



# HUMANITARIAN AFFAIRS THINK TANK

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## FOR DEMOCRATIC REVIVAL IN HUMANITARIAN ORGANIZATIONS

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*The author is solely responsible for the views presented here, which do not necessarily reflect the positions of the organisation for which he works.*



**Save the Children**



*This article makes reference to the statutes, internal regulations, etc. of certain humanitarian NGOs established under French law that are, for the most part, associations governed by the Associations Bill of 1901<sup>1</sup>. However, the questions raised here go beyond the scope of France and apply to the entire decision-making process at all levels of humanitarian organizations, be they French or otherwise.*

## ***To become initiators of social change, do humanitarian organizations have the capacity and the means of transforming themselves?***

In an article that appeared in the *Humanitarian Affairs Think Tank*, Jacques Serba raised the following question: "Are humanitarian associations institutions?" His conclusions, based on Mark Hauriou's theory of institutions and foundations, lean towards a yes. Jacques Serba then puts forward the hypothesis that "power is strengthened when it is institutionalized", thus implying that it is because humanitarian organizations have, in fact, become institutions that they can wield influence on the course of events.

Yet, as the philosopher, Cornelius Castoriadis, explained in his *L'institution imaginaire de la société* (*The Imaginary Institution of Society*), an institution, once created, becomes autonomous in relation to the people in its power, develops its own momentum and its own logic. In other words, an institution is characterized by its inability to transform itself.

If humanitarian organizations are therefore institutions, this is something to worry about, or, at the very least, to ponder over. Indeed, how can organizations with their own momentum and their own logic possibly claim to be initiators of social change? Questions arise on their governance, their operations, and their internal power play, and the extent of their internal democracy.

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<sup>1</sup> On July 1, 1901, the liberal statesman, Pierre Waldeck-Rousseau had the Bill "relative to the contracts of associations" passed after a long parliamentary battle. This Bill is far-reaching and safeguards one of the great liberties of the French Republic. Under this Bill, every citizen has the right to associate without prior authorization. The "Bill of 1901" establishes this right on a whole new basis. It secures the freedom and rights of individuals all while allowing collective action. It founds the right of association on the principles that emerged from the French Revolution of 1789: the primacy of the individual with his rights and freedom, the freedom to join or leave an association, the purpose as defined by an association, equality among members of an association, administration of the association by the free deliberation of its members. The Bill of July 1, 1901, and the decree of August 16 of that same year are the two basic pieces of legislation which govern associations. Article 1 of the Bill of July 1, 1901, defines an association: "An association is the convention by which two or more people share, on a permanent basis, their knowledge or partake in an activity with a purpose other than that of sharing profits..." <http://www.associations.gouv.fr/626-la-loi-du-1er-juillet-1901-et-la.html>

## *Humanitarian organizations and democracy: a huge misunderstanding*

Let's take the example of humanitarian organizations in France. Most are associations governed by the Associations Bill of 1901. The sociologist, Michel Adam, clearly explained it when he said, "For many people, an association first represents a necessary model of democracy, yet, in fact, it is first a model of freedom". Indeed, the Associations Bill of July 1, 1901, sets down no requirement for democracy. The Bill's two main mainstays are the right to assemble and to self-organize. Members of an association have the duty to safeguard the association's independence from public interests, independence here construed as a counterweight to the freedom granted through legislation.

From that point, the claim that humanitarian associations distort the spirit of the Bill of 1901 through an economic growth model that has made them dependent on public funding, it is only a short step away.

Whatever case may be, it is clear that free self-governance granted to French associations by the Bill of 1901 has not prompted humanitarian organizations to consent to any great degree of democracy. Instead, one gets the impression that this freedom has led humanitarian organizations to choose a type of governance that, although it maintains continuity, duly grants the greatest degree of flexibility to management and executive officers, all while complicating and obstructing the involvement of the base. Worse, some humanitarian organizations have opted for the French legal status of "associations for the public interest" (RUPs<sup>2</sup>), which ultimately has an impact on their statutes and their structure. Such that, in fact, one of the legal requirements of RUPs stipulates that the number of members must be significant (i.e. set at a minimum of 200).

