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**NGOS AS PROVIDERS OF DISTRIBUTIVE JUSTICE:
THIRD WAY BETWEEN STATE AND INDIVIDUALS**

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Overcoming poverty is not a gesture of charity. It is an act of justice. It is the protection of a fundamental human right [...].

Nelson Mandela, *Poverty Speech*

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INTRODUCTION

The present work, composed of four chapters, aims at verifying if and for what philosophical reasons international non-governmental organizations (NGOs) shall be considered better facilitators to achieve global distributive justice, than States and international organizations (IGOs) or individuals.

In order to reach this conclusion, it is necessary to answer three main questions.

Firstly, it is necessary to define the meaning of justice in its distributive specificity, and to analyse the political, economic, socio-civil reasons that explain its expansion on an international scale.

Secondly, it is important to identify what actors are (or should be) able to fulfil global distributive duties.

In this analysis is necessary to take into consideration the historical process of globalization, with the linked opportunities and problems, and the consequent the emergence of new actors and responsibilities attached to it. Among the new actors, civil society organizations assume an increasing relevance, and NGOs in particular managed to emerge among civil society actors, thanks to their dualistic nature, their proximity to individuals and the capacity to cross national borders in support of the weakest ones.

Thirdly, the last chapter focuses exclusively on NGOS, on why they are better placed than States and individuals, and why they are more effective, despite the challenges of legitimacy and accountability that are sometimes levelled against them.

The **first chapter** highlights how discussion and disagreement on justice dates back to the ancient world. Debates on global justice are of more recent origin, hence globalization and consequent modifications of the modern global context have influenced the philosophical debate on justice, especially as regards its scope of validity and its content, in the face of new challenges and new dynamics among agents.

As validity is concerned, the debate revolves around two tendencies, the first is cosmopolitanism while the second might be called the political conception of justice (or it is sometimes called political nationalism).

For *cosmopolitanism*, the demands of justice derive from a global duty of fairness and equity that is owed to all human beings. Indeed, Simon Caney defines cosmopolitanism a joint endorsement of three principles: the worth of individuals, equality and the existence of binding obligations for all¹. The second view might be called the *political* conception and its mayor proponent is John Rawls², for whom justice is a political value and the first virtue of social institutions, not a derivation from an all-encompassing moral system. States are not mere instruments for the realization of the pre-institutional value of justice among human beings, rather they give application to the abstract value of justice, so the standards of justice can occur only within the borders of the sovereign State³. The biggest difference between the two conceptions is that cosmopolitanism supports (what Liam Murphy calls) monism while the *political* conception reflects the Rawlsian dualistic moral approach⁴. This means that, according to the dualistic approach, there is a relevant difference between the moral scheme applied to the domestic level and to the international one; while for the monism this difference does not exist.

Indeed, Rawls states that the regulative principle of a thing depends on its nature. So, there must be different principles of justice on the basis of their ambit of application, in particular the difference between the moral ambit and the political ambit has relevant implications on global justice. Given, therefore, that society is something different from a small (and perhaps homogeneous) group of individuals, as much as from individuals, Rawls argues that the principles of justice for global institutions or dynamics must not be confused with those that apply to individuals and to their actions⁵. This means that, according to the dualistic approach, there is a relevant difference between the moral scheme applied to the domestic level and to the international one; while for the monism this difference does not exist.

Indeed, the obligations of the members of a liberal society towards the members of another society are filtered by the relationship between their own communities. As a matter of fact, Rawls focuses on collective units called Peoples (States that have a moral nature and are willing to cooperate, still not influenced by nationalist sentiments) as the fundamental units of the international arena rather than individuals.

¹ CANEY Simon, *Justice Beyond Borders*, Oxford University Press, Oxford, 2005, p. 4.

² NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, p. 118, p. 119.

³ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, pp. 120-122;
SINGER Peter, *One World: The Ethics of Globalization*, Yale University Press, 2016, p. 7.

⁴ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, p. 122.

⁵ RAWLS John, *Una Teoria della Giustizia*, Feltrinelli, Milano, 2008, pp. 48-70.

On the other hand, *cosmopolitan* theorists reject this dualism. The monist approach has a wide range of application⁶: the basic constitution of morality must be individuals, not societies or Peoples, and hence the effects on individuals must justify any moral demand⁷. The rights are recognized to individuals as human beings, so these recognitions should not cease to exist beyond State borders⁸. e, when national boundaries have increasingly lost meaning both politically and ethically, thanks to the phenomenon of globalization.

Globalization, hence, reducing distances and highlighting the existence of global problems (which either affect agents in more than one State or are unresolvable without co-operation among different States), has led to a global interpretation of morality and justice, *i.e.* a cosmopolitan one⁹.

As far as content is concerned, since globalization and the reduction of physical distances have led to a more global interpretation of morality and justice, it is time to qualify the meaning of global justice and to identify what obligations it implies.

Some scholars believe that global injustice can be eradicated with the use of Rawlsian domestic standards specifically the fair equality of opportunity (standing when an individual has a fair chance at the prospect of success, in the pursuit of social positions, and that fair chance is a function of innate talent and willingness, and not of social background or class) and the difference principle (the combination of fair equality of opportunity and the demand that equality may exist in a given society only as long as it stands to benefit the least well off of its members¹⁰) still to be adapted and extended to become applicable globally. These authors inevitably argue in favour of Rawls but at the same time against Rawls¹¹.

Other scholars argue that the duties towards others are best expressed in concepts, such as human rights or capabilities, that transcends national and political Rawlsian barriers¹².

Within the first theoretical subset, Simon Caney's cosmopolitanism revolves around the Rawlsian liberal conviction of domestic fair equality of opportunity yet reinterpreting it at the global level. At the foundation of the domestic argument there is the conviction that someone should not

⁶ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in Metaphilosophy 32, 2001; VAN PARIJS Philippe, *International Distributive Justice*, Chapter 35, 2008.

⁷ NAGEL Thomas, *The Problem of Global Justice*, in Philosophy & Public Affairs Vol. 33, 2005, p. 124.

⁸ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in Metaphilosophy 32, 2001, pp. 113-134.

⁹ SINGER Peter, *One World: The Ethics of Globalization*, Yale University Press, 2016, p. 8.

¹⁰ VAN PARIJS Philippe, *International Distributive Justice*, Chapter 35, 2008.

¹¹ MOELLENDORF Darrel, *Cosmopolitan Justice*, Westview Press, Boulder, CO, 2002, p. 6.

¹² BROCK Gillian, *Global Justice*, in Stanford Encyclopaedia of Philosophy, 2015, pp. 3-5.

have greater or fewer opportunities according to his cultural identity (i.e. class, social status or ethnicity); so claiming that individuals should not be favoured or disadvantaged by the community, state, or nation to which they belong is merely the global extension of the domestic reasoning¹³.

Despite the aforementioned argument, the most frequent criticism used against global equality of opportunity (GEO) is the non-analogy (inspired by the dualism of John Rawls), which on the one hand accepts the domestic equality of opportunity while, on the other hand, rejects GEO because the international system is different from the State system in morally relevant ways.

However, the major obstacles to global equality of opportunity cannot undermine the logical reasoning, since it demonstrated above in a nutshell, the reason that leads to accepting equality of opportunity at the domestic level is the same reason that should lead to accepting global equality of opportunity¹⁴; nor the major objections manage to propose valid alternatives.

Moreover, the fact that GEO is much more focused on the procedural aspect allows it to avoid the criticism raised against the Singerian vision (which, interpreted in its rigid extremism, would predict that individuals would give until they were at the same level as the most needy¹⁵) since it has less demanding requirements.

Furthermore, the GEO with the desired equalization would significantly contribute to the alleviation of global poverty¹⁶. Even more, the GEO is compatible with the defence of basic rights and can be supplemented and supported by other principles¹⁷.

Within the second theoretical subset, there are different works deserving a worthy mention.

Firstly, Thomas Pogge's approach aims at the realization of the basic human rights of each individual. This position is vulnerable to the criticism of being too demanding, an issue that the GEO was able to avoid given its procedural character. However, Pogge's approach is sharable since it pivots on the role of the individual and on his Kantian moral relevance.

On the other side of the spectrum, there are Amartya Sen and Martha Nussbaum, representatives of Capability approach, a more complete and complex re-formulations of the GEO.

First of all, the capabilities are substantial freedoms, a series of opportunities, usually interrelated, to choose and to act. The capability is therefore the fundamental freedom to achieve different combinations of results, and consequently societal development means removing obstacles to widen

¹³ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001, pp. 113-114.

¹⁴ Ivi, p. 115.

¹⁵ SINGER Peter, *Famine, Affluence, and Morality*, in *Philosophy & Public Affairs*, Vol. 1, No. 3 pp. 229-243, Wiley, 1972.

¹⁶ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001, p. 116.

¹⁷ Ivi, p. 117.

people's functions, capabilities and choices¹⁸. The capabilities approach, in fact, in all its various formulations focuses on self-realization and centrality of the individual as the primary subject of justice¹⁹.

A further element, implicit in the theory, to be seen in conjunction with capabilities is functionings, namely the being and the doing resulting from the implementation of the capabilities. As Amartya Sen exemplifies, a starving person and a fasting person have the same functioning concerning nutrition, still the two subjects considered do not have the same capability as the fasting person may not do it, while the person who suffers from hunger has no choice.

The functionings represent the terminus for the capabilities, however this does not mean that the capabilities have no value in themselves. In fact, the capabilities approach distances itself from the economic tradition whereby the true value of a range of options is given by the best use that can be made of them. Indeed, the options are freedom and the freedoms have an intrinsic value.

This is why the capabilities, and not the functionings, must represent the political objectives, in fact only the capabilities are able to honour the life choices of the individuals²⁰.

The major difference between the two conceptions is how the authors consider their own literature in relation to a complete theory of justice.

Amartya Sen has created his approach as a means of comparison, as an evaluation method, denying its function as a theory of justice²¹. In this way, Sen wants to allow comparisons among capabilities between nations and regions, without the intention to prescribe capabilities in advance because new problems, encountered in process, may lead to new capabilities relevance²².

Because of Sen's reticence in setting a precise list of capabilities, the Human Development approach professes itself as a robust paradigm since it manages to adapt to different time and space intervals²³. Martha Nussbaum, in fact, identifies her Capabilities approach as a theory of social justice, in which she decrees how a just society must act. So she identifies a minimum list of capabilities that a decent

¹⁸ SEN Amartya, *Development as Capabilities Expansion*, in *Journal of Development Planning* 19, pp. 41-58, 1989.

¹⁹ NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, p. 20, p. 23.

²⁰ Ivi, p. 26.

²¹ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009.

²² NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, p. 29; SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009.

²³ FUKUDA-PARR Sakiko, *The Human Development Paradigm: Operationalizing Sen's Ideas On Capabilities*, in *Feminist Economics*, 2011, pp. 310-312.

society must guarantee²⁴, this means that justice is not based exclusively on mutual advantage but includes interested parties that are in fact outside the specific diatribe, implying Aristotelian moral virtues and widespread benevolence.

Surely the normative approach of Martha Nussbaum attracts several criticisms. Both because a definitive list that could be widely accepted cannot be the result of a single pen but needs a very broad discussion; and because the list presented does not give the right priority to social institutions, to political-economic development, and equally to vertical as well as to horizontal equality.

Instead, the comparative analysis of Amartya Sen, especially for its dualistic nature, is shared not only among theoretical realms yet also in his practical application with the HDI.

First, Sen provides a practical reasoning by which agents take responsibility for their actions, whoever is affected by them. So, this path links to the recognition of the plurality of agents, of dependencies and of freedoms that are becoming increasingly important in the current interconnected world²⁵.

Second, his description provides a non-ideal framework (namely a scheme that, only once applied to the reality, can take on meaning) that allows, through comparative evaluations, to navigate the complexity and uncertainty of contemporaneity. Thus, it provides both the incentive to act and the moral justification for the action itself²⁶.

Finally, Amartya Sen enables different moral considerations and duties to intertwine and overlap, as well as the responsibilities deriving from them.

Precisely because of its attention to the plurality and variability of today's world and to its continuous references to concrete actions, Sen's approach seems to be the most applicable in reality and so it will be the ensued one in the present text.

After that the demands of global justice have been outlined, in the **second chapter**, the focus will be on a subset of global justice as a whole, that is, the distribution mechanism²⁷.

Distributive justice (DJ) is a fundamental notion of philosophy and political economy, concerned with the distribution of the benefits and burdens within a collective society.

²⁴ NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, pp. 33-35.

²⁵ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009, pp. 10-15.

²⁶ Ivi, pp. 6-7.

²⁷ VALENTINI Laura, *The natural duty of justice in non-ideal circumstances: on the moral demands of institution-building and reform*, in *European Journal of Political Theory*, 2017, pp. 2-4.

A community is considered as more just as it distributes according to the desert ethos, namely the set of principles that, although not embodied in the basic coercive structures of society, governs interpersonal relations between citizens. Members of a society, characterized by desert ethos, recognize the importance of and are motivated by having to treat each other as each deserves. Citizens, therefore, are subject to desert when they interact, even if they are not forced by institutional mandates²⁸ (recalling the cosmopolitan ideal of equality and worth of individuals).

The question of distributive justice emerges only in situations of relative scarcity, when the production of resources involves costs for someone and when any transfer of uncompensated resources means a loss for someone. In conditions of extreme abundance, there would be no need to redistribute, because no one, having much more than he needs or wants, would complain about the actual distribution of possessions²⁹.

Likewise, the scarcity of goods that makes distributive justice possible must not go beyond a certain level. A condition of dramatic shortage, of absolute scarcity, of drastic lack of resources is not a situation in which to invoke justice; rather it becomes the time of oppression and of spirit of survival when the rigorous laws of justice would be suspended, to leave room for the most violent reasons of need and self-preservation³⁰.

Furthermore, a just distribution must be efficient, namely must improve the condition of those suffering from deprivation and disadvantage, in a condition where deprivation and disadvantage are not necessary. Moreover, it would not make sense to declare a certain distribution fair or unjust when none of the people involved in it is affected, could it be in worse or in better³¹.

Lastly, DJ has a dual nature since (as already specified for global justice as a whole previously) it implies rights or entitlements and corresponding duties, respectively the benefits and the charges.

Besides, a theory of distributive justice to be considered complete should provide at least answers to three questions: the validity, i.e. the place or seat of justice and its demands; the object of the distribution; and the structure of justice. In essence, a complete theory of justice should indicate who (the validity) must have how much (the structure) of what (the object of justice)³².

²⁸ MESSINA J. P., *Desert in liberal justice: beyond institutional guarantees*, in Canadian Journal of Philosophy, 2016, p. 249.

²⁹ HUME David, *Trattato sulla natura umana*, Laterza, 1982, pp. 193-4.

³⁰ Ivi, p. 197.

³¹ PELLEGRINO Gianfranco, *La fuga di Astrea: giustizia, povertà e cambiamento climatico, la filosofia politica di fronte alle emergenze globali*, LUISS University Press, 2012, pp. 53-63.

³² Ivi, p. 27, p. 20.

It is precisely around these three areas of analysis that disputes and controversies arise among scholars. It is necessary to specify that this piece would not investigate about the subject of justice, but with the assumption the purpose of distributive justice must not be an exclusively economic issue. The other areas of debate about distributive justice will be explored in detail later on.

However, before starting with the discussion on the content of entitlements and duties, it is necessary to clarify the difference between duties of justice and actions of charity (benevolence or philanthropy), and the dynamic of duties, rights and responsibilities.

The idea of humanitarian assistance indicates a morally acceptable path because it consists of generous assistance to the poor, but only DJ asks questions about the causes of poverty and the role of the institutional system on poverty itself.

However, in reality, not all interpretations of justice pose these questions, so this analogy cannot be considered valid. And, moreover, international humanitarianism seems more like duty than kindness, or maybe it is a combination: two in one, a gift that we have to give³³.

Still the most exhaustive difference is that the duties of distributive justice are morally enforceable, in the sense that someone else could force another individual to respect his duties.

On the other hand, international humanitarianism is an imperfect duty. In any crisis situation, different states are capable of acting, but no single state is the designated actor. There is no established procedure that specifies the proper name of the agent. The governing principle of humanitarian intervention is, whoever can, should³⁴.

On the same wavelength, Peter Singer refuses any kind of dichotomy between charity and duty of justice. If a person can prevent something negative from happening, without sacrificing something of equal moral importance, he has a moral obligation to do so. If the reference to justice is used to pursue one's interests and obtain entitlements, there should also be promptness to give to others, even at high costs³⁵. Therefore, the distinction between charity and justice cannot be sustained.

The emphasis on the global international order has dragged the debate on global justice away from the realm of charity or beneficence and more on the kind of duty to fulfil globally. The theoretical distinction among duties entails a diversified interpretation of duties and of responsibilities.

³³ WALZER Michael, *On Humanitarianism: Is Helping Others Charity, or Duty, or Both?*, in *Foreign Affairs*, Volume 90, Issue 4, 1 July 2011, pp. 69-72, pp.73-76, pp. 77-80.

³⁴ Ibidem.

³⁵ ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012, pp. 18-23.

As to duties, first of all, the liberal tradition (since Locke) theorizes the negative duties conception of justice, to which justice requires merely not to harm or wrong others. Following this logic, individuals refusing to help the poor, the disadvantaged and the sick, are morally culpable, but not wrongdoers as to justice³⁶.

Oppositely, especially the so-called ‘left libertarians’³⁷ demand more inclusive positive duties, namely justice involves not only non-actively wronging or harming others but also helping others to obtain a certain level of resources, welfare, capability, primary goods, or well-being³⁸.

The bridge between the negative and the positive interpretations is built by Pogge’s. Indeed, Pogge maintains that having failed to fulfil the negative duty generates a positive duty to make-up for the harm inflicted. So, there is a derived positive duty, which for example in reality means that the imposition of the global institutional order must be stopped in order to prevent and mitigate the harm it continually causes³⁹.

The negative-duty rationale depends upon the direct and causal link between actions of the wrongdoer and the harm done to victims, so cannot be established in general but only in concrete cases. Thus, a shift towards arguments of a more empirical nature is necessary⁴⁰, namely more attention to the applicability and implementation of principles of just distribution.

This shift determines that the actions of people, in order to be judged, must be framed in the context of responsibility. Hence, responsibility and duty are closely associated. It seems that since people have a duty to act according to what they are responsible for and are responsible for fulfilling their duties, there is not much of a difference between the two. However, in fact, duty applies to action according to well-defined steps, while responsibility consists in adopting an attitude, in making a declaration of intent.

³⁶ VARDEN Helga, *Duties, Positive and Negative*, in *Encyclopaedia of Global Justice*, Springer Science + Business Media, 2011, p. 281.

³⁷ FRIED Barbara, *Left-Libertarianism: A Review Essay*, in *Philosophy & Public Affairs*, 32(1), Vol. 1, 2004, pp. 66-92.

³⁸ VARDEN Helga, *Duties, Positive and Negative*, in *Encyclopaedia of Global Justice*, Springer Science + Business Media, 2011, pp. 282-283.

³⁹ POGGE Thomas, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Polity Press, Cambridge, 2002, pp. 22-23.

⁴⁰ HEYD David, *Global Responsibility and Distributive Justice*, in *Ethical Perspectives* 19, no. 4 pp. 677-702, Hebrew University of Jerusalem, Israel, 2012.

Moreover, responsibility exists only where there is a relation or an association between the parties, so there are universal Kantian duties but no universal responsibilities. This analysis could explain why responsibility is moral, political or institutional but not legal.

This reasoning is not valid for one among the different types of responsibility, that is *prospective* responsibilities, those assumed or assigned even before a specific event. This is a wider, so also vaguer, concept than duty, since it consists of a commitment to welfare and success of a person or of a group of people without means fixed⁴¹.

Prospective responsibility may apply to human relations universally, linking responsibility to the fact of being humans. In particular, the account of responsibility could be extended if justified by a prior sense or motive: that of solidarity.

Iris Young proposes a global responsibility based on the social connection, that gains consensus in today's world, since all the economies are interdependent and so socially connected, that there should be a shared sense of responsibility for the global poor, disadvantaged and suffering.

Since the global situation is complex, in order to reach the global application, it is necessary to strengthen the link between people, thus strengthening solidarity, and the role of international institutions in order to make them more accountable, in order to make responsibility not only morally right but above all applicable in the reality.

As mentioned in the last paragraph, the main lines of debate surrounding distributive justice are the scope of its validity and its standards to be applied. Even among those who agree on the importance and necessity of global distributive justice there are substantial differences, in some aspects also linkable to the ambit of validity recognized.

The *egalitarian* approach gives centrality to equality, providing that important resources must be distributed equally among people. The aspect of comparison is central, so the current dramatic situation of poverty and of inequalities could be overcome if everybody gets enough, not (only) in absolute but as compared to others.

Otherwise, the *minimalist* approach tries to make less demanding requests, however still difficult to achieve in today's context. This theory suggests that global injustice occurs when people do not have enough to live decently and with dignity, thus a line between what is necessary for an acceptable life and the surplus should be drawn.

Minimalist scholars actually embrace the profundity of equality within a single society, but do not extend it to the global distributive level, often resorting to *relational* reasoning (no dynamics of justice

⁴¹ DUFF Anthony, *Responsibility*, in Routledge Encyclopaedia of Philosophy, Routledge, London, 1998, pp. 290-291.

could intervene between subjects without direct relations)⁴².

This clarification does not mean that all minimalists are relational or that all egalitarians are *non-relational*. The global egalitarians, for instance, can be relational by supporting the existence of global institutions or non-relational by hinging on the basic humanity that all people have in common. Likewise, the minimalists can embody both an international and a non-relational approach (even if the major minimalist exponents are still relational).

So, this underlines how the position in the debate on the ambit of validity of global distributive justice and in the discussion on the standards of global distributive justice does not determine the other, and vice versa. Respectively, indeed, the distinction between relational and non-relational theories tells us something about why to justify (or not) the extension of DJ to a global level, while the distinction between egalitarianism and minimalism explains the position on the content of distributive duties and rights⁴³.

The main analysed and criticised minimalist account is surely the Rawlsian one, and its reasons for rejecting the global non-relational approach.

As for international justice (justice between States), Rawls does not recognize the possibility of global distributive justice⁴⁴. Thus, Rawls recognizes that there are obligations that the just societies (namely the liberal and the decent ones) have towards the other Peoples⁴⁵.

Specifically, there are two duties of giving economic aid to another community: the Mutual Aid and the Duty of Assistance. The Mutual Aid applies within the Society of Peoples, following treaties accepted voluntarily by members in good standing of the society of Peoples. On the other hand, the *Duty of Assistance* is an obligation that falls on every People (but only the well-ordered ones are expected to realize it) to assist the burdened societies, with the ultimate objective of consolidating decent institutions⁴⁶.

⁴² Relational justice takes seriously the independent normative claims of the social systems affected and their relatedness in a shared social environment; WIELSCH Dan, Relation Justice, in www.rechtstheorie.uni-koeln.de Vol. 76, p. 191-211, 8 May 2013. To deepen this topic see also, ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012.

⁴³ ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012, pp. 34-38.

⁴⁴ Even if in a less inflexible way than realists or the most extreme communitarians, both a priori scepticisms. To deepen this topic see, BUCHANAN Allen, *Justice, Legitimacy and Self-Determination: Moral Foundations for International Law*, Oxford University Press, Oxford, 2004, pp. 190-191; and TASIIOULAS John, *Global Justice Without End?*, in *Metaphilosophy* Vol. 36, January 2005, pp. 4-6.

⁴⁵ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, pp. 6-8.

⁴⁶ ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, pp. 22-47.

Once the Duty of Assistance is realized, any redistribution among well-ordered countries would be a waste of resources and a lack of respect⁴⁷: the principles of international justice have, for Rawls, the significant flaw of lacking a cut-off point⁴⁸.

For this reason, it is important to go on to specify that the Duty of Assistance does not apply between well-ordered Peoples but is a duty of the well-ordered peoples towards the burdened ones, so the duty in question does not belong to the members of the society but to the People as a collective entity (Rawls places too much importance on the weight of political institutions and the aggregate desire of the People, underestimating the relevance of individual desires⁴⁹), and so it is a transitory principle of justice that falls within the domain of the ideal theory. This provides a guide for non-ideal theory, especially in identifying the long-term objective⁵⁰. The non-ideal theory in turn guides the choices between the various stages necessary from an unjust status quo to a possible realization of the ideals⁵¹. Rawls wants to insist on the importance of political self-determination, so once the Duty of Assistance is exhausted, the Peoples themselves must attribute, according to their own culture, basic necessities, priorities, local factors or norms, social meaning to wealth, well-being and opportunities⁵². If the People as a whole is dissatisfied comparing itself to any other society, it can easily reformulate its domestic policies. So inter-people differences are not problematic because if they are felt negatively, they can be changed thanks to domestic policies⁵³.

It is undeniable that political aid is important, but empirical evidence shows that Rawls's institutional-relational approach is not fully reliable.

First of all, redistribution does not only involve material goods or basic necessities, there are also goods needed regardless of the level of community's decency⁵⁴. That is, redistribution must follow from necessity, because some types of needs can persist even long after the society has been reformed politically and hence became decent.

⁴⁷ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 111, p. 114, pp. 118-119.

⁴⁸ TASIOULAS John, *Global Justice Without End?*, in *Metaphilosophy* Vol. 36, January 2005, pp. 6.

⁴⁹ ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, pp. 48-63.

⁵⁰ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, pp. 89-90.

⁵¹ YONG Caleb, *Rawls's Duty Of Assistance: Transitional Not Humanitarian Or Sufficentarian*, in Nuffield's Working Papers Series In Politics, 2012, pp. 11-15.

⁵² RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 111, p. 114.

⁵³ ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, pp. 48-63.

⁵⁴ Ivi, p. 3.

In addition, Rawls does not consider the needs that may derive from an unfortunate endowment of natural resources, from a previous inefficient management or from unforeseeable consequences, which instead must be fulfilled regardless of people's decency⁵⁵.

Secondly, normative studies have shown that: well-ordered institutions do not solve the problem of poverty; strategies to reduce poverty often imply unfair and unsuccessful policies; successful policies have a very slow pace, especially in cases of participatory governments. In essence, although the right institutions give a positive contribution to society and avoid disasters, they are not able to cure the disasters themselves.

Moreover, the badly-ordered communities can be interested in the well-being of their citizens and the indecent institutions can manage to be as effective as the decent ones.

Being critical to the Rawlsian relational approach certainly does not mean preferring well-being to justice⁵⁶, but implying that the existence of stable and just government institutions are not the panacea for all the problems of a society.

Indeed, empirical evidence suggests that whatever the effects of fair institutions, residual problems regarding material inequality, which cannot be justified in light of cultural differences, remain. On the other hand, the transition out of burdened conditions takes time and requires material assistance even after creating appropriate institutions. Rawls is right when he says that not all countries need material aid, still some do. And precisely because this aid must not be imperishable but temporary, perhaps Rawls could recognize it, taking into account the transitory nature of the Duty of Assistance⁵⁷. Rawls is certainly right to put the Duty of Assistance in the realm of non-ideal theory, in order to give it a transitory character and also a very specific limit.

The Duty of Assistance could, in reality, seem too demanding as it would seem to require the intervention of the well-ordered Peoples on the deep elements of the culture of another community. In detail, however, the Duty of Assistance is a duty for well-ordered societies to try to assist burdened ones. Well-ordered Peoples must give advice and maybe some form of financial assistance to implement the advice practically, without ever forcing or putting pressure on the burdened Peoples. Therefore, the Duty of Assistance is not to be considered a duty of building institutions but a duty of advice and support. Considered in this way, the Duty of Assistance would seem to fail in most

⁵⁵ ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, pp. 22-47.

⁵⁶ Ivi, pp. 17-22.

⁵⁷ Ivi, pp. 6-8.

complicated cases, not seeming demanding enough in reality⁵⁸, given that weak social and political culture affect the possibility for advice and resources to be effective.

Burdened societies are considered by Rawls incapable, not unwilling, to apply the Law of Peoples, so they should be inclined to accept aid. But it's not something that should be taken for granted anyway⁵⁹.

Globalization and changes in the international system lead to: a global theorization and application of distributive justice; to a complex set of relationships that eradicates a kind of approach limited to individual states or communities; to a fast dynamism that requires limits to the demands of distributive justice; to dramatic inequalities that must be erased immediately, at least making the lives of citizens decent and worth living.

Therefore, it is necessary to reformulate the Duty of Assistance, depriving it of its relational nature and reformulating its content, in a cosmopolitan view (therefore based on individuals as primary agents).

The Human Development Approach (HDA) can be of some help to expand the notion of duty of assistance. This approach assumes that “assistance” is a duty of justice, where justice is understood as the promotion of capabilities (fundamental freedoms and opportunities to choose and to act) and well-being, involving the performance of virtuous actions⁶⁰.

The HDA framework: is non-idealized so finds its realization in the empirical application; it can find justifications for moral actions⁶¹; moving from abstract duties to concrete actions⁶², it can reflect the complexity and uncertainty of the current international world⁶³; being based on the centrality of human dignity and morality (so being non-relational or being relational in Iris Young’s sense⁶⁴), it can highlight the current plurality of agents and of consequent responsibilities⁶⁵.

⁵⁸ TASIIOULAS John, *Global Justice Without End?*, in *Metaphilosophy* Vol. 36, January 2005, pp. 14-27.

⁵⁹ MAFFETTONE Pietro, *Rawls’ Duty Of Assistance: A Defence And Re-Elaboration*, in *Ethics & Politics*, XIX, 2017, pp. 354-371.

⁶⁰ SEN Amartya, *Elements of a Theory of Human Rights*, in *Philosophy and Public Affairs* 32 (4), pp. 315–356, 2004.

⁶¹ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009, pp. 6-7.

⁶² Ivi, pp. 44-45.

⁶³ MURPHY Susan, *Unlocking the beauty of the imperfect duty to aid: Sen's idea of the duty of assistance*, in *Journal of Global Ethics*, 2014, pp. 374-378, p. 381.

⁶⁴ YOUNG Iris, *Responsibility and Global Justice: a social connection model*, in *Social Philosophy and Policy*, 2006, pp. 102-130. In this point is made a reference to the afore discussed social connection model, to which all individuals are linked thanks to a sense of responsibility derived from a sense of global solidarity.

⁶⁵ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009, pp. 10-15.

The **third chapter** translates the philosophical theory of the previous chapters into the analysis of reality.

After a brief historical excursus, the focus will be on the main international contemporary actors and on their respective responsibilities in the context of global governance.

According to the theorization of Raffaele Marchetti, all the steps that have led to a downsizing of the idea of national sovereignty and to the Kantian transition from an international system between sovereign countries to global governance, which follows the cosmopolitan directives and laws⁶⁶ are: The failure of the League in Nations, the birth of the United Nations in 1945 after the Second World War, the narrowing of geopolitical spaces since the 1960s', the unilateral abandonment of the Bretton Woods agreements by United States in 1971 and the consequent deregulation in both trade and financial movements, the end of the Cold War, international travels and new media that make national borders mere hindrances, the growing of non-governmental organizations (NGOs) and of regional governance systems that water the green hope of global political coordination.

Global governance cannot, therefore, be considered a static entity but a process always in flux, since it is nothing other than the way in which the various mechanisms and various agents of international relations are operationalized in practice⁶⁷. In fact, it is a continuous process of choice between the different and contrasting interests according to which individuals and institutions (both public and private) manage their own businesses.

Governance, thus, distinguishes itself from the classical government since it does not require a single centre of power or the same level of centralization, formalization and integration; while it requires rules, norms and procedures to solve global problems⁶⁸.

There is, hence, a change in reference to the concept of international subjectivity, to the extent that sovereignty of States loses its privileged status and the United Nations system itself becomes increasingly integrated with a number of other multilateral governance structures and networks.

⁶⁶ WOLIN Richard, *The idea of cosmopolitanism: from Kant to the Iraq War and beyond*, in *Ethics & Global Politics*, 2010, pp.143-144.

⁶⁷ HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, pp. 204-205.

⁶⁸ MARCHETTI Raffaele, *La politica della globalizzazione*, Mondadori Università, 2014, pp. 93-107.

So, the challenge that global governance has to face is to design stratified mechanisms that generate not only participation at the State level in order to face common problems, but also at the community and individual level in order to change their behaviour to be able to fight global problems⁶⁹.

There are several problems of global justice that must be solved, and this raises the problem of responsibilities, which not only asks who is responsible for some results but also who is able to solve likely difficulties.

Another significant debate on responsibility differentiates responsibilities between collective agents from that of individuals⁷⁰. In this context, causal responsibility (merely the determination of who did what) is attributed, on the one hand, to the individual and its actions, on the other, to groups defined as collectives.

The solution that allows the applicability of responsibility also at a collective level is the forward-looking collective responsibility⁷¹, which does not take into account the guilt or the will of the agent but prescribes what the agent should do, thus redistributing moral work. In fact, the person who caused and is guilty of an evil is often not the agent who in reality may be able to solve the problem itself. So, the responsibility does not take value from the guilt itself, rather from the realization of a specific and morally justifiable project⁷². Therefore, the agent must be able to do something in the world and to take responsibility for his actions in this regard. This recalls Singer and Armstrong's positions, according to which justice entails promptness to give to others, even at high costs, if given the possibility.

The attention, from here on, will be directed towards collective actions, since the increased complexity of the international society makes associations and unions of intent more and more pivotal in making a difference. Particularly, the fight against poverty and global injustices of distributive nature, with the consequent sharing of responsibilities, will be the focus.

People are not just the simple beneficiaries of the social and economic progress of a society, still they are the force of change, through individual and collective actions. Individual actions, such as the education given to children, manage to influence the development of society, but the collective

⁶⁹ HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, pp. 2-5.

⁷⁰ BROCK Gillian, *Global Justice*, in Stanford Encyclopaedia of Philosophy, 2015.

⁷¹ FRENCH Peter- WETTSTEIN Howard, *Forward Looking Collective Responsibility*, in Midwest Studies in Philosophy (Volume XXXVIII), University of Minnesota Press, Minneapolis, 2014.

⁷² SMILEY Marion, *Collective Responsibility*, in Stanford Encyclopaedia of Philosophy, 2017.

actions themselves appear to be able to put pressure on policies and to bring political changes. As, indeed, Thomas Pogge emphasizes, some joint actions, albeit small, may influence the outcome of a negotiation and little differences in global institutional structures can lead to large differences in the protection of human rights⁷³.

In fact, various examples taken from practical experience show how rarely a person can effectively influence a public policy on his own, always needing some form of association, alliance or at least public debate. Thus, the legal guarantees for freedom of expression, of association, of thought are important not only for their intrinsic value, but also for the instrumental value of agency (both individual and collective) promotion⁷⁴.

Indeed, changing the moral scheme of individuals is a prerequisite for a deep transformation of governmental action because: if citizens do not donate voluntarily, their respective governments draw the conclusions that their citizens neither are interested in helping the neediest nor would like to be forced to make benevolent donations.

