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Implementasi Perspektif Green Politics : Pelaksanaan Tata Kelola Lingkungan Hidup Dalam Kerangka Otonomi Daerah

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Perspektif Geopolitik dan Analisis Kepentingan Cina dalam Sengketa (Konflik) Teritorial di Kawasan Laut Cina Selatan

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Authentic Transnational Democracy

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Transformasi Asia Timur dan Tantangannya bagi Indonesia

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Analisis Politik Hukum Internasional tentang Pertanggungjawaban pada Pencemaran Minyak di Laut

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Abstract

Artikel ini membahas mengenai konsep dan praktek Demokrasi Transnasional yang Otentik. Definisi Demokrasi Transnasional Otentik adalah satu konsep demokrasi yang menerapkan serangkaian prinsip seperti perlindungan hukum, kesetaraan dalam berpolitik dan adanya pengakuan terhadap Hak Asasi Manusia dalam tiap praktek perpolitikan secara nasional dan internasional. Pada pelaksanaannya secara global, Demokrasi Transnasional Otentik membutuhkan aktor-aktor politik internasional yang terbagi dalam kategori institusi formal maupun masyarakat sipil global yang non formal. Bagaimana kedua tipe aktor politik internasional tersebut menerjemahkan dan mendistribusikan prinsip-prinsip Demokrasi Transnasional Otentik akan dijelaskan dalam artikel ini.

Kata kunci: Demokrasi Transnasional Otentik, institusi formal internasional, masyarakat sipil global

I. Introduction

In the late 1990s, politics and international relations scholars widely discussed the discourse on democracy beyond state borders (Held: 1999, in Shapiro & Hacker-Cordon: 1999, McGrew: 2002 in Carter& Stokes: 2002, Dryzek: 1999). Democracy beyond state borders is what Held (1995) has called the Cosmopolitan model of democracy. This article will examine the question on 'does the future for more authentic transnational democracy lie in informal civil society, more formal institutions, or both?' The concept of transnational democracy is closely related to the growing concern to extend the framework of democracy among states and other democratic principles into international system level.

[1] Penulis adalah dosen Prodi Hubungan Internasional FISIP UNSOED Purwokerto

States are no longer the only prominent actors in world politics, civil society actors and formal international institutions also play an important role in promoting and practicing the principles of democracy. International Non Governmental Organizations (INGOs), ethnic groups, issue-specific groups, religious and other interest groups that are able to extend their concerns into international level-have formed social networks that scholars termed the 'Global Civil Society' (Keane: 2003, Kaldor: 2003).

In the first section of this essay, I will focus on explaining the concepts of formal institution and informal civil society and their roles in advancing the principles of Authentic Transnational Democracy. In the next section, I will examine how informal civil society helps promoting the Authentic Transnational Democracy, followed by how formal institutions help to promote Authentic Transnational Democracy. I will argue that the future for more authentic transnational democracy lies in both the informal civil society and formal institutions. However, based on recent developments in international politics such as: globalization, the changing nature of migration and intense contacts among civil society from different regions in the world, I conclude that informal civil society will have more important roles in advancing the ideas of transnational democracy.

II. Informal Civil Society and Formal Institutions

The definitions on what are an informal civil society and a formal institution are important to understand how formal and informal actor of international politics interact and performs their roles in advancing the ideas of authentic transnational democracy. My understanding of the term 'authentic transnational democracy' is that it is an idea of implementing democratic principles such as: the rule of law, political equality, and the recognition of human rights, that refers to certain conditions where political interactions promoted and protected by these principles. The above principles are 'substantive rather than symbolic, informed rather than ignorant, and completely engaged' (Dryzek: 1996, in Cochran, 2002:525). Substantive here refers to imbedded principles of democracy in every aspect of political life, in contradiction to a mere symbolic use of democratic principles. The idea of democratic principles should be engaged in the society as substantive

principles rather than symbolic ones. Thus, this idea requires agents to implement the concept of authentic democratic principles. Agents to implement the democratic principles should be capable of promoting it across state borders, which I believe this is the core idea of transnational democracy. Dryzek (1999: 46) has stated that 'any account of democracy (transnational or otherwise) can expect to be asked about the institutions that will house it'. Informal Civil Society and formal institutions are the institutions that are able to carry out the principles of transnational democracy. To understand the definition of both types of institutions is important in comprehending the link between these two types of institution in promoting authentic transnational democracy.