In reading the articles of association of humanitarian organizations, such as Médecins Sans Frontières (MSF), Médecins du Monde (MdM), Action Contre la Faim (ACF), and Solidarités International, we note that the General Assembly, which gathers all of the members of the association, actually wields very little power. I see three points that make me say this:

1. Generally speaking, it is the Board of Directors that sets the agenda for the General Assembly;
2. Statutory changes, i.e. major changes in governance, must be approved by a qualified majority vote (two-thirds or three-fourths of members), a provision that reveals quite a bit on the ulterior motives of the founders;
3. The General Assembly elects the Board of Directors (generally, one-third of members are up for re-election every year), and the members hand over their powers to a handful of "representatives".

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<sup>2</sup> An association governed by the French 1901 Associations Bill may be recognized as a non-profitable organization created for the public interest by order of the Council of State. This recognition allows the association to enjoy certain benefits, yet it can be withdrawn at any time. A recognized association for the public interest may receive, in addition to individual gifts, donations and bequests with favorable tax advantages. In addition, this recognition is viewed by the non-profit sector as a distinction that gives association special legitimacy in its field expertise. Such an association undertakes, in exchange, to comply with all administrative constraints and regulations. Cf. <http://vosdroits.service-public.fr/associations/F1131.xhtml>

Notwithstanding the due respect I give to directors of large NGOs mentioned above, the above three constants make the Board of Directors the centerpiece of power and present a permanent challenge to democracy. The statutes of most humanitarian NGOs provide for and actually establish the political powerlessness of its own members.

The annual General Assembly of a French humanitarian association is purely a statutory meeting, it too, institutionalized, formal, smooth running, set like clockwork, during which the votes on the year's activities and financial statements are mere formalities, and where its members, being unfamiliar with the issues, elect candidates—with luck, there are more than one<sup>3</sup>—whom they believe or have been led to believe are the best qualified. Administrators of large so-called humanitarian NGOs are actually elected aristocrats, and the appeal to some people of becoming, say, president of their NGO, only adds more credence to this. The members' lack of knowledge on current issues, aside from their level of commitment and thus the level of interest that naturally differs among them, is actually planned and expected. What I mean is that humanitarian organizations devote too few resources to educating their members and to providing them with updated information. After all, why should money be spent to educate and inform people whose political impotence is carved in stone in the statutes and/or regulations? Until now, NGOs, such as ACF, for instance, have always preferred to rely on a few "experts" to help them decide on the stances to adopt in connection with their social mission (e.g. their position on GMOs), rather than give their members the necessary information and resources that can fuel debates and arrive at decisions during the course of the General Assembly.

An employment and professional mindset that tends to make humanitarianism a business for experts only contributes to further drawing humanitarian associations away from the democratic ideal by giving disproportionate weight to executive decision-making. These "experts", actually recognized, or more often than not, self-proclaimed, are introduced or introduce themselves too frequently as the sole custodians of knowledge and experience. In actual fact, the opinion of an ordinary member or administrator of an association carries little weight against that of an expert who may take poorly to any kind of criticism and questioning. The leaders (administrators) of many humanitarian organizations are literally enchained to experts, and once they realize this, they should be questioning the legitimacy of their election by popular vote

In almost all cases, the major decisions that impact an association (as related to its budget, social outlook and social mission, launch and closing of programs, business modelling, partnerships, relations with the government and multinationals, positions on the major issues tied to the objectives of the association, etc.) are beyond the reach of the General Assembly.

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<sup>3</sup> In the last few years at MDM, for example, there have been as many candidates for Board membership as there have been seats up for election.

Ultimately, we must agree with Pierre Bourdieu's general view on associations expressed in 1983 that directly applies today to humanitarian associations: "The process of transitioning from an association to an institution, the copying and replication of standards specific to the sound conduct of democracy, the selection of the best and brightest, all summed up, point to the fact that associations fall short, by a wide margin, of being havens of democracy."

### *The democratic deficit of humanitarian associations: an amazing contributor to inaction*

A democratic deficit leads to a concentration of power in the hands of a small number of people, i.e. administrators. What the Board of Directors does with its power is contingent on the history and culture of the association. For example, the Board of Directors of ACF has traditionally delegated much of its authority to the executive office, and in so doing, has decisively chosen to rely on its "experts". It acts principally as a rubber stamp, thus alienating its members even further from the process of making important decisions. Conversely, there are humanitarian organizations (e.g. MDM) where the Board is seen—rightly or wrongly—as keeping the executive office in check.