Certainly, it is necessary that governments, especially of the wealthiest countries, work to grant funds and charitable aid, but government accountability must not relieve citizens from responsibilities, likewise the inactivity of political representatives cannot be a hideout for citizens' inaction⁷⁵.

Although, in fact, unorganized individuals cannot achieve perfect distributive justice (failing to guarantee the right to adequate resources and opportunities for all) they are however fundamental in influencing and implementing governmental actions and more.

Where individuals lack the capacity to carry out the demands of justice, corporate or collective actors intervene, that is, a multi-person system that has its beliefs and that acts to satisfy its desires. Agents of this type include States, corporations, churches, universities, international organizations and so on...

⁷³ POGGE Thomas, *Severe Poverty as a Violation of Negative Duties*, in *Ethics & International Affairs* 19, 2005, pp. 55-83.

⁷⁴ FUKUDA-PARR Sakiko, *The Human Development Paradigm: Operationalizing Sen's Ideas On Capabilities*, in *Feminist Economics*, 2011, pp. 308-310.

⁷⁵ SINGER Peter, *Famine, Affluence, and Morality*, in *Philosophy & Public Affairs*, Vol. 1, No. 3 pp. 229-243, Wiley, 1972, pp. 229-243.

These actors have a moral agency, namely they can make moral judgments based on some notions of right and wrong, act with reference to the aforementioned awareness, and be held accountable for their actions⁷⁶.

With the processes of decision-making, they decide on their moral motivations and with the executive processes of implementations, they act precisely on the basis of their motives⁷⁷.

The first collective actor that needs to be analysed, on which the duties of global distributive justice hang, is the State. The State manages to achieve justice when its citizens respect its directives, either because they recognize its authority or because they are afraid of the sanctions it could impose. Given the choice to apply the encompassing cosmopolitan perspective, the principles of distributive and socio-economic justice, usually valid in the confines of the domestic realm, are applied to the whole world. The responsibility that derives from the aforementioned extended application of justice is shared between various agents, but a significant part of it falls on States⁷⁸.

Among States themselves, most scholars of global distributive justice continue to focus exclusively on the responsibility of developed countries, ignoring the responsibility of developing ones, but developing countries are gaining power both economically and politically, at the same time the geography of poverty is radically changing and inequality between States is radically diminishing (although international inequality continues unabated). And it is precisely from power that responsibilities derive.

This view does not want to relieve the developed countries of their responsibilities, also because if developing countries have not reached their maximum potential it is mainly because of internal policies, but the barriers and subsidies of the developed countries certainly has not helped⁷⁹. According to Thomas Pogge, the richer countries, in their actions, are not only violating the positive duty to help the needy, but they are also violating the negative one of not harming them⁸⁰. Precisely the negative duties in contact with reality are the one which are transformed into moral duties and motivations to act, and the lack of their realization determines the violation of human rights.

The increasingly interdependent international system means that the collective agent par excellence,

⁷⁶ TAYLOR Angus, *Animal and Ethics: An Overview of the Philosophical Debate*, Broadview Press, Peterborough, Ontario, 2003, p. 20.

⁷⁷ VALENTINI Laura, *The natural duty of justice in non-ideal circumstances: on the moral demands of institution-building and reform*, in *European Journal of Political Theory*, 2017, pp. 4-6.

⁷⁸ Ivi, pp. 12-16.

⁷⁹ IRWIN Douglas, *Free Trade Under Fire*, Princeton University Press, 2015, p. 233.

⁸⁰ POGGE Thomas, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Polity Press, Cambridge, 2008, pp. 14-15.

the State, has become less able to manage the challenges by itself⁸¹. Precisely because of the dynamics of the modern international, stratified and multilateral system, the State seems to have responsibilities only as a member of international organizations aimed at achieving global justice⁸².

The centrality of state sovereignty is put under pressure by existing international institutions and by the need to create new ones for the protection of human rights, for the provision of humanitarian aid and of global public goods.

On the one hand, the more affluent nations feel the need to create more effective governance at the global level but, on the other hand, do not want to be forced by further obligations and demands.

Nonetheless, all the different forms of international organizations share the fact of being formed not by individuals but by representatives of state functions or institutions. Indeed, the individuals do not voluntarily join an association, but they become members as a consequence of the decision of their State to enter it.

In any case, however, the participants in the institutions are responsible to their citizens⁸³. Therefore, the way in which states operate in global governance depends on how much a specific issue serves domestic interests and how the interests themselves are applicable to other global partnerships and institutions⁸⁴.

Globalization binds distant communities, de-territorializes power relations extending them beyond traditional national borders, decreases the exclusivity of states as international actors, and in this way opens up spaces for new social actors.

Firstly, current global governance mechanisms allow, on the basis of the principle of stakeholderism, the participation of different non-governmental political actors in decision-making processes. Secondly, the process of privatization of the functions previously carried out by the State has opened new political spaces for civil society's actors. Thirdly, the process of globalization has generated a sense of solidarity within the civil society and therefore has been an engine of internal unification and of the common purpose of challenging the socio-economic consequences of globalization itself. Fourth, technological innovations in the IT sector have revolutionized organizational models within

⁸¹ HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, pp. 2-5.

⁸² VALENTINI Laura, *The natural duty of justice in non-ideal circumstances: on the moral demands of institution-building and reform*, in *European Journal of Political Theory*, 2017, pp. 12-16.

⁸³ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, pp. 136-140.

⁸⁴ HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, p. 199.

civil society and allowed more effective transnational communications. Fifth, and finally, changes in social behaviour, such as the spread of higher education and the expansion of international travel, have offered new opportunities for networking within civil society.

Civil society organizations (CSOs) are independent and voluntary organizations, with their own mandate, their own field of action, and with structural and elective regulations⁸⁵. Despite their independence of action, the CSOs are nevertheless liable to the persons they represent and must respect the legal system of the country in which they act⁸⁶.

Assuming the existence and importance of a global civil society does not mean wanting to diminish the importance of domestic factors. Indeed, despite the fact that the increase in institutions and transnational problems is detrimental to state autonomy, the State remains fundamental both in providing political opportunities to combat global challenges and in establishing the character of political associationism, in the ways that will be analysed.

So, the relevance of the civil society depends, precisely and in greater measure, on the global political integration that encourages domestic democratization that in turn legitimizes pluralism, tolerance and equality⁸⁷.

The significant growth of global integration and political-economic interdependence has led to the increase of intergovernmental and international organizations, and, above all, of non-governmental organizations and civil society groups⁸⁸. The last two types of association, the so-called mediating institutions, even if they receive non-negligible public funds through government aid agencies, are mainly financed by private donations, unlike governmental organizations.

However, mediating actors are never really independent and autonomous in their actions since, as mentioned before, they are always representatives acting on behalf of someone else. Individual agents empower institutions to act to assist others, and thus are responsible for actions aimed at assistance. Individuals also have a responsibility to make themselves heard to get increasing openness, transparency, and public engagement from institutions.

Thus individuals, in reality, are always responsible, even in associative choices, as they delegate their status as moral agents (namely, as before clarified by the words of Taylor, making moral judgments

⁸⁵ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 49-57.

⁸⁶ Ivi, pp. 11-18.

⁸⁷ SMITH Jackie - WIEST Dawn, *The Uneven Geography of Global Civil Society: National and Global Influences on Transnational Association*, in *Social Forces*, Vol. 84, No. 2, December 2005, pp. 637-639.

⁸⁸ MURPHY Susan, *Unlocking the beauty of the imperfect duty to aid: Sen's idea of the duty of assistance*, in *Journal of Global Ethics*, 2014, p. 369.

based on some notion of right and wrong, acting with reference to the aforementioned awareness, and being accountable for the actions⁸⁹), and this generates accumulative duties and obligations that are not limited by territorial boundaries but simply linked to the recognition of human status⁹⁰.

The pragmatic realization of cosmopolitan human rights is precisely the negative duty of every individual to collaborate in the structuring of an institutional order to protect those in need and promote constructive reforms⁹¹.

Above, it was specified how individuals cannot really make a difference if not organized, and how, in accordance with cosmopolitan principles, the various collective actors are responsible as representatives to whom individuals delegate their moral status. This mechanism (embedded in the approach of Amartya Sen of the accumulation and multiplicity of duties and rights) does not relieve individuals from their responsibility above all to require transparency, reliability and openness to their representatives.

The closest actors to individuals, and therefore with the greatest potential for the future, are civil society organizations, which include various types of organizations⁹². Specifically, the focus in the **fourth chapter** will be on non-governmental organizations that are the most substantial subset of CSOs, both in number (according to the Union of International Associations, over 25,000 NGOs are currently operating internationally) and in volunteer projects active in the world, and that embody perfectly the conflict between private interest and public interest, between liberalism and socialism. The State, in fact, is represented as a fragmented set of private interests unable to reflect the general will, while the NGOs are seen as bearers of the interests of people, thus mediating the excesses of the State and questioning its function.

NGOs, above all among all the CSOs, are seen as actors that go beyond partisan interests and act for the general interest. In this way NGOs try to represent the largest possible group of people, namely the poor, the disadvantaged, the underrepresented ones in public institutions. Although they are not actual representative organizations, because the staff is not elected but is self-appointed, NGOs are

⁸⁹ TAYLOR Angus, *Animal and Ethics: An Overview of the Philosophical Debate*, Broadview Press, Peterborough, Ontario, 2003, p. 20.

⁹⁰ MURPHY Susan, *Unlocking the beauty of the imperfect duty to aid: Sen's idea of the duty of assistance*, in *Journal of Global Ethics*, 2014, pp. 378-381.

⁹¹ POGGE Thomas, *Severe Poverty as a Violation of Negative Duties*, in *Ethics & International Affairs* 19, 2005, pp. 55-83.

⁹² TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 123-124.

considered genuine representatives of the popular will, because their existence requires the commitment of a specific constituency⁹³.

Although there is no widely accepted definition of an NGO, three features distinguish NGOs from other organizations. First and foremost, NGOs must not be political parties, or government agencies or institutions directly affiliated with to the government and must not aspire to political power through their activities. Secondly, NGOs must not generate profit. In reality, however, NGOs do act similarly to profit-making corporations, except that they do not produce tangible goods. For example, NGOs use parts of the revenues for maintenance costs, especially the smaller NGOs that sometimes even reach a negative balance⁹⁴. Thirdly, all criminal groups must be excluded from the array of NGOs, since NGOs must always have a beneficial purpose⁹⁵.

As previously stated in defining NGOs, these are non-governmental, but in the same way it is interesting to understand how they work with, influence or are influenced by governments⁹⁶.

The analyses on the relationship between States and NGOs have been focused: on the top-down approach, whereby States try to influence NGOs by providing resources and controlling the available funds; and on the bottom-up approach, whereby the decision-making process of NGOs is independent from the host government and indeed seeks to influence government policies to achieve their goals on the ground.

For the first approach, NGOs are an imperialistic method of disseminating the values of developed countries over developing ones, which does not respect or consider local culture and needs. For the second approach, NGOs work selflessly to improve lives, for a radical change of the world. There is not much evidence to support the fact that NGOs are systematically controlled by governmental or political entities, rather they are independent agents in their decisions, so the bottom-up approach is what reflects the real dynamics of NGOs' interaction with States.

⁹³ KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in Review of International Political Economy, 2010, pp. 157-162.

⁹⁴ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 16-18.

⁹⁵ WILLETTTS Peter, *What is Non-Governmental Organizations*, in UNESCO Encyclopaedia of Life Support Systems, Section 1, 2001.

⁹⁶ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 6-7.

These aforementioned approaches need to be expanded to understand external factors that affect States-NGO interactions. The type of regime of a State influences the possibility for an NGO to get access to the public and to influence government decisions.

On the one hand, undemocratic regimes often organize NGOs (often preferring them to government agencies), in order to gain access to information and private resources, both domestically and globally. This kind of NGO, reduced to puppet organizations, are used to control the civil agenda and to nip any sort of will to protest in the bud. Furthermore, these NGOs can be used in projects that the non-democratic regime cannot openly support or that are not authorized to be implemented through government agencies. So basically, in non-democratic regimes it is the government which influences NGOs and not vice versa.

On the other hand, in a democratic regime, NGOs have the possibility to structure themselves better and in a more lasting way and they seem to have the ability to strongly influence governments⁹⁷. Specifically, in a democratic system, the government is very attentive to public opinion, because the popular vote makes decision-makers responsible and directly accountable (especially in well-established parliamentary systems such as those in Europe); and institutions guarantee free access to the media to NGOs, the best way to publicize a mission and influence the public.

Thus, a democratic regime allows NGOs to best express their opportunities, both through direct influence, by providing information to governments and lobbying foreign policies (following the boomerang pattern⁹⁸), and through indirect influence, by mobilizing public opinion as agenda setters and norms generators⁹⁹.

Like all types of organized interests, NGOs are not homogeneous, they vary in structure and resources, values and principles, and in the way leadership and internal governance responds to external challenges. Thus, even within the set of NGOs, there are different types, which can be classified first of all on the basis of the level of organization, the geographical positioning, the organizational structure, the objectives and the areas covered by the NGOs' projects.

As to the latter point, local, provincial, national, regional and global NGOs (often called INGOs) can be identified, in relation to the level of organization, of activity and of relation with the

⁹⁷ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 32-36.

⁹⁸ KECK Margaret - SIKKINK Kathryn, *Activists Beyond Borders*, Cornell University Press, 1998.

⁹⁹ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 1-3.

government. For example, the INGOs have many projects, have many resources and work with governments from different countries.

Moreover, as mentioned above, the geographical position is important. In fact, people tend to perceive NGOs, on the basis of their origin. That is, people in developed countries regard NGOs as any non-profit organization; while, the citizens of the developing countries see NGOs as tools for their own well-being, as a response to the failure by the post-colonial States to ensure the basic necessities to the poor ones.

There are also differences in the types of areas covered by NGO's projects, based on geographical location. In the south, local NGOs are more widespread, defined as Community Based Organizations (CBOs) or Grassroots Organizations (GROs), which are considered responsible to the people because they work with communities and implement projects locally¹⁰⁰.

Thirdly, the structural organization of an NGO is the result of the interaction between endogenous and exogenous factors, i.e. it shapes the way in which NGOs respond to external challenges through their goals and approaches. The relation between the resources, the regulatory dimension and the normative dimension is necessary to analyse the general structural organization of an NGO¹⁰¹.

Fourthly, NGOs can be classified according to their main purpose. Embedded NGOs want to correct the asymmetries and inequalities of the international system¹⁰²; operational NGOs aim at improving the socio-economic conditions of needy states, providing for services; advocacy NGOs aspire to defend and/or promote specific causes or policies¹⁰³.

Fifthly, the type and the duration of intervention distinguish different NGOs. The once-only activities of NGOs in critical conditions are crucial and very effective in relieving the population from suffering. On the other hand, NGOs can also act for long periods (sometimes even 20 years), in order to contribute to development projects.

¹⁰⁰ KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in *Review of International Political Economy*, 2010, pp. 157-162.

¹⁰¹ MUNOZ MARQUEZ Luz, *The Relevance of Organizational Structure to NGOs' Approaches to the Policy Process*, in *Voluntas*, 2016, pp. 467- 487.

¹⁰² HANNAH Erin Norma, *The Quest for Accountable Governance: Embedded NGOs and Demand Driven Advocacy in the International Trade Regime*, in *Journal of World Trade* 48, no.3, 2014, pp. 457- 459, pp. 477- 478.

¹⁰³ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 11-16; KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in *Review of International Political Economy*, 2010, pp. 157-162.

In particular, the number of development NGOs is growing more and more, so called since they apply the human development approach. Namely, first of all, the new cosmopolitan-HD based approach recognizes development assistance not as a good or charitable act, but as the necessary realization of the rights (and therefore duties) of individuals. Secondly, the creation of internationally recognized standards makes states and non-state actors responsible for the totality of the global system. In fact, the application of the Human Development approach gives the basic motivation for the action of NGOs, namely the obligation to protect and guarantee the rights of individuals, not only in relation to their mandates and missions, but also towards the whole community of States and agencies¹⁰⁴.

NGOs also assume various roles: agenda-setters, providers of technological and resource services, democracy promoters, supporters of the importance of the human capital, diffusers of knowledge and information, morality checkers, defenders of marginalized groups, influencers of public policies, especially of foreign affairs¹⁰⁵.

Surely, NGOs are particularly important in the field of redistributive justice and therefore the allocation of donations and aid on a global level. And as it is explained below, the popularity of NGOs in the distribution area can be considered due to the failure of official government aid programs for the poor and the least well off.

The empirical reality demonstrates how NGOs allocate aid without considering the long-term development, and without conditioning from providers of funds, yet in full accordance with the humanitarian principle¹⁰⁶.

¹⁰⁴ DORSEY Ellen - NELSON Paul J., *At the Nexus of Human Rights and Development: New Methods and Strategies of Global NGOs*, in *World Development* Vol. 31, No. 12, 2003, pp. 2016- 2018.

¹⁰⁵ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 156-157, p. 25, pp. 27-30, pp. 6-7; BOLI John - THOMAS George, *Constructing World Culture: International Non-Governmental Organizations since 1875*, Stanford University Press, Stanford, 1999; DOMBROWSKI Kathrin, *Filling the gap? An analysis of non-governmental organizations responses to participation and representation deficits in global climate governance*, in *International Environmental Agreements*, 2010, pp. 397- 402, pp. 405-413; LAI On-Kwok, *Critical Engagements of NGOs for Global Human Rights Protection: A New Epoch of Cosmopolitanism for Larger Freedom?*, in *The International Journal of Social Quality*, Vol. 1, No. 2, Winter 2011, pp. 5-13; CHEYNS Emmanuelle, *Making "minority voices" heard in transnational roundtables: the role of local NGOs in reintroducing justice and attachments*, in *Agricultural Humanitarian Values*, 2014, pp. 439-442, pp. 449-453; DORSEY Ellen - NELSON Paul J., *At the Nexus of Human Rights and Development: New Methods and Strategies of Global NGOs*, in *World Development* Vol. 31, No. 12, 2003, pp. 2013- 2016.

¹⁰⁶ BÜTHE Tim - MAJOR Solomon - DE MELLO E SOUZA André, *The Politics of Private Foreign Aid: Humanitarian Principles, Economic Development Objectives, and Organizational Interests in NGO Private Aid*

First and foremost, NGOs allocate aid according to the needs of the beneficiaries, without strategic considerations even concerning the source of their own resources, or considerations relating to effectiveness.

Specifically, the allocation-for-fundraising hypothesis, for which the NGOs would allocate funds on the basis of media coverage, in order to have more appeal in fundraising, has not been proven¹⁰⁷. Indeed it is the NGOs that influence the media agenda and not vice versa: a unit more of activity by an NGO on a given topic leads to a growth in media coverage of 0, 22%¹⁰⁸.

In essence, NGOs are largely immune to strategic considerations, including commercial ones, between the home country and the receiving country, and therefore seem to respect the promises to stand up as defenders of the poor and vulnerable¹⁰⁹. The aforementioned characteristics are the reasons why NGOs are often chosen by States as partners on the spot or as a means of allocating aid.

Many NGOs, given their expansion, have gone from being financed mainly by private donors to being essentially financed by institutional donors. Public funds are increasingly channelled through NGOs, first of all because NGOs maintain a balance between cost and effectiveness in providing services to the poorest and also because direct contact with people gives NGOs greater legitimacy (sometimes even greater than the governmental one)¹¹⁰.

On the other hand, there are also several issues that donor states face in working with NGOs: the high transaction costs of donor financial and programmatic relationships with various small organizations; the duplication and coordination between different NGOs in the same sector, in the same geographical area, or between donors and partner countries; the obstacles for NGOs to achieve a program, and to guarantee responsibility and transparency. In particular, the mandate and priorities of the donor must be reconciled with those of the NGO, respecting the autonomy of the NGO necessary to carry out its role and to obtain results in the territory¹¹¹.

Allocation, in International Organization 66, No.4, Fall 2012, pp. 572- 579. This reasoning is linked to the difference, clarified in the second chapter, between the meaning of humanitarian duties and that of duties of justice.

¹⁰⁷ Ivi, pp. 599-601.

¹⁰⁸ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 156-157.

¹⁰⁹ NANCY Gilles - YONTCHEVA Boriana, *Does NGO Aid Go to the Poor? Empirical Evidence from Europe*, IMF Working Paper, February 2006, pp. 15-16.

¹¹⁰ Ivi, pp. 3-6.

¹¹¹ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 69-74.

Despite, of course, the challenges faced by aid-providers in donation decision-making processes, the advantages deriving from the channelling of aid are greater.

Although the activities of NGOs can unintentionally cause the destruction of a local culture, corruption or dependence on foreign aid in a developing country, NGOs are working hard to change and improve the situation of the population and manage to make a positive impact in developing countries¹¹².

Furthermore, it might seem unrealistic that NGOs are completely foreign to the dynamics of different political-economic actors, with staffs and leaders free of selfishness and bad intentions, since all international organizations have internal dynamics that develop interests that go against the original objectives and the official mission. In reality, however, these criticisms fail to show that the NGOs have particularistic or harmful interests towards the most vulnerable part of the population and that they do not have significant relationships with the community.

Nonetheless, the growing participation and influence of NGOs in global decision-making processes has raised a series of controversial issues, which correspond roughly to the problems relating to the roles and potentials of NGOs.

Transparency on aid movements not only contributes to the empowerment of NGOs, but it also allows long-term planning, sometimes with collaborations that further increase the effectiveness of local projects. To improve transparency, it is necessary to guarantee access to data, information, priorities and the software used. At the same time, however, NGOs must balance transparency with the pragmatic difficulties of publishing data, i.e. costs, additional hours of work for staff, defence of privacy and partners' rights, prior public exposure of operations¹¹³.

Moreover, when NGOs provide services and serve as government substitutes, their actions may be significant in the short term yet, in the long term, they can undermine the mechanisms for making governments accountable to their population. NGOs do damage to a system only if the interventions are not correctly contextualized or if the context itself is misinterpreted. This problem could be solved by a detailed preventative analysis, but this would affect the promptness of the intervention and imply great costs¹¹⁴.

¹¹² YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 154-155.

¹¹³ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 64-66.

¹¹⁴ ACKERS Helen Louise - ACKERS-JOHNSON James, *Mobile Professional Voluntarism and International Development: Killing Me Softly?*, Palgrave Macmillan, 2017, pp. 140-146.

In addition, the dependence of NGOs on donations leads to a fragmentation in the provision of services and to a lower quality of services than the alternative of a stronger government presence¹¹⁵.

Furthermore, the very important role of NGOs as culture bearers is very complicated, because the simple transfer of knowledge does not generate innovations or behavioural changes. Indeed, attempts to incentivize the population to train, through daily pay or through consumer goods and equipment, have created new opportunities for corruption and absenteeism¹¹⁶.

The electronic transfer of knowledge must be accompanied by forms of applied knowledge, and possibly also through co-presence, i.e. the work of volunteers together with the local population to promote learning-through-doing¹¹⁷. The realization of co-presence, the organization of plans and interactive teaching processes¹¹⁸ is necessary to combat liabilities in receiving aid and to eliminate the consequent problems of external dependence¹¹⁹.

This reasoning highlights that knowledge alone does not automatically generate capacity-building and therefore systemic changes. In fact, the behavioural change of the individual is the sum of the skills (knowledge and skills) he possesses, the opportunities to use them and the motivations to do so.

Another problem to be addressed, especially for advocacy NGOs (which act in order to have an impact on wide-ranging policies) is independence, a necessary credential to achieve legitimacy. Being independent and critical of the monitored agency or State is crucial to the credibility of self-appointed activists¹²⁰.

As already mentioned, NGOs are not traditional representatives, in fact they do not get legitimacy through democratic elections like governments. The NGOs, however, have a mandate to legitimately represent a certain establishment in certain and specific conditions. As agents of political resistance, of protest, of systemic transformation, of emancipation, NGOs are a direct expression of citizens' actions.

¹¹⁵ BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012, pp. 14-18.

¹¹⁶ ACKERS Helen Louise - ACKERS-JOHNSON James, *Mobile Professional Voluntarism and International Development: Killing Me Softly?*, Palgrave Macmillan, 2017, pp. 140-146.

¹¹⁷ Ivi, pp. 73-76.

¹¹⁸ Ivi, pp. 135-138.

¹¹⁹ Ivi, pp. 45- 49.

¹²⁰ BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012, pp. 11-14.

Furthermore, the constituencies represented by NGOs correspond to marginalized and under-represented communities in global governance. Thus, NGOs can be considered a bridge between the local and global levels, between marginalized communities and the international system¹²¹.

By relating top-down and bottom-up approaches, NGOs embody the hope of citizens that global changes protect their interests better than local politics¹²².

Unlike the IR tradition, the current system does not include a zero-sum game between NGOs and International Governmental Organizations (IGOs), indeed they can cooperate, i.e. NGOs can enter into IGOs¹²³.

Hence, the cooperation between NGOs and IGOs (namely the involvement of civil society organization and in particular of the NGOs directly in the IGOs) is often presented as a possible remedy to shortcomings on the democratic legitimacy and institutional accountability of global governance.

The democratic legitimacy of IGOs has always been based on the democratic legitimacy given by citizens to their governmental delegates, but the problem now is precisely the lack of democracy at local and national level. Citizens have little interest in or capacity to be taken into consideration by the government in its actions, due to lack of transparency and of availability of information on international issues.

Despite the fact that the accountability and responsibility of the private actors has also been scrutinized more and more, NGOs play still a not negligible role in highlighting the issues of legitimacy and in settling higher standards of representation and of participation inside the international organizations and institutions.

Within the IGOs, actually, the poorest countries are little or insufficiently represented, therefore the particularly sensitive and vulnerable communities are marginalized and even disproportionately affected by the decisions taken. There have been various attempts of reforms to increase transparency, to restructure the voting system in favour of the countries of the southern hemisphere, to incorporate

¹²¹ DOMBROWSKI Kathrin, *Filling the gap? An analysis of non-governmental organizations responses to participation and representation deficits in global climate governance*, in *International Environmental Agreements*, 2010, pp. 397-402.

¹²² KECK Margaret - SIKKINK Kathryn, *Activists Beyond Borders*, Cornell University Press, 1998, p. 12.

¹²³ STEFFEK Jens, *Explaining cooperation between IGOs and NGOs – push factors, pull factors, and the policy cycle*, in *Review of International Studies*, 2013, pp. 993-997.

international civil society through NGOs, in order to succeed in giving voice to the constituencies excluded in global governance¹²⁴. Only time will give feedbacks on these reforms.

Given the expansion of the market economy and the marginalization of the State, NGOs are intervening to respond to the needs and demands of the poor and marginalized of society, above all through distributive justice.

NGOs must, therefore, respond to a set of stakeholders, and this relationship between an organization and its stakeholders is called accountability. Accountability is very positive for an NGO and its mandate, because it entails responsibility in front of its own constituency¹²⁵.

There are no structural mechanisms that can make NGOs accountable to the people they serve, as in the case of governments and state bureaucracies¹²⁶, yet NGOs apply voluntary mechanisms to respond to the double pressure hanging on them. On the one hand, there are internal requests of greater effectiveness; on the other hand, there are questions from external actors or donors to demonstrate the progress achieved.

The substantial difference is that while NGOs have a fiscal accountability to their donors, and can lose the financial support if they are not able to satisfy them, towards all the others the NGO is a trustee that must behave according to its principles¹²⁷.

Thanks to voluntary mechanisms, NGOs are able to improve their performance, but to maintain at the same time the flexibility of action that is necessary to guarantee diversity and independence.

There are, however, obviously problems arising from these voluntary systems.

First of all, compliance with standards is ensured by analysis and reports of the NGOs themselves, so it could be biased. Indeed, in order to obtain more donations, NGOs often exaggerate the positive

¹²⁴ DOMBROWSKI Kathrin, Filling the gap? *An analysis of non-governmental organizations responses to participation and representation deficits in global climate governance*, in *International Environmental Agreements*, 2010, pp. 397-402.

¹²⁵ BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in *J Bus Ethics*, 2012, pp. 14-18.

¹²⁶ KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in *Review of International Political Economy*, 2010, pp. 155-157.

¹²⁷ BÜTHE Tim - MAJOR Solomon - DE MELLO E SOUZA André, *The Politics of Private Foreign Aid: Humanitarian Principles, Economic Development Objectives, and Organizational Interests in NGO Private Aid Allocation*, in *International Organization* 66, No.4, Fall 2012, pp. 599-601.

effects obtained¹²⁸. The solution could be a peer review with other affiliated organizations, but it would be difficult and too expensive to maintain.

Secondly, often the contractual mechanisms between the NGOs and the donors have a greater force than the moral obligations that link NGOs to population, creating an unfavourable hierarchy for the neediest. Despite professing themselves as representatives of the poor and marginalized, not many NGOs have established downward, bottom-up accountability mechanisms, focusing on upward accountability mechanisms instead. This turns into an excessive attention on the part of NGOs to the interests of those who possess critical resources, therefore to immediate successes, without the involvement of those who are truly affected by activities and without critical prospects in the future¹²⁹. Finally, larger NGOs, especially those working in different jurisdictions, face conflicting and thus particularly expensive accountability.

In order to solve the most significant problem, namely that of the self-referential nature of standards, global mechanisms still voluntary in scope are spreading.

All the objections to the possibility of accountability could be moved towards the class of non-governmental actors as a whole¹³⁰, they are not critiques specifically moved towards NGOs, they are rather the usual reaction of conservatism in front of the emerging of new institutions, with mechanisms too different from national ones to remain unnoticed and, especially, uncriticized.

¹²⁸ ACKERS Helen Louise - ACKERS-JOHNSON James, *Mobile Professional Voluntarism and International Development: Killing Me Softly?*, Palgrave Macmillan, 2017, pp. 8-13.

¹²⁹ BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012, pp. 14-18.

¹³⁰ To deepen this topic, see, BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012.

CHAPTER 1

QUESTIONS ON GLOBAL JUSTICE

Discussion and disagreement dates back to the ancient world. Debates on global justice are of more recent days, hence globalization and consequent modifications of the modern global context have influenced the philosophical debate on justice, especially as regards its compass of validity and its content to face the new challenges and the new agents' dynamics.

1.1 The Ambit of Validity of Justice

The enquiry on justice deals with what an individual owes to others, entailing obligations of fair treatment in a diversified set of domains¹³¹.

The interpretations of justice that are applicable to the reality of the international system are mainly two.

The first conception is *cosmopolitanism*, for which the demands of justice derive from a global duty of fairness and equity that is owed to all human beings. Indeed, Simon Caney defines cosmopolitanism a joint endorsement of three principles: the worth of individuals, equality and the existence of binding obligations for all¹³².

The existence of autonomous sovereign States is, thus, an obstacle to the realization of a common institutional system that realizes the desired standards of fairness and equality of opportunity¹³³. In cases, however, where it is not possible to take individuals as a primary reference, States can be considered main subjects of global justice as delegates of citizens' duties¹³⁴.

The second view might be called *political* conception (or it is sometimes called political nationalism) and its mayor proponent is John Rawls¹³⁵, for whom justice is a political value and the first virtue of social institutions, not a derivation from an all-encompassing moral system. States are not mere

¹³¹ BROCK Gillian, *Global Justice*, in Stanford Encyclopaedia of Philosophy, 2015, pp. 3-5.

¹³² CANEY Simon, *Justice Beyond Borders*, Oxford University Press, Oxford, 2005, p. 4.

¹³³ NAGEL Thomas, *The Problem of Global Justice*, in Philosophy & Public Affairs Vol. 33, 2005, p. 118.

¹³⁴ Ivi, p. 119.

¹³⁵ For the use of *political* conception see Nagel 2005.

instruments for the realization of the pre-institutional value of justice among human beings, rather they give application to the abstract value of justice. The political conception rests on a Hobbesian view: the application of justice occurs only within the borders of the sovereign State. Internationally there may be standards to follow yet not distributive justice¹³⁶, so the Rawls' model implies an international order, not a global order¹³⁷.

The biggest difference between the two conceptions is that cosmopolitanism supports (what Liam Murphy calls) monism while the *political* conception reflects the Rawlsian dualistic moral approach¹³⁸. This means that, according to the dualistic approach, there is a relevant difference between the moral scheme applied to the domestic level and to the international one; while for the monism this difference does not exist.

Indeed, Rawls states that the regulative principle of a thing depends on its nature. So, there must be different principles of justice on the basis of their ambit of application, in particular the difference between the moral ambit and the political ambit has relevant implications on global justice. Given, therefore, that society is something different from a small (and perhaps homogeneous) group of individuals, as much as from individuals, Rawls argues that the principles of justice for global institutions or dynamics must not be confused with those that apply to individuals and to their actions¹³⁹.

The obligations of the members of a liberal society towards the members of another society are filtered by the relationship between their own communities. As a matter of fact, Rawls focuses on collective units called Peoples (States that have a moral nature and are willing to cooperate, still not influenced by nationalist sentiments) as the fundamental units of the international arena rather than individuals. Peoples have a moral obligation of mutual respect and equality of status, since each of them has a moral nature and deserves respect, nonetheless, at the same time, each must grant its own members the conditions for a decent life¹⁴⁰.

The principles governing relations among Peoples include not only non-aggression and respect for treaties but also the "duty to assist" societies under unfavourable conditions, to have a decent social

¹³⁶ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, pp. 120-122.

¹³⁷ SINGER Peter, *One World: The Ethics of Globalization*, Yale University Press, 2016, p. 7.

¹³⁸ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, p. 122.

¹³⁹ RAWLS John, *Una Teoria della Giustizia*, Feltrinelli, Milano, 2008, pp. 48-70.

¹⁴⁰ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, p. 134.

and political regime. There is no consideration for social-economic justice at the international level, also because most of the causes of wealth and poverty are, according to Rawls, internal¹⁴¹.

On the other hand, *cosmopolitan* theorists reject this dualism. The monist approach has a wide range of application¹⁴²: the basic constitution of morality must be individuals, not societies or Peoples, and hence the effects on individuals must justify any moral demand¹⁴³. The rights are recognized to individuals as human beings, so these recognitions should not cease to exist beyond State borders¹⁴⁴. Even more, in the contemporary world national boundaries have increasingly lost meaning both politically and ethically. For ages, even people living within a short distance seemed to live in two separate worlds. In recent centuries, however, the isolation has been dropped, at the beginning slowly and then exponentially: thanks to the phenomenon of globalization, people who live in opposite sides of the world are connected in previously unimaginable ways.

In fact, globalization has turned the spotlight on the problems of global justice that either affect agents in more than one State or are unresolvable without co-operation among different States. The ethic, so far exclusively nation-focused, must be modified to encompass issues such as trade, environment and health with a high level of connectivity.

Globalization has therefore changed the way in which both societies and individuals think and interact with each other¹⁴⁵, in the framework of global ethics and justice.

Even if the *political* conception is endorsed by the majority of the most privileged nations in the world¹⁴⁶, and hence it has an undeniable role and cannot be ignored, it fails to keep pace with the current times and the new challenges on a global level.

On the other hand, the *cosmopolitan* conception is of greater moral appeal, since it recognizes that the injustice in the fact that an individual, born in a poor society, should have fewer prospects and opportunities than an individual born in a rich society. The political leaders themselves can no longer give total and absolute priority to the interests of their citizens: the value of the life of an innocent human being does not vary according to his nationality¹⁴⁷.

