational choice-type economic analyses (see Marwell and Oliver, 1993; Knoke, 1990a; Melucci, 1992). Collective action can be used in the original, general sense to refer to the wide range of mobilizations and can be used to describe the interest promotion activities of NGOs. In particular, David Knoke (1990) uses the term collective action organizations to designate those entities which "seek non-market solutions to individual or group problems." Sidney Tarrow (1996) studies "contentious collective action" used by people who lack regular access to institutions. His contentious collective action has the basic properties of collective challenge, common purpose and solidarity.

3.6. Resource Mobilization Theory and Organizing

Resource Mobilization Theory (RMT) is primarily identified with the work of John McCarthy and Mayer Zald and attributes increases in social action (through interest groups, social movements, collective action, etc) to an increase in the effective use of resources. This approach presumes that political dissatisfaction and conflicts are inherent in all societies, thus the formation of influential movements depends on the creation of organizations and the mobilization of resources (Dalton and Keuchler, 1990). RMT researchers look at what means must be used to turn social communities into political communities through mobilization (Gundelach and Torpe, 1996).

Strategies and tactics are based not on emotional outbursts but on conscious calculation of how best to advance goals. The possibility of a movement or individual organization succeeding in reaching its goals depends on its organizational resources and capacity to mobilize them. Tarrow,

(1994) notes that the primary mobilization problem is not the individual issue of participation, but a social-organizational issue of coordinating unorganized, autonomous and dispersed populations and that the recent increase in social organizations has developed in parallel with the greater affluence and the extension of organizational resources available to entrepreneurs.

RMT covers a wide range of research on the management of organizations' resources and dynamics. All organizations wishing to participate in the policy process have internal aims such as member servicing, governance, organizational maintenance and legitimation, and the external goals of managing a "resource exchange" of technical expertise and political support with other organizations and State apparatus they are seeking to influence. Essentially, they must have the resources and skills to meet the organizational costs of mobilizing their political base. The literature on how to manage these resources comes from a diversity of sources that address management issues; often under the label of "organizing". 14

RMT is essentially about the analysis of resources, with little reference to the political context and history. It is usually criticized as "ahistorical" and tends to be identified more with a US analysis of organizations. At the same time, Cohen and Rogers (1992) suggest that RMT and European political analysis are not incompatible, but simply emphasize different aspects: in the US they look more at instrumentality, whereas in Europe the emphasis is on communication and historical identity. Van Deth, (1996) sees analyses of organizations' ability to mobilize resources as the micro perspective of social integration and mobilization as opposed to a more macro perspective of wider political and social analysis.

3.6.1. NGOs and Resource Mobilization Theory

Despite criticism of RMT, it contains a basic kernel of truth: that without the ability to mobilize resources, a group (or movement) has little chance of success. The ability of NGOs to influence the policy process has an evident political dimension, but it also has an administrative component that requires the organization to administer effectively the resources and skills necessary to carry out its efforts to influence. An NGO's capacity to mobilize will be an important factor in deciding the influence it can wield.

3.7. Conclusion

As this chapter illustrates, elements for a comprehensive theory on NGO political actions lie scattered across diverse disciplines such as sociology, political science, economics, organizational analysis, and social work. The common strands stitching the elements of these disciplines together are people's decisions to become involved in a collective activity and the resource exchanges within and between organizations which pursue the political goal of influencing decisions on the allocation of public goods. The literature reveals a large degree of overlap between the fields and an even greater indefiniteness in the use of terminology; often the same analysis is simply wrapped into different packages and labeled according to the discipline of origin.

The diverse analyses offer similar conclusions in one important area: there seems little doubt

14 Union organizing and community organizing are two of the more common applications of this discipline.
that while traditional interest representation through political parties, unions, churches and other corporatist structures is declining, the new channels provided by various forms of collective action such as interest groups, NSM, collective action organizations/associations are increasing.

Moreover, there is both a convergence between the concepts identified in this chapter (interest groups, social movements and associations are looking and acting more like each other every day) and a sense that actions of contemporary organizations are transcending the former perspectives and labels, particularly in regard to service-delivery relationships and the consultation process. There is a multi-dimensional role taking over from traditional ones; we can no longer talk about pure interest groups or social movements, when they now share similar professionalized organizational structures and offer a range of mobilization modes, as well as goods and services.

As Richardson (1993: 10) notes: "Whatever we call them -- pressure groups, interest groups or lobbies -- makes relatively little difference to the actual phenomenon under discussion, namely the process by which interests become organized in society and the process by which those organizations participate in public policy-making."

We have looked at the political science approach, which can be characterized as the political domain, and the sociology approach, the social domain. We have also looked partially at a third domain: the organizational domain. Resource Mobilization and NSM look in general terms at how groups mobilize individuals, but not at how they mobilize themselves as actors and the relationship between mobilization and the other dimensions of the work carried out by these organizations such as socialization and service delivery.

The research that looks most directly at the interplay of these diverse roles of contemporary extra-governmental organizations is articulated through the work on NGOs. Graphically, this can be represented as:
Figure 3.1 The Domains of The Theoretical Traditions

Social Domain

(New) Social Movements

Rational Choice

Political Domain

Interest Groups

Communitarianism

Resource Mobilization Theory

Non Government Organizations

Organizational Domain

Source: Author
In the next chapter, therefore, research on NGOs is presented as a new discipline that emphasizes the organizational form but also analyses the political role of these organizations.
4.1. Introduction

NGOs have a long history, but until relatively recently they were considered a marginal element in societies dominated by the state and the marketplace (Drucker, 1990), and in some societies also by the Church. However, in the last two decades NGOs have experienced an almost exponential growth in their activity and influence and have undergone significant changes which have redefined their social role.

In the context of the welfare state, new organizational forms are being explored for the delivery of services and for participation in the democratic process. NGOs appear to offer acceptable solutions to the majority of the sectors in our society, and no single ideology dominates the discussions in favor of furthering their activities. The Right considers them as an important source of non-government initiative for counter-balancing state powers and privatizing the delivery of public services. The Left sees them as the epitome of grass-roots activism that can ensure that social services are effectively delivered to those most in need.

At the same time the increase in the activity of NGOs should not be seen only as a spontaneous phenomenon -- a growth in activism and civil participation -- or as the result of the structural changes that were identified in the last chapter as leading to the increased activity of interest groups and social movements, but also as the consequence of deliberate developmental policies by governments who see them as instruments for achieving their own objectives.

This increase in the prominence of NGOs has been accompanied by an increase in interest by researchers and academics who have focused mainly on theories which explain their origins and their role in service delivery or on management issues. In contrast, less attention has been paid to the political role of NGOs, and textbooks tend to dismiss this role in a few lines in the preface or introductory sections, usually taking for granted that the organizations have political power, or concentrate on the micro social integration of individuals (Van Deth, 1996) and not on the macro system integration of NGOs in the policy process.

In this chapter, my intention is to review the literature that seeks to explain the increase in NGOs and to explain the diverse roles they undertake. In doing so, it will be possible to explore the relationship between NGO political participation and their other roles.

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1 In June, 1994 the new International Society for Third-sector Research held its first congress in order to bring together research in this field.
4.2. Definition of NGOs

Until relatively recently, few people used the term "NGO" -- or the other labels analyzed below -- in a collective sense but instead spoke of charities, hospitals, cultural organizations, etc. as separate entities which had little in common (Drucker, 1990). However, with the increase in the influence of these organizations there has been an increase in the awareness that they constitute a "sector" of organizations with comparable goals and structures.

At the same time a single definition of these organizations has eluded researchers, and in its place exists "a salad of terminologies and a 'pot-pourri' of definitions" (6 and Pestoff, 1993: 1). These include terms such as "non-profit", "community-based", "charity", "voluntary", "independent", "intermediary" and "informal" which are used to describe the organizations or collective concepts such as "third-sector", "third-party government", "para-government", "the commons" and "shadow government" (Wolch, 1990; Lohmann, 1993); European terms such as the French "économie sociale" (social economy), the German "gemeinnützige" (common welfare), and "gemein-wirtschaftliche unternehmen" (popular economy), the English "non-statutory sector", the Spanish "asociacionismo" (associationism), the equivalent of "indirect public administration" used in Finland, Germany and Denmark, and the Dutch "societal middlefield"; and the Australian term "community services sector". (Kramer, 1991; 6 and Pestoff, 1993; Anheier and Seibel, 1990; Salamon and Anheier, 1992, Lelieveldt, 1996).

These terms describe overlapping concepts which at the same time can be somewhat differentiated according to the varying legal frameworks, participatory values, management styles, degrees of separation from the state, and the diverse political, economic and social roles they imply. In this thesis, I will not evaluate the differences between definitions, but nevertheless I have chosen to use the term NGO precisely because it is one of the most common terms currently used and because it emphasizes the separation from government institutions.

4.2.1. What is an NGO?

Definitions of NGOs are usually based on a combination of specific legal, social, functional and economic characteristics (Continente, 1992; Petrus, 1991; Salamon and Anheier, 1992a). The characteristics most often used are:
- formal structure
- independence from government
- non-profit (non-distributory) fiscal provisions
- participatory organization, with a strong reliance on volunteers but also often employing professionals
- working in the areas of health, culture, education, welfare, leisure and social action with the objective of improving the quality of life for their clients.

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2 Economie sociale, which includes economic collectives, and community services sector, which defines organizations by the services provided and not by organizational structure, are the definitions which are most differentiated from the others. This paper does not refer to the role of either collectives or for-profit businesses which deliver community services.

3 See Lohmann (1992) for a discussion of the differences among North American terminology and Salamon and Anheier (1992) for analysis of the different terms and classifications.
If these characteristics are seen as absolutes within separate dichotomies, problems immediately arise. Instead, they should be seen more as relative values along parallel continuums. The continuum most difficult to define -- and the one most central to this research -- is the independence of the organizations. Can an organization be considered non-government, private and independent if, for example, it was founded under government initiative, has government representatives on its board of directors, receives the majority of its funds from government subsidies, and works under strict guidelines that determine its ambit of action?

It is in this attempt to separate "government" from "non-government", combined with the continuum of profit versus non-profit that the concept of a "third-sector" originates. This third sector is emerging alongside the state and the market place and its existence tends to be defined by default:

"[The] rationale of the third sector is based on the inadequacy of the other two sectors. Government, the first sector, provides public goods but only in categorical ways; the marketplace, the second sector, provides for the exercise of individual choice but fails to provide public goods; the third sector lacks the coercive power of government and the driving self-interest of the marketplace, but it provides for individual choice and it provides public goods.... [the third sector] works because the other ways fail." (Gies et al., 1990: vii)

A number of authors also speak of a fourth sector, the informal relationships that exist within the family, friends and community. At the same time, Streek and Schmitter (1991: 227) consider that "community" in fact has always been one of the traditional sectors and that "associations" are emerging as the new, fourth, sector. According to these authors, the traditional three sectors can be associated with ideal models of society -- the community with spontaneous solidarity; the market with dispersed competition; and the state with hierarchical control -- and now a new model of organizational concertation is being added through the emerging associations.

To Streek and Schmitter, the history of democratic, industrialized societies consists of two main periods: the expansion of markets into pre-existing communities in the nineteenth century and the expansion of the interventionist state into the new market economy. In both these periods, associations were seen as impediments to the development of free markets and to the growth of a democratic state, and this tendency to discuss the NGO sector in terms of the actual or potential dysfunction for the others has continued to dominate the scene. They point out that the idea of a distinctive associative order is not new to modern social and political thought: Hegel had a concept of how korporationes emerged from civil society and it became an integral part of Roman Catholic doctrine; Saint-Simon was promoting the idea of associationisme as early as the 1830s as an alternative to capitalism; Durkheim spoke of organic solidarity; the guild structures were the basis of late medieval cities; and Keynes searched for a new order somewhere between the individual and the modern state and proposed a return to medieval conceptions of separate autonomous. The present

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4 The discussion here is on definitions of public and private in the political-legal sense. See Wolch (1990) for a discussion of the public-private in ethical, economical, sociological, and anthropological contexts.

political dynamics in western industrialized countries can be described and better understood in
terms of a search for a new balance between the growing realm of associative action and the existing
tensions between the centralized state, neoliberal individual self-interest and communitarian appeals
to group altruism (Streek and Schmitter, 1991).

Whether we identify them as the third or the fourth sector, the fact remains that NGOs and
related organizations occupy a conceptual space on the definitional frontier between public
institutions, the private marketplace, and family and community structures. Evidently, in occupying
this space, clear definitions are elusive and the various attempts to find clear distinctions between
the three sectors has only served to strengthen the sense of difficulty.

Many types of NGOs and hybrid organizations exist and further complications are introduced
by the tendency in the last few years of administrations to create government corporations which
use non-profit legal formats. At the same time, it is possible to identify a nucleus of organizations
which fall without question within a definition of NGO and others which may resist categorization
but do not in themselves invalidate attempts to create concepts which distinguish NGOs from the
state.

It should be noted that, despite attempts to define NGOs with characteristics such as
"improve quality of life", they are not always altruistic -- neo-nazi groups are also NGOs -- they can
fall easy prey to people or groups who choose to exploit them -- the infamous poverty lords in poor
neighborhoods of U.S. cities live comfortably from the financial advantages they accrue through
their control of funding in their neighborhoods -- and they can participate in illegal activities.
Although they do not receive much attention in research, these organizations constitute the "dark
side" of NGOs (Lyons, 1993: 317) and are, nonetheless, part of the reality of the increase in NGOs.

Moreover, the sector can encompass both large, stable organizations and small, fly-by-night
outfits. Each year new NGOs appear and many disappear. They vary not only in their size and
stability but also in their way of functioning, their source of funding, management styles, legal
structures, and above all in their activities.

4.2.2. Classifying NGOs

Parallel to the difficulty in defining NGOs a debate exists about how to classify the full range
of organizations which fall within the definitions above.

Lipsky and Rathgeb-Smith (1990) offer a typology based on three types of organization:
traditional charity and social service agencies, NGOs that have been created in the last 20 years to
be able to respond to the availability of government subsidies for the delivery of privatized services,
and the NGOs formed to lobby for better service coverage.

Such a definition is useful for classifying social-service NGOs; but, evidently, other
categories exist. Douglas (1987) offers a classification of three categories: charities, organizations
which benefit their members (unions, professional associations, sports clubs, etc.), and political
organizations (political parties, lobby groups, etc.).

However, to include the whole range of possible organizations the tendency has been to
create formal classifications according to their sectorial functions. Salamon and Anheier (1992a) review existing classifications and offer their own, the International Classification of Non-Profit Organizations (NPOs), as represented in Table 2.1:

### Table 2.1: International Classification of NPOs

<table>
<thead>
<tr>
<th>Group 1: Culture and Recreation</th>
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</thead>
<tbody>
<tr>
<td>Group 2: Education and Research</td>
</tr>
<tr>
<td>Group 3: Health</td>
</tr>
<tr>
<td>Group 4: Social Services</td>
</tr>
<tr>
<td>Group 5: Environment</td>
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<tr>
<td>Group 6: Development and Housing</td>
</tr>
<tr>
<td>Group 7: Law, Advocacy and Politics</td>
</tr>
<tr>
<td>Group 8: Philanthropic Intermediaries and Voluntarism Promotion</td>
</tr>
<tr>
<td>Group 9: International Activities</td>
</tr>
<tr>
<td>Group 10: Religion</td>
</tr>
<tr>
<td>Group 11: Professional Associations, Unions</td>
</tr>
<tr>
<td>Group 12: Not Elsewhere Classified</td>
</tr>
</tbody>
</table>

Such classifications present their own problems of application, both for the difficulties in classifying some NGOs and the problem of NGOs that work in more than one sector. Greenpeace, for example, could be classified either in Group 5 or in Group 7; if a union offers training programs, then it should be classified in both Group 11 and Group 2.

Despite these disadvantages -- and without entering into debates over the advantages of this classification system over others -- it can be seen that this classification offers a complete overview of the organizations that could be considered NGOs.

However, it should be recognized that political parties, unions, and the strictly religious work of churches tend to be excluded from commentaries on the work of NGOs, even though technically they meet the criteria to be considered as such. The close relationship between political parties and government and the privileged status that unions and the church may enjoy within democratic society separate them from other NGOs.6

There is also the tendency, mentioned earlier, to focus on NGOs which work for social welfare, the distribution of wealth and civil and social rights. It is not that other organizations -- such as chambers of commerce which tend to favor the accumulation of wealth in certain sectors -- are necessarily declared not to be NGOs; it is more the definition of the term has taken on symbolic content that goes beyond its merely heuristic value. In countries which have "charity laws" -- primarily countries with an English tradition -- the definition of charity organizations attempts to separate them from other organizations according to humanistic criteria, but even in these countries, attempts to define NGOs according to their social goals are not able to overcome difficulties in categorization.

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6 See also Chapter 2 for a discussion of the difference between quasi-government and non-government actors in the policy process.
4.3. The Increase in NGOs

The number of NGOs has increased considerably in the last two decades. They have expanded their influence within democratic societies and created both cooperative and competitive relationships with government for the development of public policies and the delivery of services. What is the reason for their recent expansion? Why does the State share its responsibilities with NGOs if it already has the legitimacy and authority of the political system?

In the literature on NGOs it is possible to identify political science and sociological perspectives, similar to those outlined in the previous chapter, as well as strictly economic perspectives.

4.3.1. Economic Perspectives

Weisbrod claims that public goods provided by the state in exchange for citizens' taxes are generally targeted, for political and economic reasons, at "the average citizen", which leaves a marketplace of "excess demand" for the production of public goods for those whose needs do not necessarily coincide with the "average". This can be both at the high end, those able to pay for such services (e.g. those who send their children to private schools); as well as at the low end, the marginalized who must organize alternative provisions (in Hansmann, 1987; Wolch, 1990; Lyons, 1993).

Among the criticisms of Weisbrod's approach is the fact that it appears to explain why NGOs provide the same public services as government, but it does not explain why they are also able to compete with private businesses (e.g. in addition to private schools, there are also non-profit schools). To address this issue, Hansmann proposes the concept of "contract failure", according to which some consumers prefer non-profit organizations given that government fails to provide services to all and business does not offer guarantees against exploitation (Hansmann, 1987; Dimaggio and Anheier, 1990; Lyons, 1993).

However, these two theories only speak of responding to consumer demand but do not explain why there is an offer organized according to non-profit principles, i.e. Why do potential service deliverers choose to organize according to these principles? What advantage could these organizations offer if they have a non-distribution-of-profits factor? James claims that most importantly it is the ideological benefit or religious mission that encourages the creation of NGOs (in Lyons, 1993), but also the access which NGOs have to certain fiscal advantages -- including government funding -- gives this sector economic advantages in those areas where the option between non-profit and for-profit structures exists (Wolch, 1990).

However, economic theories only address the creation of service-delivery NGOs but do not explain the existence of political organizations and those NGOs which organize sporting and cultural activities. Nor do they explain why the State would encourage the creation of these organizations (the state and NGOs should always be competing according to an economic logic) nor why there has been an increase in NGOs in the last decades.

4.3.2. Political Science and Sociological Approaches
A number of authors examine the growth in this sector in the context of crisis of the welfare state and an apparent crisis of confidence in democratic institutions. These factors are usually a mix of pluralist values -- in a society that is more complex and more corporatist, it is necessary to organize in order to have your voice heard -- and a call for economic and organizational efficiency.

Hood and Schuppert (1988) and Subirats (1992) identify a number of characteristics of the current socio-political situation which has led to the development of NGOs:
- The growth of political, ethnic and religious diversity and the growth of political awareness among minority groups.
- The proliferation of a more differentiated and complex demand on public service and the growth of demands for new services related to social changes.
- A lack of confidence in public bureaucracies and traditional political parties related to an increase in the perception of corruption.
- The creation of alternative service delivery structures that can avoid the rigidity of government procedures and so be more responsive to client needs.
- An increase in the organizational capacities of citizens.
- The increase in mechanisms for client oversight of the provision of services and greater concern about quality of service as opposed to quantity.
- The remission of the welfare state, which requires structures that can be more economically efficient than public agencies and/or maintain services despite cutbacks.

This list of factors provides a good illustration of the current tendency to frame political science and sociological analyses of the increase in NGOs in pluralist and progressive terms. The factors seem to indicate both a desirability and a inevitability of the growth of these organizations.

At the same time, there is little empirical evidence to corroborate that NGOs deliver what they promise (Dimaggio and Anheier, 1990). NGOs can be well-financed, well-managed, sensitive to the needs of the community, and more responsive to changing situations; but they can also be under-financed, forced to "beg" for funding in the cut-throat world of private donations, and provide a deficient service through untrained staff working with precarious labor contracts. Additionally, they are often not be open to the same public scrutiny as public administrations, and -- as we have seen in the previous chapter -- their ability to promote pluralism may be questionable.

NGOs compete with the state, but this can be both loyal or disloyal competition. Loyal because it can encourage the administration to be more cooperative; disloyal because it offers an alternative to the state with apparent democracy, openness, efficiency, and sensitivity, but without any guarantees of actually being so. By offering this alternative it can weaken the legitimacy of the state.

Moreover, it must be kept in mind that the increase in NGOs is also a result of conservative ideologies. Under the label of privatization there is a movement which seeks to shift responsibility for the delivery of services to the private sector. However, the private sector is not only NGOs, but also private businesses which often put economic criteria ahead of equality and social justice. Paradoxically, the intellectual roots of the burgeoning NGO sector in the last decades spring as

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7 See the discussions in Chapter 3 on the increase in interest groups, social movements, and associations.
much from Reagan and Thatcher's neoliberalism as from progressive grass-roots movements (Henig, 1990).

As Dimaggio and Anheier state:

"[NGOs] are the protectors of pluralism and of privilege, instruments of democracy and of control, sources of innovation and of paralysis, partner and competitor of the state." (1990: 153)

4.4. Cultural Differences in NGO Development

Up to this point, my commentaries have been made in a neutral context with few references to different cultures or nationalities. It is important to note, however, that there is no single historical or cross-national definition of NGOs and that their functions, origins and modes of operation in each country reflect differences in legal frameworks, civic-cultural traditions, professional ideologies, the relationship between church and state, the level of economic development, and state policies (Dimaggio and Anheier, 1990; Kramer, 1981; Salamon and Anheier, 1992b; 6 and Vidal, 1994). For example, the lawyers' association in a developing country may be a champion of human rights, whereas in a developed country it may only serve to protect the commercial interests of its members.

Literature tends to identify a higher rate of NGO development in Anglo-Saxon societies as a result of a more individualist culture which encourages self-organization independent of the state; whereas in a Continental tradition, there is a stricter division between the state and civil society and the tendency is to leave the provision of public goods in the hands of the state. Although the increase in NGOs in European countries over the last years and the influence of North American literature on the global discourse on NGOs may indicate a confluence of these two traditions, 6 and Vidal (1994: 22) maintain that there continue to be three ideological-cultural models of NGOs:

a) The social democratic model of a state which takes primary responsibility to finance and deliver services while NGOs provide oversight, lobby for new services, provide information to users, facilitate access, and promote the development of helping professions.

b) The neoliberal model of minimalist participation by the state and the privatization of service delivery through NGOs and business organizations, in which NGOs are dependent on a high level of donations and other private finance.

c) The hybrid model of the provision of many services by NGOs, but within the strict context of state guidelines and regulations.

4.5. Government Development of NGOs

It is necessary to note again that the growth of NGOs in the last decades has resulted as much from the developmental policies of governments as from the organizational will of citizens and service consumers. An earlier conception, which considered NGOs as an interference to the exercise of public power and both superfluous and delegitimized in a democratic State, has given away to widespread support for their growth.
Governments, both conservative and progressive, foster NGOs through public policies which promote grants, cooperative agreements, the provision of infrastructure, technical assistance, training of personnel, and the enacting of legal frameworks for their creation, finance, and protection. Above all, governments legitimize the activities of NGOs through their integration into consultative mechanisms, and they are consecrated as the gatekeepers between government and users. Governments support existing organizations and often create new ones directly using NGO organizational formats or hybrid organizations to carry out clearly governmental initiatives.8

Governments do so because they assume -- with obvious ideological differences -- the arguments in favor of NGOs that were cited earlier. Encouraging the use of existing NGOs or creating new ones, allows government to exploit the legitimacy or acceptance which NGOs enjoy and to make use of the administrative and economic efficiency they apparently represent. It also insures a certain level of control over NGOs and their activities, by "defining in" potentially provocative organizations which become part of the state-sponsored service delivery and consultative network (Gundelach and Torpe, 1996).

4.6. The Roles of NGOs

Given the differing perspectives on the origins of NGOs and of their classification, it is to be expected that there are different perspectives on the role that they play within society.

Etzioni, in one of the first works written in the context of U.S. neoliberalism, sees them simply as an efficient form of organization which "combines the best of two worlds: the efficiency and knowledge of business with the public interest, responsibility and wide perspective of government" (1973: 315).9

Others point more to the pluralist role of NGOs. Berger and Neuhaus (1977) describe "mediating structures," which oversee the relationships between public and private in a welfare state.10 Kramer (1981) speaks of their role in bringing people together to form a solidarity network which fills the gap between a democratic state and its citizens and allows them to intervene in the democratic process outside the usual channels of the ballot box. Serra characterizes them as "the nervous system of democracy which defines the strength and consistency of civil society" (Serra et al., 1993: 2) The research on civil society in recent years has taken this idea further and suggested that a strong network of associations is a prerequisite of democracy and communitarianists see them as the future basis of participatory democracy. The neomarxists see associations as part of the postindustrial adjustment to the crisis of capitalism, providing new modes of control over the political aspirations of a new generation.

There are also multi-dimensional perspectives which attempt to determine the role of NGOs according to the dominant social service/welfare ideologies within a society and the model for

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8 The English term QUANGO refers to quasi-NGOs and some authors use the term GONG for government-sponsored NGOs.
9 Etzioni was speaking about the need to create large, third-sector organizations that would provide public goods such as social security, student loans, and training.
10 They are the formal mediating structures. He also speaks of “informal structures” such as the family, friendship networks, etc.
distribution of responsibilities between the state and the third sector.  

Within all these perspectives four primary roles can be identified: a) service delivery, b) innovation, c) maintaining the value system, and d) lobbying (Kramer, 1981). Although it is this final role that is analyzed in this thesis, the other three roles help create the climate of legitimacy which potentially allows NGOs to also take on a political role. In the course of service provision, for example, there are often ties to consultative structures that potentially influence policy making, thus creating a "double role" (Lelieveldt, 1996). It is hard to separate the political role of NGOs from the other roles -- or political NGOs from non-political -- as almost all organizations take on some policy role, even if only "modelling" desired changes or because through their "non-political" service delivery they perpetuate the status quo of intervention strategies and funding distribution.

4.6.1. Service Delivery

The service delivery role of NGOs is the one to which most attention has been paid, both in order to understand why there has been growth in the last few years and to attempt to increase management effectiveness.

Within the whole range of public goods and services, the work of NGOs is concentrated in those services considered to be "quality of life" -- education, welfare, culture, environment and leisure. In contrast other areas have been maintained as strictly the responsibility of the state -- defense, public order, and foreign relations -- while others have a stronger participation by business organizations -- infrastructure, energy, and communication.

The proponents of service delivery through NGOs claim that they have the capacity to be more sensitive to the needs of users and to respond in a more effective and innovative manner. As we have seen, however, others would claim that NGOs can also perpetuate second-class services and hide weaknesses in service (Sarasa, 1996; Montagut, 1993; Casey, 1995).

4.6.2. Innovation

Many authors claim that NGOs take on the role of proving grounds to develop new projects and services. On one hand, this is a logical consequence of the economic approaches outlined above. If the raison d’etre of NGOs is the need to cover "excess demand" and "contract failure," then they must create new services and innovative approaches to inadequacies, as well as demand the development of policies where none existed previously. Salamon (1995) claims that it is the voluntary sector which first organizes new collective goods and government later assumes responsibility for them.

Similarly, sociological and political approaches also attribute the role of innovator to NGOs.

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11 See section on welfare state ideologies in Chapter 5.

12 See discussion on modelling in Chapter 5.
This capacity derives from two primary factors: a) the absence of bureaucratic rigidity which stifles innovation, b) the concentration within NGOs of activists with an entrepreneurial spirit.

Other authors question whether NGOs, in fact, have innovative capacity. Kramer (1981) claims that they are not necessarily innovative and that governments innovate just as much. He also questions whether the innovation that does exist is a capacity inherent in NGOs or whether it is simply the way in which governmental organizations avoid the bureaucratic rules that they inherit. He claims it is a traditional strategy for government officials to "feed" ideas to NGOs so that they can help them lobby for services that the officials want to see provided by their own administration but which have encountered resistance (Kramer, 1981).