Informal Civil Society as democracy actor for me refers to the concept of informal (institutions) that will house the idea of democracy. Informal institutions are 'socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels' (Helmke & Levitsky 2000: 727). Civil Society has been described by Dryzek as 'a realm of freedom in political innovation that stands in marked contrast to the realm of necessity occupied by the state' (Dryzek 1999: 44). Civil Society can also be seen as: 'functional terms as public action in response to failure in either the state or the economy' (Janicke 1996, in Dryzek 1999: 44). Based on the two concepts, I conclude that Informal Civil Society includes all the public actions, socially shared rules and organization (of civilian) that act outside official channels. Examples of civil society are abundant, such as: NGOs, social movements, international public spheres (IPSs) and others. I will elaborate more on this works of civil society in the discussion on how informal civil society helps promoting transnational democracy.

The definition of formal institution is: 'rules and procedures that are created, communicated and enforced through channels widely accepted as official' (Helmke & Levitsky 2005: 727). Examples of formal institution can be categorized as state institutions such as: courts, legislatures, bureaucracies and state-enforced rules in forms of constitutions, laws and regulations (Helmke & Levitsky: 2004). Helmke and Levitsky distinguished the concept of institution and organization by arguing that institution as rules and organization as

actors other than nation states, as reflected in his article:

'...since states are seldom eager to devolve competencies on issue specific to inter-local but trans-border institutions, the player involved are often forced to extend their activities beyond their assigned jurisdictions..'(Archibugi 2004: 446)

I am aware of the fact that although Archibugi had strong arguments in the importance of non state political actors, states are still the ones that have the dominant power in politics. At least, state is the only actor that can issued war against other states. As in the case of the United States of America (USA) and it allies in the preventive attack toward Iraq in 2003, despite lack of international supports to justify the war. However, it is obvious that the growing recognition toward international society's opinion are important, otherwise the USA and its allies would not insist to get the permission of UN Security Council in the first place, although in the end they chose to ignore the reluctance of UN to issued a resolution on it.

The formal and informal civil society as agents of transnational democracy are works both from the top-down and bottom-up approach (Rosenau 1998, in Cochran 2002: 518).

Rosenau explained those two approaches as:

1. Top down processes, which are directed by states or imposed by them, yielding hierarchical structures; and

2. Bottom up processes which evolve from 'publics or economies' on the basis of 'repeated interactions', resulting in 'fledgling control mechanisms'

The Top down approach were being introduced by David Held as he believes in the reformation of UN security council, enhancement of European Council and increased regionalization, cross-national referenda and establish a stronger International courts, and using these international institutions as devices to accomplish the idea of Cosmopolitan democracy (Held: 1995) and further explained by Dryzek (1999). Bottom up approach, on the other hand, introduced by James Bohman and Dryzek (Cochran: 2002). I refer to the idea of bottom up approach as being explained by Dryzek as the importance of networking and communicative power of discourse. Global informal civil society is among important actors in the bottom up approach model as being described by Dryzek and Bohman (Cochran: 2004).

actors. Nevertheless, they acknowledged that rules (institutions) are embedded within actors (organizations). Based on this assumption, I did not rigidly differentiate between the concepts of rules as institution and actors as organization. I will refer to both rules and actors when I explain about formal institution in this article. The next question is how institutions perform their function as agents of democracy and survive in the international society being described as an anarchic system (Waltz: 1979, Keohane: 1989). How would a concept of democracy survive outside the state borders? My answer would be to look at the concept of Global Governance in general and the concept of Cosmopolitan Democracy in particular. Rosenau and Young in Dryzek (1999) suggested about the form of governance without government (government in the form of states), in which order comes from international regimes, laws and organizations and not states authorities. I understand this concept as a form of global governance. Global governance idea makes it possible to create order beyond the authority of states. How exactly this global order and justice can be achieved is through the attainment of Cosmopolitan Democracy, which also serves as one strategy to attain Transnational Democracy (McGrew 2002, in Carter and Stokes: 2002). The term Cosmopolitan Democracy refers to 'a new democratic complex with global scope, given shape and form by reference to a basic democratic law...'(Held 1999: 84, in Shapiro and Hacker-Cordon: 1999). This global democratic complex is the purpose of an Authentic Transnational Democracy.