¹⁴¹ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, pp. 122-123.

¹⁴² CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001; VAN PARIJS Philippe, *International Distributive Justice*, Chapter 35, 2008.

¹⁴³ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, p. 124.

¹⁴⁴ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001, pp. 113-134.

¹⁴⁵ SINGER Peter, *One World: The Ethics of Globalization*, Yale University Press, 2016, p. 8.

¹⁴⁶ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, pp. 126-131.

¹⁴⁷ SINGER Peter, *One World: The Ethics of Globalization*, Yale University Press, 2016, p. 3.

1.2 Global Justice Content

Since the globalization and the reduction of physical distances have led to a more global interpretation of morality and justice, it is time to qualify the meaning of global justice and to identify what obligations it implies.

Some scholars believe that the Rawls' principles designed for domestic justice, specifically the fair equality of opportunity (standing when an individual has a fair chance at the prospect of success, in the pursuit of social positions, and that fair chance is a function of innate talent and willingness, and not of social background or class) and the difference principle (the combination of fair equality of opportunity and the demand that equality may exist in a given society only as long as it stands to benefit the least well off of its members ¹⁴⁸), should be applied globally. This is a further proof that the political conception must not be abandoned but modernized, through its application to the new global system.

Other scholars argue that the duties towards others are best expressed in concepts, such as human rights or capabilities, that transcends national and political Rawlsian barriers ¹⁴⁹.

1.2.1 Rawls against Rawls: The Global Equality of Opportunity

The first group of scholars therefore maintain that global injustice can be eradicated with the use of Rawlsian domestic standards, still to be adapted and extended to become applicable globally. These authors inevitably argue in favour of Rawls but at the same time against Rawls ¹⁵⁰.

For example, Simon Caney's cosmopolitanism revolves around the Rawlsian liberal conviction of domestic fair equality of opportunity yet reinterpreting it at the global level.

A purely formal conception of domestic equality of opportunity holds that the allocation of employment, educational and institutional positions should not penalize someone because of his cultural identity, his race or his beliefs. Some people, however, according to this view, could be considered less qualified because they were born in class of less influence and with less possibility of access to teaching materials.

¹⁴⁸ VAN PARIJS Philippe, *International Distributive Justice*, Chapter 35, 2008.

¹⁴⁹ BROCK Gillian, *Global Justice*, in Stanford Encyclopaedia of Philosophy, 2015, pp. 3-5.

¹⁵⁰ MOELLENDORF Darrel, *Cosmopolitan Justice*, Westview Press, Boulder, CO, 2002, p. 6.

Precisely in order to make up for this lack, other scholars have formulated the substantial conception of the equality of opportunity, for which the opportunities to obtain resources must not be negatively influenced by the class or race which a single individual belongs to. It is important to underline thus that equality of opportunity is a procedural concept (rather than one based on results), requiring merely the lack of discrimination and of preferences¹⁵¹.

This substantial interpretation is also supported by Rawls himself who states that in a just society two citizens with equal talent and equal willingness, regardless of their respective social class or origins, must have the same possibilities to reach a favourable social position¹⁵².

Simon Caney embraces the Rawlsian substantive conception by applying it to the whole world; in fact, for the cosmopolitan author, people all over the world must have the same opportunity to reach a position, irrespective of their own nationality, State, social class, religion or ethnic group¹⁵³.

So, in his reasoning Simon Caney simply broadens the belief at the basis of domestic equality of opportunity. At the foundation of the domestic argument there is the conviction that someone should not have greater or fewer opportunities according to his cultural identity (i.e. class, social status or ethnicity); so claiming that individuals should not be favoured or disadvantaged by the community to which they belong is only the global extension of the domestic reasoning.

In a nutshell, the reason that leads to accepting equality of opportunity at the domestic level is the same reason that should lead to accepting global equality of opportunity (GEO)¹⁵⁴.

Despite the aforementioned argumentation, the most frequent criticism used against the GEO is the non-analogy, which on the one hand accepts the domestic equality of opportunity while, on the other hand, rejects the GEO because the international system is different from the State system in morally relevant ways.

Supporters of the argument of non-analogy identify some determinant properties that exist only at the domestic level (in a list that does not claim to be exhaustive): political factors, for instance the lack of a global super State or of a relevant level of international cooperation; psychological factors, the major motivation to fulfil some principles locally rather than globally; economic factors, the qualitative difference between domestic and global markets in economic interactions; cultural factors,

¹⁵¹ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001, pp. 113-114.

¹⁵² RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 115; RAWLS John, *Una Teoria della Giustizia*, Feltrinelli, Milano, 2008, pp. 63- 73.

¹⁵³ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001, pp. 113-114.

¹⁵⁴ Ivi, p. 115.

the sharing of certain cultural values as members of a community¹⁵⁵.

Bernard Boxill maintains that the GEO is an inapplicable ideal, given the great cultural variety of today's world, which is made up of different societies with different cultures and different standards of well-being¹⁵⁶.

Equality of opportunity is applicable only if there is a certain cultural consensus, the so-called cultural commonality, and this is precisely what is lacking in the current international context according to Boxill¹⁵⁷. The GEO can therefore be realized only in an imperfect world, in which a domestic standard would be preferred over all others, in a presumptuous and partisan manner¹⁵⁸.

David Harris then underlines how once a member of a political community obtains citizenship rights, s/he will always be defined as a citizen and no longer as a simple human¹⁵⁹, it will thus take on the class of social rights they benefit from as members of the community itself¹⁶⁰.

However, the most significant argument against the GEO is inspired by the dualism of John Rawls, who in the *Law of Peoples* provides a limited list of principles of international justice, to be applied and respected. The list is composed exclusively by 8 principles: the independence of the Peoples, the obligation to respect treaties, the equality between Peoples, the non-interventionism, the respect for human rights, the self-defence and the respect for the *ius in bello*, the duty to help other Peoples living in unfavourable conditions (that do not allow them to succeed in establishing a decent political and social regime)¹⁶¹.

In essence, Rawls is absolutely right to suggest that international justice requires that communities respect some basic standards and that they have their own independence. On the one hand, the problem is that the standards to be reached are relatively low; while, on the other hand, it seems difficult to claim a minimum of basic rights without invoking the moral status of individuals¹⁶². In detail, the context created by Rawls, unlike cosmopolitanism, lacks the basic moral theoretical resources to draw up a minimum level¹⁶³.

¹⁵⁵ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001, pp. 118-120.

¹⁵⁶ BOXILL Bernard, *Global Equality Of Opportunity And National Integrity*, in *Social Philosophy and Policy*, 5 (1), 1987, pp. 143-151.

¹⁵⁷ Ivi, pp. 151-168.

¹⁵⁸ Ivi, pp. 148-49.

¹⁵⁹ HARRIS David, *Justifying State Welfare: The New Right versus the Old Left*, Blackwell, Oxford, 1987, p. 147.

¹⁶⁰ Ivi, p. 30.

¹⁶¹ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 37.

¹⁶² Ivi, p. 68.

¹⁶³ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001, pp. 127-131.

Furthermore, Rawls provides an extended version of the principle of tolerance, which is somewhat similar to the cultural pluralism expressed by Boxill. It, in short, prescribes that liberal values, however desirable they may be, should not be imposed on Peoples who do not share them, but at the same time all societies must respect certain standards, imposed even if internal dissidents persist¹⁶⁴. In addition, not only liberal States must not impose cosmopolitan values on other communities, but they cannot even use incentives to encourage other Peoples to implement basic liberal values¹⁶⁵. In this way, Rawls repudiates a very promising and non-coercive way of balancing the quest for achieving global justice with the respect of the autonomy of every People.

Simon Caney, after having demonstrated how the major objections to the GEO principle do not really succeed in destroying the reasoning behind the GEO or in giving alternative solutions, also dwells on giving other reasons that lead to the support of the GEO.

First of all, the fact that the GEO is much more focused on the procedural aspect allows it to avoid the criticism raised against the Singerian vision (which, interpreted in its rigid extremism, would predict that individuals would give until they were at the same level as the most needy¹⁶⁶) since it has less demanding requirements.

Furthermore, the GEO with the desired equalization would significantly contribute to the alleviation of global poverty¹⁶⁷. Even more, the GEO is compatible with the defence of basic rights and can be supplemented and supported by other principles¹⁶⁸.

1.2.2 Rawlsian Conceptions transcended

The second stream of scholars, as already mentioned above, endows a completely different content to global justice than that proposed by Rawls, or by cosmopolitan variations of Rawls like that of Caney. This current, in fact, expresses itself substantively through human rights or capabilities.

¹⁶⁴ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 69.

¹⁶⁵ Ivi, pp. 84-85.

¹⁶⁶ SINGER Peter, *Famine, Affluence, and Morality*, in *Philosophy & Public Affairs*, Vol. 1, No. 3 pp. 229-243, Wiley, 1972.

¹⁶⁷ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001, p. 116.

¹⁶⁸ Ivi, p. 117.

For example, Thomas Pogge seems to uphold the ideal of equality of opportunity in his critic of the current world precisely, because it does not give to two equally talented and motivated people the same chances of having a good education and job position, regardless of the society of origin¹⁶⁹. In reality the ideal to be reached for Pogge is the realization of the basic human rights of each individual. The global force of human rights is activated only through the emergence of a global institutional order¹⁷⁰, which exists nowadays, so the terms of interaction among people of the world should be minimally fair, judged on the basis of their impact on human rights¹⁷¹.

Unfortunately, the current world is characterized by the lack of recognition of human rights, and this is connected to the spread of poverty, directly with regard to basic social and economic rights, indirectly with regard to civil and political rights.

The inequality of today is also due to an accumulation of historical processes from slavery, through colonialism, to genocide. The most developed countries have inherited a great advantage, compared to the less developed or still developing countries, both in terms of power and in terms of wealth.

So, the causes of today's persistent poverty cannot be traced exclusively to domestic factors, as suggested by Rawls.

This argument does not want to deny that many developing countries are governed by corrupt and incompetent leaders, unable to eradicate poverty; yet it aims at emphasizing that rulers have the possibility to act against the will and the interest of their own people thanks to the existence of external factors. More generally, therefore, bad leadership, civil wars and corruption in developing countries are not totally endogenous products, while they are strongly influenced and stimulated by the laws in force in the international system and by extreme global inequalities¹⁷². That is exactly the reason why Pogge endorses a view which is rooted on negative duties.

The approach based on and aimed to the realization of basic human rights is vulnerable to the criticism of being too demanding, an issue that the GEO was able to avoid given its procedural character. However, the Pogge's approach is sharable since it pivots on the role of the individual and on his Kantian moral relevance.

On the other side of the spectrum as to the content of justice, there is the approach of capabilities or Human Development which is a more complex reformulation of the GEO.

¹⁶⁹ POGGE Thomas, *An Egalitarian Law of Peoples*, in *Philosophy and Public Affairs* 23 (3), 1994, p. 196.

¹⁷⁰ POGGE Thomas, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Polity Press, Cambridge, 2002, p. 171.

¹⁷¹ ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012, p. 30.

¹⁷² POGGE Thomas, *World Poverty and Human Rights*, Polity Press, Cambridge, 2008, p. 3.

First of all, the capabilities are substantial freedoms, a series of opportunities, usually interrelated, to choose and to act. The capability is therefore the fundamental freedom to achieve different combinations of results, and consequently societal development means removing obstacles to widen people's functions, capabilities and choices¹⁷³.

It is important to distinguish the combined capabilities from the internal capabilities, in order to identify the different, albeit often overlapping, aims of various societies. Internal capabilities are personal traits that are developed and trained, not mere innate features; while the combined capabilities are a combination of internal capabilities with the political, social and economic environment¹⁷⁴.

For instance, a community can succeed in producing internal capabilities but nonetheless cut the bridges with which people can implement and apply their capabilities, thus not guaranteeing the combined capabilities. On the other hand, since combined capabilities are the internal capabilities added to the context, a society with combined capabilities yet without the internal ones is not possible. A society could, however, successfully manage to create choices while not to educate its own citizens to exploit the opportunities and make their mental strength blossom¹⁷⁵.

The internal capabilities, as already specified, are not innate qualities, still the latter play a significant role because they represent the potential that human beings can bring to the world. The capabilities approach, in fact, in all its various formulations focuses on self-realization and centrality of the individual as the primary subject of justice. Given the importance of innate gifts in that they make training and development possible, the natural characteristics will be called basic capabilities¹⁷⁶.

The approach towards basic capabilities is not meritocratic, quite the opposite because those who need more help to reach the minimum level of combined capabilities, according to their basic capabilities, must obtain more help¹⁷⁷.

A further element, implicit in the theory, to be seen in conjunction with capabilities is functionings, namely the being and the doing resulting from the implementation of the capabilities. As Amartya Sen exemplifies, a starving person and a fasting person have the same functioning concerning nutrition, still the two subjects considered do not have the same capability as the fasting person may not do it, while the person who suffers from hunger has no choice.

¹⁷³ SEN Amartya, *Development as Capabilities Expansion*, in *Journal of Development Planning* 19, pp. 41-58, 1989.

¹⁷⁴ NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, p. 20.

¹⁷⁵ Ivi, pp. 21-22.

¹⁷⁶ Ivi, p. 20, p. 23.

¹⁷⁷ Ibidem.

The functionings represent the terminus for the capabilities, however this does not mean that the capabilities have no value in themselves. In fact, the capabilities approach distances itself from the economic tradition whereby the true value of a range of options is given by the best use that can be made of them. Indeed, the options are freedom and the freedoms have an intrinsic value.

This is why the capabilities, and not the functionings, must represent the political objectives, in fact only the capabilities are able to honour the life choices of the individuals¹⁷⁸.

Certainly, there are many aspects which reconcile as well as many that distance the approaches of the two authors of the Capability approach Amartya Sen and Martha Nussbaum¹⁷⁹.

In the first place, both believe that an evaluation must be pluralistic, i.e. a society can be progressed in some respects while regressing into others; and in the same way a community can be better than another in some aspect but not in everything.

Moreover, both scholars reject utilitarianism (even if not entirely) because it aggregates plurality as they believe that such an aggregation is not able to show the singularity within the plurality. An individual obtains well-being in relation to the functions (being or doing) that he achieves, taking into account the uniqueness of each person, especially the possibility of choice¹⁸⁰.

The major difference between the two conceptions is how the authors consider their own literature in relation to a complete theory of justice.

Amartya Sen, instead, conceives his Human Development approach as an evaluation method, denying its function as a theory of justice¹⁸¹. Indeed, he rejects the possibility of a comprehensive and satisfactory theory of justice, because justice is understood as the promotion of freedom and well-being and involves the performance of virtuous actions¹⁸². This approach requires a complex moral reasoning that allows agents to move from the theoretical duty to real action, through a comparative

¹⁷⁸ NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, p. 26.

¹⁷⁹ The contribution of Martha Nussbaum is in particularly on the importance of the idea of functionings, as described above; moreover, Martha Nussbaum even inserts the animals among the population that must see their dignity respected and their capacities emphasized, reason why Nussbaum uses the term Capabilities approach while Sen maintains the Human Development approach; NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, p. 18.

¹⁸⁰ SEN Amartya, *Development as Freedom*, Random House, New York, 1999.

¹⁸¹ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009.

¹⁸² SEN Amartya, *Elements of a Theory of Human Rights*, in *Philosophy and Public Affairs* 32 (4), pp. 315–356, 2004.

justification of each step, to arrive at the ultimate goal of freedom and well-being¹⁸³.

There are therefore two steps in Sen's approach to move from abstract moral duty to concrete moral actions: the metric element is the non-ideal phase, which takes into consideration all possible outcomes; while, the modal element pushes agents to reflect on their own actions and to act according to these considerations.

This approach requires an agent to consider what the other really needs. And in the current international world, characterized by complexity and uncertainty, reflecting on the needs of the others can really help¹⁸⁴.

Martha Nussbaum, in fact, identifies her Capabilities approach as a theory of social justice, in which she decrees how a just society must act. Furthermore, she believes that the government has the duty to ensure that justice is achieved at the domestic level and that therefore the quality of life of the people is improved according to the canons imposed by the capabilities. At the same time the (shareable) absence of a global government means that international treaties and organizations have the responsibility on the international level¹⁸⁵.

The interpretation of the role of their respective approaches mirrors the different aims of the two authors.

Amartya Sen has created his approach as a means of comparison, allowing comparisons among capabilities between nations and regions, without the intention to prescribe capabilities in advance because new problems, encountered in process, may lead to new capabilities relevance¹⁸⁶.

Precisely because of his reticence in setting a precise list of capabilities, Amartya Sen is critical of the UN's idea of creating an index aimed at highlighting progress in the field of human development. Initially the author did not believe in the ability of a single index to seize the human complexity, but then he is convinced that a linear and numerical measurement through the Human Development Index (HDI) would have been the necessary means to shift the attention of policymakers from the exclusively economic-material performance to the well-being of individuals.

The main problem regarding the HDI is the choice of the capabilities to be considered as priorities, because they change through time and from one community to another. In the evaluation of global

¹⁸³ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009, pp. 44-45.

¹⁸⁴ MURPHY Susan, *Unlocking the beauty of the imperfect duty to aid: Sen's idea of the duty of assistance*, in *Journal of Global Ethics*, 2014, pp. 374-378, p. 381.

¹⁸⁵ NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, p. 19.

¹⁸⁶ Ivi, p. 29.

development, HDIs must be considered fixed only in the three capacities considered universal and basic: of knowledge, of survival, and of a decent standard of life.

In reality, HDI represents a conceptualization of the results achieved on average, so it does not take into account the distribution of these same results, thus leaving out equity.

Despite these problems, the HDI remains a very valid means to measure human development and to make it easily readable both for policymakers and for the public.

Amartya Sen's HD approach, however, never wanted to be reduced to the limited definition of HDI, in fact the concept of human development is broader and more complex¹⁸⁷.

The Human Development approach professes itself as a robust paradigm since it manages to adapt to different time and space intervals. Still, in relation to the current world, 5 elements are identified that can represent a basic agenda: priority to social development through education and health; economic growth that creates resources for development; political and social reforms that guarantee human rights; equity in relation to the previous points, with particular attention to the poor, the oppressed and the discriminated women; institutional reforms at the global level to create a more favourable economic system for developing countries¹⁸⁸.

On the other hand, the Martha Nussbaum capabilities approach focuses on protecting some freedoms that are considered so fundamental that removing them would make life unworthy of being lived. Her suggestion is that surely there are some goods valued positively by all cultures, although their realization may change from one culture to another¹⁸⁹.

A decent society must know how to guarantee this level of capabilities as a minimum¹⁹⁰: (1) life, (2) health, (3) the avoidance of pain, (4) use of the five senses, imagination and thought (5) human relationships, (6) the deliberation about and pursuit of personal ideals, (7) relations of care for others, (8) access to the natural environment, (9) experiencing enjoyment, and (10) independence¹⁹¹.

This list is a proposal and can be criticized, preferring other capabilities instead of or in addition to those enumerated.

¹⁸⁷ FUKUDA-PARR Sakiko, *The Human Development Paradigm: Operationalizing Sen's Ideas On Capabilities*, in *Feminist Economics*, 2011, pp. 303-308.

¹⁸⁸ Ivi, pp. 310-312.

¹⁸⁹ NUSSBAUM Martha, *Human Functioning and Social Justice: In Defence of Aristotelian Essentialism*, in *Political Theory*, 20, 1992, pp. 216-223.

¹⁹⁰ NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, pp. 33-35.

¹⁹¹ NUSSBAUM Martha, *Human Functioning and Social Justice: In Defence of Aristotelian Essentialism*, in *Political Theory*, 20, 1992, p. 222.

Martha Nussbaum supports a regulative idea: there is a basic obligation to guarantee all members of a society the dignity and the opportunity to exercise their basic skills. This means that justice is not based exclusively on mutual advantage but includes interested parties that are in fact outside the specific diatribe, implying Aristotelian moral virtues and widespread benevolence.

The capabilities on the list also are quite abstract and therefore need to be specified by the individual constitutional systems or in any case by the basic principles of a particular society (if there is not a real constitutional text)¹⁹².

Recently the capabilities approach has been enriched by the contribution of Johnatan Wolff and Avner De-Shalit¹⁹³, who, in addition to supporting the Nussbaum list, introduce new concepts: the capability security, the fertile functionings and the corrosive disadvantage.

They introduce the concept of capability security for which public policies must not limit themselves to giving citizens a capability, but they also have to guarantee their durability in the future, protecting the capabilities from the unpredictability of the market and the political power. Nations could be able to respect the capability security thanks to the existence of constitutional guarantees, only when accompanied by a correct access to the courts and by trust towards the judges¹⁹⁴.

Moreover, a functioning is defined fertile when it promotes the formation of other related capabilities. The corrosive disadvantage is represented by the other side of the coin, as it has negative effects on large areas of life.

The relevance of these last two opposing concepts lies in the identification of the best intervention points for public policies. Each capability has its own importance and all ten capabilities should be implemented; still, some capabilities should have priority, according to their ability to remove corrosive disadvantages or to create fertile functionings. All this reasoning also helps to manage the tragic situations in which several important capabilities collide so that each selected course causes something negative to someone.

Amartya Sen is much more rigid on this type of situation because he does not believe that there can be any kind of hierarchy in this kind of context; while for Martha Nussbaum even in extreme cases, where every path implies a violation, it is possible to identify a better choice. Also, in this case supporting the vision of Martha Nussbaum, Johnatan Wolff and Avner De-Shalit maintain that in

¹⁹² NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, pp. 33-35.

¹⁹³ DE-SHALIT Avner and WOLFF Jonathan, *Disadvantage*, Oxford University Press, Oxford, 2007.

¹⁹⁴ NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, p. 43.

tragic situations the government must select fertile functionings and devolve the albeit scarce resources to them¹⁹⁵.

Surely the normative approach of Martha Nussbaum attracts several criticisms. Both because a definitive list that could be widely accepted cannot be the result of a single pen but needs a very broad discussion; and because the list presented does not give the right priority to social institutions, to political-economic development, and equally to vertical as well as to horizontal equality.

Instead, the comparative analysis of Amartya Sen, especially for its dualistic nature, is shared not only among theoretical realms yet also in his practical application with the HDI.

First, Sen provides a practical reasoning by which agents take responsibility for their actions, whoever is affected by them. So, this path links to the recognition of the plurality of agents, of dependencies and of freedoms that are becoming increasingly important in the current interconnected world¹⁹⁶.

Second, his description provides a non-ideal framework (namely a scheme that, only once applied to the reality, can take on meaning) that allows, through comparative evaluations, to navigate the complexity and uncertainty of contemporaneity. Thus, it provides both the incentive to act and the moral justification for the action itself¹⁹⁷.

Finally, Amartya Sen enables different moral considerations and duties to intertwine and overlap, as well as the responsibilities deriving from them.

Precisely because of its attention to the plurality and variability of today's world and to its continuous references to concrete actions, Sen's approach seems to be the most applicable in reality and so it will be the ensued one in the present text from now on.

¹⁹⁵ NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, pp. 44-45.

¹⁹⁶ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009, pp. 10-15.

¹⁹⁷ Ivi, pp. 6-7.

CHAPTER 2

QUESTIONS ON DISTRIBUTIVE JUSTICE

After that the demands of global justice have been outlined, the focus will be on a subset of global justice as a whole, that is, the distribution mechanism. These requests concern the fulfilment and preservation of individuals' rights to socio-economic resources and opportunities on large societal base¹⁹⁸.

2.1 Distributive Justice

Distributive justice (DJ) is a fundamental notion of philosophy and political economy, which indicates the order of an organic totality in which each party is given its due. Thus, DJ is concerned with the distribution of the benefits and burdens within a collective society.

In essence, distributive justice governs the relations between society and its members, so that every individual member of the community earns in proportion to his dignity, merits and needs. The concept of proportionality between just distribution and cooperative contribution was introduced firstly by Aristotle¹⁹⁹ and was then applied by the contractualist paradigm in a more organic way²⁰⁰.

Indeed, a community is considered as more just as it distributes according to the desert ethos, namely the set of principles that, although not embodied in the basic coercive structures of society, governs interpersonal relations between citizens. Members of a society, characterized by desert ethos, recognize the importance of and are motivated by having to treat each other as each deserves.

¹⁹⁸ VALENTINI Laura, *The natural duty of justice in non-ideal circumstances: on the moral demands of institution-building and reform*, in *European Journal of Political Theory*, 2017, pp. 2-4.

¹⁹⁹ ARISTOTELE, *Etica Nicomachea*, Libro V, 1131- 1132.

²⁰⁰ PELLEGRINO Gianfranco, *La fuga di Astrea: giustizia, povertà e cambiamento climatico, la filosofia politica di fronte alle emergenze globali*, LUISS University Press, 2012, p. 42.

Citizens, therefore, are subject to desert when they interact, even if they are not forced by institutional mandates²⁰¹.

In the same way, nonetheless, institutions that respond and are sensitive to the needs and merits of citizens facilitate the creation of a desert ethos²⁰². In fact, despite the differences between the theories on desert ethos of David Miller²⁰³ and Richard Arneson²⁰⁴, both agree that institutions must always be created to get as close as possible to the merits of individuals²⁰⁵.

The question of distributive justice emerges only in situations of relative scarcity, when the production of resources involves costs for someone and when any transfer of uncompensated resources means a loss for someone. In conditions of extreme abundance, there would be no need to redistribute, because no one, having much more than he needs or wants, would complain about the actual distribution of possessions. In cases when everyone has more than enough, DJ would be completely useless, an unsuccessful ceremonial, not to recount in the catalogue of virtues²⁰⁶.

Likewise, the scarcity of goods that makes distributive justice possible must not go beyond a certain level. A condition of dramatic shortage, of absolute scarcity, of drastic lack of resources is not a situation in which to invoke justice; rather it becomes the time of oppression and of spirit of survival when the rigorous laws of justice would be suspended, to leave room for the most violent reasons of need and self-preservation²⁰⁷.

The redistribution must hence guarantee the continuation of certain conditions of moderate abundance and prevent the scarcity from being excessive, and it will have to ensure a better situation than the previous one.

So, a just distribution must be efficient, namely must improve the condition of those suffering from deprivation and disadvantage, in a condition where deprivation and disadvantage are not necessary.

²⁰¹ MESSINA J. P., *Desert in liberal justice: beyond institutional guarantees*, in Canadian Journal of Philosophy, 2016, p. 249.

²⁰² Ivi, pp. 257-260.

²⁰³ MILLER David, *Principles of Social Justice*, Harvard University Press, Cambridge, 1999, p. 146, p. 163, pp. 193-197.

²⁰⁴ ARNESON Richard, *Desert and Equality*, in Social and Political Philosophy, 2006, p. 269.

²⁰⁵ MESSINA J. P., *Desert in liberal justice: beyond institutional guarantees*, in Canadian Journal of Philosophy, 2016, p. 250-253.

²⁰⁶ HUME David, *Trattato sulla natura umana*, Laterza, 1982 pp. 193-4.

²⁰⁷ Ivi, p. 197.

Moreover, it would not make sense to declare a certain distribution fair or unjust when none of the people involved in it is affected, could it be in worse or in better²⁰⁸.

Furthermore, a theory of distributive justice to be considered complete should provide at least answers to three questions: the validity, i.e. the place or seat of justice and its demands; the object of the distribution; and the structure of justice. In essence, a complete theory of justice should indicate who (the validity) must have how much (the structure) of what (the object of justice)²⁰⁹.

It is precisely around these three areas of analysis that disputes and controversies arise among scholars.

Regarding the subject of justice, a current believes that the principles of distributive justice guide the allocation of benefits and burdens of economic activity²¹⁰, limiting the purpose of distributive justice exclusively to economic issues. Certainly, many of the problems faced by distributive claims have an economic feature, but this does not mean that the redistribution should stop at material resources and goods. Rawls himself also includes tangible goods, such as the basis for self-respect and equality of opportunity.

Secondly, as far as validity is concerned, some believe that distributive principles should be applied only at the relationship level, while others want to apply them to the whole world²¹¹. This debate will be explored in detail later in this chapter.

Finally, it is important to underline that the DJ has a dual nature in its content, since (as already specified for global justice as a whole previously) it implies rights or entitlements and corresponding duties, respectively the benefits and the charges, as it going to be analysed.

²⁰⁸ PELLEGRINO Gianfranco, *La fuga di Astrea: giustizia, povertà e cambiamento climatico, la filosofia politica di fronte alle emergenze globali*, LUISS University Press, 2012, pp. 53-63.

²⁰⁹ Ivi, p. 27, p. 20.

²¹⁰ FAVOR Christi - LAMONT Julian, *Distributive Justice*, in Stanford Encyclopaedia of Philosophy, 1996, p. 1.

²¹¹ ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012, pp. 15-17.

2.2 Distributive Justice or Humanitarianism

Before starting with the discussion on the content of entitlements and duties, it is necessary to clarify the difference between duties of justice and actions of charity (benevolence or philanthropy), and the dynamic of duties, rights and responsibilities.

Concepts such as charity and philanthropy describe a voluntary act, a matter of kindness rather than duty. Firstly, the obligations of charity are based on humanitarian principles aimed at fighting poverty, while the duties of justice as means to proper combat global problems from the roots: in this sense the formers are seen as more superficial than the latters.

In details, the principles of humanitarianism undertake the distribution to alleviate global poverty, without asking questions about the causes of the problem, about the entitled recipients of wealth, about the features of the global system contributing to the situation²¹².

The idea of humanitarian assistance indicates a morally acceptable path because it consists of generous assistance to the poor, but only the DJ asks questions about the causes of poverty and the role of the institutional system on poverty itself.

However, in reality, not all interpretations of justice pose these questions, so this analogy cannot be considered valid or used. And, moreover, International humanitarianism seems more like duty than kindness, or maybe it is a combination: two in one, a gift that we have to give²¹³.

However, the fact that the duties of distributive justice are considered much sterner than the duties of charity²¹⁴ is reflected in the insistence, at the political level, on the conceptualization of some responsibilities as demands of justice rather than of charity. Especially in recent decades, many important political figures (starting from Nelson Mandela in his poverty speech²¹⁵) have agreed on the message: assistance is something that those who are better off owe to the poor of the world, not just a matter of charity. This kind of discourse maintains how the duties of justice are more stringent, not because are more demanding or more expensive, but since they assume more importance in their realization.

²¹² KOK-CHOR Tan, *Justice without borders: Cosmopolitanism, Nationalism and Patriotism*, Cambridge University Press, 2004, p. 21.

²¹³ WALZER Michael, *On Humanitarianism: Is Helping Others Charity, or Duty, or Both?*, in *Foreign Affairs*, Volume 90, Issue 4, 1 July 2011, pp. 69-72, pp.73-76, pp. 77-80.

²¹⁴ POGGE Thomas, *Severe Poverty as a Violation of Negative Duties*, in *Ethics & International Affairs* 19, 2005, p. 76.

²¹⁵ MANDELA Nelson, *Poverty Speech*, for “Make Poverty History” Campaign, London, 3 February 2005.

Still the most exhaustive difference is that the duties of distributive justice are morally enforceable, in the sense that someone else could force another individual to respect his duties.

On the other hand, international humanitarianism is an imperfect duty. In any crisis situation, different States are capable of acting, but no single State is the designated actor. There is no established procedure that specifies the proper name of the agent. The governing principle of humanitarian intervention is, whoever can, should²¹⁶.

Peter Singer refuses this dichotomy between charity and duty of justice. This joint solution is sealed in the Hebrew word *tzedakah*, which is commonly translated as charity, but which comes from the same root as the word for justice. This suggests that charity is not only good but also right²¹⁷.

On the same wavelength, according to Singer, if a person can prevent something negative from happening, without sacrificing something of equal moral importance, he has a moral obligation to do so²¹⁸. If the reference to justice is used to pursue one's interests and obtain entitlements, there should also be promptness to give to others, even at high costs²¹⁹. Therefore, the distinction between charity and justice cannot be sustained.

Nowadays if a person gives money or a check to a charity organization, he is thanked for it, because giving is considered a good action. Likewise, a non-charitable man is not judged for not making charity donations, and this is wrong.

In brief, the line of distinction between charity and justice must be retraced²²⁰. Nowadays, indeed, goods are so badly distributed that the conditions of the world's poor are absolutely deplorable and alleviating them is not so much a question of humanity or charity but a real moral emergency, with immediate and urgent relief duties. Moreover, these duties do not derive their cogency from principles of reciprocity and fair cooperation, yet from the most elementary ideals of decency and dignity²²¹.

²¹⁶ WALZER Michael, *On Humanitarianism: Is Helping Others Charity, or Duty, or Both?*, in *Foreign Affairs*, Volume 90, Issue 4, 1 July 2011, pp. 69-72, pp.73-76, pp. 77-80.

²¹⁷ <https://kavvanah.wordpress.com/2011/06/29/michael-waltzer-on-humanitarianism/>

²¹⁸ SINGER Peter, *Famine, Affluence, and Morality*, in *Philosophy & Public Affairs*, Vol. 1, No. 3 pp. 229-243, Wiley, 1972.

²¹⁹ ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012, pp. 18-23.

²²⁰ SINGER Peter, *Famine, Affluence, and Morality*, in *Philosophy & Public Affairs*, Vol. 1, No. 3 pp. 229-243, Wiley, 1972.

²²¹ PELLEGRINO Gianfranco, *La fuga di Astrea: giustizia, povertà e cambiamento climatico, la filosofia politica di fronte alle emergenze globali*, LUISS University Press, 2012, p. 27, pp. 44-47.

2.2.1 Right, duties and responsibilities

The emphasis on the global international order has dragged the debate on global justice away from the realm of charity or beneficence and more on the kind of duty to fulfil globally. The theoretical distinction among duties entails a diversified interpretation of duties and of responsibilities.

As to duties, first of all, the liberal tradition (since Locke) theorizes the negative duties conception of justice, to which justice requires merely not to harm or wrong others. Justice entails that everyone has private property rights respected, including a fair share of natural resources in the world. Following this logic, individuals refusing to help the poor, the disadvantaged and the sick, are morally culpable, but not wrongdoers as to justice²²².

Oppositely, especially the so-called 'left libertarians'²²³ demand more inclusive positive duties, namely justice involves not only non-actively wronging or harming others but also helping others to obtain a certain level of resources, welfare, capability, primary goods, or well-being²²⁴. A just world must see everyone with a minimum of the aforementioned goods and only then freedom and self-preservation obtain their proper role within the framework set by equality. This work shares the utilitarian theories of Peter Singer, the capability theories such as those of Amartya Sen and Martha Nussbaum, that may be seen as having a basic commitment to a positive duties approach to justice, as explained²²⁵.

The bridge between the negative and the positive interpretations is built by Pogge's. Indeed, Pogge's theory is based exclusively on considerations of corrective justice, linked to the negative duty not to harm others and the derived duty to make-up for the harm inflicted. Although, these arguments cannot be held without implicitly or explicitly presuppose principle of distributive justice. Hence, distributive justice pivots on the fairness of the distribution of burdens and benefits across the members of a community, and to correct the distortions of the status quo; the corrective justice, in turn, need the exogenous baseline of distributive justice, which comprises a just distribution of burdens and benefits.