4.6.3. Maintaining the Values

As we have already seen in the declarations of Berger and Neuhaus (1977), Kramer (1981), and Serra (1989), it is claimed that NGOs are the keepers of the values of the democratic system -- such as altruism, social integration, self-help, cooperation, pluralism, and participation.

Such affirmations tend to have a tautological character if we define NGOs according to humanistic values and aims. A wider definition, in contrast, allows us to identify many NGOs which have little interest in guaranteeing these democratic values. This refers not only to organizations such as neo-nazi groups that are clearly anti-democratic, but also to all NGOs that seek to impose narrow interests over what may be considered a wider interest of the community.

Moreover, ostensibly democratic NGOs often use practices inconsistent with the notions of public scrutiny and fair practice in their decision-making and for the distribution of funds raised. In some cases the unethical attitudes of NGOs has led to the establishment of self-regulation mechanisms. NGOs are often guilty of the same vices of which they tend to accuse administrations, and the same rivalry that exists between government and NGOs often exists between different NGOs that work in the same field. In some service areas, a small cartel of organizations monopolizes government grants and the channels of communication and consultation, and many of their efforts are spent in preserving their hegemony, as well as looking after the interests of their clients.

4.6.4. Lobbying

Lobbying is the term used by Kramer and other authors to designate the overt political activity of NGOs. As I have noted earlier, it is necessary to take a wider perspective on NGO participation in the policy process and, equally importantly, to understand that this role is intimately linked to the others.

While the specific NGO literature tends not to analyze in any depth their political functions, we can incorporate research from the disciplines outlined in previous chapters to explore the parameters of this role. This will be done in Part II of this thesis.

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13 The US National Charities Information Bureau stipulates that no more than 40% of funds raised should be used as costs for further fund-raising (NCIB, 1988).
PART II

TOWARDS A UNIFIED ANALYSIS
CHAPTER 5
THE PARTICIPATION OF NGOS: FRAMEWORK FOR ANALYSIS

5.1. Introduction

In Part I, I looked at the participation of extra-governmental actors from three different perspectives: first, a classical policy analysis approach, which allows us to understand the cycle of the policy process and the distribution of power within it, as well as identifying NGOs as extra-governmental actors; second, an overview of a number of associated approaches, primarily from political science and sociology traditions, which add additional insight into the context in which NGOs act to advance their interests; and third, a chapter focusing on NGOs as an increasingly defined sector of organizations that embraces interest articulation as one of its fundamental roles.

I fully acknowledge that NGOs act as interest groups when they work directly to articulate and press for specific demands within the policy process; that they are social movement organizations when they are the organizational expression of these movements; and that they are, by analogy and definition, associations and collective action organizations, as well as many of the other terms used in the literature. However, I continue to maintain NGOs as my term of choice, because it term does not directly owe its intellectual or etymological roots to any one of the academic traditions and because it is precisely this label that is most widely given to the organizations that occupy the current space of discourse and dominate the current mechanisms of consultation and lobbying. Civil society in the industrialized democracies is creating NGOs in increasing numbers as the expression of the diverse collective wills, and governments promote them as the expression of an involved citizenry and as a mainstay of a pluralized service delivery system. NGOs engender a fundamental relationship between service delivery and policy consultation and enjoy a legitimacy that is not contemplated in the earlier political science and sociology perspectives on social mobilization or political participation by interest groups and social movements. NGOs are the current manifestation of collective action and in this role seek to both gain access to the decision making process and assure their influence within it.

The growth in NGOs in recent years and their participation in the mixed, public-private management and delivery of services have bestowed on them a new level of legitimacy that, at first sight, should translate into effective power in the policy process. But, we do not know if these new organizations effectively take part in the political process and what determines their possible effectiveness.

NGOs have apparently become part of the political process in industrialized democracies, yet there is little understanding of the outcomes of their participation in the policy process. Are they truly operative actors, able to accrue the power to influence other actors? Are we witnessing the re-invention and revitalization of the democratic political system, with the development of NGOs as

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1 The literature offers a number of attempts to meld these traditions into a single unified terms, notably Shaffer's (1995) "movement interest groups".
independent, subsidiary structures that are returning direct control over the political process to the citizens? Or is the apparent political space which has opened up for NGOs an illusion, a readjustment that has sought to incorporate, and so perhaps disarm, an emerging challenge to the political system by making the "unconventional" of the 1960s, the conventional of the 1990s?

Even if there has been a general incorporation of NGOs into decision-making systems, this does not apply in all cases and many organizations choose, or are forced, to continue to work outside those systems. What then explains the strategic choices made by NGOs and what are the counter-strategies of other actors, in particular government?

To begin to answer these questions, we need analytical tools to assess the role of NGOs in the policy process. The literature reviewed in Part I provided only a number of separate, partial elements, none of which individually provide the necessary scope for a full analysis. In this chapter, therefore, I bring together the different approaches from the previous chapters to create the basis of a unified, multi-disciplinary analysis of the factors that influence the participation of NGOs in the policy process.

The basis of the framework is the network approach addressed in Chapter 1, which allows us to explore the activities of the different actors and the distribution of power between them. It is, however, the elements gleaned from the approaches detailed in Chapters 3 and 4 that allow us to identify the specific factors that will determine NGO participation. Chapter 3 reviewed the diverse approaches that address the social and political domains of interest mobilization, while Chapter 4 explored the organizational domain and the inter-relationships between the different elements of NGO activities. Essentially, this second part of this thesis seeks to distill the elements of these chapters to add an explanatory dimension to the application of the network approach as it is applied to an analysis of the role of NGOs in policy process.

The analysis looks at both the possibilities for intervention by NGOs in this process and the decisions over strategies and tactics that are likely to be adopted by NGOs in order to reach their goals. Moreover, as all policy actors make decisions based on determinations of likely successes, this analysis is ultimately interested in the factors which determine the outcomes.

Finally, it is important to reiterate that this analysis takes individual NGOs as the starting point, but that the conclusions drawn are generally also valid for coalitions, coordinating bodies, secondary and peak organizations that aggregate and represent them.

5.2. The Participation of the Actors

This thesis is based on the implicit assumption that NGOs as policy actors are seeking to influence government as the formal decision makers. Government is not monolithic and often acts as a contradictory multiple actor, at times in alliance with extra-governmental actors. But, essentially all "eyes and ears" are on parliaments and government buildings and NGOs almost invariably direct their policy lobbying efforts at these decision makers.

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5 See Dalton (1993) for a discussion of the relationship between liberal democracy (through individual legislator), organized democracy (through mass parties and corporatist structures), and direct democracy (through individuals and social movements).
The policy relationship between NGOs and government is not necessarily adversarial, but can also be seen as more symbiotic, with administrations at times relying on NGOs for technical input, for political support and as contractors for policy implementation. Nor is the relationship between NGOs and the administration necessarily direct; NGO influence efforts can be aggregated through coalitions with other actors and can also be filtered through other political structures such as parties and unions.

5.2.1 NGOs as Public Policy Actors

Before looking specifically at how NGOs participate and with what strategies, it is important to reflect on which NGOs participate and at what point their activities become political. Many NGOs are likely to claim that they are "non-political" and that their goals are to service their client target groups and not to influence government policies. Do these non-political voluntary organizations exist? Is the political role one that all NGOs take on, or can we identify a subset of organizations that have an expressed goal of influencing policy and have an interventionist stance?

It is true that we cannot and should not assume political activity by NGOs. Although large numbers of people in Western democracies are members of voluntary groups, they do not, in the main, join for political reasons. The exact proportion of associations which have overt political activity as their main objective is difficult to establish, but appear to be at best a substantial minority (Parry, Moyser and Day, 1992; Van Deth, 1996) Van Deth indicates that only 25% of associations were engaged in political participation (1996), but also claims that their impact on the agenda was quite out of proportion to their numbers; while Knoke (1990a) indicates that half of all the national associations he studied in the US seek to influence the outcomes of public policy debates in legislative, judicial and regulatory domains.

At the same time, I would advocate the broadest definition possible of the political work, or activism (Minkoff, 1994). Many NGOs who claim to be non-political participate in consultative committees or other decision making mechanisms and most engage in some form of indirect policy action. Roselli (1996: 6), speaking about literacy voluntary associations, states that "[NGOs] regard themselves as not concerned by political questions, but they take part in the large game of petitions, discussions, demonstrations and negotiations that make up politics."

Moreover, the act of creating a new innovative program design and then expecting it to be incorporated into future guidelines becomes an intent to influence policies through indirect means and has been identified variously as "change through new service provision" (Butcher et al., 1980) "modelling" (Minkoff, 1994; Richardson 1993), or "persuasion by example" (Nyland, 1995). Additionally, other common activities such as community education and community development, while not necessarily directly constituting intervention in the policy process, do seek to empower communities to promote their political participation (Checkoway, 1987). The simple articulation of

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1 Parry Moyser and Day (1994) indicate that 73.2% of the population in Britain and 79% in US are members of at least one association. The European Values Study of 1990 (which includes US data for comparison) puts the US participation rate at 46%, the highest of the countries surveyed, and the Spanish rate at 12%, the lowest (Dekker et al., 1997). The differences in percentage are due to the different methodologies used.

4 The fact that Knoke uses a national-level sample, as opposed to local samples, is likely to create a bias towards larger organizations with substantial resources who have more interest in operating in national political arenas. In any case, the difference in definitions and methodologies used makes comparisons between such research difficult.
a demand is equivalent to exerting pressure upon a part of the political system (Kimber and Richardson, 1974). As Knoke notes (1990a: 220) "social groups lobby and lobby groups socialize". There is always a potential for political engagement and at any moment circumstances may impinge on the least apparently political organization which will then mobilize itself in response. Almost any NGO will act as a pressure group if certain situations adverse to their interests present themselves (Baggot, 1995).

5.2.2. Participation through Cooperation or Confrontation

Participation is usually either through institutionalized channels of cooperation or through more confrontational tactics designed to create social and political pressures in favor of an NGO's political stance.

Cooperation can be defined as activities in which NGOs act as "partners" of government, collaborating in institutionalized processes of policy making, oversight, and service delivery, and acting as "nerve ends" by warning policy makers of dangers and providing technical feedback (Wilson G.K., 1990). In contrast, confrontation involves a more belligerent attitude in attempting to force changes, generally from "outside the system."

Similar labelling of participation activities and tactics is offered by diverse authors: Tarrow (1995) speaks of non-contentious and contentious actions; Minkoff (1994) of routine advocacy and non-routine protest; Meyer and Imig (1993) speak of assimilative and confrontational; Dearlove (in Maloney, Jordan and McLaughlin, 1994) talks of helpful and unhelpful; Butcher et al (1980) use collaboration, campaigning and coercion; Mathews (1993) speaks of persuasion, inducement and coercion; and Maloney, Jordan and McLaughlin (1994) distinguish between consultation, bargaining and negotiation. These terms are essentially differentiated by the degree of conflict they generate although, as almost all these writers indicate, they do not represent discrete categories but are part of a continuum. Each participation activity may be used in different forms and at different times in ways that make it more or less belligerent, and the same organization may use both cooperative and confrontational strategies to promote its ends.

Whatever the tactic used, NGOs have to assume the political, organizational and economic costs they entail.

5.2.2.1. Cooperation

Cooperation is articulated through commissions, advisory boards and other formal channels of liaison, consultation and oversight as well as other mechanisms, such as public hearings, which allow actors to comment formally on legislative and administrative proposals. The increase in the number of actors has been accompanied by the growth of these types of liaison and consultation channels (Maloney, Jordan and McLaughlin, 1994; Hughes, 1994). Government agencies "invite" non-government actors to participate in liaison bodies which may include only non-government actors or may bring together a mix of actors.

The other form of collaboration is through contracts or funding agreements for the delivery of services. This participation is seen as resulting in greater prestige and closer proximity to government, which consequently opens up more possibilities for participation in policy
development. Through service delivery, NGOs have access to clients and, therefore, knowledge of their needs which legitimizes NGOs and confers the right to influence decision-making. Nyland (1995) goes beyond cooperation to talk of "shared interests" and the "coproduction" of creation and delivery of public service through a close relationship between NGOs and administrations.

But there is strong disagreement whether these forms of participation constitute a collaboration which influences the outcomes of the policy process or whether it is little more than a mechanism of governmental control. Governments create, regulate, and provide the resources for the work of liaison bodies which enables the government to create a meaningful dialogue between actors, or to simply "sell" predetermined policies and stifle criticism.

Some NGOs reject participation in government commissions and regulatory groups because they feel they may be forced to compromise their goals, and some even seeking to distance themselves physically from the decision makers: Dalton et al. (1990: 16) give the example of a leading German lobby group that resisted relocating the national office to Bonn because it was feared that the proximity to policy makers would contaminate the organization.

Critics of participation in service delivery contracts claim that the logical consequence is clientalism and, instead of forming an independent oversight and pressure block, the perspectives of collaborating NGOs are increasingly compromised by the "carrot" of access and funding (Baggot, 1995). The guidelines that are imposed through funding mechanisms create external controls over the activities of NGOs, and many allow themselves to be "bought" (Roelofs, 1987), or they simply "avoid biting the hand that feeds them".

5.2.2.2. Confrontation

The alternative to cooperation is confrontation. The legal system and other institutionalized channels such as ombudspersons allow for some level of confrontation within the system. At the same time, there is a whole range of non-institutionalized tactics for confrontation, both those aimed directly at legislatures or administrations and those which have the intention of creating a social-political climate in favor of one view or another. These tactics include: the flexing of social muscle (demonstrations), financial muscle (boycotts), or industrial muscle (strikes); spectacular actions to capture public attention; the publication of reports or the creation of news to denounce undesirable situations; direct actions to influence decision makers through means such as letter campaigns, etc.; and, at the most extreme level, illegal actions, such as bribes and blackmail, and terrorism.

Those who advocate confrontation tactics see them as the only response to a political system that seeks primarily to protect the established power relationships. Piven and Cloward (1977) claim that institutional politics fail to respond to challenging groups unless threatened by disruption. Knoke (1990) notes the greater importance attributed by administrations to opposition groups than to allies and indicates that success comes to those who fight. During a recent protest over water rates in Barcelona a protest leader stated that "we achieved more in one afternoon of blocking the highway access to the city than in six months at the negotiation table."
However, any NGO that wishes to maintain a more confrontational relationship with government must be able to assume the consequences inherent in such a relationship. Confrontational political activity is not without its perils nor can it be carried out without restrictions. Engaging in activities which bring an NGO into conflict with government institutions or the political mainstream can have a considerable cost for the organization. Direct political work by NGOs is an activity legally restricted in many countries, but the most damaging sanctions available to government are the cutting off of funding and the relegation of the NGOs to the status of political untouchables. These threats illustrate the possible high cost to the organization of such activities and many NGOs work on "the razor's edge", conducting their relations with government as a constant to and fro which allows them to maintain a confrontational stance without crossing the line to political and financial suicide.

The relationship between NGOs that tend more to cooperate and those that tend to be more confrontational is also open to differing interpretations. On one hand, cooperation by some NGOs reinforces the marginalization of those that maintain a stronger opposition to government; but on the other, the presence of radicals can reinforce the negotiating position of the moderates who ask for changes from within the system. Minkoff (1994) talks of "radical flank" effect as an aid in the bargaining position of mainstream organizations.

Figure 5.1 identifies major collaboration and conflict strategies and locates them according to the two continuums of conflict/collaboration and institutionalized/non-institutionalized. The relationship between these continuums translates into the costs associated with the strategies.

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6 The US congress is currently debating a bill, known as the "Istook Amendment" which would prevent NGOs from using public funds and those funds raised through tax-exemption provision for any lobbying activities. It is not expected to pass. See also Randon and 6 (1994).
5.3. The Factors Affecting Participation

There exists a multiplicity of patterns of state-NGO relations that vary from state to state, from policy sector to policy sector and over time (Richardson 1993), and organizations are aided, encouraged or thwarted in their efforts by a number of structural and strategic factors that shape their emergence, development, achievements and, perhaps, demise (Meyer and Imig, 1993). We can surmise that the possibility of meaningful NGO participation in the policy process is country-, time- and sector-specific and that it is impossible to generalize about NGO strategies and tactics across these variables.

So, we must develop tools to analyze policy systems and to determine the factors that will influence the make-up, operating techniques and the effect on public policy of organizations (G.K. Wilson, 1990; Thomas, 1993).

Various authors offer frameworks for analyzing NGO participation based on a single dimension of these possible factors. Thomas (1993), for example, provides an excellent comparative tool for analyzing the political environment and various authors offer instruments for analyzing organizational resources (Pross, 1992). Yet each of these separate analyses, by definition, leads to an incomplete vision of the dynamics of NGO participation in the policy process.
I would therefore postulate that a comprehensive framework must include all the diverse elements analyzed by the authors writing from the distinct traditions identified in this thesis and that, as May and Nugent (in Maloney, Jordan and McLaughlin, 1994: 33) argue, strategies are the consequence of the interplay of environment factors and group characteristics. Table 5.1 indicates the factors that we must incorporate into such a framework:

**TABLE 5.1:**
Factors That Determine NGO Influence in the Policy Process

<table>
<thead>
<tr>
<th>PRIMARY FACTOR</th>
<th>SUB FACTORS</th>
<th>POSSIBLE INFLUENCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. The Political and Socioeconomic Environment</td>
<td>A. Political Ideology and Culture</td>
<td>Closed polities can exclude NGOs from policy process</td>
</tr>
<tr>
<td></td>
<td>i) Welfare State Ideologies</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii) Strong versus Weak States</td>
<td></td>
</tr>
<tr>
<td></td>
<td>B. Socioeconomic Development</td>
<td>Low socioeconomic development impedes the formation of strong NGOs</td>
</tr>
<tr>
<td></td>
<td>C. Institutional Policy Structures</td>
<td>Strong political parties dominate collective action and exclude NGOs</td>
</tr>
<tr>
<td></td>
<td>D. Strength of Political Parties</td>
<td>Certain actions that may be adopted by NGOs are not considered legitimate</td>
</tr>
<tr>
<td></td>
<td>E. The Repertoire of Actions</td>
<td></td>
</tr>
<tr>
<td>II. The Policy in Question</td>
<td>A. The Nature of the Policy Conflict</td>
<td>Certain policies will be considered &quot;off limits&quot; to NGO influence</td>
</tr>
<tr>
<td></td>
<td>i) Centrality</td>
<td>Policies with entrenched agendas and operating procedures will be difficult to change</td>
</tr>
<tr>
<td></td>
<td>ii) Universalism</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii) Temporal complexity</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iv) Technicality</td>
<td></td>
</tr>
<tr>
<td></td>
<td>v) Public profile</td>
<td></td>
</tr>
<tr>
<td></td>
<td>B. The Phase of the Policy Cycle</td>
<td></td>
</tr>
<tr>
<td>III. The Characteristics of the NGO(s)</td>
<td>A. The Ideology and Culture of the NGO(s)</td>
<td>NGOs with fewer resources will be less likely to influence</td>
</tr>
<tr>
<td></td>
<td>B. Organizational Capacity and Resource Mobilization</td>
<td></td>
</tr>
<tr>
<td></td>
<td>C. Membership and Representation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>D. The Status of the NGO(s)</td>
<td></td>
</tr>
<tr>
<td>IV. The Network of Actors</td>
<td></td>
<td>An inability to create effective networks will hinder influence efforts</td>
</tr>
</tbody>
</table>

Source: Author

In the following sections, the influence of these factors is outlined in detail.

5.3.1. The Political and Socioeconomic Environment

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7 The emphasis here is on the exclusion of NGOs from the policy process. See the following sections for a more detailed discussion.
The political system in which NGOs operate provides the primary framework for their participation in the policy process. Writers note the differences in strategies and tactics that NGOs employ in diverse national polities: for example, in the US, organizations work directly with politicians and legislatures,8 including contributions to their campaigns and endorsements, and use the judicial system; in Japan they concentrate on the persuasion of administrations and government ministers; while in the UK political parties are a primary target for interest group activities along with administrations and there is more use of informal communications between individuals8; Dutch NGOs contact the administration first and if unsuccessful in their approaches they try the politicians (G.K Wilson, 1990; Kramer, 1981; Lelieveldt, 1996). Kitscheltant (in Meyer and Imig, 1993: 257) indicates that anti-nuclear activists confronting relatively closed states such as France choose confrontational strategies, while their counterparts in more open states like the US choose assimilative approaches.

The national contextualization of NGO action is described in terms of the political opportunity structures10 offered by each polity. Tarrow (1994: 18), speaking in terms of social movements, describes these opportunity structures as the "dimensions of the political environment which either encourage or discourage people from using collective action" (see also Meyer and Imig, 1993: Dekker, Koopmans and van den Broek, 1996). These opportunity structures have both a stable dimension in that each polity offers a certain level of consistency in the structures that are likely to provide or hinder opportunities, and a volatile dimension that offers historical moments and protest cycles which will determine protest levels (Tarrow, 1994).

Thomas (1993), in his comparison of interest groups in developed countries, provides an extensive framework for comparing the political and socioeconomic environment facing NGOs in their efforts at interest influence. The five factors for evaluating this environment presented below are adapted from Thomas's work.

A. Political Ideology and Culture

Variations in dominant political ideologies, and the shared symbolism and attitudes that derive from them, are the major root cause of differences among policy systems. There are two predominant political frameworks which are used to analyze NGO participation in western democracies:

i) Welfare State ideologies. The competing ideologies that determine the structure of each industrialized democracy's version of the welfare state assign particular roles to NGOs. Conservative, liberal and socialist ideologies each symbolize particular attitudes to government intervention, responsibility for decision making and service delivery, as well as the relationship between the state, marketplace and NGO sector. Taylor and Lansley (1992) identify four categories of welfare state ideologies that structure these relationships and identify the role of NGOs within

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8 For example, a recent U.S. lobbying manual (Smucker, 1991) provides instructions only for working with legislators.

9 Kramer indicates that in England the "old boys' network" continues to be an important channel of informal communications.

10 Various authors cite Douglas McAdam (1982) Political Process and the Development of Black Insurgency, University of Chicago Press, as the source of the term political opportunity structure.
The work of Gøsta Esping-Andersen has been seminal in classifying welfare States according to ideological and historical variables (see, for example: Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism*, Princeton University Press, 1990). However, I will draw from the work of other authors who more directly address the role of NGOs in the different welfare State regimes.

Table 5.2: Social Service Ideologies and the Role of NGOs

<table>
<thead>
<tr>
<th>Ideology</th>
<th>Financing of Services By:</th>
<th>Delivery of Services By:</th>
<th>Role of NGOs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservatism</td>
<td>Philanthropy</td>
<td>Voluntary and Private Sectors</td>
<td>Share provider role with private sector; beneficiaries dependent on benefactors' policies; power elite campaign on behalf of people in need.</td>
</tr>
<tr>
<td>Welfare State</td>
<td>State</td>
<td>State</td>
<td>Residual role; policies controlled through vote and elected representatives</td>
</tr>
<tr>
<td>Welfare Pluralism</td>
<td>State</td>
<td>Voluntary Sector</td>
<td>Provider role; also participation in decision making, but advocacy may be incompatible with delivery</td>
</tr>
<tr>
<td>Market Pluralism</td>
<td>Consumer and Market Place</td>
<td>Private Sector</td>
<td>Residual role; policies are decided through consumer choice</td>
</tr>
</tbody>
</table>

Source: Author, adapted from Taylor and Lansley (1992)

Sarasa (1995) claims that the two variables, *services financed by* and *services delivered by*, used by Taylor and Lansley and by other authors to classify countries according to welfare regimes (see, for example, Gidron, Kramer and Salamon, 1992) are inadequate to explain the differences between national systems. He bases his analysis on historical realities of social, economic and institutional development in different countries, and adds a third variable, *institutionalized channels of public-private relations*, and to identify four welfare state regimes (Table 5.3).

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11 The work of Gøsta Esping-Andersen has been seminal in classifying welfare States according to ideological and historical variables (see, for example: Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism*, Princeton University Press, 1990). However, I will draw from the work of other authors who more directly address the role of NGOs in the different welfare State regimes.
Table 5.3: Welfare State Regimes and NGOs

<table>
<thead>
<tr>
<th>Regime</th>
<th>Countries (e.gs.)</th>
<th>Characteristics</th>
<th>Public-Private Relations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scandinavian</td>
<td>Sweden, Norway</td>
<td>Strong centralized NGO sector based according to service areas</td>
<td>Close, structured, hierarchical relationships.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Relatively strong state which seeks consensus on policies through corporatist arrangements.</td>
<td></td>
</tr>
<tr>
<td>Rhineland</td>
<td>Germany, Holland, Belgium,</td>
<td>Strong NGO sector based on strong ideological-religious divisions. The organizations are primarily publicly funded.</td>
<td>Close, structured, hierarchical relationships.</td>
</tr>
<tr>
<td></td>
<td>Austria</td>
<td>Based on a principle of subsidiarity, they have significant influence on a relatively weak state through strong corporatist arrangements</td>
<td></td>
</tr>
<tr>
<td>Mediterranean</td>
<td>France, Italy, Spain</td>
<td>The Catholic Church has dominated the private services sector. Non-religious organizations have generally been less organized.</td>
<td>Relatively few formal channels of communication.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>State-dominant policy processes.</td>
<td>Relations tend to depend on specific conditions and often involve distrust and conflict.</td>
</tr>
<tr>
<td>North American</td>
<td>USA</td>
<td>Strong NGO sector based on multiple ethnic, religious, social and geographic identities.</td>
<td>Few structured channels of communication, but strength of private sector provides opportunities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Public funding, but important levels of private funds and sale of services.</td>
<td></td>
</tr>
</tbody>
</table>

Source: Adapted from Sarasa (1995)

These tables illustrate the tendency to ascribe specific roles to NGOs within each ideological model which legitimate, or delegitimate, their participation in decision making. At the same time, it is difficult to neatly categorize the roles of NGOs, and many of them do not abide by the roles and functions nominally determined for them by dominant ideologies or by the social, economic or cultural history and the state in which they operate.

Sarasa (1995) acknowledges that his categories represent ideal types and that there exists interchange and convergence between regimes which allows actors to break with traditional roles. As Subirats and Gomà (1993: 42) observe, "the dynamic which results from the intense relationships that are created between NGOs and [government] undoubtedly goes beyond any categories created."

Additionally, some authors postulate the existence of ideological cycles that move society between competing views of collective responsibility and individualism (Dalton, 1993), and assert that there are endogenous mechanisms that push citizens back and forth between a preference for private, individual choices and collective choice through deliberation. Each alternative brings about its own cycle of disappointment and backlash.
ii) The Continuum of *Strong* versus *Weak* States (also expressed by analogous continuums such as *closed* versus *open*, or even *corporatist* versus *pluralist*). Strong states, characterized by the presence of traditional cleavages and corporatist political structures, are generally closed to extra-governmental organizations, except the designated corporatist umbrella bodies. Therefore, they provide fewer opportunities for other challengers to enter the polity than more consociational states which undertake more extensive bargaining between leaders of rival groups (Dalton, 1993; Thomas, 1993). Conventional influence strategies are not likely to induce authorities in closed polities to give in to movement demands and so challengers are forced to use radical unconventional strategies in order to make themselves heard (Dekker, Koopmans and van den Broek, 1996).

In contrast, weak-state societies are seen as more pluralist and a more open relationship between the public and voluntary sector may permit closer participation in political decision making, making it quite problematic to distinguish the voluntary from the public sector in the majority of societal fields (Selle, 1995). New social movements tend to be strong in countries with relatively open inclusive opportunity structures where these new challenges meet with relatively favorable responses from the established political system and divisions within elites create a higher tolerance for protest.

However, G.K Wilson (1990) points out that interest group activity is not necessarily associated with weak or strong states -- strong states and strong interest groups may be equally mutually supportive -- and some authors provide a contradictory rationale for social movements, regarding them not as the result of the permissiveness of open polities but as the response to closed polities which leave little other option for mobilization (F.L Wilson, 1990). Atkinson and Coleman (in Richardson, 1993) talk of a variety of forms beyond the strong-weak state and pluralist-corporatist formulations that vary systematically across democratic polities depending on the macro-political institutions.

B. Socioeconomic Development

A higher level of economic and social development\(^{12}\) is likely to increase the number of NGOs given that there is likely to be a breakdown in class consciousness and an increase in middle and upper class urban dwellers. As was noted in Chapter 3, one of the outcomes of these changes in social structure is an increase in post-industrial concerns among these new social classes and an increase in support for and participation in NGOs.

These social and political concerns are likely to be reinforced by greater professionalization of lobbying activities, easier access to lobby technologies, more discretionary time for participating in NGOs and more funds available, both public and private, to underwrite NGO activities.