Archibugi (2004) proposed seven assumptions on the idea of Cosmopolitan Democracy, three assumptions of them were served as propositions in attaining the importance of informal civil society in promoting Cosmopolitan Democracy, those are:

1. Global democracy is not just the achievement of democracy within each state
2. Globalisation erodes states political autonomy and thereby curtails the efficacy of state-based democracy
3. Stakeholders communities don't necessarily correspond to national borders

Archibugi's assumptions on the basic principles to attain Cosmopolitan Democracy also indicate the emerging power of global political agents or

I will explain on the works of informal civil society and formal institutions in promoting an Authentic Transnational Democracy in the next section.

III. How Informal Civil Society Helps to Promote Authentic Transnational Democracy

Principles of democracy that spread across state borders can be effectively promoted by Informal Civil Society. Informal Civil Society appears in forms of INGOs, professional organization such as labor union, religious groups and other civil organization. These organizations frequently linked to government channels through the acts of lobbying or cooperation with state authorities but the organizations itself is considered free from official intervention, either financially or ideologically. Scholte (2004) argued that civil society associations can influence the accountability of government networks in four ways: 1) increasing the public transparency of global governance operations; 2) monitoring and reviewing global policies; 3) seeking redress for mistakes and harms attributable to global regulatory bodies; and 4) advancing the creation of formal accountability mechanisms for global governance.

Informal civil societies are able to do those tasks by creating networks among themselves. Political scholars (Scholte: 2004, Collingwood & Logister: 2005) has noticed that civil society can obtain power from the broad network among civil society organizations, despite the lack of resources (financial, qualified staffs and lobbying power) that these organizations have. I argued that this networking strategy as one of civil society's strength. Informal civil societies need to expand their networks internationally, thus create a society called global civil society (Kaldor: 2003, Keane: 2003)

Keane (2003:8) defined the global civil society in their ideal term as:

"a dynamic non governmental system of interconnected socio-economic institutions that straddle the whole earth, and that have complex effects that are felt in its four corners'

Keane (2003:8) further argued that global civil society is not a finished form of institution, instead it is:

'an unfinished project that consists of sometimes thick, sometimes thinly stretched networks, pyramids and hub-and- spoke clusters of socio economic institutions and actors who

organize themselves across borders, with the deliberate aim of drawing the world together in new ways...'

As an unfinished form, global civil society is an ongoing project for political community to work on. Kaldor (2003) summed up that for 'Western radicals' civil society can perform to challenge the authority of state and the power of capitalism. The concept of civil society which operates at the global level can be perceived to be carried on by organizations such as: the international Red Cross, Christian Aid, Falun Gong, Amnesty international, and internet-network organization like OpenDemocracy.net, Election Watch, and many others. One case study on the contribution of NGO to check the performance of state in applying democratic principles is the case of Indonesia during the general election in 1999. In 1999, Indonesia held its first open general election after the fall of The New Order Regime (1967-1998). There were some transnational NGOs that were involved in the process of monitoring the election, from the election campaign until the counting of the election results nationally.

Independent monitor groups were actively involved in the process, among others are: Election watch committee from European Union countries, INGO like Election Watch and some local NGOs, focused on the monitoring of political parties campaign. These groups reported that there were several violations toward the free election principles and violence during the election process, but nevertheless it is the first time that such an independent election watch can operate in the general election in Indonesia. Clark (2000) noted that the year of 1999 can be said as a banner year for the global democratic development. Clark mentioned two events that marked the importance of the emerging attention to the development of democratic community, first, is the gathering of sixteen leaders of 'emerging democracies' countries in Yemen in 1999. In June 2000, there was a paralleled meeting between governments and NGOs in Poland, along with the USA, the Republic of Korea, India, the Czech Republic, Mali and Chile. In the recent times, we all remembered the mass protest in Tahrir square, Cairo, Egypt on January 2011 that lasted for eighteen days. The people of Egypt urged that President Hosni Mobarak's three decades in power to end in no time. There were some reports by foreign journalists on the increase of youth unemployment, poverty, corruption,

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and torture toward civilians who voiced their opinion on democracy. The mass protest was organized informally by facebook community and successfully gathered million of people on the Tahrir Square. This event finally managed to force President Hosni Mubarak to step down from presidency and thus marked the new era for Egyptian politics.