²²² VARDEN Helga, *Duties, Positive and Negative*, in *Encyclopaedia of Global Justice*, Springer Science + Business Media, 2011, p. 281.

²²³ To deepen this topic see: FRIED Barbara, *Left-Libertarianism: A Review Essay*, in *Philosophy & Public Affairs*, 32(1), Vol. 1, 2004, pp. 66-92.

²²⁴ VARDEN Helga, *Duties, Positive and Negative*, in *Encyclopaedia of Global Justice*, Springer Science + Business Media, 2011, pp. 282-283.

²²⁵ Ivi, pp. 282-283.

Hence, Pogge maintains that having failed to fulfil the negative duty generates a positive duty to make-up for the harm inflicted. So, there is a derived positive duty, which for example in the reality means that the imposition of the global institutional order must be stopped in order to prevent and mitigate the harm it continually causes²²⁶.

The negative-duty rationale depends upon the direct and causal link between actions of the wrongdoer and the harm done to victims, so cannot be established in general but only in concrete cases. Thus, a shift towards arguments of a more empirical nature is necessary²²⁷, namely more attention to the applicability and implementation of principles of just distribution is needed. This shift determines that the actions of people, in order to be judged, must be framed in the context of responsibility. Hence, responsibility and duty are closely associated. It seems that since people have a duty to act according to what they are responsible for and are responsible for fulfilling their duties, there is not much of a difference between the two. However, in fact, duty applies to action according to well-defined steps, while responsibility consists in adopting an attitude, in making a declaration of intent.

Moreover, responsibility exists only where there is a relation or an association between the parties, so there are universal Kantian duties but no universal responsibilities. This analysis could explain why responsibility is moral, political or institutional but not legal.

Within the responsibilities' array, there are a lot of subsets differently linked to the concept of duty. Firstly, there is *causal* responsibility, merely linked to the determination of who did what. Adding to causal responsibilities normative assumptions on what is allowed and not, namely the judgement of the agent's conduct, the *remedial* responsibility is obtained²²⁸.

Secondly, there are the *retrospective* responsibilities ascribed to an agent for a specific action. In this sense, duty is more abstract while responsibility more concrete since linked to specific actions.

²²⁶ POGGE Thomas, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Polity Press, Cambridge, 2002, pp. 22-23.

²²⁷ HEYD David, *Global Responsibility and Distributive Justice*, in *Ethical Perspectives* 19, no. 4 pp. 677-702, Hebrew University of Jerusalem, Israel, 2012.

²²⁸ MILLER David, *Distributing Responsibilities*, in the *Journal of Political Philosophy*, Volume 9, Number 4, 2001, p. 458.

Lastly, there are *prospective* responsibilities, those assumed or assigned even before a specific event. This is a wider and also vaguer concept than duty, since it consists of a commitment to welfare and success of a person or of a group of people, without fixing the means to use²²⁹. Prospective responsibility may apply to human relations universally, linking the responsibility to the fact of being humans. In particular, the account of responsibility could be extended if justified by a prior sense or motive: that of solidarity.

Iris Young proposes a global responsibility based on the social connection, according to the social connection model, a third way between the political model and the cosmopolitan model²³⁰. For the political conception view, the responsibility for the global poverty and for the global differences is on domestic institutions only. Otherwise, the utilitarian cosmopolitan model, although not disagreeing on the importance of strong domestic institutions, takes rightly into account the global basic order too. In fact, given the enormous global interdependence of today, the Rawlsian description of national States as closed, isolated and self-contained systems has lost its power²³¹. At the same time, the social connection theory gains consensus in today's world, since all the economies are interdependent and so socially connected, that there should be a shared sense of responsibility for the global poor, disadvantaged and suffering. Obviously, the global application is ideal, but people are fundamentally flawed moral agents; besides, global responsibility is difficult to articulate in the real world, since the current international situation cannot be causally traced back merely to specific actions of isolated agents, while is the result of millions intermediate actions and events between the actions²³². The global situation is made complex especially because there is not a unique centre of power in the international community, that is still an abstract entity, without a one single voice and acting on its judgement. On the other hand, such a body has no self-interest²³³ and great steps have been made both in philosophical debates and in individual morality towards the recognition of a global responsibility. Now it is necessary to strengthen the link between people, thus strengthening the

²²⁹ DUFF Anthony, *Responsibility*, in Routledge Encyclopaedia of Philosophy, Routledge, London, 1998, pp. 290-291.

²³⁰ YOUNG Iris, *Responsibility and Global Justice: a social connection model*, in Social Philosophy and Policy, 2006, pp. 102-130.

²³¹ WALZER Michael, *On Humanitarianism: Is Helping Others Charity, or Duty, or Both?*, in Foreign Affairs, Volume 90, Issue 4, 1 July 2011.

²³² Ibidem.

²³³ HEYD David, *Global Responsibility and Distributive Justice*, in Ethical Perspectives 19, no. 4 pp. 677-702, Hebrew University of Jerusalem, Israel, 2012.

solidarity, and the role of international institutions in order to make them more accountable, in order to make responsibility not only morally right but above all applicable in the reality.

2.3 Validity and Content of Global Distributive Justice

As aforementioned in the last paragraph, the main lines of debate surrounding distributive justice are the scope of its validity and its standards to be applied. Even among those who agree on the importance and necessity of global distributive justice there are substantial differences, in some aspects also linkable to the ambit of validity recognized.

The *egalitarian* approach gives centrality to equality, providing that important resources must be distributed equally among people. In fact, given that people's lives have all the same value, the well-being and welfare of everyone must be fulfilled.

Not all egalitarian theories are so rigid, some isms indeed consider some inequalities acceptable, setting specifics and limits on them. For example, inequalities are seen as justifiable as long as they create incentives within the economic sphere²³⁴.

Obviously in theory global inequalities are always unjust, but sometimes in the reality it is impossible to achieve perfect equality since it could clash with other values such as freedom, autonomy or self-determination of States.

In egalitarian theory, the aspect of comparison is central, so the current dramatic situation of poverty and of inequalities could be overcome if everybody gets enough, not (only) in absolute but as compared to others.

Otherwise, the *minimalist* approach tries to make less demanding requests, however still difficult to achieve in today's context. This theory suggests that global injustice occurs when people do not have enough to live decently and with dignity, thus a line between what is necessary for an acceptable life and the surplus should be drawn.

Unlike egalitarianism, minimalism does not only value the inequalities in themselves but also as tools for achieving other relevant values, such as political equality between different nations, prevention of exploitation or of slavery to the detriment of the poorest countries.

Minimalist scholars actually embrace the profundity of equality within a single society, but do not extend it to the global distributive level, often resorting to *relational* reasoning (no dynamics of justice

²³⁴ ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012, pp. 35-36.

could intervene between subjects without direct relations)²³⁵.

This clarification does not mean that all minimalists are relational or that all egalitarians are *non-relational*. The global egalitarians, for instance, can be relational by supporting the existence of global institutions or non-relational by hinging on the basic humanity that all people have in common. Likewise, the minimalists can embody both an international and a non-relational approach (even if the major minimalist exponents are still relational).

So, this underlines how the position in the debate on the ambit of validity of global distributive justice and in the discussion on the standards of global distributive justice does not determine the other, and vice versa. Respectively, indeed, the distinction between relational and non-relational theories tells us something about why to justify (or not) the extension of the DJ to a global level, while the distinction between egalitarianism and minimalism explains the position on the content of distributive duties and rights²³⁶.

2.3.1 Minimalist and Relation Account

The main analysed and criticised minimalist account is surely the Rawlsian one, and its reasons for rejecting the global non-relational approach.

To propose a full-fledged analysis, it is necessary to start from Rawls' political theory, as mentioned earlier, founded on the negation of monism.

In the Law of Peoples Rawls presents a world divided into countries, without nationalist sentiment, called Peoples. Societies for Rawls could be grouped into five categories: outlaw States, burdened societies, benevolent absolutism and liberal and decent (but still not liberal)²³⁷ Peoples.

As for transnational justice (justice with States), both liberal and decent Peoples apply Rawls' minimalist standards on human rights²³⁸. In details, decent Peoples must meet exclusively the human

²³⁵ Relational justice takes seriously the independent normative claims of the social systems affected and their relatedness in a shared social environment; WIELSCH Dan, *Relation Justice*, in www.rechtstheorie.uni-koeln.de Vol. 76, p. 191-211, 8 May 2013. To deepen this topic see also, ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012.

²³⁶ ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012, pp. 34-38.

²³⁷ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 4, p. 63.

²³⁸ Ivi, p. 65.

rights standards to be defined as such. On the other hand, liberal societies must guarantee also an effective use of freedoms and therefore to guarantee worth living lives²³⁹.

As to international justice (justice between States), since his dualism, Rawls does not recognize the possibility of a global distributive justice²⁴⁰. Thus, Rawls recognizes that there are obligations that the just societies (namely the liberal and the decent ones) have towards the other Peoples²⁴¹.

Specifically, there are two duties of giving economic aid to another community: the Mutual Aid and the Duty of Assistance. The Mutual Aid applies within the Society of Peoples, following treaties accepted voluntarily by members in good standing of the society of Peoples. On the other hand, the *Duty of Assistance* is an obligation that derives from the basic needs of the human beings, so it falls on every People but only the well-ordered ones are expected to realize it²⁴².

The duty in question does not belong to the members of the society but to the People as a collective entity. Rawls places too much importance on the weight of political institutions and the aggregate desire of the People, underestimating the relevance of individual desires. Feelings and personal opinions are distinct from public reasoning, so it is right to take into account a multiplicity of positions²⁴³.

There are three directives that the well-ordered Peoples must apply to fulfil the Duty of Assistance, in order to help disadvantaged societies not able to have a just or at least decent political regime²⁴⁴: recognizing that the Duty of Assistance aims at political decency covering everything necessary for just or decent institutions, so that questions about extra wealth or resources are not to be considered; recognizing that decency implies respect for human rights, shared by the majority of domestic political cultures; when burdened communities become capable of managing their own affairs and therefore becoming part of the Society of well-ordered Peoples, the duty of assistance ceases to exist²⁴⁵. Once the Duty of Assistance is realized, any redistribution among well-ordered countries

²³⁹ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 114.

²⁴⁰ Even if in a less inflexible way than realists or the most extreme communitarians, both a priori scepticisms. To deepen this topic see, BUCHANAN Allen, *Justice, Legitimacy and Self-Determination: Moral Foundations for International Law*, Oxford University Press, Oxford, 2004, pp. 190-191; and TASIIOULAS John, *Global Justice Without End?*, in *Metaphilosophy* Vol. 36, January 2005, pp. 4-6.

²⁴¹ TASIIOULAS John, *Global Justice Without End?*, in *Metaphilosophy* Vol. 36, January 2005, pp. 6-8.

²⁴² ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, pp. 22-47.

²⁴³ Ivi, pp. 48-63.

²⁴⁴ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 37.

²⁴⁵ Ivi, pp. 9-17.

would be a waste of resources and a lack of respect: Rawls points out that the most important element of a just foreign policy is knowing when stop to intervene²⁴⁶.

Rawls, nonetheless, recognizes the appeal that the principle of global difference can have given the current circumstances of extreme injustice, poverty and inequality²⁴⁷. Still the principles of international justice have, for Rawls, the significant flaw of lacking a cut-off point²⁴⁸. So, Rawls himself highlights how once the objective of consolidating decent institutions is reached, the duty to assist the previously burdened society have to end. Any inequality that could continue to exist must be considered moral indifferent from the point of view of international justice²⁴⁹.

Indeed, this duty does not require that the richer societies transfer resources to the poorest ones: even if the burdened societies are often poor, this does not imply a causal connection between the Duty of Assistance and the elimination of poverty²⁵⁰. Rawls points out that there are no other duties of justice, beyond those recognized in the Duty of Assistance, namely burdened societies need political assistance to create just institutions and sometimes even temporary economic aid in cases of extreme crises.

Especially, since Rawls highlights how the majority of the material problems, which afflict the burdened societies, can be traced back to internal political causes.

Rawls, hence, denies that some country in reality is unable, by lack of resources, to support its own population, so the plagues like poverty and hunger are not inevitable²⁵¹. Indeed, these large-scale economic disasters are caused by government injustice and incompetence, not by lack of resources. Thus, these problems can be alleviated by political reforms and only good governance represents a permanent care²⁵².

The Rawlsian Duty of Assistance, pushing societies to recognize basic rights and provide the necessary goods to their members²⁵³, has helped to reduce international inequalities in the reality.

²⁴⁶ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, pp. 6-8.

²⁴⁷ Ivi, p. 117.

²⁴⁸ TASIOLAS John, *Global Justice Without End?*, in *Metaphilosophy* Vol. 36, January 2005, pp. 6.

²⁴⁹ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 111, pp. 118-119.

²⁵⁰ LORIAUX Sylvie, *Fairness in international economic cooperation: moving beyond Rawls's duty of assistance*, in *Critical Review of International Social and Political Philosophy*, 2011, p. 20.

²⁵¹ ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, p. 3.

²⁵² Ivi, pp. 17-22.

²⁵³ LORIAUX Sylvie, *Fairness in international economic cooperation: moving beyond Rawls's duty of assistance*, in *Critical Review of International Social and Political Philosophy*, 2011, p. 35.

However, the societies in fulfilling the Duty of Assistance are merely motivated by the need of international legitimacy in order to enter the Society of just Peoples²⁵⁴.

Pogge, moreover, underlines how ensuring that disadvantaged communities reach the minimum level of decency cannot resolve the problems of the current global economic order. This because the disadvantaged ones see not only their positive right to redistribution but also the two significant negative rights (corresponding to the duty of well-ordered Peoples not to harm and not to take advantage of the injustices) violated²⁵⁵. Rawls would answer that this deplorable situation would not occur in an ideal situation in which the Law of Peoples is applied, where the unfair advantages are sacrificed on the altar of independence, human rights, equality and duty of non-intervention. Pogge, in turn, would suggest that an equitable relationship between societies cannot be considered compatible with high levels of material inequality.

In any case, the rights invoked by Pogge and the principles of global distributive justice of Beitz (redistribution of natural resources and a global principle modelled on the principle of difference²⁵⁶) seem effective solutions in the real world as a reference point²⁵⁷. Yet Rawlsian principles are meant to be applied in an ideal world, so the question is whether once a world of well-ordered Peoples is reached, a principle of global distributive justice would still make sense²⁵⁸.

For this reason, it is important to go on to specify that the Duty of Assistance does not apply between well-ordered Peoples but is a duty of the well-ordered peoples towards the burdened ones, so it is a transitory principle of justice that falls within the domain of the ideal theory. This provides a guide for non-ideal theory, especially in identifying the long-term objective²⁵⁹. The non-ideal theory in turn guides the choices between the various stages necessary from an unjust status quo to a possible realization of the ideals²⁶⁰.

²⁵⁴ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, pp. 35-36, p. 57, p. 59.

²⁵⁵ POGGE Thomas, *Assisting the Global Poor*, in *The Ethics of Assistance: Morality and the Distant Needy*, 2004, p. 278.

²⁵⁶ BEITZ Charles, *Rawls' Law Of Peoples*, in *Ethics*, 110 (4), 2000, pp. 669-96.

²⁵⁷ TASIOLAS John, *Global Justice Without End?*, in *Metaphilosophy* Vol. 36, January 2005, pp. 11-14.

²⁵⁸ MAFFETTONE Pietro, *Rawls' Duty Of Assistance: A Defence And Re-Elaboration*, in *Ethics & Politics*, XIX, 2017, pp. 355-358.

²⁵⁹ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, pp. 89-90.

²⁶⁰ YONG Caleb, *Rawls's Duty Of Assistance: Transitional Not Humanitarian Or Sufficiencyarian*, in *Nuffield's Working Papers Series In Politics*, 2012, pp. 11-15.

The Rawlsian Duty of Assistance does not impose a continuous reduction of international inequalities, yet has a limit²⁶¹, namely when the burdened communities create just institution and become capable of managing their own affairs and therefore becoming part of the Society of well-ordered Peoples, the duty of assistance ceases to exist.

The Duty of Assistance has the ultimate goal of freedom and equality for previously burdened societies, which can thus become members of the Society of Peoples. The desired equality is not to be interpreted in terms of social wealth but is linked to the political autonomy of Peoples.

This explains why the purpose of the Duty of Assistance can also be described as an aid for burdened communities to become autonomous and to trace their own path to the future²⁶². Rawls wants to insist on the importance of political self-determination, so once the Duty of Assistance is exhausted, the Peoples themselves must attribute, according to their own culture, basic necessities, priorities, local factors or norms, value to wealth²⁶³. In this way, no People can feel inferior to another one, as each society attributes a different social meaning to wealth, well-being and opportunities. If the People as a whole is dissatisfied comparing itself to any other society, it can easily reformulate its domestic policies. So inter-people differences are not problematic because if they are felt negatively, they can be changed thanks to domestic policies²⁶⁴.

It is undeniable that political aid is important, but empirical evidence shows that Rawls's institutional-relational approach is not fully reliable.

First of all, redistribution does not only involve material goods or basic necessities, there are also goods needed regardless of the level of community's decency²⁶⁵. That is, redistribution must follow from necessity, because some types of needs can persist even long after the society has been reformed politically and hence became decent.

In addition, Rawls does not consider the needs that may derive from an unfortunate endowment of natural resources, from a previous inefficient management or from unforeseeable consequences, which instead must be fulfilled regardless of people's decency²⁶⁶.

²⁶¹ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 114.

²⁶² Ivi, pp. 118-19.

²⁶³ Ivi, p. 111, p. 114.

²⁶⁴ ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, pp. 48-63.

²⁶⁵ Ivi, p. 3.

²⁶⁶ Ivi, pp. 22-47.

Secondly, normative studies have shown that: well-ordered institutions do not solve the problem of poverty; strategies to reduce poverty often imply unfair and unsuccessful policies; successful policies have a very slow pace, especially in cases of participatory governments. In essence, although the right institutions give a positive contribution to society and avoid disasters, they are not able to cure the disasters themselves.

Moreover, the badly-ordered communities can be interested in the well-being of their citizens and the indecent institutions can manage to be as effective as the decent ones.

Being critical against the Rawlsian relational approach does not mean preferring well-being to justice²⁶⁷, but implies that stable and just government institutions are not the panacea for all the problems of a society.

Indeed, empirical evidence suggests that whatever the effects of fair institutions, residual problems regarding material inequality, which cannot be justified in light of cultural differences, remain. On the other hand, the transition to get out of burdened condition takes time and requires material assistance even after creating appropriate institutions. Rawls is right when he says that not all countries need material aid, still some do. And precisely because this aid must not be imperishable but temporary, perhaps Rawls could recognize it, taking into account the transitory nature of the Duty of Assistance²⁶⁸.

Rawls is certainly right to put the Duty of Assistance in the realm of non-ideal theory, in order to give it a transitory character and also a very specific limit.

The Duty of Assistance could, in reality, seem too demanding as it would seem to require the intervention of the well-ordered Peoples on the deep elements of the culture of another community. In detail, however, the Duty of Assistance is a duty for well-ordered societies to try to assist burdened ones. Well-ordered Peoples must give advice and maybe some form of financial assistance to implement the advice practically, without ever forcing or putting pressure on the burdened Peoples. Therefore, the Duty of Assistance is not to be considered a duty of building institutions but a duty of advice and support. Considered in this way, the Duty of Assistance would seem to fail in most complicated cases, not seeming demanding enough in reality²⁶⁹, given that weak social and political culture affect the possibility for advice and resources to be effective.

²⁶⁷ ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, pp. 17-22.

²⁶⁸ Ivi, pp. 6-8.

²⁶⁹ TASIIOULAS John, *Global Justice Without End?*, in *Metaphilosophy* Vol. 36, January 2005, pp. 14-27.

Burdened societies are considered by Rawls incapable, not unwilling, to apply the Law of Peoples, so they should be inclined to accept aid. But it's not something that should be taken for granted anyway²⁷⁰.

2.3.2 The chosen Content of Global Distributive Justice

Globalization and changes in the international system lead to: a global theorization and application of distributive justice; to a complex set of relationships that eradicates a kind of approach limited to individual states or communities; to a fast dynamism that requires limits to the demands of distributive justice; to dramatic inequalities that must be erased immediately, at least making the lives of citizens decent and worth living.

Therefore, it is necessary to reformulate the Duty of Assistance, depriving it of its relational nature and reformulating its content, in a cosmopolitan view (therefore based on individuals as primary agents).

The Human Development Approach (HDA) can be of some help to expand the notion of duty of assistance. This approach assumes that “assistance” is a duty of justice, where justice is understood as the promotion of capabilities (fundamental freedoms and opportunities to choose and to act) and well-being, involving the performance of virtuous actions²⁷¹.

The HDA framework: is non-idealized so finds its realization in the empirical application; it can find justifications for moral actions²⁷²; moving from abstract duties to concrete actions²⁷³, it can reflect the complexity and uncertainty of the current international world²⁷⁴; being based on the centrality of human dignity and morality (so being non-relational or being relational in Iris Young’s sense²⁷⁵), it can highlight the current plurality of agents and of consequent responsibilities²⁷⁶.

²⁷⁰ MAFFETTONE Pietro, *Rawls’ Duty Of Assistance: A Defence And Re-Elaboration*, in *Ethics & Politics*, XIX, 2017, pp. 354-371.

²⁷¹ SEN Amartya, *Elements of a Theory of Human Rights*, in *Philosophy and Public Affairs* 32 (4), pp. 315–356, 2004.

²⁷² SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009, pp. 6-7.

²⁷³ Ivi, pp. 44-45.

²⁷⁴ MURPHY Susan, *Unlocking the beauty of the imperfect duty to aid: Sen's idea of the duty of assistance*, in *Journal of Global Ethics*, 2014, pp. 374-378, p. 381.

²⁷⁵ YOUNG Iris, *Responsibility and Global Justice: a social connection model*, in *Social Philosophy and Policy*, 2006, pp. 102-130. In this point is made a reference to the afore discussed social connection model, to which all individuals are linked thanks to a sense of responsibility derived from a sense of global solidarity.

²⁷⁶ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009, pp. 10-15.

And the ambit of the new actors and the new responsibilities that flourished in the international system, i.e. the third fundamental area of a complete theory of distributive justice, is going to be the subject of the next chapter.

CHAPTER 3

NEW ACTORS AND THEIR OWN RESPONSIBILITIES

This chapter translates the philosophical theory of the previous chapters into the analysis of reality. After a brief historical excursus, the focus will be on the main international contemporary actors and on their respective responsibilities in the context of global governance.

3.1 From Westphalia to the Global Governance

The Westphalian order, focused on the absolute sovereignty of the State in its own territory, emerged in 1648, in the aftermath of the religious wars in Europe; however, profound changes have occurred in the international system as it is today.

According to the theorization of Raffaele Marchetti, the first attempt to change the international legal-institutional framework is represented by the League of Nations, following the First World War, yet it factually represented a failure, because of the lack of ratification by the United States of America. The second, more radical and effectual, innovation is the birth of the United Nations in 1945, as a consequence of the Second World War. This international organization began to undermine the absolute centrality of the State; specifically, the UN provides the expropriation, to its favour, of the absolute right of States to resort to the use of force (Article 2); and the recognition of the predominance of the Charter over any other subsequent treaty (Article 103)²⁷⁷.

Also, the liberal system following the Bretton Woods agreements, namely a combination of free market and national political system, causes a growing need for broader and deeper international cooperation. Free trade allows a country to take advantage of trade opportunities, but it is possible to take full advantage of the opportunities offered by international trade only with macro-economic policies that guarantee stability, with the rule of law, and respecting property rights²⁷⁸.

²⁷⁷ MARCHETTI Raffaele, *La politica della globalizzazione*, Mondadori Università, 2014, pp. 93-107.

²⁷⁸ IRWIN Douglas, *Free Trade Under Fire*, Princeton University Press, 2015, p. 75.

The third turning point is the end of the Cold War, which gives hope for the realization of the cosmopolitan dream. Indeed, during the Iron Curtain era, the idea of a true global governance had remained a chimera, because: international governmental organizations (IGOs) were used by both sides for their own interests, human rights were only used as political content, and freedoms were sacrificed on the altar of ideology. With the fall of the Berlin Wall, instead, the possibility of the Kantian moment of realization of a global governance is resurrected. After all, since the 1960s the world has been geographically narrowing, the unilateral abandonment of the Bretton Woods agreements by United States in 1971 has led to a deregulation in both trade and financial movements, international travels and new media have made national borders mere hindrances, non-governmental organizations (NGOs) have been growing and regional governance systems have watered the green hope of global political coordination.

All these steps have led to a downsizing of the idea of national sovereignty and to the Kantian transition from an international system between sovereign countries to global governance, which follows the cosmopolitan directives and laws²⁷⁹.

Global governance cannot, therefore, be considered a static entity but a process always in flux, since it is nothing other than the way in which the various mechanisms and various agents of international relations are operationalized in practice²⁸⁰. In fact, it is a continuous process of choice between the different and contrasting interests according to which individuals and institutions (both public and private) manage their own businesses.

Governance, thus, distinguishes itself from the classical government since it does not require a single centre of power or the same level of centralization, formalization and integration; while it requires rules, norms and procedures to solve global problems²⁸¹.

The envisaged system of multilateral rules has implications, on a global, transnational, regional or national level, i.e. it is much more intrusive than traditional intergovernmental rules. In addition, the regulatory mechanisms of global governance also work if not issued by an official authority, but by networks, which tend to proliferate in an increasingly interdependent world.

²⁷⁹ WOLIN Richard, *The idea of cosmopolitanism: from Kant to the Iraq War and beyond*, in *Ethics & Global Politics*, 2010, pp.143-144.

²⁸⁰ HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, pp. 204-205.

²⁸¹ MARCHETTI Raffaele, *La politica della globalizzazione*, Mondadori Università, 2014, pp. 93-107.

There is, hence, a change in reference to the concept of international subjectivity, to the extent that sovereignty of States loses its privileged status and the United Nations system itself becomes increasingly integrated with a number of other multilateral governance structures and networks.

So, the challenge that global governance has to face is to design stratified mechanisms that generate not only participation at the State level in order to face common problems, but also at the community and individual level in order to change their behaviour to be able to fight global problems²⁸².

3.2 Responsibilities of Actors

There are several problems of global justice that must be solved, and this raises the problem of responsibilities, which not only asks who is responsible for some results but also who is able to solve likely difficulties.

Various theories have been developed around these questions, some focusing on the contribution that the agents have given to the creation of a problem, others on the beneficiaries of a problem, others on the agents' ability to act constructively.

Another significant debate on responsibility differentiates responsibilities between collective agents from that of individual individuals²⁸³. In this context, causal responsibility (as specified before, merely the determination of who did what) is attributed, on the one hand, to the individual and its actions, on the other, to groups defined as collectives.

The solution that allows the applicability of responsibility also at a collective level is the forward-looking collective responsibility²⁸⁴, which does not take into account the guilt or the will of the agent but prescribes what the agent should do, thus redistributing moral work. In fact, the person who caused and is guilty of an evil is often not the agent who in reality may be able to solve the problem itself. So, the responsibility does not take value from the guilt itself, rather from the realization of a specific and morally justifiable project²⁸⁵. Therefore, the agent must be able to do something in the world and to take responsibility for his actions in this regard. This recalls Singer and Armstrong's

²⁸² HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, pp. 2-5.

²⁸³ BROCK Gillian, *Global Justice*, in Stanford Encyclopaedia of Philosophy, 2015.

²⁸⁴ FRENCH Peter- WETTSTEIN Howard, *Forward Looking Collective Responsibility*, in Midwest Studies in Philosophy (Volume XXXVIII), University of Minnesota Press, Minneapolis, 2014.

²⁸⁵ SMILEY Marion, *Collective Responsibility*, in Stanford Encyclopaedia of Philosophy, 2017.

positions, according to which justice entails promptness to give to others, even at high costs, if given the possibility.

The attention, from here on, will be directed towards collective actions, since the increased complexity of the international society makes associations and unions of intent more and more pivotal in making a difference. Particularly, the fight against poverty and global injustices of distributive nature, with the consequent sharing of responsibilities, will be the focus.

3.2.1 Individual Agents

In line with the principle of the moral centrality of the cosmopolitan individual, the First Report of the 1990 United Nations Development Program opened with this sentence: “People are the real wealth of a nation²⁸⁶”. People are not just the simple beneficiaries of the social and economic progress of a society, still they are the force of change, through individual and collective actions. Individual actions, such as the education given to children, manage to influence the development of society, but the collective actions themselves appear to be able to put pressure on policies and to bring political changes. As, indeed, Thomas Pogge emphasizes, some joint actions, albeit small, may influence the outcome of a negotiation and little differences in global institutional structures can lead to large differences in the protection of human rights²⁸⁷.

In fact, various examples taken from practical experience show how rarely a person can effectively influence a public policy on his own, always needing some form of association, alliance or at least public debate. Thus, the legal guarantees for freedom of expression, of association, of thought are important not only for their intrinsic value, but also for the instrumental value of agency (both individual and collective) promotion²⁸⁸.

In theory, assuming a cosmopolitan point of view, everyone has a duty: to pursue his goals within limits, allowing others to do the same; and to eliminate obstacles to the freedom of others, until it involves a serious sacrifice of his own freedom.

²⁸⁶ UNITED NATIONS Development Programme, *Human Development Report*, Oxford University Press, 1990.

²⁸⁷ POGGE Thomas, *Severe Poverty as a Violation of Negative Duties*, in *Ethics & International Affairs* 19, 2005, pp. 55-83.

²⁸⁸ FUKUDA-PARR Sakiko, *The Human Development Paradigm: Operationalizing Sen's Ideas On Capabilities*, in *Feminist Economics*, 2011, pp. 308-310.

This principle of minimal morality is inserted into the Kantian moral conception, according to which morality must govern all human relations by focusing on the concept of dignity, and not on institutional connections between people. The moral obligations of a particular and a specific association do not remove the individual from universal demands, rather they add new levels of shared purpose and responsibility²⁸⁹.

In practice, however, the history of international aid and development shows that the moral demands not coinciding with the interests of the individual are not sufficient motivations for action. The sense of justice is more often recalled by a dramatic scene of suffering but rarely turns into a long-term commitment to resolve the situation. It, therefore, seems more realistic to rely not only on valid moral principles, but also on an enlightened self-interest in order to really defeat global poverty²⁹⁰.

Likewise, the reasoning of Peter Singer highlights that people (usually) do not give large sums to assistance funds²⁹¹, they do not write to parliamentary representatives to ask an increase in governmental assistance, they do not demonstrate in the streets or make symbolic actions (such as fasts) to obtain basic necessities for the disadvantaged ones. The inaction of some members certainly seems a good excuse for the inactivity of other members of a group with similar characteristics, but it does not change the fact that responsibility for poverty and for suffering of others falls on every human being.

Indeed, changing the moral scheme of individuals is a prerequisite for a deep transformation of governmental action because: if citizens do not donate voluntarily, their respective governments draw the conclusions that citizens neither are interested in helping the neediest nor would like to be forced to make benevolent donations. Certainly, it is necessary that governments, especially of the wealthiest countries, work to grant funds and charitable aids, but government accountability must not relieve citizens from responsibilities, likewise the inactivity of political representatives cannot be a hideout

²⁸⁹ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, pp. 131-133.

²⁹⁰ https://personal.lse.ac.uk/voorhoev/poverty_forum_intro.pdf

²⁹¹ Remember Singer's suggestion: each of the wealthy citizens of the First World must contribute to solving the problems of poverty in the Third World, until this contribution jeopardizes his own survival. In a world of followers of Singer, called Singerian, all the wealthy citizens of the industrialized world make their contribution, and, precisely for this reason, it is a very small contribution, because the joint flow of so many donations requires a low percentage from everyone. On the other hand, in today's world, Imperfectia, Singer's exhortations have a certain following, but they only affect a minority: the members of this minority, in order to make their donations effective, must offer a substantial part of their income, however maintaining enough to live a dignified life. See, PELLEGRINO Gianfranco, *La fuga di Astrea: giustizia, povertà e cambiamento climatico, la filosofia politica di fronte alle emergenze globali*, LUISS University Press, 2012, p. 71.

for citizens' inaction²⁹².

Although, in fact, unorganized individuals cannot achieve perfect distributive justice (failing to guarantee the right to adequate resources and opportunities for all) they are however fundamental in influencing and implementing governmental actions and more.

3.2.2 Collective Agents

Where individuals lack the capacity to carry out the demands of justice, corporate or collective actors intervene, that is, a multi-person system that has its beliefs and that acts to satisfy its desires. Agents of this type include States, corporations, churches, universities, international organizations and so on...

These actors have a moral agency, namely they can make moral judgments based on some notions of right and wrong, act with reference to the aforementioned awareness, and be held accountable for their actions²⁹³.

With the processes of decision-making, they decide on their moral motivations and with the executive processes of implementations, they act precisely on the basis of their motives²⁹⁴.

3.2.2.1 States

The first collective actor that needs to be analysed, on which the duties of global distributive justice hang, is the State. The State manages to achieve justice when its citizens respect its directives, either because they recognize its authority or because they are afraid of the sanctions it could impose. Given the choice to apply the encompassing cosmopolitan perspective, the principles of distributive and socio-economic justice, usually valid in the confines of the domestic realm, are applied to the whole world. The responsibility that derives from the aforementioned extended application of justice is

²⁹² SINGER Peter, *Famine, Affluence, and Morality*, in *Philosophy & Public Affairs*, Vol. 1, No. 3 pp. 229-243, Wiley, 1972, pp. 229-243.

²⁹³ TAYLOR Angus, *Animal and Ethics: An Overview of the Philosophical Debate*, Broadview Press, Peterborough, Ontario, 2003, p. 20.

²⁹⁴ VALENTINI Laura, *The natural duty of justice in non-ideal circumstances: on the moral demands of institution-building and reform*, in *European Journal of Political Theory*, 2017, pp. 4-6.

shared between various agents, but a significant part of it falls on States²⁹⁵.

Among States themselves, most scholars of global distributive justice continue to focus exclusively on the responsibility of developed countries, ignoring the responsibility of developing ones. Speaking of the responsibility of today's excesses of poverty, Thomas Pogge blames the most developed countries, especially the members of the G-7²⁹⁶. On the same wavelength, Laura Valentini talks about "our duties" referring to the duties that developed countries have towards other countries²⁹⁷.

On the other hand, developing countries are gaining power both economically and politically, at the same time the geography of poverty is radically changing and inequality between States is radically diminishing (although international inequality continues unabated).

And it is precisely from power that responsibilities derive, in particular the responsibilities of global distributive injustices can be ascribed to developing countries on the basis of three criteria: their capacity to stop distributive injustices, their (culpable) contribution to the global distributive injustices and their benefits from the global distributive injustices.

a) The capability to stop distributive injustices.