C. Institutional Policy Structures

Prevailing ideologies also translate into a number of key structural elements regarding the

\(^{12}\) As evidenced, for example, by an increase in non-agricultural employment and in the service sector and a more extended middle and professional class.
formal distribution of public authority and the structure of decision making processes through government institutions. The institutions created within each polity are important because they are the current "peace treaties" of past battles (Richardson, 1993) and the pressure game must be played out in the context of the arenas created by these existing structures and processes.

i) Decentralization and fragmentation. The division of powers between legislative, executive and judicial functions of government and the structures of centralization-decentralization of policy-making determine the channels of possible influence, creating the pressure points at which NGOs can direct their lobbying efforts. Traditionally, the attempt was to influence the legislative process through parties and individual legislators, but with the extension of public intervention, the focus of the participation has been turned to influencing the work of government agencies (Alderman, 1984; Woodward et al., 1985).

ii) Other available institutional structures. The institutional pressure points in some countries may include other structures such as ombudsmen and the legal system, and increasingly supranational bodies such as the UN and the EU are becoming a target for lobbying not only on international issues, but also on domestic ones.

iii) New consultation structures. Increasingly, NGO-administration contact over policy matters is being institutionalized through the growing number of consultative bodies and other liaison organs that are complementing and at times replacing previous corporatist structure. The possibilities and perils of these consultative bodies have been discussed above (see section 5.2.2.1), and their effectiveness as channels for NGO input vary from polity to polity. But through their rapid growth over the last decades they constitute a new reality of the policy structures.

iv) NGO legislation. Most countries have in place legislation that governs the legal forms of NGOs and seeks to place limits on their service, commercial and political activities. These laws may both directly affect influence strategies and determine the form of other legitimation and resource procurement endeavors.

D. Strength of Political Parties

As was observed in Chapter 3, one of the core discourses regarding the rise of NGOs has been the issue of whether they are replacing political parties as the conduit for citizens' political wills. Not surprisingly then, we can identify the strength of political parties and their relationships to NGOs as a factor in determining lobbying outcomes.

Weak parties and a fragmented party system are likely to provide more opportunities for independent NGO policy participation; strong parties and a two-party system are likely to exclude NGOs or force them into close relationships with existing party structures. G.K Wilson (1990: 33) contends that although it has commonly been argued that there is an inverse relationship between the importance of interest groups and the importance of political parties, this is too simplistic; strong interest groups can not only coexist with strong political parties but may be allied closely with them.
In Europe, where political parties, in general, continue to dominate interest articulation, there is a close connection between parties and NGOs through vertical integration dynamics such as corporatism and pillarisation and many NGOs have identifiable party affiliations. At the opposite end of the spectrum, in the US, where parties and party platforms are generally weak and positioning by candidates tends to be individualized, interest groups operate with independence and openly support like-minded individual candidates.

An analysis of the relationship with parties must also include a consideration of the strategy of seeking to influence the electoral process by supporting or opposing parties or individual candidates, according to the views they hold. While generally seeking to avoid openly partisan campaigning, NGOs often provide crucial support to like-minded parties. When dealing with individual candidates in a more fragmented system like the US, there is better marginal value in trying to influence a popular, electable candidate to adopt your views than to try and get a less popular candidate who holds your views elected, and politicians will serve the interests of NGOs to the point where the additional electoral return is precisely offset by the electoral loss from the less popular position, and the votes that an NGO can mobilize are worth more to borderline candidates who really need them (Mitchell and Munger, 1991).

E. The Repertoire of Actions

The style of decision making process in each country translates into general attitudes towards what constitutes legitimate political behavior. These attitudes are variable between polities and over time, and are often subject to the dictates of fashions. They have the effect of creating a set repertoire of participation actions.

NGOs that seek to participate in the public policy process have their standard operating procedures and so solve the problem of participation through the use of known modular forms of action (Richardson, 1993; Tarrow, 1995). The standardization may be due to legitimacy of certain types of activities and a normative bias towards "knowledgeable, responsible" (Mathews, 1993).

This standardization is increasingly global, with an increase in all industrialized democracies of transnationalization and the convergence of techniques of access and influence; an increase in the number of professional lobbyist and lobbying firms; and the growth of promotional and single issue groups (Thomas, 1993; McAdam and Rucht, 1993).

At the same time, there is the opposite dynamic that seeks innovative forms of participation to capture media attention or simply to address the problem of a demonstration-sated society. The outcome of the lack of impact of current activities is that some NGOs move to more routine forms of activity, while others may move to radicalism.

5.3.2. The Policy in Question

The importance of understanding the peculiarities of each policy area is also a key factor identified by many authors. As Lowi (in G. K. Wilson, 1990: 11) indicates: "policy shapes politics and not politics shape policy". There are two dimensions of this factor: the nature of the policy conflict and the stage of the policy cycle.
A. The Nature of the Policy Conflict

Different policy areas and different characteristics of specific areas are likely to offer diverse possibilities for participation and require different strategies and tactics. We can identify centrality, universalism, technicality and public profile as four key issues:

i) Centrality: Does the policy concern a fundamental issue of distribution of power, economic resources and authority? Lowi (in G.K. Wilson, 1990: 13) distinguished between redistributive, distributive or regulatory policies, Richardson (1995: 128) talks of outcomes in high and low politics, whereas corporatist discourses speak of the spheres of production and consumption.

Two apparently opposed discourses exist. On one hand, writers argue that collective action will occur around the more fundamental economic cleavages of production and redistribution and that the state need not respond to the weaker imperatives for collective action over consumption issues (see Garcia, 1995). The contradictory argument is that redistribution is "off limits" and that the crumbs of participation are likely to be granted over regulatory and consumption issues.

These contradictory doctrines can be reconciled by differentiating between the type of collective actions (e.g. union collective action is by definition related to distribution), and between historical periods (non-economic issues are also the ones that interest the post-materialist middle class).

Centrality can also be analyzed in terms of the relationship to historical agendas. New issues emerge in all polities, but may have to compete with overriding traditional concerns or more pressing political interests.

ii) Universalism. The degree of universalism of the goods and services or the level of marginalization or discrimination against the target population. If it is considered that there is an unequal distribution of services, NGOs must lobby for their extension to the unserved population or the creation of specific services aimed at them; in the case of populations which suffer discrimination, NGOs lobby for equal treatment. By definition, NGOs that lobby for these changes may find themselves in a more confrontational role. In contrast, if the goods and services are universal, the role of the NGOs may be more in exercising oversight in order to ensure quality.

iii) Temporal complexity. Dalton (1993) distinguishes between issues that require permanent attention and continuous demand for collective decisions and those that require intermittent attention and more discrete decisions. Given the cost of organizing and maintaining on-going monitoring structures, NGOs are more likely to influence in more discrete visible moments, using these to mobilize their latent base of activists and supporters who generally reduce their activity in periods of quiet.

iv) Technicality. Butcher et al. (1980) talk about whether an issue is a merely technical question, arguing that if there is agreement on the needs expressed and the resources available but technical differences on how to structure service delivery, then the tendency is towards collaboration.

v) Public profile. The lower the partisanship, ideological cast and campaign visibility of the issue, the greater the importance of interest groups. Kingdon (1995) sees more influence of interest groups
in transport (than health) because it is less visible, it isn't exciting and so the public isn't involved, giving more leeway to a few vested interests.

B. The Phase of the Policy Cycle

Numerous writers suggest that NGOs generally seek to participate in what we have identified as the first phases of the public policy process -- the processes of problem identification and decision-making over the alternatives for action -- and then later in the reformulation of policies that are already in effect. The attempts by NGOs to influence public policy are directed towards convincing or obliging institutional actors to pay attention to a policy area which was being ignored or to change existing policies. They, in effect, work to change the frames within which the policy development process takes place.

Lelieveldt (1996) talks about access as equivalent to agenda setting and it is precisely in this role that NGOs appear to have more impact (see also Baggot, 1995). According to Jenkins (1987), NGOs are more successful in influencing public opinion and in bringing problems to the public agenda than in determining the form of public policies or in the functioning of public administrations. They can try to influence the framing process of public policy which creates a belief system, but have less success in influencing specific actions.

Another dimension of the cyclical phase concerns the negotiations within each phase. At what stage of negotiation is the policy? Have decisions been made or are they being made? Confrontation, for example, can be seen as a tactic of negotiation that can be used to back up the claims being also presented through a more collaborative arbitration process.

Finally, we must also keep in mind the attention cycles that can drive policy making (see Chapter 2) and the "political moments" that they create. Downs claims that the reality imposed by the issue attention cycle determines the manner in which the public policy participants will act, given that significant changes tend to occur only during high-interest phases (in Davis 1993; 171). Meyer and Imig (1993) offer a cyclical model, similar to Downs', of the growth and decline of the sectorial mobilization of interest group activity, which assumes periods of expansion based on general social or media recognition of problems, followed by contraction after policy successes that satisfy concerned supporters or after unambiguous defeats.

5.3.3. The Characteristics of the NGO(s)

To a certain extent, NGOs are masters of their own destiny in that their capacity to influence, and the strategies they choose, will also depend on factors internal to the organization. First, an NGO must choose to participate (see commentary above in section 5.2.1. regarding the choice to be a political NGO); second, they often may choose between strategic options; and third, they must have the organizational skills and the resource capacity to bear the transaction costs of their choices and to ensure their legitimacy to carry out their activities. These internal factors depend on the ideology and culture of the NGO, its command of resource mobilization, its representativity among its client population, its leadership, and the status of the organization in regard to the policy process.

A. The Ideology and Culture of the NGO(s)
As was discussed earlier, there is a certain level of intent in the decision to participate in the policy process. NGOs may choose to be "political", and within these activities there is a level of choice about whether they adopt moderate or radical tactics.

The choice of tactics may be made according to the political affiliation, ideologies and culture of the NGO and in a given situation, NGOs may choose different strategies according to their political relationship with the party in power or the manifest ideology of the organization. These ideologies translate into the NGOs "world view" in which they may see themselves as part of a policy decision-making system which requires consensus, pluralism, or structural conflict and so may act accordingly (Butcher et al., 1980).

NGOs develop a preferred style that may be hard to change. May and Nugent (in Maloney, Jordan and McLaughlin, 1994) identify as a fundamental group characteristic the perception of whether group goals are moderate or radical. For groups identified as radical, conflict strategies may help maintain member contributions, even though they may not be the most effective for influencing policy, and leaders of both moderate and radical groups may lack the political sophistication, know-how or resources to follow other strategies.

B. Organizational Capacity and Resource Mobilization

As Van Deth notes (1996: 2) "participation is organization". To effectively participate in the policy process, NGOs must have the organizational capacity to oversee government actions, influence the creation of new legislation or push for reforms, lobby for the improvement in current services while continuing to ensure the means necessary for their own operations. They must be the critics and the dilettantes, the "watchdogs" of public action, and to influence policies, they need cohesion, efficiency and discipline (ACOSS, 1993). In a more complex policy environment it is considered fundamental that movement activism have access to expert knowledge and organizational sophistication (Heclo, 1996), yet for many NGOs, particularly those focused on public interest advocacy or conflictive issues, ensuring mere organizational survival becomes its own objective (Nownes and Cigler, 1995).

This organizational capacity will depend on their ability to mobilize political and cognitive resources and translate them into political power, both at critical moments of political opportunity, but also in the on-going organizing necessary to ensure maintenance of the organization. In the political arena they can seek support among the political elites and professionals as well as the population in general, the users of the services, and public opinion. For the cognitive resources they must be able to create the technical capacity and expertise to participate meaningfully in the knowledge flow around the issues that effect their client population. In new policy areas it is more than likely that there will be few actors with technical knowledge and so those organizations that control this knowledge are more likely to wield influence.

Despite their intention to participate in the policy process, NGOs often suffer from a lack of resources and lack of management skills and knowledge. The literature on resource mobilization

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14 See also the discussion on Resource Mobilization Theory in Chapter 3.

15 For an analysis of the role of knowledge in the policy process, see Sabatier and Jenkins-Smith (1993).
provides the framework for investigating the parameters of organizational capacity. These include tangible resources such as finances and volunteer participation, as well as more intangible ones such as the ability to provide leadership, create clear goals and objectives, good board-staff relations, and to foster community involvement and cooperation with others (Checkoway, 1991; Pross, 1992).

There are two competing views on the organizational characteristics that are likely to lead to better control of resources and subsequent positive policy outcome (Schaffer, 1995), essentially based on competing ideological perspectives on the policy process. Those that see a more pluralist process deem that desired outcomes are likely to be achieved by centralized, professionalized institutions with incremental goals (Gamson, 1990); while a more radical view considers that gains are achieved by organizations with active membership that have rupture goals and use disruptive tactics to advance them (Piven and Cloward, 1977).

Numerous authors indicate that more bureaucratic, professional organizations seem to have more capacity to lobby (see Knoke, 1990a) while conceding that, even though professionalization may improve external efficacy, it often trades off internal democracy. There is a clear tendency for wealthier groups with more full-time staff to be more active and involved in a larger number of issues; whereas the reality facing groups representing the most marginalized is that they often have the weakest set of collective and organizational resources (Newton, 1976).

There is at the same time, a separation between managing internal resources effectively to ensure that there is sufficient technical expertise to provide a potential platform for participation, and managing the external dimension which ensures effective influence (Rosenstone and Hansen, from Maloney, 1995:13). Checkoway (1991) speaks of incomplete empowerment in which individual participation and organizational development do not necessarily create community change. Organization leaders in the NGOs he studied reported that they perceived feelings of powerlessness and low levels of adequacy in political influence.

It should be noted that the professionalization of NGOs can have diverse consequences. Walker (from Maloney, Jordan and McLaughlin, 1994: 33) indicates that tensions arise within these organizations as the central staff have a powerful influence in moving towards pluralist incremental strategies, while sub-units push for more disruptive rupture strategies. Finally, as was noted in Chapter 3, authors question the type of outcomes achieved by the professionalized organizations of the "protest business".

Another important factor is the management abilities of the leaders of the NGOs. The importance of entrepreneurs in the formation of public interest groups has been demonstrated (Nownes and Neely, 1996), and a common theme of management literature on NGOs is the key role that leadership plays in structuring and motivating organizations.

C. Membership and Representation

While the size of the NGO and its representativity can be seen as a direct result of other internal factors such a ideology and resource mobilization, it is also important to emphasize that the

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16 See discussion on the "protest business" in section 3.3.
"numbers game" is fundamental in itself. The more people you can claim to represent, and so imply you can get into the polling booth or onto the streets, the more power you are likely to have. Moreover, members are an important source of financial support.

The power associated with membership depends on absolute numbers, but also on the coverage of the potential membership base, and on the socioeconomic status of the members (Pross, 1992). This variable reflects a bias towards organizations that work on issues concerning, or sponsored by, those with a higher economic status and those that represent economic producer groups. Various empirical research indicates how elite bias works its way into a wider range of voluntary work: Moyser and Parry (1992) conclude that British associations are clearly weighted towards male, middle-aged and middle-class segments and it is the socially advantaged who are more ready to join than the disadvantaged; Knoke (1990a) indicates that "the [survey] concludes that the overall mobilization effect of voluntary group involvement serves to widen class differences in political participation."

Moreover, the relationship with the client population can also be more conflictive than that suggested by the fact that NGOs, in theory, originate from the population as representatives of their interests. In the case of marginalized populations, the first professionals in NGOs that lobby for their rights tend to be not from the same population but concerned activists from the majority population. As more professionals from the marginalized population come into the ranks, there are often conflicts between these new professionals -- who demand to speak with "their own voice" -- and the existing activists. At the same time, throughout the whole NGO movement it is common to hear accusations that an organization is losing touch with its original base, particularly if the organization's policies are too closely aligned with that of the government's. Perhaps they are simply complying with Michels's iron law of oligarchy which holds that the leaders of political organizations are bound sooner or later to become isolated from the mass membership (Newton, 1976: 170).

Another dimension of membership is the relationship between the NGOs and elected politicians or administration professionals who are also current or ex-members of the organizations. Prominent non-government activists are often appointed or elected to government positions and NGOs are also often refuges for those that leave administrations. Almost all studies of city politics in Britain, for example, show that council members are integrated into a wide range of community associations (Newton, 1976). These relationships can be an important part of an NGOs political assets. Moreover, in some polities, political elites use NGOs as platforms for election, as a complement to political parties or an independent power bases.

D. The Status of the NGO(s)

Many of the factors outlined above are reflected in the apparent standing or status that an NGO has achieved. Grant divided the world of interest groups into two camps: "insiders" and "outsiders" (Baggot, 1995; Maloney, Jordan and McLaughlin, 1994; Grant, 1995) The insiders are those organizations that are accorded legitimate status for meaningful consultation and enjoy privileged access to and advanced intelligence on the thinking of decision makers; while the outsiders are those that are excluded from the process and unable to obtain such a favorable status. In earlier work, Newton (1976: 46) noted that groups become "part of the establishment" and Dearlove talked in 1971 about the "degree of helpfulness" and Stacy in 1969 about "involvement"
and "political standing" (Browne, 1990).

Insiders are the NGOs seen as respectable, reliable, and responsible. They are allegedly able to build up a close set of relationships with public officials and so are regularly consulted without needing to take the initiative. Insiders are more likely to receive direct information, get funding, participate in collaborative activities such as close consultation, using their expertise in committees as a basis for influence, and even friendly lunch-time meetings with officials. They are the restricted number of actors that count as the "big players" and they function in an environment of mutual support and resource exchange with administrations who turn to them for technical knowledge and expertise, as well as support for policies agreed between them.

Outsiders are not in this favored position and so are obliged to use different tactics, which often results in them entering into conflict with administrations through appeals to the public through mass media and the broad scale mobilization of citizens at the grassroots.

This first level of division between insiders and outsiders has been fine-tuned by later authors who introduce distinctions within these categories. Grant (1995) divides insiders into prisoner groups, low profile groups and high profile groups; Maloney, Jordan and MacLaughlin (1994) divide outsiders into potential insiders, outsiders by necessity (they want to be "in", but lack the means) and ideological outsiders and identify a category of thresholders, NGOs characterized by strategic ambiguity and oscillation between insider and outsider strategies.

Various authors point to problems with this conceptual division into insiders and outsiders and the implications it has for the analysis of the participation of NGOs in the policy process.

First, there is a debate about whether groups gain their status or whether the administrations grant it. Maloney, Jordan and MacLaughlin (1994) say that government cannot afford to ignore resource-rich groups but also concede that bureaucracies deliberately set out to cultivate an interest group clientele, given that policy-making is seen as more legitimate when pressure groups participate. Government actors have preference for organizations with which they want to stay in touch, and the organizations are for the large part at the mercy of administrations when it comes to getting access. As Lelieveldt notes (1996: 15): "Some organizations are organized in while others are organized out."

Moreover, as insider status is the result of a pattern of behavior which is acceptable to government, there is an incentive for groups to behave and so groups are tamed and domesticated with only the ideological rejectionists remaining outside the system. As part of the evolution from out to in, groups have to develop resources, but also appropriate, non-controversial, goals (Maloney, Jordan and McLaughlin, 1994).

While the division insider-outsider is appealing, it does not reflect the dynamic and conjunctural nature of relations between NGOs and administrations and there remains a danger of creating an illusion that the policy-making world divides into those insiders with guaranteed influence and outsiders excluded by the powerful state.

5.3.4. The Network of Actors
In each issue area, there operates a network -- or *environment* (Jurgen and Rucht, 1992) or *ecology* (Minkoff, 1944) -- of interlocking actors willing to engage in actions. These actors include individuals, informal groups and formal organizations, and the patterns of alliance and adversary relationships among them can be a key factor in determining outcomes and strategies (Browne, 1990; Tarrow 1995). The characteristics of the actors in the network focused on a particular policy is a key factor in determining NGO influence, and for individual NGOs it is essential to understand how they work with other interested actors, allies and support groups, both those from the NGO sector and other extra-governmental actors, such as those identified in Chapter 2.

The presence of particularly powerful actors and corporatist arrangements between a restricted group of actors and administrations are of particular importance, as is the presence of vertical integration between nominally different actors and coalitions and alliances that link groups of actors (Schlager, 1995). Between networks in different issue areas there are important differences in coverage, density and degree of sectorial segmentation. The relations to be analyzed are not only the formal institutional relationships, but also personal contacts and the social networks that have an important maintenance functions.

Diani (1992) identifies specific network models that include cliques, circles, wheels and bipolar relationships, all of which involve the fundamental network characteristics of collective identity, shared beliefs and personal exchanges. But there are real problems of defining boundaries, identifying the participants in the networks, and identifying the links between them.

The recent increase in NGO activity leads invariably to the conclusion that there is increasing fluidity and fragmentation of existing networks and of the power distribution within them (Thomas, 1993).

### 5.4. The Results of Intervention

Using the analytical framework provided above, we ultimately have to attempt to answer the question of who gets what from the relationship between NGOs and government policy makers and by some means evaluate the individual, collective and relative power of NGOs in the decision making process. Given the diversity of intervening factors we have identified, this is evidently no simple enterprise; to paraphrase G.K. Wilson (1990: 10): if it has been hard to define [NGOs], it is even harder to reach any consensus about their importance. We have established that there has been an increase in NGO political activity, but not necessarily an increase in their influence. Figure 5.2 presents a possible model for this activity.

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17 Diani (1992) uses the term *nodes* to refer to the actors and their position in a network.

18 The original quotation referred to interest groups.
Figure 5.2: A Model of NGO Political Activities

Source: Author
There have been apparent successes: popular movements led by NGOs which appear to have achieved objectives, professional organizations which make important gains for their members, consultative organisms which help bring about significant changes in government policies, and lobby groups which continue to impose their interests against all opposition. At an anecdotal level, apparent victories exist and they continue to inspire the participation of non-government actors. Likewise, the faith in the potential effectiveness of participating in the policy process foments the creation of new non-government actors and the development of their abilities to manage the political and cognitive resources within their reach (ACOSS, 1993; Smucker, 1991).

But beyond any anecdotal evidence, it is difficult to evaluate the political performance of NGOs and there are few systematic studies on the sources and causes of possible success and scant literature that attempts to analyze the factors which have led to victories or to examine those factors which might help determine the best strategies for achieving them (Kriesi et al., 1995). And, as the quote from Thomas (1993) in the introductory chapter indicated, there is pessimism about the possibility of doing so and widespread recognition of the methodological difficulties involved (Kriesi et al., 1995).

The difficulty of understanding the motivations of those involved in the decision-making process combined with, on one hand, a tendency of administrations towards legitimating their own processes and, on the other, the interest of NGOs in overstating their influence only serve to complicate the possibility of evaluating the impact of non-government actors.

To establish the causality between NGOs activities and political outcomes, we must attempt to "peer inside the black box of legislative and executive decision making" (Mitchell and Munger, 1991: 536). But, despite any apparent transparency in the process, much of decision-making is likely to remain hidden, both in the sense of the ideologies and structural inequities that determine the distribution of power (see Chapter 2), and in the possible interests of participating actors to conceal their role in the process.

Kingdon (1995) talks about the visible and less visible arena (see also Diani and Eyerman, 1992), and Evans (1996) concludes, in the context of US House Committees, that "deals were negotiated behind the scenes, in settings so private that for all practical purpose they were not visible to the general public." On the whole, there is a relative invisibility of the role of NGO actors and a tendency to disguise or downplay their impact (Nyland, 1995).

Even without the factor of invisibility, we are undeniably moving in an area of uncertainty. There is a "parallelogram of forces" (Tarrow, 1994) which determine that even a seemingly weak challenger may emerge in a better position than a potentially strong one. It seems that political process is not quite a lottery but its outcomes, at times, seem almost as whimsical.

5.4.1. What are we Seeking to Measure?20

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19 See page 4.
20 Although this thesis addresses these issue in terms of collective outcomes, there are also personal outcomes for those involved in NGO lobby efforts. See, for example, the work on the sense of isolation and regret felt by some former activists (Tarrow, 1994).
In the first instance, we must decide at what level we are interested in measuring "success": for example, are we measuring profound changes in political culture or simply evidence of having left a "residue of reform" (Tarrow, 1994)? How do we distinguish between short-term success (e.g. having forced a commitment) and possible long-term failure (e.g. that commitment is later reneged)? It is, after all, always possible to win the battle, but lose the war.

The other major issue is the relationship between process-related and goal-related outcomes. An NGO may meet its internal objectives in relation to the processes of political pressure (e.g. organize a large demonstration, or be invited on join a new advisory committee), but then find that despite these "successes", the desired external impacts are not achieved and the policies do not change.

This issue is of particular concern when analyzed in relation to participation in the various collaborative strategies and is often expressed in terms of the relative value of ensuring access to institutional input processes (i.e. crossing the threshold to become an "insider") and its relationship to effective power through exercising operative influence over decision-making. Is gaining access to the process a guarantee of being able to influence policy in the future or simply an assurance of playing a part in trivial rituals of collaboration and consultation?

At the same time, Scott (1990), sees success precisely in terms of the integration of previously excluded issues and groups into the normal political process: "If there is a telos of social movement activity then it is the normalization of previously exotic issues and groups" (Scott, 1990: 10). In a more radical analysis of social movement outcomes, however, this might be seen as co-option and failure, if the normalization requires too much compromise of the original movement goals.

Burnstein et al. (1995) identify six types of policy responsiveness to SMO activity which they maintain represent increasing levels of success (Table 5.4).

**Table 5.4: Types of Policy Responsiveness**

<table>
<thead>
<tr>
<th>Type</th>
<th>Examples regarding legislative initiatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access</td>
<td>SMO sits on advisory committee, testifies at hearing.</td>
</tr>
<tr>
<td>Agenda</td>
<td>Desired legislation is introduced</td>
</tr>
<tr>
<td>Policy</td>
<td>Desired legislation is adopted</td>
</tr>
<tr>
<td>Output</td>
<td>Legislation is enforced as SMO desired</td>
</tr>
<tr>
<td>Impact</td>
<td>Legislation has intended consequence</td>
</tr>
<tr>
<td>Structural</td>
<td>Long-term structural change</td>
</tr>
</tbody>
</table>

Source: adapted from Burnstein et al. (1995)

Ultimately, success must be measure in terms of the highest order structural changes, but achievement of the next level up from the current circumstances becomes an important affirmation.
of positive outcomes.

Nevertheless, it must be kept in mind that we are seeking to appraise not only outcomes and observable events but also dynamic, on-going power relationships that determine the influence and domination links between actors in a system (Knoke 1990b). We are interested not only in the "if" of outcomes, but also the "how" and "why". Yet, as was mentioned in the previous section, the nature of these power relationships have, in general, defied measurement by researchers.

5.4.2. Methodology

While the analysis presented in this chapter is unified, the idea that there can also be a unified methodology for carrying out research based on this analysis is unrealistic: each of the levels identified in the previous section lends itself to distinct methodologies, as do each of the factors of the analytical framework developed in this chapter. Melucci (1992) identifies four main categories of methodologies used for this type of study: observation of behaviors, surveys and document analysis, biography, and quantitative methods.

Each of these methodologies is fraught with difficulties and results are open to different interpretations. For example, even the seemingly simple task of choosing the actors and defining the network to be studied can be carried out using diverse techniques: e.g. decision method (who was present during the decision-making, according to content analysis), positional method (who holds formal decision-making positions), or reputational method (ask knowledgeable observers to say who should be included). But, all such "top-down" methods tend to bias the research in favor of the who have access already.

There are various survey methods which seek to create quantitative research by systemizing the documentation and interview process, most often through the use of rating scales. Examples of such research are:
- Reputation studies that ask how they rate other actors.
- Access measures which document who received information from whom and the frequency of contact.
- Checking of resources checked by asking one organization what they thought the other influential organizations possessed.

In addition, studies in the resource mobilization tradition tend to lend themselves to more quantitative analyses. Tangible resources such as membership size, annual incomes, employed staff, etc. are possible to quantify (Newton, 1976; Knoke, 1990a; Pross, 1992; Mathews, 1993) and are used to infer influence. Also, rating scales may be used for more intangible resources such as public reputation and articulative capacity of the organizational structure (Pross, 1992). Perhaps the most extensive quantitative research is Knoke's study (1990a) of the "political economy of associations", in which he surveyed more than 13,000 US organizations, using a wide range of variables.

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21 Interviewees are asked to rate certain characteristics on scales of 0-5, 1-10, 1-100, etc.

22 Influence is measured by rating the factors of: decision making authority; expert knowledge; power of disposal over financial resource; power of disposal over jobs; reputation as an honorable broker who could mediate issue; power to mobilize workers or members; power to mobilize public opinion (Knoke, 1990a).
These methods are often used to create graphic representations which depict the relative power of and relationships between various actors. Both researchers from the network analysis school, as well as those from related approaches such as policy-environment mapping, create graphics which represent the relative influence of the actors through physical proximity and the volume of connections between them. Other graphics use two- or three-dimensional axis to represent relative influence through the relationship between factors of political strength (see Schneider, 1992).