The attractiveness of the presidential office, the president's statutory annual election by administrators, and the re-election cycle of the administrators (one-third of offices up for renewal each year) put some Boards on a quasi-permanent campaign trail, where power struggles can prove to be sometimes violent, often deleterious and obstructive.

The weight lent by or attributed to experts in the decision process is another factor that contributes to inaction. It often takes quite a bit of maneuvering to extract oneself from the mindset formulated by those who consider their expertise as sacrosanct and unchallengeable, and who take poorly to being called into question.

One main consequence arising out of the democratic deficit and ensuing inaction in humanitarian organizations results in opening up three relatively serious gaps:

- the first between the leadership (i.e. administrators, directors) and the base (i.e. members, volunteers, as well as employees<sup>4</sup>), the latter group eyeing warily or not understanding the rivalries and the power struggles that are carried on in the upper reaches of the organization; boards of administration are themselves more or less partly responsible for this through the image they project of governing powers officiating from their ivory tower;
- the second between the associative or "political" sphere (i.e. administrators, members, volunteers, etc.) and the executive sphere (i.e. employees), each sphere taking the risk of detaching itself from the other and running solo, totally disconnected;

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<sup>4</sup> Regarding employees, the surge in collective bargaining within humanitarian organizations in recent years can be viewed as one symptom of this widening gap.

- the third—and finally perhaps the most critical—between the organization itself and the recipients of its actions (natural or legal persons—beneficiaries, partner associations in field operations, etc.).

Hand in hand with these gaps and the squander of human potential, one finds the promotion of self-interests, compartmentalization, mounting tensions (viewed at times as an asset by some leaders of humanitarian organizations), the dread of criticism and change, difficulties in questioning existing procedures, and so on. In short, there is a refusal to share power. And, by definition, the refusal to share power is contrary to democracy.

### *Yet catalysts for change are within the reach of humanitarian associations*

The statutes of some humanitarian NGOs give their members the right to undertake initiatives. For example, a meeting of one-fourth of the members of ACF or MSF suffices to convene a General Assembly. But in practice, the convening of a General Assembly by at least one quarter of the members happens rarely, in fact, exceptionally. And this is surely due to a certain degree of disempowerment or depoliticization of members that has been made possible by the powers granted to the Board, since its specific duty is viewed as one of planning the General Assembly. But MSF goes much further with Article 12 of its statutes that allows for the agenda of the General Assembly to include proposals put together from at least one-tenth of the members—equivalent to a kind of popular initiative or referendum.

Other provisions allows for greater involvement from the base, and/or for the gap to be reduced between the associative and executive spheres (e.g. at MSF, meetings to review mission operations prior to the annual General Assembly, or at ACF, joint advisory committees, etc.). In terms of a model for humanitarian action, MdM stands apart. Its model, albeit cumbersome, complex, sometimes ridiculed and even maligned, far from acting as a bulwark against power plays, and notwithstanding its "trptychs"<sup>5</sup>, its "continental groups", and its "joint thematics", extracts true commitment from its activist members for its grassroots projects through the sometimes strained joint efforts of the associative and the executive spheres of the organization.

### *Can humanitarian organizations become models of democracy?*

Many obstacles to democracy lie in the path of humanitarian organizations. Barriers were originally formulated through statutes and regulations, and have subsequently become institutionalized. Humanitarian NGOs themselves, at the outset or afterwards, conceived the provisions that set the

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<sup>5</sup> At MdM, a triptych comprises the General Coordinator (in the field), a Desk Officer (at headquarters), and a Head of Mission (a volunteer, a contributing member of MdM). In the spirit of a triptych the Head of Mission, the General Coordinator and the Desk Officer are expected to work collectively to carry out all the aspects of a project (political, strategic, operational, etc.).

stage for this democratic deficit, and some NGOs, those who lack recognition or who have their own private agenda, most certainly come out ahead in the long run. In one organization, we can see a founding president clutching his seat. In another, a former president continuing to administrate. And elsewhere, an administrator holding a second administrative position in a "branch". When we consider how long some administrators hold office, and the knack that some have switching seats from one Board of Directors to another, when we see those who hold two elective offices and the cronies who scratch each other's backs, we are able to affirm that a humanitarian oligarchy does indeed exist.