Developing countries, given their wealth and their administrative capacities, could implement effective redistribution, social assistance and money transfer mechanisms in reducing domestic poverty. These actions could be effective, because the knowledge of the internal context can avoid unwanted side effects, and the implementation of a reliable legal system can express a long-term government commitment. Moreover, if the reforms to combat poverty have a domestic origin, they are considered democratically legitimate, avoiding the problem of many pro-poor international policies considered instead the Trojan horse of developed countries to pursue their own interests in developing ones.

b) The contribution to global distributive injustices.

Poverty in developing countries is mainly caused by internal policies, so the resolution of it falls mainly on the countries themselves. On the other hand, developing countries participate (and so assume responsibility) in international institutions, whose policies have contributed to the creation of international poverty. This participation, however, was the result of the lack of alternatives to actually become part of the international system, so their contribution to injustice-perpetrating institutions could be considered involuntary and without fault. In fact, the countries of the South are working to

²⁹⁵ VALENTINI Laura, *The natural duty of justice in non-ideal circumstances: on the moral demands of institution-building and reform*, in *European Journal of Political Theory*, 2017, pp. 12-16.

²⁹⁶ POGGE Thomas, *Politics as Usual-What Lies Behind the Pro-Poor Rhetoric*, Polity Press, Cambridge, 2010, p. 21.

²⁹⁷ CHANDHOKE Neera, *How Much Is Enough, Mr Thomas? How Much Will Ever Be Enough?*, in Thomas Pogge and His Critics, Polity Press, Cambridge, 2010, pp. 80-81.

create new institutions that work in parallel with existing ones, to finally be able to clean up the long-term but morally problematic institutions.

c) The benefits deriving from global distributive injustices.

Developing countries have benefited from their participation in the global system itself. Moreover, the gains are unequally distributed within the population, so the analysis should not focus on the States (despite the advantages of giving practical guidance for action and being applicable in the modern system), rather on national sub-groups, classes and individuals. That is, the state-centric analysis should be accompanied by a normative analysis to redistribute responsibility internally, because in the end it is precisely the political and economic elites of developing countries that have the responsibility. The blame for the lack of development cannot be attributed to people, yet to the government and its policies²⁹⁸. Even Thomas Pogge maintains that politicians and small elites are the ones who make the decisions with the worst consequences²⁹⁹. This does not mean, however, that the citizens are absolved from their responsibilities (as already discussed above), given that the politicians have exclusively the power that the citizens have attributed to them, so every decision is the result of the delegated power³⁰⁰.

This view does not want to relieve the developed countries of their responsibilities, also because if developing countries have not reached their maximum potential it is mainly because of internal policies, but the barriers and subsidies of the developed countries certainly has not helped³⁰¹. According to Thomas Pogge, the richer countries, in their actions, are not only violating the positive duty to help the needy, but they are also violating the negative one of not harming them. Precisely the negative duties in contact with reality are the one which are transformed into moral duties and motivations to act, and the lack of their realization determines the violation of human rights.

Inflicting unfair rules on others is harming them³⁰², so much that killing through military means and killing through an unjust international regime are morally equivalent³⁰³. At this point, poor countries can wage a distributive war against the rich ones, namely a defensive war against the imposition of

²⁹⁸ IRWIN Douglas, *Free Trade Under Fire*, Princeton University Press, 2015, p. 238.

²⁹⁹ POGGE Thomas, *Severe Poverty as a Violation of Negative Duties*, in *Ethics & International Affairs* 19, 2005, pp. 55-83.

³⁰⁰ CULP Julian, *Rising powers' responsibility for reducing global distributive injustice*, in *Journal of Global Ethics*, 2014, pp. 274-279.

³⁰¹ IRWIN Douglas, *Free Trade Under Fire*, Princeton University Press, 2015, p. 233.

³⁰² POGGE Thomas, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Polity Press, Cambridge, 2008, pp. 14-15.

³⁰³ LIPPERT-RASMUSSEN Kasper, *Pogge, poverty, and war*, in *Politics, Philosophy & Economics* Vol. 16, 2017, pp. 446-449.

economic injustices (morally equivalent to a defensive war against military aggression). Despite the theorizing of distributive wars (even thought, really extreme especially in terminology) is totally acceptable, in reality, they would not manage to permanently eradicate global poverty³⁰⁴.

3.2.2.2 Intergovernmental Organizations

The increasingly interdependent international system means that the collective agent par excellence, the State, has become less able to manage the challenges by itself³⁰⁵. On this line of thinking, the UN general secretary Joseph Deiss said: “the world today is getting more interdependent and more integrated. Problems cross borders without passports and visas. Information spreads instantly all over the globe. It is no longer possible to ignore what is happening abroad. Global challenges require coordinated action of the international community³⁰⁶”.

Precisely because of the dynamics of the modern international, stratified and multilateral system, the State seems to have responsibilities only as a member of international organizations aimed at achieving global justice³⁰⁷.

The centrality of state sovereignty is put under pressure by existing international institutions and by the need to create new ones for the protection of human rights, for the provision of humanitarian aid and of global public goods.

On the one hand, the more affluent nations feel the need to create more effective governance at the global level but, on the other hand, do not want to be forced by further obligations and demands.

However, the institutions are not all the same: some provide, usually through a treaty, the delegation of authority and sovereignty by States to the supranational institution; others are controlled and financed by their Member States to achieve common goals, and do not have the capacity to impose coercion on them; others are nothing more than networks of experts and managers of a specific common theme, which act through the principle of consent but yet without the authority of the treaty.

³⁰⁴ LIPPERT-RASMUSSEN Kasper, *Pogge, poverty, and war*, in *Politics, Philosophy & Economics* Vol. 16, 2017, p. 463.

³⁰⁵ HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, pp. 2-5.

³⁰⁶ DEISS Joseph, *Opening Remarks*, Conference on Global Governance and Security Council Reform, United Nations Organization, 5/16/2011.

³⁰⁷ VALENTINI Laura, *The natural duty of justice in non-ideal circumstances: on the moral demands of institution-building and reform*, in *European Journal of Political Theory*, 2017, pp. 12-16.

This last type of organization, composed of sub-states, will become increasingly important in the context of global governance³⁰⁸.

Nonetheless, all the different forms of international organizations share the fact of being formed not by individuals but by representatives of state functions or institutions. Indeed, the individuals do not voluntarily join an association, but they become members as a consequence of the decision of their State to enter it.

In any case, however, the participants in the institutions are responsible to their citizens³⁰⁹. Therefore, the way in which States operate in global governance depends on how much a specific issue serves domestic interests and how the interests themselves are applicable to other global partnerships and institutions³¹⁰.

3.2.2.3 Civil Society Organizations

Globalization binds distant communities, de-territorializes power relations extending them beyond traditional national borders, decreases the exclusivity of States as international actors, and in this way opens up spaces for new social actors.

Firstly, current global governance mechanisms allow, on the basis of the principle of stakeholderism, the participation of different non-governmental political actors in decision-making processes. Secondly, the process of privatization of the functions previously carried out by the State has opened new political spaces for civil society's actors. Thirdly, the process of globalization has generated a sense of solidarity within the civil society and therefore has been an engine of internal unification and of the common purpose of challenging the socio-economic consequences of globalization itself. Fourth, technological innovations in the IT sector have revolutionized organizational models within civil society and allowed more effective transnational communications. Fifth, and finally, changes in social behaviour, such as the spread of higher education and the expansion of international travel, have offered new opportunities for networking within the civil society.

³⁰⁸ SLAUGHTER Anne-Marie, *A New World Order*, N.J. Press, Princeton, 2004.

³⁰⁹ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, pp. 136-140.

³¹⁰ HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, p. 199.

Civil society organizations (CSOs) are independent and voluntary organizations, with their own mandate, their own field of action, and with structural and elective regulations³¹¹. Despite their independence of action, the CSOs are nevertheless liable to the persons they represent and must respect the legal system of the country in which they act³¹².

The CSOs have assumed greater importance within world governance by carrying out an ever-increasing number of functions. They contribute to bringing the attention of public opinion on new questions, facilitated also by new ways of communication; they offer technical assistance and knowledge, acquired from direct contact with grass-roots groups, to governments and intergovernmental organizations (at their request, therefore, within the framework of the so-called invited space³¹³); they lobby on policy makers for specific public policies to be undertaken³¹⁴ (according to their priorities "from the bottom", then in the so-called auto-claimed space³¹⁵); they act both to establish long-term cooperation and to provide immediate humanitarian assistance³¹⁶; they raise funds for both public and private actors, and serve as a means of transmitting donations³¹⁷; they formulate regulatory decisions, implement programs as well as public policies (the productive sector is usually not a priority for the CSOs³¹⁸); they offer services, responding to the needs of the community; they monitor compliance with international agreements; they resolve disputes; and they apply decisions through so-called enforcement³¹⁹.

However, some scholars do not believe in the global reach of the civil society, as it is not truly representative in a comprehensive way, it is not accessible to all, and it is based on faint transactional interactions. Moreover, ideologies are still dominated by objectives defined at national level³²⁰.

³¹¹ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 49-57.

³¹² Ivi, pp. 11-18.

³¹³ Ivi, pp. 95-99.

³¹⁴ Ivi, pp. 45-49.

³¹⁵ Ivi, pp. 95-99.

³¹⁶ Ivi, pp. 29-30.

³¹⁷ Ivi, pp. 41-45.

³¹⁸ Ivi, pp. 34-39.

³¹⁹ MARCHETTI Raffaele, *La politica della globalizzazione*, Mondadori Università, 2014, pp. 117-125

³²⁰ IMIG Doug - TARROW Sidney, *Contentious Europeans: Protest and Politics in an Integrating Europe*, Rowman & Littlefield, 2001.

Assuming the existence and importance of a global civil society does not mean wanting to diminish the importance of domestic factors. Indeed, despite the fact that the increase in institutions and transnational problems is detrimental to state autonomy, the State remains fundamental both in providing political opportunities to combat global challenges and in establishing the character of political associationism, in the ways that will be analysed.

The level of repression put in place by the State can either prevent citizens' associations or, on the contrary, encourage the formation of ties as protection from government action.

A State that provides its citizens with easy access to fundamental resources and capabilities certainly promotes global activism, and this occurs mainly in the so-called Northern countries of the world.

The democratic history of a country decrees the presence of domestic human capital that is necessary for the formation of an active civil society.

Furthermore, countries with a relevant and well-educated middle class show a higher percentage of participation in social organizations.

The economic development of a State affects citizens' access to communication infrastructures which, in turn, stimulate active participation in the civil society.

Anyhow, national conditions are often strongly influenced by global processes and by the relationship of a country with the world system. Hence, participation is greater in countries that are more integrated into the global economy, where there are high levels of trade and investment. On the other hand, countries outside the core are integrated into the capitalist system in a dependent manner (due to the late insertion into the international system, to the manipulation of borders and internal groups by the colonial powers and to the political aid of the Cold War) and they offer less opportunities to their citizens, who are thus unable to influence either internal or international policies.

Lastly, States with the greatest commitment in international organizations and the greatest integration in the world political order (with the ratification, for example, of international treaties) are characterized by a higher rate of participation in the civil society³²¹.

So, the relevance of the civil society depends, precisely and in greater measure, on the global political integration that encourages domestic democratization that in turn legitimizes pluralism, tolerance and equality³²².

³²¹ SMITH Jackie - WIEST Dawn, *The Uneven Geography of Global Civil Society: National and Global Influences on Transnational Association*, in *Social Forces*, Vol. 84, No. 2, December 2005, pp. 621- 629.

³²² Ivi, pp. 637-639.

The significant growth of global integration and political-economic interdependence has led to the increase of intergovernmental and international organizations, and, above all, of non-governmental organizations and civil society groups³²³.

The last two types of association, the so-called mediating institutions, even if they receive non-negligible public funds through government aid agencies, are mainly financed by private donations, unlike governmental organizations. The stakeholders, through donations, become responsible for the actions and results obtained by the institutions. In the same way, however, these institutions are mainly self-regulated with limited interaction with the general public, beyond simple financing activities.

However, mediating actors are never really independent and autonomous in their actions since, as mentioned before, they are always representatives acting on behalf of someone else. Individual agents empower institutions to act to assist others, and thus are responsible for actions aimed at assistance. Individuals also have a responsibility to make themselves heard to get increasing openness, transparency, and public engagement from institutions.

Thus individuals, in reality, are always responsible, even in associative choices, as they delegate their status as moral agents (namely, as before clarified by the words of Taylor, making moral judgments based on some notion of right and wrong, acting with reference to the aforementioned awareness, and being accountable for the actions³²⁴), and this generates accumulative duties and obligations that are not limited by territorial boundaries but simply linked to the recognition of human status³²⁵.

The pragmatic realization of cosmopolitan human rights is precisely the negative duty of every individual to collaborate in the structuring of an institutional order to protect those in need and promote constructive reforms³²⁶.

³²³ MURPHY Susan, *Unlocking the beauty of the imperfect duty to aid: Sen's idea of the duty of assistance*, in *Journal of Global Ethics*, 2014, p. 369.

³²⁴ TAYLOR Angus, *Animal and Ethics: An Overview of the Philosophical Debate*, Broadview Press, Peterborough, Ontario, 2003, p. 20.

³²⁵ Ivi, pp. 378-381.

³²⁶ POGGE Thomas, *Severe Poverty as a Violation of Negative Duties*, in *Ethics & International Affairs* 19, 2005, pp. 55-83.

CHAPTER 4

NGOs BETWEEN INDIVIDUALS AND STATES

In the previous chapter, it was specified how individuals cannot really make a difference if not organized, and how, in accordance with cosmopolitan principles, the various collective actors are responsible as representatives to whom individuals delegate their moral status. This mechanism (embedded in the approach of Amartya Sen of the accumulation and multiplicity of duties and rights) does not relieve individuals from their responsibility above all to require transparency, reliability and openness to their representatives.

The closest actors to individuals, and therefore with the greatest potential for the future, are civil society organizations, which include various types of organizations³²⁷. Specifically, the focus will be on non-governmental organizations that are the most substantial subset of CSOs, both in number (according to the Union of International Associations, over 25,000 NGOs are currently operating internationally) and in volunteer projects active in the world, and that embody perfectly the conflict between private interest and public interest, between liberalism and socialism.

4.1 Non-Governmental Organizations

The dynamics of the international context have been influential in the rising of the NGOs.

In the last three decades, particularly in the 80s and 90s, the United Nations started to fulfil the receiving requests for participation and space of action (article 71) by NGOs³²⁸.

These recognitions have been possible since the new era is increasingly characterized by a bottom-up growth and by social development, in which NGOs have been identified as the predominant (if not the only) suitable organizational form. Thus, national and international NGOs are the proper

³²⁷ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 123-124.

³²⁸ WILLETTTS Peter, *Non-Governmental Organizations in World Politics*, Routledge Global Institutions, 2011, pp. XV-XVII.

sources of change, not the experts in bureaucratic institutions, nor the States themselves³²⁹.

Furthermore, two parallel processes are taking place: the pluralization of the public sphere, at a global and inter-state level; and the depoliticization of the private sphere, at the community and civil society level. Both these processes lead to the privatization of the public sphere³³⁰. And this situation perfectly reflects the conflict between private interest and public interest, therefore between the principles of liberalism and socialism.

The State, in fact, is represented as a fragmented set of private interests unable to reflect the general will, while the NGOs are seen as bearers of the interests of people, thus mediating the excesses of the State and questioning its function.

NGOs, above all among all the CSOs, are seen as actors that go beyond partisan interests and act for the general interest. In this way NGOs try to represent the largest possible group of people, namely the poor, the disadvantaged, the underrepresented ones in public institutions. Although they are not actual representative organizations, because the staff is not elected but is self-appointed, NGOs are considered genuine representatives of the popular will, because their existence requires the commitment of a specific constituency³³¹.

But what really are the non-governmental organizations?

The World Bank has defined NGOs as those groups and institutions that are wholly or largely independent from the government, and that have humanitarian and cooperative objectives before commercial ones³³². Gerard Clarke, on the other hand, defines NGOs as private, non-profit and professional organizations, with a distinctive legal character and with public welfare goals³³³.

Peter Willetts points out that there is no widely accepted definition of an NGO, but three features distinguish NGOs from other organizations. First and foremost, NGOs must not be political parties, or government agencies or institutions directly affiliated with the government and must not aspire to political power through their activities. Secondly, NGOs must not generate profit. In reality, however, NGOs do act similarly to profit-making corporations, except that they do not produce tangible goods.

³²⁹ KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in *Review of International Political Economy*, 2010, pp. 155-157.

³³⁰ *Ibidem*.

³³¹ Ivi, pp. 157-162.

³³² World Bank, *A Practical Guide to Operational Collaboration between the World Bank and Non-Governmental Organizations*, March 1995, p. 7.

³³³ CLARKE Gerard, *Non-Governmental Organizations and Politics in the Developing World*, in *Political Studies* 46, 1998, p. 36.

For example, NGOs use parts of the revenues for maintenance costs, especially the smaller NGOs that sometimes even reach a negative balance³³⁴. Thirdly, all criminal groups must be excluded from the array of NGOs, since NGOs must always have a beneficial purpose³³⁵.

A further skimming in the definition of NGO is provided by Shamira Ahmed and David Potter³³⁶ that exclude religious groups, private hospitals, schools, sports organizations, and fraternal organizations from the NGOs ensemble³³⁷.

As previously stated in defining NGOs, these are non-governmental, but in the same way it is interesting to understand how they work with, influence or are influenced by governments³³⁸.

The relationship between NGOs and government can be either supplementary, complementary, or adversarial. Specifically, in a *supplementary* relationship, NGOs can act independently, without government influence, and can even supplement some inefficient areas of governmental activities.

In a *complementary* relationship, NGOs are excellent partners for the government, complementing some of its work. While in an *adversarial* relationship, NGOs monitor government and influence them by criticizing performance in some areas³³⁹.

The relationship between NGOs and States has changed in recent years, given that humanitarianism is becoming politicized, and the organization of humanitarianism is becoming institutionalized³⁴⁰. So that, NGOs no longer seem to aspire to total independence and neutrality, but they are willing to obtain a greater influx of resources from different international donors, in order to increase their areas of action. Anyhow, in this way, NGOs politicize their agenda, namely bowing principles and activities in front of the policies and positions of the State³⁴¹.

³³⁴ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 16-18.

³³⁵ WILLETTS Peter, *What is Non-Governmental Organizations*, in UNESCO Encyclopaedia of Life Support Systems, Section 1, 2001.

³³⁶ AHMED Shamira - POTTER David, *NGOs in International Politics*, Kumarian Press Inc., 2006.

³³⁷ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, p. 12.

³³⁸ Ivi, pp. 6-7.

³³⁹ YOUNG Dennis, *Alternative models of government non-profit sector relations: theoretical and international perspective*, in *Non-profit and Voluntary Sector Quarterly* 29(1): pp. 149-172, 2000.

³⁴⁰ BARNETT Michael, *Humanitarianism Transformed*, in *Perspectives on Politics* 3, 2005, p. 723.

³⁴¹ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 20-24.

The analyses on the relationship between States and NGOs have been focused: on the top-down approach, whereby States try to influence NGOs by providing resources and controlling the available funds; and on the bottom-up approach, whereby the decision-making process of NGOs is independent from the host government and indeed seeks to influence government policies to achieve their goals on the ground.

For the first approach, NGOs are an imperialistic method of disseminating the values of developed countries over developing ones, which does not respect or consider local culture and needs. For the second approach, NGOs work selflessly to improve lives, for a radical change of the world. There is not much evidence to support the fact that NGOs are systematically controlled by governmental or political entities, rather they are independent agents in their decisions, so the bottom-up approach is what reflects the real dynamics of NGOs' interaction with States.

These aforementioned approaches need to be expanded to understand external factors that affect States-NGO interactions.

The type of regime of a State influences the possibility for an NGO to get access to the public and to influence government decisions.

On the one hand, undemocratic regimes often organize NGOs (often preferring them to government agencies), in order to gain access to information and private resources, both domestically and globally. This kind of NGO, reduced to puppet organizations, are used to control the civil agenda and to nip any sort of will to protest in the bud. Furthermore, these NGOs can be used in projects that the non-democratic regime cannot openly support or that are not authorized to be implemented through government agencies. So basically, in non-democratic regimes it is the government which influences NGOs and not vice versa.

On the other hand, in a democratic regime, NGOs have the possibility to structure themselves better and in a more lasting way and they seem to have the ability to strongly influence governments³⁴². Specifically, in a democratic system, the government is very attentive to public opinion, because the popular vote makes decision-makers responsible and directly accountable (especially in well-established parliamentary systems such as those in Europe); and institutions guarantee free access to the media to NGOs, the best way to publicize a mission and influence the public.

Thus, a democratic regime allows NGOs to best express their opportunities, both through direct influence, by providing information to governments and lobbying foreign policies (following the

³⁴² YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 32-36.

boomerang pattern³⁴³), and through indirect influence, by mobilizing public opinion as agenda setters and norms generators³⁴⁴.

Indeed, NGOs link the public to the political process and are the key players in creating the relationship between citizens and national governments. That is to say, in practice, NGOs can act as norm entrepreneurs by raising an important question, they can persuade the public to accept a new norm, whose existence, once internalized by the population, must be recognized by the government too³⁴⁵.

How the dynamics between donors, NGOs and population, differs depending on if they work in a democratic regime or in a non-democratic regime is graphically represented below³⁴⁶.

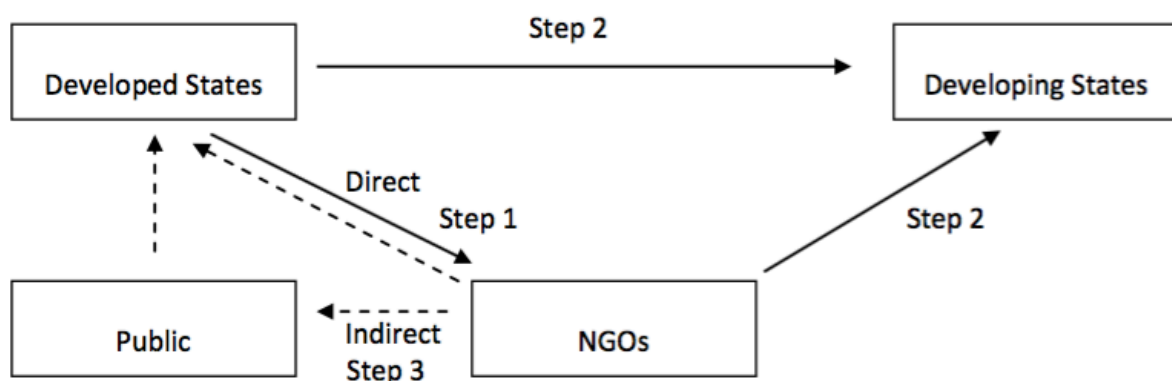


Figure 3.2 A Model of State-NGO relations in Non-democratic Systems

³⁴³ KECK Margaret - SIKKINK Kathryn, *Activists Beyond Borders*, Cornell University Press, 1998.

³⁴⁴ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 1-3.

³⁴⁵ Ivi, pp. 38-43, pp. 50-51.

³⁴⁶ Ivi, p. 46.

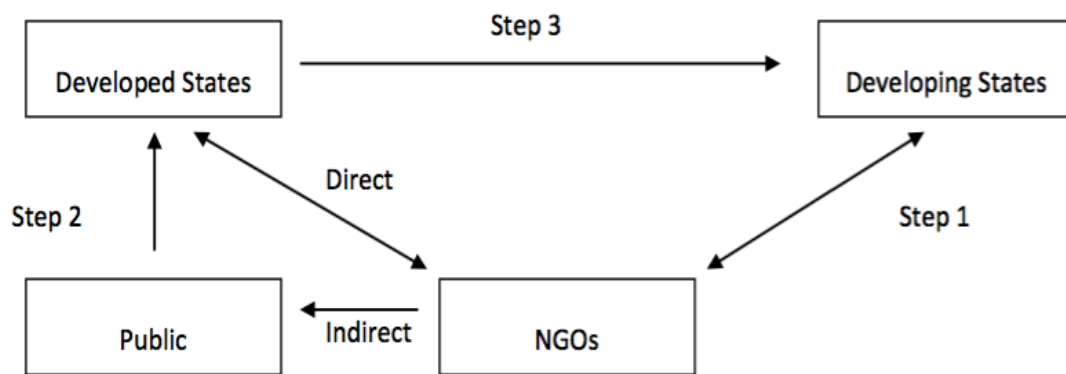


Figure 3.3 A Model of State-NGO Relations in Democratic Systems

4.1.1 Different Kinds of NGOs

Like all types of organized interests, NGOs are not homogeneous, they vary in structure and resources, values and principles, and in the way leadership and internal governance responds to external challenges. Thus, even within the set of NGOs, there are different types, which can be classified first of all on the basis of the level of organization, the geographical positioning, the organizational structure, the objectives and the areas covered by the NGOs' projects.

As to the latter point, local, provincial, national, regional and global NGOs (often called INGOs) can be identified, in relation to the level of organization, of activity and of relation with the government., For example, the INGOs have many projects, have many resources and work with governments from different countries.

Moreover, as mentioned above, the geographical position is important. In fact, people tend to perceive NGOs, on the basis of their origin. That is, people in developed countries regard NGOs as any non-profit organization; while, the citizens of the developing countries see NGOs as tools for their own well-being, as a response to the failure by the post-colonial States to ensure the basic necessities to the poor ones.

There are also differences in the types of areas covered by NGOs' projects, based on geographical location. In the south, local NGOs are more widespread, defined as Community Based Organizations

(CBOs) or Grassroots Organizations (GROs), which are considered responsible to the people because they work with communities and implement projects locally³⁴⁷.

Thirdly, the structural organization of an NGO is the result of the interaction between endogenous and exogenous factors, i.e. it shapes the way in which NGOs respond to external challenges through their goals and approaches. The relation between the resources, the regulatory dimension and the normative dimension is necessary to analyse the general structural organization of an NGO.

The regulatory and normative dimensions arise from pre-institutional choices, made at the very moment of the formation of an NGO that influence all the future political decisions of an NGO.

Specifically, the regulatory and normative dimensions determine how NGOs devolve resources (both monetary and human) to different political objectives, to respond to external challenges but also to solve internal problems. The allocation of resources of an NGO is based precisely on the political objectives, in accordance with internal rules. So, resources are important for an NGO to be able to reach its goals, still they become useless without an internal negotiation and decision³⁴⁸.

Fourthly, NGOs can be classified according to their main purpose.

The international trade agenda has been drawn for years on the priorities of developed countries, but now the so-called *embedded* NGOs are set to correct the asymmetries and inequalities of the international trade system, respecting social and environmental values³⁴⁹ and promoting more ethical and socially responsible practices.

Even if this type of NGOs is mostly based in the North and dominated by the middle and well-educated class of the West, the embedded NGOs want to give voice to actors marginalized by the global trading system and, above all, to create and disseminate specific knowledge³⁵⁰.

The *operational* NGOs, on the other hand, are committed to planning, facilitating and implementing development projects. Their main objective is to improve socio-economic conditions of developing countries by providing services to the population. For instance, Save the Children is an operational

³⁴⁷ KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in Review of International Political Economy, 2010, pp. 157-162.

³⁴⁸ MUNOZ MARQUEZ Luz, *The Relevance of Organizational Structure to NGOs' Approaches to the Policy Process*, in Voluntas, 2016, pp. 467- 487.

³⁴⁹ HANNAH Erin Norma, *The Quest for Accountable Governance: Embedded NGOs and Demand Driven Advocacy in the International Trade Regime*, in Journal of World Trade 48, no.3, 2014, pp. 457- 459.

³⁵⁰ Ivi, pp. 477- 478.

NGO, one of the largest, with development projects in more than 120 countries, and the first to be formed.

Lastly, *advocacy* NGOs aim at defending and promoting a specific cause or policy, an example is Amnesty International³⁵¹. Usually, these NGOs do not represent a defined community, but a constituency that overcomes regional and national geographical boundaries. Advocacy NGOs, indeed, carry out national and international campaigns, functioning as a lobby group, without managing field operations. Advocacy NGOs can get huge funds, they have a professional and qualified staff, they are based in the biggest cities in the world, they can generate awareness in global public opinion and influence reforms on a series of political and economic issues. This type of influence undermines the sovereignty of States and also of international institutions, so there is often more support from States for local or grass-roots³⁵² NGOs than for advocacy ones that cross borders.

Fifthly, the type and the duration of intervention distinguish different NGOs. The once-only activities of NGOs in critical conditions are crucial and very effective in relieving the population from suffering. On the other hand, NGOs can also act for long periods (sometimes even 20 years), in order to contribute to development projects.

In particular, the number of development NGOs is growing more and more, so called since they apply the human development approach. Namely, first of all, the new cosmopolitan-HD based approach recognizes development assistance not as a good or charitable act, but as the necessary realization of the rights (and therefore duties) of individuals. Secondly, the creation of internationally recognized standards makes States and non-state actors responsible for the totality of the global system. In fact, the application of the Human Development approach gives the basic motivation for the action of NGOs, namely the obligation to protect and guarantee the rights of individuals, not only in relation to their mandates and missions, but also towards the whole community of States and agencies³⁵³.

³⁵¹ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 11-16.

³⁵² KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in *Review of International Political Economy*, 2010, pp. 157-162.

³⁵³ DORSEY Ellen - NELSON Paul J., *At the Nexus of Human Rights and Development: New Methods and Strategies of Global NGOs*, in *World Development* Vol. 31, No. 12, 2003, pp. 2016- 2018.

4.2 NGOs Roles

NGOs, both within and among them, can take on different roles: be agenda-setters, provide social services, defend democracy, uphold the importance and cultivate social capital, disseminate information and knowledge (a unit more of activity by an NGO on a given topic leads to a growth in media coverage of 0,22%³⁵⁴), influence the results of public policies ...

According to John Boli and George Thomas the NGOs are carriers of global culture, above all they are the embodiment of five cultural principles: universalism, individualism, rational voluntarist authority, rationalizing progress, and world citizenship³⁵⁵. Because of their cultural and symbolic influence, NGOs are able to influence and change the behaviour of States³⁵⁶.

The contribution of NGOs to global policy-making is a double-edged sword, because, on the one hand, their participation is seen as a potential remedy for the democratic deficit and legitimacy of international institutions; while, on the other hand, the costs that NGOs should face for inclusion and representativeness are very high³⁵⁷.

Also through challenges and critics against the current system, NGOs promote respect for socio-economic and civil rights (ESC), modelling the rules and values to be applied globally. NGOs, thus, take on the role of morality checkers (and sometimes a preventive role) for ESC rights, using blacklisting or embarrassing practices against those who violate these standards³⁵⁸.

The NGOs have benefited from the new communication and information technologies to mobilize the public and to increase their echo in the world.

³⁵⁴ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 156-157.

³⁵⁵ BOLI John - THOMAS George, *Constructing World Culture: International Non-Governmental Organizations since 1875*, Stanford University Press, Stanford, 1999.

³⁵⁶ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, p. 25.

³⁵⁷ DOMBROWSKI Kathrin, *Filling the gap? An analysis of non-governmental organizations responses to participation and representation deficits in global climate governance*, in *International Environmental Agreements*, 2010, pp. 397- 402.

³⁵⁸ LAI On-Kwok, *Critical Engagements of NGOs for Global Human Rights Protection: A New Epoch of Cosmopolitanism for Larger Freedom?*, in *The International Journal of Social Quality*, Vol. 1, No. 2, Winter 2011, pp. 5-13.

Internet and the cyber dynamics have emphasized bottom-up processes, involving the population in first person, and have created instant communication methods, building relationships of trust between different groups.

The media push for individual participation (be it cybernetic or real) and for the dissemination of information and knowledge that allow international campaigns, formulation of new rules, continuous complaints and battles for human rights³⁵⁹.

Furthermore, NGOs provide financial and technological resources, information and advice from groups of experts to delegations from developing countries, trying to prove that the lack of resources can be the cause of the limited participation of smaller countries (above all on specific topics which include scientific preparation, such as climate change).

The NGOs also press to guarantee to the population the access to decision-making processes, beyond (in fact preferably in coexistence with) governmental channels. Especially in the current multi-stakeholder context, the participation of those who are most vulnerable, the marginalized, is important, even if they are not members of the constituency of the NGO.

In these decision-making processes of wide participation, NGOs balance the inclusiveness with the ability to respond quickly and effectively, in a necessary trade-off between the two objectives³⁶⁰.

Furthermore, the spread of multi-stakeholder initiatives (more widespread in communitarian cultures, such as the European one; while less in individualistic ones, as the USA) aims at coordinating various interests in a consensual and non-hierarchical way, providing a balanced representation and participation of all the categories of stakeholders. In this context, NGOs, especially local ones, intervene to defend the dignity of the most marginalized groups, through a work of solicitation and care.

The local NGOs take on a significant role in making the most affected groups express their voice, to criticize the paternalistic subordination and dependence from the most important powers³⁶¹.

³⁵⁹ LAI On-Kwok, *Critical Engagements of NGOs for Global Human Rights Protection: A New Epoch of Cosmopolitanism for Larger Freedom?*, in *The International Journal of Social Quality*, Vol. 1, No. 2, Winter 2011, pp. 5-13.

³⁶⁰ DOMBROWSKI Kathrin, *Filling the gap? An analysis of non-governmental organizations responses to participation and representation deficits in global climate governance*, in *International Environmental Agreements*, 2010, pp. 405-413.

³⁶¹ CHEYNS Emmanuelle, *Making “minority voices” heard in transnational roundtables: the role of local NGOs in reintroducing justice and attachments*, in *Agricultural Humanitarian Values*, 2014, pp. 439-442.

So, the NGOs implement, thanks to their experience on the territory, a form of participation different from the traditional liberal one, necessary to alleviate the vulnerability of people but at the same time a threat to their autonomy³⁶².

NGOs, as domestic groups seeking to influence the government's donation policy, can be seen as determining domestic factors of foreign aid³⁶³.

Aid to foreign countries and NGOs have many things in common. First of all, they are both created to help people in need, and to transfer knowledge, technologies, purely financial aid, institutional capacities, ... from developed countries to less developed ones.

Furthermore, the history of both international dynamics is quite recent, especially when compared with that of the State, still very significant in the context of global governance. Foreign aid, therefore, influences particularly the economic development of developing countries; while NGOs leave their mark with their impact, their resources, their experts, and their knowledge, both in developing countries and in already developed ones³⁶⁴.

Finally, both the policy for the aids and the decisions of the NGOs are governed by the importance of the civil, political and human rights to obtain support³⁶⁵.

4.2.1 Aids Allocation by NGOs

Surely, NGOs are particularly important in the field of redistributive justice and therefore the allocation of donations and aid on a global level. And as it is explained below, the popularity of NGOs in the distribution area can be considered due to the failure of official government aid programs for the poor and the least well off.

Anyhow, there are mainly two reasons that push NGOs to allocate their resources, in order to take care of the most vulnerable population and to make their voice heard. On the one hand, NGOs can embrace a humanitarian discourse, that is, altruistically addressing objective recipient needs, with a

³⁶² CHEYNS Emmanuelle, *Making 'minority voices' heard in transnational roundtables: the role of local NGOs in reintroducing justice and attachments*, in *Agricultural Humanitarian Values*, 2014, pp. 449-453.