Finally, it is worth noting that the results of research are likely to depend directly on the methodology used. As Melucci (1992) comments on the history of power studies, sociologists used reputation studies and tended to find pyramidal structures, while political scientists used decision/outcome studies and tended to find decentralized structures and factionalism.

Despite the availability of such quantitative methods, however, individual policy research tends to be qualitative, relying on the first three of Melucci's categories and following along the lines of case study methodology used in this thesis. Nyland (1995) provides a good example of such qualitative research and offers the conclusion that the key elements which resulted in a specific change in housing policy in Australia included: "prior membership of an NGO by a key bureaucrat ... a chance meeting between a lobbyist and a ministerial advisor ... and a close working relationship between government advisors and NGO workers."

With reason, a researcher with aspirations in this field might ask: "How could that possibly be measured with quantative methods"?
PART III

CASE STUDY

Department of Political Science and Public Law, Universitat Autònoma de Barcelona.
Available in Internet at: http://blues.uab.es/mgp/papers/casey2.html
CHAPTER 6
NGOS AND IMMIGRATION POLICIES IN SPAIN

6.1. Introduction

This third part of the thesis applies the framework developed in Part II to a case study analysis of the role that NGOs have played in the development of public policies regarding immigrant intake and integration in Spain.

This case study is comprised of two parts: first, a general analysis of the evolution of the NGO sector in Spain and of their participation in the process of development of immigration policies; and second, two separate, more detailed case narrative analyses of the role of NGOs as actors in the development of specific immigration policies at the national and regional level.

Given that the competencies for immigrant policies in Spain are generally divided between the national level (intake\(^1\)) and the regional level (integration), and that intake policies take a legislative form while integration policies are represented by administrative programs and action plans, the two narratives will analyze contrasting ambit-arena contexts. For the first narrative, on intake policies, I will analyze the national-legislative context of negotiation over the 1985 immigration law (*Ley de Extranjería*) and its subsequent reforms; for second narrative, on integration policies, I will analyze the regional-institutional context of the development of these policies in Catalonia by the regional government, the *Generalitat de Catalunya*.

This chapter contains the first part of the case study. It includes documentation of the three essential background elements that must be analyzed in order to understand the role NGOs have been able to play in Spain both in policy-making in general and specifically in immigration policy. These three elements are: an overview of the policy-making environment; the recent development of NGOs; and an overview of Spanish immigration policy.

Based on this overview, it is possible to draw the first conclusions on the case study, using the framework developed in Part II, and to set the parameters for the two more detailed case narratives.

Chapter 7 contains the second part of the case study, the two narratives, which will serve to substantiate the preliminary analysis and will offer final conclusions and analysis of the case study.

It is important to keep in mind that the case study in these two chapters is located within specific time and geographic coordinates. The period we are looking at starts with the negotiations over the passing of the 1985 *Ley* and finishes just after the approval of new

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\(^1\) Intake refers to the policies which govern the entry (or flow) of immigrants as well as to the subsequent granting of residence and work permits. In Spain, residence and work permits are granted separately, so permission to reside does not automatically imply permission to work. Details are given in the first case narrative below.
Regulations in 1996. The geographical base combines a general analysis of the circumstances across Spain with a more specific analysis of NGOs and immigration integration policies in Catalonia.

The case study is developed primarily at a sectorial level, treating the NGOs -- or in the case of the second narrative, a coordinating body of NGOs -- almost as one single unitary actor, with occasional references to individual organizations. This sectorial-level analysis is justified, as we shall see in the narrative that follows, by the relative small size of the sector and a prevalent unity of interests.

6.2. The Context of Policy-Making in Spain

6.2.1. Twenty Years of Democracy

In 1975 the right-wing dictator, Francisco Franco, died after a 40-year rule. His death ushered in a period of democratization and economic expansion that has radically transformed a country which, despite having presided in the 16th century over one of the largest empires the world has ever known, had long since fallen behind its industrialized European neighbors to the point that most people held by the adage "Europe ends at the Pyrenees" (the mountains that form the northern border with France).

Over a period of a little more than twenty years, Spain has been transformed from an authoritarian, relatively underdeveloped country isolated from its neighbors into a democratic, post-industrial European partner.

In 1977, the first democratic elections since the end of the 1936-39 Civil War were held and in 1978 a new Constitution was approved by voters. Now, Spain is politically stable to the point that the 1996 election of a conservative Partido Popular (PP) government to replace the socialist Partido Socialista Obrero Español (PSOE) after their 14-year rule was most remarkable for its ordinariness, despite the continued activities of the Basque separatist terrorist group ETA.

The democratic transition that started with the death of Franco was consolidated by the election of the PSOE government in 1982 and perhaps completed with the victory of the PP in 1996. At the same time, there has been relatively little democratic turnover of governments at any level: in Barcelona, for example, Partit Socialista de Catalunya (PSC, socialist), won the first democratic municipal elections in 1979, and has been the majority partner and held the mayoral office in all the administrations since then; and, at the regional level, Convergencia i Unió, (CiU, conservative nationalist coalition) won the first democratic regional election in 1980, and has remained in government since then.

In the last 20 years, Spain has moved from having one foot in the Third World to nearly having both feet firmly planted in the First. Throughout the 1980s, Spain was regarded by many to be the "miracle" economy of Europe and, having joined the then European Economic Community (EEC; now known as the European Union, EU) in 1986, Spain now aspires to meet the economic benchmarks for entering the pending single european currency system. While there has been an attempt to create a welfare state, comprehensive coverage has been regarded as beyond the means of the Spanish economy, but nevertheless, there has been an important

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2 There is relatively little "euroscepticism" in Spain. There is still some sense of awe at having been admitted to the club of rich European countries, combined with a pragmatic appreciation of the contribution that EU social cohesion funds make to the Spanish economy. Spain is among the poorest of the EU countries with one of the lowest GDP per capita and a low rate of higher education among the population.
growth in public sector activities: in 1973, two years before Franco's death, public spending was 24% of the GNP, some 20% below that of the European average at that time; now some 24 year later, current public spending is around 47%, only 3% below the European average. In the area of social issues, civil marriages were first allowed in 1978, freedom of religious instruction was granted in 1980 and divorce in 1981.

6.2.2. Policy-Making in Democratic Spain

Against the background of these changes, we can identify a number of key factors that have directly affected the style and substance of the policy-making process in Spain since the death of Franco.

a) Democratization has been accompanied by the recognition of pluriregional realities, and the decentralization and regionalization of government competencies. Seventeen regional governments (in Spanish Comunidades Autonomas) have been established with varying degrees of responsibilities and municipalities have also been given important responsibilities over social services and infrastructure. Regional government spending has increased from 0.22% of total government spending through the Franco-era regional structures in 1970, to 23% through the new regional democratic governments in 1991, while local government spending has increased from 9.85% of the total in 1970 to 12% in 1991 (García, 1995: 74).

b) Policy development has largely been centered on economic growth regulation, the development of welfare state provisions and membership of the European community. These have been the main priority areas for policy-making, although in recent years there has been increased interest in emerging issues such as environmental protection, gender equality, immigration, and telecommunications (Subirats and Gomà, 1997). At the same time, the period 1993-1996 coincided with a recession and decisions about public spending, and consequently policy priorities, as well as policy styles have had to adjust to this new reality.

c) Policy actors have generally been organized around the traditional cleavages. This has been particularly so during the early transitional period, as policy development was primarily based on consensus politics which translated into greater visibility for formal organizations such as political parties and trade unions (García, 1995: 63). The primary actors along these cleavages have the following characteristics:

- The political parties are polarized between the PSOE and Izquierda Unida (IU) on the left and the PP (and predecessors) on the right, with feasible option occupying the middle ground. (Pont, 1997: 303).
- Unions have gone through different periods of public and worker support, with first an increase with the new democracy, a decrease in the mid-1980s and then recovery (Subirats and Gomà, 1997: 8)
- At the start of the transition period, the business sectors lacked any real culture that would equip them for participation in the policy development process, as their basic interests still centered on the liberal-protectionist-repressive model of the Franco years. It is only relatively recently that stronger organized business groups have emerged as coherent policy voices.

d) The different administrations and government majorities of the democratic era have given rise to distinctive policy styles. Subirats and Gomà (1997) identify three main periods: the first period, from 1977 to 1983, marked the years of transitional minority

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7 The regions with the highest level of autonomy -- with competencies akin to US-style states -- are those which correspond to historically separate national identities: the Basque Country, Catalonia, and Galicia.
governments led by the Unión Centro Democrático (UCD, center-right coalition) and was characterized by a reactive approach to problem solving, a search for consensus between the actors, a high level of institutional permeability to policy pressures, but a high asymmetry in distribution of resources; the second period, from 1983 to 1993, spanned the years of the socialist majority government and signified a more pro-active policy response, more conflictive relationships between actors, a low level of institutional permeability and a limited asymmetry of resources; and in the third period, from 1993 to 1996, the socialist government had lost its majority and was required to seek more consensus when faced with new political equilibriums and a weakened economic situation.

e) Despite the tendency to articulate policy pressure along traditional cleavages, Spain manifests relatively low levels of organizational participation, but this is offset by high protest levels and radical protest forms (Dekker et al., 1996)\(^4\).
f) In the years immediately after the political transition we can characterize Spain as having a relatively weak middle class and a working class with a strong sense of political and social struggle. With economic development, this gave way to more moderate attitudes and a decrease of those who identify themselves as working class and an increase in the middle class (Pont, 1997: 349).
g) The non-government sector, particularly in social services, has been dominated by organizations linked to the Catholic Church, with the lay organizations being generally weaker and disorganized. However, during the last decade new civic associations have developed rapidly due to a combination of the emergence of new issues, a tendency towards the contracting out of government services, and the participation of the new middle class (García, 1995; Subirats and Gomà, 1997).
h) There have been few organized channels of communication between government and associations and public-private relations have often been marked by distrust and conflict (Sarasa, 1995).

6.3. NGOs in Spain and Catalonia

The level of NGO development in Spain is considered to be low relative to other industrialized democracies as it has been hampered by a combination of the weak economic conditions, the relatively recent democracy, the dominant role of organizations linked to the Catholic Church, the lack of a volunteer tradition and free time, as well as the prominent role of the family (Serra et al., 1989; Garvia, 1993; Vidal, 1994; Dekker et al., 1996, 1997).\(^5\) Despite a tradition dating back to the charity laws of 1849, and the important historic role of three big charities in the provision of social services -- ONCE (the association of the blind), Red Cross and Caritas -- the social, economic and political situation has not been marked by the strong development of the Third Sector.

The Franco dictatorship repressed all associative activity that was not under the direct ideological control of the regime. Even so, it saw the need for a limited opening to a variety of

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\(^4\) The comparisons are with other European countries. In cross-national comparisons, the rank order of levels and radicalness of protest is the exact mirror image of the rank order in regards to membership of political organizations (Dekker et al., 1996). This radical protest is evidenced by a high level of industrial unrest; for example, Spain has an average of 1,315 strikes annually as compared to 132 in Germany (Pont, 1997).

\(^5\) The comparative data is scarce, but, for example, the European Values Study data of 1990, already cited in 5.2.1., places Spain last in relation to the percentage of the population volunteering (12%). This can be compared with 39% in Sweden and 46% in the US (Dekker et al., 1997).
organizations and in 1964 a law of associations (Ley de Asociaciones)\(^6\) was passed which broke with the hegemony of the Movimiento Nacional (the government-sponsored fascist social-political organization) and the Sindicato Vertical (the government-sponsored labor organizations) and allowed a small group of organizations, mostly linked to the Catholic Church and dedicated to charitable activities, to operate under strict state supervision.

What little truly independent associative life existed was primarily in the form of the clandestine democratic opposition or the semi-clandestine activities of legal organizations\(^7\) and operated with the general political objective of forcing democratic change and sustaining the separate cultural identities repressed by the regime.

The post-Franco democratic transition, however, despite offering full freedom of association and the abrogation by the Supreme Court of parts of the 1964 law, did not result in an environment that promoted the development of NGOs and until the late eighties, Third Sector activity remained low.

On one hand, many of the movement leaders from the clandestine opposition moved into the newly elected democratic institutions, which created a vacuum of political leadership outside the government sectors. On the other, election victories by left-wing parties in the major cities in the first democratic municipal elections in 1979 and later in national elections in 1982, along with the growing economy and an extension of social services, placed responsibility for organizing political participation and the management of services firmly in the hands of the traditional political parties and the government institutions. In particular, the election of the socialist national government in 1982 reinforced the general sentiment that government should take major responsibility for public goods and services.

There was generally a passive attitude to the policy process in Spanish society and, primarily because they saw important decisions being made for them by political parties and government, citizens felt discouraged from participating in associations, did not see such participation as effective (Molins, 1997) or perhaps even as necessary. In the 1980s, neighborhood associations were consciously depoliticized from within, as their leaders began to practice political caution (García, 1995: 69) and newly created government services quashed many emerging civil initiatives.

Since the late 1980s, however, there has been a significant increase in NGOs and a rise in government interest in supporting them. The reasons given for this increase are diverse (see for example: Robbins, 1990; Serra, 1993; Subirats and Gomà, 1993; Vidal, 1994; Casey, 1995; García, 1995):

a) There is an increase in demand for new and diversified services which are not being satisfied by the recently-created Spanish welfare state. Both the pressure to create new services and the management of them is often carried out through NGOs.

b) The economic recession has increased the demand for services and also for new efficient forms of delivering them. NGOs are considered a more cost effective form of service delivery.

c) There is a certain amount of disenchantment over the last few years with the

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\(^7\) For example, the Boy Scouts were used in Catalonia as a channel of transmission for the proscribed catalan language and culture. Hiking and camping gave catalan youth the opportunity to sing songs and transmit stories in their language, far from the disapproving eyes and ears of the regime’s apparatus.
performance of governments who have not been able to fulfill the early promises of the democratic transition. This disenchantment comes both from within administrations who seek new ways to achieve their original goals and from consumers who are now seeking quality services instead of quantity.

d) The concepts of decentralization and participation engendered by the democratic transition have given rise to the creation of associations which are complementing, or replacing, political parties as the channel for expressing citizens' interests.

e) There are new values of solidarity and volunteering in Spanish society, and economic growth along with increased education levels have created a new professional class and given large sectors of the society the leisure time and disposable income needed to promote participation in NGOs.

f) The debate on NGOs and civil society in Spain is being influenced, through publications and cultural exchanges, by neoliberal perspectives of the US system.

National and regional figures on NGOs demonstrate the extent of their development over the last few years. At national level, by the end of 1996 there were 174,916 organizations in the register set up under the 1964 Ley de Asociaciones (Ministerio del Interior, 1997) and Cabrero and Montserrat (1996) indicate that social service voluntary organizations employ some 100,000 people (1.41% of the workforce) and some 300,000 people volunteer in these organizations. Figure 6.1 shows the increase in the number of associations registered since the mid 1960s.

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\(^{8}\) Only those associations that work at a national level or in regions that do not have their own registries are registered with the Ministry of the Interior.

\(^{9}\) Figures for non-profit employment for 1990 from other countries include: Italy, 1.8%; Sweden, 2.5%; France, 4.2%; and USA, 6.9% (Salamon, Anheier, and Sokolowski, 1996). Because of possible differences in methodology -- e.g. the Spanish figures do not include health and education services -- these figures can only be compared with caution to those cited by Cabrero and Montserrat (1996).
According to the legal definitions used in Catalonia, *entities* covers a wider range of organizations than *associations*, hence the higher figure.

Regional figures show similar increases. In Catalonia the number of associations has increased from 6,969 in 1980 to 21,239 in 1993 (*Institut d'Estadística de Catalunya*, 1994). Figure 6.2 shows this growth.

The Catalan figures also give more information about the sectors in which organizations work. The 36,098 legal entities\textsuperscript{10} registered by the *Departament de Justicia* fell into the

\textsuperscript{10} According to the legal definitions used in Catalonia, *entities* covers a wider range of organizations than *associations*, hence the higher figure.
following categories (Table 6.1):

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>General and youth associations</td>
<td>21,198</td>
<td>58.7</td>
</tr>
<tr>
<td>Sport associations</td>
<td>7,841</td>
<td>21.7</td>
</tr>
<tr>
<td>Cooperatives</td>
<td>5,762</td>
<td>16.0</td>
</tr>
<tr>
<td>Foundations</td>
<td>741</td>
<td>2.1</td>
</tr>
<tr>
<td>Federations</td>
<td>249</td>
<td>0.7</td>
</tr>
<tr>
<td>Mutual associations</td>
<td>167</td>
<td>0.5</td>
</tr>
<tr>
<td>Colleges and academies</td>
<td>140</td>
<td>0.3</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>36,098</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Institut d’Estadística de Catalunya, 1994

Table 6.1: Registered Associations in Catalonia, 1993

Porta (1992) and Marimon (1992), working with earlier figures, provide more details about the area of work of these organizations (Table 6.2).

<table>
<thead>
<tr>
<th>Type</th>
<th>Marimon</th>
<th>Porta</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal services</td>
<td>2,243</td>
<td>2,243</td>
</tr>
<tr>
<td>Cultural</td>
<td>6,177</td>
<td>6,121</td>
</tr>
<tr>
<td>Education and research</td>
<td>3,561</td>
<td>3,561</td>
</tr>
<tr>
<td>Social Services</td>
<td>1,307</td>
<td>1,307</td>
</tr>
<tr>
<td>Health</td>
<td>249</td>
<td>249</td>
</tr>
<tr>
<td>Environment</td>
<td>1,284</td>
<td>1,282</td>
</tr>
<tr>
<td>Professional assoc.</td>
<td>823</td>
<td>823</td>
</tr>
<tr>
<td>Sport</td>
<td>6,552</td>
<td>6,582</td>
</tr>
<tr>
<td>Youth</td>
<td>1,785</td>
<td>-</td>
</tr>
<tr>
<td>Private Foundations</td>
<td>-</td>
<td>445</td>
</tr>
<tr>
<td>Cooperatives</td>
<td>-</td>
<td>6,013</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>23,981</td>
<td>28,356</td>
</tr>
</tbody>
</table>

Source: Marimon (1992), Porta (1992)

Table 6.2: Classification of Associations

All these official figures should be read with certain caution, as they do not reflect the actual viability of the listed organizations or their activities. Many of the organizations which are listed in registries are inoperative and the tendency is to register new associations but not to
deregister associations which have ceased to operate (CIES, 1995). Also, recent scandals -- such as the use of the non-profit Fundación Quail by a prominent financier, Javier de la Rosa, to protect his wealth from a seizure order after his fraud conviction -- have demonstrated that not all of these organizations have strictly altruistic objectives.

Given the lack of detailed research on this sector, we know relatively little about the economic and labor characteristics of NGOs in Spain and Catalonia. A recent survey by the Barcelona City Council (Ajuntament de Barcelona, 1997) of agencies that participated in its social services coordinating council found that: 12% worked only with professional staff while the rest relied heavily on volunteers; 41% had 1-5 staff members; 71% had more than 10 volunteers; 61% had a budget of less than 25 million pesetas; and 53% relied totally or primarily on public funding. In an earlier study, Serra, Marti and Bonal (1989), using a sample of 100 NGOs in Barcelona, indicate that: there is an average of 3 jobs per entity but only 17% of them have a professional managing officer; 48% were not able to give financial data for their previous year, "the majority because they simply didn't know the figures"; in 33% of the associations, membership fees and other donations represented 75% of their income; 33% did not receive any public funding; and public funding represented an average of 47% of the budget of those NGOs that receive it.

The growth in the number of associations has not always been accompanied by an increase in operating capacity and coordination, and authors point to a relatively low professional level in current organizations. There also appears to be a lingering sense of disrespect for NGOs and the professionals who work in them: a common observation by those outside the sector is that NGOs are apparently the option for those who do not succeed in party politics or in the administration.

There has been relatively little training and technical support available to NGOs for organizational development. In the past few years various universities and training institutes have begun training programs on NGO management but, paradoxically, an important part of this training comes from quasi-government entities such as INCAVOL (the Catalan Institute of Volunteers), established by the Generalitat in 1992, and the Agencia Municipal de Serveis per a les Associacions (The Municipal Agency for Services to Associations) established by the City of Barcelona in 1995. This government-sponsored training has become a double-edged sword which provides essential management education, but also reinforces government control and weakens independent structures of cooperation and mutual dialogue. Certain sectors of the NGO community have expressed their opposition to the activities of these agencies and maintain that they should be provided independently by non-government coordinating bodies (Gomis, 1997).

Training is only one of the many dimensions of the connection between NGOs and administrations and it is important to keep in mind that the increase in NGO activity over the last decade has largely been a result of an increase in institutional support. The establishment of entities such as INCAVOL and the Agencia Municipal de Serveis per a les Associacions is emblematic of expansion of government interest, which has included the provision of essential

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11 The City of Barcelona has provided technical assistance to NGOs through the Institut Municipal d'Animació i Explot (IMAE) since 1991.
infrastructures, a rise in grants and service contracts\textsuperscript{12}, campaigns to encourage volunteering\textsuperscript{13}, and an increase in consultation and advisory bodies that seek to channel NGO input in government activities and policy making.

The increase in consultation and advisory bodies is usually linked to the concept of \textit{citizen participation}. Since the first regulations on citizen participation in the mid-1980s,\textsuperscript{14} there has been an important increase in the existence of these committees, particularly sectorial bodies. While the general emphasis is on the participation of associations, they often include other types of entities and individual experts (Pindado, 1998).

But the increased government interest appears to have come with "strings attached" and there have been numerous accusations of funding being used to create parentela relationships by rewarding compliant NGOs and marginalizing rebellious ones,\textsuperscript{15} and complaints of advisory bodies being used to control NGOs instead of receiving input from them.

The accusations that administrations instrumentalize advisory groups abound: a number of women's NGOs accused the advisory group of the Generalitat's Catalan Institute of Women of designating itself as representing women's associations when it was not in fact representative, and of having absolutely no influence in decision-making (El País, 1995); NGOs walked out \textit{en masse} of the first meeting of the Environmental Advisory Committee after the election of the conservative government, accusing the new conservative minister of "disrespect, and treating as a joke what should be a serious channel of dialogue" (El País, 1997). There is a significant lack of clarity about where these committees should operate along the continuum of consultation/influence/decision-making. Decision-making powers seem to be primarily restricted to management decisions regarding specific services, while broader policy decisions remain the prerogative of elected governments (Pindado, 1998). Moreover, it appears that the history of distrust and conflict that has characterized administration-NGO relationships (Sarasa, 1995) has lead to a near obsession by some administrations with controlling the NGOs they work with.

At the same time, it must be recognized that many NGOs also openly court administrations in order to secure contracts or simply to ensure their legitimacy through participation in cooperative arrangements. Moreover, the relationship is not necessarily pernicious -- much depends on the goals of the NGOs -- but for the purposes of our analysis it is important to recognize that close relationships with administrations are pervasive and can serve to restrict the scope for independent political action, particularly when the administrations are as aggressively clientalist as the Spanish administrations tend to be.

The other notable relationship that must be considered is that which exists between NGOs and other social agents, particularly the Catholic Church, political parties and unions.

\textsuperscript{12} Montserrat and Illa (1996) indicate that currently 10% of all social service expenditure in the City of Barcelona are grants to NGOs and that these NGOs manage 30% of all service delivery.

\textsuperscript{13} The Minister for Social Services at one time floated the idea of legislation which would seek to compensate volunteers through tax breaks and the granting of accreditation which would make them eligible for various discounts. No concrete proposal was ever put before parliament.

\textsuperscript{14} The first local government regulations were in Sant Feliu de Llobregat in 1985 (Pindado, 1998).

\textsuperscript{15} One of the persons interviewed for this thesis gave the example of the Asociación Pro-Derechos Humanos (APDH), a human-rights organization that began as a well-funded NGO with close links to the socialist government but, as it continued to maintain an uncompromising critical stance on the government's human rights record, found that its funding was cut off.
The Catholic Church has traditionally dominated the provision of non-government services in health, education and welfare through a network of ostensibly non-confessional but Church-linked NGOs, and recently political parties and unions have also begun to sponsor the creation of NGOs.

The link between NGOs and political parties in Spain is particularly strong; even ostensibly independent NGOs have open allegiances with a particular party and some are considered as satellites of the parties. In Catalonia, for example, there exist two lobby organizations of municipalities, one which represents socialist and progressive councils and another which represents nationalist-conservative councils; similarly there are two peak organizations of Gypsy associations, one identified with the socialists (PSC) and one with the conservative nationalists (CiU). Everyone seems to know what political color an organization is and assumes these affiliations in their dealings with the organization.\(^\text{16}\)

As with the close relationship with administrations described above, the connection with political parties is widespread and can limit NGO independence in the policy process, as well as erect barriers to coordinated action with other NGOs who do not have the same affiliations. NGOs linked to the parties in government reinforce the parentela relationships described earlier and those linked to the opposition linger on the fringes, often excluded from funding and representation on liaison bodies.

The increase in NGOs and institutional support for them has generated some clear tendencies in the sector:

a) The political protest and social movement character of the few organizations which existed before the boom is being replaced by the more service-oriented nature of the emerging sector.

b) Government support is translated into funding which now forms a large part of the income of many NGOs, particularly those delivering social services. The sector had moved from being small and economically independent to being larger, but also more financially dependent on Government.

c) The increase in economic resources has given rise to the professionalization of the management of NGOs and the subsequent increase in employment in the sector.

d) With much more at stake, the increase in the NGO sector has been accompanied by an increase in attempts at political control and the creation of parentela relationships on the part both of administrations and of the traditional political parties.

The sector can currently be characterized by: vertical integration between political parties and associations, with many associations having open relationships or allegiances with specific parties; a tendency to government control through corporatist and parentela relations; and a relatively small knowledge base of management and organizational issues.

There is also a marked lack of secondary coordinating associations, which forces NGOs to work individually and occasionally at cross-purposes (Martinez and Barcelo, 1992; Marcé and Carol, 1992) and there are no significant independent non-profit councils that represent the interests of the sector.

\(^{16}\) At times, the perception of affiliation can be exaggerated. I am on the board of SOS Racisme, which had its beginnings within the Comisiones Obreras union, related to Izquierda Unida (IU)\textit{Iniciativa per Catalunya (IC)}, the left-wing parliamentary coalition. I recently overheard someone comment that “Everyone knows that Ignasi Riera (an IC regional parliamentarian) calls the shots in SOS” Yet, in fact, Riera has no affiliation with the organization.
Finally, it should be noted that there are also alleged cultural differences among the different nationalities in Spain. One version of these differences is offered by Catalan researchers who claim that Catalonia has a stronger organizational network than other parts of Spain. According to their argument, the absence of an independent Catalan public administration has meant that Catalans have had to organize themselves through civil society in order to defend their national interests (Castiñera, 1992; Porta, 1992). There is, however, a lack of research that compares the level of associative activity between regions and also corrects for other factors -- such as economic development or a tradition of craft guilds -- that may explain these regional-nationality differences.

6.3.1. Legal Framework

The lack of definition in the sector is also reflected in the ill-defined current legal framework, and one of the basic demands of the sector is the revision of current laws. Article 22 of the Spanish Constitution recognizes the right of association in general and other articles recognize specific associative rights such as political parties (Art. 6) and unions (Art. 7). But the basis of current legislation continues to be the 1964 Ley de Asociaciones which remains valid, with the modifications introduced by the Supreme Court in 1979 and other decrees that have modified particular language. Spain's first law on donations to charity was only recently passed and only one of the autonomous regions has a comprehensive law on associations. No new federal legislation has been passed to replace the 1964 Franco era laws.

At the regional level, Article 9.24 of the Catalan home rule legislation designates competencies on issues related to foundations and associations working in areas such as education, culture, and those social services whose area of operation is primarily in Catalonia. In the area of social services, the Catalan law 26/1985 indicates the possible roles of NGOs: Article 3b of that law promotes the use of NGOs; Article 12.2 requires that they be democratic and open to public scrutiny; Article 19 provides for direct funding of NGOs; and Article 21 address the issue of the financing of NGO infrastructures (Vidal, 1994).

In addition, other legislation governs specific forms of NGOs in Spain, such as charitable and service foundations, charitable corporations such as ONCE and Red Cross, political parties, and entities such as youth service and sport associations, neighborhood associations, professional associations, and cooperatives.


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19 La Ley de Fundaciones y de Incentivos Fiscales a La Participación Privada en Actividades de Interés General of 1993. The law allows for a tax deduction of 20% for donations to organizations that have been declared to be of "public interest", a narrow category that excludes most NGOs.