At a time when a growing number of citizen movements, politicians, and intellectuals<sup>6</sup> are re-exploring or rediscovering the meaning of the word "democracy", will humanitarian organizations be able to accommodate much longer their absence of democracy? Do these organizations have any hope of attracting new members and activists who sense that they will be unable to exert any influence in arriving at major decisions? Humanitarian organizations aspiring to become the initiators of social change must first be credible in their own capacity for self-transformation. And no self-transformation is possible without a greater degree of democracy.

More democracy can mean (a non-exhaustive list):

- defining what a "member" is, which goes much beyond the mere payment of dues;
- granting membership to volunteers and employees who request it;
- granting "membership status" to beneficiaries/users and to partners from civil society in countries of intervention who request it;
- granting voting rights to all members (to dues paying members of course, but also to volunteer members, staff members, both at headquarters and in the field, and to beneficiaries/users and partners from civil society, etc.);
- the use of operational modes that allow for the effective involvement of beneficiaries/recipients and partners from civil society located in host/beneficiary countries during the decision-making process, which entails assigning them a number of seats on the Board of Directors, this being a significant step toward transformation;
- information and continuous education, so that all members can become well-familiarized with the issues, participate in discussions and decisions, and also develop more than a feeling of being just a member, that is, a feeling of a genuine associative awareness;
- a systematic vote in the General Assembly when the organization must make major decisions, such that the General Assembly becomes the focus of the organization's political power;
- granting members the right to undertake initiatives (i.e. propose motions at the General Assembly);
- redefining the role of the Board, each administrator's term being short, mandatory, revocable, and accountable before the General Assembly;

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<sup>6</sup> Cf. the discussions and the works of Etienne Chouard, for example

- the appointment of the administrators determined by drawing lots (among members, or at a minimum, among volunteers), the idea being to give all members an equal opportunity to co-direct the organization and sit on the Board of Directors, which is not a delegated body, but a true extension, i.e. an embodiment, of the General Assembly;
- using elections as a recourse when duties are deemed to require special knowledge and skills;
- executive tasks (at headquarters and in the field) carried out in a more decentralized fashion, that are less vertical, less hierarchical, more inclusive, and based on more serene operating modes, such as those of a sociocracy;
- agreeing to give private donors a say in expenditures (using the model, for example, of MdM's Donor's Committee).

Which presidents, which offices, which board members, which directors of humanitarian organizations have, not only the gumption, but the clairvoyance, to let go, to relinquish their power, and hand over the initiative back to all those who make up their organizations and to beneficiaries? I do not see any such people today. A candidate for the Board of Directors who promises to establish a greater degree of democracy, will he not be accused of being a rabble-rouser? No doubt. By making the decision process more democratic, will organizations be all the better for it? Not necessarily, but agreeing to at least try, and maybe miss the mark, is still a move forward, and that is exactly what democracy is all about.

The governance of humanitarian organizations is frozen in ice, ensnared in statutes and internal regulations that maintain the status quo and make change difficult to bring about. As already mentioned, regulations provide for the political impotence of members of these organizations. Statutory frameworks must be overhauled, and dare I say, revolutionized. This is impossible as long as contributing members of these humanitarian organizations merely have the task, at best, of voting in their administrators. The base itself must rise to the challenge of organizing itself and use the few means at its disposal to exert its maximum leverage. Politicization of members—a process whereby they go from voter status to decider status, as "associative citizens" capable of both "governing" and being "governed"—is necessary. Ideally, the draft of a new constitution establishing a new governance and true democracy should not be left to the current holders of power in humanitarian organizations, but to volunteer members, who can, and why not, be drawn by lots.

More democracy is an absolute prerequisite for a passage towards something other than what humanitarianism is today. There needs to be greater awareness. French humanitarian associations, through their legal status, can lead the way. Even if the barriers to greater democracy in French humanitarian associations are now inscribed in their statutes, we must bear in mind that the Associations Bill of 1901 grants wide-ranging liberties that include that of eventually choosing to become a true associative democracy. Either post-humanitarianism will be democratic or it simply will not be. ■



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