³⁶³ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 27-30.

³⁶⁴ Ivi, pp. 6-7.

³⁶⁵ DORSEY Ellen - NELSON Paul J., *At the Nexus of Human Rights and Development: New Methods and Strategies of Global NGOs*, in *World Development* Vol. 31, No. 12, 2003, pp. 2013- 2016.

sense of moral urgency to relieve the disadvantaged ones from suffering. On the other hand, NGOs can apply a discourse on development, i.e. eliminating or curbing the root causes of suffering, according to the Weberian ethics of responsibility, pursuing long-term improvements.

The empirical reality demonstrates how NGOs allocate aid without considering the long-term development, and without conditioning from providers of funds, yet in full accordance with the humanitarian principle³⁶⁶.

First and foremost, NGOs allocate aid according to the needs of the beneficiaries, without strategic considerations even concerning the source of their own resources, or considerations relating to effectiveness.

Specifically, the allocation-for-fundraising hypothesis, for which the NGOs would allocate funds on the basis of media coverage, in order to have more appeal in fundraising hypothesis, has not been proven³⁶⁷. Indeed as previously mentioned, are the NGOs that influence the media agenda and not vice versa.

Despite having its roots in movements for social justice, focused more on relative poverty than on absolute poverty (so not on having enough, but on having enough compare to others), the allocation of aid by NGOs does not actually follow the intensity of the Gini coefficient, i.e. the inequality within countries³⁶⁸. In fact, institutional conditions such as the level of corruption or the rule of law seem to have no effect on the allocation of aid by NGOs, even if political instability conditions disincentive private donations. Therefore, NGOs focus on more disadvantaged and needy countries with low per capita income, low life expectancy, still avoid recipients with a low democratic level or high militarization rate.

In essence, NGOs are largely immune to strategic considerations, including commercial ones, between the home country and the receiving country, and therefore seem to respect the promises to stand up as defenders of the poor and vulnerable³⁶⁹. The aforementioned characteristics are the reasons why NGOs are often chosen by States as partners on the spot or as a means of allocating aid.

³⁶⁶ BÜTHE Tim - MAJOR Solomon - DE MELLO E SOUZA André, *The Politics of Private Foreign Aid: Humanitarian Principles, Economic Development Objectives, and Organizational Interests in NGO Private Aid Allocation*, in International Organization 66, No.4, Fall 2012, pp. 572- 579. This reasoning is linked to the difference, clarified in the second chapter, between the meaning of humanitarian duties and that of duties of justice.

³⁶⁷ Ivi, pp. 599-601.

³⁶⁸ DREHER Axel - KOCH Dirk-Jan - NUNNENKAMP Peter - THIELE Rainer, *Keeping a Low Profile: What Determines the Allocation of Aid by Non-Governmental Organizations?*, in World Development Vol. 37, No. 5, 2009, pp. 902- 905.

³⁶⁹ NANCY Gilles - YONTCHEVA Boriana, *Does NGO Aid Go to the Poor? Empirical Evidence from Europe*, IMF Working Paper, February 2006, pp. 15-16.

4.2.2 Allocation of Aids through NGOs

Many NGOs, given their expansion, have gone from being financed mainly by private donors to being essentially financed by institutional donors. Public funds are increasingly channelled through NGOs, first of all because NGOs maintain a balance between cost and effectiveness in providing services to the poorest and also because direct contact with people gives NGOs greater legitimacy (sometimes even greater than the governmental one)³⁷⁰.

In detail, however, there are four reasons (not mutually exclusive), for which States provide aid through NGOs: to ensure the achievement of a donor country's development objective, through the provision of services in partner countries; to ensure the achievement of a donor country's development objective, linked to democratic processes and to the support of independent organizations in partner countries; to raise awareness within the donor country about development and aid programs; and to strengthen the actual capacities of NGOs in developing countries.

On the other hand, there are also several issues that donor States face in working with NGOs: the high transaction costs of donor financial and programmatic relationships with various small organizations; the duplication and coordination between different NGOs in the same sector, in the same geographical area, or between donors and partner countries; the obstacles for NGOs to achieve a program, and to guarantee responsibility and transparency.

In particular, the mandate and priorities of the donor must be reconciled with those of the NGO, respecting the autonomy of the NGO necessary to carry out its role and to obtain results in the territory³⁷¹.

Different types of aids flows, fluxing through NGOs, are identifiable, depending on the wishes of the donor.

First and foremost, there is support for specific NGOs projects or programs, which is enshrined in an agreement between the donor and the recipient NGO which includes the purpose of the project, the budget, the payment program and the necessary institutional framework. This type of economic support is particularly efficient with relatively new small and medium-sized NGOs, with unique capabilities and therefore not in a non-competitive environment, without the ability to absorb large amounts of funds, and lacking the means to implement comprehensive programs.

³⁷⁰ NANCY Gilles - YONTCHEVA Boriana, *Does NGO Aid Go to the Poor? Empirical Evidence from Europe*, IMF Working Paper, February 2006, pp. 3-6.

³⁷¹ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 69-74.

Secondly, there is the donor call-for-proposal mechanism, in which the donor requests NGOs to make proposals for projects or programs. The possibility for an NGO to respond to donor requests is set by the donor himself, so criteria and guidelines can also change from one call to another.

Each competition gives donors the opportunity to choose different organizations, based on changes in donor priorities.

Thirdly, the donor can implement a partnership / framework agreement or core untied funding for NGO agreement, or a long-term framework in accordance with the development objectives that determines disbursements based on annual reports. This financial aid mechanism favours large, accredited NGOs, often from the donor country.

Finally, there are the arrangements to answer quickly to humanitarian emergencies. The donor has and periodically updates a list of NGOs already approved, based on an analysis of the capacities and areas of the world in which each NGO can operate. The funds are aimed at responding to emergencies, not dwelling on long-term complications or reconstruction or post-disaster recovery. This mechanism allows a fast, flexible response to the primary needs, evaluated on the territory by NGOs³⁷².

The choice for an aid flows mechanism and for a decision-making process also reflects a political approach. A call-for-proposal mechanism is characterized by an implementation process defined step by step, in fact it is praised for its transparency. Anyhow, this system does not guarantee commitment to smaller organizations, and limits access to long-term innovations and partnerships with NGOs in developing countries.

A partnership / framework agreement or core untied funding for NGO agreement, on the other hand, requires a long and demanding accreditation process, but once completed, it allows a flexibility of action to NGOs without a strict control by the aid-provider. Precisely for this reason, aid-providers criticize the exceptional autonomy acquired by NGOs, still in reality this system strengthens the capabilities of NGOs, especially their responsibility towards their constituency³⁷³.

Some scholars believe that there is no empirical evidence to show that aids channelled through local and international NGOs are more effective in terms of performance, legitimacy and responsibility. Many northern NGOs have acted as external aid agents, diminishing their ability to impact on the socio-economic conditions of developing countries³⁷⁴.

³⁷² TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 77-84.

³⁷³ Ivi, pp. 87-94.

³⁷⁴ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 27-30.

Despite, of course, the challenges faced by aid-providers in donation decision-making processes, the advantages deriving from the channelling of aid are greater.

Although the activities of NGOs can unintentionally cause the destruction of a local culture, corruption or dependence on foreign aid in a developing country, NGOs are working hard to change and improve the situation of the population and manage to make a positive impact in developing countries³⁷⁵.

4.3 Controversial potentials of NGOs

The growing participation and influence of NGOs in global decision-making processes has raised a series of controversial issues, which correspond roughly to the problems relating to the roles and potentials of NGOs.

These questions are the product of the traditional mind-set that sees international relations as a communicative process between sovereign governments and their representatives. Following this conservative logic, States operate as gatekeepers, controlling the interactions of the internal and external environment. In this sense the possibility and the field of action of NGOs are totally decided by the government, and the NGOs are ineffective and totally lacking in autonomy.

The State is no longer the only relevant player to understand international relations, and in particular NGOs reshape the global governance system and weaken the traditional state-centric perspective.

Going specifically to the questions, it can be said that NGOs develop, operate and cooperate outside the traditional political and participatory context: they do not derive their power from violence and coercion, but from transnational links, information sharing and expertise on various topics³⁷⁶.

Being actors far from the principle of classical sovereignty, the NGOs become interpreters and advocacies of global problems that concern all humanity. Referring to a wide audience, very divided (physically, socially and culturally), NGOs aim at guiding citizens' behaviour towards global public goods, such as human rights, peace, sustainable development, environmental protection...

³⁷⁵ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 154-155.

³⁷⁶ WILLETTTS Peter, *Non-Governmental Organizations in World Politics*, Routledge Global Institutions, 2011, pp. 6-31.

Global public goods cannot have a specific administrator, given that their benefits exceed any national boundary, population and even generation; and they need an egalitarian and participatory mechanism to be protected³⁷⁷.

And with this comprehensive goal, communications and discussions among NGOs and diplomatic and governmental delegates have been established, and global hybrid organizations that put States and NGOs on the same level in the drafting of international law have been created³⁷⁸.

So essentially, as previously announced, NGOs have contributed to the formation of a new global governance system, converting a hierarchical and closed context into an open system, in which States are no longer gatekeepers but interlocutors of NGOs³⁷⁹.

The significance of the actions of NGOs is growing, thus many questions rise about the effectiveness of their aids, about their legitimacy and about their relationship with the spring of resources³⁸⁰.

Many cynics link the allocation of aid to fundraising strategies, i.e. the leaders of NGOs are considered lords of poverty (assuming that the allocation of resources is always guided by the opportunity to generate even more resources), often trying to enrich themselves also by corruption or creating a heroic image of themselves, hiding behind humanitarian principles.

NGOs are considered as private companies that want to maximize revenues, likewise the international system with multiple NGOs and finite resources as a competitive market, so NGOs tend to put their survival and growth at first³⁸¹.

Furthermore, it might seem unrealistic that NGOs are completely foreign to the dynamics of different political-economic actors, with staffs and leaders free of selfishness and bad intentions, since all international organizations have internal dynamics that develop interests that go against the original objectives and the official mission.

In reality, however, these criticisms fail to show that the NGOs have particularistic or harmful interests towards the most vulnerable part of the population and that they do not have significant relationships with the community.

³⁷⁷ WILLETTTS Peter, *Non-Governmental Organizations in World Politics*, Routledge Global Institutions, 2011, pp. 114-144.

³⁷⁸ Ivi, pp. 32- 64; pp. 72-84.

³⁷⁹ Ivi, pp. 144-146.

³⁸⁰ NANCY Gilles - YONTCHEVA Borianana, *Does NGO Aid Go to the Poor? Empirical Evidence from Europe*, IMF Working Paper, February 2006, pp. 3-6.

³⁸¹ BÜTHE Tim - MAJOR Solomon - DE MELLO E SOUZA André, *The Politics of Private Foreign Aid: Humanitarian Principles, Economic Development Objectives, and Organizational Interests in NGO Private Aid Allocation*, in *International Organization* 66, No.4, Fall 2012, pp. 579- 582.

Within them, however, NGOs are still confused about their identity. On the one hand, they are market players that provide services at a lower price than the commercial sector; on the other hand, they are social actors, without interest to economic profit or political power. The current situation, however, requires NGOs to assume roles and entertain relationships for which they have not been designed, and this determines an increasing competitiveness among the various NGOs³⁸².

Among the largest NGOs, the practice of branding is spreading, namely the use of the reputation of the organization to commercialize the organization itself, to obtain substantial funds and to access dialogues on development policies in the United Nations system and not only. This practice interferes with the possibility of creating cooperation between different NGOs, and with the realization of projects³⁸³.

Transparency on aid movements not only contributes to the empowerment of NGOs, but it also allows long-term planning, sometimes with collaborations that further increase the effectiveness of local projects. To improve transparency, it is necessary to guarantee access to data, information, priorities and the software used.

At the same time, however, NGOs must balance transparency with the pragmatic difficulties of publishing data, i.e. costs, additional hours of work for staff, defence of privacy and partners' rights, prior public exposure of operations³⁸⁴.

Moreover, when NGOs provide services and serve as government substitutes, their actions may be significant in the short term yet, in the long term, they can undermine the mechanisms for making governments accountable to their population. In addition, the dependence of NGOs on donations leads to a fragmentation in the provision of services and to a lower quality of services than the alternative of a stronger government presence³⁸⁵.

³⁸² EDWARDS Michael, *International Development NGOS: Agents of Foreign Aid or Vehicles for International Cooperation?*, in Discourse, December 1998, pp. 25- 29.

³⁸³ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 49-57.

³⁸⁴ Ivi, pp. 64-66.

³⁸⁵ BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012, pp. 14-18.

NGOs do damage to a system only if the interventions are not correctly contextualized or if the context itself is misinterpreted. This problem could be solved by a detailed preventative analysis, but this would affect the promptness of the intervention and imply great costs³⁸⁶.

Furthermore, the very important role of NGOs as culture bearers is very complicated, because the simple transfer of knowledge does not generate innovations or behavioural changes. Indeed, attempts to incentivize the population to train, through daily pay or through consumer goods and equipment, have created new opportunities for corruption and absenteeism³⁸⁷.

The electronic transfer of knowledge must be accompanied by forms of applied knowledge, and possibly also through co-presence, i.e. the work of volunteers together with the local population to promote learning-through-doing³⁸⁸. The realization of co-presence is necessary to combat liabilities in receiving aid and to eliminate the consequent problems of external dependence³⁸⁹.

This reasoning highlights that knowledge alone does not automatically generate capacity-building and therefore systemic changes. In fact, the behavioural change of the individual is the sum of the skills (knowledge and skills) he possesses, the opportunities to use them and the motivations to do so.

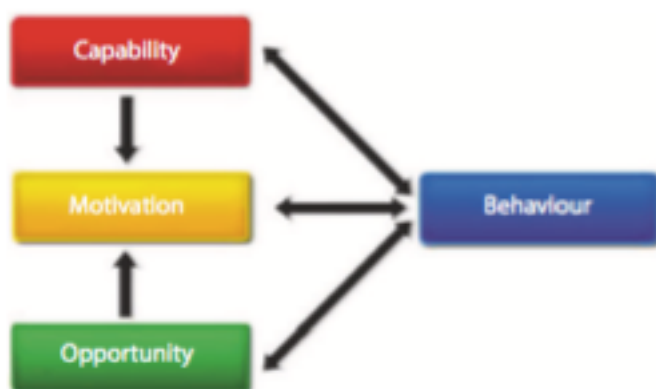


Fig. 4.1 The COM-B system (Source: Michie et al. 2011.) All rights reserved, used with permission.

³⁸⁶ ACKERS Helen Louise - ACKERS-JOHNSON James, *Mobile Professional Voluntarism and International Development: Killing Me Softly?*, Palgrave Macmillan, 2017, pp. 140-146.

³⁸⁷ Ibidem.

³⁸⁸ Ivi, pp. 73-76.

³⁸⁹ Ivi, pp. 45- 49.

Just following the logic of the image, it is possible to understand why NGOs' volunteers do not necessarily have to transmit knowledge to really have an impact³⁹⁰, while they have to organize plans and interactive teaching processes³⁹¹.

Another problem to be addressed, especially for advocacy NGOs (which, as declared earlier, act in order to have an impact on wide-ranging policies) is independence, a necessary credential to achieve legitimacy. Being independent and critical of the monitored agency or State is crucial to the credibility of self-appointed activists³⁹².

4.3.1 On the Legitimacy of NGOs

As already mentioned, NGOs are not traditional representatives, in fact they do not get legitimacy through democratic elections like governments. The NGOs, however, have a mandate to legitimately represent a certain establishment in certain and specific conditions. As agents of political resistance, of protest, of systemic transformation, of emancipation, NGOs are a direct expression of citizens' actions.

Furthermore, the constituencies represented by NGOs correspond to marginalized and under-represented communities in global governance. Thus, NGOs can be considered a bridge between the local and global levels, between marginalized communities and the international system³⁹³.

By relating top-down and bottom-up approaches, NGOs embody the hope of citizens that global changes protect their interests better than local politics³⁹⁴.

³⁹⁰ ACKERS Helen Louise - ACKERS-JOHNSON James, *Mobile Professional Voluntarism and International Development: Killing Me Softly?*, Palgrave Macmillan, 2017, pp. 83-89.

³⁹¹ Ivi, pp. 135-138.

³⁹² BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012, pp. 11-14.

³⁹³ DOMBROWSKI Kathrin, Filling the gap? *An analysis of non-governmental organizations responses to participation and representation deficits in global climate governance*, in International Environmental Agreements, 2010, pp. 397-402.

³⁹⁴ KECK Margaret - SIKKINK Kathryn, *Activists Beyond Borders*, Cornell University Press, 1998, p. 12.

Unlike the IR tradition, the current system does not include a zero-sum game between NGOs and International Governmental Organizations (IGOs), indeed they can cooperate, i.e. NGOs can enter into IGOs³⁹⁵.

Obviously, the participation of an NGO in an IGO is dependent on the interest that an NGO has in the policies that an IGO implements, even if the IGOs have more leverage in defining the terms and conditions of the collaboration.

The applicable model to this cooperation is the policy cycle, composed of six phases: agenda-setting, research and analysis, policy formulation, policy decision, policy implementation, policy evaluation. The reasons for the cooperation change over time, according to the phase of the policy cycle, and to both sides. The main motivations for IGOs to cooperate with NGOs, i.e. pull factors, and vice versa, the motivations for NGOs to cooperate with IGOs, i.e. push factors are indicated, in relation to the policy phase, in the following table.

Influencing factors Policy phase	Pull factors (IGOs pulling NGOs in)	Push factors (NGOs pushing into IGOs)
Agenda-setting	IGOs seek NGO assistance in identifying new issues	NGOs seek to influence the IGO's agenda
Research and analysis	IGOs seek NGO collaboration to acquire additional expertise	NGOs seek to inform the research process and/or seek financing for the provision of expertise
Policy formulation	–	NGOs seek to influence the IGO's policy formulation
Policy decision	–	NGOs seek to influence the IGO's policy choices
Policy implementation	IGOs seek NGO collaboration to implement their own projects	NGOs seek financing for the implementation of projects
Policy evaluation	IGOs seek NGO data to monitor parties' compliance	NGOs wish to assure parties' compliance

Table 1. *A theoretical framework for analysing IGO-NGO relations*

The evidence shows how IGOs want to protect political negotiation processes guided by the representatives of States³⁹⁶ from the influence of NGOs. In this decision-making phase the incentives for cooperation are low, but in general the motivations for cooperation are very important: good governance and legitimacy among all.

³⁹⁵ STEFFEK Jens, *Explaining cooperation between IGOs and NGOs – push factors, pull factors, and the policy cycle*, in *Review of International Studies*, 2013, pp. 993-997.

³⁹⁶ Ivi, pp. 998-1009.

Hence, the cooperation between NGOs and IGOs (namely the involvement of civil society organization and in particular of the NGOs directly in the IGOs) is often presented as a possible remedy to shortcomings on the democratic legitimacy and institutional accountability of global governance.

The democratic legitimacy of IGOs has always been based on the democratic legitimacy given by citizens to their governmental delegates, but the problem now is precisely the lack of democracy at local and national level. Citizens have little interest in or incapacity to be taken into consideration by the government in its actions, due to lack of transparency and of availability of information on international issues.

Despite the fact that the accountability and responsibility of the private actors has also been scrutinized more and more, NGOs play still a not negligible role in highlighting the issues of legitimacy and in settling higher standards of representation and of participation inside the international organizations and institutions.

Within the IGOs, actually, the poorest countries are little or insufficiently represented, therefore the particularly sensitive and vulnerable communities are marginalized and even disproportionately affected by the decisions taken. There have been various attempts of reforms to increase transparency, to restructure the voting system in favour of the countries of the southern hemisphere, to incorporate international civil society through NGOs, in order to succeed in giving voice to the constituencies excluded in global governance³⁹⁷. Only time will give feedbacks on these reforms.

4.3.2 On Accountability of NGOs

Given the expansion of the market economy and the marginalization of the State, NGOs are intervening to respond to the needs and demands of the poor and marginalized of society, above all through distributive justice.

NGOs must, therefore, respond to a set of stakeholders, and this relationship between an organization and its stakeholders is called accountability. Accountability is very positive for an NGO and its mandate, because it entails responsibility in front of its own constituency³⁹⁸.

³⁹⁷ DOMBROWSKI Kathrin, Filling the gap? *An analysis of non-governmental organizations responses to participation and representation deficits in global climate governance*, in *International Environmental Agreements*, 2010, pp. 397-402.

³⁹⁸ BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in *J Bus Ethics*, 2012, pp. 14-18.

There are no structural mechanisms that can make NGOs accountable to the people they serve, as in the case of governments and state bureaucracies³⁹⁹, yet NGOs apply voluntary mechanisms to respond to the double pressure hanging on them. On the one hand, there are internal requests of greater effectiveness; on the other hand, there are questions from external actors or donors to demonstrate the progress achieved.

The substantial difference is that while NGOs have a fiscal accountability to their donors, and can lose the financial support if they are not able to satisfy them, towards all the others the NGO is a trustee that must behave according to its principles⁴⁰⁰.

The NGOs have developed different monitoring and evaluation systems, in the role of donator, through site visits, financial and narrative reports by their partners in loco.

Thanks to voluntary mechanisms, NGOs are able to improve their performance, but to maintain at the same time the flexibility of action that is necessary to guarantee diversity and independence.

There are, however, obviously problems arising from these voluntary systems.

First of all, compliance with standards is ensured by analysis and reports of the NGOs themselves, so it could be biased. Indeed, in order to obtain more donations, NGOs often exaggerate the positive effects obtained⁴⁰¹.

The solution could be a peer review with other affiliated organizations, but it would be difficult and too expensive to maintain.

Secondly, often the contractual mechanisms between the NGOs and the donors have a greater force than the moral obligations that link NGOs to population, creating an unfavourable hierarchy for the neediest. Despite professing themselves as representatives of the poor and marginalized, not many NGOs have established downward, bottom-up accountability mechanisms, focusing on upward accountability mechanisms instead. This turns into an excessive attention on the part of the NGOs to the interests of those who possess critical resources, therefore to immediate successes, without the involvement of those who are truly affected by activities and without critical prospects in the future⁴⁰².

³⁹⁹ KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in Review of International Political Economy, 2010, pp. 155-157.

⁴⁰⁰ BÜTHE Tim - MAJOR Solomon - DE MELLO E SOUZA André, *The Politics of Private Foreign Aid: Humanitarian Principles, Economic Development Objectives, and Organizational Interests in NGO Private Aid Allocation*, in International Organization 66, No.4, Fall 2012, pp. 599-601.

⁴⁰¹ ACKERS Helen Louise - ACKERS-JOHNSON James, *Mobile Professional Voluntarism and International Development: Killing Me Softly?*, Palgrave Macmillan, 2017, pp. 8-13.

⁴⁰² BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012, pp. 14-18.

Finally, larger NGOs, especially those working in different jurisdictions, face conflicting and thus particularly expensive accountability.

In order to solve the most significant problem, namely that of the self-referential nature of standards, global mechanisms still voluntary in scope are spreading. Among the various it is necessary to highlight: the INGO Accountability Charter, The Sphere Project's Humanitarian Charter, the Minimum Standards in Disaster Response, the Istanbul Principles for CSO Development Effectiveness and an International Framework⁴⁰³.

All the objections to the possibility of accountability could be moved towards the class of non-governmental actors as a whole, they are not critiques specifically moved towards NGOs, they are rather the usual reaction of conservatism in front of the emerging of new institutions, with mechanisms too different from national ones to remain unnoticed and, especially, uncriticized. So some kind of partnership among non-governmental agents could represent a win-win situation for both parts, as increased accountability and scrutiny by a larger audience should increase their impact on society.

Businesses seek collaboration to be able to control or anticipate civil society mobilizations against their unethical behaviour⁴⁰⁴, to obtain information and policy options that can lead to sustainability and expansion over the period, to increase downward accountability and to get rid of dependence on donors⁴⁰⁵.

On the other hand, however, entering a corporate partnership for an NGO would mean distracting it from pursuing its mission and perhaps even limiting the use of protest or disruptive practices, even if they appear to be more effective. Therefore, a detailed analysis is needed comparing advantages and disadvantages to understand the convenience (or the absence of it) of this type of collaboration⁴⁰⁶.

⁴⁰³ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 59-64.

⁴⁰⁴ BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012, pp. 11-14.

⁴⁰⁵ Ivi, pp. 14-18.

⁴⁰⁶ Ivi, pp. 9-11. To deepen this topic, see, BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012.

4.4 Future for NGOs

NGOs have focused mainly on the redistribution and on aid flows, often neglecting internal problems and domestic responsibilities of third world countries, also because, as mentioned before, the humanitarian discourse prevails over that of development one (that aims at fighting the causes of poverty itself).

To be able to perform this function, NGOs must work together, with other NGOs, with other actors of civil society, with other international actors. As determined in the preceding paragraphs, bilaterally beneficial collaborations cannot be excluded if there is a positive will on both sides.

Obviously, these demands represent critical challenges for NGOs, but are also opportunities to take on an even more central role in the future, especially if they launch will be prompted to respond to the future, changing themselves.

The following changes implemented would also influence and be influenced by the kind of NGO taken into account.

a) Incremental change, a continuous change that responds to continuous changes in the international context; a change that cannot be undertaken by large, generalist and totally dependent on official aids NGOs.

b) Fundamental change, an immediate change that includes reforms in the medium term; a less traumatic change for the organization and the staff that can be oriented to:

b.1) Global marketing, the agency becomes a market-oriented institution that wants to maintain its position against competitors; the legitimacy is given by the transparency of the results and by the respect of the legal contexts in which the NGO operates; competition will lead to decisions to obtain funds, which could conflict with the founding values and standards;

b.2) The local with the global, for which the Northern NGOs become part of the movements of emerging countries, so as to have all the same decision-making force; legitimacy draws strength from the social roots of NGOs; the goal is not to increase the institution but to create support for a specific cause.

The first approach offers the possibility of a limited impact yet of a growth of the organization, at least until the NGO remains competitive and is, thus, able to obtain funds. The second approach, instead, promise great impact of the cause, still little organizational growth for the NGO.

Most NGOs don't just fall into one category, trying to combine elements of both, still shrouded in the aforementioned identity confusion. However, soon the NGOs will have to make a decision, the content of which will not be relevant until the NGOs guarantee accountability and legitimacy⁴⁰⁷.

After this long analysis, it is possible to draw conclusions. First of all, individuals, although always transitively responsible, cannot be a source of change without being organized. Although there are forms of support, even if only financial, such as crowdfunding, which can have an impact, they are still motivated by prevalently selfish interests (outlined below) and limited in time⁴⁰⁸.

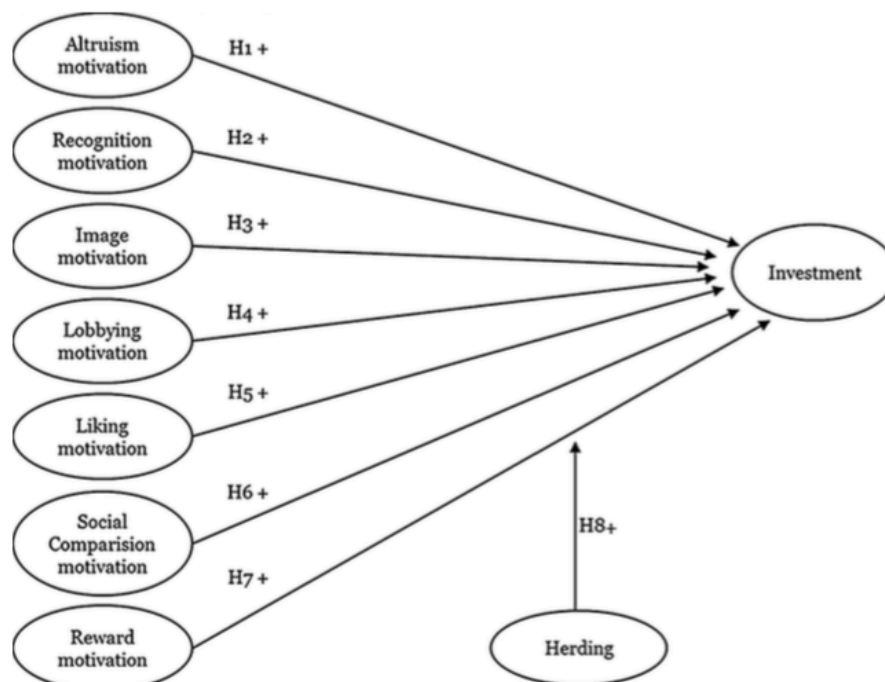


Fig. 1. Hypothesized research model.

Likewise, even if for different reasons, States are not the right medium for global distributive justice. Indeed, they are conducted in the choice of beneficiaries of their aids from domestic interests; they fail, except in the necessary moments such as voting, to involve the population in their decisions; and,

⁴⁰⁷ EDWARDS Michael, *International Development NGOS: Agents of Foreign Aid or Vehicles for International Cooperation?*, in Discourse, December 1998, pp. 29-35.

⁴⁰⁸ BRETSCHNEIDER Ulrich - LEIMEISTER Jan Marco, *Not just an ego-trip: Exploring backers' motivation for funding in incentive-based crowd-funding*, in Journal of Strategic Information Systems 26, 2017, pp. 246- 247; p. 256. 425- 426; pp. 431- 437.

above all, from an international point of view, they are increasingly losing the centrality that Westphalia had recognized.

The idea is that NGOs (given their lack of particularistic interests, their being based on principles applicable to the whole of humanity without difference, their commitment and their representation provided to citizens ...) are the right way to distributive justice in reality, therefore for the support of the development of the poorest and marginalized countries in the international scenario.

This position absolutely does not want, as already repeated many times, to deny the possibility of collaborations with other types of civil society organizations (such as corporate), with organizations or government agencies; or to underestimate the importance of the individual who, through the new means of communication, succeeds in participating more directly in global governance.

Surely, there is the willingness to defend a type of actor who, although having some surmountable flaws, represents a halfway, capturing the positive aspects from both extremes, between individuals and States, between the respect of individuals' needs and the efficiency of the State apparatus.

CONCLUSION

In the light of the above analysis it is possible, now, to draw some conclusions.

First of all, individuals (although they are always transitively responsible) if not organized, they cannot be the source of change or the scene for the true dynamics of justice.

There are obviously, thanks, above all, to the new media and the new communication methods, ways in which individuals can participate directly in the dynamics of distributive justice. Even in these cases, however, it is always through collective mechanisms, such as crowd funding, that individuals have a significative impact, even if short in time and conducted by particularistic interests.

On the other hand, States are no longer considered the guarantors of public welfare, yet bearers of specific and selfish interests that conflict with the cosmopolitan principles applied to distributive justice.

The States, indeed, cannot be the right means for global distribution, because: they are guided by domestic interests in the choice of the population to help (and not by the needs and requirements of the possible recipients).

Furthermore, States are losing legitimacy at the local level, especially due to their inability in involving citizens in their decisions, beyond the necessary times of the elections. Likewise, in the current historical period, States are losing their centrality also at the international level, due to the emergence of new problems that they cannot manage alone and the appearance of new actors that undermine their absolute centrality.

Among these new actors, civil society organizations, and specifically NGOs, have attracted attention, because they are mechanisms to which individuals voluntarily adhere.

The NGOs, as previously suggested, have focused more on redistribution and aid flows, often overshadowing the internal problems and domestic responsibilities of Third Estate countries. This choice is motivated either by the (aforementioned) prevalence of the humanitarian discourse on the developmental one, that really wants to fight the causes of poverty, or by the attention to the absolute (and not relative) poverty; therefore, to the basic necessities of the single recipients. To really succeed in achieving a distributive justice at the global level, the NGOs must forge relationships of trust and thus of partnership with other NGOs, with other actors of civil society, with other international actors, including governmental ones. Very often, in fact, bilateral collaborations must not be excluded if there are wills and promises of commitment on both sides.

Precisely because of their growing role in the distributive sector, NGOs receive critics and oppositions but it will be up to them to be able to modify themselves to increase legitimacy and empowerment, in order to better respond to the challenges that the future will put on their way. Internal changes can be: incremental and therefore continuous progress in response to the changes in the international context; or fundamental, namely an immediate choice that changes the very nature of NGOs, which can become an institution driven by the competitive market to grab funds and grow as an organization, or it can become a real bridge between the local and the global area, with great impact on a specific cause.

Surely, now, the NGOs try to combine elements of both extremes, still characterized by a strong identity confusion, also due to their brief history. Soon, however, NGOs will have to orient themselves on one side or another, in a choice that, in reality, will not be so relevant as long as NGOs will be able to guarantee legitimacy, transparency and reliability towards their own constituency.

The NGOs are considered the right way to achieve distributive justice in practice, given the decisive autonomy and independence, the lack of particularistic interests, the foundations made of principles applicable to the whole of humanity without any strategic difference, the commitment to represent the marginalized and vulnerable groups, as well as the great legitimacy attributed directly and voluntarily by the citizens.

Obviously, this position does not want to be exclusive, that is, it does not want to affirm that justice must be carried out exclusively by NGOs. As already mentioned, collaborations with other types of civil organizations, with other NGOs, with governmental organizations or agencies, would increase the efficiency of projects and aid flows. Moreover, without the associative will of individuals, NGOs would not even exist, helped also by constitutional (or even only legal) recognition by States. In short, in the current international system, no actor can act regardless of others, but NGOs seem to be a third way between individuals and states, between liberalism and socialism, between respecting the needs of individuals and the efficiency of the State apparatus. The NGOs are able to capture the positive aspects of both extremes: on the one hand, having the genuineness of closeness to the needs of the individuals, involving and always working in contact with citizens, giving voice to those who do not have it or have it not enough; on the other hand, having the organizational and planning capacity of the States, having the means and resources for their own objectives, having qualified personnel and in-depth knowledge.

Summing up, despite the defects that still exist, NGOs are the actors who, with their flexibility, independence and dexterity, will be positive protagonists of the future of global governance, especially in the distributive realm.

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SUMMARY

The present work, composed of four chapters, aims at verifying if and for what philosophical reasons international non-governmental organizations (NGOs) shall be considered better facilitators to achieve global distributive justice, than States and international organizations (IGOs) or individuals.

In order to reach this conclusion, it is necessary to answer three main questions.

Firstly, it is necessary to define the meaning of justice in its distributive specificity, and to analyse the political, economic, socio-civil reasons that explain its expansion on an international scale.

Secondly, it is important to identify what actors are (or should be) able to fulfil global distributive duties.

In this analysis is necessary to take into consideration the historical process of globalization, with the linked opportunities and problems, and the consequent the emergence of new actors and responsibilities attached to it. Among the new actors, civil society organizations assume an increasing relevance, and NGOs in particular managed to emerge among civil society actors, thanks to their dualistic nature, their proximity to individuals and the capacity to cross national borders in support of the weakest ones.

Thirdly, the last chapter focuses exclusively on NGOS, on why they are better placed than States and individuals, and why they are more effective, despite the challenges of legitimacy and accountability that are sometimes levelled against them.