21 At federal level, for example, Art. 34 of the Constitution and the Civil Code (Art. 28, 35.1, 37, 39, and 993).

22 ONCE was created in 1938 through order 1432/1938 of December 13; the Spanish Red Cross is regulated by Royal Decree (RD) 2549/1987.
6.4.1. Introduction

Foreign immigration is a relatively new phenomenon in Spain, historically a country that has sent colonizers, political exiles and economic emigrants throughout the world. Since the end of the 1970s there has been a change in direction of the migrant flow; at first, primarily through the return of Spanish emigrants, but later, since the middle of the 1980s, through an increasing presence of foreign immigrants. These immigrants include retirees from the north of Europe looking for a warm haven on the mediterranean coast, entrepreneurs and professionals following flows of business opportunities and capital, and an increasing number of unskilled workers from developing countries who are being incorporated into the most precarious areas of the labor market (generally in the jobs rejected by local workers), or in small family businesses such as restaurants. Foreign immigrants represent 1.6% of the Spanish population and 2% of the workforce.

On July 1, 1985 the first comprehensive immigration law since 1852, La Ley de Extranjería, was enacted. The development of this law was more in response to the negotiations over Spain's entering the European Community than to any domestic concerns about policy making on this issue, given that at that time in the early 1980s the new immigration flow had just barely begun -- the few immigrants living in Spain at that time were primarily northern European retirees -- and there was almost no research or documentation of immigrant numbers (Santos, 1993).

It was not until the end of the 1980s that wider attention was given to immigrant issues, by both the administration and other social agents, and local actors began to pressure for changes. At the beginning of the 1990s, because of inherent contradictions in the design of the 1985 law and because of the increasing pressure of these actors, new policies began to emerge addressing both the intake of immigrants and their subsequent integration into Spanish society.

At the same time, the introduction of the free circulation of European Union (EU) nationals in 1993 has consecrated a fundamental division between immigrants from EU countries -- who have full rights to entry, residence and work in Spain -- and those from other countries, the "non-communitarians", who continue to be governed by the exclusionary concepts of the Ley.

6.4.2. Spain: Emigration to Immigration

Spain traditionally has been a colonizer of new worlds and later a reserve labor force for more developed countries (Misti et al., 1995). For almost 500 years, it has exported people to the Americas, in past centuries, and to Europe and Oceania in the current one, and it has witnessed important internal migrations from the southern regions to the capital, Madrid, and to the northern industrial regions of Catalonia and the Basque country.

Apart from some small communities of well-to-do retirees from northern Europe who had been retiring to the mediterranean coast since the 1970s and a reduced number of other immigrants and refugees, it is only since the mid 1980s that we can begin to regard Spain as an immigrant receiving country (Blanco, 1993). With the transition to democracy, the economic expansion of the 1970s and 1980s and integration into the European Union, Spain has firmly become part of the industrialized world, relatively richer and more politically stable than neighboring countries on the southern shores of the Mediterranean, Sub-Saharan Africa, Eastern Europe, and Latin America.
The economic growth of Spain in the last 25 years --- which to a large degree was achieved through internal and external immigration --- and an extensive submerged economy have created a labor market which is providing specific niches for foreign labor. These new economic conditions and the geographic circumstances of Spain as a bridgehead between Europe and Africa\textsuperscript{23} have resulted in a growing presence of immigrant workers.

As a consequence, Spain is no longer a country of a few elite, sun-seeking immigrants, but also a country of destination for unskilled immigrant workers from developing countries who come looking for work and new economic opportunities. Spain shares with other southern European countries, such as Italy and Greece, this new reality of an increase and "third-worlding" of immigration, and like these countries, it is some 30 years behind Northern Europe which since the 1950s has based its economic growth on the use of imported immigrant labor (OECD, 1994; Colectivo Ioé, 1987; Castles y Miller, 1993).

6.4.3. Current Immigration

The following table indicates the change in direction in Spanish immigration/emigration in the period 1970-1994. The number of Spanish emigrants in foreign countries has decreased because of the cessation of Spanish emigration in the mid 1970s, voluntary repatriation of emigrants and mortality. At the same time the number of immigrants in Spain increased. The largest part of the growth in immigration has been since the middle of the 1980s, marked by a large increase in the request for residence permits and two amnesty periods.\textsuperscript{24}

There continue to be, however, more Spanish emigrants living in foreign countries than foreign immigrants living in Spain, so the change in the direction of Spanish emigration-immigration flows and the identification of Spain as an immigrant-receiving nation should be seen in terms of the current annual net flow (or, at most, as the net flow over the last few years), as in absolute terms Spain could still be regarded as an emigrant nation (Table 6.3).

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish emigrants in foreign countries</td>
<td>2,232,570</td>
<td>1,769,483</td>
<td>-20%</td>
<td>1,167,461</td>
<td>-34%</td>
</tr>
<tr>
<td>Foreign residents (immigrants) in Spain</td>
<td>147,127</td>
<td>182,045</td>
<td>+24%</td>
<td>461,364</td>
<td>+253%</td>
</tr>
</tbody>
</table>

On December 31, 1995 the number of foreign residents (immigrants)\textsuperscript{25} in Spain was

\textsuperscript{23} The first influx of African immigrants settling in Spain in the late 80s is often attributed to the fact that they were not able to settle in other European countries that had been their original destination.

\textsuperscript{24} The amnesties were in 1985-86 (the "grandfathering in" of undocumented immigrants who were in Spain when the new Ley was enacted) and 1991-92. These amnesties add 40,000 and 115,00 persons respectively to the number of legal residents. In 1996, there was an additional "documentation" period for people who had lost previous legal status.

\textsuperscript{25} Spanish law does not in fact use the term immigrant, but refers only to foreign residents. The figures for currently valid residence visas are generally used in most government documents to indicate the number of immigrants, despite that fact that a significant percentage of these permits are valid for only one year and that this figure excludes others, such as immigrants who have been granted Spanish nationality, who could be included in a broader definition (see following paragraphs).
499,793. Figure 6.3 indicates the yearly growth since 1975.²⁶

**Figure 6.3: Foreign Residents, 1975-1995**

![Bar Chart](image)

Source: Author, based on data from MAS (1996)

It is important to emphasize that the new immigration in Spain reflects not only the increase in the number of new foreign residents, but a fundamental change in the profile of people settling in this country. Table 6.4 indicates the shift to the Third World origin of Spanish immigrants. In 1980, 66% of the immigrants came from the European Union, North America and Oceania, while in 1995, these zones represented just over half of them. Of the 317,748 residents added in the period 1980-1995, 55% were from other zones which means that this population increased by 278% over 15 years while European, North American and Oceania immigrants increased by only 120%.²⁷

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²⁶ This figure shows the tendency towards an increase, in general. The decrease in the figures between 1990 (407,647) and 1991 (360,665) resulted from the implementation of a new statistical system which included only those who had valid visas on December 31st of each year (the previous system did not properly account for the visas which expired each year). In 1992 and 1993 there was a sharp increase due to the amnesty of 1991, while the decrease in 1994 is due to the fact that a significant number of those who had received amnesty were not able to renew their first one-year visa. A large number of these will be "recovered" in the 1996 documentation.

²⁷ These zones and the figures they represent are only partly indicative of the distribution of rich and/or poor immigrants. The zones do not strictly coincide with the distribution of First and Third World countries, e.g. North America includes Mexico, Other Zones includes Japan, etc., and some of the immigrants from developing countries are professionals.
Table 6.4: Foreign Immigrants by Zone of Origin

<table>
<thead>
<tr>
<th></th>
<th>1980</th>
<th>1995</th>
</tr>
</thead>
<tbody>
<tr>
<td>119,619</td>
<td>263,443</td>
<td></td>
</tr>
<tr>
<td>% of total</td>
<td>66%</td>
<td>53%</td>
</tr>
<tr>
<td>Other zones</td>
<td>62,426</td>
<td>236,350</td>
</tr>
<tr>
<td>% of total</td>
<td>34%</td>
<td>47%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>182,045</td>
<td>499,793</td>
</tr>
</tbody>
</table>

Source: MAS (1996)

Table 6.5 provides more details of the countries of origin represented by more than 9,000 immigrants currently in Spain.

Table 6.5: Residents' Countries of Origin, 1995

<table>
<thead>
<tr>
<th>Country</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morocco</td>
<td>74,886</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>65,261</td>
</tr>
<tr>
<td>Germany</td>
<td>41,942</td>
</tr>
<tr>
<td>Portugal</td>
<td>36,977</td>
</tr>
<tr>
<td>France</td>
<td>30,838</td>
</tr>
<tr>
<td>Argentina</td>
<td>18,426</td>
</tr>
<tr>
<td>Italy</td>
<td>19,750</td>
</tr>
<tr>
<td>Peru</td>
<td>15,092</td>
</tr>
<tr>
<td>USA</td>
<td>14,853</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>14,470</td>
</tr>
<tr>
<td>Holland</td>
<td>12,975</td>
</tr>
<tr>
<td>Philippines</td>
<td>9,681</td>
</tr>
<tr>
<td>China</td>
<td>9,158</td>
</tr>
</tbody>
</table>

Source: From data contained in MAS (1994)

As was noted earlier, the most significant distinction between immigrants in Spain is their citizenship of EU countries or of non-EU countries, given that EU citizens are no longer subject to the restrictions of the *Ley.* Table 6.6 indicates the distribution between these categories.

Table 6.6: EU and Non-EU Residents in Spain, 1995

<table>
<thead>
<tr>
<th>Country</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morocco</td>
<td>74,886</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>65,261</td>
</tr>
<tr>
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<td>41,942</td>
</tr>
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</tr>
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<td>Dominican Republic</td>
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</tr>
<tr>
<td>Philippines</td>
<td>9,681</td>
</tr>
<tr>
<td>China</td>
<td>9,158</td>
</tr>
</tbody>
</table>

Source: MAS (1996)

See Chapter 7 for details.
Given that these are people who, by definition, are in an undocumented situation, it is difficult to give an exact figure. The figure quoted is that currently used by CITE from Comisiones Obreras. On the other hand Colectivo Ioé (1992) calculated that the 40,683 applicants for amnesty in 1991-1992 in Catalonia represented some 50% of all undocumented immigrants; if this percentage is applied to all of Spain, it can be estimated that there were some 115,000 undocumented immigrants in Spain after the 1991 amnesty.

Coincidentally, this last figure is similar to the net flow of Spaniards in 1994: some 5,000 Spaniards emigrated and some 23,000 returned from foreign countries (MAS, 1995).

<table>
<thead>
<tr>
<th>Residents from EU countries</th>
<th>235,610</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of total</td>
<td>47%</td>
</tr>
<tr>
<td>Residents from non-EU countries</td>
<td>264,163</td>
</tr>
<tr>
<td>% of total</td>
<td>53%</td>
</tr>
<tr>
<td>Total</td>
<td>499,773</td>
</tr>
</tbody>
</table>

Source: MAS (1996)

To the figures on legal residents we must add undocumented non-EU aliens, who are generally from non-industrialized countries, of which there are between 50,000 and 70,000 (CITE, 1997). In addition, to calculate the total number of immigrants, we must add other categories which are ordinarily not included in official figures on immigration, such as the 80,000 immigrants who have acquired Spanish nationality (there are some 7,000 new nationalizations each year), refugees (currently some 8,000), children adopted in foreign countries by Spanish parents (currently some 4,000 applications for adoptions are presented each year), and those who have visa exemptions. Therefore, in the widest sense the total number of immigrants in Spain is between 580,000 and 620,000 people with an annual increase of some 20,000.

Not everyone who has a residence permit has a work permit and so it is necessary to distinguish between immigrants in general, which includes family members and retired people, and immigrant workers that form part of the active population. At the end of 1995, there were a total of only 138,659 currently valid work permits in all of Spain (MAS, 1996), but given that immigrants from EU countries had not needed permits since 1993, this figure refers only to work permits issued to immigrants from non-EU countries (i.e., some 52% of non-EU immigrants have work permits). In 1991, the last year in which figures were given for work permits for immigrants from EU counties, there were some 70,000 of these, so we can estimate that this is the approximate number of EU nationals in the Spanish workforce (i.e., some 30% of the total EU nationals). Additionally, many of those who have residence permits but not work permits are self-employed or have work visa exemptions, or work illegally. Adding to these figures a large part of the undocumented immigrants, we can estimate the foreign population of workers as some 225,000 to 275,000 people with an annual net increase of some 12,000.

For the first time in the modern era, significant numbers of people are arriving who occupy the lowest ranks of the labor market. This is the same role which Spanish immigrants have played in foreign labor markets, and internal immigrants within Spain, until fairly recently. At the same time, an important number of immigrants who live in Spain continue to be people from the EU, North America and other First World countries, many of whom do

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29 Given that these are people who, by definition, are in an undocumented situation, it is difficult to give an exact figure. The figure quoted is that currently used by CITE from Comisiones Obreras. On the other hand Colectivo Ioé (1992) calculated that the 40,683 applicants for amnesty in 1991-1992 in Catalonia represented some 50% of all undocumented immigrants; if this percentage is applied to all of Spain, it can be estimated that there were some 115,000 undocumented immigrants in Spain after the 1991 amnesty.

30 Coincidentally, this last figure is similar to the net flow of Spaniards in 1994: some 5,000 Spaniards emigrated and some 23,000 returned from foreign countries (MAS, 1995).
not work, but also many who work in diverse sectors such as tourism, education and the arts, particularly now that the free circulation of EU nationals has guaranteed their right of entry into the Spanish labor market.

Spain now presents the typical profile of an immigrant-receiving nation with rentists, capitalists, qualified workers, unqualified workers and their families. An analysis of the demography of immigration shows an obvious division between the elite immigrants, generally from industrialized countries, and immigrant workers, generally from non-industrialized countries. Immigrant workers are usually younger, have less education and work in jobs in the lowest and most precarious levels of the labor market; while the elite immigrants tend to be older and have incomes from investments and pensions or professional work. Evidently there are exceptions to these characterizations (e.g. some immigrants from developing countries have university educations and work in professional positions) but the statistics well illustrate the general division between the two groups:

- 81% of African immigrants have work permits, while only 30% of EU and US immigrants have them.
- Immigrants from developing countries tend to be over-represented by men (74% of African immigrants are men), but at the same time there are important groupings of female domestic workers, the majority of whom come from the Dominican Republic, Peru, the Philippines, and Portugal.
- The place of residence reflects a concentration of elite immigrants in tourist areas on the Mediterranean coast, Canary Islands and Balearic Islands, while immigrant workers concentrate in industrial and agricultural zones.
- There is considerable specialization in occupational sectors by country of origin and/or gender: 98% of Chinese have permits for work in restaurants, 97% of women from the Philippines and 95% of those from the Dominican Republic work in domestic service, while male Moroccan and Senegalese work in construction or agriculture (Fisas, 1994).

6.4.4. Future Immigration to Spain

There are few indications about the future level of foreign immigration to Spain, beyond the oft-repeated generalization "in the next decades it is expected that immigration will continue". It can be surmised that if Spain wants to maintain its economic and demographic growth and an equilibrium between younger workers and older pensioners, and if Spain seeks to respond to the emigratory pressure from the southern shore of the Mediterranean, then there will need to be significant numbers of immigrants arriving each year.

Recent research in Catalonia describes possible future scenarios for the year 2010, which range from a "Catalonia marginalized" that will have entered a social and economic crisis and had lost population, to a "Catalonia, European leader" that will be a thriving center of economic growth and regional initiatives. In this latter scenario, the population of Catalonia will have grown from the current 6 million to some 7.6 million by the year 2010. To reach this figure, there will have had to have been demographic growth, described by the authors as "exuberant", through an increase in the birth rate and an immigration rate over the next decades that equals the levels of the boom years of internal migration from other parts of Spain (ICEM, 1995). The research did not address the question of where this new
immigration would come from, but it can be assumed that the majority would come from foreign countries.

Commentators confirm that, despite general high levels of unemployment, the segmentation of the labor market will continue to create labor niches with jobs that natives reject (Aragón, 1994; Cohn-Bendit and Schmid, 1995), that the low birth rate in Spain will signify a need for immigration to maintain demographic growth and a balance in the population pyramid, and it is assumed that economic growth will continue and so provide opportunities for foreign professionals and entrepreneurs and that Spain will continue to be an attractive place to retire because of its stable economic and political situation.

Continued foreign immigration to Spain will be an indicator that the country is continuing its current path of political stability and economic growth.

6.4.5. The Intake and Integration of Immigrants as new Ambits in Public Policy

At the moment, the number of immigrants and the percentage they represent of the Spanish population (1.4%) continues to be low in comparison with other countries in the EU (in Germany they represent 8.2% and in France, 6.4%). But even this percentage is significant in a country little accustomed to receiving immigrants, particularly when visible communities of immigrants from the Maghreb and Central Africa are beginning to appear in Spanish cities and when all indications are that this new immigration from developing countries will continue to increase in the next years.

For the first time, Spanish society and government institutions are confronting -- with a certain amount of surprise and consternation -- the fundamental issues provoked by the presence of immigrant communities. On one hand, they are faced with questions related to the control of the immigrant intake (entry, residence and permission to work) and, on the other, there are all the issues related to the integration of immigrant communities.

The policy models which have been adopted in Spain have been clearly influenced by the concepts used in neighboring European countries, particularly in regard to policies on immigrant intake which were based primarily on a need for temporary workers and placed greater emphasis on security and control issues than on promoting integration. These policies were inspired in analogous laws in the European community and therefore are of a markedly restrictive character (Navarro, 1993; Bedoya, 1996). The Ley grants new immigrants one-year temporary residence and work permits which are difficult to renew and, because it maintains a separation between residence and work permits, it leaves some immigrants in the position of having permission to reside but not to work in Spain.31

The concept of nationality contained in the Civil Code (Código Civil, Article 17 and cont.) reflects a mixed version of ius sanguinis and ius soli: a child born in Spain is only a

31 See Chapter 7 for more details on the provisions of the Ley.
32 Ius sanguinis refers to rights obtained through ethnic-cultural relations, as reflected by the nationalist immigration policies of countries such as Germany; ius soli refers to rights obtained by residence, as reflected by the republican immigration policies of countries such as France (see Casey, 1996; also see the reference to multicultural policies in section 6.4.9.2. below).
citizen by right if one of its parents was also born in Spain, but that child, or any other legal resident foreigner, can apply for Spanish nationality after at least 10 years of legal, continuous residence. The 1985 Ley annulled the previous rights of Latin Americans which had allowed them free residence in Spain, but the Ley and the Civil Code confer on them preferential treatment, along with other peoples with historical ties to Spain --Portuguese, Filipinos, Andorrans, Equatorial Guineans, and Sephardies -- conceding them preference for work and residence permits\textsuperscript{33} and requiring of them only 5 years of residence for nationality.

The elite immigrants have never been considered problematic, nor has their social integration been seen as a priority issue for social policy. However, their presence in colonies of retirees is beginning to create problems regarding the demand for health and social services. This population is growing older and, in some cases, poorer as the cost of living in Spain comes closer to that of other European countries and many foreign pensioners find that their income is no longer generous by Spanish standards. Also, the extension of voting rights to EU citizens in municipal elections is creating new political equations in towns with large communities of northern European retirees.

But what concerns government and NGOs more is the integration of immigrants from developing countries. Their concentration in poor neighborhoods is seen as a possible source of social problems, and the occasional outbreak of anti-immigrant violence seems to emphasize the "danger" they constitute to the stability of Spanish society. Government services are finding that there are barriers to incorporating immigrants as clients, particularly in areas such as education and health, and service professionals find that the necessity to meet the needs of immigrant clients is a challenge that their training has not prepared them for.

Integration consists of various legal, economic and social dimensions, but policies and actions for integration are often incompatible with the interest of the state in controlling immigrant entry and restricting possibilities for residence. Moreover, given that policies on immigration flows are a federal responsibility, regional and local administrations have tended to avoid implicating themselves in any immigration issues (see following section).

At the same time, since the mid eighties, NGOs have been combining social actions to promote the integration of immigrants with lobbying pressure on governments to demand changes in the current immigration law and that regional and local governments become more involved in immigrant integration activities.

6.4.6. Immigrant Intake and Immigrant Integration: Distribution of National, Regional and Local Competencies

The Spanish Constitution, in article 149.1.2, gives the state exclusive competence over immigrant entry, the granting of asylum to refugees and in all matters regarding residence and work permits as well as the granting of nationality, and creates the general framework which guarantees the basic civil rights of immigrants. The Constitution and various statutes of regional autonomy also attribute to many regional governments and to municipalities competencies regarding social service, health, housing, work, education and

\textsuperscript{33} This preference has never been codified and has little effect given the discretionary nature of its utilization by the Ministry.
We can therefore summarize the distribution of competencies between, on one hand, the state and, on the other, the regional governments and municipalities by indicating that the former controls immigrant intake and the latter has the responsibility for their integration. The reality, however, is much more complex and the division of such competencies is never that unambiguous. For example, at federal level there is the contradiction between those who control immigrant entry and residence (border officials and police) and those who promote integration (social service department) or monitor human rights (ombudsperson). And we must keep in mind that the legal stability obtained through residence and work permits has a fundamental role in determining the outcomes of regional and municipal efforts that seek to promote integration. Immigrants without this legal stability, have no long-term perspective of building a permanent life in Spain and therefore have little incentive to integrate into the host population.

Moreover, the regional and municipal competencies in the areas indicated above are not specifically aimed at immigrant integration but rather are of a universal character aimed at the population in general and often exclude people with temporary residence or not in the country legally. In fact, current legislation does not favor the provision of services through public entities to non-citizen immigrants and often requires that the competent administration take an activist stance and choose to broadly interpret the corresponding legislation in a way that is favorable to immigrants (Diputació, 1992). As a result, for example, some local governments have created parallel residence registries to include immigrants who might be excluded from services because they cannot appear in the official state-mandated registries.

The Government has been criticized for not responding with sufficient alacrity to the needs which have arisen as a result of the increase in the number of immigrants (Diputació, 1992). At the same time some administrations consider that, given that the legislation is often not clear on the issue of direct intervention in immigrant issues and because they do not want to provide services illegally, they prefer to provide services indirectly through NGOs. There have been a number of initiatives by government departments among which are notable those which provide funding to NGOs who work with immigrants, but in general there is seen to be a severe lack of government response.

6.4.7. Actors in the Development of Immigration Policies

In the next chapter, the actions of the diverse actors in the development of immigration policies will be analyzed in more depth. For the purposes of this overview, I will identify the actors and outline their interests in immigration policies in Spain.

A. Supranational Actors

There is a series of international treaties and accords which Spain has signed which
touch on issues relating to human rights, asylum, and immigration. More directly, the creation and consolidation of the EU has been fundamental in determining Spanish immigration policy development. The entry of Spain into the EU provided the initiative for the enactment of the Ley and the free movement of EU nationals and the Schengen accord to suppress borders between most EU countries, marks the division between EU immigrants who enjoy full rights and non-EU immigrants who are excluded or maintained in temporary situations. Spain is a key part of the EU’s southern border and Spanish policies have tended to accept this role fully, although the amnesty of 1991 was carried out despite some objection from the EU which considered that it would only encourage future illegal immigration (Cornelius, 1993). At the same time, according to Bedoya (1996: 13) there exist alternatives to simply accepting EU directives: “if Spain accepted the role of spokesperson for Latin America within the EU and its policies favored the development of North Africa, at the same time that there was a real policy of integration of immigrants from these regions, the contradictions between applying EU policies and internal political commitments would disappear.”

Article 100c of the Maastricht treaty gave the EU new powers to create immigration policies, but this provision has only been used to create joint lists of countries whose citizens need visas to enter the Schengen border-free space, and some authors see a process of synchronizing national policies as part of the creation of a future European law on immigration (Law, 1996).

In addition to supranational actors, we should also add international actors such as the countries of origin, in particular Morocco, which uses the “threat” of emigration of its citizens as a bargaining chip in order to gain favored status from Spain and the EU. In 1993, an accord was signed between Spain and Morocco on the issue of illegal entry into Spain and the re-admission to Morocco of nationals from third countries who have passed through Morocco and later been deported from Spain. In exchange Morocco received economic concessions from the EU (Cornelius, 1993).

B. Spanish Government Actors

Within Spanish administrations, there is a diversity of interests both between different federal agencies and between different levels of government.

First of all, it is important to recognize the tensions between the federal mechanisms for the control of immigrant intake and the work of departments concerned with immigrant integration and the defence of civil rights. The Ombudsperson, for example, denounced the unconstitutionality of certain sections of the original Ley, which subsequently resulted in them being declared invalid, and he is currently investigating the drugging and expulsion of 103 undocumented immigrants in July, 1996.

Second, the difference in interests between the central government and the regions is

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35 For example, the 1948 Universal Declaration of Human Rights was incorporated in the Spanish Constitution through Art. 10.2 of the Constitution. Other relevant treaties include: the International Treaty of Civil and Political Rights and the Treaty on Economic, Social and Cultural Rights, both from December 1966, ratified by Spain in 1977; and the European Convention of Human Rights of 1950, ratified by Spain in 1979. Some commentators suggest that the provisions and application of the Ley, in fact, violate the spirit of these treaties.
not only in regard to the division of competencies over intake and integration but there is also a possible conflict of interests regarding immigrant flows. If, for example the notion of Catalonia as one of Europe's economic "motors" (see section 6.4.4.) becomes widely accepted, the interests of this region in increasing immigration may be in direct opposition to a central government tendency to close borders.

Within the central government, responsibility for immigration has changed from one ministry to the other since the inception of the Ley, according to the different perspectives regarding immigrant intake. Residence permits have always been the competency of the Ministry of the Interior but work permits have moved from the Ministry of Labor and Social Security to the Ministry of Social Services which has also taken on new responsibilities for immigrant integration.

The processing of permits has always been characterized by its slowness and it was not unusual to receive a permit just as it was about to expire. This slowness has always been interpreted as part of a deliberate policy to maintain immigrants in a temporary situation but, at the same time, it was also the result of the administrative realities of a double process of residence and work permits which required the intervention of various ministries. In 1993-1994, the processing of permits had been made more efficient, but currently they are again taking up to 8 months to be resolved.

Finally, we should also note the positions of the parliamentary groups. Apart from the PSOE, under whose administration the Ley was passed, Izquierda Unida (the left-wing alliance) is the only party with a track record of demonstrating direct interest in immigration issues or that even has a designated spokesperson. As could be expected, IU has criticized the socialist policies and has defended the right to more permanent residence for those immigrants with temporary permits and the need for regular amnesty for long-term undocumented aliens. Other parties have not had designated people working on these issues.

C. Non-Government Actors

Among the non-government actors interested in these issues we can identify the following:

i) Employer groups. Employers have a key role in immigration given that the presence of immigrants and their successful integration is largely determined by the availability of jobs for both skilled and unskilled labor. In effect, there are two separate labor markets for immigrants in Spain: a highly restricted labor market of legal jobs, and another market in the extensive underground economy or in temporary legal work, which is where most of the non-EU nationals find employment. Employers generally have an interest in using cheap immigrant labor to ensure a labor force for the most routine and dangerous jobs, to reduce costs and to divide workers' solidarity. In Spain, however, there has been no official policy positioning by employer groups on immigrant issues and there has been no evidence that they have been involved in direct negotiations over immigrant policies.

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36 In those regions with competencies for social services.

37 See the comments above in Section 6.2.2 about the lack of a culture of lobbying among business groups.
ii) The Unions. Unions are important actors as they seek to protect workers and their jobs in many of the industries where immigrant labor operates, and their attitude to immigrants can be fundamental in forming wider social responses: they can choose to defend native workers against the "threat" of immigration and so feed xenophobic resistance to their presence, or they can choose to defend immigrants as workers and so seek to integrate them into union activities and the workforce. Since the mid 1980s Spanish unions have taken a position of defending workers whatever their legal status and they have been key players in defending the rights of non-EU and undocumented immigrants. The communist-affiliated union, Comisiones Obreras, created CITE (Centro de Información Para Trabajadores Extranjeros) in 1987 and this organization has been the main reference for union participation on this issue. Likewise, the socialist-affiliated union, Unión General de Trabajadores (UGT), created a department of immigration in 1991 and later AMIC which also addresses issues of immigrant rights.

iii) The Catholic Church. In both its religious and social work, the church has been at the vanguard of delivering services to immigrants. Caritas, the Catholic charity, has been a pioneer in providing neighborhood based social services for newly arrived immigrants. The Spanish bishops were among the only non-government actors who directly intervened in the debates around the Ley, in particular in their Manifesto for a just immigration law (Comisiones Episcopales, 1985).

iv) Experts: The experts in the field come largely from the academic world and have included two main categories. On one hand, there have been lawyers who have participated primarily in providing legal advice; on the other, a group of anthropologists who have been instrumental in studying the settlement of Third World immigrants and in setting up services for them. The majority of these experts, however, tend not to be strictly independent and are aligned with political parties or NGOs.

vi) NGOs. NGOs have been fundamental in the delivery of services favoring immigrant integration and in pressuring administrations to respond to the new needs created by their presence. Given the difficulty of applying for residence and work permits, a whole service sector has been created to assist non-EU immigrants with their applications. This legal advice has been the basis for a wider range of services that seek to respond to other social needs expressed by the immigrants. The following section details the work of NGOs in the field of immigration.