Transnational and local NGOs focus on the process of democratization in countries and help captive the attention of international media to scrutinize the foreign and internal affairs of particular governments. Election monitoring and the use of information and communication technology/ICT (Collingwood & Logister: 2005) is one way to encourage governments to join the discourse of free fair elections in democracy. As an ongoing project, global civil society is not free from critics. Amoore and Langley (2004) criticized global civil society as remaining 'something to be achieved'. Amoore and Langley analyzed that civil society organizations are not free from the influence of state and capital. Many civil organizations receive fund from multinational corporations and many of them do not have access to official channels, let alone to influence state's policies. Nevertheless, I believe in the continuing project to empower and improve the capabilities of global civil society, this efforts can remedy civil society weaknesses to some extent.

IV. How Formal Institutions Helps to Promote an Authentic Transnational Democracy

In discussing the importance of formal institutions as political actors to promote transnational democracy, Gould (2005:162) asked questions such as: 'What forms of transnational democratic accountability, if any, do such supranational entities as the International Monetary Fund and the World Bank or similar International agencies have to the constituent peoples in the countries affected by them? What effect does globalization have on the emerging democracies or developing nations that are highly dependent economically and unstable politically?' These concerns arise because those global economic institutions can directly affect the well being of citizen in which their policies apply, and not to mention the environment impact of their economic and political activities, which in return can have global impact. Gould further

argues that a normative issue for democratic theory is how to implement democratic control of intergovernmental bodies, since their power over developing countries and its citizen can also hinder the attainment of democratic principles. The proposal to establish a form of global parliament as one way to pursue the Cosmopolitan Democracy was being criticized by Gould (2004) as implausible, at least in the near term, since it will need to base on something like world citizenship to conduct a Deliberative Democracy on an extra national basis. Instead, Gould suggests that in the short term, the formal institution that can reasonably achieve the principles of transnational democracy is the European Union with its parliament. In which the citizen of EU states member extend their democracy participation into transnational level, through the representation of EU parliament members (being elected by the citizen of member states). Formal institutions can as well serve the interest of non democratic regimes and countries as in the case of some policies of World Trade Organization (WTO) in privileging the Most Favored Nations (MFNs) or the coalition of USA and its allies in the form of Coalition of the willing to attack Iraq in 2003. This tendency of formal institutions that act as a double edged sword toward democracy is not appeared in the informal civil society. As the latter institutions basically formed to complement the gaps that the former institutions failed in (Helmke & Levitsky: 2004). This complementary interaction between informal civil society and formal institutions is what constitute the top down and bottom up approach. Formal institutions are representing the actor in the top down approach and informal civil society representing the proponent of bottom up approach. Held (1995) proposed the reformation of the Security Council and the General Assembly in the United Nations (UN) body, the making of international human rights court and the establishment of global parliament to ensure that democratic principles being practiced in those institutions.

Recent developments in international politics, such as: the hard core realist agenda of neorealist regime in the USA toward other political actors that have different stand points from them and the weak power of United Nations has lessened the legitimacy of formal institutions in promoting the idea of an authentic transnational democracy. Based on

these facts, I argue that although the attainment of an authentic transnational democracy lies in both informal civil society and formal institutions, informal civil society will be more legitimate to promote the ideas of transnational democracy. A robust global civil society and more decentralized states system will also play important roles in promoting transnational democracy.

V.   Conclusion

The idea of Authentic Transnational Democracy that needs to be addressed by informal civil society and formal institutions has been elaborated throughout this article. The definition of informal civil society, formal institutions and examples of each of them has helped to delineate the link between the bottom up approach and the top down approach in promoting the idea of transnational democracy. I have described how informal civil society and formal institution helps to promote an authentic transnational democracy, how each of these actors obtain their legitimacy as transnational political actor. I came to the conclusion that informal civil society and formal institutions has complementary roles toward each other in promoting democracy. I

perceived that formal institutions in the form of nation states and intergovernmental organization still play important roles in international politics. However, due to recent developments in world politics, informal civil society is considered to be more legitimate in promoting democratic principles.

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