The **first chapter** highlights how discussion and disagreement on justice dates back to the ancient world. Debates on global justice are of more recent origin, hence globalization and consequent modifications of the modern global context have influenced the philosophical debate on justice, especially as regards its scope of validity and its content, in the face of new challenges and new dynamics among agents.

As validity is concerned, the debate revolves around two tendencies, the first is cosmopolitanism while the second might be called the political conception of justice (or it is sometimes called political nationalism).

For *cosmopolitanism*, the demands of justice derive from a global duty of fairness and equity that is owed to all human beings. Indeed, Simon Caney defines cosmopolitanism a joint endorsement of three principles: the worth of individuals, equality and the existence of binding obligations for all⁴⁰⁹. The second view might be called the *political* conception and its mayor proponent is John Rawls⁴¹⁰, for whom justice is a political value and the first virtue of social institutions, not a derivation from an all-encompassing moral system. States are not mere instruments for the realization of the pre-institutional value of justice among human beings, rather they give application to the abstract value of justice, so the standards of justice can occur only within the borders of the sovereign State⁴¹¹.

The biggest difference between the two conceptions is that cosmopolitanism supports (what Liam Murphy calls) monism while the *political* conception reflects the Rawlsian dualistic moral approach⁴¹². This means that, according to the dualistic approach, there is a relevant difference between the moral scheme applied to the domestic level and to the international one; while for the monism this difference does not exist.

Indeed, Rawls states that the regulative principle of a thing depends on its nature. So, there must be different principles of justice on the basis of their ambit of application, in particular the difference between the moral ambit and the political ambit has relevant implications on global justice. Given, therefore, that society is something different from a small (and perhaps homogeneous) group of individuals, as much as from individuals, Rawls argues that the principles of justice for global institutions or dynamics must not be confused with those that apply to individuals and to their actions⁴¹³. This means that, according to the dualistic approach, there is a relevant difference between the moral scheme applied to the domestic level and to the international one; while for the monism this difference does not exist.

Indeed, the obligations of the members of a liberal society towards the members of another society are filtered by the relationship between their own communities. As a matter of fact, Rawls focuses on collective units called Peoples (States that have a moral nature and are willing to cooperate, still not influenced by nationalist sentiments) as the fundamental units of the international arena rather than individuals.

⁴⁰⁹ CANEY Simon, *Justice Beyond Borders*, Oxford University Press, Oxford, 2005, p. 4.

⁴¹⁰ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, p. 118, p. 119.

⁴¹¹ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, pp. 120-122;
SINGER Peter, *One World: The Ethics of Globalization*, Yale University Press, 2016, p. 7.

⁴¹² NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, p. 122.

⁴¹³ RAWLS John, *Una Teoria della Giustizia*, Feltrinelli, Milano, 2008, pp. 48-70.

On the other hand, *cosmopolitan* theorists reject this dualism. The monist approach has a wide range of application⁴¹⁴: the basic constitution of morality must be individuals, not societies or Peoples, and hence the effects on individuals must justify any moral demand⁴¹⁵. The rights are recognized to individuals as human beings, so these recognitions should not cease to exist beyond State borders⁴¹⁶. e, when national boundaries have increasingly lost meaning both politically and ethically, thanks to the phenomenon of globalization.

Globalization, hence, reducing distances and highlighting the existence of global problems (which either affect agents in more than one State or are unresolvable without co-operation among different States), has led to a global interpretation of morality and justice, *i.e.* a cosmopolitan one⁴¹⁷.

As far as content is concerned, since globalization and the reduction of physical distances have led to a more global interpretation of morality and justice, it is time to qualify the meaning of global justice and to identify what obligations it implies.

Some scholars believe that global injustice can be eradicated with the use of Rawlsian domestic standards specifically the fair equality of opportunity (standing when an individual has a fair chance at the prospect of success, in the pursuit of social positions, and that fair chance is a function of innate talent and willingness, and not of social background or class) and the difference principle (the combination of fair equality of opportunity and the demand that equality may exist in a given society only as long as it stands to benefit the least well off of its members⁴¹⁸) still to be adapted and extended to become applicable globally. These authors inevitably argue in favour of Rawls but at the same time against Rawls⁴¹⁹.

Other scholars argue that the duties towards others are best expressed in concepts, such as human rights or capabilities, that transcends national and political Rawlsian barriers⁴²⁰.

Within the first theoretical subset, Simon Caney's cosmopolitanism revolves around the Rawlsian liberal conviction of domestic fair equality of opportunity yet reinterpreting it at the global level. At the foundation of the domestic argument there is the conviction that someone should not

⁴¹⁴ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001; VAN PARIJS Philippe, *International Distributive Justice*, Chapter 35, 2008.

⁴¹⁵ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, p. 124.

⁴¹⁶ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001, pp. 113-134.

⁴¹⁷ SINGER Peter, *One World: The Ethics of Globalization*, Yale University Press, 2016, p. 8.

⁴¹⁸ VAN PARIJS Philippe, *International Distributive Justice*, Chapter 35, 2008.

⁴¹⁹ MOELLENDORF Darrel, *Cosmopolitan Justice*, Westview Press, Boulder, CO, 2002, p. 6.

⁴²⁰ BROCK Gillian, *Global Justice*, in *Stanford Encyclopaedia of Philosophy*, 2015, pp. 3-5.

have greater or fewer opportunities according to his cultural identity (i.e. class, social status or ethnicity); so claiming that individuals should not be favoured or disadvantaged by the community, state, or nation to which they belong is merely the global extension of the domestic reasoning⁴²¹.

Despite the aforementioned argument, the most frequent criticism used against global equality of opportunity (GEO) is the non-analogy (inspired by the dualism of John Rawls), which on the one hand accepts the domestic equality of opportunity while, on the other hand, rejects GEO because the international system is different from the State system in morally relevant ways.

However, the major obstacles to global equality of opportunity cannot undermine the logical reasoning, since it demonstrated above in a nutshell, the reason that leads to accepting equality of opportunity at the domestic level is the same reason that should lead to accepting global equality of opportunity⁴²²; nor the major objections manage to propose valid alternatives.

Moreover, the fact that GEO is much more focused on the procedural aspect allows it to avoid the criticism raised against the Singerian vision (which, interpreted in its rigid extremism, would predict that individuals would give until they were at the same level as the most needy⁴²³) since it has less demanding requirements.

Furthermore, the GEO with the desired equalization would significantly contribute to the alleviation of global poverty⁴²⁴. Even more, the GEO is compatible with the defence of basic rights and can be supplemented and supported by other principles⁴²⁵.

Within the second theoretical subset, there are different works deserving a worthy mention.

Firstly, Thomas Pogge's approach aims at the realization of the basic human rights of each individual. This position is vulnerable to the criticism of being too demanding, an issue that the GEO was able to avoid given its procedural character. However, Pogge's approach is sharable since it pivots on the role of the individual and on his Kantian moral relevance.

On the other side of the spectrum, there are Amartya Sen and Martha Nussbaum, representatives of Capability approach, a more complete and complex re-formulations of the GEO.

First of all, the capabilities are substantial freedoms, a series of opportunities, usually interrelated, to choose and to act. The capability is therefore the fundamental freedom to achieve different combinations of results, and consequently societal development means removing obstacles to widen

⁴²¹ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001, pp. 113-114.

⁴²² Ivi, p. 115.

⁴²³ SINGER Peter, *Famine, Affluence, and Morality*, in *Philosophy & Public Affairs*, Vol. 1, No. 3 pp. 229-243, Wiley, 1972.

⁴²⁴ CANEY Simon, *Cosmopolitan Justice and Equalizing Opportunities*, in *Metaphilosophy* 32, 2001, p. 116.

⁴²⁵ Ivi, p. 117.

people's functions, capabilities and choices⁴²⁶. The capabilities approach, in fact, in all its various formulations focuses on self-realization and centrality of the individual as the primary subject of justice⁴²⁷.

A further element, implicit in the theory, to be seen in conjunction with capabilities is functionings, namely the being and the doing resulting from the implementation of the capabilities. As Amartya Sen exemplifies, a starving person and a fasting person have the same functioning concerning nutrition, still the two subjects considered do not have the same capability as the fasting person may not do it, while the person who suffers from hunger has no choice.

The functionings represent the terminus for the capabilities, however this does not mean that the capabilities have no value in themselves. In fact, the capabilities approach distances itself from the economic tradition whereby the true value of a range of options is given by the best use that can be made of them. Indeed, the options are freedom and the freedoms have an intrinsic value.

This is why the capabilities, and not the functionings, must represent the political objectives, in fact only the capabilities are able to honour the life choices of the individuals⁴²⁸.

The major difference between the two conceptions is how the authors consider their own literature in relation to a complete theory of justice.

Amartya Sen has created his approach as a means of comparison, as an evaluation method, denying its function as a theory of justice⁴²⁹. In this way, Sen wants to allow comparisons among capabilities between nations and regions, without the intention to prescribe capabilities in advance because new problems, encountered in process, may lead to new capabilities relevance⁴³⁰.

Because of Sen's reticence in setting a precise list of capabilities, the Human Development approach professes itself as a robust paradigm since it manages to adapt to different time and space intervals⁴³¹. Martha Nussbaum, in fact, identifies her Capabilities approach as a theory of social justice, in which she decrees how a just society must act. So she identifies a minimum list of capabilities that a decent

⁴²⁶ SEN Amartya, *Development as Capabilities Expansion*, in *Journal of Development Planning* 19, pp. 41-58, 1989.

⁴²⁷ NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, p. 20, p. 23.

⁴²⁸ Ivi, p. 26.

⁴²⁹ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009.

⁴³⁰ NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, 2011, p. 29; SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009.

⁴³¹ FUKUDA-PARR Sakiko, *The Human Development Paradigm: Operationalizing Sen's Ideas On Capabilities*, in *Feminist Economics*, 2011, pp. 310-312.

society must guarantee⁴³², this means that justice is not based exclusively on mutual advantage but includes interested parties that are in fact outside the specific diatribe, implying Aristotelian moral virtues and widespread benevolence.

Surely the normative approach of Martha Nussbaum attracts several criticisms. Both because a definitive list that could be widely accepted cannot be the result of a single pen but needs a very broad discussion; and because the list presented does not give the right priority to social institutions, to political-economic development, and equally to vertical as well as to horizontal equality.

Instead, the comparative analysis of Amartya Sen, especially for its dualistic nature, is shared not only among theoretical realms yet also in his practical application with the HDI.

First, Sen provides a practical reasoning by which agents take responsibility for their actions, whoever is affected by them. So, this path links to the recognition of the plurality of agents, of dependencies and of freedoms that are becoming increasingly important in the current interconnected world⁴³³.

Second, his description provides a non-ideal framework (namely a scheme that, only once applied to the reality, can take on meaning) that allows, through comparative evaluations, to navigate the complexity and uncertainty of contemporaneity. Thus, it provides both the incentive to act and the moral justification for the action itself⁴³⁴.

Finally, Amartya Sen enables different moral considerations and duties to intertwine and overlap, as well as the responsibilities deriving from them.

Precisely because of its attention to the plurality and variability of today's world and to its continuous references to concrete actions, Sen's approach seems to be the most applicable in reality and so it will be the ensued one in the present text.

After that the demands of global justice have been outlined, in the **second chapter**, the focus will be on a subset of global justice as a whole, that is, the distribution mechanism⁴³⁵.

Distributive justice (DJ) is a fundamental notion of philosophy and political economy, concerned with the distribution of the benefits and burdens within a collective society.

⁴³² NUSSBAUM Martha, *Creating Capabilities: The Human Development Approach*, Belknap Press, Cambridge, pp. 33-35.

⁴³³ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009, pp. 10-15.

⁴³⁴ Ivi, pp. 6-7.

⁴³⁵ VALENTINI Laura, *The natural duty of justice in non-ideal circumstances: on the moral demands of institution-building and reform*, in *European Journal of Political Theory*, 2017, pp. 2-4.

A community is considered as more just as it distributes according to the desert ethos, namely the set of principles that, although not embodied in the basic coercive structures of society, governs interpersonal relations between citizens. Members of a society, characterized by desert ethos, recognize the importance of and are motivated by having to treat each other as each deserves. Citizens, therefore, are subject to desert when they interact, even if they are not forced by institutional mandates⁴³⁶ (recalling the cosmopolitan ideal of equality and worth of individuals).

The question of distributive justice emerges only in situations of relative scarcity, when the production of resources involves costs for someone and when any transfer of uncompensated resources means a loss for someone. In conditions of extreme abundance, there would be no need to redistribute, because no one, having much more than he needs or wants, would complain about the actual distribution of possessions⁴³⁷.

Likewise, the scarcity of goods that makes distributive justice possible must not go beyond a certain level. A condition of dramatic shortage, of absolute scarcity, of drastic lack of resources is not a situation in which to invoke justice; rather it becomes the time of oppression and of spirit of survival when the rigorous laws of justice would be suspended, to leave room for the most violent reasons of need and self-preservation⁴³⁸.

Furthermore, a just distribution must be efficient, namely must improve the condition of those suffering from deprivation and disadvantage, in a condition where deprivation and disadvantage are not necessary. Moreover, it would not make sense to declare a certain distribution fair or unjust when none of the people involved in it is affected, could it be in worse or in better⁴³⁹.

Lastly, DJ has a dual nature since (as already specified for global justice as a whole previously) it implies rights or entitlements and corresponding duties, respectively the benefits and the charges.

Besides, a theory of distributive justice to be considered complete should provide at least answers to three questions: the validity, i.e. the place or seat of justice and its demands; the object of the distribution; and the structure of justice. In essence, a complete theory of justice should indicate who (the validity) must have how much (the structure) of what (the object of justice)⁴⁴⁰.

⁴³⁶ MESSINA J. P., *Desert in liberal justice: beyond institutional guarantees*, in *Canadian Journal of Philosophy*, 2016, p. 249.

⁴³⁷ HUME David, *Trattato sulla natura umana*, Laterza, 1982, pp. 193-4.

⁴³⁸ Ivi, p. 197.

⁴³⁹ PELLEGRINO Gianfranco, *La fuga di Astrea: giustizia, povertà e cambiamento climatico, la filosofia politica di fronte alle emergenze globali*, LUISS University Press, 2012, pp. 53-63.

⁴⁴⁰ Ivi, p. 27, p. 20.

It is precisely around these three areas of analysis that disputes and controversies arise among scholars. It is necessary to specify that this piece would not investigate about the subject of justice, but with the assumption the purpose of distributive justice must not be an exclusively economic issue. The other areas of debate about distributive justice will be explored in detail later on.

However, before starting with the discussion on the content of entitlements and duties, it is necessary to clarify the difference between duties of justice and actions of charity (benevolence or philanthropy), and the dynamic of duties, rights and responsibilities.

The idea of humanitarian assistance indicates a morally acceptable path because it consists of generous assistance to the poor, but only DJ asks questions about the causes of poverty and the role of the institutional system on poverty itself.

However, in reality, not all interpretations of justice pose these questions, so this analogy cannot be considered valid. And, moreover, international humanitarianism seems more like duty than kindness, or maybe it is a combination: two in one, a gift that we have to give⁴⁴¹.

Still the most exhaustive difference is that the duties of distributive justice are morally enforceable, in the sense that someone else could force another individual to respect his duties.

On the other hand, international humanitarianism is an imperfect duty. In any crisis situation, different states are capable of acting, but no single state is the designated actor. There is no established procedure that specifies the proper name of the agent. The governing principle of humanitarian intervention is, whoever can, should⁴⁴².

On the same wavelength, Peter Singer refuses any kind of dichotomy between charity and duty of justice. If a person can prevent something negative from happening, without sacrificing something of equal moral importance, he has a moral obligation to do so. If the reference to justice is used to pursue one's interests and obtain entitlements, there should also be promptness to give to others, even at high costs⁴⁴³. Therefore, the distinction between charity and justice cannot be sustained.

The emphasis on the global international order has dragged the debate on global justice away from the realm of charity or beneficence and more on the kind of duty to fulfil globally. The theoretical distinction among duties entails a diversified interpretation of duties and of responsibilities.

⁴⁴¹ WALZER Michael, *On Humanitarianism: Is Helping Others Charity, or Duty, or Both?*, in *Foreign Affairs*, Volume 90, Issue 4, 1 July 2011, pp. 69-72, pp.73-76, pp. 77-80.

⁴⁴² Ibidem.

⁴⁴³ ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012, pp. 18-23.

As to duties, first of all, the liberal tradition (since Locke) theorizes the negative duties conception of justice, to which justice requires merely not to harm or wrong others. Following this logic, individuals refusing to help the poor, the disadvantaged and the sick, are morally culpable, but not wrongdoers as to justice⁴⁴⁴.

Oppositely, especially the so-called ‘left libertarians’⁴⁴⁵ demand more inclusive positive duties, namely justice involves not only non-actively wronging or harming others but also helping others to obtain a certain level of resources, welfare, capability, primary goods, or well-being⁴⁴⁶.

The bridge between the negative and the positive interpretations is built by Pogge’s. Indeed, Pogge maintains that having failed to fulfil the negative duty generates a positive duty to make-up for the harm inflicted. So, there is a derived positive duty, which for example in reality means that the imposition of the global institutional order must be stopped in order to prevent and mitigate the harm it continually causes⁴⁴⁷.

The negative-duty rationale depends upon the direct and causal link between actions of the wrongdoer and the harm done to victims, so cannot be established in general but only in concrete cases. Thus, a shift towards arguments of a more empirical nature is necessary⁴⁴⁸, namely more attention to the applicability and implementation of principles of just distribution.

This shift determines that the actions of people, in order to be judged, must be framed in the context of responsibility. Hence, responsibility and duty are closely associated. It seems that since people have a duty to act according to what they are responsible for and are responsible for fulfilling their duties, there is not much of a difference between the two. However, in fact, duty applies to action according to well-defined steps, while responsibility consists in adopting an attitude, in making a declaration of intent.

⁴⁴⁴ VARDEN Helga, *Duties, Positive and Negative*, in *Encyclopaedia of Global Justice*, Springer Science + Business Media, 2011, p. 281.

⁴⁴⁵ FRIED Barbara, *Left-Libertarianism: A Review Essay*, in *Philosophy & Public Affairs*, 32(1), Vol. 1, 2004, pp. 66-92.

⁴⁴⁶ VARDEN Helga, *Duties, Positive and Negative*, in *Encyclopaedia of Global Justice*, Springer Science + Business Media, 2011, pp. 282-283.

⁴⁴⁷ POGGE Thomas, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Polity Press, Cambridge, 2002, pp. 22-23.

⁴⁴⁸ HEYD David, *Global Responsibility and Distributive Justice*, in *Ethical Perspectives* 19, no. 4 pp. 677-702, Hebrew University of Jerusalem, Israel, 2012.

Moreover, responsibility exists only where there is a relation or an association between the parties, so there are universal Kantian duties but no universal responsibilities. This analysis could explain why responsibility is moral, political or institutional but not legal.

This reasoning is not valid for one among the different types of responsibility, that is *prospective* responsibilities, those assumed or assigned even before a specific event. This is a wider, so also vaguer, concept than duty, since it consists of a commitment to welfare and success of a person or of a group of people without means fixed⁴⁴⁹.

Prospective responsibility may apply to human relations universally, linking responsibility to the fact of being humans. In particular, the account of responsibility could be extended if justified by a prior sense or motive: that of solidarity.

Iris Young proposes a global responsibility based on the social connection, that gains consensus in today's world, since all the economies are interdependent and so socially connected, that there should be a shared sense of responsibility for the global poor, disadvantaged and suffering.

Since the global situation is complex, in order to reach the global application, it is necessary to strengthen the link between people, thus strengthening solidarity, and the role of international institutions in order to make them more accountable, in order to make responsibility not only morally right but above all applicable in the reality.

As mentioned in the last paragraph, the main lines of debate surrounding distributive justice are the scope of its validity and its standards to be applied. Even among those who agree on the importance and necessity of global distributive justice there are substantial differences, in some aspects also linkable to the ambit of validity recognized.

The *egalitarian* approach gives centrality to equality, providing that important resources must be distributed equally among people. The aspect of comparison is central, so the current dramatic situation of poverty and of inequalities could be overcome if everybody gets enough, not (only) in absolute but as compared to others.

Otherwise, the *minimalist* approach tries to make less demanding requests, however still difficult to achieve in today's context. This theory suggests that global injustice occurs when people do not have enough to live decently and with dignity, thus a line between what is necessary for an acceptable life and the surplus should be drawn.

Minimalist scholars actually embrace the profundity of equality within a single society, but do not extend it to the global distributive level, often resorting to *relational* reasoning (no dynamics of justice

⁴⁴⁹ DUFF Anthony, *Responsibility*, in Routledge Encyclopaedia of Philosophy, Routledge, London, 1998, pp. 290-291.

could intervene between subjects without direct relations)⁴⁵⁰.

This clarification does not mean that all minimalists are relational or that all egalitarians are *non-relational*. The global egalitarians, for instance, can be relational by supporting the existence of global institutions or non-relational by hinging on the basic humanity that all people have in common. Likewise, the minimalists can embody both an international and a non-relational approach (even if the major minimalist exponents are still relational).

So, this underlines how the position in the debate on the ambit of validity of global distributive justice and in the discussion on the standards of global distributive justice does not determine the other, and vice versa. Respectively, indeed, the distinction between relational and non-relational theories tells us something about why to justify (or not) the extension of DJ to a global level, while the distinction between egalitarianism and minimalism explains the position on the content of distributive duties and rights⁴⁵¹.

The main analysed and criticised minimalist account is surely the Rawlsian one, and its reasons for rejecting the global non-relational approach.

As for international justice (justice between States), Rawls does not recognize the possibility of global distributive justice⁴⁵². Thus, Rawls recognizes that there are obligations that the just societies (namely the liberal and the decent ones) have towards the other Peoples⁴⁵³.

Specifically, there are two duties of giving economic aid to another community: the Mutual Aid and the Duty of Assistance. The Mutual Aid applies within the Society of Peoples, following treaties accepted voluntarily by members in good standing of the society of Peoples. On the other hand, the *Duty of Assistance* is an obligation that falls on every People (but only the well-ordered ones are expected to realize it) to assist the burdened societies, with the ultimate objective of consolidating decent institutions⁴⁵⁴.

⁴⁵⁰ Relational justice takes seriously the independent normative claims of the social systems affected and their relatedness in a shared social environment; WIELSCH Dan, Relation Justice, in www.rechtstheorie.uni-koeln.de Vol. 76, p. 191-211, 8 May 2013. To deepen this topic see also, ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012.

⁴⁵¹ ARMSTRONG Chris, *Global Distributive Justice*, Cambridge University Press, Cambridge, 2012, pp. 34-38.

⁴⁵² Even if in a less inflexible way than realists or the most extreme communitarians, both a priori scepticisms. To deepen this topic see, BUCHANAN Allen, *Justice, Legitimacy and Self-Determination: Moral Foundations for International Law*, Oxford University Press, Oxford, 2004, pp. 190-191; and TASIIOULAS John, *Global Justice Without End?*, in *Metaphilosophy* Vol. 36, January 2005, pp. 4-6.

⁴⁵³ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, pp. 6-8.

⁴⁵⁴ ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, pp. 22-47.

Once the Duty of Assistance is realized, any redistribution among well-ordered countries would be a waste of resources and a lack of respect⁴⁵⁵: the principles of international justice have, for Rawls, the significant flaw of lacking a cut-off point⁴⁵⁶.

For this reason, it is important to go on to specify that the Duty of Assistance does not apply between well-ordered Peoples but is a duty of the well-ordered peoples towards the burdened ones, so the duty in question does not belong to the members of the society but to the People as a collective entity (Rawls places too much importance on the weight of political institutions and the aggregate desire of the People, underestimating the relevance of individual desires⁴⁵⁷), and so it is a transitory principle of justice that falls within the domain of the ideal theory. This provides a guide for non-ideal theory, especially in identifying the long-term objective⁴⁵⁸. The non-ideal theory in turn guides the choices between the various stages necessary from an unjust status quo to a possible realization of the ideals⁴⁵⁹.

Rawls wants to insist on the importance of political self-determination, so once the Duty of Assistance is exhausted, the Peoples themselves must attribute, according to their own culture, basic necessities, priorities, local factors or norms, social meaning to wealth, well-being and opportunities⁴⁶⁰. If the People as a whole is dissatisfied comparing itself to any other society, it can easily reformulate its domestic policies. So inter-people differences are not problematic because if they are felt negatively, they can be changed thanks to domestic policies⁴⁶¹.

It is undeniable that political aid is important, but empirical evidence shows that Rawls's institutional-relational approach is not fully reliable.

First of all, redistribution does not only involve material goods or basic necessities, there are also goods needed regardless of the level of community's decency⁴⁶². That is, redistribution must follow

⁴⁵⁵ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 111, p. 114, pp. 118-119.

⁴⁵⁶ TASIOLAS John, *Global Justice Without End?*, in *Metaphilosophy* Vol. 36, January 2005, pp. 6.

⁴⁵⁷ ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, pp. 48-63.

⁴⁵⁸ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, pp. 89-90.

⁴⁵⁹ YONG Caleb, *Rawls's Duty Of Assistance: Transitional Not Humanitarian Or Sufficiency*, in Nuffield's Working Papers Series In Politics, 2012, pp. 11-15.

⁴⁶⁰ RAWLS John, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, p. 111, p. 114.

⁴⁶¹ ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, pp. 48-63.

⁴⁶² Ivi, p. 3.

from necessity, because some types of needs can persist even long after the society has been reformed politically and hence became decent.

In addition, Rawls does not consider the needs that may derive from an unfortunate endowment of natural resources, from a previous inefficient management or from unforeseeable consequences, which instead must be fulfilled regardless of people's decency⁴⁶³.

Secondly, normative studies have shown that: well-ordered institutions do not solve the problem of poverty; strategies to reduce poverty often imply unfair and unsuccessful policies; successful policies have a very slow pace, especially in cases of participatory governments. In essence, although the right institutions give a positive contribution to society and avoid disasters, they are not able to cure the disasters themselves.

Moreover, the badly-ordered communities can be interested in the well-being of their citizens and the indecent institutions can manage to be as effective as the decent ones.

Being critical to the Rawlsian relational approach certainly does not mean preferring well-being to justice⁴⁶⁴, but implying that the existence of stable and just government institutions are not the panacea for all the problems of a society.

Indeed, empirical evidence suggests that whatever the effects of fair institutions, residual problems regarding material inequality, which cannot be justified in light of cultural differences, remain. On the other hand, the transition out of burdened conditions takes time and requires material assistance even after creating appropriate institutions. Rawls is right when he says that not all countries need material aid, still some do. And precisely because this aid must not be imperishable but temporary, perhaps Rawls could recognize it, taking into account the transitory nature of the Duty of Assistance⁴⁶⁵.

Rawls is certainly right to put the Duty of Assistance in the realm of non-ideal theory, in order to give it a transitory character and also a very specific limit.

The Duty of Assistance could, in reality, seem too demanding as it would seem to require the intervention of the well-ordered Peoples on the deep elements of the culture of another community. In detail, however, the Duty of Assistance is a duty for well-ordered societies to try to assist burdened ones. Well-ordered Peoples must give advice and maybe some form of financial assistance to implement the advice practically, without ever forcing or putting pressure on the burdened Peoples. Therefore, the Duty of Assistance is not to be considered a duty of building institutions but a duty of

⁴⁶³ ROTHKIN Karen, *Law Of Peoples And The Duty Of Assistance: Rawls On Redistributive Justice Among Peoples*, in the Archives Of the Massachusetts Institute of Technology, 2009, pp. 22-47.

⁴⁶⁴ Ivi, pp. 17-22.

⁴⁶⁵ Ivi, pp. 6-8.

advice and support. Considered in this way, the Duty of Assistance would seem to fail in most complicated cases, not seeming demanding enough in reality⁴⁶⁶, given that weak social and political culture affect the possibility for advice and resources to be effective.

Burdened societies are considered by Rawls incapable, not unwilling, to apply the Law of Peoples, so they should be inclined to accept aid. But it's not something that should be taken for granted anyway⁴⁶⁷.

Globalization and changes in the international system lead to: a global theorization and application of distributive justice; to a complex set of relationships that eradicates a kind of approach limited to individual states or communities; to a fast dynamism that requires limits to the demands of distributive justice; to dramatic inequalities that must be erased immediately, at least making the lives of citizens decent and worth living.

Therefore, it is necessary to reformulate the Duty of Assistance, depriving it of its relational nature and reformulating its content, in a cosmopolitan view (therefore based on individuals as primary agents).

The Human Development Approach (HDA) can be of some help to expand the notion of duty of assistance. This approach assumes that “assistance” is a duty of justice, where justice is understood as the promotion of capabilities (fundamental freedoms and opportunities to choose and to act) and well-being, involving the performance of virtuous actions⁴⁶⁸.

The HDA framework: is non-idealized so finds its realization in the empirical application; it can find justifications for moral actions⁴⁶⁹; moving from abstract duties to concrete actions⁴⁷⁰, it can reflect the complexity and uncertainty of the current international world⁴⁷¹; being based on the centrality of

⁴⁶⁶ TASIOLAS John, *Global Justice Without End?*, in *Metaphilosophy* Vol. 36, January 2005, pp. 14-27.

⁴⁶⁷ MAFFETTONE Pietro, *Rawls' Duty Of Assistance: A Defence And Re-Elaboration*, in *Ethics & Politics*, XIX, 2017, pp. 354-371.

⁴⁶⁸ SEN Amartya, *Elements of a Theory of Human Rights*, in *Philosophy and Public Affairs* 32 (4), pp. 315–356, 2004.

⁴⁶⁹ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009, pp. 6-7.

⁴⁷⁰ Ivi, pp. 44-45.

⁴⁷¹ MURPHY Susan, *Unlocking the beauty of the imperfect duty to aid: Sen's idea of the duty of assistance*, in *Journal of Global Ethics*, 2014, pp. 374-378, p. 381.

human dignity and morality (so being non-relational or being relational in Iris Young's sense⁴⁷²), it can highlight the current plurality of agents and of consequent responsibilities⁴⁷³.

The **third chapter** translates the philosophical theory of the previous chapters into the analysis of reality.

After a brief historical excursus, the focus will be on the main international contemporary actors and on their respective responsibilities in the context of global governance.

According to the theorization of Raffaele Marchetti, all the steps that have led to a downsizing of the idea of national sovereignty and to the Kantian transition from an international system between sovereign countries to global governance, which follows the cosmopolitan directives and laws⁴⁷⁴ are: The failure of the League in Nations, the birth of the United Nations in 1945 after the Second World War, the narrowing of geopolitical spaces since the 1960s', the unilateral abandonment of the Bretton Woods agreements by United States in 1971 and the consequent deregulation in both trade and financial movements, the end of the Cold War, international travels and new media that make national borders mere hindrances, the growing of non-governmental organizations (NGOs) and of regional governance systems that water the green hope of global political coordination.

Global governance cannot, therefore, be considered a static entity but a process always in flux, since it is nothing other than the way in which the various mechanisms and various agents of international relations are operationalized in practice⁴⁷⁵. In fact, it is a continuous process of choice between the different and contrasting interests according to which individuals and institutions (both public and private) manage their own businesses.

Governance, thus, distinguishes itself from the classical government since it does not require a single centre of power or the same level of centralization, formalization and integration; while it requires rules, norms and procedures to solve global problems⁴⁷⁶.

⁴⁷² YOUNG Iris, *Responsibility and Global Justice: a social connection model*, in *Social Philosophy and Policy*, 2006, pp. 102-130. In this point is made a reference to the afore discussed social connection model, to which all individuals are linked thanks to a sense of responsibility derived from a sense of global solidarity.

⁴⁷³ SEN Amartya, *The idea of Justice*, Penguin Group, London, 2009, pp. 10-15.

⁴⁷⁴ WOLIN Richard, *The idea of cosmopolitanism: from Kant to the Iraq War and beyond*, in *Ethics & Global Politics*, 2010, pp.143-144.

⁴⁷⁵ HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, pp. 204-205.

⁴⁷⁶ MARCHETTI Raffaele, *La politica della globalizzazione*, Mondadori Università, 2014, pp. 93-107.

There is, hence, a change in reference to the concept of international subjectivity, to the extent that sovereignty of States loses its privileged status and the United Nations system itself becomes increasingly integrated with a number of other multilateral governance structures and networks.

So, the challenge that global governance has to face is to design stratified mechanisms that generate not only participation at the State level in order to face common problems, but also at the community and individual level in order to change their behaviour to be able to fight global problems⁴⁷⁷.

There are several problems of global justice that must be solved, and this raises the problem of responsibilities, which not only asks who is responsible for some results but also who is able to solve likely difficulties.

Another significant debate on responsibility differentiates responsibilities between collective agents from that of individuals⁴⁷⁸. In this context, causal responsibility (merely the determination of who did what) is attributed, on the one hand, to the individual and its actions, on the other, to groups defined as collectives.

The solution that allows the applicability of responsibility also at a collective level is the forward-looking collective responsibility⁴⁷⁹, which does not take into account the guilt or the will of the agent but prescribes what the agent should do, thus redistributing moral work. In fact, the person who caused and is guilty of an evil is often not the agent who in reality may be able to solve the problem itself. So, the responsibility does not take value from the guilt itself, rather from the realization of a specific and morally justifiable project⁴⁸⁰. Therefore, the agent must be able to do something in the world and to take responsibility for his actions in this regard. This recalls Singer and Armstrong's positions, according to which justice entails promptness to give to others, even at high costs, if given the possibility.

The attention, from here on, will be directed towards collective actions, since the increased complexity of the international society makes associations and unions of intent more and more pivotal in making a difference. Particularly, the fight against poverty and global injustices of distributive nature, with the consequent sharing of responsibilities, will be the focus.

⁴⁷⁷ HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, pp. 2-5.

⁴⁷⁸ BROCK Gillian, *Global Justice*, in *Stanford Encyclopaedia of Philosophy*, 2015.

⁴⁷⁹ FRENCH Peter- WETTSTEIN Howard, *Forward Looking Collective Responsibility*, in *Midwest Studies in Philosophy* (Volume XXXVIII), University of Minnesota Press, Minneapolis, 2014.

⁴⁸⁰ SMILEY Marion, *Collective Responsibility*, in *Stanford Encyclopaedia of Philosophy*, 2017.

People are not just the simple beneficiaries of the social and economic progress of a society, still they are the force of change, through individual and collective actions. Individual actions, such as the education given to children, manage to influence the development of society, but the collective actions themselves appear to be able to put pressure on policies and to bring political changes. As, indeed, Thomas Pogge emphasizes, some joint actions, albeit small, may influence the outcome of a negotiation and little differences in global institutional structures can lead to large differences in the protection of human rights⁴⁸¹.

In fact, various examples taken from practical experience show how rarely a person can effectively influence a public policy on his own, always needing some form of association, alliance or at least public debate. Thus, the legal guarantees for freedom of expression, of association, of thought are important not only for their intrinsic value, but also for the instrumental value of agency (both individual and collective) promotion⁴⁸².