6.4.8. NGOs and Immigration

This lack of definition over responsibilities and deficiencies in services has been the context within which the role of NGOs has been developed. Many NGOs, as part of their commitment to immigrants' rights, have taken on the provision of services through their own initiative, without these responsibilities having been formally conceded to them or having received funding for them. As such, NGOs have, on one hand, been the frontline in responding to the needs of immigrant communities, and on the other, constitute a lobby pushing for more services and demanding that government takes more responsibility.

The rise of NGO interest in immigration is a relatively recent phenomenon which
became evident in the years 1988 and 1989 as a result of the growth in immigrant communities and in outbreaks of racism against them. Since the amnesty of 1991 there has been an increase both in the number of NGOs and in the scope of their activities.

In the NGO sector, there have been diverse dynamics for the development of organizations for and by immigrants (Colectivo Ioé, 1987). On one hand, within the immigrant communities, NGOs have begun to form which seek to respond to their social, political and economic needs. On the other, existing NGOs from the host society who already work with the social classes in which Third World immigrants are being incorporated, have begun to also focus their work towards the new arrivals, and a new set of NGOs has sprung up which work in solidarity with immigrants. This last category of NGOs does have some representation from immigrants, but the majority of members and their organizational framework comes from the host society.

Currently, therefore, there are 3 categories of NGOs which provide services in this area:

a) Ethnic organizations which are created within immigrant communities and which represent the interests of a defined ethnic or cultural group. There are also some coordinating groups composed almost entirely of ethnic organizations.

b) Generalist organizations from the host society which have a wider mission of serving the population in general but who also focus part of their resources on immigrant integration.

c) Specialist organizations from the host society which are newly formed to work with the new arrivals. They can be service delivery organizations, those who concentrate more on human or political rights, or research institutes specialized in immigrant issues.

Table 6.7 indicates a distribution between the categories in Catalonia.
These figures are based on listings published by the Ajuntament of Barcelona, SOS Racisme, Federació de Collectius d'Inmigrants a Catalunya, and specialized magazines. All associations, groups and organizations that appear in these lists are included without reference to their legal status.

See the work of Layton-Henry (1990) who indicates that organizations evolve in terms of both their orientation to country of origin or country of residence and their concerns with survival or integration issues.

See the discussion on the challenges to the constitutionality of aspects of the Ley in section 7.2.

<table>
<thead>
<tr>
<th>Type of NGO</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethnic</td>
<td>84</td>
</tr>
<tr>
<td>Generalist</td>
<td>6</td>
</tr>
<tr>
<td>Specialist</td>
<td>23</td>
</tr>
</tbody>
</table>

Table 6.7: Immigration NGOs in Catalonia

Source: Author

These figures are based on various listings distributed by Catalan agencies which work with immigrants and indicate that there are a considerable number of organized groups. However, not all are formally constituted as associations and, as was noted earlier in regard to NGOs in general, even though they are associated, they are not always viable and operating entities. In fact, the commentaries of professionals that work with immigrants indicate that many of these "organizations" are little more than the label that a small group of friends uses and that some operate as fronts for commercial businesses.

The relative weakness of the ethnic organizations and the distribution of responsibilities between the three categories of NGOs indicates a relatively young state of evolution. Immigrant communities, faced with the need to organize themselves to maintain ties with their countries of origin, to manage their social relations and to assist in their integration have begun to form ethnic NGOs, but it is the general and specialist NGOs that dominate service delivery and political relations with governments.

Ethnic associations are generally small and have few resources, almost no professional staff, and generally concentrate on maintaining political, cultural and social links with the countries of origin and on immediate settlement issues. Although the threat of the original Ley de Extranjería to restrict the right of association of immigrants was declared unconstitutional, the temporary nature of the legal status of many immigrants creates an instability which makes organizational building more difficult. Also, the potential membership base of ethnic associations is small and apart from European communities, only the "Latin Americans", "Maghrebies" and "Moroccans" (these are terms used in the names of some of the associations) have more than 5,000 potential members (persons from those countries and a few friends and supporters) in any one part of Spain. The majority have less

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38 These figures are based on listings published by the Ajuntament of Barcelona, SOS Racisme, Federació de Collectius d'Inmigrants a Catalunya, and specialized magazines. All associations, groups and organizations that appear in these lists are included without reference to their legal status.

39 See the work of Layton-Henry (1990) who indicates that organizations evolve in terms of both their orientation to country of origin or country of residence and their concerns with survival or integration issues.

40 See the discussion on the challenges to the constitutionality of aspects of the Ley in section 7.2.1.
than 2,000 potential members.

Given this situation, ethnic NGOs receive relatively little recognition as representatives of their communities. Comments from government professionals and local NGOs indicate that they consider ethnic NGOs to be in an embryonic state and that they have little political base and limited organizational capacities.

There have been some attempts at creating secondary, coordinating organizations but they have not yet been successful in developing stable coalitions. For example, in 1993 a federation of immigrant associations, *La Federació de Collectius d'Immigrants de Catalunya*, was established in Catalonia so that ethnic NGOs could speak with their "own voice" (FCIC, 1994), but it has not yet been able to garner the support of a significant number of these NGOs nor has it been accepted by government departments as a legitimate representative of the immigrant populations.

Local generalist and specialist NGOs have been able to build on a more solid organizational base. Existing generalist NGOs such as Caritas and the Red Cross and new specialists such as CITE, Ser.Gi-Gramc, and SOS Racisme have used the knowledge of local-born professionals, existing organizational infrastructures and their political contacts to achieve the political legitimization and financial resources necessary to deliver services and to create political and social pressure in favor of immigrant rights. At the same time, attempts to coordinate these organizations have not been successful and the best known attempt to create a coordinating platform in Catalonia, under the name of *Catalunya Solidaria*, has apparently been unable to overcome the individual strengths of the organizations and their inter-organizational rivalry to create a united voice.

However, it is precisely this sector of generalist NGOs that has until now spoken in the name of immigrants and that has taken the initiative to carry out integration services for immigrants and defend their rights. According to a report by the Diputació of Barcelona: "Existing local NGOs have taken responsibility for services to Third World immigrants for a number of years and have been more dedicated to these issues than the various administrations" (Diputació, 1992: 127).

The initiative taken by these NGOs is largely a response to the reluctance of government administrations to provide services directly to immigrants given doubts as to the legal rights of temporary or undocumented residents to receive services directly from government. As was mentioned earlier, government officials consider that the current legislative framework does not facilitate their participation in service delivery to immigrants and NGOs must take responsibility because immigrants are often not eligible for government services (Diputació, 1992; Sarasa, 1966). This often simply constitutes service delivery through a "middleman" as in many cases, the services are directly funded by government departments, which indicates that some level of commitment exists. The work of NGOs with ineligible immigrants is theoretically safeguarded by their separation from government but, even so, the legality of such service delivery is at times questioned.41

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41 The doubt also exists whether the NGOs can use public funding for the provision of services to non-citizen immigrants. The recent case of an Moroccan immigrant, with eight years of legal residence who was turning blind and to whom ONCE (the national blind association) denied services because he was not a citizen, demonstrates that NGOs are not free of these contradictions (El País, 1995).
The amnesty of 1991 was a turning point both in the level of involvement of NGOs in these issues and in the relations between NGOs and government administration. The amnesty occurred as a wider sector of social agents was becoming conscious of the need to address immigrant issues and the physical presence of immigrant communities was becoming more visible. The fact that the target population for amnesty was, by definition, undocumented immigrants who were generally out of reach of government services, required the participation of NGOs. The efforts to inform undocumented immigrants about their rights to amnesty and to assist them with their applications created a greater consciousness among NGOs of the need for services to all immigrants and created a greater organizational capacity to serve them. The relationship between government departments and NGOs on this issue was also strengthened by their collaborative efforts over the amnesty program and through the creation of the first consultative bodies.

After the amnesty, the relationship between NGOs and government has witnessed increased pressure by NGOs to force the government to make up for the lack of services and policies on immigrant integration.

6.4.9. Political Positions of the Actors

The two areas of immigration policies, intake and integration, can be considered as two distinct areas of negotiation (or, in the language of public choice, two "games"): the development of policies in the first area takes place primarily in the national, legislative arena with the negotiations over immigration laws, whereas the negotiations over integration policies usually takes place in a regional administrative arena with negotiations over institutional integration action plans.42

6.4.9.1. Intake

Intake refers to the policies which govern the entry of immigrants into the country, as well as to the subsequent granting of further residence and work permits. As we have seen, these policies in Spain are a federal competency, covered by the Ley de Extranjería.

With the integration of Spain into the EU and the right of free circulation for EU nationals, the right of EU immigrants to enter, settle and work in Spain has ceased to part of the negotiations over immigrant flows. EU nationals have, in effect, almost ceased to be legally "foreigners" and enjoy the same rights as Spanish citizens except suffrage in national and regional elections and access to certain areas of public sector employment. The discussions about immigration intake policies, therefore, are focussed entirely on the immigration of non-EU nationals who are subject to the restrictive measures contained in the current Ley.

For purpose of the analysis in this section, I will separate intake policies into those that address issues of initial entry (i.e. immigrant flows) and those that address continued residence, work and citizenship.

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42 In those regions that have full competency over social services.
A. Initial Entry

It is taken for granted that the state has the right to control the intake of non-EU nationals and that it is preferable that it do so. As the then Director of Immigration for the socialist administration, Raimundo Aragón, stated:

"There is a general consensus that uncontrolled immigrant flows are prejudicial for all those affected by the immigration process: ... for the immigrants who are subject to exploitation and abuse ... [and] because [the host society] has its capacity to absorb and integrate overwhelmed." (Aragón, 1994: 14).

In response to this position, there is a minority sector, often labeled utopic and irresponsible (Santos, 1993), which advocates open borders on the understanding that this would be the most universal application of the human right to seek security and a dignified life, a right recognized within the borders of a democratic state and within specific political and economic spaces such as the EU. Other reasons given in favor of open borders include the need to suppress barriers which maintain the difference between the North and the South, and the historical reality which shows the inevitable failure of attempts to seal borders.

However, the main debate over immigration intake does, in fact, take place within the parameters of the consensus around the need to control borders to which Aragón referred, and the arguments are about the magnitude of the controlled flow which is translated into immigration quotas. There is a sector that seeks to increase them, and so open the borders a little more to non-EU immigrants, and another sector which seeks to close those borders. These discussions take place in a reduced circle of actors, given that there is hardly any widespread debate within Spanish society about immigration policies or quotas.

Who are those who seek to open the borders, and those who seek to close them? Given the relatively short history of foreign immigration to Spain and the lack of broad debate on the issue, the positions are not at all clear. A simple characterization would indicate that the progressive parties and factions show more solidarity with immigrants and their countries of origin and so seek to open borders, whereas the conservatives are, by ideology and instinct, more xenophobic and more prepared to appeal to anti-immigrant sentiments, and so in favor of restrictions or even closed borders.

Experiences in other countries, however, show us that this characterization does not reflect either historical or current political positions. Conservative business sectors often lobby to open borders to allow the entry of cheap labor and to promote the demographic growth which is generally associated with economic growth. In the last US elections, two of the four candidates for the Republican presidential nomination took positions against a proposed restriction on immigration while the other two candidates were in favor of it (Migration News, 1996).

On the other hand, in some countries progressive sectors of unions demonstrate that the need to defend the jobs of their current members against immigrant competition is stronger than their sense of international solidarity, and the tendency of business to use immigrants to reduce labor costs and to break strikes has created resentment of their presence
among unionists. Also, in Australia and the US, diverse sectors of the environmental movements have declared themselves against immigration in order to ensure the sustainability of the environment by restricting population growth (Ervin, 1994).

Already established immigrant communities usually lobby for more open immigration flows in order to facilitate family reunion, at the same time that sectors of the most established communities from countries that no longer send immigrants may adopt conservative restrictionist policies and seek to "close the door behind them", if they come to regard the newer immigrants as a threat to the position they have obtained in the host society. Immigrant rights NGOs clearly lobby to ensure that immigrants move toward achieving an equality of rights, but their position on immigrant flows is less clear, although the general tendency is to see them, by default, as being pro-immigration as many of the policies they lobby for would ease immigration restrictions.

In all cases, political positioning and the interests of these actors vary according to the social and economic circumstances and the models of immigration adopted by the country. The wave of anti-immigrant ideology sweeping Europe in the 1990s responds to the widespread sense of economic crisis and the supposed threat to national identities created by European convergence. During periods of economic growth and of few perceived threats to national sovereignty, only the most radically xenophobic sectors of industrialized countries question the need for immigration.

Entry policy in Spain reflects a general ideological orientation towards more closed borders, which seeks to exclude non-EU immigrants in order to protect domestic labor markets, and to avoid possible social tensions that may rise from the presence of large numbers of Third World immigrants. This policy both reproduces the broader European orientation of a "Fortress Europe" that sees non-EU immigration as a threat, as well as seeking to respond to domestic realities, such as an unemployment rate of 22% in 1995.

However, other realities which would suggest the need for increased immigration, appear not to have been sufficiently influential. These include: a segmented labor market which continues to create diverse niches that employ immigrant labor (from fruit harvesting to language instruction), despite high domestic unemployment; a low birth rate which means that both demographic growth (considered essential for economic growth) and an equilibrium between younger workers and older pensioners is most likely to be generated through immigration; and the need to respond to demographic and economic differences between the northern and southern shores of the Mediterranean.

At the same time as we speak of "policy", it needs to be recognized in Spain clearly defined policy objectives on immigration have not been developed, nor has there been a widespread debate on the issue resulting in policies negotiated between various interested social agents. Instead, there has been policy by default: the difficulties inherent in the Ley were, in effect, the de facto restrictive policies, and it was not until 1993 that the specific policy instrument of quotas was introduced and steps were taken to better control the borders. These quotas have for the first time quantified Spanish policy on immigrant entry but, in these first years of implementation, they appear to be used more as an administrative patch to cover up evident holes in the Ley and to give a quick-fix response to undocumented immigrants, than as a policy instrument which reflects the consensus of Spanish society on
the immigration needs of the country.\textsuperscript{43}

As noted earlier, NGOs generally aim to have more open borders and easier access for immigrants to residence and work permits, as can be deduced by their work and declarations in favor of immigrant rights and amnesties for undocumented immigrants, and their lobbying against the sealing of the borders at Ceuta and Melilla. At the same time, they have not coherently argued for specific policies: no NGO has declared itself in favor of open borders, nor has any specified what increased level of immigration it sees as desirable or feasible.

B. Residency, Work and Citizenship.

Policies on residency, work and citizenship have largely been driven by the fact that until 1993 they were the de facto instrument for controlling immigrant entry and, despite the introduction of quotas, they continue to reflect this concern. The general notion exists that by making residence more difficult to obtain and denying citizenship, a disincentive will be created that will discourage immigrants from arriving and ensure that they stay only temporarily. Also, the right of Third World immigrants to settle in European societies is complicated by relatively closed notions of national identities, which make it difficult for some sectors to accept that, for example, a German can also be Moslem or Black.\textsuperscript{44}

However, the experience in other countries shows the fallacy of these arguments\textsuperscript{45} and indicates that there is no contradiction between, on the one hand, granting civil and political rights to immigrants, as well as ensuring them easy access to permanent residence and citizenship and, on the other hand, maintaining a strict control over immigrant quotas.\textsuperscript{46}

NGOs that lobby in favor of immigrant rights maintain that the precarious nature of the immigrants’ residence situation leads not to the control of immigration flow, but only to the marginalization and rejection of immigrants themselves.

The Spanish government, with its latest changes in regulations, which for the first time create a permanent residence permit, appears to have acknowledged this, but appears to have not entirely given up on the hope that they can use residence restrictions to control entry. Permanent residence is granted only after six years of uninterrupted legal residence and that most immigrants require an uninterrupted legal residence of at least 10 years in order to apply for citizenship.

Despite the lobbying efforts of sectors in favor of immigrant rights there appear to be

\textsuperscript{43} The 1997 quota is 15,000, yet by July there were 50,000 applications from undocumented immigrants already living in Spain. All applicants present offers of a contract and many of the 1997 applicants had previous legal status.

\textsuperscript{44} A Black woman, the daughter of Dominican immigrants, was elected Miss Italy in 1996, setting off a debate about whether it was appropriate for her to be representing “Italian beauty” internationally.

\textsuperscript{45} For example, Turkish immigrants, who have lived in Germany for more than 30 years, have established stable communities of two and three generations despite the fact that they are considered “guest workers” and have difficult access to German citizenship.

\textsuperscript{46} Countries such as Australia strictly enforce quotas but grant full rights to immigrants who have passed through the filters created by these quotas.
no moves to reduce the time needed for legal residence or citizenship or to increase the rights granted under the current permits.

6.4.9.2. Integration

It is important to keep in mind that the integration of immigrants has its basis in the legal permanence they can achieve in the host country through the policies on residence and citizenship and their rights under that permanence. If immigrants are kept in temporary situations because permits are only for short periods, if immigrants cannot bring their families to join them because there are no family reunion policies, if they have to wait at least ten years to begin the citizenship process and if the police harass them through street controls to check their papers, it is unlikely that immigrants will be able to integrate into the host society.

Even if the legal barriers to integration are overcome, there still exist potential barriers to the integration of some immigrant groups which can result in their social and economic marginalization and rejection of their presence by sectors of the host society, accompanied by outbreaks of xenophobia and racism.

Immigrant receiving nations, therefore, create policies specifically aimed at the integration of immigrants, particularly those deemed most in danger of marginalization, which is usually determined by the religious, racial and cultural distance between the new arrivals and the host society. In the context of current immigration to Spain this refers to those immigrants for the low socioeconomic strata of Third World countries and in particular to Maghreb and centro-African immigrants.

Integration policies in Spain are not legislative but instead have been expressed through administrative action plans developed over the last few years by the departments responsible for services required by immigrants, primarily social service departments but also health, housing and human rights agencies.

At the federal level, the Ministry for Social Services created in 1992 an Interministerial Commission on Immigration, which published a Plan for the Social Integration of Immigrants in December 1994, and in 1995 created the consultative committee, the Forum for Social Integration of Immigrants, and the government research unit, the Permanent Observatory on Immigration.

At the regional level, the Generalitat of Catalonia, for example, presented in 1993 the Interdepartmental Plan on Immigration and established an internal commission of government officials and an external advisory committee of NGOs. In addition, many local councils in cities where there are important concentrations of immigrants have, since the late

47 Created by decree RD 511/1992 of May 14.
48 In Spanish, respectively: Comisión Interministerial de Extranjería; Plan para la Integración Social de los Inmigrantes; Foro para la Integración Social de los Inmigrantes; Observatorio Permanente de la Inmigración.
49 In Catalan: Pla Interdepartamental d'Immigració
1980s, begun to undertake diverse activities to promote immigrant integration and to participate in debates on relevant policies (Diputació, 1992 and 1996).

Before these action plans, there were occasional isolated activities by government departments, but the primary deliverers of services to immigrants were NGOs. Given that the primary federal policy was the control of temporary workers and not the integration of long-term immigrants and given that there were always questions raised about the legal access of immigrants, particularly undocumented, to government services, it has been NGOs that have had to assume the lion's share of service delivery.

It is important to note that there are fundamental disagreements about what exactly constitutes "integration" and about what services are needed to achieve it. Integration is a much analyzed concept in receiving countries and the dominant concept of it reflects fundamental differences in the models used for immigration policies. In countries that use a nationalist-ethnic model, in which immigrants are only "guest workers", interest in their integration is restricted to the minimum needed to ensure that their "temporary" stay does not cause social unrest; in countries that use a republican model, the tendency is to equate integration with assimilation in the sense that integration means acquiring the cultural identity of the host society. In multicultural societies, there is more respect for the maintenance of the cultures of origin of the immigrants as part of the integration process that sees society more as a mosaic of cultures.

In Spain, debates about integration -- greatly influenced by anthropologists who have taken a leading role in the academic debate -- has tended to brand multiculturalism as a segregationist dynamic which involves closure of ethnic groups and the impermeability of the dominant host society which uses the recognition of the difference as an excuse for marginalizing minorities. However, in anglo-saxon countries, multicultural policies tend to have a more integrative connotation and involve recognition and respect for cultures as an element of cohesion in a society in which different cultures coexist, as well as a constant social and cultural exchange between the cultures and policies to assure the equality of opportunities.

The current political discourse on this issue in Spain can be summarized in the phrase "to ensure integration we should reject assimilation, go beyond multiculturalism, and promote interculturalism". But few specifics are offered on how this should be translated into both social structures that determine immigrant-host society relations and the services that should promote integration.

One of the central issues is the tension between the concentration and dispersion of immigrants and this concern is reflected in debates about whether services to immigrants

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50 In nationalist-ethnic models, permanence and citizenship can only be acquired through blood lines (ius sanguinis); in the republican model, rights can be acquired through residence (ius soli), but cultural differences are not tolerated; in multicultural societies, there is greater tolerance of cultural differences (Casey, 1996).

51 In Spanish some authors distinguish between multiculturalismo, the segregationist tendency, and interculturalismo which corresponds more to the anglo-saxon concept of multiculturalism.

52 The concentration of immigrants in ethnic neighborhoods is claimed to have both negative and positive consequences for their integration (see Casey, 1996).
should be provided through services targeted specifically at immigrants or particular ethnic
groups or whether there should be a mainstreaming of services: just as there is a fear of
creating residential ghettos there is fear of creating service ghettos. But just as criticism of
the concentration of immigrants in certain neighborhoods is not always valid, nor is it valid
to summarily reject service delivery through immigrant specific services, which are often
more accessible and culturally sensitive. The danger of specific services may be the
marginalization of users, but the danger of mainstream services is that linguistic and cultural
difference impede immigrant access.

There are few specifics and, to date, there do not appear to have been detailed policy
debates regarding individual programs and their makeup. NGOs seek rights as a basis for
integration, but they don't seem to have clear ideas what they want for integration apart from
general declarations that administrations need to be involved.

The political positions regarding integration policies are defined in terms of: what
services are needed to ensure this integration? and who should provide them? It is generally
regarded that administrations have not accepted their responsibilities, and so NGOs lobby for
more services and more recognition of the need for administrations to intervene on behalf of
immigrant integration.

In these policy areas, NGOs can potentially exercise more influence than in debates
on entry policy. On one hand, they can avail themselves of their proximity to the immigrant
communities and can act as the linguistic and cultural gatekeepers that seek to bridge the gap
between government and new arrivals. On the other, given the unclear legal rights of non-
EU nationals to receive social services, it suits government departments to provide services
through third parties, by way of which they can also pre-empt the accusations that these
specialized services encourage separatism or favored treatment to immigrants.

6.4.10. Summary of Policy Areas, Actors, and Policy Positions

A summary of the policy positions of the actors involved in the immigration policy
process during the period covered by this thesis would characterize the situation in the
following terms:

a) Intake policies: A structural ideology that sees immigration as a threat and so
seeks to ensure closure has driven Spanish policy, and maintaining the precarity of
immigrants' residence is seen as an instrument for controlling intake. Opposing this
policy position is a coalition of NGOs, the Church, and unions which seek more
stability for immigrants and an implied more open border policy. The position of this
coalition is based more on humanitarian concerns than on arguments that explicitly
aim to promote more immigration to Spain.

b) Integration policies: A reluctance by regional governments (in this case, the
Generalitat) to assume responsibility for integration policy is opposed by the same
coalition of NGOs, the Church and unions, who pressure for more direct involvement
by administrations in integrating immigrants. Their lobby activities on these issues
are directed at those regional and municipal governments who have general
competencies for the education, welfare, and health services essential for immigrant

53 At the same time that it redefines “immigration” to effectively only cover the intake of non-EU citizens.
integration.

If we are studying the influence of the NGOs, we are trying to evaluate if and why Spanish immigration policy has moved towards a more open policy with regard to non-EU immigrants and towards guaranteeing them easier access to residence and work permits, and if the competent administrations are taking up their responsibilities on integration issues.

Given that immigration policy is a new policy field in which NGOs have stood out for their technical expertise and their dominance in service delivery, have they been able to translate this potential political capital into policy influence?

6.5. Preliminary Conclusions

From the background information outlined in this chapter, a number of conclusions can be drawn regarding the parameters within which NGOs in Spain participate in the policy process. Applying the framework from Chapter 5, we can conduct a preliminary analysis of the role NGOs are likely to play in both the policy process in general and specifically in immigration policy.

Despite the considerable increase in the activity of NGOs in recent years, they generally appear to have been ignored by Spanish commentators in discussions on policy making or, at best, they are seen as marginal actors.

Subirats and Gomà (1997) when identifying the actors in the policy process over the past 20 years refer only to government, political parties, business and unions; while NGOs are not mentioned. Molins (1997: 377) in his analysis of interest groups in Spain points to historical barriers to interest group formation and, while documenting some interest activity by the business sector, professional associations and the Church, indicates that "single issue groups" (social movement organizations, consumers of public services, etc) present "a contrast between the multiplicity of groups that exist and the weakness of their participation and impact in decision-making processes."

Looking at a specific policy area, Font (1996: 164) concludes that in environmental politics in Spain, non-government lobby groups are only peripheral to the system, with few resources and little ability to influence policy. She claims that this is partly the result of the relatively recent formation of the NGOs working in this field, but primarily it is the consequence of what Font characterizes as an "impermeable" policy process and decision-making system which is dominated largely by EU directives and business interests. According to Font, the NGOs involved in this field use network building and confrontation tactics which, as they are "outsiders", are their only possible strategies, but instead of becoming more influential they become even more alienated.

Does this research truly reflect the situation of NGOs in the Spanish policy process? If so, why are they in such an apparently weak position?

6.5.1. NGOs in the Policy Process
At a first, general level, we can analyze the impact of three of the factors identified in Chapter 5: the political and social environment; the characteristics of the organizations, in this case of the NGO sector in general; and the network of organizations.

I. The Political and Socioeconomic Environment

The Spanish polity appears to offer relatively few opportunity structures for the participation of NGOs in the policy process. A combination of factors such as a more state-centered ideology, weak socioeconomic development, and strong political parties has created circumstances detrimental to effective NGO intervention.

A. Political Ideology and Culture

The political culture of post-Franco Spain can be characterized as state-centered, social-democratic and dominated by institutionalist ideologies and the construction of a welfare state. This has resulted in a strong-state model of policy development throughout all the democratic administrations, particularly during the period of the socialist majority government. The strength of the state was tempered somewhat in the beginning of 1990s with the advent of both a minority socialist government and an economic recession.

This strong-state view is reinforced by the identification of Spain as having a welfare-state regime in which the state and traditional political parties tend to monopolize policy-making and maintain more antagonistic than cooperative relationships with other social agents.

B. Socioeconomic Development

Spain has been a country with relatively low economic development, a small middle class, and low education levels. It has, until recently, displayed few of the characteristics of a post-industrial economy, or of the rise of new classes and the evolution of post-industrial concerns which might have provided the basis for the increase in NGOs in other industrialized democracies.

The lack of economic strength is also translated into a relative lack of financial support for NGOs through both public and private sources: government funding tended to be reserved for welfare state construction, corporations took little interest in sponsoring organizations (nor were there legal or tax structures to encourage sponsorship until 1993), and individuals did not have disposable income for donations.

C. Institutional Policy Structures

The decentralization of the institutional structures has created a wider range of new entry points and arenas for extra-governmental policy pressures, as well as new patrons for NGO activity. At the same time, these new structures also display the same impermeability as the older structures (Subirats and Gomà 1997; Font, 1996) and tend to engage in overt interventionism, controlling NGOs both directly through openly partisan funding and strict guidelines and indirectly through technical support.
The citizen participation movement, which includes an increasing number of consultative organs, appears to be creating a timid opening, but current research suggests that the organs are used more for communication and coordination than for effective input into the decision-making processes (Pindado, 1998).

D. Strength of Political Parties

The traditional cleavages in the Spanish polity are reinforced by the strength both of political parties and labor unions, the two social agents that have dominated interest articulation and collective action.\textsuperscript{54}

The strength of these parties is currently translated into a strong relationship between political parties, unions and NGOs, and many NGOs are openly identified with a particular party or faction, on whom they rely for patronage. The pervasiveness of these relationship restricts the independent operating capacity of NGOs and erects barriers to coordination and cooperation between NGOs working in the same field.

E. The Repertoire of Actions

As noted earlier, there appears to be a historical tendency to more radical collective action. This suggests that NGOs are better adapted to employing confrontational, outsider tactics, which in the absence of broad-based support and the resources for effective mobilization, tend to marginalize them from state-centered policy processes.

II. The Characteristics of the NGOs

The lack of opportunity structures outlined above appears to be reinforced by a number of structural weaknesses within the NGO sector.

The most evident structural weakness is their relative scarcity until a few years ago. The first decade of the political transition was not a fertile one for NGO development and while they have been gaining in number, operating capacity, and strength since the late 1980s, they are still a comparatively novel phenomenon and new, inexperienced actors in the policy process. Within the context of this early scarcity and recent growth, we can specify other general characteristics of the sector which hinder their capacity to influence.

A. The Ideology and Culture of the Organizations

Because of the tendency towards confrontational lobbying techniques, NGOs that work in political arenas tend to self-define as outsiders and function in an almost visceral protest mode (Sarasa, 1996).

Also part of the tradition of Spanish NGOs are their ideological differences and their close affiliation to political parties. They tend to see their own interests as narrow and

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\textsuperscript{54} Their strength is also mutually reinforced by the close connection between the progressive political parties and the labor unions.
political loyalties keep them from creating effective platforms.

B. Organizational Capacity and Resource Mobilization

The organizational capacity and capabilities of Spanish NGOs can be generally seen as low. Despite some notable exceptions, Spanish NGOs generally display serious deficiencies in the management of such fundamental aspects as fund-raising, volunteer recruitment and retention, and strategic planning, all of which severely restrict their capacity to function as effective actors in the policy process.

C. Membership and Representation

The explosion of NGOs over the last decade in most issue areas has created a plethora of organizations, each one small, often with questionable representativity and frequently with competing ideologies.

D. The Status of the NGOs

The relatively few organizations that existed until recently tended to be more politically oriented and self-defined militant outsiders. With the combination of the recent rise of NGOs and the recent advent of increased funding and consultation bodies, there is an increased dynamic towards "becoming insiders", which may increase some forms of organizational legitimacy, but also means potentially forfeiting political independence.

III. The Network of Actors

The NGO sector can be seen as still being in an embryonic state, with small organizations, generally lacking in resources and still trying to define themselves, their relationships with their sponsors in political parties and government administrations, and their relationship with each other.

In general, often due to differences in political affiliations, there are relatively few coalitions. These differences, along with lack of resources, government intervention and personal friction between organizational leaders can result in confrontational posturing between NGOs that impedes dialogue or joint initiatives.

These realities normally leave Spanish NGOs in a position of weakness in the policy networks in which they operate. Who exactly the other interested actors are evidently depends on the field in question, but we can postulate that in almost any field there will be a serious resource imbalance between NGOs and other actors such as the administration, business groups, and unions.

6.5.2. Immigration Policy Making

In addition to the general context of the Spanish polity and the development of NGOs outlined in the previous section, we need to examine the specific characteristics of both
immigration policies and the NGOs that work in this sector.

I. The Policy in Question

Immigration policy has both international and domestic dimensions which will determine the possible participation of NGOs in setting agendas and determining outcomes.

A. The Nature of the Policy Conflict

Immigration is a global issue that has ramifications beyond the confines of a strictly domestic policy and, as such, it is directly influenced by supra- and international actors such as the EU and the sender countries. The Spanish agenda on intake policies has been to a large extent subsumed by the supranational concerns of EU integration: the 1985 *Ley* was enacted as part of the process of admission and the new visa requirement contained in the 1991 reforms were motivated by provisions of the Schengen agreement.

At the same time, immigration remains a sovereign competency of each state and has direct consequences on internal socioeconomic concerns. In Spain immigration continues to be relatively low profile and has not been used as an electoral issue nor given any priority in negotiations over support of minority governments.

There are apparent fundamental disagreements about the objectives of the immigration entry and integration policy, but also a marked lack of clarity by all actors about the objectives sought and the means for achieving them.

Intake policies constitute a central issue of state sovereignty and distribution of economic resources which unevenly distributes the public good of residence and permission to work. NGOs have been in an adversarial position with the government, in which there are fundamental disagreements over policies, and their only trump card may be that, to a large extent, they are able to monopolize certain expertise on immigration issues through their service delivery to the immigrant communities.

Integration policy is a less central production issue and more of a consumption issue and, as on a regional level NGOs are dealing with an administration that has no competency over legal rights, it can be seen as being more of a technical question. While integration can be a complex issue, the short term goals of the NGOs were simplified in the sense that in Catalonia they were seeking to pressure the Generalitat into assuming responsibilities that it had so far avoided.

B. The Phase of the Policy Cycle

Immigration policy in Spain can be characterized as a new policy area, at the beginning of its cycle, with little precision over purposes and with few standard operating procedures. The *Ley* was created in an interest vacuum with few domestic stakeholders or consumers and became part of the political agenda essentially because it was a requirement for entry into the then ECC. Only when the immigration flow started to become more substantial and it became obvious that the law was not able to respond adequately to concerns...
raised by this increased flow, did immigration policy truly start to be considered by a broad
group of social agents, and interests and agendas began to be defined.

II. The Characteristics of the NGOs

The NGOs that work on immigration-related issues are a combination of the
generalist, specialist, and ethnic organizations outlined above. As with the rest of the NGO
sector, they are relatively weak, with limited management capacity. The organizations are not
necessarily representative of any target population and there are important ideological and
personal differences between them. In general there is a sense of confrontation, and a sense
of being outsiders.

III. The Network of Actors

Immigration policy is an issue with a generally low level of public interest and with a
relatively small group of highly specialized actors, which among the extra-governmental
actors includes the NGOs mentioned earlier, along with a few experts, particularly from
universities and research institutes, who tend not to be fully independent. Despite the
restricted size of the network, there are no effective, stable coalitions of NGOs working on
immigration issues, so political effectiveness essentially depends on the strength of individual
actors.

In intake policies NGOs are up against a network of powerful and perhaps
untouchable actors that include the wider "Fortress Europe" doctrine, structural anti-
immigration ideology, international interests and an impermeable government process. In
integration policies, the field is reduced to a group of actors more specifically focused on the
technologies of the integrative process, who deal with the regional administration as the
primary institutional actor.

At the same time, despite all these difficulties, NGOs appear to have the potential to
become an important part of the agenda-setting process. In intake policies they have been
instrumental in calling attention to the plight of immigrants affected by the precariousness
forced on them by the Ley; in integration policies, their role as knowledgeable actors appears
to have been even more crucial, with the Catalan NGOs presenting proposals in the absence
of government policies and giving priority to pressuring the Generalitat to develop such
policies. NGOs apparently have been able to offer a level of expertise and proximity to the
client population not achieved by other actors.

6.5.3. NGOs in Immigration Policy in Spain

Although the role of NGOs will be explored in more depth in the narratives in the
following chapter, the background details provided in this chapter and the application of the
analytical framework allow us to come to a preliminary conclusion: NGOs are likely to find
significant participation in the policy process difficult within the context of the Spanish
policy development process.

A number of characteristics of the Spanish polity serve to exclude NGOs and they
themselves appear to be relatively weak and divided. A combination of a strong state, strong political parties and weak NGOs tends to give rise to parentela relations, with NGOs controlled both by government and by other social agents. Moreover, given that there are few operative NGO coalitions, capacity to influence essentially depends on the individual effectiveness of each organization, and it is rare that any one organization alone can develop the capacity to influence.\textsuperscript{55}

Sarasa's historical determinism, which identifies Spain as a Mediterranean welfare state regime with its consequent weak non-religious NGO sector,\textsuperscript{56} holds true to a large extent, but there are indications that the circumstances appear to be changing: state and parties are getting weaker, the middle class is growing, new legal structures are being created (both for the legal framework of associations and for the sponsorship of them), and NGOs are getting stronger.

At the same time factors other than the changing political context may also provide an opening for NGOs that address immigration issues. The particularity of immigration policies give NGOs possible scope for influence through their contact with, and knowledge of, the target population, given that it is a new issue in the early stages of policy cycles and with few standard procedures. In the issue of entry policy, NGO influence is likely to be more difficult as it is a more central economic and social concern with international players and structural ideologies that are likely to disenfranchise NGOs. In integration policies, however, there is likely to be more leeway. NGOs may be able to create their political space despite these difficulties.

While this first part of the case study has raised serious doubts about the possibilities of Spanish NGOs influencing the policy process, the two narratives in the following chapter will permit us to verify this first impression, and to more fully explore if NGOs have been able to exploit potential opportunities that may arise from an apparently more plural political process, an expanding NGO sector and a novel policy issue.

\textsuperscript{55} Or has the interest to do so, if they are aligned with government parties.

\textsuperscript{56} See Table 5.3. in section 5.3.1.
CHAPTER 7

CASE NARRATIVES

7.1. Introduction

In order to corroborate the preliminary conclusions of Chapter 6, which indicated that NGOs are likely to play only a limited role in the development of immigrant policies in Spain, this chapter offers two more in-depth narratives of the evolution of immigration intake and integration policies and the role that NGOs have played in them.

For the intake policies, the national-legislative context is analyzed in relation to the negotiations over the 1985 *Ley de Extranjería* and its subsequent reforms, which culminated in the approval of new Regulations (*Reglamentos*) in February 1996.

For the integration policies, the analysis centers on the regional-institutional context of the development of integration policies by the *Generalitat*, the regional government of Catalonia. These integration policies were promulgated in the form of an action plan, *El Pla Integral d'Immigració*, which incorporated many of the recommendations of the Girona Report (*l'Informe de Girona: cinquanta propostes sobre immigració*), a lobbying document produced by a coordinating body of NGOs, the Commission of Associations and Non-Government Organization of the County of Girona (*CAONGCG: Comissió d'Associacions i Organitzacions No Governamentals de les Comarques de Girona*).

These two ambit-arenas provide a number of contrasts which will assist in the analysis. These are:

a) The lobbying arena. Intake policies take the form of national legislation, so actors are seeking to influence the legislative process, while integration policies are in the form of administrative action plans, so actors are seeking to influence the relevant government departments.

b) The interests at stake. Intake policies address interests of a more central, production nature and of foreign relations, whereas integration policies deal with a more domestic dimension and with technical matters of service delivery strategies.

c) The actors. Intake policies involve a broad range of both international and economic actors, while integration policies involve a smaller group of actors, including the regional government, NGO service deliverers, and the immigrant communities.

The case narratives explain the policy interests at stake in both contexts and seek to evaluate how successful NGOs have been in imposing their criteria in the relevant policy areas.
7.2. Case Narrative 1: Intake Policies as a Legislative Arena: The 1985 Ley de Extranjería and its Reform through the new Regulations (Reglamentos) of February 1996

We can identify three main periods in the development of intake policies in Spain:

a) The 1985 Ley de Extranjería and its early implementation.

b) The 1991 Decree (Proposition No de Ley), which introduced administrative reforms and gave amnesty to some undocumented immigrants, but left intact the basic tenets of the Ley de Extranjería.

c) The 1996 Regulations (Reglamentos) which substantially altered the substance of how the Ley is implemented, but fell short of full revision.

7.2.1. The Ley de Extranjería and its Implementation

The Ley de Extranjería (formally the Ley de Derechos y Libertades de los Extranjeros en España de 1985 - Ley Orgánica 7/1985 de 1 de julio) was the first comprehensive Spanish immigration law since the colonial period. The Ley created a unified regulation of immigrant entry and residence, and so replaced what had been a previous fragmentation of the rules among a wide range of internal memos, minor regulations, etc. which had regulated immigration according to the status of the persons as workers, students, or non-employed residents, etc. (Corredera and Diez, 1994).

The Ley is, in principle, applicable to all foreigners in Spanish territory but, given that Article 3 specifies that the law cannot contradict foreign treaties, since 1992 only non-EU nationals are subject to the restrictive rules in the law. EU nationals, on the other hand, are guaranteed the right to entry, residence and work in Spain by RD 766/1992 which applies the EU accords on movement of EU nationals.

The Ley, presented by the PSOE government and based on a previous draft law presented by the preceding UCD government, was passed by parliament almost unanimously in a political climate which had until then almost completely ignored immigrant issues. There was hardly any social debate around immigration nor any calls by any significant lobbies for greater government control, given that the arrival of immigrants in significant numbers had not yet begun and Spain was more concerned with the return of its own emigrants than with new foreign arrivals.

57 In addition to the Ley de Extranjería, la Ley de Derecho de Asilo y la Condición de Refugiado (5/1984, March 26) and the corresponding regulations (RD 511/1985), modified by Ley 9/1994, March 19th, regulate the situation of refugees. The reason for the 1994 modification, according to its preamble, was to avoid the fraudulent use of asylum by economic immigrants. The Inter-Ministerial Commission on Asylum and Refuge, in 1993 examined 14,954 applications that covered 17,537 individuals, but 96% of them were rejected (Izquierdo, 1996), many of them for administrative reasons only, according to refugee advocates. This high rate of rejection and the impact of the reformed law -- since its inception, 70% of applications have not even been admitted for consideration -- has resulted in a dramatic reduction of applications put before the commission; in 1995 they fell to 5,678 (El País, 1996). In total there are some 5,500 refugees currently in Spain from areas such as the ex-Yugoslavia, China and Central Africa.

58 See the Regulations of 1986 (RD 1119/86) and 1996 (RD 1557/96) which govern the implementation of the Ley.

59 During the first democratic legislature, the UCD government sent to parliament a proposed immigrant legislation on April 21, 1981. The inertia in the last months of this legislature froze this initiative.

60 There were only three votes against it.
The *Ley* was essentially a result of the negotiations relating to the entry of Spain into the then European Community. Member states already had their own restrictive regulations in readiness for the future free circulation and new members were required to have similar laws so that no "door would be left open". The participation of Spanish political actors in the development of the law was minimal and was restricted to general statements of principles regarding immigrant rights. In the Parliamentary debates all proposed amendments were rejected, the government asserting the need to urgently bring in new laws to address the then chaotic immigration regulations as a requirement of entry into the EEC. The amendments presented were almost exclusively concerning terminology and only one of the proposed amendments addressed questions of substance, which later led to a complaint of unconstitutionality by the Ombudsperson.61

In the preamble, the *Ley* declares its "concern for recognizing that foreigners should have the maximum degree of rights and liberties, which should be at almost the same level as those of Spanish citizens." However, the apparent generosity of this preamble is not reflected in the restrictive guidelines that are contained in the *Ley* and in the regulations that govern it (RD 1119/89). The only concept of foreigner that existed in the *Ley* (apart from the independently wealthy retirees) was that of temporary workers who could only apply for residence and work permits if they had a firm offer of a contract (which was, of course, difficult to obtain without a work permit) and after each time period they had to simultaneously renew residence and work permits, which could only be renewed if there was a current valid work contract. Permits were given for short time periods -- there were one-year and five-year permits, with most of the permits given being for one year -- and foreign residents could only get out of this temporary situation by becoming a Spanish citizen, which for the majority of immigrants was only possible after accumulating at least 10 years of continuous legal residence in order to gain the right to apply and after an application process of more than two years. Workers could bring their families with them only with great difficulty and spouses or adult children only received residence permits but not work permits and so could not contribute to the family income.

The *Ley* had as its main objective the control of the short term stay of temporary workers and, apparently, to avoid settlement and family reunion, and the slowness of the administration of the processing of applications for work and residence permits appeared to confirm this objective. The attitude of the administration appeared to be to make it as difficult as possible to present applications, so putting legal workers in danger of becoming illegal, and then making determinations so slowly that many permits were granted only a few weeks before their expiration date. The consequence of these procedures was to maintain immigrants in an almost perpetual state of pending applications and constant precariousness. In many cases, the discretionary nature in which the administration applied the regulations left immigrants in an illegal situation even after many years of legality, (Manté and Guasch, 1992; Navarro, 1993).

Some eight years after its inception, the assessment of the *Ley* and its original regulations was fairly negative. Pere Navarro (1993), Civil Governor62 of the province of Girona,

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61 The Ombudsperson (*Defensor del Pueblo*) alleged that Articles 7, 8, 26, and 34 of the newly enacted *Ley* were unconstitutional, as they restricted the right of association of immigrants, and so contradicted Articles 14, 16, 17, 21, 22, 24, 25, and 53 of the Spanish Constitution, as well as Articles 2, 3, 4, 14, 18, of 21 the UN Treaty on Civil and Political Rights and articles 5, 6, 9, 11, 13, and 14 of the European Convention for the Protection of Human Rights and Fundamental Liberties (Allegation 880/1985). In 1987, the Spanish Supreme Court (sentence of 115/1987), declared unconstitutional, and so null and void, parts of articles 7, 8.2, 26.2, and 34.2.

62 The representative of the central government in the province.
summarized that "the Ley was the victim of its application by an administration inexperienced in these issues and with a mentality overly oriented to control and exclusion."

The limited administrative capacities were also responsible for the failure of the attempt to use the implementation of the new law as a de facto amnesty: the Ley had a "grandfather clause" which allowed foreigners living illegally in Spain before 1985 to be legalized under the new law, but only relatively few of those affected applied, largely because the administration did not have the infrastructure to ensure proper outreach or to advise on applications.

Although the admission to the EU and the implementation of the Ley in 1985 predated the internal need for immigration policies, the following years witnessed the beginning of an important flow of immigrants, and the precarious residence status created by the Ley itself led to the conditions under which diverse social agents decided to intervene in the area of immigration policy. These agents -- primarily the unions, the Catholic Church and NGOs, -- had begun to respond to the social needs created by the law through the provision of assistance services to the immigrants most adversely affected. As a result of their contact with immigrants they also began to create social pressure in favor of the rights of immigrants, and serious lobbying efforts to change the Ley began at the end of the 1980s. The administration began to react at the beginning of the 1990s, both in response to this lobbying and to the chaos caused by the Ley.

According to the Civil Governor, Pere Navarro (1993): "the real starting point for immigration policies in Spain can be traced to the approval by parliament of the 1991 Decree (Proposition No de Ley, 162/000107 of March 20, 1991), given that it was the first real debate in the house of representatives around the issue of foreigners in this country." This Decree was in response to an earlier report sent to Parliament by the administration, titled The Situation of Foreigners in Spain: Basic Tenets of Spanish Immigration Policy. This report had been presented on the 30 of November, 1990 in response to a parliamentary question by Izquierda Unida, which had supported the lobbying efforts of extra-governmental actors. These actors had denounced the precarious situation of immigrants affected by the Ley, through a number of channels including the publication of a document, In Response to the Serious Deterioration of the Situation of Immigrants in Spain, NGOs Demand Changes, signed by various NGOs and the immigration committees of Comisiones Obreras and Izquierda Unida.

7.2.2. The 1991 Decree

The Decree, according to the Government, had the objective of better controlling the flow of legal immigration according to the needs of the Spanish labour market and the capacity of the society to integrate immigrants. As a result, it strengthened the control on immigrant entry -- requiring for the first time entry visas for citizens of Maghreb countries, Peru, and the Dominican Republic, as one of the consequences of Spain's signing of the Schengen treaty on the suppression of borders -- while at the same time establishing an immigrant service in the Department of Labor and Social Security, which later was upgraded to the status of a full office.

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63 In Spanish, *Situación de los extranjeros en España líneas básicas de la política española de extranjería.*

64 In Spanish, *Ante el grave deterioro de la condición inmigrante en España, las ONG nos vemos en el deber de denunciar y reivindicar.*
However, the most important measure introduced was the declaration of a new amnesty period for undocumented immigrants in 1991. Some 108,000 undocumented immigrants received legal residence under this amnesty (MAS, 1994), but it continued to be a temporary situation as it worked within the parameters of the existing Ley and so initially offered only one year of legal residence. As a result, over the next three years some 50% of those who had received amnesty reverted to undocumented status when they were unable to renew the temporary visas they had received (SOS Racismo, 1996).

After the 1991 amnesty, there were two important administrative changes that were indicative of modifications in government policy. First, RD 1173/93 of the 13th of July, transferred competency for immigration from the Department of Labor and Social Security to the new Office of Immigration in the Ministry for Social Services, indicating change from the strictly labor- oriented perspective to one which addressed the issue of permanence and integration. Part of the new orientation was the creation of the Interministerial Commission on Immigration in 1992 which sought to coordinate immigration services between government agencies and the creation in 1995 of the Foro para la Integración Social de los Inmigrantes (Forum for Social Integration of Immigrants), a liaison committee of diverse social agents which became a point of contact between NGOs and the administration.

Second, a decision by the Commission of Ministers of May 26th, 1993 created the first quotas for permits for foreign workers. In 1993, there was a quota of 20,600 in the following categories: agricultural laborers, 10,000; construction workers, 1,100; domestic workers, 5,000; other service sectors, 3,500. However, these quotas were never met primarily because of administrative problems, and a total of only 5,220 workers took advantage of them. In 1994, changes were made within the categories, halving the agricultural workers and doubling the domestic workers, and the quotas were overwhelmed with a total of 37,277 applicants. In 1995, the quota was for 25,000 workers, 17,000 permits were designated for those left out of the previous year's quotas, and of the remaining 8,000, 2,500 were designated for domestic workers, and 5,500 for temporary agricultural workers. In addition, national preferences were established within each labor category: of the 2,500 domestic worker permits, 2,200 were for Ibero-americans and Filipinos: and of the 5,500 temporary agricultural workers, 4,500 were for Maghrebies (MAS, 1995).

It is important to keep in mind that these changes coincided with the instigation, in 1993, of the free circulation of citizens within the EU which had the effect of dividing the status of "foreigners", which had formerly included everyone who was not a Spanish citizen, into the two unequal categories of "EU citizens" (who have full rights to enter, reside and work in Spain) and "non-EU citizens" (who are subject to the Ley). With this change, EU citizens ceased conceptually to be "foreigners", both to legal effects and in the eye of Spanish policy-makers and much of the society. From 1993 intake policies and laws were now aim at controlling the flow of non-EU citizens, primarily the potential immigrants from the Third World.

7.2.3 The 1996 Regulations

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65 Note that in most immigrant countries, amnesty would give access to permanent residence.

66 Created by RD 490/1995 of April 7.
Finally, the increasingly evident contradictions of a law which only considered immigrants as temporary workers in a country that was increasingly becoming a place of permanent settlement, along with pressure from non-government actors around the issue of the precarious legal situation of non-EU immigrants, led in 1996 to the first extensive reform of the Ley. The Ley was not in itself changed but new regulations were implemented (RD of February 2, 1996) which included important changes that recognized the permanent nature of the new immigration to Spain. For the first time, a permanent residence permit was introduced for immigrants who had at least six years of uninterrupted temporary legal residence, and new rules were introduced to facilitate family reunion. Also for the third time in 11 years, a period of amnesty was granted, but this time only for those immigrants who once had legal residence but later reverted to undocumented status when they could not renew.

The provisions of the new Regulations signify an important change in the policies regarding non-EU citizen intake and a belated recognition that immigration will result in permanent settlement. At the same time, the original Ley is still in place. The first six years of non-EU residence continue to be in terms of maximum insecurity, permanent residence still excludes many basic legal and administrative rights, and it continues to be a law based on the apparent fear of a flood of Third World immigrants, which ascribes to Spain the role of the strategic southern border of the EU (Bedoya, 1996).

Spanish immigration flow policies continue to reflect a misconception that Spain has little or no need for immigrants and that non-EU citizens are allowed in simply because there is no other option in response to the demographic pressures of the Third World. The electoral platform of the PSOE in 1993 indicated that "legal and controlled immigration is advantageous to this country" but only spoke in terms of Third World immigrants and indicated that "we will carry out aid and development programs with the countries of origin." One can only speculate what programs they had in mind for Great Britain and Germany, respectively the second and third countries of origin of immigrant flows into Spain.

Most importantly, Spanish immigration policy continues to succumb to the temptation of believing that if you keep non-EU immigrants in a constant state of insecurity, it will help to control immigrant flow. Insecurity doesn't control flow -- it only creates illegality among those unable to renew their visas and establishes barriers to integration (Cornelius, 1993) -- and despite three periods of amnesty since 1985, the number of undocumented aliens continues to be considerable.

The number of undocumented immigrants continues to grow as a result of overstay of tourist visas, people who become undocumented when their legal residence permit expires, and those who cross the Straits of Gibraltar or the land borders of Ceuta and Melilla illegally. The increase in illegal sea crossings in small motor launches is the most dramatic form of clandestine entry, with some 2,000 people caught attempting it each year by Spanish authorities. An estimated 150 drown in the attempt (SOS Racismo, 1997a). While sadly spectacular, these sea entries constitute only a small minority of new undocumented immigrants, as the overwhelming majority are persons whose original entry was legal and who have overstayed visas or have not had visas renewed.

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67 For example, many government services and benefits require citizenship: only citizens are eligible for training internships at the Diputació de Barcelona, which means that a 20 year old of Moroccan background who has lived for 10 years in Spain, and is a permanent resident, cannot apply.
There are a range of measures used to attempt to address the issue of the illegal entry of undocumented immigrants. These include: the strengthening of the controls at borders external to the Schengen space, the construction of new barriers at the land frontiers at Ceuta and Melilla and increased vigilance of the Straits of Gibraltar. However it is the measures that are aimed at capturing the undocumented that are already living and working in Spain that more directly address this issue. These measures include sanctions for employers who employ undocumented immigrants, controls at the work sites where undocumented immigrants are likely to be employed, deportation accords with countries of origin and street control of people with immigrant appearance. These street controls have been denounced repeatedly by human rights groups which criticize the behavior of the police and the discriminatory nature of this practice.

Attempts to control illegal immigration appear to be politically necessary to salve the conscience of those that ask for tougher measures, but international experience questions the success of these measures and indicates that macro-economic and social factors that determine job offers within the labor market are those which have most influence on both legal and illegal immigration. Attempts to control illegal immigration through security measures are largely illusory; as long as there are jobs available immigrants will come to occupy them and immigrant flows respond to the labor market and political changes and not to border controls (Cornelius, 1993; Solé, 1995).

NGOs have sought to protect the rights of undocumented immigrants in a number of ways. First, they have repeatedly pressured for amnesties and when one was granted in 1991 (and again partially in 1996) they were key participants in the outreach aimed at assisting undocumented immigrants to apply. Second, they continue to provide social and legal assistance to immigrants regardless of status and have sought in particular to ensure that undocumented immigrants have legal representation. Their efforts in this field, however, have met considerable resistance and NGOs have been unsuccessful in achieving extensive coverage: there is no comprehensive legal and social assistance in detention centers or in immigrant camps such as those in Ceuta and Melilla. Many undocumented immigrants are summarily deported without having had legal representation or being assured any of the basic guarantees of due process.

7.2.4. The Role of NGOs in Intake Policies

The role of the NGOs in each of these three periods can be characterized in the following manner:

a) The 1985 Ley de Extranjería

Spanish intake policies, as expressed by the Ley, were created essentially

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68 Sanctions were included in the original Ley and implemented in 1988, but have not been very successful (Cornelius, 1993).

69 Presence in Spain without the appropriate permits is considered an administrative irregularity and not a crime, yet it is the only such irregularity which police pursue through street controls.

70 See the discussion in the previous chapter about services to immigrants through NGOs.
without NGO input. This lack of NGO involvement was the result of a simple reality: immigration was not at that time a priority issue on the domestic agenda and NGOs did not yet constitute an important service deliverer or political lobby in this field. The Ley was essentially a fait accompli resulting from entry into the EEC and designed to respond to the minimal control needs of a country which had never been a prime destination for foreign immigrants.

The new Ley, however, was clearly ill-adapted to deal with the increasing immigration that began arriving shortly afterwards. As negative consequences of the Ley became more evident, diverse NGOs began to deliver a range of services to meet the needs of immigrants and began to seek involvement in the policy process. These NGOs were primarily the generalist NGOs and the immigrant-interest sections of the Unions and the Catholic Church. By the late 1980s, these entities were both the primary service deliverers to this target population and part of a broad-based lobbying effort to get the fundamentals of the Ley changed.

b) The 1991 Decree

The first apparent changes came with the 1991 Decree and amnesty. NGOs were a voice of "moral consciousness" and were part of the dynamic that sought to create a new political agenda -- the "bringing problems to government" phase of the policy cycle -- that saw a need to address the precariousness of immigrants under the law.

While the NGOs were part of the clamor for change, it is difficult to judge to what extent their role was determinant. On one hand, the Decree was partly a continuation of the influence of the EU (through the Schengen requirements for visas) and, most importantly, the Ley itself had become non-viable because of its own internal contradictions; on the other, much of the lobbying involved coalitions with the other interested social agents, particularly the unions and Izquierda Unida.

What is clearer is that the changes contained in the Decree in no way responded to the demands of the NGOs. By offering amnesty, a short-term solution was provided to many of the undocumented immigrants, but the Decree did not in any way address the precariousness of all immigrants, documented and undocumented, inherent in the Ley.