Indeed, changing the moral scheme of individuals is a prerequisite for a deep transformation of governmental action because: if citizens do not donate voluntarily, their respective governments draw the conclusions that their citizens neither are interested in helping the neediest nor would like to be forced to make benevolent donations.

Certainly, it is necessary that governments, especially of the wealthiest countries, work to grant funds and charitable aid, but government accountability must not relieve citizens from responsibilities, likewise the inactivity of political representatives cannot be a hideout for citizens' inaction⁴⁸³.

Although, in fact, unorganized individuals cannot achieve perfect distributive justice (failing to guarantee the right to adequate resources and opportunities for all) they are however fundamental in influencing and implementing governmental actions and more.

Where individuals lack the capacity to carry out the demands of justice, corporate or collective actors intervene, that is, a multi-person system that has its beliefs and that acts to satisfy its desires. Agents of this type include States, corporations, churches, universities, international organizations and so on...

⁴⁸¹ POGGE Thomas, *Severe Poverty as a Violation of Negative Duties*, in *Ethics & International Affairs* 19, 2005, pp. 55-83.

⁴⁸² FUKUDA-PARR Sakiko, *The Human Development Paradigm: Operationalizing Sen's Ideas On Capabilities*, in *Feminist Economics*, 2011, pp. 308-310.

⁴⁸³ SINGER Peter, *Famine, Affluence, and Morality*, in *Philosophy & Public Affairs*, Vol. 1, No. 3 pp. 229-243, Wiley, 1972, pp. 229-243.

These actors have a moral agency, namely they can make moral judgments based on some notions of right and wrong, act with reference to the aforementioned awareness, and be held accountable for their actions⁴⁸⁴.

With the processes of decision-making, they decide on their moral motivations and with the executive processes of implementations, they act precisely on the basis of their motives⁴⁸⁵.

The first collective actor that needs to be analysed, on which the duties of global distributive justice hang, is the State. The State manages to achieve justice when its citizens respect its directives, either because they recognize its authority or because they are afraid of the sanctions it could impose. Given the choice to apply the encompassing cosmopolitan perspective, the principles of distributive and socio-economic justice, usually valid in the confines of the domestic realm, are applied to the whole world. The responsibility that derives from the aforementioned extended application of justice is shared between various agents, but a significant part of it falls on States⁴⁸⁶.

Among States themselves, most scholars of global distributive justice continue to focus exclusively on the responsibility of developed countries, ignoring the responsibility of developing ones, but developing countries are gaining power both economically and politically, at the same time the geography of poverty is radically changing and inequality between States is radically diminishing (although international inequality continues unabated). And it is precisely from power that responsibilities derive.

This view does not want to relieve the developed countries of their responsibilities, also because if developing countries have not reached their maximum potential it is mainly because of internal policies, but the barriers and subsidies of the developed countries certainly has not helped⁴⁸⁷. According to Thomas Pogge, the richer countries, in their actions, are not only violating the positive duty to help the needy, but they are also violating the negative one of not harming them⁴⁸⁸. Precisely the negative duties in contact with reality are the one which are transformed into moral duties and motivations to act, and the lack of their realization determines the violation of human rights.

The increasingly interdependent international system means that the collective agent par excellence,

⁴⁸⁴ TAYLOR Angus, *Animal and Ethics: An Overview of the Philosophical Debate*, Broadview Press, Peterborough, Ontario, 2003, p. 20.

⁴⁸⁵ VALENTINI Laura, *The natural duty of justice in non-ideal circumstances: on the moral demands of institution-building and reform*, in *European Journal of Political Theory*, 2017, pp. 4-6.

⁴⁸⁶ Ivi, pp. 12-16.

⁴⁸⁷ IRWIN Douglas, *Free Trade Under Fire*, Princeton University Press, 2015, p. 233.

⁴⁸⁸ POGGE Thomas, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Polity Press, Cambridge, 2008, pp. 14-15.

the State, has become less able to manage the challenges by itself⁴⁸⁹. Precisely because of the dynamics of the modern international, stratified and multilateral system, the State seems to have responsibilities only as a member of international organizations aimed at achieving global justice⁴⁹⁰. The centrality of state sovereignty is put under pressure by existing international institutions and by the need to create new ones for the protection of human rights, for the provision of humanitarian aid and of global public goods.

On the one hand, the more affluent nations feel the need to create more effective governance at the global level but, on the other hand, do not want to be forced by further obligations and demands.

Nonetheless, all the different forms of international organizations share the fact of being formed not by individuals but by representatives of state functions or institutions. Indeed, the individuals do not voluntarily join an association, but they become members as a consequence of the decision of their State to enter it.

In any case, however, the participants in the institutions are responsible to their citizens⁴⁹¹. Therefore, the way in which states operate in global governance depends on how much a specific issue serves domestic interests and how the interests themselves are applicable to other global partnerships and institutions⁴⁹².

Globalization binds distant communities, de-territorializes power relations extending them beyond traditional national borders, decreases the exclusivity of states as international actors, and in this way opens up spaces for new social actors.

Firstly, current global governance mechanisms allow, on the basis of the principle of stakeholderism, the participation of different non-governmental political actors in decision-making processes. Secondly, the process of privatization of the functions previously carried out by the State has opened new political spaces for civil society's actors. Thirdly, the process of globalization has generated a sense of solidarity within the civil society and therefore has been an engine of internal unification and of the common purpose of challenging the socio-economic consequences of globalization itself. Fourth, technological innovations in the IT sector have revolutionized organizational models within

⁴⁸⁹ HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, pp. 2-5.

⁴⁹⁰ VALENTINI Laura, *The natural duty of justice in non-ideal circumstances: on the moral demands of institution-building and reform*, in *European Journal of Political Theory*, 2017, pp. 12-16.

⁴⁹¹ NAGEL Thomas, *The Problem of Global Justice*, in *Philosophy & Public Affairs* Vol. 33, 2005, pp. 136-140.

⁴⁹² HARMAN Sophie - WILLIAMS David, *Governing the world? Cases in Global Governance*, Routledge, 2013, p. 199.

civil society and allowed more effective transnational communications. Fifth, and finally, changes in social behaviour, such as the spread of higher education and the expansion of international travel, have offered new opportunities for networking within civil society.

Civil society organizations (CSOs) are independent and voluntary organizations, with their own mandate, their own field of action, and with structural and elective regulations⁴⁹³. Despite their independence of action, the CSOs are nevertheless liable to the persons they represent and must respect the legal system of the country in which they act⁴⁹⁴.

Assuming the existence and importance of a global civil society does not mean wanting to diminish the importance of domestic factors. Indeed, despite the fact that the increase in institutions and transnational problems is detrimental to state autonomy, the State remains fundamental both in providing political opportunities to combat global challenges and in establishing the character of political associationism, in the ways that will be analysed.

So, the relevance of the civil society depends, precisely and in greater measure, on the global political integration that encourages domestic democratization that in turn legitimizes pluralism, tolerance and equality⁴⁹⁵.

The significant growth of global integration and political-economic interdependence has led to the increase of intergovernmental and international organizations, and, above all, of non-governmental organizations and civil society groups⁴⁹⁶. The last two types of association, the so-called mediating institutions, even if they receive non-negligible public funds through government aid agencies, are mainly financed by private donations, unlike governmental organizations.

However, mediating actors are never really independent and autonomous in their actions since, as mentioned before, they are always representatives acting on behalf of someone else. Individual agents empower institutions to act to assist others, and thus are responsible for actions aimed at assistance. Individuals also have a responsibility to make themselves heard to get increasing openness, transparency, and public engagement from institutions.

Thus individuals, in reality, are always responsible, even in associative choices, as they delegate their status as moral agents (namely, as before clarified by the words of Taylor, making moral judgments

⁴⁹³ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 49-57.

⁴⁹⁴ Ivi, pp. 11-18.

⁴⁹⁵ SMITH Jackie - WIEST Dawn, *The Uneven Geography of Global Civil Society: National and Global Influences on Transnational Association*, in *Social Forces*, Vol. 84, No. 2, December 2005, pp. 637-639.

⁴⁹⁶ MURPHY Susan, *Unlocking the beauty of the imperfect duty to aid: Sen's idea of the duty of assistance*, in *Journal of Global Ethics*, 2014, p. 369.

based on some notion of right and wrong, acting with reference to the aforementioned awareness, and being accountable for the actions⁴⁹⁷), and this generates accumulative duties and obligations that are not limited by territorial boundaries but simply linked to the recognition of human status⁴⁹⁸.

The pragmatic realization of cosmopolitan human rights is precisely the negative duty of every individual to collaborate in the structuring of an institutional order to protect those in need and promote constructive reforms⁴⁹⁹.

Above, it was specified how individuals cannot really make a difference if not organized, and how, in accordance with cosmopolitan principles, the various collective actors are responsible as representatives to whom individuals delegate their moral status. This mechanism (embedded in the approach of Amartya Sen of the accumulation and multiplicity of duties and rights) does not relieve individuals from their responsibility above all to require transparency, reliability and openness to their representatives.

The closest actors to individuals, and therefore with the greatest potential for the future, are civil society organizations, which include various types of organizations⁵⁰⁰. Specifically, the focus in the **fourth chapter** will be on non-governmental organizations that are the most substantial subset of CSOs, both in number (according to the Union of International Associations, over 25,000 NGOs are currently operating internationally) and in volunteer projects active in the world, and that embody perfectly the conflict between private interest and public interest, between liberalism and socialism. The State, in fact, is represented as a fragmented set of private interests unable to reflect the general will, while the NGOs are seen as bearers of the interests of people, thus mediating the excesses of the State and questioning its function.

NGOs, above all among all the CSOs, are seen as actors that go beyond partisan interests and act for the general interest. In this way NGOs try to represent the largest possible group of people, namely the poor, the disadvantaged, the underrepresented ones in public institutions. Although they are not actual representative organizations, because the staff is not elected but is self-appointed, NGOs are

⁴⁹⁷ TAYLOR Angus, *Animal and Ethics: An Overview of the Philosophical Debate*, Broadview Press, Peterborough, Ontario, 2003, p. 20.

⁴⁹⁸ MURPHY Susan, *Unlocking the beauty of the imperfect duty to aid: Sen's idea of the duty of assistance*, in *Journal of Global Ethics*, 2014, p. 369, pp. 378-381.

⁴⁹⁹ POGGE Thomas, *Severe Poverty as a Violation of Negative Duties*, in *Ethics & International Affairs* 19, 2005, pp. 55-83.

⁵⁰⁰ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 123-124.

considered genuine representatives of the popular will, because their existence requires the commitment of a specific constituency⁵⁰¹.

Although there is no widely accepted definition of an NGO, three features distinguish NGOs from other organizations. First and foremost, NGOs must not be political parties, or government agencies or institutions directly affiliated with to the government and must not aspire to political power through their activities. Secondly, NGOs must not generate profit. In reality, however, NGOs do act similarly to profit-making corporations, except that they do not produce tangible goods. For example, NGOs use parts of the revenues for maintenance costs, especially the smaller NGOs that sometimes even reach a negative balance⁵⁰². Thirdly, all criminal groups must be excluded from the array of NGOs, since NGOs must always have a beneficial purpose⁵⁰³.

As previously stated in defining NGOs, these are non-governmental, but in the same way it is interesting to understand how they work with, influence or are influenced by governments⁵⁰⁴.

The analyses on the relationship between States and NGOs have been focused: on the top-down approach, whereby States try to influence NGOs by providing resources and controlling the available funds; and on the bottom-up approach, whereby the decision-making process of NGOs is independent from the host government and indeed seeks to influence government policies to achieve their goals on the ground.

For the first approach, NGOs are an imperialistic method of disseminating the values of developed countries over developing ones, which does not respect or consider local culture and needs. For the second approach, NGOs work selflessly to improve lives, for a radical change of the world. There is not much evidence to support the fact that NGOs are systematically controlled by governmental or political entities, rather they are independent agents in their decisions, so the bottom-up approach is what reflects the real dynamics of NGOs' interaction with States.

⁵⁰¹ KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in Review of International Political Economy, 2010, pp. 157-162.

⁵⁰² YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 16-18.

⁵⁰³ WILLETTS Peter, *What is Non-Governmental Organizations*, in UNESCO Encyclopaedia of Life Support Systems, Section 1, 2001.

⁵⁰⁴ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 6-7.

These aforementioned approaches need to be expanded to understand external factors that affect States-NGO interactions. The type of regime of a State influences the possibility for an NGO to get access to the public and to influence government decisions.

On the one hand, undemocratic regimes often organize NGOs (often preferring them to government agencies), in order to gain access to information and private resources, both domestically and globally. This kind of NGO, reduced to puppet organizations, are used to control the civil agenda and to nip any sort of will to protest in the bud. Furthermore, these NGOs can be used in projects that the non-democratic regime cannot openly support or that are not authorized to be implemented through government agencies. So basically, in non-democratic regimes it is the government which influences NGOs and not vice versa.

On the other hand, in a democratic regime, NGOs have the possibility to structure themselves better and in a more lasting way and they seem to have the ability to strongly influence governments⁵⁰⁵. Specifically, in a democratic system, the government is very attentive to public opinion, because the popular vote makes decision-makers responsible and directly accountable (especially in well-established parliamentary systems such as those in Europe); and institutions guarantee free access to the media to NGOs, the best way to publicize a mission and influence the public.

Thus, a democratic regime allows NGOs to best express their opportunities, both through direct influence, by providing information to governments and lobbying foreign policies (following the boomerang pattern⁵⁰⁶), and through indirect influence, by mobilizing public opinion as agenda setters and norms generators⁵⁰⁷.

Like all types of organized interests, NGOs are not homogeneous, they vary in structure and resources, values and principles, and in the way leadership and internal governance responds to external challenges. Thus, even within the set of NGOs, there are different types, which can be classified first of all on the basis of the level of organization, the geographical positioning, the organizational structure, the objectives and the areas covered by the NGOs' projects.

As to the latter point, local, provincial, national, regional and global NGOs (often called INGOs) can be identified, in relation to the level of organization, of activity and of relation with the

⁵⁰⁵ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 32-36.

⁵⁰⁶ KECK Margaret - SIKKINK Kathryn, *Activists Beyond Borders*, Cornell University Press, 1998.

⁵⁰⁷ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 1-3.

government. For example, the INGOs have many projects, have many resources and work with governments from different countries.

Moreover, as mentioned above, the geographical position is important. In fact, people tend to perceive NGOs, on the basis of their origin. That is, people in developed countries regard NGOs as any non-profit organization; while, the citizens of the developing countries see NGOs as tools for their own well-being, as a response to the failure by the post-colonial States to ensure the basic necessities to the poor ones.

There are also differences in the types of areas covered by NGO's projects, based on geographical location. In the south, local NGOs are more widespread, defined as Community Based Organizations (CBOs) or Grassroots Organizations (GROs), which are considered responsible to the people because they work with communities and implement projects locally⁵⁰⁸.

Thirdly, the structural organization of an NGO is the result of the interaction between endogenous and exogenous factors, i.e. it shapes the way in which NGOs respond to external challenges through their goals and approaches. The relation between the resources, the regulatory dimension and the normative dimension is necessary to analyse the general structural organization of an NGO⁵⁰⁹.

Fourthly, NGOs can be classified according to their main purpose. Embedded NGOs want to correct the asymmetries and inequalities of the international system⁵¹⁰; operational NGOs aim at improving the socio-economic conditions of needy states, providing for services; advocacy NGOs aspire to defend and/or promote specific causes or policies⁵¹¹.

Fifthly, the type and the duration of intervention distinguish different NGOs. The once-only activities of NGOs in critical conditions are crucial and very effective in relieving the population from suffering. On the other hand, NGOs can also act for long periods (sometimes even 20 years), in order to contribute to development projects.

⁵⁰⁸ KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in *Review of International Political Economy*, 2010, pp. 157-162.

⁵⁰⁹ MUNOZ MARQUEZ Luz, *The Relevance of Organizational Structure to NGOs' Approaches to the Policy Process*, in *Voluntas*, 2016, pp. 467- 487.

⁵¹⁰ HANNAH Erin Norma, *The Quest for Accountable Governance: Embedded NGOs and Demand Driven Advocacy in the International Trade Regime*, in *Journal of World Trade* 48, no.3, 2014, pp. 457- 459, pp. 477- 478.

⁵¹¹ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 11-16; KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in *Review of International Political Economy*, 2010, pp. 157-162.

In particular, the number of development NGOs is growing more and more, so called since they apply the human development approach. Namely, first of all, the new cosmopolitan-HD based approach recognizes development assistance not as a good or charitable act, but as the necessary realization of the rights (and therefore duties) of individuals. Secondly, the creation of internationally recognized standards makes states and non-state actors responsible for the totality of the global system. In fact, the application of the Human Development approach gives the basic motivation for the action of NGOs, namely the obligation to protect and guarantee the rights of individuals, not only in relation to their mandates and missions, but also towards the whole community of States and agencies⁵¹².

NGOs also assume various roles: agenda-setters, providers of technological and resource services, democracy promoters, supporters of the importance of the human capital, diffusers of knowledge and information, morality checkers, defenders of marginalized groups, influencers of public policies, especially of foreign affairs⁵¹³.

Surely, NGOs are particularly important in the field of redistributive justice and therefore the allocation of donations and aid on a global level. And as it is explained below, the popularity of NGOs in the distribution area can be considered due to the failure of official government aid programs for the poor and the least well off.

The empirical reality demonstrates how NGOs allocate aid without considering the long-term development, and without conditioning from providers of funds, yet in full accordance with the humanitarian principle⁵¹⁴.

⁵¹² DORSEY Ellen - NELSON Paul J., *At the Nexus of Human Rights and Development: New Methods and Strategies of Global NGOs*, in *World Development* Vol. 31, No. 12, 2003, pp. 2016- 2018.

⁵¹³ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 156-157, p. 25, pp. 27-30, pp. 6-7; BOLI John - THOMAS George, *Constructing World Culture: International Non-Governmental Organizations since 1875*, Stanford University Press, Stanford, 1999; DOMBROWSKI Kathrin, *Filling the gap? An analysis of non-governmental organizations responses to participation and representation deficits in global climate governance*, in *International Environmental Agreements*, 2010, pp. 397- 402, pp. 405-413; LAI On-Kwok, *Critical Engagements of NGOs for Global Human Rights Protection: A New Epoch of Cosmopolitanism for Larger Freedom?*, in *The International Journal of Social Quality*, Vol. 1, No. 2, Winter 2011, pp. 5-13; CHEYNS Emmanuelle, *Making "minority voices" heard in transnational roundtables: the role of local NGOs in reintroducing justice and attachments*, in *Agricultural Humanitarian Values*, 2014, pp. 439-442, pp. 449-453; DORSEY Ellen - NELSON Paul J., *At the Nexus of Human Rights and Development: New Methods and Strategies of Global NGOs*, in *World Development* Vol. 31, No. 12, 2003, pp. 2013- 2016.

⁵¹⁴ BÜTHE Tim - MAJOR Solomon - DE MELLO E SOUZA André, *The Politics of Private Foreign Aid: Humanitarian Principles, Economic Development Objectives, and Organizational Interests in NGO Private Aid*

First and foremost, NGOs allocate aid according to the needs of the beneficiaries, without strategic considerations even concerning the source of their own resources, or considerations relating to effectiveness.

Specifically, the allocation-for-fundraising hypothesis, for which the NGOs would allocate funds on the basis of media coverage, in order to have more appeal in fundraising, has not been proven⁵¹⁵. Indeed it is the NGOs that influence the media agenda and not vice versa: a unit more of activity by an NGO on a given topic leads to a growth in media coverage of 0, 22%⁵¹⁶.

In essence, NGOs are largely immune to strategic considerations, including commercial ones, between the home country and the receiving country, and therefore seem to respect the promises to stand up as defenders of the poor and vulnerable⁵¹⁷. The aforementioned characteristics are the reasons why NGOs are often chosen by States as partners on the spot or as a means of allocating aid.

Many NGOs, given their expansion, have gone from being financed mainly by private donors to being essentially financed by institutional donors. Public funds are increasingly channelled through NGOs, first of all because NGOs maintain a balance between cost and effectiveness in providing services to the poorest and also because direct contact with people gives NGOs greater legitimacy (sometimes even greater than the governmental one)⁵¹⁸.

On the other hand, there are also several issues that donor states face in working with NGOs: the high transaction costs of donor financial and programmatic relationships with various small organizations; the duplication and coordination between different NGOs in the same sector, in the same geographical area, or between donors and partner countries; the obstacles for NGOs to achieve a program, and to guarantee responsibility and transparency. In particular, the mandate and priorities of the donor must be reconciled with those of the NGO, respecting the autonomy of the NGO necessary to carry out its role and to obtain results in the territory⁵¹⁹.

Allocation, in International Organization 66, No.4, Fall 2012, pp. 572- 579. This reasoning is linked to the difference, clarified in the second chapter, between the meaning of humanitarian duties and that of duties of justice.

⁵¹⁵ Ivi, pp. 599-601.

⁵¹⁶ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 156-157.

⁵¹⁷ NANCY Gilles - YONTCHEVA Boriana, *Does NGO Aid Go to the Poor? Empirical Evidence from Europe*, IMF Working Paper, February 2006, pp. 15-16.

⁵¹⁸ Ivi, pp. 3-6.

⁵¹⁹ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 69-74.

Despite, of course, the challenges faced by aid-providers in donation decision-making processes, the advantages deriving from the channelling of aid are greater.

Although the activities of NGOs can unintentionally cause the destruction of a local culture, corruption or dependence on foreign aid in a developing country, NGOs are working hard to change and improve the situation of the population and manage to make a positive impact in developing countries⁵²⁰.

Furthermore, it might seem unrealistic that NGOs are completely foreign to the dynamics of different political-economic actors, with staffs and leaders free of selfishness and bad intentions, since all international organizations have internal dynamics that develop interests that go against the original objectives and the official mission. In reality, however, these criticisms fail to show that the NGOs have particularistic or harmful interests towards the most vulnerable part of the population and that they do not have significant relationships with the community.

Nonetheless, the growing participation and influence of NGOs in global decision-making processes has raised a series of controversial issues, which correspond roughly to the problems relating to the roles and potentials of NGOs.

Transparency on aid movements not only contributes to the empowerment of NGOs, but it also allows long-term planning, sometimes with collaborations that further increase the effectiveness of local projects. To improve transparency, it is necessary to guarantee access to data, information, priorities and the software used. At the same time, however, NGOs must balance transparency with the pragmatic difficulties of publishing data, i.e. costs, additional hours of work for staff, defence of privacy and partners' rights, prior public exposure of operations⁵²¹.

Moreover, when NGOs provide services and serve as government substitutes, their actions may be significant in the short term yet, in the long term, they can undermine the mechanisms for making governments accountable to their population. NGOs do damage to a system only if the interventions are not correctly contextualized or if the context itself is misinterpreted. This problem could be solved by a detailed preventative analysis, but this would affect the promptness of the intervention and imply great costs⁵²².

⁵²⁰ YOUNGWAN Kim, *The Unveiled power of NGOs: how NGOs influence states' foreign policy behaviours*, PhD (Doctor of Philosophy) thesis, University of Iowa, 2011, pp. 154-155.

⁵²¹ TOMLINSON Brian, *UN publication Working with civil society in foreign aid*, UN Development Program China, 2013, pp. 64-66.

⁵²² ACKERS Helen Louise - ACKERS-JOHNSON James, *Mobile Professional Voluntarism and International Development: Killing Me Softly?*, Palgrave Macmillan, 2017, pp. 140-146.

In addition, the dependence of NGOs on donations leads to a fragmentation in the provision of services and to a lower quality of services than the alternative of a stronger government presence⁵²³.

Furthermore, the very important role of NGOs as culture bearers is very complicated, because the simple transfer of knowledge does not generate innovations or behavioural changes. Indeed, attempts to incentivize the population to train, through daily pay or through consumer goods and equipment, have created new opportunities for corruption and absenteeism⁵²⁴.

The electronic transfer of knowledge must be accompanied by forms of applied knowledge, and possibly also through co-presence, i.e. the work of volunteers together with the local population to promote learning-through-doing⁵²⁵. The realization of co-presence, the organization of plans and interactive teaching processes⁵²⁶ is necessary to combat liabilities in receiving aid and to eliminate the consequent problems of external dependence⁵²⁷.

This reasoning highlights that knowledge alone does not automatically generate capacity-building and therefore systemic changes. In fact, the behavioural change of the individual is the sum of the skills (knowledge and skills) he possesses, the opportunities to use them and the motivations to do so.

Another problem to be addressed, especially for advocacy NGOs (which act in order to have an impact on wide-ranging policies) is independence, a necessary credential to achieve legitimacy. Being independent and critical of the monitored agency or State is crucial to the credibility of self-appointed activists⁵²⁸.

As already mentioned, NGOs are not traditional representatives, in fact they do not get legitimacy through democratic elections like governments. The NGOs, however, have a mandate to legitimately represent a certain establishment in certain and specific conditions. As agents of political resistance, of protest, of systemic transformation, of emancipation, NGOs are a direct expression of citizens' actions.

⁵²³ BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012, pp. 14-18.

⁵²⁴ ACKERS Helen Louise - ACKERS-JOHNSON James, *Mobile Professional Voluntarism and International Development: Killing Me Softly?*, Palgrave Macmillan, 2017, pp. 140-146.

⁵²⁵ Ivi, pp. 73-76.

⁵²⁶ Ivi, pp. 135-138.

⁵²⁷ Ivi, pp. 45- 49.

⁵²⁸ BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012, pp. 11-14.

Furthermore, the constituencies represented by NGOs correspond to marginalized and under-represented communities in global governance. Thus, NGOs can be considered a bridge between the local and global levels, between marginalized communities and the international system⁵²⁹.

By relating top-down and bottom-up approaches, NGOs embody the hope of citizens that global changes protect their interests better than local politics⁵³⁰.

Unlike the IR tradition, the current system does not include a zero-sum game between NGOs and International Governmental Organizations (IGOs), indeed they can cooperate, i.e. NGOs can enter into IGOs⁵³¹.

Hence, the cooperation between NGOs and IGOs (namely the involvement of civil society organization and in particular of the NGOs directly in the IGOs) is often presented as a possible remedy to shortcomings on the democratic legitimacy and institutional accountability of global governance.

The democratic legitimacy of IGOs has always been based on the democratic legitimacy given by citizens to their governmental delegates, but the problem now is precisely the lack of democracy at local and national level. Citizens have little interest in or capacity to be taken into consideration by the government in its actions, due to lack of transparency and of availability of information on international issues.

Despite the fact that the accountability and responsibility of the private actors has also been scrutinized more and more, NGOs play still a not negligible role in highlighting the issues of legitimacy and in settling higher standards of representation and of participation inside the international organizations and institutions.

Within the IGOs, actually, the poorest countries are little or insufficiently represented, therefore the particularly sensitive and vulnerable communities are marginalized and even disproportionately affected by the decisions taken. There have been various attempts of reforms to increase transparency, to restructure the voting system in favour of the countries of the southern hemisphere, to incorporate

⁵²⁹ DOMBROWSKI Kathrin, *Filling the gap? An analysis of non-governmental organizations responses to participation and representation deficits in global climate governance*, in *International Environmental Agreements*, 2010, pp. 397-402.

⁵³⁰ KECK Margaret - SIKKINK Kathryn, *Activists Beyond Borders*, Cornell University Press, 1998, p. 12.

⁵³¹ STEFFEK Jens, *Explaining cooperation between IGOs and NGOs – push factors, pull factors, and the policy cycle*, in *Review of International Studies*, 2013, pp. 993-997.

international civil society through NGOs, in order to succeed in giving voice to the constituencies excluded in global governance⁵³². Only time will give feedbacks on these reforms.

Given the expansion of the market economy and the marginalization of the State, NGOs are intervening to respond to the needs and demands of the poor and marginalized of society, above all through distributive justice.

NGOs must, therefore, respond to a set of stakeholders, and this relationship between an organization and its stakeholders is called accountability. Accountability is very positive for an NGO and its mandate, because it entails responsibility in front of its own constituency⁵³³.

There are no structural mechanisms that can make NGOs accountable to the people they serve, as in the case of governments and state bureaucracies⁵³⁴, yet NGOs apply voluntary mechanisms to respond to the double pressure hanging on them. On the one hand, there are internal requests of greater effectiveness; on the other hand, there are questions from external actors or donors to demonstrate the progress achieved.

The substantial difference is that while NGOs have a fiscal accountability to their donors, and can lose the financial support if they are not able to satisfy them, towards all the others the NGO is a trustee that must behave according to its principles⁵³⁵.

Thanks to voluntary mechanisms, NGOs are able to improve their performance, but to maintain at the same time the flexibility of action that is necessary to guarantee diversity and independence.

There are, however, obviously problems arising from these voluntary systems.

First of all, compliance with standards is ensured by analysis and reports of the NGOs themselves, so it could be biased. Indeed, in order to obtain more donations, NGOs often exaggerate the positive

⁵³² DOMBROWSKI Kathrin, Filling the gap? *An analysis of non-governmental organizations responses to participation and representation deficits in global climate governance*, in *International Environmental Agreements*, 2010, pp. 397-402.

⁵³³ BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in *J Bus Ethics*, 2012, pp. 14-18.

⁵³⁴ KAMAT Sangeeta, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, in *Review of International Political Economy*, 2010, pp. 155-157.

⁵³⁵ BÜTHE Tim - MAJOR Solomon - DE MELLO E SOUZA André, *The Politics of Private Foreign Aid: Humanitarian Principles, Economic Development Objectives, and Organizational Interests in NGO Private Aid Allocation*, in *International Organization* 66, No.4, Fall 2012, pp. 599-601.

effects obtained⁵³⁶. The solution could be a peer review with other affiliated organizations, but it would be difficult and too expensive to maintain.

Secondly, often the contractual mechanisms between the NGOs and the donors have a greater force than the moral obligations that link NGOs to population, creating an unfavourable hierarchy for the neediest. Despite professing themselves as representatives of the poor and marginalized, not many NGOs have established downward, bottom-up accountability mechanisms, focusing on upward accountability mechanisms instead. This turns into an excessive attention on the part of NGOs to the interests of those who possess critical resources, therefore to immediate successes, without the involvement of those who are truly affected by activities and without critical prospects in the future⁵³⁷. Finally, larger NGOs, especially those working in different jurisdictions, face conflicting and thus particularly expensive accountability.

In order to solve the most significant problem, namely that of the self-referential nature of standards, global mechanisms still voluntary in scope are spreading.

All the objections to the possibility of accountability could be moved towards the class of non-governmental actors as a whole⁵³⁸, they are not critiques specifically moved towards NGOs, they are rather the usual reaction of conservatism in front of the emerging of new institutions, with mechanisms too different from national ones to remain unnoticed and, especially, uncriticized.

In the light of the above analysis it is possible, now, to draw some conclusions.

First of all, individuals (although they are always transitively responsible) if not organized, they cannot be the source of change or the scene for the true dynamics of justice.

There are obviously, thanks, above all, to the new media and the new communication methods, ways in which individuals can participate directly in the dynamics of distributive justice. Even in these cases, however, it is always through collective mechanisms, such as crowd funding, that individuals have a significative impact, even if short in time and conducted by particularistic interests.

⁵³⁶ ACKERS Helen Louise - ACKERS-JOHNSON James, *Mobile Professional Voluntarism and International Development: Killing Me Softly?*, Palgrave Macmillan, 2017, pp. 8-13.

⁵³⁷ BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012, pp. 14-18.

⁵³⁸ To deepen this topic, see, BAUR Dorothea - SCHMITZ Hans Peter, *Corporations and NGOs: When Accountability Leads to Co-optation*, in J Bus Ethics, 2012.

On the other hand, States are no longer considered the guarantors of public welfare, yet bearers of specific and selfish interests that conflict with the cosmopolitan principles applied to distributive justice.

The States, indeed, cannot be the right means for global distribution, because: they are guided by domestic interests in the choice of the population to help (and not by the needs and requirements of the possible recipients).

Furthermore, States are losing legitimacy at the local level, especially due to their inability in involving citizens in their decisions, beyond the necessary times of the elections. Likewise, in the current historical period, States are losing their centrality also at the international level, due to the emergence of new problems that they cannot manage alone and the appearance of new actors that undermine their absolute centrality.

Among these new actors, civil society organizations, and specifically NGOs, have attracted attention, because they are mechanisms to which individuals voluntarily adhere.

The NGOs, as previously suggested, have focused more on redistribution and aid flows, often overshadowing the internal problems and domestic responsibilities of Third Estate countries. This choice is motivated either by the (aforementioned) prevalence of the humanitarian discourse on the developmental one, that really wants to fight the causes of poverty, or by the attention to the absolute (and not relative) poverty; therefore, to the basic necessities of the single recipients. To really succeed in achieving a distributive justice at the global level, the NGOs must forge relationships of trust and thus of partnership with other NGOs, with other actors of civil society, with other international actors, including governmental ones. Very often, in fact, bilateral collaborations must not be excluded if there are wills and promises of commitment on both sides. Precisely because of their growing role in the distributive sector, NGOs receive critics and oppositions but it will be up to them to be able to modify themselves to increase legitimacy and empowerment, in order to better respond to the challenges that the future will put on their way. Internal changes can be: incremental and therefore continuous progress in response to the changes in the international context; or fundamental, namely an immediate choice that changes the very nature of NGOs, which can become an institution driven by the competitive market to grab funds and grow as an organization, or it can become a real bridge between the local and the global area, with great impact on a specific cause.

Surely, now, the NGOs try to combine elements of both extremes, still characterized by a strong identity confusion, also due to their brief history. Soon, however, NGOs will have to orient themselves on one side or another, in a choice that, in reality, will not be so relevant as long as

NGOs will be able to guarantee legitimacy, transparency and reliability towards their own constituency.

The NGOs are considered the right way to achieve distributive justice in practice, given the decisive autonomy and independence, the lack of particularistic interests, the foundations made of principles applicable to the whole of humanity without any strategic difference, the commitment to represent the marginalized and vulnerable groups, as well as the great legitimacy attributed directly and voluntarily by the citizens.

Obviously, this position does not want to be exclusive, that is, it does not want to affirm that justice must be carried out exclusively by NGOs. As already mentioned, collaborations with other types of civil organizations, with other NGOs, with governmental organizations or agencies, would increase the efficiency of projects and aid flows. Moreover, without the associative will of individuals, NGOs would not even exist, helped also by constitutional (or even only legal) recognition by States. In short, in the current international system, no actor can act regardless of others, but NGOs seem to be a third way between individuals and states, between liberalism and socialism, between respecting the needs of individuals and the efficiency of the State apparatus. The NGOs are able to capture the positive aspects of both extremes: on the one hand, having the genuineness of closeness to the needs of the individuals, involving and always working in contact with citizens, giving voice to those who do not have it or have it not enough; on the other hand, having the organizational and planning capacity of the States, having the means and resources for their own objectives, having qualified personnel and in-depth knowledge.

Summing up, despite the defects that still exist, NGOs are the actors who, with their flexibility, independence and dexterity, will be positive protagonists of the future of global governance, especially in the distributive realm.