NGOs appear to have lacked both the capacity to clearly articulate alternatives and the independent political clout that comes from mobilizing their political base and coordinating their activities.

c) The 1996 Regulations

The situation of immigrants deteriorated even more after the Decree and NGOs continued to shoulder the burden of service delivery.

Coinciding with the increase in immigrants and as a result of the outreach work associated with the 1991 amnesty, the number and range of NGOs working in the field

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71 There was the symbolic input in the form of the declaration of principles, Por una Justa Ley de Extranjería, by the Catholic Church (Comisiones Episcopales, 1985).
While the increase in NGO activity in immigration matters was a direct result of the 1991 amnesty, it should be noted that it coincided with the wider growth in NGO activity in Spain. However, they continued to be small, lacked resources and there was little coordination between them. However, the simple weight of numbers signified that they were beginning to speak with a stronger voice.

This was also the period of the creation by the Ministry of the Foro para la Integración Social de los Inmigrantes, the liaison committee between the government and social agents involved in this field. The Foro was presented as a consultative and coordinating body through which NGOs could participate in the process of the development of the new regulations.

The Foro was to be made up of representative from three main sectors: local governments involved in integration, generalist NGOs and unions, and ethnic organizations. The first informal meetings in 1994 were open to all organizations that addressed immigration issues, but the final composition of the Foro was determined by ballots within each sector, with potential members voting for representatives from the their own sector.

When formally constituted the Foro had 40 members, 20 of which came from the public sector and 20 representative of unions and NGOs. Most of these participants were reputed to be filo-government as the organizations with affinity to the socialist government were said to have coordinated their ballots to ensure the exclusion of organizations too critical of the government. While one of the mandates of the Foro was input into the new Regulations, according to participants in the Foro there was little discussion apart from some reporting back from the working group of representatives from the three government departments (Interior, Foreign Affairs and Labor) who were drafting them, according to one participant, "almost clandestinely".

As a result of their frustration with the lack of critical representation on the Foro, a group of NGOs formed an independent ad-hoc coordinating platform which met with government representatives on a number of occasions, as it appeared evident that the Foro would not function as a conduit for a broad representation of NGO demands.

While the new Regulations introduced important changes in how the Ley was administered, they received, at best, a cautious acceptance from the NGOs and their allies, as the Ley itself continued to be in effect. There was no frontal rejection of the new Regulations, but there was also very little satisfaction, and in general NGOs felt that most of the concerns which they had been attempting to communicate had fallen on deaf ears.

Moreover, to add insult to injury, on the same day on which the Regulations were announced, the Ministry emitted a press release on behalf of the Foro which stated that NGOs had endorsed the changes and that they "had greeted them with satisfaction". The role of the NGOs that participated in the Foro appears to have been to add legitimacy to what administration officials appear to have decided beforehand, but which fell considerably short of NGO demands.

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72 While the increase in NGO activity in immigration matters was a direct result of the 1991 amnesty, it should be noted that it coincided with the wider growth in NGO activity in Spain.

73 At a recent seminar that evaluated the current situation of immigration policies in Spain, a former top official from the socialist-era Ministry of the Interior repeated the official view that the Regulations were developed in conjunction with NGOs and fully accepted by them. Only when challenged by a member of the public, did he concede that the Regulations were not able to incorporate all the recommendations...
Again, NGOs appear to have been unable to play an effective role in policy making despite having taken on a major role in service delivery to immigrants and despite having considerable knowledge of the needs of immigrants. Their proximity to immigrants and their service activity appears not to have been translated into influence in the policy process, as they continued to be unable to clearly articulate alternatives or to construct a political base with sufficient power to pressure other actors.

The national coordinating committee of the regional organizations of SOS Racismo74 -- which would be considered by most observers as among the most prominent NGO actors in the immigration field, but did not form part of the Foro as it was not included in the ballot on a technicality -- assessed its own efforts at influencing intake policies in the following terms:

We must conclude that in the matter of intake policy we have not been able to achieve what was needed ... Our regional organizations worked hard to exert pressure against the Ley and intake policies at a local level, but we were unable to effectively coordinate and communicate these efforts nor capitalize on them at a national level (SOS Racismo, 1997b).

The intake policy cycle appears to have created its own dynamic and the implementation and evaluation of the original Ley led to its reformulation, but only within the confines of the interests of a structural ideology regarding immigration and of the government actors.


The most significant policy document on immigrant integration to come out of the NGO sector has been the Girona Report: Fifty Proposals on Immigration75 (the Report) published in July 1992 by the Commission of Associations and Non-Government Organizations of the County of Girona76 (CAONGCG, the Catalan acronym for the commission). The CAONGCG was not the only NGO network lobbying on this issue, nor did they represent the region of the greatest concentration of immigrants -- in the county of Girona there were only 18,000 immigrants-- but the document which they produced best expressed the demands of the non-government sector and became highly influential.

This second case narrative documents the organizational processes and lobbying efforts of the CAONGCG which were aimed at, among other issues, forcing the Catalan government to accept its responsibilities for immigrant services and to develop policies and programs to respond to the needs of the increasing immigrant population. The work of the CAONGCG and

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74 SOS Racismo (Spain) operates as independent organizations at regional level, coordinated through a national coordinating committee which meets every four months and has a conference every three years.

75 In Catalan: l'Informe de Girona: cinquanta propostes sobre immigració.

76 In Catalan: Comissió d'Associacions i Organitzacions No Governamentals de les Comarques de Girona.
the subsequent victory of forcing the Catalan government to create new policies in the area has been widely touted as a paradigm of the new role of NGOs in Spanish politics. Press coverage of the Girona Report echo the perception expressed in the quote by Camps in the introductory chapter.77

"NGOs produce an innovative report which seeks respect for cultural differences." (El Periódico, 1992)

"... the fact that the Girona Report has been written on the initiative of non-government organizations illustrates the especial sensibilities they have toward immigrants' needs." (El País, 1992)

"... Catalan NGOs ... produced the Girona Report in which they presented 50 recommendations on immigrant integrations ... and the Catalan government has embraced those which concern issues of their responsibility." (El País, 1993a)

"The Girona Report has inspired the Catalan government's new policy document on immigrant integration." (El País, 1993b)

However, this case narrative illustrates that there were also important qualifiers which contradict the image of a strong independent NGO sector, able to coordinate its efforts and skills to effectively influence government.

7.3.1. The CAONGCG and the Report

The CAONGCG was made up of twelve people: three from existing traditional volunteer associations, two from new associations specifically created to work with immigrants, three from ethnic associations, one union representative and three unaffiliated specialists. One of the unaffiliated members worked at Caritas, the catholic charity, but his participation in the CAONGCG was not in representation of that organization. In addition to the twelve members, four government representatives had advisory status. To create the CAONGCG they simply recruited "everyone who worked in this area" i.e representatives of all the organizations who worked with immigrants in the county plus other relevant experts.

The primary task of the CAONGCG was to bring to the public agenda an awareness of the social and economic needs of the immigrants, as well as to force the institutions to assume their responsibilities for settlement services to immigrants.

The Report produced by the CAONGCG was widely accepted as "a moral code on the rights of immigrants to government services" and as "the first document which directly and comprehensively dealt with the needs of immigrants and government responsibility in delivering them."

77 See section 1.2.3.
The 50 proposals of the Report were directed at both government and other social agents: 31 of them specifically aimed at the three levels of government in Spain. On one hand, the Report noted the lack of defined immigrant policies and challenged local, regional and national governments to develop them.

"Recommendation 12. That the new Interministerial Commission on Immigration (of the federal government) create a global policy on immigrant integration, taking into account the needs of the immigrant communities, and that it work closely with NGOs in order to develop these policies and to implement them."

"Recommendation 24. That the Catalan government develop an immigrant integration policy in order to coordinate and implement education, health, housing and social service activities to promote immigrant integration."

On the other, the Report also included recommendations on the specific policy areas outlined in recommendation 24.

Some 15 months after the publication of the Report, the Catalan government presented its El Pla Integral d'Immigració, (Interdepartmental Plan on Immigration -- the Plan), the first comprehensive policy document on this issue (Generalitat, 1994). This document was a direct response to recommendation 24 and it contained specific policy proposals which coincided with the recommendations that had been proposed in the Report.

The Catalan government openly acknowledged the direct relation between the recommendations in the Report and the proposals in the Plan. The director of the Catalan government's settlement programs stated:

"We regard the Girona Report as the reference point from which we saw the need to develop our own policy."

The response of the Catalan government has been the most direct of all the three levels of government, but the other levels have also responded with new policy initiatives which appear to confirm the important influence of the Report.

A comparison of the content of the Report and the Plan, and the fact that the Catalan government has now assumed responsibilities in an area which it previously did not acknowledge, appears to confirm that the development of the Report and the lobbying efforts surrounding it are paradigmatic examples of the outcomes NGOs can achieve, and the quotes cited earlier illustrate the widely held perception about the key role the Report played in influencing the policies of the Catalan government.

The following sections present a first analysis of the relationship between the Report and the Plan, which appears to confirm a pluralist version of the process and attributes considerable bargaining power to NGOs. However, a second analysis, reads "between the lines" of the first version and demonstrates the limitations faced by the NGOs and a number of contradictions in their actions.
7.3.2. The Pluralist Version

The CAONGCG was formed on the basis of an earlier ad-hoc group of NGOs and government representatives involved in immigration issues who had worked together previously during the 1991 amnesty program. This group had been successful in its outreach efforts and nearly all qualifying illegal immigrants in the county were given amnesty.

According to members of the CAONGCG, once the amnesty was over, it was considered to be crucial to undertake a second phase in which proposals would be developed for services and activities to respond to the settlement needs of all the immigrants in the county. It was therefore decided to carry out a study of the current conditions facing the immigrants and their most important settlement needs. The ad-hoc group was reconvened as a NGO commission and the four government representatives who had previously participated were accorded a non-voting advisory status.

Caritas was the only participating organization with a sufficiently large structure to permit them to assign a staff member to coordinate the committee and prepare the Report. A staff member from Caritas who was participating in the CAONGCG on a personal basis, became the coordinator. According to other members of the CAONGCG, the person from Caritas did most of the work with some minor contributions from specialists on education and refugee issues. Other members of the CAONGCG did little more than approve the early drafts that were circulated.

After a final version of the document was published, the CAONGCG moved into a second lobbying phase in which it was able to display all its considerable political marketing skills.

One tactic was to ask 100 well-known personalities from theater, academia, sports and the media to sign a Manifiesto de Girona (Girona Manifesto) in support of the Report. These personalities formed an important advocacy network, and those working in the media were able to give widespread coverage to the Report.

The CAONGCG also began a series of meetings to present the Report to other associations, political parties and government officials which culminated eight months later with a presentation to the president of the Catalan government. According to one member of the CAONGCG, their skills in making these presentations greatly improved after the first disastrous effort with the mayor of the county capital, during which the mayor ended up asking them, "did you come here to present a report or to jerk me around."

As a result of all these meetings, the political parties in Catalunya agreed to organize a special hearing of the Commission on Immigration of the Catalan Parliament. The parliamentary commission recommended that the government respond appropriately and a resolution was passed in Parliament to formulate a plan of action on immigrant settlement for the Catalan government. The resolution specifies that the recommendations of the Report should form the basis of the new Plan.

As the culminating act of their marketing and lobbying process, a Workshop on
Immigration was organized in October 1993, some 15 months after the publication of the Report, at which high-level representatives of the Federal, Regional and Local government were invited to respond to the recommendations in the Report. The Catalan government used this Workshop to present its new Plan and other administrations also presented new initiatives.

The presentation of the Plan corroborated the success the CAONGCG had achieved, at least at the Catalan level, and publicly confirmed that the Report had served to force the Catalan government to take responsibility for an issue which it had previously regarded as a Federal obligation. In an interview, a representative of the Catalan government made the following comment:

"Before the development of the Plan, the Catalan government's initiatives on immigrant settlement had been limited and un-coordinated. We'd had some meetings at the beginning of the eighties and had undertaken some isolated activities. But now, as a result of the lobbying of NGOs in general, and in particular, because of the pressure of those involved in the Report, we have developed our first global policy."

In the meantime, the Report had been "adopted" by the Catalan government who financed the publication of a four-language version and financed the Workshop in October 1993. Another edition of the Report was published by the UNESCO office in Catalonia.

Why was the CAONGCG able to produce a report and lobby so effectively? On one hand, the members talk about the technical skills of some of the people on the CAONGCG, and on the other, indicate the importance of the coordination, the team work, and the wide-spread social base that they represented. The CAONGCG was seen as a representative body with a united voice, whereas other similar groups such as the one formed in Barcelona, the capital of Catalonia, were perceived as unable to create a consensus. At the same time one of those interviewed commented that the most important aspect was the timing:

"It was the moment to do it ... after the amnesty there was a great deal of receptivity to any well-formed proposals about what should be done to insure the integration of these new immigrants."

The members of the CAONGCG also expressed surprise at the impact of the Report. One commented:

"It had much more success than was expected. At first we thought that we would just be making some photocopies to hand around the county, but in the end...."

7.3.3. The Second Analysis

A second look at the process of the development of the Report and the relation between this and the Catalan government's Plan reveals certain incongruities in the pluralist version of the work of CAONGCG:
a) The Role of the Civil Governor.

The members of the CAONGCG freely recognize the fundamental role played by the Civil Governor of Girona (the representative of the federal government at the county level). Both the Governor, Pere Navarro, as well as his advisor, Carles Navales played key roles in both the development of the Report and the subsequent lobbying based on its recommendations.

The Governor had taken the original initiative to bring together the group that undertook the outreach work surrounding the amnesty. He had a long-standing reputation as a person concerned with immigrant issues and most of the meetings of the first ad hoc group had taken place in his office. Later, after returning from a meeting in Madrid in which the amnesty program had been evaluated, the Governor suggested that Girona could be the center of research and reflection on settlement issues. According to one member of the CAONGCG, "the Civil Governor proposed that we form a new commission and challenged us to see if we were capable of seriously addressing the issues."

The first meeting of the new commission was held at the Civil Governor's office at which it was decided to convene a meeting of the NGOs to choose a coordinator from among them and to hold further meetings on "neutral ground". Even with the committee formed as an NGO coordinating body, the Governor's staff member, Carles Navales, continued to assume the role of advisor to the committee. According to members, Navales "motivated the idea, created the structure of the CAONGCG, helped control internal problems, and in the end, helped map out the strategies for promoting the Report." He suggested the idea of the 100 personalities who signed the Girona Manifesto and advised the CAONGCG about press relations and working with the political parties. He was, in summary, the "architect" of the Report.

Why did the Civil Governor create a coordinating committee of NGOs which appears to have acted as a front for promoting his own agenda on immigration? The majority of those interviewed applauded his initiative and indicated that he had a genuine interest in promoting a social dialogue on immigration and that he knew that this could be done most effectively through NGOs.

They cite both technical and political reasons. On one hand, it was pointed out that as much as the Civil Governor wanted to highlight immigrant issues, his office did not have enough technical knowledge, nor the direct contact with immigrants necessary to produce the Report. On the other hand, a Civil Governor does not have jurisdiction over Catalan regional immigrant integration efforts nor the political legitimacy to push his agenda within the Federal or regional governments. He was seeking political consensus and he understood that this could not be created from within his current position.

At the same time, there were criticisms of this operation. One interviewee stated: "We did the administration's work... it was much cheaper for them to get us to do it than to pay staff." The most critical sector suggested that opportunism had played a part: "Navarro and Navales were seeking publicity because Navarro wants to be the National Director for settlement programs and Navales wants to be Civil Governor" (El Punt, 1993b)

b) The Most Controversial Issues were Avoided.
Members of the CAONGCG recognized that political consensus and acceptance of their recommendations was only achieved by avoiding the most controversial issues concerning immigrant settlement.

The Report, for example, did not deal with legal issues, such as those concerning the *Ley de Extranjería*. The *Ley* was mentioned in the Report but only the most general recommendations were made regarding the criteria that should be used in immigration legislation and no changes were recommended in the current law, despite widespread agreement among NGOs that the lack of a permanent residence visa in Spanish immigration law was the single greatest barrier to settlement and integration.\(^{78}\)

It was decided instead that the recommendations regarding the law should be made through other channels and another separate document was prepared in conjunction with the Univeritat Autonoma de Barcelona. This other document was not widely distributed.

Another issue which was not fully addressed was that regarding government oversight of immigration policies and programs. A proposal by the CAONGCG, which was included in the agenda of the meetings of political parties, after the publication of the original Report, was the creation of an office of immigrant affairs in the Catalan Government. This suggestion was ignored by the Catalan Government and the CAONGCG did not push the issue.

c) The Alliance Within the CAONGCG was Tenuous

As we have seen the CAONGCG was established specifically to produce the Report and in fact, the consensus among the participants lasted just long enough to achieve this. Although the CAONGCG had originally intended to continue to meet as an oversight committee to ensure that their recommendations were implemented, infighting between members has made this impossible.

As can be expected, the interviewees have different opinions as to why the conflicts occurred:

"Personal criticism gets confused with organizational criticism between religious and lay groups."

"Some are Non-government with a capital 'N', some less so: some believe in dialogue in the back rooms others in wars in the press. What should we do: fight or make deals?"

"It is just a difference in style and personalities: some always wear a tie, some never."

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\(^{78}\) The conclusions from the first case narrative on intake policies clearly indicate why the CAONGCG chose to avoid addressing the *Ley*, and so avoided entering into a polemic it felt could not be won.
The differences between members came up in various ways, creating a general environment of tension as a result of accusations of publicity seeking by one of the members and conflicts over the future role of the CAONGCG, as well as the participation of certain groups involved.

There was a particularly strong conflict over the content of the follow-up workshop. Some members wanted the administrations to simply come and listen to the NGOs and to the immigrants, and not to present their own plans. There was also disagreement as to whether Caritas International should represent the position of NGOs. In the end, some members of the CAONGCG publicly criticized the workshop and asked for an alternative one to be organized.

The workshop in effect represented the end of the work of the CAONGCG. Some members wanted to continue with the follow up work as was originally planned, but the majority seemed to think that the conflicts would only continue and there seemed little sense in "flogging a dead horse".

d) Skepticism over the Results

The Report seems to have clearly achieved its objective of pressuring the Catalan Government into developing coherent policies on immigrant settlement. However, in the interviews the participants in the CAONGCG seem to indicate that this was "not all that it was cracked up to be":

"The Plan is not bad but there are no specifics provided. We must congratulate them for their swift response; but then again it is the way the Commissioner does business. He responds, he gets control, then he does what he wants...which is very little."

"At least they can boast that they came up with a Plan, it all depends what they do with it now."

"It could all be just a smoke screen they use to say 'we listened to you'; but if it starts something up, you never know."

Above all, there seems to be a strong sense of skepticism that the results of the CAONGCG's work served as nothing more than to provide the administration with an opportunity to make symbolic responses to the pressure that the NGOs have been making over the last few years.

7.4. Conclusions from the Case Narratives

These case narratives confirm the preliminary conclusions from Chapter 6, which indicated that there are severe limitations confronting NGOs that are seeking to participate in the public policy process in Spain.

The conclusions of the both the first narrative regarding NGO efforts to influence intake
policies through a reform of the Ley de Extranjería, and the second narrative on the work of the CAONGCG on integration policies, suggest a reality somewhat discouraging for those who contend that NGOs have already consolidated themselves in the Spanish polity as independent social and political bases which counterbalance the power of other government and extra-governmental actors.

From the first narrative, which analyzes the national-legislative context, we can conclude that NGOs essentially have been unable to influence intake policies; from the second narrative, which analyzes the regional-institutional context, we can conclude that NGOs did have some apparent influence, but only under patronage from the Civil Governor and perhaps only as a result of a specific historical moment.

The NGOs who sought to reform the Ley have found that, despite playing an apparently central role in service delivery, they have had little influence in changing policy. They were part of the wider clamor for changes, but the eventual changes were as much a result of the Ley collapsing under the weight of its own internal contradictions as of lobbying pressure, and the changes only partially met the demands of the NGOs. Moreover, their participation in a consultation body was used to give a spurious NGO seal of approval to the new Regulations.

In contrast, the CAONGCG did achieve many of its proposed outcomes in terms of changing agendas and policies (although the real significance of these gains were later questioned by some members of the commission),

but this was because it received the essential sponsorship of a government official; because it avoided dealing with the most controversial issues; because during a short-term situation created by a policy vacuum, a tenuous alliance among NGOs was tolerated; and because a government advisor showed exceptional talents in political marketing.

Despite the novel character of immigration policy, the technical expertise of the NGOs and their proximity to the target population, they have been relatively powerless actors in the development of intake and integration policies.

Why are Spanish NGOs relatively powerless actors in the policy process? The framework for analysis developed in Part II has proved to be a useful tool for evaluating the situation of NGOs in general in the Spanish polity, and of the specific case of immigration policies, and has provided the basis for understanding why Spanish NGOs have been largely excluded from the development of immigration policies.

Spanish NGOs are operating in a polity that generally provides few opportunity structures for them. The Spanish democratic structures are apparently little accustomed to presence of NGOs and somewhat suspicious of and even hostile to their possible independence. Other actors such as the administrations, political parties and unions appear to have retained strict control over the policy process and over NGOs which seek to participate in it.

In the case of immigration policy, we are looking at the early stages of the policy cycles in which NGOs have been able to parlay their technical knowledge and their proximity to the

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79 In the language of the Burnstein scale (see p. 171), it was questioned whether the positive agenda and policy outcomes would result in output and impact.
immigrants into certain legitimacy within service delivery. However, the NGOs have not been able to translate this legitimacy into effective independent policy influence.

It is also important to note the significance of structural ideologies that create policy frames. The "Fortress Europe" doctrine has created a general anti-immigrant sentiment and anti-reform climate which NGOs have not been able to successfully contest.

The state of evolution of the NGO sector in Spain also suggests reasons for their lack of influence. It is currently a weak sector with more amplitude (the number of organizations) than substance (the size of organizations, coverage of members etc.), and suffers from a lack of internal articulation. The CAONGCG, for example, had the reputation as a strong effective coalition, yet as the case narrative has shown, this was government-sponsored and conjunctural.

The relation between NGOs and other Spanish policy actors suggest that the NGOs tend to function more as "satellites" for traditional cleavage structures and have not been able to create an independent political space.

As a result, "insider" NGOs who occupy positions close to power centers tend to be part of disciplined parentela relationships and often only serve to strengthen the control over the policy process by the administration, as seen in the manipulation of the Foro by the socialist administration to, in effect, "rubber stamp" pre-determined policy changes in regard to the 1991 Regulations reflects.

Are these conclusion applicable to other policy areas and other circumstances in Spain? Do they really reflect the weakness of Spanish NGOs as political actors?

The conclusions in Chapter 6, based on an analysis of the three general factors of the analytical framework -- the polity, the characteristics of the organizations, and the network of actors -- suggest that in any policy area within the Spanish polity, NGOs are likely to find substantial barriers to the development of their capacity to influence the policy process. At the same time, given that the policy itself is a fourth factor, the answer to these questions can only be provided on the basis of further sectorial research.

Nevertheless, the case study that has been documented in this thesis clearly demonstrates that a real gap exists between much of the rhetoric regarding the supposed political influence of NGOs and civil society in Spain, and the current reality facing those NGOs that aspire to be significant actors in the policy process.
PART V

FINAL REFLECTIONS

Department of Political Science and Public Law, Universitat Autònoma de Barcelona.
Available in Internet at: http://blues.uab.es/mgp/papers/casey2.html
EPILOGUE

This thesis has sought to investigate the role that NGOs play in the public policy process. In order to do so, I have created an analytical framework to explore the possible equilibrium between competing approaches that either tend to ignore NGOs as policy actors or, at the other extreme, overstate their contribution.

The framework is based on four factors: the polity, the policy, the characteristics of the NGO(s), and the network of actors. Within each of the factors, I have identified the particular elements that are likely to increase or diminish the possibility of NGOs accruing power as policy actors.

While almost all of factors have been documented individually by various authors, this thesis has sought to synthesize the existing approaches into a unified framework which can be used as the basis for individual case studies or for comparative cross-national or cross-sectorial comparisons of NGO influence efforts.

I have used the framework to analyze the case of NGOs participation in the development of immigration policies in Spain, and it has proved a useful tool for documenting the considerable difficulties that NGOs confront in becoming significant actors in the Spanish polity.

In essence, I have shown that Spanish NGOs have little independent influence. Yet, as I declared in the introductory chapter, I am a practitioner and continue to be on the board of a prominent NGO and participate in the game of seeking to influence policies. Why do I live with this contradiction?

In order to answer, in my mind's eye, such a fundamental question, this thesis requires some final reflection. Not so much as a direct conclusion of the research undertaken, but as a deliberation over the nature of the NGOs and the convictions I hold which continue to prompt me to go to the next meeting of SOS Racisme.

Given that one of the primary conclusions of the framework that I have presented is that the possibilities of influence are specific to the circumstances, to some degree it is a futile exercise to try to create generalizations. Nevertheless, as a result of the research, I have been able to better articulate the basic tenets of my world view of NGOs.

1. My convictions, and my work with NGOs, appear to be hovering in a conceptual space between neopluralist and neomarxist approaches.

Like the neopluralist, I consider that there are possibilities for non-elite influence in the policy process, even though I regard it to be clearly biased in favor of elites who have
the resources to control its mechanisms.

At the same time, my analysis of this bias has me sliding towards positions clearly influenced by neomarxist discourses. Any faith I have in the possibilities of influence is based not so much on any confidence in the benign nature of pluralism, but more on an understanding of the contradictions of elite domination. The elites, and the state that represents them, seek to perpetuate and legitimate their power, but to do so must often create structures that can be used to challenge it.

I also incorporate more of a structural analysis of power than many neopluralists. Anyone seeking to intervene in the policy process battles not just against the seen forces of other actors but also against the unseen ideologies, doctrines and beliefs that have shaped each polity.

2. Despite a tendency to ascribe to NGOs a reformist-progressive bent, I maintain that large segments of the sector clearly serve to perpetuate dominant neoliberal ideologies through their assistential activities and their support of existing power structures, as well as through their questioning the legitimacy of statist interventions.

3. Each polity is clearly a result of its particular history, but we must go beyond historical determinism to understand the dynamics of contemporary change. There is a clear globalization of the role of NGOs, with the strengthening of the sector in all industrialized and emerging democracies, and a convergence of approaches and actions.

The old political science and sociological concepts regarding collective action are increasingly less applicable: interest groups are no longer traditional economic and professional groups; social movements are no longer nebulous outside agitators. The multi-role, professionalized NGOs are occupying much of the social and political space offered by these earlier structures.

Political parties and unions are also losing ground, but NGOs neither monopolize the machinery of democratic parliamentary process like the former, nor do they represent labor-based interests like the later. Any NGO attempt to participate in the political process must come to terms with these realities.

4. While the macro social and economic analyses are vital for an understanding of the growth of NGOs over the last decades, they must also be brought down to the levels of the more prosaic: a wider group of well-educated people have more leisure time and seek outlets for their political and social concerns.

NGOs are successfully competing for the loyalties and resources of postindustrial activists. They do so because they offer diverse social and organizational incentives, the most important of which is their relatively small scale and consequent sense that each participant has a say in influencing organizational outcomes. But, it is precisely this small scale that perpetuates the fragmentation of energies and efforts that NGOs need to overcome.
5. One of the key concepts is that of "critical mass", which functions at various levels of NGO dynamics:
   - The critical mass of organizational capacity will determine the possibilities of an individual organization's participation in the policy process and the power it can wield. The ability to manage the resources available is what creates a skillful, astute and influential organization.
   - The critical mass of network-building determines the capacity of like-minded organizations to create effective coalitions, and each individual organization must assume the costs of creating and maintaining the networks.
   - A critical mass of supportive knowledge must be created to influence an increasingly professionalized policy process. NGOs often feed into plurality of the process not through political strength, but by influencing the knowledge base that controls policy frames and stimulates the momentum of policy cycles.

6. NGO intervention in the policy process should maintain the goals of creating structural reforms, but activist NGOs should not lose sight of the worth of the "residues of reform" and of changes in agendas and impacts. At the same time, NGOs must be careful not to uncritically accept gaining access and achieving symbolic policy concessions as paths to structural reforms.

7. I am wary of insider status. NGOs should participate in consultative and liaison bodies and they should build close ties with government, but this needs to be done with a large dose of skepticism, in a manner coherent with the goals of the organizations, and with a commitment to go back to agitating from the outside if need be.

NGOs need to be mischievous and non-conformist. They can be most effective in moving toward long-term structural changes if they work in the context of broad-based coalitions and engage in informed belligerence.

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